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GOVERNOR

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SECRETARY FOR
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Central Valley Regional Water Quality Control Board

14 February 2014

Tom Winn
Family Real Property Limited Partnership
3001 I Street, Ste. 300
Sacramento, CA 95816

CERTIFIED MAIL
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**RESCISSION AND REISSUANCE OF CLEAN WATER ACT §401 TECHNICALLY
CONDITIONED WATER QUALITY CERTIFICATION; FAMILY REAL PROPERTY LIMITED
PARTNERSHIP, NORTH VINEYARD GREENS DEVELOPMENT PROJECT (PHASE 1)
(WDID#5A34CR00383), SACRAMENTO COUNTY**

This Order rescinds the section 401 Water Quality Certification for the North Vineyard Greens Development Project (WDID#5A34CR00383) issued on 9 April 2009, due to changes in the United States Army Corps of Engineers' Individual Permit. This Order also reissues the section 401 Water Quality Certification (Certification) for the North Vineyard Greens Development Project (Phase 1) (WDID#5A34CR00383) with revisions to the project description and conditions.

This Order responds to the 26 October 2007 application and the 18 June 2013 revised application submittals for the Water Quality Certification of a residential development project permanently impacting 0.490 acre of waters of the United States.

This Order serves as certification of the United States Army Corps of Engineers' Individual Permit (SPK# 2006-00428) under § 401 of the Clean Water Act, and a Waste Discharge Requirement under the Porter-Cologne Water Quality Control Act and State Water Board Order 2003-0017-DWQ.

WATER QUALITY CERTIFICATION STANDARD CONDITIONS:

1. This Order serves as a Water Quality Certification (Certification) action that is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to § 13330 of the California Water Code and § 3867 of the California Code of Regulations.

2. This Certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to § 3855(b) of the California Code of Regulations, and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. The validity of any non-denial Certification action shall be conditioned upon total payment of the full fee required under § 3860(c) of the California Code of Regulations.
4. This Certification is no longer valid if the project (as described) is modified, or coverage under § 404 of the Clean Water Act has expired.
5. All reports, notices, or other documents required by this Certification or requested by the Central Valley Regional Water Quality Control Board (Central Valley Water Board) shall be signed by a person described below or by a duly authorized representative of that person.
 - (a) For a corporation: by a responsible corporate officer such as (1) a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function; (2) any other person who performs similar policy or decision-making functions for the corporation; or (3) the manager of one or more manufacturing, production, or operating facilities if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - (b) For a partnership or sole proprietorship: by a general partner or the proprietor.
 - (c) For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official.
6. Any person signing a document under Standard Condition number 5 shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

TECHNICAL CERTIFICATION CONDITIONS:

In addition to the above standard conditions, the Applicant shall satisfy the following:

1. This Certification is not valid until the United States Army Corps of Engineers (USACE) has reauthorized the Clean Water Act § 404 Individual Permit. The Applicant shall submit a copy of the USACE reauthorized Clean Water Act § 404 Individual Permit within 14 days of issuance.
2. Except for activities permitted by the United States Army Corps of Engineers under § 404 of the Clean Water Act, soil, silt, or other organic materials shall not be placed where such materials could pass into surface water or surface water drainage courses.
3. The Applicant shall maintain a copy of this Certification and supporting documentation (Project Information Sheet) at the project site during construction for review by site personnel and agencies. All personnel (employees, contractors, and subcontractors) performing work on the proposed project shall be adequately informed and trained regarding the conditions of this Certification.
4. The Applicant shall perform surface water sampling¹:
 - a) when performing any in-water work;
 - b) in the event that project activities result in any materials reaching surface waters; or
 - c) when any activities result in the creation of a visible plume in surface waters.

The monitoring requirements in Table 1 shall be conducted by taking a sample of the ambient conditions before work begins in the work area, and sampling during work in the work area. The sampling frequency may be modified for certain projects with written approval from Central Valley Water Board staff.

¹ Sampling is not required in wetlands that are being permanently filled; provided there is no outflow connecting the wetland to surface waters.

Table 1:

Parameter	Unit	Type of Sample	Minimum Sampling Frequency	Required Analytical Test Method
Turbidity	NTU	Grab ⁽¹⁾	Every 4 hours during in-water work	(2, 4)
Settleable Material	mL/L	Grab ⁽¹⁾	Every 4 hours during in-water work	(2)
Visible construction related pollutants ⁽³⁾	Observations	Visual Inspections	Continuous throughout the construction period	—

⁽¹⁾ Grab samples shall not be collected at the same time each day to get a complete representation of variations in the receiving water.

⁽²⁾ Pollutants shall be analyzed using the analytical methods described in 40 Code of Federal Regulations Part 136; where no methods are specified for a given pollutant, the method shall be approved by Central Valley Water Board staff.

⁽³⁾ Visible construction-related pollutants include oil, grease, foam, fuel, petroleum products, and construction-related, excavated, organic or earthen materials.

⁽⁴⁾ A hand-held field meter may be used, provided the meter utilizes a USEPA-approved algorithm/method and is calibrated and maintained in accordance with the manufacturer's instructions. A calibration and maintenance log for each meter used for monitoring shall be maintained onsite.

Surface water monitoring shall occur at mid-depth. A surface water monitoring report shall be submitted to the Central Valley Water Board Contact indicated in this Certification within two weeks of initiation of sampling and every two weeks thereafter. In reporting the monitoring data, the Applicant shall arrange the data in tabular form so that the sampling locations, date, constituents, and concentrations are readily discernible. The data shall be summarized in such a manner to illustrate clearly whether the project complies with Certification requirements. The report shall include surface water sampling results, visual observations, and identification of the turbidity increase in the receiving water applicable to the natural turbidity conditions specified in the turbidity criteria below.

If no monitoring is conducted, the Applicant shall submit a written statement to the Central Valley Water Board Contact indicated in the Certification stating, "No monitoring was required." with the Notice of Completion.

5. The Central Valley Water Board adopted a *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fourth Edition, revised October 2011 (Basin Plan) that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan. Turbidity and settleable matter limits are based on water quality objectives contained in the Basin Plan and are part of this Certification as follows:

- a) Activities shall not cause turbidity increases in surface water to exceed:
 - i. where natural turbidity is less than 1 Nephelometric Turbidity Units (NTUs), controllable factors shall not cause downstream turbidity to exceed 2 NTUs;
 - ii. where natural turbidity is between 1 and 5 NTUs, increases shall not exceed 1 NTU;

- iii. where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent;
- iv. where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs; and
- v. where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent.

Except that these limits will be eased during in-water working periods to allow a turbidity increase of 15 NTUs over background turbidity. In determining compliance with the above limits, appropriate averaging periods may be applied provided that beneficial uses will be fully protected. Averaging periods may only be used with prior approval of the Central Valley Water Board staff.

- b) Activities shall not cause settleable matter to exceed 0.1 mL/L in surface waters as measured in surface waters within 300 feet downstream of the project.
6. The Applicant shall notify the Central Valley Water Board immediately if the above criteria for turbidity, settleable matter, or other water quality objectives are exceeded.
 7. In-water work shall occur during periods of no flow and no precipitation. The Applicant shall perform surface water sampling in accordance with Technical Certification Condition No. 4, if any of the following conditions occur: in-water work is conducted during an unanticipated flow event; project activities result in any materials reaching surface waters; or project activities result in the creation of a visible plume in surface waters.
 8. Refueling of equipment within the floodplain or within 300 feet of the waterway is prohibited. If critical equipment must be refueled within 300 feet of the waterway, spill prevention and countermeasures must be implemented to avoid spills. Refueling areas shall be provided with secondary containment including drip pans and/or placement of absorbent material. No hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, or other construction-related potentially hazardous substances should be stored within a floodplain or within 300 feet of a waterway. The Applicant must perform frequent inspections of construction equipment prior to utilizing it near surface waters to ensure leaks from the equipment are not occurring and are not a threat to water quality.
 9. The Applicant shall develop and maintain onsite a project-specific Spill Prevention, Containment and Cleanup Plan outlining the practices to prevent, minimize, and/or clean up potential spills during construction of the project. The Plan must detail the project elements, construction equipment types and location, access and staging and construction sequence. The Plan must also address spill response and prevention measures for potential spills that may occur within the project site.
 10. Raw cement, concrete (or washing thereof), asphalt, drilling fluids, lubricants, paints, coating material, oil, petroleum products, or any other substances which could be hazardous to fish

and wildlife resulting from or disturbed by project-related activities, shall be prevented from contaminating the soil and/or entering waters of the United States and waters of the State.

11. Silt fencing, straw wattles, or other effective management practices must be used along the construction zone to minimize soil or sediment along the embankments from migrating into the waters of the United States and waters of the State through the entire duration of the project.
12. The use of netting material (e.g., monofilament-based erosion blankets) that could trap aquatic dependent wildlife is prohibited within the project area.
13. All areas disturbed by project activities shall be protected from washout or erosion.
14. All temporarily affected areas shall be restored to pre-construction contours and conditions upon completion of construction activities.
15. Hydroseeding shall be performed with California native seed mix.
16. All materials resulting from the project shall be removed from the site and disposed of properly.
17. This Certification does not allow permanent water diversion of flow from the receiving water. This Certification is invalid if any water is permanently diverted as a part of the project.
18. If temporary surface water diversions and/or dewatering are anticipated, the Applicant shall develop and maintain on-site a Surface Water Diversion and/or Dewatering Plan(s). The Plan(s) shall include the proposed method and duration of diversion activities. The Surface Water Diversion and/or Dewatering Plan(s) must be consistent with this Certification.
19. When work in a flowing stream is unavoidable and any dam or other artificial obstruction is being constructed, maintained, or placed in operation, sufficient water shall at all times be allowed to pass downstream, to maintain beneficial uses of waters of the State below the dam. Construction, dewatering, and removal of temporary cofferdams shall not violate Technical Certification Condition 5 of this Certification.
20. Any temporary dam or other artificial obstruction constructed shall only be built from clean materials such as sandbags, gravel bags, water dams, or clean/washed gravel which will cause little or no siltation. Stream flow shall be temporarily diverted using gravity flow through temporary culverts/pipes or pumped around the work site with the use of hoses.
21. The discharge of petroleum products, any construction materials, hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, raw cement, concrete, asphalt, paint, coating material, drilling fluids, or other construction-related potentially hazardous substances to surface water and/or soil is prohibited. In the event of a prohibited discharge, the Applicant shall notify the Central Valley Water Board Contact within 24-hours of the discharge. Activities shall not cause visible oil, grease, or foam in the receiving water.

22. The Applicant shall apply for a name change or amendment to this Certification should any of the following occur: (a) a change in the ownership of all or any portion of the North Vineyard Greens Development Project (Phase 1); (b) any change in the project description; (c) any change involving discharge amounts, temporary impacts, and/or permanent impacts; and/or (d) amendments, modifications, revisions, extensions, and/or changes to the United States Army Corps of Engineers' Individual Permit, the United States Fish and Wildlife Service decision document(s), and/or the California Department of Fish and Wildlife Streambed Alteration Agreement.
23. The Applicant shall comply with all United States Fish and Wildlife Service requirements, including but not limited to those requirements described in the Biological Opinion (81420-2009-F-0259-R001), provided to the United States Army Corps of Engineers, dated 9 September 2013.
24. The Applicant shall obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities Order No. 2009-0009-DWQ for discharges to surface waters comprised of storm water associated with construction activity, including, but not limited to, demolition, clearing, grading, excavation, and other land disturbance activities of one or more acres, or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres.
25. The Applicant shall obtain coverage under an NPDES permit if dewatering activities result in discharges into surface water and/or shall obtain Waste Discharge Requirements (WDRs) if dewatering activities result in discharges to land from the Central Valley Water Board.
26. The Conditions in this Certification are based on the information in the attached "Project Information Sheet." If the actual project, as described in the attached Project Information Sheet, is modified or changed, this Certification is no longer valid until amended by the Central Valley Water Board.
27. The Applicant shall implement each of the mitigation measures specified in the certified Environmental Impact Report, Supplemental Environmental Impact Report, and Addendum to the Supplemental Environmental Impact Report for the project, as they pertain to biology, hydrology and water quality impacts as required by § 21081.6 of the Public Resource Code and § 15097 of the California Code of Regulations.
28. In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under state and federal law. The applicability of any state law authorizing remedies, penalties, process, or sanctions for the violation or threatened violation constitutes a limitation necessary to ensure compliance with this Certification.

- (a) If the Applicant or a duly authorized representative of the project fails or refuses to furnish technical or monitoring reports, as required under this Certification, or falsifies any information provided in the monitoring reports, the applicant is subject to civil liability, for each day of violation, and/or criminal liability.
 - (b) In response to a suspected violation of any condition of this Certification, the Central Valley Water Board may require the Applicant to furnish, under penalty of perjury, any technical or monitoring reports the Central Valley Water Board deems appropriate, provided that the burden, including cost of the reports, shall be in reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
 - (c) The Applicant shall allow the staff of the Central Valley Water Board, or an authorized representative(s), upon the presentation of credentials and other documents, as may be required by law, to enter the project premises for inspection, including taking photographs and securing copies of project-related records, for the purpose of assuring compliance with this Certification and determining the ecological success of the project.
29. The Applicant shall provide a Notice of Completion (NOC) no later than 30 days after the project completion. The NOC shall demonstrate that the project has been carried out in accordance with the project description in the Certification and in any approved amendments. The NOC shall include a map of the project location(s), including final boundaries of any on-site restoration area(s), if appropriate, and representative pre and post construction photographs. Each photograph shall include a descriptive title, date taken, photographic site, and photographic orientation.
30. The Applicant shall provide evidence of all on-site and off-site compensatory mitigation, including, but not limited to, the purchase of mitigation credits as required by the USACE and the United States Fish and Wildlife Service (FWS) prior to commencing construction of each phase of the project to the Central Valley Water Board. As requested by the FWS, the Applicant shall purchase mitigation credits from an USACE-approved mitigation bank (whose service areas include the project site), to at a minimum, preserve 0.98 acre of vernal pool habitat and create 0.49 acre of vernal pool habitat.

Compensatory mitigation must comply with the effective policy at the time of Certification, which ensures no overall net loss of wetlands for impacts to waters of the State.

Evidence of compliance with compensatory mitigation requirements includes providing a letter from the approved compensatory mitigation bank. The letter must: (a) be on the compensatory mitigation bank's letterhead; (b) be signed by an authorized representative of the compensatory mitigation bank; (c) indicate the United States Army Corps of Engineers'

SPK number; (d) describe the project name and location; and (e) detail the type of compensatory mitigation credits purchased for the project's impacts.

ADDITIONAL STORM WATER QUALITY CONDITIONS:

The applicant shall also satisfy the following additional storm water quality conditions:

1. During the construction phase, the Applicant must employ strategies to minimize erosion and the introduction of pollutants into storm water runoff. These strategies must include the following:
 - a) the Storm Water Pollution Prevention Plan (SWPPP) must be prepared during the project planning and design phases and before construction;
 - b) an effective combination of erosion and sediment control Best Management Practices (BMPs) must be implemented and adequately working prior to the rainy season and during all phases of construction.
2. The Applicant must minimize the short and long-term impacts on receiving water quality from the North Vineyards Greens Development Project (Phase 1) by implementing the following post-construction storm water management practices to achieve the following measures:
 - a) minimize the amount of impervious surface;
 - b) reduce peak runoff flows;
 - c) provide treatment BMPs to reduce pollutants in runoff;
 - d) ensure existing waters of the State (e.g., wetlands, vernal pools, or creeks) are not used as pollutant source controls and/or treatment controls;
 - e) preserve and, where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands, and buffer zones;
 - f) limit disturbances of natural water bodies and natural drainage systems caused by development (including development of roads, highways, and bridges);
 - g) use existing drainage master plans or studies to estimate increases in pollutant loads and flows resulting from projected future development and require incorporation of structural and non-structural BMPs to mitigate the projected pollutant load increases in surface water runoff;
 - h) identify and avoid development in areas that are particularly susceptible to erosion;
 - i) control post-development peak storm water run-off discharge rates and velocities to prevent or reduce downstream erosion, and to protect stream habitat.
3. The Applicant must ensure that all development within the project provides verification of maintenance provisions for post-construction structural and treatment control BMPs. Verification shall include one or more of the following, as applicable:

- a) the Applicant's signed statement accepting responsibility for maintenance until the maintenance responsibility is legally transferred to another party; or
- b) written conditions in the sales or lease agreement that require the recipient to assume responsibility for maintenance; or
- c) written text in project conditions, covenants and restrictions for residential properties assigning maintenance responsibilities to a home owner's association, or other appropriate group, for maintenance of structural and treatment control BMPs; or
- d) any other legally enforceable agreement that assigns responsibility for storm water BMP maintenance.

CENTRAL VALLEY WATER BOARD CONTACT:

Marisa Van Dyke, Environmental Scientist
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670-8114
marisa.vandyke@waterboards.ca.gov
(916) 464-4644

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

The County of Sacramento is the Lead Agency responsible for compliance with the California Environmental Quality Act for the entire 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 entire 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.

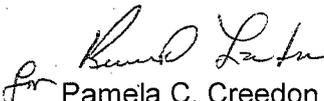
The Central Valley Water Board has reviewed and evaluated the impacts to water quality identified in the Supplemental Environmental Impact Report and Addendum to the Supplemental Environmental Impact Report. The mitigation measures discussed in the Supplemental Environmental Impact Report and Addendum 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.

WATER QUALITY CERTIFICATION:

I hereby issue an Order certifying that any discharge from the Family Real Property Limited Partnership, North Vineyard Greens Development Project (Phase 1) (WDID#5A34CR00383) will comply with the applicable provisions of § 301 ("Effluent Limitations"), § 302 ("Water Quality Related Effluent Limitations"), § 303 ("Water Quality Standards and Implementation Plans"), § 306 ("National Standards of Performance"), and § 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act. This discharge is also regulated under State Water Resources Control Board Water Quality Order No. 2003-0017 DWQ "Statewide General Waste Discharge Requirements For Dredged Or Fill Discharges That Have Received State Water Quality Certification (General WDRs)".

Except insofar as may be modified by any preceding conditions, all Certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in compliance with the conditions of this Certification, the Family Real Property Limited Partnership's application package, and the attached Project Information Sheet, and (b) compliance with all applicable requirements of the *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fourth Edition, revised October 2011.


Pamela C. Creedon
Executive Officer

Enclosure: Project Information Sheet

Attachment: Figure 1 – North Vineyard Greens, Project Area & Phase 1 Boundary

cc: Distribution List, page 16

PROJECT INFORMATION SHEET

Application Date: 26 October 2007 and 18 June 2013

Applicant: Tom Winn
Family Real Property Limited Partnership
3001 I Street, Ste. 300
Sacramento, CA 95816

Applicant Representative: Bjorn Gregersen
ECORP Consulting, Inc.
2525 Warren Drive
Rocklin, CA 95677

Project Name: North Vineyard Greens Development Project (Phase 1)

Application Number: WDID#5A34CR00383

Date Application Deemed Complete: 24 October 2013

Type of Project: Residential Development

Timeframe of Project Implementation: The Project will be constructed 1 May through 30 October or as required by the United States Fish and Wildlife Service or United States Army Corps of Engineers.

Project Location: Section 6, Township 7 North, Range 6 East, MDB&M. Latitude: 38°29'20"N and Longitude: 121°21'00" W

County: Sacramento County

Receiving Water(s) (hydrologic unit): Gerber Creek, Sacramento Hydrologic Basin, Valley-American Hydrologic Unit #519.12, Florin HSA

Water Body Type: Wetland, Vernal Pools, Streambed

Designated Beneficial Uses: The *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fourth Edition, revised October 2011 (Basin Plan) has designated beneficial uses for surface and ground waters within the region. Beneficial uses that could be impacted by the project include, but are not limited to: Municipal and Domestic Water Supply (MUN); Agricultural Supply (AGR); Industrial Supply (IND); Hydropower Generation (POW); Groundwater Recharge (GWR); Water Contact Recreation (REC-1); Non-Contact Water Recreation (REC-2); Warm Freshwater Habitat (WARM); Cold Freshwater Habitat (COLD); Preservation of Biological Habitats of Special Significance (BIOL); Rare, Threatened, or Endangered Species (RARE); Migration of Aquatic Organisms (MIGR); Spawning,

Reproduction, and/or Early Development (SPWN); and Wildlife Habitat (WILD). A comprehensive and specific list of the beneficial uses applicable for the project area can be found at http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/index.shtml.

303(d) List of Water Quality Limited Segments: Gerber Creek, an unnamed wetland, and vernal pools are the receiving waters for the North Vineyard Greens Development Project (Phase 1). Gerber Creek, the unnamed wetland, and vernal pools are not listed on the 303(d) list; therefore, this project will not impact an impaired water body. The most recent list of approved water quality limited segments is found at:
http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2010.shtml

Project Description: The North Vineyard Greens Development Project (Phase 1) (formerly called North Vineyards Greens Development Project Unit 1 Subdivision, Unit 3 Subdivision, and Gosal Estates) (herein, Project) is located north of Gerber Road and west of Bradshaw Road, in the city of Sacramento. The Project involves the residential development of approximately 206.3 acres within the North Vineyards Greens Station Specific Plan area in southern Sacramento County.

The entire proposed development includes approximately 514 single-family homes, 5 multi-family parcels, open space areas, associated internal roads, activities along Gerber Creek, and an onsite detention basin. The Applicant proposes to phase the Project implementation and corresponding compensatory mitigation in two phases. This Certification authorizes the proposed impacts during Phase 1 of Project activities, which includes permanent and temporary impacts to seasonal wetlands, an unnamed drainage channel, vernal pools, and riparian habitat (Table 2).

The first phase, identified by the red outline in Figure 1, includes the Project area north of the railroad tracks. The USACE verified wetland delineation from 29 May 2013 only included Phase 1 of the Project area and identified approximately 0.563 acre of water bodies. Project activities, including grading and fill, will permanently impact 0.49 acre/4,200 linear feet of waters of the United States as well as include installation of a temporary outfall from the proposed detention basin. The temporary outfall will be constructed above the ordinary high water mark of Elder Creek. The temporary outfall will be removed after a permanent outfall is constructed for the detention basin planned under the North Vineyard Station Drainage Master Plan's water quality certification issued on 8 August 2007 (WDID#5A34CR00353). The area temporarily impacted by the outfall, will be restored within 3 years of installation.

The second phase (Phase 2), identified by the black outline in Figure 1, will include the remaining portion of the project area south of the railroad tracks. The USACE verified wetland delineation, dated 29 May 2013, did not include the area of Phase 2. This Certification does not authorize Phase 2 project activities that may impact waters of the State. To request authorization for potential impacts of Phase 2 project activities, the Applicant will submit a request for an amendment to this Certification. A request for amendment includes, at a minimum, a project description and summary of proposed impacts to waters of the State for Phase 2.

Phase 1 of the Project will permanently impact 0.49 acre/4,200 linear feet of waters of the United States.

Preliminary Water Quality Concerns: Construction activities may impact surface waters with increased turbidity and settleable matter.

Proposed Mitigation to Address Concerns: The Applicant will implement Best Management Practices to control sedimentation and erosion. All temporary affected areas will be restored to pre-construction contours and conditions upon completion of construction activities to provide 1:1 mitigation for temporary impacts. This Certification requires all work to be conducted during periods of no flow. In the event that project activities result in any materials reaching surface waters or unanticipated in-water work occurs, the Applicant will conduct turbidity and settleable matter testing. During this testing, the Applicant will stop work if Basin Plan criteria are exceeded or observations indicate an exceedance of a water quality objective.

Excavation/Fill Area: Approximately 1,700 cubic yards of clean soil will be placed into waters of the United States during Phase 1 activities.

Dredge Volume: None

California Integrated Water Quality System Impact Data: The Project will permanently impact multiple water feature types from fill activities as described in Table 2.

Table 2: Impacts from Fill Activities

Water Feature Type	Permanent			Temporary		
	Acres	Linear Feet	Cubic Yards	Acres	Linear Feet	Cubic Yards
Wetlands						
Seasonal wetland	0.004	-	-	-	-	-
Seasonal wetland swale	0.008	-	-	-	-	-
Wetlands Total	0.012	-	-	-	-	-
Vernal Pool						
Vernal pools	0.15	-	-	-	-	-
Stream Channel						
Unnamed drainage channel	0.328	4200	-	-	-	-
Riparian Area						
Elder Creek stream bank	0	0	-	0.003	20	-
Total Impacts	0.49	4200	-	0.003	20	-

United States Army Corps of Engineers File Number: SPK #2006-00428

United States Army Corps of Engineers Permit Type: Individual Permit

California Department of Fish and Wildlife Lake or Streambed Alteration Agreement:

The Applicant did not apply for a Lake or Streambed Alteration Agreement.

Possible Listed Species: Vernal pool fairy shrimp, Vernal pool tadpole shrimp, Northwestern pond turtle, Giant garter snake, and Swainson's hawk.

Status of CEQA Compliance: The County of Sacramento is the Lead Agency responsible for compliance with the California Environmental Quality Act for the entire North Vineyard Greens Development 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 entire North Vineyard Greens Development 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 will file a Notice of Determination with the State Clearinghouse as a responsible agency within five (5) days of the date of this Certification.

Compensatory Mitigation: As requested by the FWS, the Applicant will purchase vernal pool crustacean preservation credits at a ratio of 2:1 and purchase vernal pool crustacean creation credits at a ratio of 1:1 to compensate for all permanent impacts to waters of the United States. To compensate for the proposed impacts of Phase 1 of the Project, the Applicant will purchase mitigation credits from an USACE-approved mitigation bank to preserve 0.98 acre of vernal pool habitat and create 0.49 acre of vernal pool habitat.

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

Application Fee Provided: Total fees of \$6,312.27 have been submitted to the Central Valley Water Board as required by § 3833(b)(3)(A) and § 2200(a)(3) of the California Code of Regulations.

DISTRIBUTION LIST

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Sacramento, CA 95814-2922

United States Fish & Wildlife Service
Sacramento Fish & Wildlife Office
2800 Cottage Way
Sacramento, CA 95825

National Marine Fisheries Service
650 Capitol Mall, Suite 5-100
Sacramento, CA 95814-4708

Jeff Drongesen
Department of Fish and Wildlife
LSAA Program
1701 Nimbus Road, Suite A
Rancho Cordova, CA 95670

Bill Jennings
CA Sportfishing Protection Alliance
3536 Rainier Avenue
Stockton, CA 95204

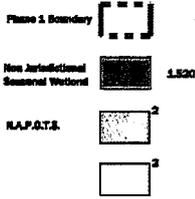
Bill Orme (Electronic copy only)
401 Certification and Wetlands Unit Chief
State Water Resources Control Board

Jason A. Brush (Electronic copy only)
Wetlands Office Supervisor (WTR-8)
United States Environmental Protection Agency

Bjorn Gregersen
ECORP Consulting, Inc.
2525 Warren Drive
Rocklin, CA 95677

WATERS OF THE U.S. ACREAGE¹

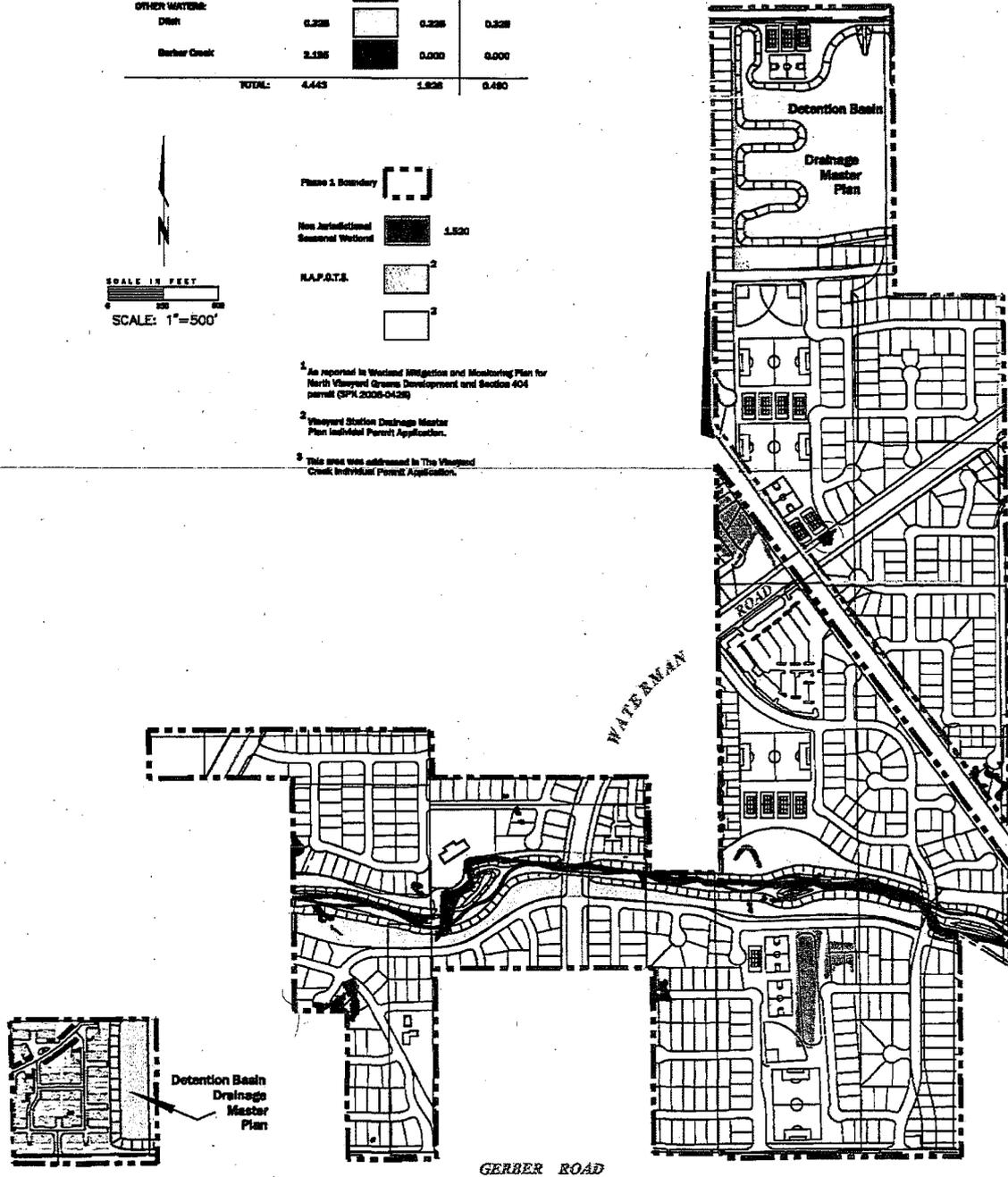
CLASSIFICATION	EXISTING ACREAGE	IMPACT ACREAGE	PHASE 1 IMPACT ACREAGE
WETLANDS:			
Vernal Pool	0.160	0.160	0.160
Seasonal Wetland	0.820	0.820	0.004
Seasonal Wetland Swale	0.021	0.006	0.008
Marsh	0.920	0.920	0.000
OTHER WATERS:			
Ditch	0.228	0.228	0.228
Barber Creek	2.196	0.000	0.000
TOTAL:	4.445	1.926	0.490



¹ As reported in Wetland Mitigation and Monitoring Plan for North Vineyard Green Development and Section 404 permit (SPX 2006-0428)

² Vineyard Station Drainage Master Plan Individual Permit Application.

³ This area was addressed in The Vineyard Creek Individual Permit Application.



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FIGURE 1. North Vineyard Green - Project Area & Phase 1 Boundary

