



Central Valley Regional Water Quality Control Board

23 September 2019

Les Hock
Big Horn RBVB, LP
10630 Mather Boulevard
Mather, CA 95655

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ORDER AMENDING CLEAN WATER ACT SECTION 401 TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION; BIG HORN RBVB, LP, POPPY KEYS EAST PROJECT (WDID#5A34CR00655A1), SACRAMENTO COUNTY

This Order responds to the 26 June 2019 request for a Certification Deviation for the Poppy Keys East Project (Project) Section 401 Water Quality Certification (WDID#5A34CR00655). The original Water Quality Certification (Certification) was issued on 14 September 2016. The requested deviation was approved on 26 June 2019, and no subsequent requests were received. Big Horn RBVB, LP submitted a request for a Notice of Project Complete Letter on 26 June 2019. A Notice of Project Complete Letter was issued on 12 July 2019. The original Certification is therefore amended as described below. Please attach this document to the original Certification.

AMENDMENT:

Big Horn RBVB, LP requested a certification deviation to update the Project impacts to roadside ditches from permanent to temporary and reduce the amount of compensatory mitigation required for permanent impacts.

The Certification is amended as shown in underline/strikeout format below.

This Order responds to the 2 March 2016 application submitted by Big Horn RBVB, LP (Applicant) for the Water Quality Certification of the Poppy Keys East Project (Project), permanently impacting ~~0.293~~ 0.258 acre/3,243 linear feet and temporarily impacting 0.035 acre/950 linear feet of waters of the United States.

26. To mitigate for the loss of ~~0.293~~ 0.258 acre of tail water ponds, roadside irrigation ditches, and seasonal wetlands, the Applicant shall purchase a minimum of ~~0.084 acre of pond habitat creation mitigation credits, 0.202 acre of stream bed habitat creation mitigation credits, and 0.007~~ 0.29 acre of floodplain mosaic creation mitigation credits from the Cosumnes Floodplain Bank for permanent impacts to

KARL E. LONGLEY SCD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

waters of the United States, or as otherwise required by the United States Army Corps of Engineers for the impacted watershed prior to commencing construction. The Applicant shall provide evidence of all off-site compensatory mitigation to the Central Valley Water Board. Evidence of on-site compensatory mitigation shall be provided with the Notice of Completion. At a minimum, compensatory mitigation must achieve a ratio of 1:1 for permanent impacts.

Receiving Water(s) (hydrologic unit): Unnamed ponds, roadside ditches, irrigation ditches and a seasonal wetland, Sacramento Hydrologic Basin, Valley-American Hydrologic Unit #519.11, Franklin HAS

303(d) List of Water Quality Limited Segments: Unnamed ponds, roadside ditches, irrigation ditches, and a seasonal wetland are the receiving waters for the Poppy Keys East Project. The unnamed ponds, roadside ditches, and seasonal wetland are not listed on the 303(d) list. 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 Poppy Keys East Project (Project) is located approximately 1.1 miles east of the Bruceville Road and Poppy Ridge Road intersection in the Laguna Ridge Specific development area in the City of Elk Grove. The northern project area boundary is Whitelock Parkway and the southern project boundary is Poppy Ridge Road. The Project consists of grading and filling for construction of 79 single family residential lots with associated roadways, and the extension widening of Whitelock Parkway along the Project frontage, as well as to the west of the Project.

Grading activities will fill 0.084 acre of ponds, ~~0.202~~ 0.166 acre/~~3,243~~ 2,293 linear feet of ~~roadside~~ irrigation ditches, and 0.007 acre of seasonal wetlands, which are all waters of the United States (Figure 2). Approximately 0.035 acre/950 linear feet of roadside ditches will be relocated.

No dewatering will occur within the Project area. No wet concrete will be placed into the ponds, ditches, or wetlands. The Project will permanently impact ~~0.293~~ 0.258 acre/~~3,243~~ 2,293 linear feet and temporarily impact 0.035 acre/950 linear feet of waters of the United States.

California Integrated Water Quality System Impact Data: The Project will permanently impact ~~0.293~~ 0.258 acre/~~3,243~~ 2,293 linear feet of lake/pond, stream bed, and wetland habitat.

Table 2: Impacts from Fill Activities

Aquatic Resource Type	Temporary			Permanent					
				Physical Loss of Area			Degradation of Ecological Condition Only		
	Acres	Cubic-yards	Linear-feet	Acres	Cubic-yards	Linear-feet	Acres	Cubic-yards	Linear-feet
Lake/Pond				0.084					
Stream Channel	<u>0.035</u>		<u>950</u>	0.202 <u>0.166</u>		3,243 <u>2,293</u>			
Wetland				0.007					
Total	<u>0.035</u>		<u>950</u>	0.293 <u>0.258</u>		3,243 <u>2,293</u>			

Compensatory Mitigation: To mitigate for the loss of ~~0.293~~ 0.258 acre of tail water ponds, ~~roadside irrigation~~ ditches, and seasonal wetlands, the Applicant shall purchase a minimum of ~~0.084 acre of pond habitat creation mitigation credits,~~ ~~0.202 acre of stream bed habitat creation mitigation credits,~~ and ~~0.007~~ 0.29 acre of floodplain mosaic creation mitigation credits from the Cosumnes Floodplain Bank for permanent impacts to waters of the United States, or as otherwise required by the United States Army Corps of Engineers for the impacted watershed prior to commencing construction. The Applicant shall provide evidence of all off-site compensatory mitigation to the Central Valley Water Board. Evidence of on-site compensatory mitigation shall be provided with the Notice of Completion. At a minimum, compensatory mitigation must achieve a ratio of 1:1 for permanent impacts.

Table 3: Compensatory Mitigation for Permanent Physical Loss of Area

Aquatic Resource Type	Comp Mitigation Type			Units		Established	Re-established	Rehabilitated	Enhanced	Preserved	Unknown
	In-Lieu	Mit. Bank	Permittee Responsible	AC (Acres)	LF (Linear Feet)						
Lake/Pond		X	X	0.084		X					
Stream Bed		X	X	0.202 0.166	3,243 2,293	X					
Wetland		X	X	0.007		X					
Total				0.293 0.285	3,243 2,293						

APPLICATION FEE RECEIVED:

No fee was required for this amendment. Total fees of \$43,181.00 for the original Certification were received on 2 June 2016. The fee amount was determined as required by California Code of Regulations, title 23, sections 3383(b)(3) and 2200(a)(3), as was calculated as category A - Fill & Excavation Discharges (fee code 84) with the dredge and fill fee calculator.

CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD CONTACT:

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WATER QUALITY CERTIFICATION:

I hereby issue an Order amending the existing Clean Water Act, Section 401 Technically Conditioned Water Quality Certification for the Poppy Keys East Project (WDID#5A34CR00655A1). All other conditions and provisions of the original Water Quality Certification and any previously approved amendments remain in full force and effect, except as modified based on the conditions of this Order. Failure to comply with the terms and conditions of the original Water Quality Certification, previously approved amendments, or of this Order may result in suspension or revocation of the Water Quality Certification.

Original Signed By Jim Marshall For

Patrick Pulupa
Executive Officer

cc: [Via email only] (w/enclosure)

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