

Central Valley Regional Water Quality Control Board
4/5 June 2015 Board Meeting

Response to Written Comments on
Amended Water Quality Certification for
GBD Communities
Creekview Development Project
Placer County

At a public hearing scheduled for 4/5 June 2015, the Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) will consider issuance of an amended Water Quality Certification for GBD Communities Creekview Development. This document contains responses to written comments received from interested parties in response to the Public Notice of an application for an amended Water Quality Certification for the Creekview Development. Written comments from interested parties were required to be received by the Central Valley Water Board by 1 May 2015 in order to receive full consideration. Comments were received before the deadline from:

1. Sierra Club, Placer Group (received 1 May 2015)

Written comments from the above interested parties are summarized below, followed by the response of Central Valley Water Board staff.

SIERRA CLUB PLACER GROUP COMMENTS

SIERRA CLUB COMMENT #1 – Avoidance of Wetlands

Sierra Club strongly urges for all options to be considered to eliminate/avoid any impacts to wetlands, including any dredge or fill activities.

RESPONSE:

A final Notice of Determination was signed by the Roseville City Council on 24 September 2014, approving an Environmental Impact Report (EIR) for the Creekview Specific Plan (CSP), stating the project will have a significant effect on the environment. Mitigation measures, including a Mitigation Monitoring Plan, were made “required conditions for approval” for the project. A Statement of Overriding Considerations was adopted for significant/unavoidable impacts, including those that effect wetlands.

In August 2000, the City of Roseville (City) and U.S. Fish and Wildlife Service (USFWS) entered into a memorandum of understanding (MOU) to prepare a Habitat Conservation Plan (HCP) or equivalent permit process to minimize the indirect impact and incidental take of vernal pool species from future City growth. Consistent with this agreement, the

City, CSP Landowners, USFWS, U.S. Army Corps of Engineers (USACE), and the U.S. Environmental Protection Agency (EPA) conducted an extensive early consultation.

Furthermore, the *Wetland Mitigation Guidelines* in the City of Roseville's General Plan provide that "[i]n conjunction with required environmental review per CEQA," the City shall "regulate the preservation, mitigation, monitoring and maintenance of wetland areas in coordination with the California Department of Fish and Game (now Wildlife), U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, and U.S. Environmental Protection Agency. For federally non-regulated wetlands, the City may require compensation or mitigation based on the value of the resource and reserves the right to consider not-in-kind compensation".

Wetland preservation, mitigation, monitoring and maintenance efforts in Roseville shall, where feasible, comply with the following principles:

- Avoidance of resources as a first priority, with compensation or mitigation implemented when avoidance is determined not to be feasible or desirable;
- No net loss of wetland acreage, values or function, or habitat of comparable value is provided;
- Comprehensive rather than incremental preservation, compensation or mitigation programs
- Preservation, compensation or mitigation efforts focused on enhancing and expanding existing resource areas rather than creating isolated resource pockets;
- Preserves, compensation or mitigation areas created that are large enough to be self-sustaining and ensure the long-term preservation of wetland resources and required watersheds, provide an adequate buffer, and have a sufficient number of wetlands to support adequate species populations and range;
- Preserves and compensation or mitigation areas selected on their representative habitat quality, watershed integrity, defensibility, buffer, size, plant species, variety, and presence of special status species.

When avoidance is determined not to be feasible or desirable, compensation or mitigation shall occur based on the following priorities:

- On-site within the identified project or specific plan area when long-term resource viability is feasible.
- Off-site, but within the City of Roseville, when on-site compensation or mitigation is determined not to be feasible or desirable.
- Off-site outside the City, only when the above two options were determined not to be feasible or desirable. Compensation or mitigation efforts outside the City

should be in proximity and accessible to Roseville residents and should be coordinated with regional preservation and banking efforts. Proposals to provide wetland compensation or mitigation outside the City shall be accompanied by documentation indicating how the compensation or mitigation proposal benefits the resource and the City and how the loss of open space resources in the City will be mitigated.”

In March 2015 the U.S, Army Corps of Engineers made the determination that approximately 54 acres of farm lands and 2.54 acres of perennial stream below the project identified as “off-site improvement area” was jurisdictional wetlands. The Corps’ determination lead to a request to amend the existing water quality certification to address the additional wetlands impacted within the “off-site improvement area”.

The amended Creekview Development Project, including the off-site improvement area, will permanently impact 24.78 acres of jurisdictional wetlands; including 12.02 acres of off-site farm fields, 1.23 acres of vernal pools, 11.19 acres of riparian/seasonal wetlands, and 0.34-acre (220 linear feet) of un-vegetated streambed. The City of Roseville has owned the off-site improvement area property since 2002 and has leased the land for dry farming. The inclusion of the off-site improvement area, which will be part of a flood bypass channel below the project, increased the jurisdictional impacts of the project by 12.02 acres. The following table describes the total jurisdictional waters, the avoided impacts and the direct impacts by the project.

Total Jurisdictional Waters

Creekview Project	Existing Wetlands	Avoided	Direct Impacts
Ephemeral Stream	0.08	0.04	0.04
Intermittent Stream	1.77	1.77	0.00
Perennial Stream	5.48	5.37	0.11
Seasonal Marsh	2.70	0.00	2.70
Seasonal Wetland	7.23	2.82	4.41
Vernal Pool	1.75	0.52	1.23
Wetland Swale	13.34	9.26	4.08
Subtotal	32.35	19.78	12.57
Offsite Improvement Area			
Offsite Ag Field	54.23	42.21	12.02
Perennial Stream	2.54	2.35	0.19
Subtotal	56.77	44.56	12.21
Total Waters of U.S.	89.12	64.34	24.78

Compensatory Mitigation for those impacts complies with the U.S. Army Corps of Engineers' (Corps) requirements for compensatory mitigation for the impacts to jurisdictional water. The Corps requires that GBD Communities consider and use all reasonable and practical measures to avoid and minimize impacts to aquatic resources. GBD Communities is proposing to purchase compensatory mitigation credits from a Corps approved mitigation bank to offset impacts to 9.72 acres of wetlands, including vernal pools and swales, and 3.04 acres of seasonal marsh and intermittent drainage. To compensate for impacts to 12.02 acres of farmed seasonal wetlands in the off-site improvement area, the proponent is proposing to establish seasonal wetland and riparian habitats within the on- and off-site portions of the bypass channel corridor.

Please note that the California Wetlands Conservation Policy sets a goal to ensure no overall net loss and achieve a long-term net gain in the quantity, quality, and permanence of wetlands acreage and values in California in a manner that fosters creativity, stewardship, and respect for private property" (Executive Order W-59-93). This project complies with the policy.

SIERRA CLUB COMMENT #2 –The project does not come under PCHCP

The Sierra Club contends that the project does not come under Placer County Habitat Conservation Plan (PCHCP)

RESPONSE:

Board Staff agrees in part. The project does not come under the PCHCP, however as noted in Response #1 the City of Roseville has its own HCP, which is equivalent to the PCHCP, through a MOU with the U.S. Fish and Wildlife Service.

SIERRA CLUB COMMENT #3 –CA Department of Fish and Wildlife Consultation

The Sierra Club contends that consultation with the California Department of Fish and Wildlife and the other agencies involved in the project is required for the proposed and recent changes to the project.

RESPONSE:

Board staff agrees in part: consultation with the California Department of Fish and Wildlife and the other agencies involved in the project is required. On 22 May 2013 GBD Communities received a Lake & Streambed Alteration Agreement Number: 1600-2013-0118-R2 from the CA Department of Fish and Wildlife. A final Notice of Determination was signed by the Roseville City Council on 24 September 2014, approving an

Environmental Impact Report (EIR). The CA Department of Fish and Wildlife and the other agencies involved in the project were provided an opportunity to comment on the proposed changes to the project during the public comment period of the EIR.

In addition, on 8 October 2014, a Water Quality Certification was issued to GBD Communities for the Creekview Development project. On 3 April 2015, GBD Communities requested an amendment to the Water Quality Certification to account for an additional 12.02 acres of wetlands that would be impacted by the project. In March 2015 the Corps made the determination that approximately 54 acres of farm lands and 2.54 acres of perennial stream below the project identified as “off-site improvement area” was jurisdictional wetlands. The Corps’ determination lead to the request for the amendment because the 12.02 acres of the 54.23 acres of farm land in the off-site improvement area would be impacted by the continuation of the flood control bypass channel. The amendment request was noticed for a 21 day public comment period in April 2015. Comments were received from Sierra Club, Placer Group on 1 May 2015. The time to address other project issues was during the original 21-day public notice period for the original water quality certification. No comments were received during that public notice period and the original water quality certification was issued based on that record. A public hearing concerning the amendment request will be held during the Central Valley Regional Water Quality Control Board meeting scheduled for 4/5 June 2015.