

## LATE REVISIONS

### BROOKFIELD SUNSET LLC AMORUSO RANCH PROJECT PLACER COUNTY

Water Quality Order No. R5-2021-XXXX  
Waste Discharge Requirements  
WDID#5A31CR00520

California Regional Water Quality Control Board  
Central Valley Region  
Board Meeting – 18/19 February 2021  
Agenda Item No. 19

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The following late revisions have been made to the proposed Waste Discharge Requirements for Brookfield Sunset LLC (Permittee) Amoruso Ranch Project to provide clarification to the mitigation measures and Statement of Overriding Considerations under the California Environmental Quality Act.

1. **Order Page 6. Section XI. Regulatory Considerations.** Revise the first paragraph of Section XI, as shown below, to clarify that an addendum to the Environmental Impact Report was prepared by the City of Roseville due to the addition of avoidance measures.

#### **XI. Regulatory Considerations**

On 7 July 2016, the City of Roseville, as lead agency, certified a final environmental impact report (FEIR) (State Clearinghouse (SCH) No. 2013102057) for the Project and filed a Notice of Determination (NOD) at the SCH on 14 July 2016. Following certification of the FEIR, the City of Roseville, among other minor modifications, made changes to the Project to include additional avoidance of wetland features. The City of Roseville prepared an Addendum to the FEIR prior to approving the changes and filed a NOD on 19 March 2020. Pursuant to CEQA, the Central Valley Water Board has made Findings of Facts (Findings) which support the issuance of this Order and are included in Attachment C.

2. **Attachment C. Page 6. Section b.ii. Facts in Support of Finding (MM 4.8-2: Vernal Pool Fairy Shrimp Measures).** Additional details were added regarding the mitigation measures for Vernal Pool Fairy Shrimp to reflect the approved biological opinion from the United States Fish and Wildlife Service through consultation under Section 7 of the Endangered Species Act.

#### **MM 4.8-2: Vernal Pool Fairy Shrimp Measures**

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### **USFWS Biological Opinion Conservation Measures for Vernal Pool Fairy Shrimp:**

#### Onsite Preserve

- 1) The 108.5-acre Onsite Preserve, which contains 14.86 acres of fairy shrimp habitat, will be preserved in perpetuity. The Onsite Preserve will be protected by a Service-approved and recorded conservation easement prior to earthmoving activities.
- 2) The Onsite Preserve will be transferred in fee title to the City of Roseville. It will be owned by the City of Roseville and managed under a PCCP-compatible management plan (as described in the draft HCP/NCCP in Section 5.3.2.1.2 Content of Reserve Unit Management Plans).
- 3) The conservation easement and the associated long-term management plan will be provided to the Service for review and approval prior to earthmoving activities for Phase 1 of the proposed project. Placer County or the PCA will hold the conservation easement over City of Roseville-owned land.
- 4) Long-term management, monitoring, and maintenance of the Onsite Preserve will be funded by the City of Roseville's Community Facilities District (CFD) No. 2. The CFD will be formed to fund all of these services in perpetuity and includes an annual 4% escalator to cover potential increases in management costs. The long-term management plan will include a Property Analysis Records (PAR) analysis for operating the Onsite Preserve in perpetuity and include cost and funding details to ensure that the CFD funding mechanism covers all required activities described in the management plan.

#### Fees

- 1) The applicant will pay fees for impacts as described in the draft HCP/NCCP and consistent with the PCCP fee schedule as confirmed by Placer County or the PCA. This will include the purchase of in-lieu fee (ILF) credits at the Western Placer ILF and the payment of fees to the County or the PCA for the conversion of all land cover types described in the HCP/NCCP that are present within the proposed project.
- 2) applicant will purchase ILF credits at the Western Placer ILF consistent with the requirements of the PCCP. The applicant has proposed to purchase ILF credits at a 2:1 ratio for all direct impacts to waters of the U.S. (2 acres of ILF credits to 1 acre of habitat impacted) and at a 0.5:1 ratio for all indirect impacts to waters of the U.S. Therefore, the applicant has proposed to offset the impacts to 20.30 acres of waters of the U.S., including 10.78 acres of fairy shrimp habitat, with the purchase of 31.10 acres of ILF credits (Table 1). If the PCCP is approved, the Applicant may use the applicable ratios set forth in the adopted PCCP.

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- 3) The applicant will pay fees for impacts as described in the PCCP and consistent with the applicable PCCP fee schedule as confirmed by the County or PCA. The actual acreages may change slightly, and the final acreages will be approved by the County or PCA and by the Service. Currently, the applicant has proposed to pay fees to the County or PCA for the conversion of 523.1 acres of land cover types, including 418.3 acres of vernal pool complex, 97.0 acres of pasture/grassland, and 7.8 acres of aquatic/wetland complex.
- 4) Prior to payment of fees, an accounting of the proposed fees and written confirmation from Placer County or the PCA that the fees are consistent with PCCP requirements will be provided to the Service.
- 5) Prior to earthmoving on each phase of the proposed project, the applicant will purchase ILF credits and pay other relevant PCCP fees sufficient to compensate for impacts within that phase. Fees will be consistent with the PCCP fee schedule applicable at the time fees are paid.

3. **Attachment C. Page 6. Section b.ii. Facts in Support of Finding (Significance After Mitigation).** The Significance After Mitigation section was updated to include a statement regarding the USFWS biological opinion discussed in Item 2, as shown below.

### **Significance After Mitigation**

As detailed in the FEIR, suitable habitat for vernal pool crustaceans, such as vernal pool fairy shrimp and vernal pool tadpole shrimp, is present in the Project site. Loss of wetland habitat would occur as a result of grading and other ground disturbing activities related to the development of the Project. The FEIR initially stated approximately 14.461 acres of vernal pools and wetlands that provide habitat for vernal pool crustaceans would be directly impacted by the Proposed Project. The FEIR stated indirect impacts to on-site habitat could impact 8.151 acres, and off-site indirect impacts could impact 1.820 impacts of vernal pool fairy shrimp habitat. The impact footprint has been reduced by Project modification following continued consultation with the U.S. Army Corps as noted in the Lead Agency's Addendum and Project materials. The USFWS conservation measures in the approved biological opinion that has replaced the vernal pool fairy shrimp FEIR mitigation measure provides increased conservation of habitat beyond that prescribed in the FEIR. The additional 10 acres of open space that was designated following consultation with the U.S. Army Corps of Engineers provides additional protection for habitat and species, specifically wetlands and fairy shrimp. This impact is less than significant with mitigation.

4. **Attachment C. Page 6. Section c.ii. Facts in Support of Finding (MM 4.8-3: Special Status Plant Measures).** Paragraphs a) and b) in this section were

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modified as shown below to identify that the Western Placer County In-Lieu Fee Program (ILF Program) sites could also be used for compensatory mitigation purposes and allow for a reduction in wetland habitat impacts.

### **MM 4.8-3: Special Status Plant Measures**

The following mitigation measures shall be implemented to reduce impacts to special status plant species:

a) A qualified botanist or biologist shall collect source pool inoculum from the two vernal pools containing Dwarf downingia and shall transfer the soil inoculum to the created and/or restored wetlands within the proposed offsite Mitigation Properties [or ILF Program mitigation sites]. A botanist or qualified biologist shall determine which created pools will provide the best suitable habitat. Created and/or restored wetlands will require monitoring according to Section 404 permit guidelines and therefore transferred inoculum would be covered under such efforts.

b) Perform focused special-status plant surveys according to California Department of Fish and Wildlife (CDFW), California Native Plant Society (CNPS), and USFWS protocols (CDFW, 2000; CNPS, 2001; Cypher, 2002; USFWS, 1996b) for the three off-site Mitigation Properties [or ILF Program mitigation sites]. Surveys shall be timed according to the blooming period for target species and known reference populations will be visited prior to surveys to confirm the species is blooming where known to occur.

### **5. Attachment C. Page 16. Section D. Statement of Overriding Considerations.**

This section was modified to clarify that the Western Placer County In-Lieu Fee Program presents a regional solution to the cumulative impacts reflected in FEIR as shown below.

#### **D. Statement of Overriding Considerations**

[...]

The Central Valley Water Board has independently reviewed and considered the Lead Agency's documentation and findings. The Central Valley Water Board has considered the economic, legal, social, technological, and other benefits of the Project against its significant unavoidable impacts to water quality and finds that the specific economic and social benefits of implementing the Project as detailed by the Lead Agency—including increased housing and employment opportunities—outweigh the significant and unavoidable impacts identified above. The Central Valley Water Board defers to the Lead Agency's land use planning decisions and its vision for continued growth and development in the City of Roseville. Additionally, participation in the Placer County Conservation Program's Western Placer

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County In-Lieu Fee Program, as described in Section XI of the Water Quality Order, presents a regional solution to the cumulative impacts reflected in FEIR Impact 4.8-18, which was not fully contemplated in the FEIR because the Program had not yet been finalized or approved at the time the FEIR was certified. This Program will ensure that significant and unavoidable losses are appropriately offset with appropriate compensatory mitigation to considerably lessen their overall cumulative impact. The appropriate compensatory mitigation included as part of the Western Placer County In-Lieu Fee Program and as detailed above and in the Order is intended to adequately offset Project-specific impacts and the Central Valley Water Board is committed to increasing the quantity, quality, and diversity of wetlands that qualify as waters of the state through implementation of the No Net Loss Policy.

6. **Attachment C. Page 16. Section E. Determination.** This section was modified as shown below to clarify the Board's determination consistent with the Facts in Support of Finding in Attachment C.

### **E. Determination**

The Central Valley Water Board has reviewed and considered the environmental document and supplemental information provided by the City of Roseville and has reached its own conclusion to approve this Project. The Central Valley Water Board will file a NOD with the SCH within five (5) working days from the issuance of this Order. (California Code of Regulations, title 14, section 15096.)