
Central Valley Regional Water Quality Control Board

30 January 2020

Rick Langdon
BHT II Northern Cal 1, LLC
5441 W Oakridge
Visalia, CA 93291

ORDER AMENDING CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER; BHT II NORTHERN CAL 1, LLC, PLACER VINEYARDS PROPERTY 7 DEVELOPMENT (SEGMENT R) PROJECT (WDID NO. 5A31CR00484A1), PLACER COUNTY

This Order responds to the 27 November 2019 request for an amendment of the Placer Vineyards Property 7 Development (Segment R) Project Section 401 Water Quality Certification (WDID No. 5A31CR00484). The original Water Quality Certification (Certification) was issued on 25 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.

AMENDMENT:

BHT II Northern Cal 1, LLC is requesting an amendment to the Section 401 Water Quality Certification and Order to change the Project area from 279.31 acres to 290.53 acres; increase the wetland impacts from 9.53 acres to 11.355 acres, and amend the required compensatory mitigation for impacts to waters of the United States. Therefore, Section IV; Section VII, Table 3, Table 4, and Table 5; Section VIII; Section XIII; Section XIV.K.3, Table 7, Table 8, and Table 9; Attachment A, Figures 1 through 3; and Attachment B, Table 1, Table 2, and Table 3 are replaced along with the addition of a new Table 4 for mitigation type information as shown below:

IV. Project Description

The 290.53-acre Phase 1 portion of the Project includes development and infrastructure components and will be completed in three phases (Phase R1.1, Phase R1.2, and Phase R1.3). The Project includes the construction of high-density residential housing units, a park, open space, a fire station, a middle and elementary school, office space, commercial mixed use, a transit station, and religious facilities.

Phase R1.1 – As a part of the 162.66-acre Phase R1.1 Project, approximately 144.05 acres will be mass graded to create housing pads and roadways for future structures, roads, and utilities to be constructed in the development area.

KARL E. LONGLEY SCD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

Approximately 18.61 acres of open space, including 12.079 acres of waters of the United States, will be avoided as part of the Phase R1.1 Project.

Phase R1.2 – As a part of the 85.61-acre Phase R1.2 Project, approximately 83.89 acres will be mass graded to create housing pads and roadways for future structures, roads, and utilities to be constructed in the development area. Additionally, approximately 1.72 acres of open space along the northern border of the Project area will be graded and restored. Lastly, jack and bore methods will be used to span an 8-inch sewer line from the Phase R1.2 Project area to the Phase R1.3 Project area (sewer line is also described in the Phase R1.3 Project Description). The jack and bore will pass under an intermittent drainage that flows between Phase R1.2 and Phase R1.3.

Phase R1.3 – As a part of the 42.26-acre Phase R1.3 Project, approximately 41.04 acres will be mass graded to create housing pads and roadways for future structures, roads, and utilities to be constructed in the development area. Additionally, approximately 1.22 acres of open space along the northern border of the Project area will be graded and restored. Lastly, as a part of the Phase R1.3 Project, the sewer line that was jack and bored underneath the intermittent drainage between Phase R1.2 and Phase R1.3 will be tied into the Phase R1.3 sewer utilities that will be installed to support the Phase R1.3 development area.

VII. Description of Direct Impacts to Waters of the State

The Project area will directly affect a total of 11.355 acres of waters of the United States, specifically, 0.162 acre of drainage canal, 0.740 acre of intermittent drainage, 0.419 acre of pond, 6.819 acres of seasonal wetland, 2.107 acres of seasonal wetland swale, and 1.108 acres of vernal pools. These impacts will be completed in three phases (R1.1, R1.2, and R1.3). All water features will be filled during the dry season. No dewatering is anticipated.

Phase R1.1 will impact a total of 6.683 acres of waters of the United States, specifically, 0.087 acre of drainage canal, 4.367 acres of seasonal wetland, 1.121 acres of seasonal wetland swale, and 1.108 acres of vernal pool.

Phase R1.2 will impact 4.496 acres of waters of the United States, specifically, 0.075 acre of drainage canal, 0.740 acre of intermittent drainage, 0.419 acre of pond, 2.451 acres of seasonal wetland, and 0.811 acre of seasonal wetland swale.

Phase R1.3 will impact a total of 0.175 acres of waters of the United States, specifically, 0.175 acre of seasonal wetland swale.

Phase R.1, R.2, R1.3 Project fill/excavation quantities for all impacts are summarized in Tables 3 through 5. Permanent impacts are categorized as those resulting in a physical loss in area.

Table 3: Total Project Fill/Excavation Quantity for Permanent Physical Loss of Area Impacts for Phase R1.1.

| Aquatic Resources Type | Acres | Cubic Yards | Linear Feet |
|-------------------------------|--------------|--------------------|--------------------|
| Drainage Canal | 0.087 | 140 | 633 |
| Seasonal Wetland | 4.367 | 7,043 | 3,061 |
| Seasonal Wetland Swale | 1.121 | 1,810 | 10,267 |
| Vernal Pool | 1.108 | 1,787 | 1,281 |

Table 4: Total Project Fill/Excavation Quantity for Permanent Physical Loss of Area Impacts for R1.2.

| Aquatic Resources Type | Acres | Cubic Yards | Linear Feet |
|-------------------------------|--------------|--------------------|--------------------|
| Drainage Canal | 0.075 | 121 | 545 |
| Intermittent Drainage | 0.740 | 1,195 | 506 |
| Pond | 0.419 | 676 | 220 |
| Seasonal Wetland | 2.451 | 3,953 | 2,058 |
| Seasonal Wetland Swale | 0.811 | 1,308 | 7,245 |

Table 5: Total Project Fill/Excavation Quantity for Permanent Physical Loss of Area Impacts

| Aquatic Resources Type | Acres | Cubic Yards | Linear Feet |
|-------------------------------|--------------|--------------------|--------------------|
| Seasonal Wetland Swale | 0.175 | 283 | 1,131 |

VIII. Description of Indirect Impacts to Waters of the State

The filling of 11.355 acres of drainage canal, intermittent drainage, pond, seasonal wetland, seasonal wetland swale, and vernal pools may indirectly impact intermittent drainages outside the 290.53-acre project area. The project may impact 1.651 acres of seasonal wetlands within Segment N and 0.768 acre of seasonal wetlands within Segment E. However, these impacts will be mitigated in their perspective projects.

XIII. Fees Received

An application fee of \$1,500.00 was received on 18 December 2017. The fee amount was determined as required by California Code of Regulations, Title 23, sections 3833(b)(3) and 2200(a)(3) and was calculated as Category A - Fill & Excavation Discharges (fee code 84) with the dredge and fill fee calculator. A project fee of \$124,944.00 based on total Project impacts was received on 24 October 2018. An amendment/project fee was determined as required by California Code of Regulations, Title 23, sections 3833(b)(3) and 2200(a)(3) and

was calculated as an amendment that increases the active certification impact quantity by less than 50 percent. An amendment/project fee of \$31,617.00 based on the increased project impacts of 1.825 acres was received on 8 January 2020.

XIV.K.3. Total Required Compensatory Mitigation

a. Total Required Compensatory Mitigation for Phase R1.1

- i. The Permittee is required to provide compensatory mitigation for the authorized impact to 0.087 acre of drainage canal by purchasing 0.174 Seasonal Wetland Credits from the Western Placer County In-Lieu Fee Program.
- ii. The Permittee is required to provide compensatory mitigation for the authorized impact to 4.367 acres of seasonal wetland by purchasing 8.734 Vernal Pool Credits from the Western Placer County In-Lieu Fee Program.
- iii. The Permittee is required to provide compensatory mitigation for the authorized impact to 1.121 acres of seasonal wetland swale by purchasing 2.242 Vernal Pool Complex from the Western Placer County In-Lieu Fee Program.
- iv. The Permittee is required to provide compensatory mitigation for the authorized impact to 1.108 acres of vernal pool by purchasing 2.216 Vernal Pool Credits from the Western Placer County In-Lieu Fee Program.
- v. Total required Project compensatory mitigation information for permanent physical loss of area within Phase R1.1 is summarized in Table 7. [Establishment (Est.), Re-establishment (Re-est.), Rehabilitation (Reh.), Enhancement (Enh.), Preservation (Pres.), Unknown].

Table 7: Total Required Project Compensatory Mitigation Quantity for Permanent Physical Loss of Area within Phase R1.1.

| Aquatic Resource Type | Mitigation Type | Units | Est. | Re-est. | Reh. | Enh. | Pres. | Unknown |
|-----------------------|---------------------|-------|------|---------|------|------|-------|---------|
| Vernal Pool | In-Lieu Fee Credits | Acres | | | | | | 10.95 |
| Vernal Pool Complex | In-Lieu Fee Credits | Acres | | | | | | 2.242 |
| Seasonal Wetland | In-Lieu Fee Credits | Acres | | | | | | 0.174 |

b. Total Required Compensatory Mitigation for Phase R1.2

- i. The Permittee is required to provide compensatory mitigation for the authorized impact to 0.075 acre of drainage canal by purchasing 0.150 Seasonal Wetland Credits from the Western Placer County In-Lieu Fee Program.
- ii. The Permittee is required to provide compensatory mitigation for the authorized impact to 0.740 acre of intermittent drainage by purchasing 1.480 Riverine with Riparian Credits from the Western Placer County In-Lieu Fee Program.
- iii. The Permittee is required to provide compensatory mitigation for the authorized impact to 0.419 acre of pond by purchasing 0.838 Lacustrine Credits from the Western Placer County In-Lieu Fee Program.
- iv. The Permittee is required to provide compensatory mitigation for the authorized impact to 2.451 acres of seasonal wetland by purchasing 4.902 Vernal Pool Credits from the Western Placer County In-Lieu Fee Program.
- v. The Permittee is required to provide compensatory mitigation for the authorized impact to 0.811 acre of seasonal wetland swale by purchasing 1.622 Vernal Pool Complex Credits from the Western Placer County In-Lieu Fee Program.
- vi. Total required Project compensatory mitigation information for permanent physical loss of area within Phase R1.2 is summarized in Table 8. [Establishment (Est.), Re-establishment (Re-est.), Rehabilitation (Reh.), Enhancement (Enh.), Preservation (Pres.), Unknown].

Table 8: Total Required Project Compensatory Mitigation Quantity for Permanent Physical Loss of Area within Phase R1.2.

| Aquatic Resource Type | Mitigation Type | Units | Est. | Re-est. | Reh. | Enh. | Pres. | Unknown |
|------------------------|---------------------|-------|------|---------|------|------|-------|---------|
| Lacustrine | In-Lieu Fee Credits | Acres | | | | | | 0.838 |
| Riverine with Riparian | In-Lieu Fee Credits | Acres | | | | | | 1.480 |
| Vernal Pool | In-Lieu Fee Credits | Acres | | | | | | 4.902 |
| Vernal Pool Complex | In-Lieu Fee Credits | Acres | | | | | | 1.622 |
| Seasonal Wetland | In-Lieu Fee Credits | Acres | | | | | | 0.150 |

c. Total Required Compensatory Mitigation for Phase R1.3

- i. The Permittee is required to provide compensatory mitigation for the authorized impact to 0.175 acres of seasonal wetland swale by purchasing 0.350 Vernal Pool Complex Credits from the Western Placer County In-Lieu Fee Program.
- ii. Total required Project compensatory mitigation information for permanent physical loss of area is within Phase R1.3 is summarized in Table 9. [Establishment (Est.), Re-establishment (Re-est.), Rehabilitation (Reh.), Enhancement (Enh.), Preservation (Pres.), Unknown].

| Aquatic Resource Type | Mitigation Type | Units | Est. | Re-est. | Reh. | Enh. | Pres. | Unknown |
|-----------------------|---------------------|-------|------|---------|------|------|-------|---------|
| Vernal Pool Complex | In-Lieu Fee Credits | Acres | | | | | | 0.350 |

Attachment A

Figure 1. Project Vicinity

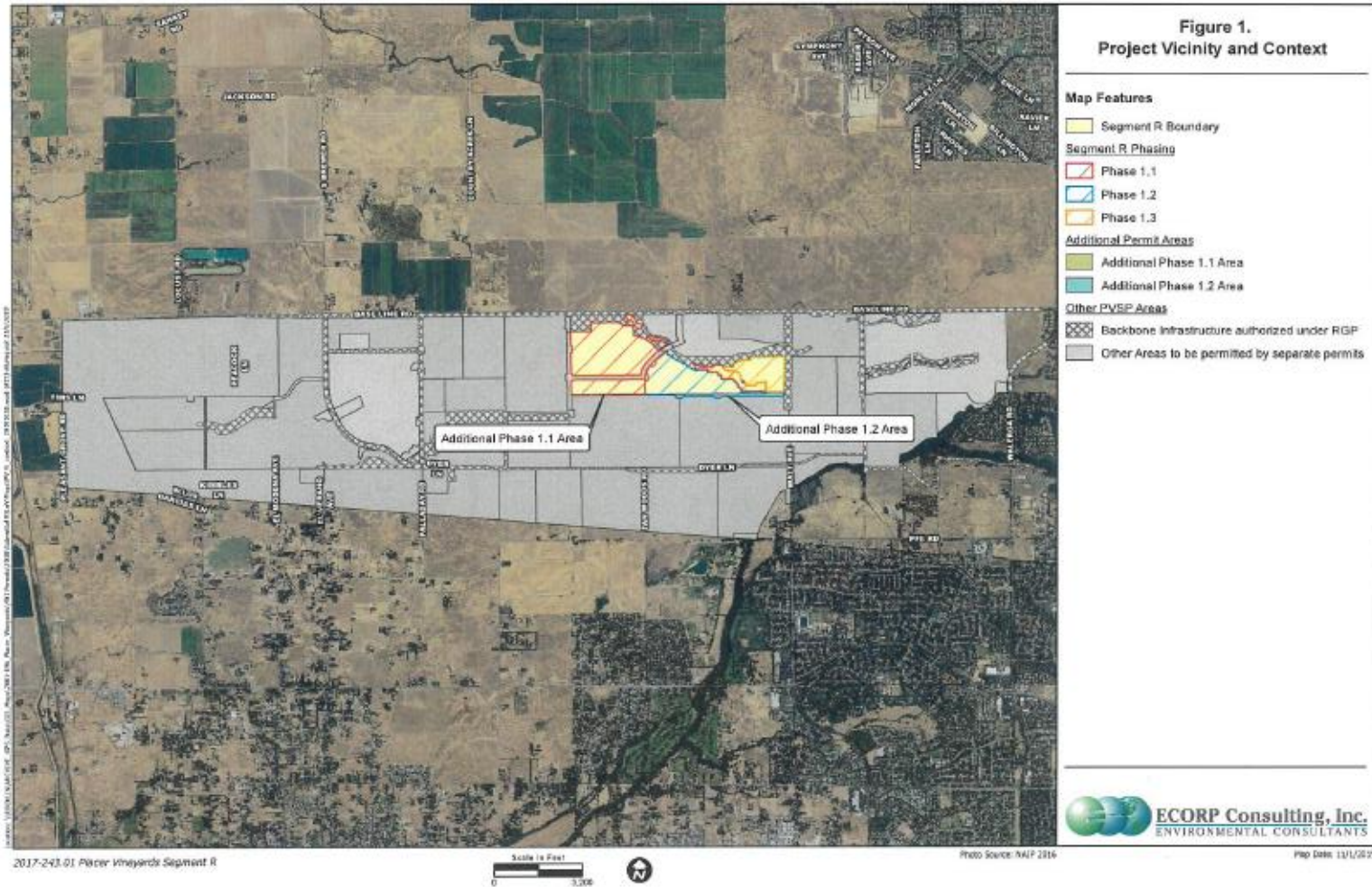


Figure 2. Project Area and Phasing

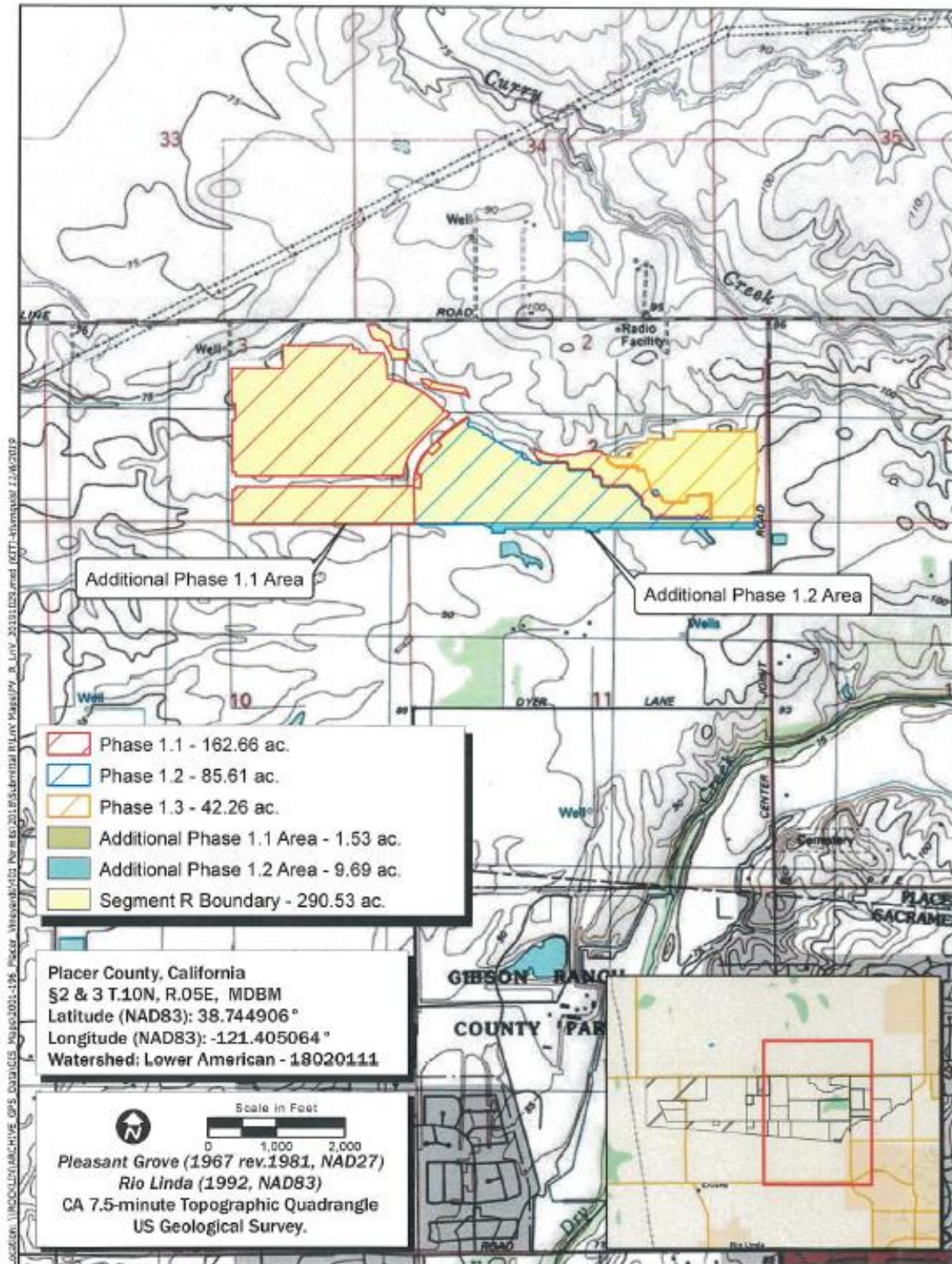
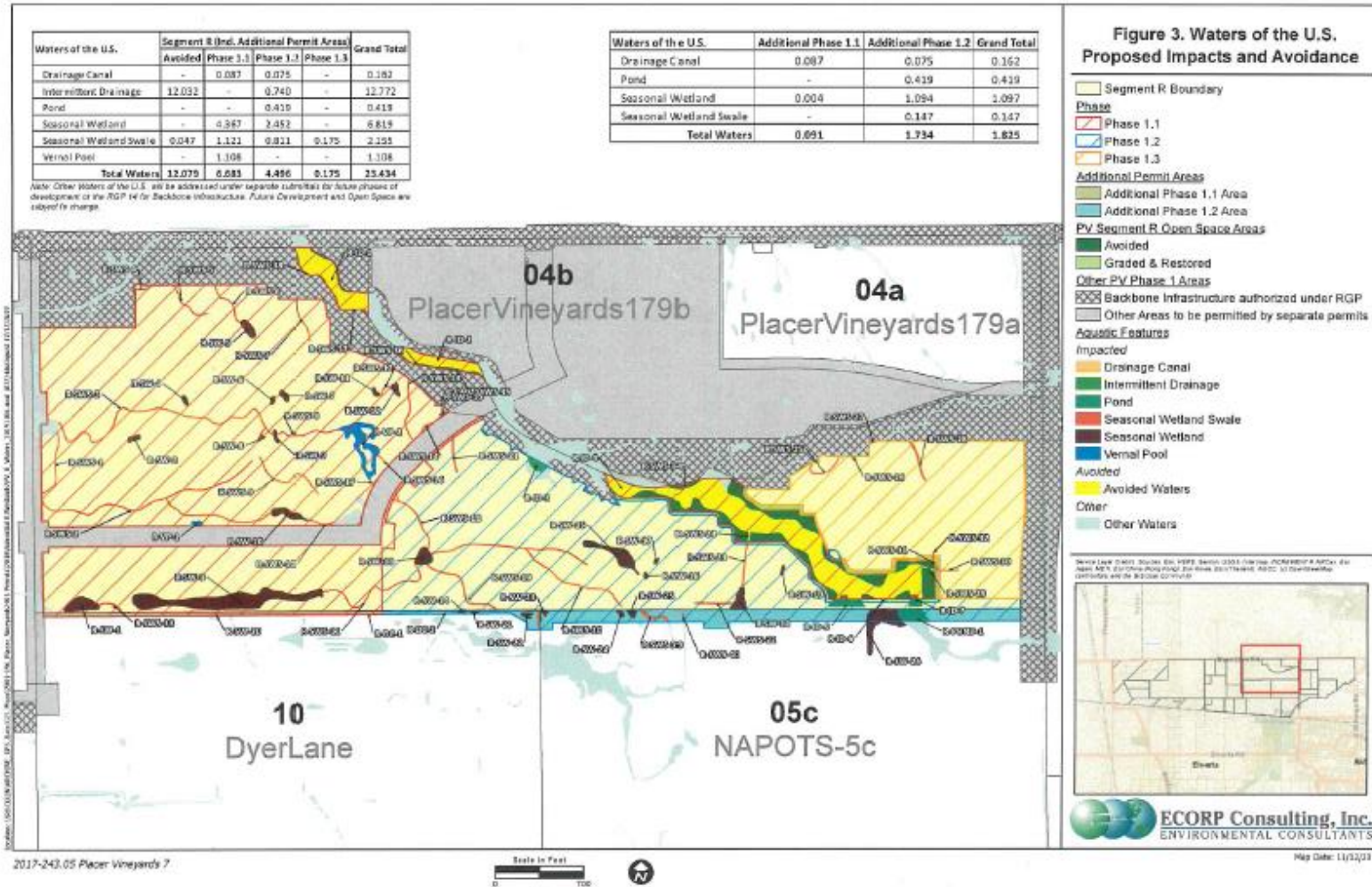


Figure 2. Project Area and Phasing

2017-243.05 Placer Vineyards Property 7



Figure 3. Proposed Impacts and Avoidance.



Attachment B

Receiving Waters, Impacts and Mitigation Information

The following table shows the receiving waters associated with each impact site.

Table 1: Receiving Water(s) Information

| Impact Site ID | Waterbody Name | Impacted Aquatic Resources Type | Water Board Hydrologic Units | Receiving Waters | Receiving Waters Beneficial Uses | 303d Listing Pollutant | California Rapid Assessment Method (CRAM) ID |
|-----------------------|----------------|---------------------------------|------------------------------|------------------|---|------------------------|--|
| Drainage Canal | Unnamed | Canal | 519.21 | Sacramento River | MUN, AGR, REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD, AND NAV | Not Applicable | Not Applicable |
| Intermittent Drainage | Unnamed | Drainage | 519.21 | Sacramento River | MUN, AGR, REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD, AND NAV | Not Applicable | Not Applicable |
| Pond | Unnamed | Pond | 519.21 | Sacramento River | MUN, AGR, REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD, AND NAV | Not Applicable | Not Applicable |

| Impact Site ID | Waterbody Name | Impacted Aquatic Resources Type | Water Board Hydrologic Units | Receiving Waters | Receiving Waters Beneficial Uses | 303d Listing Pollutant | California Rapid Assessment Method (CRAM) ID |
|------------------------|----------------|---------------------------------|------------------------------|------------------|---|------------------------|--|
| Seasonal Wetland | Unnamed | Wetland | 519.21 | Sacramento River | MUN, AGR, REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD, AND NAV | Not Applicable | Not Applicable |
| Seasonal Wetland Swale | Unnamed | Wetland | 519.21 | Sacramento River | MUN, AGR, REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD, AND NAV | Not Applicable | Not Applicable |
| Vernal Pool | Unnamed | Vernal Pool | 519.21 | Sacramento River | MUN, AGR, REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD, AND NAV | Not Applicable | Not Applicable |

Table 2: Individual Permanent Fill/Excavation Impact Information

| Impact Site ID | Latitude | Longitude | Indirect Impact Requiring Mitigation? | Acres | Cubic Yards | Linear Feet |
|------------------------|----------|-----------|---------------------------------------|-------|-------------|-------------|
| Drainage Canal | 38.741 | -121.424 | No | 0.162 | 261 | 1,178 |
| Intermittent Drainage | 38.741 | -121.424 | No | 0.740 | 1,195 | 506 |
| Pond | 38.741 | -121.424 | No | 0.419 | 676 | 220 |
| Seasonal Wetland | 38.741 | -121.424 | No | 6.818 | 10,996 | 5,119 |
| Seasonal Wetland Swale | 38.741 | -121.424 | No | 2.107 | 3,401 | 18,643 |
| Vernal Pool | 38.741 | -121.424 | No | 1.108 | 1,787 | 1,281 |

Compensatory Mitigation Information

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

In-Lieu Fee Compensatory Mitigation Information

Table 3: In-Lieu Fee Program

| | |
|--|--|
| In-Lieu Fee Program Name: | Western Placer County In-Lieu Fee Program |
| Website: | www.placerconservation.com |
| In-Lieu Fee Program Contact Name: | Gregg McKenzie |
| Phone: | 530-745-3074 |
| Email: | GAMckenz@placer.ca.gov |
| In-Lieu Fee Program Location - County: | Placer County |
| Latitude: | 38.886 |
| Longitude: | -121.461 |

Table 4: Mitigation Type Information

| Aquatic Resource Credit Type | Acres | Linear Feet | Number of Credits Purchased |
|------------------------------|--------|-------------|-----------------------------|
| Lacustrine | 0.838 | | Not Yet Purchased |
| Riverine with Riparian | 1.480 | | Not Yet Purchased |
| Vernal Pool | 15.852 | | Not Yet Purchased |
| Vernal Pool Complex | 4.214 | | Not Yet Purchased |
| Seasonal Wetland | 0.324 | | Not Yet Purchased |

CENTRAL VALLEY WATER BOARD CONTACT:

Daniel Warner
364 Knollcrest Drive, Suite 205
Redding, CA 96002
Daniel.Warner@waterboards.ca.gov
(530) 224-4848

WATER QUALITY CERTIFICATION:

I hereby issue an Amendment of existing Clean Water Act Section 401 Water Quality Certification and Order for Placer Vineyards Property 7 Development (Segment R) Project (WDID No. 5A31CR00484A1). 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 Bryan Smith for
PATRICK PULUPA, Executive Officer
Central Valley Regional Water Quality Control Board

1/30/2020
Date

DLW: db

cc
via email: Water Quality Certification Program, SWRCB, Sacramento
Jason Peters, ECORP Consulting, Inc., Rocklin