Central Valley Regional Water Quality Control Board

Date

Mr. David Ragland
GBD Communities
3001 Douglas Boulevard, Suite 200
Roseville, CA 95661

AMENDED CLEAN WATER ACT §401 TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION FOR DISCHARGE OF DREDGED AND/OR FILL MATERIALS FOR THE CREEKVIEW DEVELOPMENT PROJECT (WDID#5A31CR00324a), ROSEVILLE, PLACER COUNTY

ACTION:

1. ☐ Order for Standard Certification
2. ■ Order for Technically-conditioned Certification
3. ☐ Order for Denial of Certification

WATER QUALITY CERTIFICATION STANDARD CONDITIONS:

1. This certification action 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 Title 23 of the California Code of Regulations (23 CCR).

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 23 CCR subsection 3855(b) 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 23 CCR §3833, unless otherwise stated in writing by the certifying agency.

4. Certification is valid for the duration of the described project. GBD Communities shall notify the Central Valley Water Board in writing within 7 days of project completion.

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ADDITIONAL TECHNICALLY CONDITIONED CERTIFICATION CONDITIONS:

In addition to the four standard conditions, GBD Communities shall satisfy the following:

1. GBD Communities shall notify the Central Valley Water Board in writing 7 days in advance of the start of any in-water activities.

2. Except for activities permitted by the U.S. Army Corps 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. All areas disturbed by project activities shall be protected from washout or erosion.

4. GBD Communities 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.

5. An effective combination of erosion and sediment control Best Management Practices (BMPs) must be implemented and adequately working during all phases of construction.

6. All temporarily affected areas will be restored to pre-construction contours and conditions upon completion of construction activities.

7. GBD Communities shall perform surface water sampling: 1) When performing any in-water work; 2) In the event that project activities result in any materials reaching surface waters or; 3) When any activities result in the creation of a visible plume in surface waters. The following monitoring shall be conducted immediately upstream out of the influence of the project and 300 feet downstream of the active work area. Sampling results shall be submitted to this office within two weeks of initiation of sampling and every two weeks thereafter. The sampling frequency may be modified for certain projects with written permission from the Central Valley Water Board.

Parameter	Unit	Type of Sample	Frequency of Sample
Turbidity	NTU	Grab	Every 4 hours during in water work
Settleable Material	ml/l	Grab	Same as above.
Visible construction related pollutants	Observations	Visible Inspections	Continuous throughout the construction period

8. Activities shall not cause turbidity increases in surface water to exceed:

   (a) where natural turbidity is less than 1 Nephelometric Turbidity Units (NTUs), controllable factors shall not cause downstream turbidity to exceed 2 NTU;
   (b) where natural turbidity is between 1 and 5 NTUs, increases shall not exceed 1 NTU;
   (c) where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent;
   (d) where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs;
   (e) 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 NTU over background turbidity as measured in surface waters 300 feet downstream from the working area. 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 assessed by prior permission of the Central Valley Water Board.

9. Activities shall not cause settleable matter to exceed 0.1 ml/l in surface waters as measured in surface waters 300 feet downstream from the project.

10. The discharge of petroleum products or other excavated materials to surface water is prohibited. Activities shall not cause visible oil, grease, or foam in the work area or downstream. GBD Communities shall notify the Central Valley Water Board immediately of any spill of petroleum products or other organic or earthen materials.

11. GBD Communities shall notify the Central Valley Water Board immediately if the above criteria for turbidity, settleable matter, oil/grease, or foam are exceeded.

12. GBD Communities shall comply with all Department of Fish and Wildlife 1600 requirements for the project.

13. GBD Communities must obtain coverage under the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities issued by the State Water Resources Control Board for any project disturbing an area of 1 acre or greater.

14. The Conditions in this water quality certification are based on the information in the attached "Project Information." If the information in the attached Project Information is modified or the project changes, this water quality certification is no longer valid until amended by the Central Valley Water Board.

15. In the event of any violation or threatened violation of the conditions of this Order, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under State law and section 401 (d) of the federal Clean Water Act. 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 into this Order.

a. If GBD Communities or a duly authorized representative of the project fails or refuses to furnish technical or monitoring reports, as required under this Order, or falsifies any information provided in the monitoring reports, the applicant is subject to civil monetary liabilities, for each day of violation, or criminal liability.

b. In response to a suspected violation of any condition of this Order, the Central Valley Water Board may require GBD Communities 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. GBD Communities shall allow the staff(s) 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.

ADDITIONAL STORM WATER QUALITY CONDITIONS:

GBD Communities shall also satisfy the following additional storm water quality conditions:

1. During the construction phase, GBD Communities 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. GBD Communities must minimize the short and long-term impacts on receiving water quality from the Creekview Development Project by implementing the following post-construction storm water management practices:

   (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 and sediment loss, or establish development guidance that protects areas from erosion/ sediment loss;

(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. GBD Communities 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 developer'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.

4. Staff of the Central Valley Water Board has prepared total maximum daily load (TMDL) allocations that, once approved, would limit methylmercury in storm water discharges to the Sacramento-San Joaquin Delta. The Central Valley Water Board has scheduled these proposed allocations to be considered for adoption. When the Central Valley Water Board adopts the TMDL and once approved by the Environmental Protection Agency, the discharge of methylmercury may be limited from the proposed project. The purpose of this condition is to provide notice to GBD Communities that methylmercury discharge limitations and monitoring requirements may apply to this project in the future and also to provide notice of the Central Valley Water Board's TMDL process and that elements of the planned construction may be subject to a TMDL allocation.

REGIONAL WATER QUALITY CONTROL BOARD CONTACT PERSON:

George D. Day, P.E.,Redding Branch Office, 364 Knollcrest Drive, Suite 205, Redding, California 96002, (530) 224-4845

WATER QUALITY CERTIFICATION:

I hereby issue an order certifying that any discharge from GBD Communities, Creekview Development Project (WDID# 5A31CR00324a) 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 strict compliance with GBD Communities' project description 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*, Fourth Edition, revised October 2011 (Basin Plan).

Any person aggrieved by this action may petition the State Water Quality Control Board to review the action in accordance with California Water Code § 13320 and California Code of Regulations, title 23, § 2050 and following. The State Water Quality Control Board must receive the petition by 5:00 p.m., 30 days after the date of this action, except that if the thirtieth day following the date of this action falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Quality Control Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

PAMELA C. CREEDON
Executive Officer

GDD:lmw

Enclosure: Water Quality Order No. 2003-0017 DWQ

cc w/o enclosures:
Mr. Will Ness, U.S. Army Corp of Engineers, Sacramento
Department of Fish and Wildlife, Region 2, Rancho Cordova
U.S. Fish and Wildlife Service, Sacramento
Mr. Bill Jennings, CALSPA, Stockton
Jinnah Benn, Salix Consulting, Inc., Auburn

cc w/o enclosures by email:
U.S. EPA, Region 9, San Francisco
Mr. Bill Orme, SWRCB, Certification Unit, Sacramento

PROJECT INFORMATION

Application Date: 9 July 2014

Application Complete Date: 6 October 2014

Amendment Request: 3 April 2015

Public Notice: 10 April 2015 through 1 May 2015

Applicant: GBD Communities, Attn: Mr. David Ragland

Project Name: Creekview Development Project

Application Number: WDID No. 5A31CR00324a

U.S. Army Corps File Number: SPK-2006-00650

Type of Project: Development of a ±461.4-acre plan area with urban uses, including residential, commercial, commercial/business professional, public/quasi-public, park and open space uses as well as associated off-site infrastructure. Total development including off-site flood control area 520 aces.

Project Location: Section 14, Township 11 North, Range 05 East, MDB&M.
Latitude: 38°48'08" and Longitude: -121°23'06"

County: Placer County

Receiving Water(s) (hydrologic unit): Pleasant Grove Creek and University Creek, which is tributary to Sacramento River. Valley-American Hydrologic Unit-Pleasant Grove Hydrologic Subarea No. 519.22

Water Body Type: Wetlands, Riparian, Streambed

Designated Beneficial Uses: The Water Quality Control Plan *for the Sacramento River and San Joaquin River*, Fourth Edition, revised September 2009, (Basin Plan) has designated beneficial uses for surface and ground waters within the region. Beneficial uses that could be impacted by the project include: Municipal and Domestic Water Supply (MUN); Agricultural Supply (AGR); Groundwater Recharge, Water Contact Recreation (REC-1); Non-Contact Water Recreation (REC-2); Warm Freshwater Habitat (WARM); Cold Freshwater Habitat (COLD); Spawning, Reproduction, and /or Early Development (SPWN); and Wildlife Habitat (WILD).

Project Description (purpose/goal): The Creekview Specific Plan (CSP) is a comprehensive plan for annexation to the City of Roseville and development of a ±461.4-acre plan area with urban uses, including residential (2,011 units), commercial, commercial/business professional, public/quasi-public, park and open space uses as well as associated off-site infrastructure. The project area includes the 461.4-acre CSP, 12.7-acre for Blue Oaks Boulevard improvements (may be addressed by another Corps Permit) and 58.6-acre Off-Site Improvement Area. The entire project area is 520 acres.

The project includes construction of roadways and infrastructure to support the CSP, including construction of Pleasant Grove Creek bypass channel improvements on- and off-site. The bypass channel improvements include creation of in-stream riparian areas for habitat enhancement. A total of 34.89 acres of wetlands have been identified within the project area, with the greatest concentration of resources located in the northern portion of the project site. The majority of the wetlands that would be impacted by the project are seasonal wetlands and wetland swales, totaling 12.76 acres. The northern portion of the property, along with the Pleasant Grove Creek corridor, supports most of the highest quality vernal pool and seasonal wetland resources in the area. The Creekview Specific Plan Land Use Plan avoids and preserves approximately 58 percent of the wetlands on-site (approximately 22.13 acres), and the project would include habitat and resource preservation at onsite and offsite locations.

A bridge would be constructed across Pleasant Grove Creek to accommodate Westbrook Boulevard, a main thoroughfare for the CSP. The bridge would be 362' long and would be constructed in two sections that would run parallel to each other. Each section would measure 52', 6" wide and there would be a 14' gap between the two sections. The bridge construction would be phased. The first section would be completed in the next 5 years and the second section would be completed approximately 15 years. A temporary 50' work area would be required on either side of the bridge footprint for bridge construction. Utility trenches including water (6' wide), utilities (4' wide), sewer (10' wide), recycle water (6' wide), gravity sewer (10' wide) and a force main (6' wide) would be dug through the bed and bank of Pleasant Grove Creek within the 50' temporary work areas on both sides of the bridge.

There are two pedestrian bridges that would be constructed across Pleasant Grove Creek (PGC). The East Pedestrian Bridge would be 138' long and 12' wide. It would span both the proposed bypass channel and PGC and would have four piers total. The West Pedestrian Bridge would be 290' long and 12' wide and would have two piers. The Army Corps of Engineers does not consider piers to be fill as long as they are not so close together that they restrict the movement of water. Therefore these piers were not included in the project impacts and mitigation is not proposed for their footprint.

Four stormwater quality swales would be located within the bypass channel corridor to convey and treat stormwater prior to discharging into the creek. Some of these features are within the overbank areas of the creeks and would be within the floodplain, and therefore would contribute to the overall floodplain storage. Five stormwater quality swales would be located north of PGC. Six flow exchange weir structures would be constructed to allow flood water from PGC to flow into a bypass channel.

On 27 March 2015 the U.S. Army Corps of Engineers publicly notice a change in jurisdictional impacts to the project. There are approximately 90 acres of wetland and stream habitats within the 520-acre project area. The on-site development area is characterized by level to gently sloping annual grassland with interspersed swale and depressional wetlands. A valley oak dominated riparian corridor is located along Pleasant Grove Creek. The majority of the 58.6-acre off-site improvement area was formerly leveled and used for rice farming. The off-site improvement area includes an approximately 54-acre seasonal wetland complex in the leveled area, and a 2.54-acre riparian wetland complex on the western portion of the site. The City of Roseville has owned the offsite improvement area property since 2002 and has leased the land for dry farming. The inclusion of the off-site improvement area (flood bypass channel below the project) increased the jurisdictional impacts of the project by 12.02 acres, by including currently cultivated farm fields the Corps has designated as jurisdictional wetlands. 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**

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

Proposed Mitigation to Address Concerns: GBD Communities will implement Best Management Practices (BMPs) to control sedimentation and erosion. All temporary affected areas will be restored to pre-construction contours and conditions upon completion of construction activities. GBD Communities will conduct turbidity and settleable matter testing during in-water work, stopping work if Basin Plan criteria are exceeded or are observed.

Fill/Excavation Area Project implementation will permanently impact 24.78 acres of jurisdictional wetlands; including 12.02 acres of off-site Ag 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.

Dredge Volume: 3,996 cubic yards of soil.

U.S. Army Corps of Engineers Permit Number: Individual Permit

Department of Fish and Wildlife Streambed Alteration Agreement: GBD Communities applied for a Streambed Alteration Agreement on 22 May 2013. Lake & Streambed Alteration Agreement Number: 1600-2013-0118-R2

Possible Listed Species: Vernal pool fairy shrimp (*Branchinecta lychi),* Western spadefoot toad. Swainson's Hawk, Northern Harrier, and White Tail Kite.

The following was taken out of the Environmental Impact Report for the Creekview Specific Plan (CSP). The discussion documents the effort taken to address jurisdictional and non-jurisdictional wetland species by the City of Roseville for this project.

"The U.S. Fish and Wildlife Service (USFWS) administer the Federal Endangered Species Act (FESA) except as applied to anadromous fish species and other salt water species. Projects that would result in "take" of any federally listed threatened or endangered species are required to obtain authorization from the USFWS through either Section 7 (Interagency Consultation) or Section 10 (a) (incidental take permit) of FESA, depending on whether the federal government is involved in permitting or funding the project. The authorization process, be it through Section 10 or Section 7, is used to determine whether a project would jeopardize the continued existence of a listed species or cause the destruction or adverse modification of designated critical habitat for the species, and what mitigation measures would be required to avoid jeopardizing the listed species and/or minimize incidental take of the listed species."

The City of Roseville & U.S. Fish and Wildlife Service MOU

"In August 2000, the City and the 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 of Roseville, the CSP Landowners, and the USFWS, the USACE, and the U.S. Environmental Protection Agency (EPA) conducted an extensive early consultation process. The group met on 14 different occasions between March 2007 and August 2008 with the following objective: to reach basic agreement on a land use plan and mitigation strategy that could be permitted under Section 404 of the Clean Water Act utilizing a Section 7 Consultation process for ESA compliance. Modifications to the proposed land use plan were made based on feedback received, which resulted in additional avoidance areas

Per the environmental document for the Creekview Specific Plan, "as an outgrowth of the August 2000 City of Roseville/USFWS MOU, the City in coordination with the USFWS and USACE has prepared a Preserve Area Overarching Management Plan (Overarching Plan). The Overarching Plan will replace various existing operation and management plans for open space preserves established by 404 Permit that are located within the City limits. The Overarching Plan will consolidate preserve management under a single plan allowing for more consistent management across preserves. The Overarching Plan adapts and reallocates monitoring resources to collect more comprehensive and meaningful monitoring data, and combines reporting requirements under a single cover increasing report preparation and review efficiencies for both the City and the federal reviewing agencies. It is anticipated that following dedication to the City, CSP Open Space Preserve areas will be managed by the City in accordance with the City's Overarching Plan."

"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:

1. On-site within the identified project or specific plan area when long-term resource viability is feasible.
2. Off-site, but within the City of Roseville, when on-site compensation or mitigation is determined not to be feasible or desirable.
3. 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."

"All wetland preserve, compensation or mitigation areas shall be designated as permanent open space and maintained as specified in implementation measures Open Space and Conservation Element 8 and 10 of the General Plan. City property may be used for preservation or mitigation if such efforts do not conflict with existing resources, recreational opportunities or other City goals, policies and programs. Pedestrian and cyclist access to preservation and compensation or mitigation areas shall be well-defined and limited to minimize impacts upon the resources. Areas identified as having special status species shall be monitored and managed to encourage the continued viability of the species and discourage non-indigenous invasive species."

Vernal Pool Recovery Plan

Per the environmental documents, "the Creekview Specific Plan (CSP) is located within the area covered by the "Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon" (December 15, 2005), also referred to as the Vernal Pool Recovery Plan. According to the preface, such plans are voluntary guidance documents, not regulatory documents, which broadly address conservation needs of the species. Recovery plans are necessarily expansive, identifying many options and strategies that may contribute to recovery.

According to the Vernal Pool Recovery Plan, "no agency or other entity is required by the Endangered Species Act to implement the recovery strategy or specific recommended action in a recovery plan" (page J-2), and recovery plans also are "not land use plans and cannot restrict activities proposed by other agencies or the public." (Page J-4).

A recovery plan neither expands nor diminishes any obligations under the ESA. Whether or not the USFWS has adopted a recovery plan, all persons are subject to the prohibitions against take of a listed species in Section 9 of the ESA, and all federal agencies must comply with the requirement under Section 7 of the ESA to ensure that its actions do not jeopardize the continued existence of a listed species or adversely modify designated critical habitat.

As a consequence, the California Department of Fish & Game (now Wildlife) typically requests that CEQA lead agencies give consideration to minimization of impacts to special status species when approving projects."

Natural Communities Conservation Planning Act
"Sections 2800–2835 of the California Fish and Game Code detail the State's policies on the conservation, protection, restoration, and enhancement of the State's natural resources and ecosystems. The intent of the legislation is to provide for conservation planning as an officially recognized policy that can be used as a tool to eliminate conflicts between the protection of the State's natural resources and the need for growth and development. In addition, the legislation promotes conservation planning as a means of coordination and cooperation among private interests, agencies, and landowners, and as a mechanism for multi-species and multi-habitat management and conservation. A Natural Communities Conservation Plan (NCCP) can be alternative to an incidental take permit issued under CESA as a source of take authorization for state-listed species."

Placer County Conservation Plan (PCCP)
"For the past several years, Placer County has been working with regulatory agencies and stakeholders to prepare a Natural Community Conservation Plan and Habitat Conservation Plan (NCCP/HCP) to address the conservation of natural communities, endangered species and other less sensitive species of native wildlife that could be affected by actions in the County and other participating agencies such as the Placer County Water Agency (PCWA) and the City of Lincoln. As part of the process, the County intends to apply for a Clean Water Act Section 404 Programmatic General Permit (PGP), CDFG Master Streambed Alteration Agreement (MSAA) and Clean Water Act Section 401 Water Quality Certification. Collectively, the NCCP, HCP, PGP, MSAA, and Water Quality Certification application have been termed the Placer County Conservation Plan (PCCP). At this time the County is focusing on Phase 1, which addresses lands within western Placer County (lands west of Auburn to the western county line). Listed species that are presumed to be covered by such a plan include but are not limited to: Swainson's hawk, vernal pool fairy shrimp, vernal pool tadpole shrimp, and several listed fish species. The City of Roseville is currently not participating in the PCCP because of the City's

existing MOU with the USFWS (see above). Uses and mitigation proposed as part of the CSP are designed to be compatible with the PCCP."

Status of CEQA Compliance: The Roseville City Council signed a final Notice of Determination approving an Environmental Impact Report (EIR) for the Creekview Specific Plan on 24 September 2014 in compliance with Section 21152 of the Public Resources Code, stating the project will have a significant effect on the environment. Mitigation measures. A Mitigation Monitoring Plan was made that "required conditions for approval" for the project. A Statement of Overriding Considerations was adopted for significant/unavoidable impacts. (State Clearinghouse Number 2008032017). As shown above the EIR specially addresses impacts on jurisdictional wetlands, vernal pools, and endangered species.

Compensatory Mitigation: The applicant must comply with the U.S. Army Corps of Engineers' 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. The 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.

Application Fee Provided: On 9 July 2014 a certification application fee of $51,793.00 was submitted as required by 23 CCR §3833b(3)(A) and by 23 CCR §2200(e). An additional fee of $16,765 is required to be submitted because of the impacts on an additional 12.02 acres of jurisdictional wetlands. When added to the application fee already submitted, the fee for the additional 12.02 acres ($56,698) exceeds the statutory maximum fee of $68,558.