
Central Valley Regional Water Quality Control Board

27 June 2016

Larry Gualco
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ORDER AMENDING CLEAN WATER ACT § 401 TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION; LENNAR HOMES OF CALIFORNIA, INC., NORTH VINEYARD GREENS DEVELOPMENT PROJECT – AMENDMENT 2 (WDID#5A34CR00383A2), SACRAMENTO COUNTY

This Order responds to the 15 October 2015 request for an amendment of the North Vineyard Greens Development Project § 401 Water Quality Certification (WDID#5A34CR00383). The original Water Quality Certification (Certification) was issued on 9 April 2009. An amendment to the Certification (WDID#5A34CR00383A1) was issued on 26 November 2013. The requested second amendment is hereby approved. The original Certification is therefore amended as described below. Please attach this document to the original Certification.

AMENDMENT:

Lennar Homes of California, Inc. (Applicant) is requesting to modify the impacts and compensatory mitigation described in the original Certification. The original and amended Certification authorized permanent impacts to 0.490 acre of waters of the United States from Phase 1 activities. Phase 2 was identified in the original Certification as part of the project, but Phase 2 impacts were unknown at the time of issuance. Phase 2 has now completed design and the permanent impacts anticipated for Project activities are 4.056 acres to waters of the United States.

Modified Project Impacts

The Applicant has requested to increase the total amount of permanent impacts to 4.546 acres of waters of the United States, which includes an additional 4.056 acres of permanent impacts waters of the United States from Phase 2 activities. Phase 2 impacted water features are shown in Figure 1.

Modified Project Mitigation

The Applicant proposes purchasing 7.594 acres of seasonal wetland and vernal pool creation credits from four United States Army Corps of Engineers (USACE) approved mitigation banks to

mitigate for Phase 2 impacts to 4.056 acres of waters of the United States. The compensatory mitigation requirements in the original Certification did not include Phase 2 impacts. The following credit purchases will mitigate for the additional loss of 4.056 acres of waters of the United States:

- The United States Fish and Wildlife Service requires purchasing 1.32 vernal pool creation credits from Toad Hill Preserve and 0.45 vernal pool creation credits from Clay Station Mitigation Bank to mitigate for the loss of vernal pool habitat during Phase 2 construction activities.
- The United States Fish and Wildlife Service requires purchasing 3.536 seasonal wetland preservation credits from the Gill Ranch Conservation Bank and 2.288 seasonal wetland mitigation credits from the Cosumnes River Floodplain Mitigation Bank to mitigate for the loss of wetland habitat during Phase 2 construction activities.

Federal Permit Modification

The Applicant provided a request to modify the Project description, impacts, and mitigation to the United States Army Corps of Engineers (SPK-2006-00428) on 25 September 2015.

Amendment

The Project Information Sheet is amended to include modifications from Amendment 1 and Amendment 2 as shown in underline/strikeout format below:

Project Description (purpose/goal): This certification is for the North Vineyards Greens Development Project, which includes Unit #1, Unit #3, and Gosal Estates. The project description is based on information contained in the following documents:

- a) Project applications for the water quality certification and U.S. Army Corps (Corps) Section 404 Permit.
- b) Final Supplemental Environmental Impact Report for North Vineyard Greens Unit #1, #3, and Gosal Estates and Davis Property, February 2006 (State Clearinghouse Number 2005022149).
- c) The U.S. Fish and Wildlife Service (USFWS) Biological Opinion for the North Vineyard Greens Project, 7 January 2009, Ref#81420-2009-F-0259-1.
- d) Corps wetland delineation verification letter for the North Vineyard Greens Project Unit #1 site, 23 April 2007, Corps file #200600428.
- e) Corps wetland delineation verification letter for the North Vineyard Greens Project Site, 22 June 2006, Corps file #200600428.
- f) Corps wetland delineation verification letter for the Gosal Estates Project, 1 September 2004, Corps file #200400273.

The North Vineyards Greens Development Project Unit 1 Subdivision, Unit 3 Subdivision, and Gosal Estates, involves the development of +/- 206.3 acres within North Vineyard Greens Station Specific Plan area in southern Sacramento County. It is anticipated that 750 dwelling units, consisting of 525 single-family

units and 225 multiple-family units, will be constructed on 139 acres of the 206.3-acre site. The project site supports a total of 5.691 acres of waters consisting of vernal pools, seasonal wetlands, seasonal marsh, and Gerber Creek. The proposed Phase 1 project will fill and mitigate for 1.6 0.490 acres of federally-jurisdictional waters. Potential impacts to 1.53 acres of non-federal waters were not evaluated; therefore are not covered by this certification.

Phase 2 construction activities include filling and grading the remaining portion of the Project area south of the railroad tracks, as shown in Figure 1. The proposed fill activities during Phase 2 will permanently impact 4.056 acres of waters of the United States.

Table 2: Impacts from Fill Activities from Phase 1 Construction

<u>Aquatic Resource Type</u>	<u>Temporary</u>			<u>Permanent</u>		
				<u>Physical Loss of Area</u>		
	<u>Acres</u>	<u>Cubic-yards</u>	<u>Linear-feet</u>	<u>Acres</u>	<u>Cubic-yards</u>	<u>Linear-feet</u>
<u>Stream Channel</u>	--	--	--	<u>0.328</u>	--	--
<u>Wetland</u>	--	--	--	<u>0.012</u>	--	--
<u>Vernal Pools</u>	--	--	--	<u>0.150</u>	--	--
<u>Total</u>	--	--	--	<u>0.490</u>	--	--

Table 3: Impacts from Fill Activities from Phase 2 Construction

<u>Aquatic Resource Type</u>	<u>Temporary</u>			<u>Permanent</u>		
				<u>Physical Loss of Area</u>		
	<u>Acres</u>	<u>Cubic-yards</u>	<u>Linear-feet</u>	<u>Acres</u>	<u>Cubic-yards</u>	<u>Linear-feet</u>
<u>Stream Channel</u>	--	--	--	<u>0.136</u>	--	--
<u>Wetland</u>	--	--	--	<u>2.978</u>	--	--
<u>Vernal Pools</u>	--	--	--	<u>0.942</u>	--	--
<u>Total</u>	--	--	--	<u>4.056</u>	--	--

Compensatory Mitigation: The North Vineyards Greens Project will permanently impact 1.6 acres of federally-jurisdictional waters. Prior to the start of project construction, the Corps and USFWS are requiring Peter Daru to purchase 3.2 acres of vernal pool habitat credits (1.6 ac of impact at 2:1 ratio of preservation = 3.2 acres) and create 2.796 acres of seasonal wetlands onsite (1.6 ac of impact at 1.75:1 ratio of creation = 2.796 acres). Impacts and mitigation for the potential fill of 1.53 acres of non-federal waters were not evaluated.

The Applicant shall provide evidence of all off-site compensatory mitigation for Phase 1 to the Central Valley Water Board prior to commencing construction. At a minimum, compensatory mitigation must achieve a ratio of 1:1 for permanent

impacts. Evidence of mitigation includes, but is not limited to, purchasing 0.490 vernal pool creation credits from the Toad Hill Mitigation Bank and 0.980 seasonal wetland preservation credits from the Gill Ranch Conservation Bank to mitigate for the loss of 0.490 acres of wetland and vernal pool habitat as required by the United States Fish and Wildlife Service.

In addition, the Applicant shall provide evidence of all off-site compensatory mitigation for Phase 2 to the Central Valley Water Board prior to commencing construction. At a minimum, compensatory mitigation must achieve a ratio of 1:1 for permanent impacts. Evidence of mitigation includes, but is not limited to, purchasing 1.32 vernal pool creation credits from Toad Hill Preserve, 3.536 seasonal wetland preservation credits from the Gill Ranch Conservation Bank, 0.450 vernal pool creation credits from Clay Station Mitigation Bank, and 2.288 seasonal wetland creation credits from the Cosumnes River Floodplain Mitigation Bank, to mitigate for the loss of 4.056 acres of wetland, vernal pool, and stream channel habitat as required by the United States Fish and Wildlife Service.

Table 3: Compensatory Mitigation for Permanent Physical Loss of Area

<u>Aquatic Resource Type</u>	<u>Comp Mitigation Type</u>			<u>Units</u>		<u>Established</u>	<u>Re-established</u>	<u>Rehabilitated</u>	<u>Enhanced</u>	<u>Preserved</u>	<u>Unknown</u>
	<u>In-Lieu</u>	<u>Mit. Bank</u>	<u>Permittee Responsible</u>	<u>AC (Acres)</u>	<u>LF (Linear Feet)</u>						
<u>Toad Hill Mitigation Bank</u>											
<u>Vernal Pool</u>	--	<u>X</u>	--	<u>1.810</u>	--	<u>X</u>	--	--	--	--	--
<u>Gill Ranch Conservation Bank</u>											
<u>Seasonal Wetland</u>	--	<u>X</u>	--	<u>4.516</u>	--	--	--	--	--	<u>X</u>	--
<u>Clay Station Mitigation Bank</u>											
<u>Vernal Pool</u>	--	<u>X</u>	--	<u>0.450</u>	--	<u>X</u>	--	--	--	--	--
<u>Cosumnes River Floodplain Mitigation Bank</u>											
<u>Seasonal Wetland</u>	--	--	<u>X</u>	<u>2.288</u>	--	<u>X</u>	--	--	--	--	--
<u>TOTAL</u>	--	--	--	<u>9.064</u>	--	--	--	--	--	--	--

The Additional Technically Conditioned Certification Conditions are amended to include modifications from Amendment 1 and Amendment 2 as shown in underline/strikeout format below:

13. The Applicant shall provide evidence of all off-site compensatory mitigation for Phase 1 to the Central Valley Water Board prior to commencing construction. At a minimum, compensatory mitigation must achieve a ratio of 1:1 for permanent impacts. Evidence of mitigation includes, but is not limited to, purchasing 0.490 vernal pool creation credits from the Toad Hill Mitigation Bank and 0.98 seasonal wetland preservation credits from the Gill Ranch Conservation Bank to mitigate

for the loss of 0.490 acres of wetland and vernal pool habitat as required by the United States Fish and Wildlife Service.

In addition, the Applicant shall provide evidence of all off-site compensatory mitigation for Phase 2 to the Central Valley Water Board prior to commencing construction. At a minimum, compensatory mitigation must achieve a ratio of 1:1 for permanent impacts. Evidence of mitigation includes, but is not limited to, purchasing 1.32 vernal pool creation credits from Toad Hill Preserve, 0.450 vernal pool creation credits from Clay Station Mitigation Bank, 3.536 seasonal wetland preservation credits from the Gill Ranch Conservation Bank, and 2.288 seasonal wetland creation credits from the Cosumnes River Floodplain Mitigation Bank, to mitigate for the loss of 4.056 acres of wetland, vernal pool, and stream channel habitat as required by the United States Fish and Wildlife Service.

APPLICATION FEE RECEIVED:

Fees of \$24,113.00 were submitted for this amendment. Total fees of \$6,312.27 for the original Certification and Amendment 1 were submitted to the Central Valley Regional Water Quality Control Board as required by §3833(b)(3)(A) and by § 2200(a)(3) of the California Code of Regulations.

CENTRAL VALLEY WATER BOARD CONTACT:

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CALIFORNIA ENVIRONMENTAL QUALITY ACT:

The County of Sacramento is the Lead Agency responsible for compliance with the California Environmental Quality Act for the North Vineyard Greens Project (also refers to the following properties - North Vineyard Greens Units #1, #3, Gosal Estates, and Davis Property) pursuant to § 21000 et seq. of the Public Resources Code. The County of Sacramento certified an Environmental Impact Report for the North Vineyard Station Specific Plan and filed a Notice of Determination on 26 August 1998 (State Clearinghouse Number 1998101418). A supplemental Environmental Impact Report was prepared by the County of Sacramento for the North Vineyard Greens Project which is within the North Vineyard Station Specific Plan area.

The County of Sacramento approved a project-specific Final Supplemental Environmental Impact Report on 11 April 2006 (State Clearinghouse Number 2005022149). In addition, the County of Sacramento approved an Addendum to the Supplemental Environmental Impact Report on 23 September 2013. The County of Sacramento filed a Notice of Determination with the State Clearinghouse on 30 October 2013 (State Clearinghouse Number 2005022149).

The Central Valley Water Board is a responsible agency for the project. The Central Valley Water Board has determined that the Supplemental Environmental Report and Addendum to the Supplemental Environmental Impact Report are in accordance with the requirements of the California Environmental Quality Act.

The Central Valley Water Board has reviewed and evaluated the impacts to water quality identified in the Supplemental Environmental Impact Report and Addendum to the Supplemental Environmental Impact Report. The mitigation measures discussed in the Supplemental Environmental Impact Report and Addendum to the Supplemental Environmental Impact Report to minimize project impacts to waters of the State are required by this Certification.

With regard to the remaining impacts identified in the Supplemental Environmental Impact Report, and Addendum to the Supplemental Environmental Impact Report, the corresponding mitigation measures proposed are within the responsibility and jurisdiction of other public agencies.

The Central Valley Water Board will file a Notice of Determination with the State Clearinghouse as a responsible agency within five (5) days of the date of this amended Certification.

WATER QUALITY CERTIFICATION:

I hereby issue an Order amending the existing Clean Water Act, Section 401 Technically Conditioned Water Quality Certification for the North Vineyard Greens Development Project – Amendment 2 (WDID#5A34CR00383A2). 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

Pamela C. Creedon
Executive Officer

Enclosure: Project Information

Attachment: Figure 1 – Phase 2 Project Impacts Map

cc: Distribution List, page 7

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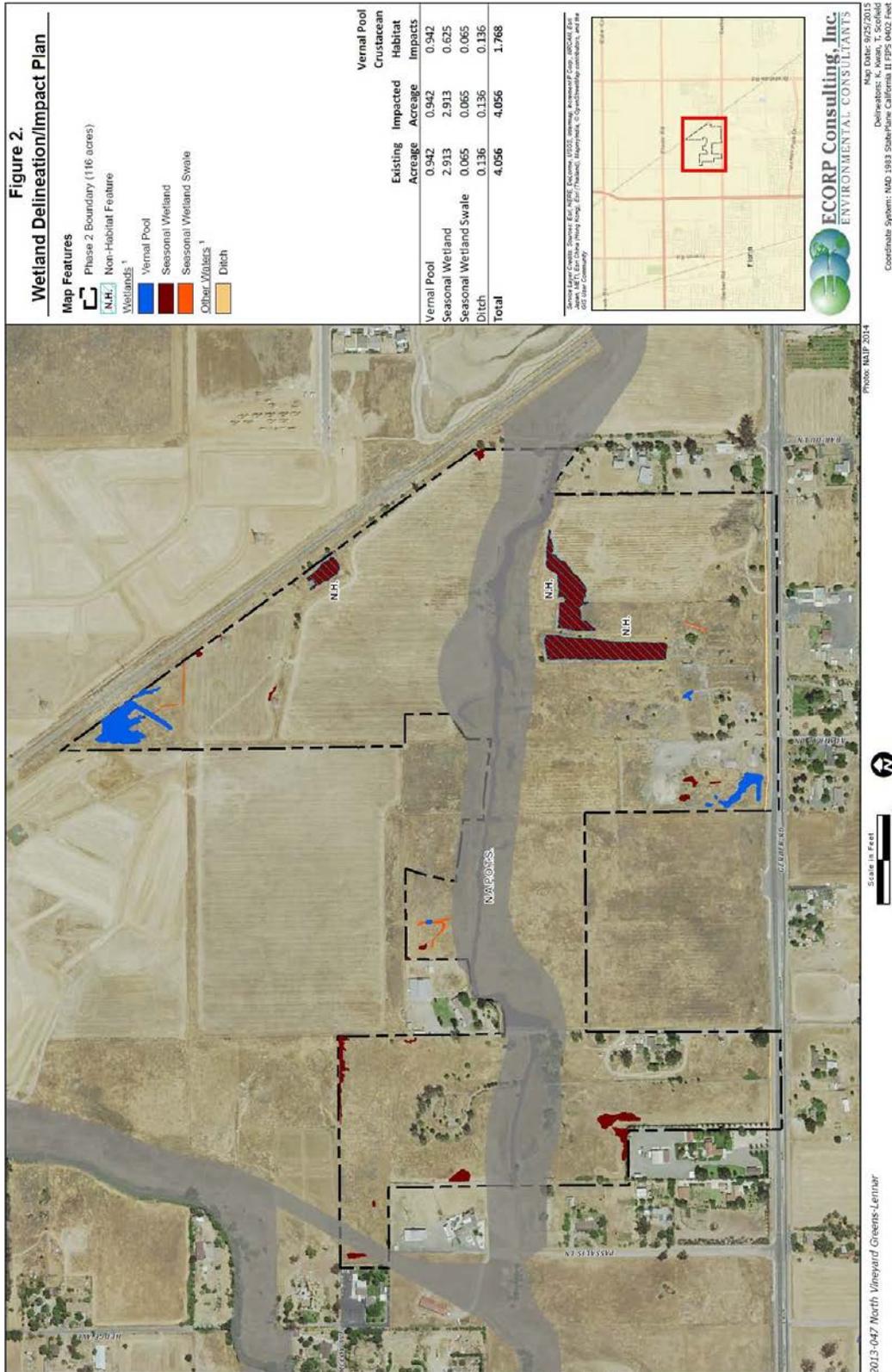


Figure 1 – Phase 2 Project Impacts Map