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## Central Valley Regional Water Quality Control Board

16 June 2023

George Carpenter  
Winn Communities  
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### **ORDER AMENDING CLEAN WATER ACT SECTION 401 TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION; WINN COMMUNITIES, THE PRESERVE DEVELOPMENT PROJECT (WDID#5A34CR00825A1), SACRAMENTO COUNTY**

This Order responds to the 2 May 2023 request for an amendment of The Preserve Development Project (Project) Section 401 Water Quality Certification (WDID#5A34CR00825). The original Water Quality Certification (Certification) was issued on 12 August 2021. The requested amendment is hereby approved. The original Certification is therefore amended as described below. Please attach this document to the original Certification.

#### **AMENDMENT:**

Winn Communities is requesting to amend the Certification to include an approximately 5.8-acre offsite area immediately east of the Project site (Raymer Way Offsite). Work within the Raymer Way Offsite would include toe-of-slope grading along the eastern boundary of The Preserve Development to support building pads and park grading, as well as improvements to Raymer Way. Roadway improvements would consist of constructing two connections between Raymer Way and residential collector streets within the Project; addition of curbs, gutters, sidewalks, and landscaped parkway plantings along the northeastern portion of Raymer Way; continuation of the Morrison Creek Trail eastward from The Preserve Development; and addition of a traffic signal at the intersection with Grant Line Road.

Approximately 0.155 acres of potential Waters of the U.S. occur within the Raymer Way Offsite, consisting of 0.002 acre of vernal pool, 0.012 acres of seasonal wetland, less than 0.001 acre of seasonal wetland swale, and 0.141 acres of roadside drainage ditch. All waters within the Raymer Way Offsite would be impacted by the planned roadway improvements. Mitigation to impacted aquatic resources will occur through the South Sacramento Habitat Conservation Plan (SSHCP) In-Lieu Fee Program.

In email correspondence dated 30 May 2023, The United States Army Corps of Engineers (USACE) stated that the existing 404 permit for the Project (SPK-2019-00197) will be modified to include the Raymer Way Offsite area.

The Certification is amended as shown below:

### **VII. Description of Direct Impacts to Waters of the State**

The Project will temporarily impact 0.072 acre of stream channel habitat and permanently impact 2.329 acre of vernal pool habitat, 1.793 acre of wetland habitat, and 0.161 acre of stream channel habitat by permanently placing clean fill to grade and develop residential, commercial, and recreation areas. Project activities will occur when stream channel, vernal pool, and wetland habitat areas are naturally dry. No dewatering will occur within the Project area. No wet concrete will be placed into stream channel, vernal pool, or wetland habitat.

**Table 2: Total Project Fill/Excavation Quantity for Permanent Physical Loss of Area Impacts**

<b>Aquatic Resources Type</b>	<b>Acres</b>	<b>Cubic Yards</b>	<b>Linear Feet</b>
Stream Channel	0.161	519	
Vernal Pool	2.329	3,757	
Wetland	1.793	2,892	

### **4. Total Required Compensatory Mitigation**

- a.** The Permittee is required to provide compensatory mitigation for the authorized impact to 2.329 acres of vernal pool habitat by purchasing a minimum of 2.329 acres of vernal pool habitat mitigation credits from the South Sacramento In-Lieu Fee Program.
- b.** Permittee is required to provide compensatory mitigation for the authorized impact to 1.793 acres of swale habitat by purchasing a minimum of 1.793 acres of seasonal wetland habitat mitigation credits from the South Sacramento In-Lieu Fee Program.
- c.** Permittee is required to provide compensatory mitigation for the authorized impact to 0.161 acres of stream channel habitat by purchasing a minimum of 0.161 acres of stream channel habitat mitigation credits from the South Sacramento In-Lieu Fee Program.
- d.** Total required Project compensatory mitigation information for permanent physical loss of area is summarized in Table 5. [Establishment (Est.), Re-establishment (Re-est.), Rehabilitation (Reh.), Enhancement (Enh.), Preservation (Pres.), Unknown].

**Table 5: Total Required Project Compensatory Mitigation Quantity for Permanent Physical Loss of Area**

<b>Aquatic Resource Type</b>	<b>Mitigation Type</b>	<b>Units</b>	<b>Est.</b>	<b>Re-est.</b>	<b>Reh.</b>	<b>Enh.</b>	<b>Pres.</b>	<b>Unknown</b>
Stream Channel	ILF	Acres						0.161
Vernal Pool	ILF	Acres						2.329
Wetland	ILF	Acres						1.793

**APPLICATION FEE RECEIVED:**

A fee of \$3,899.00 was required for this amendment and was received on 5 June 2023. Total fees of \$76,050.00 for the original Certification were received on 21 June 2021.

The fee amounts were determined as required by California Code of Regulations, title 23, sections 3383(b)(3) and 2200(a)(3) and were 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 5 May 2023 to 26 May 2023. The Central Valley Water Board did not receive any comments during the comment period.

**WATER QUALITY CERTIFICATION:**

I hereby issue an Order amending the existing Clean Water Act, Section 401 Technically Conditioned Water Quality Certification for The Preserve Development Project (WDID#5A34CR00825A1). 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 Anne Walters for:*  
Patrick Pulupa  
Executive Officer

Attachment: Figure 1 – Project Impact Map

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

Erin Campbell (SPK-2019-00197)  
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Figure 1: Project Impacts Map

