

## 15/16 OCTOBER 2020 BOARD MEETING CONTESTED AGENDA ITEM

### **AGENDA ITEM: 21**

#### **SUBJECT:**

United States Army Corps of Engineers, Western Placer County Habitat Conservation Program/Natural Communities Conservation Plan, Placer County

#### **BOARD ACTION:**

Consideration of General Orders for Waste Discharge Requirements and Clean Water Act Section 401 Water Quality Certifications for the Western Placer County Habitat Conservation Program/Natural Communities Conservation Plan Programmatic General Permit, Placer County Water Agency Regional General Permit, and Placer County Regional General Permit

#### **BACKGROUND:**

The 269,672-acre Placer County Conservation Plan (PCCP) is a regional approach to address issues related to planned development, species habitat conservation, and aquatic resource protection following a comprehensive conservation strategy, over a 50-year period. The Habitat Conservation Plan/Natural Communities Conservation Plan (HCP/NCCP) covers 14 species of wildlife, including 9 that are state and/or federally listed as threatened or endangered. The HCP/NCCP will establish a reserve system comprised of approximately 47,300 acres of interconnected land blocks including all major streams. The reserve system created by the HCP/NCCP will also connect to approximately 15,957 acres of existing reserves. The Western Placer County Aquatic Resources Program (CARP) provides a comprehensive local program for the protection and restoration of aquatic resources in western Placer County. Compensatory mitigation fees collected for impacts in the Potential Future Growth area will be used to purchase, restore and preserve land in the Reserve Acquisition Area, thereby providing permanent protection to more intact watersheds and avoiding and minimizing impacts to natural resources on a regional scale.

The U.S. Army Corps of Engineers (USACE) applied for Clean Water Act section 401 Water Quality Certifications for three of its permits related to the PCCP: (1) the HCP/NCCP Programmatic General Permit (PGP), (2) the HCP/NCCP Placer County Water Agency (PCWA) Regional General Permit (RGP), and (3) the PCCP Placer County RGP. The three tentative General Orders before the Board serve as Water Code section 13263 General Waste Discharge Requirements and Clean Water Act Section 401 Water Quality Certifications for each of these USACE permits.

An individual project covered under the HCP/NCCP PGP and authorized under the corresponding tentative Order may not result in the loss of more than 3.0 acres of waters of the state; more than 500 linear feet of jurisdictional stream streambed; and/or more than 1,000 linear feet of irrigation or drainage ditch. The HCP/NCCP PCWA RGP and corresponding tentative Order are for minimal impact activities conducted by PCWA. Finally, the PCCP Placer County RGP and corresponding tentative Order is for

PCCP In-Lieu Fee Program projects that have been approved by the Interagency Review Team, comprised of the USACE, U. S. Environmental Protection Agency, Central Valley Water Board, U.S. Fish and Wildlife Service, and the California Department of Fish and Wildlife. These projects will be developed within the PCCP's interconnected preserve system, will provide compensatory mitigation in-lieu fee credits for activities authorized under the PCCP, and may not result in a reduction of aquatic resource functions and services.

**ISSUES:**

The tentative Orders were issued for a 30-day public comment period on 14 August 2020 with comments due by 13 September 2020. The Central Valley Water Board did not receive any public comments by the due date. However, one concerned citizen contacted the State Water Resources Control Board on 6 and 8 September 2020, expressing concerns with the State Water Board's lack of involvement with the PCCP and the Water Boards' regulatory oversight of wetlands covered by the Program. Central Valley Water Board staff contacted the concerned citizen and received additional concerns about a specific project proposed in Placer County that would impact vernal pool resources.

As relayed to the concerned citizen, the Central Valley Water Board is the permitting authority for these matters as the PCCP is bound solely within its jurisdiction. The tentative General Orders ensure the Central Valley Water Board's continued regulatory oversight over covered projects and their potential impacts to waters of the state, including wetlands. The specific project raised by the concerned citizen would not be eligible under any of the three tentative Orders before the Board and will be considered in a separate certification action at a later date.

**RECOMMENDATION:**

Adopt General Orders for Waste Discharge Requirements and Clean Water Act Section 401 Water Quality Certifications.

**REVIEWS:**

Management Review:	
Legal Review:	BTD

**BOARD MEETING LOCATION:**

Central Valley Regional Water Quality Control Board  
11020 Sun Center Dr. #200  
Rancho Cordova, CA 95670

***Internet Zoom Meeting***