

Central Valley Regional Water Quality Control Board

7 May 2025

Alan Hersch
McClellan Park, LLC
3140 Peacekeeper Way
McClellan, CA 95652
AHersh@ldkventures.com

ORDER AMENDING CLEAN WATER ACT SECTION 401 TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION; MCCLELLAN PARK, LLC, PATROL ROAD 27 PROJECT (WDID#5A34CR00791A1), SACRAMENTO COUNTY

This Order responds to the 10 April 2025 request for an amendment of the Patrol Road 27 Project (Project) Section 401 Water Quality Certification (WDID#5A34CR00791). The original Water Quality Certification (Certification) was issued on 2 March 2020. The requested amendment is hereby approved. The original Certification is therefore amended as described below. Please attach this document to the original Certification.

AMENDMENT:

McClellan Park, LLC is requesting to amend the compensatory mitigation requirements. The original Certification required the purchase of 0.427 acres of vernal pool credits and 0.057 acres of wetland credits from a United States Army Corps of Engineers approved mitigation bank or in lieu fee program for direct impacts to 0.427 acres of vernal pool habitat and 0.057 acres of wetland habitat. It has since been determined that 0.36 acre of vernal pool habitat and 0.06 acre of seasonal wetland habitat will be directly impacted and physically lost as a result of Project activities. Therefore, McClellan Park, LLC is requesting to purchase 0.42 acre of vernal pool credits (0.36 acre of vernal pool impacts combined with 0.06 acre of seasonal wetland impacts) from Locust Road Mitigation Bank.

The original certification also stated that McClellan Park, LLC agreed to preserve 0.86 acre of vernal pool habitat at the McClellan Park West Nature Preserve to mitigate for impacts to potential federally listed vernal pool branchiopods with onsite preservation of vernal pool large branchiopod habitat at a 2:1 ratio. The United States Army Corps of Engineers and the United States Fish and Wildlife Service has required preservation of vernal pool habitat at a 1:1 ratio, and McClellan Park, LLC is requesting to amend the Certification to require a 1:1 preservation ratio.

The Certification is amended as shown below:

To mitigate for the loss of 0.36 acres of vernal pool and 0.06 acre of wetland, the Applicant shall purchase a minimum of 0.42 acres of vernal pool mitigation credits from the Locust Road Mitigation Bank 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.

Additionally, McClellan Park, LLC has agreed to preserve vernal pool habitat at the McClellan Park West Nature Preserve to mitigate for impacts to potential federally listed vernal pool branchiopods with onsite preservation of vernal pool large branchiopod habitat at a 1:1 ratio.

APPLICATION FEE RECEIVED:

No fee was required for this amendment. Total fees of \$8,339.00 for the original Certification were received on 2 March 2020. 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:

Sara Gevorgyan, Environmental Scientist
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670-6114
Sara.Gevorgyan@waterboards.ca.gov
(916) 464-4710

WATER QUALITY CERTIFICATION:

I hereby issue an Order amending the existing Clean Water Act, Section 401 Technically Conditioned Water Quality Certification for the Patrol Road 27 Project (WDID#5A34CR00791A1). 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

cc: Distribution List, page 3

Attachment: Figure 1 – Updated Impact Map

DISTRIBUTION LIST
[Via email only]

Mary Pakenham-Walsh (SPK-2020-00025)
United States Army Corps of Engineers
Sacramento District Office
Regulatory Division
SPKRegulatoryMailbox@usace.army.mil

United States Environmental Protection Agency
R9CWA401@epa.gov

California Department of Fish and Wildlife, Region 2
R2LSA@wildlife.ca.gov

CWA Section 401 WQC Program
Division of Water Quality
State Water Resources Control Board
StateBoard401@waterboards.ca.gov

Richard McHenry
CA Sportfishing Protection Alliance
RMcHenry@calsport.org

Sara VonderOhe
Madrone Ecological Consulting, LLC
SVonderohe@madroneeco.com

Nikki Hugh
Madrone Ecological Consulting, LLC
NHugh@MadroneEco.com

Figure 1: Updated Impact Map

