

---

## Central Valley Regional Water Quality Control Board

23 May 2024

Joe Livaich  
Buzz Oates Construction, Inc.  
555 Capitol Mall, Suite 900  
Sacramento, CA 95814  
[joelivaich@buzzoates.com](mailto:joelivaich@buzzoates.com)

### **ORDER AMENDING CLEAN WATER ACT SECTION 401 TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION; BUZZ OATES CONSTRUCTION, INC., PLACER COMMERCE CENTER PROJECT (WDID#5A31CR00598A1), PLACER COUNTY**

This Order responds to the 15 April 2024 request for an amendment of the Placer Commerce Center Project (Project) Section 401 Water Quality Certification (WDID#5A31CR00598). The original Water Quality Certification (Certification) was issued on 6 October 2023. The requested amendment is hereby approved. The original Certification is therefore amended as described below. Please attach this document to the original Certification.

#### **AMENDMENT:**

Buzz Oates Construction Inc is proposing to develop the Project over five phases and desires the ability to provide compensatory mitigation for impacts to waters of the state for each phase as it is built. Buzz Oates Construction Inc is requesting to amend the Certification to allow compensatory mitigation to be purchased before each phase of construction. The mitigation credits purchased for each phase will be for the aquatic resources impacted during that phase of construction.

The Certification is amended as shown below:

#### **K. Compensatory Mitigation for Permanent Impacts:**

Compensatory Mitigation is for permanent physical loss and permanent ecological degradation of a water of the state.

##### **1. 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 for each phase of construction. A total of five (5) fully executed agreements for the purchase of mitigation credits shall be provided for the five construction phases. Each purchase agreement shall be for the aquatic resources impacted by the individual construction phase.

- 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.

**2. Total Required Compensatory Mitigation**

- a. The Permittee is required to provide compensatory mitigation for the authorized impact to 1.26 acre of seasonal wetland habitat, 0.87 acre of seasonal wetland swale habitat, 4.97 acre of vernal pool habitat, and 0.09 acre of roadside ditch by purchasing 10.79 in lieu fee credits from the Western Placer County In-Lieu Fee Program.
- b. Total required Project compensatory mitigation information for permanent physical loss of area is summarized in Table 3. [Establishment (Est.), Reestablishment (Re-est.), Rehabilitation (Reh.), Enhancement (Enh.), Preservation (Pres.), Unknown].

**Table 3: Total Required Project Compensatory Mitigation Quantity for Permanent Physical Loss of Area by Construction Phase**

Construction Phase	Aquatic Resource Type	Mitigation Type	Units	Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Phase 1	Unknown	In-Lieu Fee Credits	Acres						6.75
Phase 2	Unknown	In-Lieu Fee Credits	Acres						2.69
Phase 3	Unknown	In-Lieu Fee Credits	Acres						0.48
Phase 4	Unknown	In-Lieu Fee Credits	Acres						0.14
Phase 5	Unknown	In-Lieu Fee Credits	Acres						0.75

**APPLICATION FEE RECEIVED:**

No fee was required for this amendment. Total fees of \$181,527.00 for the original Certification were received on 19 September 2023. 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:**

Nicholas Savino, Environmental Scientist  
11020 Sun Center Drive, Suite 200  
Rancho Cordova, CA 95670-6114  
[Nicholas.Savino@waterboards.ca.gov](mailto:Nicholas.Savino@waterboards.ca.gov)  
(916) 464-4920

**WATER QUALITY CERTIFICATION:**

I hereby issue an Order amending the existing Clean Water Act, Section 401 Technically Conditioned Water Quality Certification for the Placer Commerce Center Project (WDID#5A31CR00598A1). 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

Attachment: Figure 1 – Construction Phase Map

cc: Distribution List, page 4

**DISTRIBUTION LIST**

[Via email only]

Maya Bickner (SPK-2002-00704)  
United States Army Corps of Engineers  
Sacramento District Office  
Regulatory Division  
[Maya.A.Bickner@usace.army.mil](mailto:Maya.A.Bickner@usace.army.mil)

United States Environmental Protection Agency  
[R9CWA401@epa.gov](mailto:R9CWA401@epa.gov)

CWA Section 401 WQC Program  
Division of Water Quality  
State Water Resources Control Board  
[StateBoard401@waterboards.ca.gov](mailto:StateBoard401@waterboards.ca.gov)

Christopher Schmidt  
Placer County  
[CRSchmid@placer.ca.gov](mailto:CRSchmid@placer.ca.gov)

Theresa Johnson  
Placer County Conservation Program  
[tjohnson@placer.ca.gov](mailto:tjohnson@placer.ca.gov)

Sarah VonderOhe  
Madrone Ecological Consulting, LLC  
[svonderohe@madroneeco.com](mailto:svonderohe@madroneeco.com)



Figure 1: Construction Phases

