



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

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San Francisco, CA 94105-3901

Colonel Michael J. Farrell
U.S. Army Corps of Engineers
Sacramento District
1325 J Street
Sacramento, CA 95814

JUN 11 2014

Subject: Public Notice (PN) SPK-2004-0888, Amoruso Ranch, Roseville, Placer County, CA

Dear Colonel Farrell:

Thank you for the opportunity to comment on the subject PN dated April 22, 2014. The applicant proposes to construct a 629-acre residential development that would result in the permanent fill of approximately 16.5 acres of waters of the United States, including wetlands and vernal pools. Based on the available information, the EPA concludes that the applicant has not demonstrated compliance with the restrictions on discharges per the Federal Guidelines (Guidelines) promulgated under section 404(b)(1) of the Clean Water Act (CWA) at 40 CFR Part 230. Specifically, the applicant has not 1) submitted an Alternatives Analysis demonstrating that the proposed project is the least environmentally-damaging practicable alternative (LEDPA), or 2) provided adequate information regarding compensatory mitigation for unavoidable impacts.

The overall project purpose is to construct a large, primarily residential development in western Placer, southern Sutter, eastern Yolo or Sacramento counties. Pursuant to the Guidelines, if discharge is proposed for a special aquatic site (such as wetlands and vernal pools) and does not have a water-dependent project purpose, practicable alternatives are presumed to exist unless clearly demonstrated otherwise. In the current proposal, out of a total of 38 acres of wetlands and other waters on the site, 10.7 acres of wetland swales, 2.95 acres of vernal pools, and 2.02 acres of seasonal wetlands would be directly impacted. A significant amount of the wetland swale impacts would be in the area to the northeast of an open space preserve, resulting in a fragmentation of the swales that are part of the preserve. This would have hydrological impacts not only to those swales but could also impact the vernal pools present in the preserve, resulting in indirect impacts to both.

During early coordination meetings with several agencies including the Corps, the EPA and the U.S. Fish and Wildlife Service (USFWS), EPA and USFWS suggested that:

1. The southwest portion of the preserve area be expanded in a northeasterly direction to capture these additional "clay flat" wetland swales and increase avoidance;
2. on-site preserves be connected along the southern boundary to complement the Creekview Specific Plan Preserve to the south; and
3. commercial uses southeast of a "Road A" shown on previous maps be eliminated to provide an increased open space buffer for the adjacent southern preserve area.

These recommendations are reasonable and logical measures to make the proposal less environmentally damaging, and they have not been shown to be impracticable. Instead, the open space preserve map

included in the public notice shows a very nominal expansion in the southern boundary, and actually removes several northern vernal pools that were originally included in the preserve. A plan map showing the proposed development configuration is not included in the application.

To date, the applicant has not submitted an Alternatives Analysis, which must include both an off-site and on-site analysis of alternatives, with cost, logistics, and technical feasibility as the allowable criteria. Off-site alternatives that would not impact waters must be considered. The on-site alternatives analysis must include a comprehensive evaluation of practicable avoidance configurations to eliminate or reduce direct, indirect, and cumulative impacts to waters, especially special aquatic resources such as seasonal wetlands and vernal pools. Any indirect impacts that cannot be avoided must be mitigated in addition to the unavoidable direct impacts.

An analysis of cumulative impacts is also necessary, and may be best disclosed through the NEPA process. Cumulative impacts to this watershed may be significant due to the many recent and proposed developments in the area. EPA is aware of six proposed developments adjacent to the proposed site, including Amoruso Ranch, together comprising about 16,000 acres of new, "greenfields" development. This would result in the cumulative conversion of approximately 25 square miles of natural land cover to suburban uses, with direct impacts to potentially hundreds of acres of vernal pools and other wetlands. In light of the fact that CA has suffered the loss 85% of its wetlands and vernal pools, and 93% of its riparian habitat, the proposed additional losses may cumulatively represent the significant degradation of the aquatic environment. If a project does move forward on this site, the cumulative acreage of fill to waters and the resulting impacts need to be analyzed and mitigated.

As also discussed in the early coordination meetings, this applicant is separately seeking permits for the Westbrook Boulevard project on the same site. The EPA believes these are connected actions as each influences the other's range of practicable alternatives. Thus, we recommend the Corps consider discharges for both actions under a single permit application. Westbrook Boulevard is currently proposed to cut through the open space preserve, thereby causing direct and significant indirect impacts to aquatic resources on the Amoruso Ranch site. We recommend one Alternatives Analysis be prepared for these actions, and that practicable technologies, such as con-span approaches for Westbrook Boulevard, be assessed to avoid fragmenting the preserve.

Because additional avoidance and/or minimization of direct, indirect and cumulative impacts may be practicable, a detailed discussion of compensatory mitigation actions would be premature. However, the applicant's current mitigation proposal raises preliminary concerns. The applicant proposes to construct permittee-responsible mitigation at three nearby off-site properties, Mourier East, Mourier West, and Skover. On the Skover property, this would involve converting existing wetlands from flooded rice fields to seasonal wetlands and vernal pools. Although the EPA supports the restoration of historic vernal pool landscapes, certain irrigated rice fields may already be waters of the US, complicating any assessment of whether the conversion is actually compensatory for the permitted losses. These issues will need to be resolved in a mitigation plan submitted that is compliant with the 2008 Mitigation Rule prior to permit approval.

In summary, the EPA recommends the following, and requests that we be provided subsequent submittals from the applicant for review and potential comment:

1. Require the applicant submit one permit application for Westbrook Boulevard and Amoruso Ranch that considers practicable avoidance measures for both land uses.

2. Require the alternatives analysis to explicitly address the practicability of the agency's avoidance recommendations above.
3. Perform a cumulative impacts analysis that considers the significant historical losses to aquatic resource types being impacted, as well as reasonably foreseeable impacts in the project area.
4. Develop a compensatory mitigation strategy that is consistent with regional conservation planning efforts and fulfills the requirements of the 2008 Mitigation Rule.

Thank you for the opportunity to provide comments on this project. We look forward to working with the Corps and the applicant to resolve the important environmental issues concerning the proposed project. As additional information becomes available on the above concerns, please contact Leana Rosetti of my staff at (415) 972-3070, or rosetti.leana@epa.gov.

Sincerely,



Jason Brush
Supervisor
Wetlands Office

Cc:
William Ness, Corps of Engineers Sacramento Office
Applicant

