
Central Valley Regional Water Quality Control Board

22 August 2022

William M. Campbell, III
Shalako Investors
11344 Coloma Road, Suite 350
Gold River, CA 95670

ORDER AMENDING CLEAN WATER ACT SECTION 401 TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION; SHALAKO INVESTORS, SHALAKO PROJECT (WDID#5A34CR00619A1), SACRAMENTO COUNTY

This Order responds to the 13 May 2022 request for an amendment of the Shalako Project (Project) Section 401 Water Quality Certification (WDID#5A34CR00619). The original Water Quality Certification (Certification) was issued on 4 January 2019. The requested amendment is hereby approved. The original Certification is therefore amended as described below. Please attach this document to the original Certification.

AMENDMENT:

Shalako Investors is requesting an amendment to increase the permanent impacts to waters of the United States and to change the compensatory mitigation to in lieu fee credits purchased from the South Sacramento Habitat Conservation Plan (SSHCP).

The Certification is amended as shown below:

This Order responds to the 14 April 2017 application submitted by Shalako Investors (Applicant) for the Water Quality Certification of the Shalako Project (Project), permanently impacting 2.423 acres/1,803 linear feet of waters of the United States.

Project Description: The Project will permanently impact 2.423 acres/1,803 linear feet of waters of the United States.

Excavation/Fill Area: Approximately 2,280 cubic yards of clean soil be placed into 2.423 acres of waters of the United States.

Table 2: Impacts from Fill Activities

Aquatic Resource Type	Temporary			Permanent					
				Physical Loss of Area			Degradation of Ecological Condition Only		
	Acres	Cubic-yards	Linear-feet	Acres	Cubic-yards	Linear-feet	Acres	Cubic-yards	Linear-feet
Stream Channel	-	-	-	0.196	-	1,803	-	-	-
Vernal Pool	-	-	-	1.673	-	-	0.043	-	-
Wetland	-	-	-	0.452	-	-	0.059	-	-
TOTAL	-	-	-	2.321	-	1,803	0.102	-	-

California Integrated Water Quality System Impact Data: The Project will permanently impact 0.196 acre/1,803 linear feet of stream channel habitat, 1.716 acres of vernal pool habitat, and 0.511 acre of wetland habitat from fill activities.

Technical Condition 32: To mitigate for the loss of 0.196 acre/1,803 linear feet of stream channel, 1.673 acres of vernal pool, and 0.452 acre of wetland habitat, the Applicant shall purchase a minimum of 1.673 vernal pool habitat creation and 0.648 wetland habitat restoration mitigation credits from the South Sacramento Habitat Conservation Plan (SSHCP) in lieu fee program for the impacted watershed prior to commencing construction. Additionally, to mitigate for the degradation of ecological conditions of 0.043 acre of vernal pool and 0.059 acre of wetland habitat, the Applicant shall purchase a minimum of 0.022 vernal pool habitat creation and 0.029 wetland habitat restoration mitigation credits from the SSHCP in lieu fee program for the impacted watershed prior to commencing construction. The Applicant shall provide evidence of all off-site compensatory mitigation to the Central Valley Water Board. At a minimum, compensatory mitigation must achieve a ratio of 1:1 for permanent impacts.

Evidence of compliance with compensatory mitigation requirements includes providing a letter from the SSHCP. The letter must: a) be on the SSHCP's letterhead; b) be signed by an authorized representative of the SSHCP; c) indicate the United States Army Corps of Engineers' SPK number; d) describe

the Project name and location; and e) detail the type of compensatory mitigation credits purchased for the Project's impacts.

Compensatory Mitigation: To mitigate for the loss of 0.196 acre/1,803 linear feet of stream channel, 1.673 acres of vernal pool, and 0.452 acre of wetland habitat, the Applicant shall purchase a minimum of 1.673 vernal pool habitat creation and 0.648 wetland habitat restoration mitigation credits from the SSHCP in lieu fee program for the impacted watershed prior to commencing construction. Additionally, to mitigate for the degradation of ecological conditions of 0.043 acre of vernal pool and 0.059 acre of wetland habitat, the Applicant shall purchase a minimum of 0.022 vernal pool habitat creation and 0.029 wetland habitat restoration mitigation credits from the SSHCP in lieu fee program for the impacted watershed prior to commencing construction. The Applicant shall provide evidence of all off-site compensatory mitigation to the Central Valley Water Board. At a minimum, compensatory mitigation must achieve a ratio of 1:1 for permanent impacts.

Table 3: Compensatory Mitigation for Permanent Physical Loss of Area

Aquatic Resource Type	Comp Mitigation Type			Units		Established	Re-established	Rehabilitated	Enhanced	Preserved	Unknown
	In-Lieu	Mit. Bank	Permittee Responsible	Acres	LF						
Vernal Pool	X		-	1.673	-	X	-	-	-	-	-
Wetland	X		-	0.648	-	-	X	-	-	-	-
TOTAL	-	-	-	2.321	-	-	-	-	-	-	-

Table 4: Compensatory Mitigation for Permanent Degradation of Ecological Condition

Aquatic Resource Type	Comp Mitigation Type			Units		Established	Re-established	Rehabilitated	Enhanced	Preserved	Unknown
	In-Lieu	Mit. Bank	Permittee Responsibl	Acres	LF						
Vernal Pool	X		-	0.022	-	X	-	-	-	-	-

Wetland	X		-	0.029	-	-	X	-	-	-	-
TOTAL	-	-	-	0.051	-	-	-	-	-	-	-

APPLICATION FEE RECEIVED:

A fee of \$2,417.00 was required for this amendment. The fee was received on 17 August 2022. The fee amount was determined as required by California Code of Regulations, title 23, sections 3383(b)(3) and 2200(a)(3) and was calculated as Category A - Fill and excavation discharges (fee Code 84) with the dredge and fill fee calculator.

Total fees of \$24,941.00 for the original Certification were received on 14 April 2017. The fee amount was determined as required by California Code of Regulations, title 23, sections 3383(b)(3) and 2200(a)(3), as was calculated as category A - Fill & Excavation Discharges (fee code 84) with the dredge and fill fee calculator.

CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD CONTACT:

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PUBLIC NOTICE:

The Central Valley Water Board provided public notice of the application pursuant to California Code of Regulations, title 23, section 3858 from 20 May 2022 to 10 June 2022. The Central Valley Water Board did not receive any comments during the comment period.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

The City of Rancho Cordova is the Lead Agency responsible for compliance with the California Environmental Quality Act for the SunCreek Specific Plan Project pursuant to Section 21000 et seq. of the Public Resources Code. The City of Rancho Cordova approved the Environmental Impact Report and Statement of Overriding Considerations for the SunCreek Specific Plan Project on 18 November 2013. Significant and unavoidable impacts identified in the Statement of Overriding Considerations include impacts to biology, hydrology, and water quality. The City of Rancho Cordova filed a Notice of Determination with the State Clearinghouse on 19 November 2013 (SCH No. 2006072067).

The Central Valley Water Board is a responsible agency for the project. The Central Valley Water Board has determined that the Environmental Impact Report, and Statement of Overriding Considerations is in accordance with the requirements of the California Environmental Quality Act.

The Central Valley Water Board has reviewed and evaluated the impacts to water quality identified in the Environmental Impact Report, and Statement of Overriding Considerations. The proposed mitigation measures discussed in the Environmental Impact Report and Statement of Overriding Considerations for the SunCreek Specific Plan Project were adopted to avoid and minimize project impacts to State waters and are required by this Certification.

With regard to the remaining impacts identified in the Environmental Impact Report, and the corresponding mitigation measures proposed are within the responsibility and jurisdiction of other public agencies.

WATER QUALITY CERTIFICATION:

I hereby issue an Order amending the existing Clean Water Act, Section 401 Technically Conditioned Water Quality Certification for the Shalako Project (WDID#5A34CR00619A1). All other conditions and provisions of the original Water Quality Certification and any previously approved amendments remain in full force and effect, except as modified based on the conditions of this Order. Failure to comply with the terms and conditions of the original Water Quality Certification, previously approved amendments, or of this Order may result in suspension or revocation of the Water Quality Certification.

Original Signed by Adam Laputz for:

Patrick Pulupa
Executive Officer

Attachments: Figure 1 – Project Location Map
Figure 2 – Project Impacts
Figure 3 – Project Impacts

cc: [Via email only] (w/enclosure)

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Figure 1: Project Location

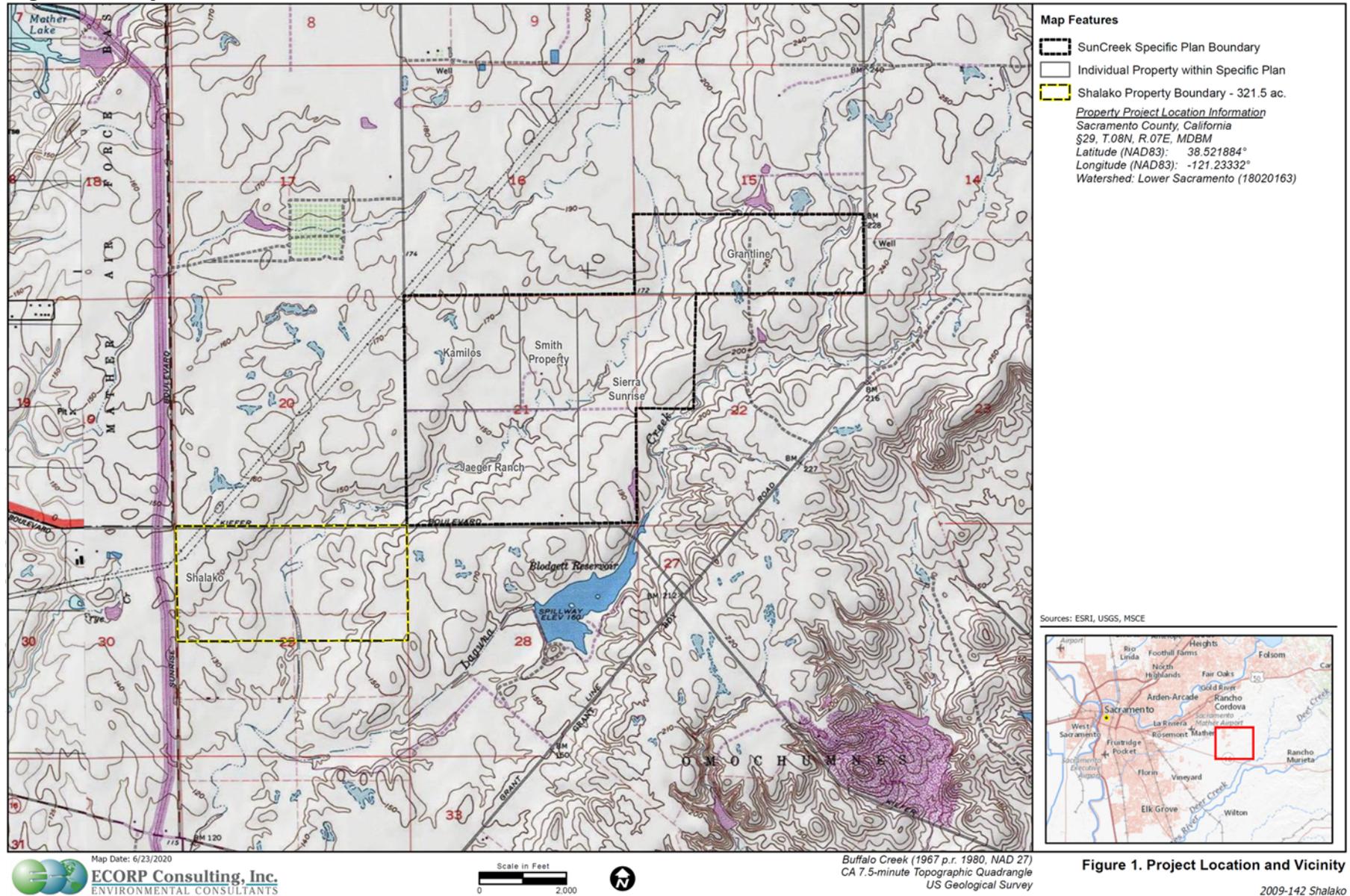


Figure 2: Project Impacts

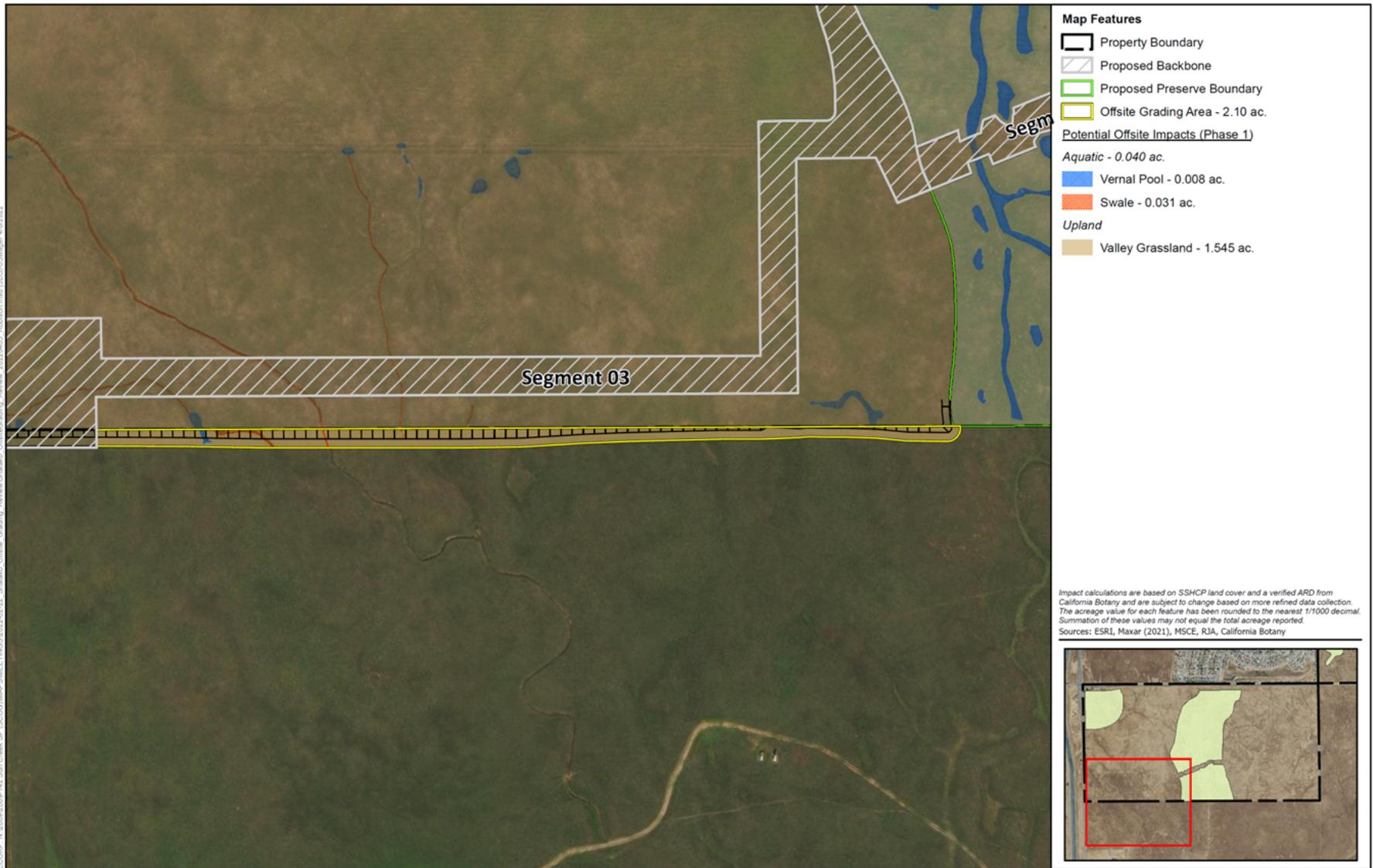


Figure 2. Overgrading Area Impacts

Figure 3: Project Impacts

