



Central Valley Regional Water Quality Control Board

24 October 2022

Mike Mahoney
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ORDER AMENDING CLEAN WATER ACT SECTION 401 TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION; PENRYN DEVELOPMENT, LLC, ORCHARD AT PENRYN PROJECT (WDID#5A31CR00392A4), PLACER COUNTY

This Order responds to the 19 September 2022 request for an amendment of the Orchard at Penryn Project (Project) Section 401 Water Quality Certification (WDID#5A31CR00392). The original Water Quality Certification (Certification) was issued on 24 October 2014. An amendment was issued on 22 September 2016. A second amendment was issued on 19 May 2017. A third amendment was issued on 24 June 2022. The requested fourth amendment is hereby approved. The original Certification is therefore amended as described below. Please attach this document to the original Certification.

AMENDMENT:

Penryn Development, LLC, is requesting to amend the compensatory mitigation to coincide with the updated impacts analysis and mitigation conditioned by the August 15, 2022, Orchard at Penryn Project U.S. Army Corps of Engineers (USACE) 404 Nationwide Permit 29 (NWP 29) Authorization (SPK-2007-00019).

The Certification is amended as shown below:

Technical Condition 16

To mitigate for the loss of 0.322 acre of jurisdictional wetlands and 0.02 acre of stream channel habitat, the Applicant shall purchase a minimum of 0.35 seasonal wetland credits from the Antonio Mountain Ranch Mitigation Bank, as required by the United States Army Corps of Engineers, for the impacted watershed prior to commencing construction. Additionally, the Applicant will restore 0.082 acre of temporarily impacted waters of the United States and adjacent upland areas within 50 feet of waters of the United States to pre-Project conditions, as required

MARK BRADFORD, CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

by the United States Army Corps of Engineers. The Applicant shall provide evidence of all off-site compensatory mitigation to the Central Valley Water Board. Evidence of on-site compensatory mitigation shall be provided with the Notice of Completion. At a minimum, compensatory mitigation must achieve a ratio of 1:1 for permanent impacts.

Evidence of the mitigation credit purchase shall be provided to the Central Valley Water Board prior to proceeding with the activity authorized by this Certification.

Project Information Sheet

Compensatory Mitigation: To mitigate for the loss of 0.322 acre of jurisdictional wetlands and 0.02 acre of stream channel habitat, the Applicant shall purchase a minimum of 0.35 seasonal wetland credits from the Antonio Mountain Ranch Mitigation Bank, as required by the United States Army Corps of Engineers, for the impacted watershed prior to commencing construction.

Additionally, the Applicant will restore 0.082 acre of temporarily impacted waters of the United States and adjacent upland areas within 50 feet of waters of the United States to pre-Project conditions, as required by the United States Army Corps of Engineers. The Applicant shall provide evidence of all off-site compensatory mitigation to the Central Valley Water Board. Evidence of on-site compensatory mitigation shall be provided with the Notice of Completion. At a minimum, compensatory mitigation must achieve a ratio of 1:1 for permanent impacts.

Evidence of the mitigation credit purchase shall be provided to the Central Valley Water Board prior to proceeding with the activity authorized by this Certification.

APPLICATION FEE RECEIVED:

No fee was required for this amendment.

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 23 September 2022 to 14 October 2022. The Central Valley Water Board did not receive any comments during the comment period.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

Placer County certified an Environmental Impact Report on 11 December 2012 and filed a Notice of Determination with the State Clearinghouse on 21 December 2012 (SCH No. 2010032070). Placer County certified an Addendum to the Environmental Impact Report on 19 May 2015. Placer County filed a Notice of Determination with the State Clearinghouse on 26 May 2015.

WATER QUALITY CERTIFICATION:

I hereby issue an Order amending the existing Clean Water Act, Section 401 Technically Conditioned Water Quality Certification for the Orchard at Penryn Project (WDID#5A31CR00392A4). 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

cc: [Via email only]

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