

Central Valley Regional Water Quality Control Board
18/19 February 2021 Board Meeting

Response to Written Comments on
Tentative Waste Discharge Requirements for
Brookfield Sunset, LLC
Amoruso Ranch Project
Placer County

At a public hearing scheduled for 18/19 February 2021, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) will consider the adoption of Waste Discharge Requirements for Brookfield Sunset, LLC Amoruso Ranch Project. This document contains responses to written comments received from interested parties in response to the tentative Waste Discharge Requirements (Tentative Order). Written comments from interested parties were required to be received by the Central Valley Water Board by 8 January 2021 in order to receive full consideration. Comments were received prior to the deadline from:

1. Amber Beckler (resident of Placer County) (received 8 January 2021)
2. Isabella Langone (Conservation Analyst, California Native Plant Society) (received 8 January 2021)
3. Cheryl Berkema (received 8 January 2021)
4. Larissa Berry (Defend Granite Bay) (received 8 January 2021)
5. Diana Suarez (resident of Placer County) (received 7 January 2021)
6. Leslie Warren (Chair, Alliance for Environmental Leadership) (received 2 January 2021 and 7 January 2021)
7. Michael Garabedian (Placer County Tomorrow) (received 8 January 2021)

Significant written comments related to the Board's permitting action from the above interested parties are summarized below. Some commenters expressed similar concerns, which have been grouped by topic and followed by the response of Central Valley Water Board staff. Some changes have been made to the Tentative Order based on comments received and are detailed at the end of this document in Section J – Staff Revisions.

A. AQUATIC RESOURCE DELINEATION COMMENTS

A-1 COMMENT – The wetland delineation maps for the Amoruso development is insufficient and was created by aggregating multiple-sources and are inconsistent with the single study wetland delineation/vernal pool map for the region prepared by Vollmar and Associates under a commission by US Fish and Wildlife and Bureau of Reclamation.

RESPONSE:

Central Valley Water Board staff do not concur. ECORP Consulting, Inc., conducted wetland delineations for the Amoruso Property and offsite infrastructure (drainage channel) in the adjacent City property per the U.S. Army Corps of Engineers (USACE) *Corps of Engineers Wetlands Delineation Manual* (Environmental Laboratory, 1987) and the *Interim Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region* (USACE, 2006). These documents guide the standards for identifying and mapping wetlands and waters that may be regulated by the Central Valley Water Board and Army Corps of Engineers, pursuant to sections 404 and 401 of the Clean Water Act. All wetlands and waters within the Project area were mapped, verified, and determined to be federally jurisdictional. Feature boundaries were mapped with sub-meter accurate GPS and checked via paired soil data set analysis. This is the industry standard process for mapping wetlands and waters.

A map prepared by Vollmer & Associates that was commissioned by U.S. Fish and Wildlife Service and Bureau of Reclamation for the Sunset Industrial Area shows vernal pool habitat but does not delineate aquatic resources for the Project site.

B. AVOIDANCE AND MINIMIZATION COMMENTS

B-1 COMMENT – The Project will destroy precious wetlands, vernal pools, and migratory bird habitats.

RESPONSE:

As detailed in project materials and the Lead Agency's Final Environmental Impact Report (FEIR) and Addendum, the Project will permanently impact a total of 13.98 acres of aquatic resources consisting of wetlands, vernal pools, seasonal marsh, seasonal wetlands, and stream channel. The total Project impact area decreased from 18.640 acres, as initially detailed in the FEIR, following continued consultation with the U.S. Army Corps of Engineers. This consultation resulted in a modified Project that increased open space preserve and reduced wetland impacts. The Lead Agency's FEIR and Addendum evaluated these impacts and found them to be less than significant with mitigation.

It is the Board's responsibility to address, modify, and prevent to the best extent possible the overall loss of wetlands. The Tentative Order requires compensatory mitigation for authorized impacts through the purchase of Wetland, Vernal Pool, and Riverine/Riparian Aquatic Resource Credits at a ratio of 1.5:1 from the Western Placer County In-Lieu Fee Program or through the purchase of commensurate credits from an approved mitigation bank or in-lieu fee program. Fees paid into the Western Placer In-Lieu Fee program will fund mitigation projects that will result in establishment, reestablishment, rehabilitation, and preservation of aquatic resources of Placer County, including wetlands, riverine systems, vernal pools, and other aquatic resources. The Program's intent is to enable the acquisition of larger and more strategic reserve properties than would be possible if mitigation was done on a property-by-property basis. More information about the Program's operation can be found in the Western Placer County In-Lieu Fee Program Enabling Instrument.

The Project includes an open space preserve of approximately 157 acres. Within the approximately 157 acres of open space, a 108.5-acre preserve will be established prior to initiation of construction activities as required by the U.S. Army Corps of Engineers. The preserve includes indirectly impacting 1.68 acres and protecting approximately 17.28 acres of waters of the United States.

B-2 COMMENT – An Alternatives Analysis was not provided in the application materials as required by the State Water Resources Control Board's Procedures for Discharges of Dredged or Fill Material to Waters of the State.

RESPONSE:

The State Water Resources Control Board's Procedures for Discharges of Dredged or Fill Material to Waters of the State (Procedures) went into effect 28 May 2020. The Amoruso Ranch application was received by the Central Valley Water Board on 2 August 2019, prior to the adoption of the Procedures; therefore, the Procedures' requirements, which require most projects include an alternatives analysis in the application, do not apply to this Project.

Pursuant to the California Environmental Quality Act (CEQA), the Central Valley Water Board, as Responsible Agency, must consider the Lead Agency's environmental document and reach its own conclusions on whether and how to approve the Project. (California Code of Regulations, title 14, section 15096, subdivision (a).) In particular, the Board shall not approve a Project if it finds any feasible alternatives or feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect the project would have on the environment. (California Code of Regulations, title 14, section 15096, subdivision (g).)

The Lead Agency's FEIR included an alternatives analysis for the whole of the Project. Three alternative project designs, including a minimum wetland impact alternative, as

well as a no project scenario were considered. Specific to the minimum wetland impact alternative, the Lead Agency determined it to be environmentally inferior in the long-term, and potentially financially infeasible to construct. The FEIR evaluated impacts to waters of the state from the chosen alternative and concluded that Project impacts to waters of the state would be less than significant with mitigation.

Following certification of the FEIR, the Project was modified to, among other things, include additional avoidance of wetland features. This modification increased the open space area to accommodate the U.S. Army Corps of Engineer's regulatory requirements in connection with its Clean Water Act section 404 permit for this Project. Under the Guidelines for restrictions on discharge, "except as provided under section 404(b)(2), no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences." (40 C.F.R. section 230.10(a).) The Guidelines further state, "[a]n alternative is practicable if it is available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes. If it is otherwise a practicable alternative, an area not presently owned by the applicant which could reasonably be obtained, utilized, expanded or managed in order to fulfill the basic purpose of the proposed activity may be considered."

C. CEQA COMMENTS

C-1 COMMENT – The EIR is inadequate as it did not analyze cumulative impacts for the area that incorporated multiple projects, including storm water runoff and groundwater recharge, or consider the effects of the Placer Parkway infrastructure.

RESPONSE:

Central Valley Water Board staff do not concur.

The Central Valley Water Board is a responsible agency under CEQA (Public Resources Code, section 21069) and in making its determinations and findings, must presume that the Lead Agency's certified environmental document comports with the requirements of CEQA and is valid. (Public Resources Code, section 21167.3; California Code of Regulations, title 14, section 15231.) "After an initial EIR is certified, there is a strong presumption against additional environmental review." (*San Diego Navy Broadway Complex Coalition v. City of San Diego* (2010) 185 Cal. App. 4th 924, 934.) Challenges to the adequacy of the EIR are insufficient—an agency may not require subsequent or supplemental review unless one of the triggering events under Public Resources Code section 21166 occurs. (See also California Code of Regulations, title 14, sections 15062, 15063.)

On 7 July 2016, the City of Roseville, as Lead Agency, certified FEIR for the Project and

filed a Notice of Determination (NOD) on 14 July 2016. Following certification of the FEIR, the City of Roseville, among other minor modifications, made changes to the Project to include additional avoidance of wetland features. The City of Roseville concluded that the project would not result in new or more severe significant effects which were not identified in the FEIR and no subsequent or supplemental environmental document was required. (California Code of Regulations, title 14, sections 15162, 15163.) To assist in its determination, the City of Roseville prepared an Addendum to the FEIR prior to approving the changes and filed an NOD on 19 March 2020.

Central Valley Water Board staff reviewed and considered the FEIR and Addendum and determined that the environmental documentation prepared by the City of Roseville addresses the Project's impacts within the scope of the Board's jurisdiction and that no additional environmental review is required. (Public Resources Code, section 21166; California Code of Regulations, title 14, section 15096, subdivision (f), 15162, 15163.) Further, the FEIR evaluated cumulative impacts, including potential impacts from the proposed Placer Parkway project, which is within the project site but separate from the Proposed Project. There is no indication that there are any changed circumstances or new information that would trigger further CEQA review following the Lead Agency's certification of its FEIR.

C-2 COMMENT – Findings of Fact provided in Attachment C of the Tentative Order are deficient. The Tentative Order includes impacts and mitigation measures that do not adequately support the Tentative Order. The Board should provide more thorough findings of fact that detail the specific impacts of the Project and the precise mitigation measures proposed for each impact.

RESPONSE:

Pursuant to CEQA, the responsible agency shall not approve a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. (Public Resources Code, section 21081; California Code of Regulations, title 14, sections 15091 & 15096.) Additionally, where the responsible agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. (California Code of Regulations, title 14, sections 15093 & 15096.) This statement of overriding considerations requires the decision making agency to balance the benefits of a proposed project against its unavoidable environmental impacts. (California Code of Regulations, title 14, section 15096, subdivision (a).) While the Lead agency is responsible for considering all environmental impacts of a project before approving it, the Responsible Agency's role is limited to considering those aspects of the project subject to its jurisdiction. (*RiverWatch v. Olivenhain Municipal Water Dist.* (2009) 170 Cal. App. 4th 1186, 1201-1202.)

Attachment C to the Tentative Order contains findings that address significant impacts and corresponding mitigation measures analyzed within the FEIR that are within the Central Valley Water Board's jurisdiction. Central Valley Water Board staff has further detailed the findings in Attachment C to the Tentative Order as a result of this comment and in line with the Lead Agency's FEIR and Addendum. (See Staff Revisions #3.) Additionally, the City of Roseville adopted a Statement of Overriding Considerations to address significant and unavoidable cumulative biological resource impacts. Attachment C to the Tentative Order has been revised as a result of this comment to include a Statement of Overriding Considerations for this Project. (See Staff Revisions #4). Additionally, the final EIR includes significant and unavoidable impacts.

C-3 COMMENT – The Tentative Order for the Project does not adequately address impacts to any special-status species.

RESPONSE:

The Amoruso Ranch Specific Plan (ARSP) includes policies and best management practices for protection of natural resources within the plan area. The Lead Agency evaluated impacts to biological resources in the FEIR and Addendum, including impacts to rare plant populations, Western Spadefoot, and Western Pond Turtle, and found these impacts less than significant with mitigation. As noted in the response to C-4 Comment, Attachment C to the Tentative Order have been revised regarding significant impacts from the Project within the scope of the Board's discretionary approval. Specific to species impacts resulting from vernal pool and wetland habitat impacts, the Tentative Order requires compensatory mitigation for authorized impacts through the purchase of Wetland, Vernal Pool, and Riverine/Riparian Aquatic Resource Credits at a ratio of 1.5:1 from the Western Placer County In-Lieu Fee Program or through the purchase of commensurate credits from an approved mitigation bank or in-lieu fee program. Fees paid into the Western Placer In-Lieu Fee program will fund mitigation projects that will result in establishment, reestablishment, rehabilitation, and preservation of aquatic resources of Placer County, including wetlands, riverine systems, vernal pools, and other aquatic resources. The Program's intent is to enable the acquisition of larger and more strategic reserve properties than would be possible if mitigation was done on a property-by-property basis. More information about the Program's operation can be found in the Western Placer County In-Lieu Fee Program Enabling Instrument. Broader findings and mitigation measures are largely the jurisdiction of other agencies.

C-4 COMMENT – The EIR anticipated on-site mitigation to address Project impacts; however, the Project is now proposing to participate in the Western Placer County In-Lieu Fee Program, which is a significant change that affects aquatic resources and mitigation plans.

The Central Valley Water Board is a responsible agency under CEQA (Public Resources Code, section 21069) and in making its determinations and findings, must presume that the Lead Agency's certified environmental document comports with the requirements of CEQA and is valid. (Public Resources Code, section 21167.3; California Code of Regulations, title 14, section 15231.) "After an initial EIR is certified, there is a strong presumption against additional environmental review." (*San Diego Navy Broadway Complex Coalition v. City of San Diego* (2010) 185 Cal. App. 4th 924, 934.) An agency may not require subsequent or supplemental review unless one of the triggering events under Public Resources Code section 21166 occurs. (See also California Code of Regulations, title 14, sections 15062, 15063.) These events are as follows: (1) substantial changes are proposed in the project that will require major revisions of the EIR due to new or more severe significant environmental effects; (2) substantial changes occur in the circumstances under which the project is being undertaken that will require major revisions in the EIR due to new or more severe significant environmental effects; or (3) new information of substantial importance to the project that was not known and could not have been known at the time the EIR was certified as complete becomes available. (Public Resources Code, section 21166; California Code of Regulations, title 14, section 15162.)

The FEIR evaluated impacts to waters of the state and identified mitigation measures to lessen significant impacts. In particular, Mitigation Measures 4.8-1(a) and 4.8-1(b) address compensatory mitigation for the Project. These measures require the Project to obtain necessary approvals from the U.S. Army Corps of Engineers and U.S. Fish and Wildlife Service to ensure adequate mitigation plans and no net loss of wetlands and contemplated off-site mitigation through an approved mitigation bank, wherein the Project proponent pays fees in exchange for credits used to restore, create, enhance, and/or preserve wetlands. Following certification of the FEIR and further coordination with the U.S. Army Corps of Engineers during the Clean Water Act section 404 permitting process, the Project was modified to require additional avoidance of wetland features beyond what was proposed in the FEIR. Additionally, the Project's proposed mitigation through the Western Placer County In-Lieu Fee Program for Project impacts has been approved by the U.S. Army Corps of Engineers. The Project's compensatory mitigation proposal has not resulted in changed circumstances or new information that would trigger further CEQA review following the Lead Agency's certification of its FEIR.

D. MITIGATION COMMENTS

D-1 COMMENT – Amoruso Ranch Project should be postponed until the Placer County Conservation Program is approved.

RESPONSE:

On 16 December 2020, the Placer County Conservation Program (PCCP) received a final approval by the Placer County Board of Supervisors. Prior to the final county approval, the following entities approved the program under their respective authorities:

- Placer County Board of Supervisors – approved 1 September 2020
- South Placer Regional Transportation Authority – approved 23 September 2020
- City of Lincoln – approved 13 October 2020
- Placer County Water Agency – approved 15 October 2020
- California Regional Water Quality Control Board, Central Valley Region – approved 16 October 2020
- California Department of Fish and Wildlife – approved 23 November 2020
- United States Fish and Wildlife Service – approved 4 December 2020

While additional approvals may still be outstanding, the Tentative Order is not dependent on approval of the PCCP. The Central Valley Water Board retains independent authority to adequately condition the Project under the Porter Cologne Water Quality Control Act. The Tentative Order requires purchase of in-lieu fee credits from the Western Placer County In-Lieu Fee Program. The Western Placer County In-Lieu Fee Program provides for establishment, restoration, and preservation of sites within PCCP's interconnected preserve system. The Program will enhance the efficiency of mitigation efforts undertaken in Placer County and enable the acquisition of larger and more strategic reserve properties, subject to robust performance standards and preserved in perpetuity, than would be possible if mitigation were done on a property-by-property basis. More information about the Program's operation can be found in the Western Placer County In-Lieu Fee Program Enabling Instrument. If credits are not available for purchase, the Tentative Order includes a provision that commensurate credits may be purchased from an approved mitigation bank or in-lieu fee program. Such compensatory mitigation for impacts is appropriate to ensure no-net loss of aquatic resources.

D-2 COMMENT – The project is proposing to purchase in-lieu fee credits through the PCCP. The PCCP is impermissible because it does not provide ecosystem level protection as required for California Natural Community Conservation Plans.

RESPONSE:

Central Valley Water Board staff do not concur. The PCCP has been developed through interagency collaboration under guidance through the California Natural Community Conservation Planning Act and serves as a Natural Community Conservation Plan. The purchase of in-lieu fee credits through the Western Placer County In-Lieu Fee Program allows the county to accumulate a bank of funds to be used for future preservation, conservation, and restoration projects within the PCCP preserve plan area. The projects proposed by the PCCP In-Lieu Fee Program are reviewed by an interagency review team, comprised of federal, state, and local agencies, to determine if the proposed project provides restoration, rehabilitation, protection, and preservation of valuable water resources within the plan area, creating a net growth in improved quality water features. For more information regarding the PCCP, please visit <http://www.placerconservation.com>.

D-3 COMMENT – Specific identification of the compensatory mitigation site(s) is not clear in the Tentative Order, and therefore it cannot be determined whether mitigation credits are commensurate and ecologically suitable to compensate for the types of habitat lost as a result of the Project.

RESPONSE:

The Tentative Order has been revised in response to this comment to clarify compensatory mitigation requirements. (See Staff Revision #2.) The Tentative Order requires compensatory mitigation for authorized impacts through the purchase of Wetland, Vernal Pool, and Riverine/Riparian Aquatic Resource Credits from the Western Placer County In-Lieu Fee Program at a ratio of 1.5:1 or through the purchase of commensurate credits from an approved mitigation bank or in-lieu fee program. The required type of aquatic resource credits to be purchased is commensurate with the type of aquatic resources impacted by the Project.

The fees collected through the In-Lieu Fee Program are used to fund conservation measures such as land acquisition, mitigation projects that protect, enhance, and restore aquatic resources, and long-term management and monitoring within acquisition areas. Specific conservation measures to be funded with fees paid to the Western Placer County In-Lieu Fee Program are not necessarily known at the time of credit purchase.

E. PROCESS COMMENTS

E-1 COMMENT – Interested persons were not given adequate notice to comment on the application for the Project.

RESPONSE:

Central Valley Water Board staff do not concur. Adequate public notice of the then-pending application for a Clean Water Action section 401 water quality certification was provided pursuant to California Code of Regulations, title 23, section 3858, subdivision (a). Notice of the pending application was posted on the Central Valley Water Board website for public comment for three separate comment periods: 3 February 2017 through 24 February 2017, 11 August 2019 through 30 August 2019, and 1 May 2020 through 22 May 2020. No such notice requirement exists for applications for waste discharge requirements to be issued under Water Code section 13263. Pursuant to Water Code section 13167.5, the Tentative Order was issued for public comment from 8 December 2020 through 8 January 2021, with the public notice posted on the Central Valley Water Board website and sent via email to known interested parties.

E-2 COMMENT – Interested persons should receive training on hearing process.

RESPONSE:

The Central Valley Water Board's Notice of Public Hearing provided information to interested persons on how to participate in the hearing for this matter, including providing a link to applicable adjudicatory regulations. The Central Valley Water Board will discuss this request with the State Water Resources Control Board Training Academy and Office of Public Participation to determine what trainings are available or should be made available to the public for hearing processes.

E-3 COMMENT – The Amoruso Ranch Project should be permitted in phases.

RESPONSE:

Central Valley Water Board staff do not concur. The Central Valley Water Board permitting strategy is made on a project-by-project basis and is determined after a careful, detailed review of all submitted materials and discussion with the Applicant regarding all permitting options available to the project in question. This project as proposed for permitting was determined to be best permitted under a single action. Any future activities that are not described under the permit application materials and design as presented that may present themselves will be permitted under their own individual waste discharge requirements.

E-4 COMMENT – The Board should explain the U.S. Army Corps of Engineers’ waiver of 401 Water Quality Certification for this Project.

RESPONSE:

Prior to final CEQA approval and submittal of a Notice of Determination by the Lead Agency, the U.S. Army Corps of Engineers determined the Central Valley Water Board had waived its Clean Water Act section 401 Water Quality Certification under Code of Federal Regulations, title 33, section 325.2(b)(ii). The applicant subsequently requested a permit for discharges to waters of the state under an individual waste discharge requirements on 11 June 2020. The original Clean Water Act section 401 application and supplemental information submitted satisfy the requirement under Water Code section 13260, subdivision (a), to submit a report of waste discharge.

F. STORM WATER COMMENTS

F-1 COMMENT – Drainage facilities to handle storm water runoff have not been constructed and are not part of the Amoruso Ranch Project.

RESPONSE:

The Permittee is required to obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ; NPDES No. CAS000002), as amended, for discharges to surface waters comprised of storm water associated with construction activity, including, but not limited to, demolition, clearing, grading, excavation, and other land disturbance activities of one or more acres, or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres. The permit requires implementation of Best Available Technology Economically Achievable (BAT) and Best Conventional Pollutant Control Technology (BCT), including erosion and sediment controls, to reduce or eliminate pollutants in storm water runoff. The permit also requires compliance with all applicable water quality standards.

The City of Roseville (City) is an enrollee under the State Water Resources Control Board's National Pollutant Discharge Elimination (NPDES) General Permit for Waste Discharge Requirements (WDRs) for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (MS4s), Water Quality Order 2013-001-DWQ (NPDES No. CAS000004), as amended (Small MS4 General Permit). The City is required to implement a Post Construction Storm Water Management Program, which regulates all projects within the City that create and/or replace 5,000 square feet or more of impervious surface (Regulated Project).

Under the Small MS4 General Permit, the City is required to implement measures for site design, source control, runoff reduction, storm water treatment and baseline

hydromodification management, and hydromodification management for Regulated Projects. Runoff reduction, storm water treatment, and baseline hydromodification management are implemented through low impact development (LID) standards. Under the LID standards, the City is required to: (1) evaluate Regulated Projects to meet the goals of capturing and treating runoff and assure these goals are incorporated into the Regulated Project's design; (2) require storm water facilities designed to evapo-transpire, infiltrate, harvest/use, and biotreat storm water meet either a volumetric, or flow-base criteria specified in the Small MS4 General Permit; and (3) incorporate site design measures based on the objective of achieving infiltration, evapotranspiration and/or harvest/reuse of the 85th percentile 24-hour storm runoff event. In addition, the City is required to implement hydromodification management procedures for Regulated Projects that create and/or replace one acre or more of impervious surface with a hydromodification standard that requires post-project runoff not exceed estimated pre-project flow rate for the 2-year, 24-hour storm.

The City of Roseville has adopted Stormwater quality design standards to reduce water pollution generated by urban runoff. These design standards are detailed in the Stormwater Quality Design Manual for the Sacramento and South Placer Regions. [This manual is available on-line at the City of Roseville website,](https://www.roseville.ca.us/cms/One.aspx?portalId=7964922&p_ageld=8754136) (https://www.roseville.ca.us/cms/One.aspx?portalId=7964922&p_ageld=8754136). Rough Grading Plans are submitted separately from and may be accepted prior to Improvement Plans. The plans detail preliminary grading of a site and include plans for erosion and/or sedimentation control.

Additionally, a site specific Stormwater Pollution Prevention Plan (SWPPP) shall be submitted concurrently with the Improvement and /or Grading Plans. The requirements of the SWPPP include ensuring that all pollutants and their sources, including sources of sediment associated with construction, construction site erosion and all other activities associated with construction activity are controlled.

F-2 COMMENT – Runoff from this Project will negatively impact Endangered Steelhead and Threatened Chinook Salmon, the project should not be evaluated in isolation from other urban runoff generating projects.

RESPONSE:

See Response to COMMENT F-1 related to storm water permitting requirements.

The ARSP states that no cold water fish such as Chinook Salmon, Steelhead Salmon, or Delta Smelt occur within the project area. Additionally, it cites a 2005 National Marine Fisheries Service document that states neither Pleasant Grove Creek nor University Creek are known to support cold water fish.

G. WATER QUALITY IMPACT COMMENTS

G-1 COMMENT – The Project will fill wetland, impacting downstream water quality.

RESPONSE:

The Tentative Order includes BMPs and monitoring requirements that will protect water quality and beneficial uses from construction activities. The Tentative Order includes monitoring for turbidity, visible pollutants and pH. Water Quality protection from increased storm water runoff is regulated under other permits as detailed in the Response to Comment F-1.

G-2 COMMENT – Water quality will be impacted by soil erosion and construction runoff.

RESPONSE:

The Tentative Order requires that BMPs, including erosion and sedimentation control measures, are employed to prevent sediment from entering offsite aquatic features, prevent spills during equipment operation/maintenance, and prevent soil erosion. Erosion and sediment controls such as silt fence and/or bio-friendly fiber rolls will be deployed prior to the initiation of construction activities. At the end of each construction season, vegetation will be reestablished in disturbed areas by hydroseeding with a native seed mix. Erosions and sediment controls will be left in place until soils have been compacted or until vegetation is reestablished. Additionally, a Storm Water Pollution Prevention Plan will be prepared by a qualified storm water consultant prior to construction. Construction activities will follow standard engineering practices that reduce impacts to water quality, including offsite waters of the state adjacent to the Project. Furthermore, the Permittee shall obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ; NPDES No. CAS000002), as amended, for discharges to surface waters comprised of storm water associated with construction activity, including, but not limited to, demolition, clearing, grading, excavation, and other land disturbance activities of one or more acres, or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres.

G-3 COMMENT – Excavation and reconstitution of soils may affect hydrologic function of Placer County’s nearby wetland mitigation banks

RESPONSE:

Excavation and reconstitution of soils will not affect hydrologic function of Placer County’s nearby wetland mitigation banks. The only wetland mitigation bank in the vicinity of the Amoruso Project is Toad Hill Ranch Mitigation Bank. It is north and west of the Project, separated from the site by Sunset West Boulevard. As discussed in the FEIR, the Project site currently drains southward into University Creek and westward into City of Roseville owned rice fields. During construction and after buildout, stormwater will be treated via BMPs and LID features, respectively, and directed south and west into University Creek via a storm drain system (see the Drainage Master Plan, EIR Appendix I). As Toad Hill Ranch Mitigation Bank is north of the project, it is hydrologically disconnected from the project and will not receive any soils or sediment from construction activities or post-construction run-off. As such the mitigation areas will not be affected by the Project.

H. STAFF REVISIONS

The following revisions have been made to the Tentative Order to address comments.

Staff Revisions #1 – Antidegradation Findings

The following text has been inserted at the end of section XI. Regulatory Considerations:

Executive Order W-59-93, dated 23 August 1993, establishes a California Wetlands Conservation Policy including an objective to ensure no overall net loss of and a long term net gain in the quantity, quality, and permanence of wetland acreage and values in California (“No Net Loss Policy”). The State Water Resources Control Board (State Water Board) and Regional Water Quality Control Boards are committed to increasing the quantity, quality, and diversity of wetlands that qualify as waters of the state.

State Water Board Resolution No. 68-16, “Statement Of Policy With Respect To Maintaining High Quality Of Waters In California” (“Antidegradation Policy”) requires that the quality of existing high-quality water be maintained unless any change will be consistent with the maximum benefit to the people of the state, will not unreasonably affect present or anticipated future beneficial uses of such water, and will not result in water quality less than that prescribed in water quality control plans or policies. The Antidegradation Policy further requires best practicable treatment or control of the discharge necessary to assure that pollution or nuisance will not occur and the highest water quality consistent with maximum benefit to the people of the state will be maintained.

Filling wetlands and other waters causes partial or complete loss of the beneficial uses provided by those waters. To reconcile such losses with the State’s No Net Loss and Antidegradation Policies, this Order requires adherence to the requirements in the mitigation monitoring and reporting program, including compensatory mitigation for impacts that cannot be feasibly avoided or minimized; implementation of the approved compensatory mitigation plan; and other requirements to minimize the potential effects of construction on water quality and resources. As detailed in the Project’s EIR and subsequent addendum the Project design includes a 157-acre open space preserve, representing 17.28-acres of aquatic features. Regarding compensatory mitigation, this Order requires aquatic resource impacts be mitigated at a 1.5:1 ratio of restored/created to affected resources by purchasing credits through the Western Placer County In-Lieu Fee Program or a similar program. The Western Placer County In-Lieu Fee Program provides for establishment, restoration, and preservation of sites within the Placer County Conservation Program’s interconnected preserve system. The Program will enhance the efficiency of mitigation efforts undertaken in Placer County and enable the acquisition of larger and more strategic reserve properties, subject to robust performance standards and preserved in perpetuity, than would be possible if

mitigation were done on a property-by-property basis. These measures ensure impacts are mitigated through avoidance and minimization and that unavoidable loss of beneficial uses is offset with appropriate compensatory mitigation. Compliance with this Order's requirements for meeting water quality objectives, implementing best management practices, and 1.5:1 compensatory mitigation constitute BPTC for the discharge. To the extent there is degradation from Project discharges despite avoidance, minimization, and compensatory mitigation measures, such degradation is necessary to accommodate important economic and social development in the area, such as increased employment as documented in the lead agency environmental review documents and supporting materials, and is consistent with the maximum benefit to the people of the state. Accordingly, Order requirements are consistent with the provisions of the No Net Loss and Antidegradation Policies.

Staff Revisions #2 – Compensatory Mitigation

The Compensatory Mitigation Information and Table 4 in Attachment B has been revised to identify the In-Lieu Fee Program and program contact information, and mitigation requirements to assure compliance with the No Net Loss Policy as shown below:

Mitigation Bank/In-Lieu Fee Program Name: Western Placer County In-Lieu Fee Program

[Website](https://www.placerconservation.com/): (https://www.placerconservation.com/)

Mitigation Bank/In-Lieu Fee Program Contact Name: Gregg McKenzie

Phone: (530) 745-3074

Email: gamckenz@placer.ca.gov

Table 4: Mitigation Type Information

Aquatic Resource Credit Type	Acres
Riverine Credits	0.08
Seasonal Wetland Credits	10.74
Lacustrine Credits	0.23
Vernal Pool Credits	2.93

Staff Revisions #3 – CEQA Findings of Fact

1. Attachment C has been revised to include reference to additional environmental review required of the City of Roseville in an Addendum to the Final Environmental Impact Report (FEIR), approved on 19 March 2020. The Addendum to the FEIR has been included to be incorporated by reference under section B of Attachment C.
2. Section C of Attachment C has been revised to include findings regarding impacts that are considered Potentially Significant, including loss of federally protected wetlands or other waters of the United States, loss of federally listed vernal pool crustaceans and their habitat, loss of rare plant populations, loss or degradation of habitat for western spadefoot, loss or degradation of habitat for western pond turtle, erosion and runoff from construction sites containing soil or other materials could degrade water quality if discharged to local streams, changes in surface water quality resulting from urban storm water runoff and other operational activities, altered drainage patterns and increase in the rate of stormwater runoff through the development of new impervious surfaces that would result in flooding or siltation on- or off-site, increase in the amount of surface runoff volume exceeding the capacity of existing storm drainage systems and increase the potential for downstream flooding, and other cumulative hydrology and water quality impacts.
3. Other findings regarding significant water quality or supply impacts being authorized due to specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers that cannot be feasibly mitigated to a less than significant level have been added to section C of Attachment C, including cumulative impacts to biological resources. A Statement of Overriding Considerations was adopted with the FEIR to address and identify all significant and unavoidable impacts.

Staff Revisions #4 – Statement of Overriding Considerations

The following text has been inserted as section D. Statement of Overriding Considerations in Attachment C:

D. Statement of Overriding Considerations

The City of Roseville's FEIR identifies certain significant impacts to the environment that cannot be avoided or substantially lessened with the application of feasible mitigation measures or feasible alternatives. Because there are significant and unavoidable impacts within the Central Valley Water Board's jurisdiction, the Central Valley water Board provides this Statement of Overriding Considerations in compliance with CEQA. (Public Resources Code, section 21081, subdivision (b); California Code of Regulations, Title 14, section 15093.)

The significant and unavoidable impacts and the benefits related to implementing the Amoruso Ranch Project are disclosed in the City of Roseville's FEIR and

Addendum, CEQA Findings of Fact, and Statement of Overriding Considerations. The unavoidable impacts to water quality are discussed in subsection C above.

The Central Valley Water Board has independently reviewed and considered the Lead Agency's documentation and findings. The Central Valley Water Board has considered the economic, legal, social, technological, and other benefits of the Project against its significant unavoidable impacts to water quality and finds that the specific economic and social benefits of implementing the Project as detailed by the Lead Agency—including increased housing and employment opportunities—outweigh the significant and unavoidable impacts identified above. The Central Valley Water Board defers to the Lead Agency's land use planning decisions and its vision for continued growth and development in the City of Roseville. Additionally, appropriate compensatory mitigation as detailed above and in the Order is intended to adequately offset Project-specific impacts and the Central Valley Water Board is committed to increasing the quantity, quality, and diversity of wetlands that qualify as waters of the state through implementation of the No Net Loss Policy.