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## Central Valley Regional Water Quality Control Board

7 May 2021

Sean MacDiarmid  
Lennar Winncrest, LLC  
1420 Rocky Ridge Drive, Suite 320  
Roseville, CA 95661

### **ORDER AMENDING CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER; LENNAR WINNCREST, LLC AND BASELINE A&B HOLDING, LLC, PLACER VINEYARDS PROPERTY 19 DEVELOPMENT (SEGMENT Q) PROJECT (WDID NO. 5A31CR00481A1), PLACER COUNTY**

This Order responds to the 4 March 2021 request for an amendment of the Placer Vineyards Property 19 Development (Segment Q) Project Section 401 Water Quality Certification (WDID No. 5A31CR00481). The original Water Quality Certification (Certification) was issued on 24 June 2019. The requested amendment is hereby approved, and the original Certification is therefore amended as described below. Please attach this document to the original Certification.

This amendment is not valid until and unless an amendment to the Section 404 Permit with equivalent modifications is approved by the United States Army Corps of Engineers (USACE).

#### **AMENDMENT:**

Lennar Winncrest, LLC and Baseline A&B Holding, LLC (hereinafter Permittee) are requesting an amendment to the Section 401 Water Quality Certification and Order to decrease project impacts, and to revise the mitigation type and quantity. Therefore, Section IV; Section VII; Section VII, Table 3; Section XIV.K.3, Table 6 and Table 7; and Attachment B, Table 2 and Table 3 are amended in underline format below. In addition, Table 4 has been added to Attachment B.

#### **IV. Project Description**

The 401.8-acre Phase 1 portion of the Project includes both development and infrastructure components and will be completed in two phases (Phase Q1.1 and Q1.2). The 264.4-acre development component of Phase 1 of the Project includes a mix of low-, medium-, and high-density residential housing units along with parks, open space, a fire station, a school, and religious facilities.

**Phase Q1.1** – As a part of the Phase Q1.1 Project, approximately 124.61 acres of Property 19 will be mass graded to create housing pads for future structures in the

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development area. In addition, a storm drainage system is proposed to be installed to divert storm water runoff coming from storm water drainage systems constructed within future Dyer Lane (to be addressed under the Segment A [Phase 1.2] Water Quality Certification) and from the proposed mass grading area. The water will be diverted through the storm drainpipes and into water quality basins before entering into the drainages in the open space and offsite riverine features. These water quality basins will also be constructed as part of the Segment Q Phase 1.1 Project. Lastly, a 14-foot-wide gravel maintenance road will be built to allow access to the storm drainpipe that will extend to the westerly most open space (Segment A Phase 1.4), and to allow access to this open space preserve area. Approximately 11.28 acres of onsite open space will be avoided.

**Phase Q1.2** – As a part of the Phase Q1.2 Project, approximately 139.27 acres of Property 19 will be mass graded to create housing pads for future structures in the development area. In addition, a water quality basin will be constructed adjacent to the mass graded area. A storm water drainage system will be installed to divert water from the proposed mass grading area into the created water quality basin. Approximately 4.04 acres of onsite open space will be avoided as a part of the Phase Q1.2 Project.

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

The Project will impact a total of 9.158 acres of waters of the United States, specifically, 4.439 acres of riverine seasonal wetland, 0.209 acre of seasonal marsh, 1.418 acres of seasonal wetland, and 3.091 acres of vernal pool. These impacts will be completed in two Phases (Q1.1 and Q1.2).

Phase Q1.1 will impact a total of 6.453 acres of waters of the United States, specifically, 2.784 acres of riverine seasonal wetland, 0.209 acre of seasonal marsh, 1.085 acres of seasonal wetland, and 2.374 acres of vernal pool.

Phase Q1.2 will impact 2.705 acres of waters of the United States, specifically, 1.655 acres of riverine seasonal wetland, 0.333 acre of seasonal wetland, and 0.717 acre of vernal pool.

Phase Q1.1 and Q1.2 Project fill/excavation quantities for all impacts are summarized in Tables 3 and 4. Permanent impacts are categorized as those resulting in a physical loss in area and also those degrading ecological condition.

**Table 3: Total Project Fill/Excavation Quantity for Permanent Physical Loss of Area Impacts for Phase Q1.1**

<u>Aquatic Resources Type</u>	<u>Acres</u>	<u>Cubic Yards</u>	<u>Linear Feet</u>
<u>Riverine Seasonal Wetland</u>	<u>2.784</u>	<u>4491</u>	<u>5266</u>
<u>Seasonal Marsh</u>	<u>0.209</u>	<u>338</u>	<u>147</u>
<u>Seasonal Wetland</u>	<u>1.085</u>	<u>1750</u>	<u>1191</u>
<u>Vernal Pool</u>	<u>2.374</u>	<u>3832</u>	<u>3117</u>

#### **XIV.K Compensatory Mitigation for Permanent Impacts<sup>1</sup>**

- 1. Compensatory Mitigation Plan:** The Permittee shall provide compensatory mitigation for impacts to waters of the United States and waters of the state in accordance with Clean Water Act Section 404 Mitigation Strategy (Mitigation Strategy) for the Placer Vineyards Specific Plan (PVSP) dated 22 September 2015 and incorporated herein by reference. Any deviations from, or revisions to, the Mitigation Strategy for PVSP must be pre-approved by Central Valley Water Board staff. The monitoring period shall continue until the Central Valley Water Board staff determines that performance standards have been met. This may require the monitoring period to be extended.
- 2. Purchase of Mitigation Credits by Permittee for Compensatory Mitigation.**
  - a. A copy of the fully executed agreement for the purchase of mitigation credits shall be provided to the Central Valley Water Board prior to the initiation of in water work.
  - b. The Permittee shall retain responsibility for providing the compensatory mitigation and long-term management until Central Valley Water Board staff has received documentation of the credit purchase and the transfer agreement between the Permittee and the seller of credits.
- 3. Total Required Compensatory Mitigation**
  - a. Total Required Compensatory Mitigation for Phase Q1.1**
    - i. The Permittee is required to provide compensatory mitigation for the authorized impact to 2.784 acres of riverine seasonal wetlands by purchasing 5.568 acres of vernal pool complex credits from the Western Placer County In-Lieu Fee Program (WPC ILF).
    - ii. The Permittee is required to provide compensatory mitigation for the authorized impact to 0.209 acre of seasonal marsh by purchasing 0.418 acre of fresh emergent marsh credits from the Western Placer County In-Lieu Fee Program (WPC ILF).
    - iii. The Permittee is required to provide compensatory mitigation for the authorized impact to 1.085 acres of seasonal wetlands by purchasing 2.170 acres of vernal pool credits from the Western Placer County In-Lieu Fee Program (WPC ILF).
    - iv. The Permittee is required to provide compensatory mitigation for the authorized impact to 2.374 acres of vernal pools by purchasing 4.749 acres of vernal pool credits from the Western Placer County In-Lieu Fee Program (WPC ILF).

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<sup>1</sup> Compensatory Mitigation is for permanent physical loss and permanent ecological degradation of a water of the state.

- v. Total required Project compensatory mitigation information for permanent physical loss of area for Phase Q1.1 is summarized in Table 6. [Establishment (Est.), Re-establishment (Re-est.), Rehabilitation (Reh.), Enhancement (Enh.), Preservation (Pres.), Unknown].

**Table 6. Required Project Compensatory Mitigation Quantity for Permanent Physical Loss of Area for Phase Q1.1**

<u>Aquatic Resource Type</u>	<u>Mitigation Type</u>	<u>Units</u>	<u>Est.</u>	<u>Re-est.</u>	<u>Reh.</u>	<u>Enh.</u>	<u>Pres.</u>	<u>Unknown</u>
<u>Fresh Emergent Marsh</u>	<u>In-Lieu Fee Program</u>	<u>Acres</u>						<u>0.418</u>
<u>Vernal Pool</u>	<u>In-Lieu Fee Program</u>	<u>Acres</u>						<u>6.919</u>
<u>Vernal Pool Complex</u>	<u>In-Lieu Fee Program</u>	<u>Acres</u>						<u>5.568</u>

**b. Total Required Compensatory Mitigation for Phase Q1.2**

- i. The Permittee is required to provide compensatory mitigation for the authorized impact to 1.655 acres of riverine seasonal wetlands by purchasing 0.034 riverine with riparian credits and 3.276 vernal pool complex credits from the Western Placer County In-Lieu Fee Program (WPC ILF).
- ii. The Permittee is required to provide compensatory mitigation for the authorized impact to 0.333 acre of seasonal wetlands by purchasing 0.666 vernal pool complex credits from the Western Placer County In-Lieu Fee Program (WPC ILF).
- iii. The Permittee is required to provide compensatory mitigation for the authorized impact to 0.717 acre of vernal pools by purchasing 1.434 vernal pool credits from the Western Placer County In-Lieu Fee Program (WPC ILF).
- iv. Total required Project compensatory mitigation information for permanent physical loss of area for Phase Q1.2 is summarized in Table 7. [Establishment (Est.), Re-establishment (Re-est.), Rehabilitation (Reh.), Enhancement (Enh.), Preservation (Pres.), Unknown].

**Table 7: Required Project Compensatory Mitigation Quantity for Permanent Physical Loss of Area for Phase Q1.2**

<u>Aquatic Resource Type</u>	<u>Mitigation Type</u>	<u>Units</u>	<u>Est.</u>	<u>Re-est.</u>	<u>Reh.</u>	<u>Enh.</u>	<u>Pres.</u>	<u>Unknown</u>
<u>Riverine with Riparian</u>	<u>In-Lieu Fee Program</u>	<u>Acres</u>						<u>0.034</u>
<u>Vernal Pool</u>	<u>In-Lieu Fee Program</u>	<u>Acres</u>						<u>1.434</u>
<u>Vernal Pool Complex</u>	<u>In-Lieu Fee Program</u>	<u>Acres</u>						<u>3.942</u>

**Attachment B**

**Individual Direct Impact Locations**

The following table shows individual impact locations.

**Table 2: Individual Permanent Fill/Excavation Impact Information**

<u>Impact Site ID</u>	<u>Latitude</u>	<u>Longitude</u>	<u>Indirect Impact Requiring Mitigation?</u>	<u>Acres</u>	<u>Cubic Yards</u>	<u>Linear Feet</u>
<u>Riverine Seasonal Wetland</u>	<u>38.743</u>	<u>-121.444</u>	<u>No</u>	<u>4.439</u>	<u>7163</u>	<u>11338</u>
<u>Seasonal Marsh</u>	<u>38.743</u>	<u>-121.444</u>	<u>No</u>	<u>0.209</u>	<u>338</u>	<u>147</u>
<u>Seasonal Wetland</u>	<u>38.743</u>	<u>-121.444</u>	<u>No</u>	<u>1.418</u>	<u>2288</u>	<u>1912</u>
<u>Vernal Pool</u>	<u>38.743</u>	<u>-121.444</u>	<u>No</u>	<u>3.091</u>	<u>4989</u>	<u>4292</u>

**Compensatory Mitigation Information**

The following table(s) show individual compensatory mitigation information and location.

**In-Lieu Fee Compensatory Mitigation Information**

**Table 3: In-Lieu Fee Program**

<u>In-Lieu Fee Program Name:</u>	<u>Western Placer County In-Lieu Fee Program</u>
<u>Website:</u>	<a href="http://placerconservation.com">placerconservation.com</a>
<u>In-Lieu Fee Program Contact Name:</u>	<u>Gregg McKenzie</u>
<u>Phone:</u>	<u>530-745-3075</u>
<u>Email:</u>	<a href="mailto:GAMckenz@placer.ca.gov">GAMckenz@placer.ca.gov</a>
<u>Mitigation Location - County:</u>	<u>Placer County</u>
<u>Latitude:</u>	<u>38.8861</u>
<u>Longitude:</u>	<u>-121.4611</u>

**Table 4: In-Lieu Fee Program Credit Type Information**

<u>Aquatic Resource Credit Type</u>	<u>Acres</u>	<u>Linear Feet</u>	<u>Number of Credits Purchased</u>
<u>Fresh Emergent Marsh</u>	<u>0.418</u>		<u>Not Yet Purchased</u>
<u>Riverine with Riparian</u>	<u>0.034</u>		<u>Not Yet Purchased</u>
<u>Vernal Pool</u>	<u>8.353</u>		<u>Not Yet Purchased</u>
<u>Vernal Pool Complex</u>	<u>9.51</u>		<u>Not Yet Purchased</u>

**CENTRAL VALLEY WATER BOARD CONTACT:**

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**WATER QUALITY CERTIFICATION:**

I hereby issue an Order amending the existing Clean Water Act Section 401 Water Quality Certification and Order for Placer Vineyards Property 19 Development (Segment Q) Project (WDID No. 5A31CR00481A1). All other conditions and provisions of the original Water Quality Certification 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.

This amendment is not valid until and unless an amendment to the Section 404 Permit with equivalent modifications is approved by the United States Army Corps of Engineers (USACE).

Original Signed by Clint Snyder, AEO (for)  
PATRICK PULUPA, Executive Officer  
Central Valley Regional Water Quality Control Board

5/7/21  
Date

DLW: db

cc

via email: U.S. EPA, Region 9, San Francisco  
Water Quality Certification Program, SWRCB, Sacramento  
Kaitlyn A. Pascus, USACE, Sacramento  
Jason Peters, ECORP, Rocklin