UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

APR 14 2016

Colonel Michael J. Farrell
District Engineer, Sacramento District
U.S. Army Corps of Engineers
1325 J. Street, Room 1350
Sacramento, California 95814

OFFICE OF THE
REGIONAL ADMINISTRATOR

Subject: Sierra Vista Specific Plan (SPK 2006-01050) and Infrastructure General Permit, Placer County, California

Dear Colonel Farrell:

EPA Region 9 acknowledges your letter of March 30, 2016 regarding the subject project, a mixed use residential and commercial development that executes the City of Roseville's Specific Plan for a 1,624-acre area known as "Sierra Vista" (SVSP or Plan). Your letter indicates the Corps' intent to (1) issue a Clean Water Act (CWA) Section 404 Regional General Permit (RGP) for discharges supporting the Plan's "backbone" infrastructure (e.g., main roads, utilities), (2) defer decisions on eight individual parcels within the Plan to such time as those landowners apply for individual permits under the Plan, and (3) obtain EPA's "disposition" with respect to Part IV, paragraph 3(d) of our agencies' 1992 Memorandum of Agreement (MOA).

Pursuant to the MOA, EPA Region 9 responded to your District's Public Notice for the entire SVSP on April 28, and May 12, 2008, outlining the Plan's substantial and unacceptable impacts to aquatic resources of national importance (ARNI), including vernal pools. The RGP, although not contemplated as part of the permitting action at SVSP Public Notice, currently accounts for approximately one third (7.99 acres) of the SVSP's overall proposed impacts (24.81 acres) to waters of the United States (waters).

EPA Region 9 will not seek elevation of this RGP to our respective headquarters. However, the subsequent individual permit decisions remain subject to the elevation candidacy we identified for the SVSP in our 2008 letters under the MOA. The draft Record of Decision (ROD) for the RGP was accompanied by a separate draft ROD for the SVSP as a whole, and these two documents conflict in critical ways so as to leave significant uncertainties on practicable impact avoidance and compensatory mitigation at both the Plan and RGP levels. We strongly recommend the Corps revise these draft decision documents consistent with the attached comments, and we look forward to continuing our work together on projects under the Plan.

Thank you for your partnership in implementing CWA programs. To discuss the enclosed comments or any aspect of the path forward on SVSP, please call me at 415-947-8702, or refer your Regulatory Division Chief to Jason Brush at 415-972-3483.

Sincerely,

Jared Blumenfeld

Enclosures:
Detailed comments
All the EPA letters

cc:
Michael Jewell, U.S. Army Corps of Engineers
Jennifer Norris, U.S. Fish and Wildlife Service
Tina Bartlett, California Department of Fish and Wildlife
Pamela Creedon, Central Valley Regional Water Quality Control Board

Detailed Comments on the ROD for the SVSP and the RGP

EPA continues to have strong concerns regarding compliance with the 404(b)(1) Guidelines (Guidelines), particularly with respect to inappropriate cost practicability factors that may have resulted in improperly masking additional, practicable avoidance; the lack of evaluation of secondary impacts and their incorporation into LEDPA determinations; and inappropriate compensatory mitigation that fails to fully offset the proposed impacts and lacks a reasonable probability of ecological success in perpetuity.

Impact Avoidance

The SVSP ROD is the culmination of an Environmental Impact Statement (EIS) which considered alternative permit actions at the Specific Plan level (and to which EPA also expressed objections[1]). EPA continues to disagree with the theoretical construct of "net developable acres" as an appropriate screening criterion for determining compliance with 40 CFR 230.10(a).. In the 404(b)(1) Alternatives Analysis for the Plan (dated February 21, 2014), the applicant uses the metric as something of a profit-smoothing factor for the multiple property owners under the Plan, so that each landowner has similar economic opportunity on their parcel.

This goal of fairness is a perfectly legitimate economic aim of the project overall, and can be an important incentive for multiple landowners to work together for better regional planning and resource protection. However, it is an inappropriate and unnecessary constraint on the Guidelines analysis. The benefit of considering impacts at the specific plan level is improved, landscape-level avoidance. Because aquatic resources are not distributed equally across the landscape, differential costs of avoidance are a natural consequence of multiple landowners operating collectively under a specific plan analysis. After practicable avoidance of impacts *at the specific plan level* is determined, the consortium of individual landowners are free to agree to whatever legal means they choose to ensure fair distribution of development profits. But to require this distribution as a practicability screening criterion *up front for the plan as a whole* obviates the purpose of considering practicability at the Plan level. This structural defect in the Corps' approach to determining compliance here is further exacerbated by the fact that the applicant has not disclosed the actual calculations and rationale for their specific cost per net developable acre, so the permit authority has no basis for determining whether it is reasonable.

Furthermore, even if, as the ROD claims, the Specific Plan represented a "plan-level" LEDPA of sorts (which again, has not been adequately demonstrated), the ROD no longer documents a permit decision, rendering the "LEDPA" concept inapplicable at the Plan level (a "LEDPA" is a restriction on permitted discharge). This distinction regarding LEDPA at different "levels" is not academic; the RODs use the terms so loosely and inconsistently that it virtually encourages future applicants to avoid impacts no further, or at best, is unnecessarily confusing.

- The SVSP ROD lists several on-site alternatives that avoid additional waters, but finds them all impracticable under SVSP screening criteria. Unless these criteria are changed for individual permits under the plan, it is unclear how additional avoidance at the parcel level can be reasonably expected.

[1] See attached EPA DEIS comment letter dated September 4, 2012 and EPA FEIS comment letter dated July 8, 2013

- The SVSP ROD states in the Findings that subsequent Individual Permit applications found to be "consistent with" the Environmentally Preferred Alternative "will not require...detailed information about *on-site* avoidance" (emphasis added), focusing instead on "minimizing" impacts. Applicants are likely to interpret this to mean avoiding more wetland fill than is called for in the SVSP will not be necessary and any additional discussion of impact minimization will be limited to indirect or secondary effects. Our understanding from verbal communication with the Corps is that this is not the staff's intent, yet the ROD essentially codifies this precise outcome.

- Neither the SVSP ROD nor RGP ROD assesses any secondary impacts, and do not provide applicants with clear guidance on buffer requirements. Many of the "avoided" wetlands will be indirectly impacted by the RGP alone, as large boulevards and roads will be directly adjacent to these wetlands with no buffers (as apparent in Figures 3 and 4 of the RGP). Secondary impacts will then increase by the SVSP individual projects.

- Although not found in either ROD, the 2016 Revised Mitigation Plan states that there will be a 100 foot buffer on each side of Curry and Federico Creek, without specifying minimum buffer for *existing* vernal pools and seasonal wetlands. Figure 4, "On Site Wetlands Creation" of the Plan clearly shows many vernal pools and wetlands that are directly adjacent to development, with what appears to be no or negligible buffer, and trails (and stormwater bioswales) included within the 100 foot buffer, often abutting vernal pools and wetlands (see for example, the "FC3" area). There has clearly been inadequate attention to detail in the documents with regard to clarity on required avoidance and minimization related to buffers, despite comments on this from EPA on the draft EIS, final EIS, and 404(b)(1) Alternatives Analysis and Conceptual Mitigation Plan.[2]

- Permit condition 10 of the RGP requires permittees to span crossings where possible, yet the ROD states decisively that it is not practicable to span any of the crossings.

- Permit condition 3 of the RGP requires that the applicant employ BMPs "as appropriate and feasible," and provides a few general examples of BMPs. It is not stated how the feasibility or appropriateness of BMPs (including LIDs) are determined, which specific BMP and LID techniques should be implemented, or how any of these conditions will be enforced. The impacts to waters permitted by the RGP cannot be accurately determined without this information.

Compensatory Mitigation

As discussed above, the SVSP ROD documents a "decision," not on a permit, but on a coarse-grained estimate of impact avoidance at the Plan level, with the intent of future 404(b)(1) avoidance analysis at the site level. It is therefore only at subsequent permitting actions that a LEDPA is determined, which is what determines truly unavoidable impacts and thus forms the basis for compensatory mitigation requirements. Mitigation plans at this stage therefore cannot reasonably be expected to be "final," but the RODs are confusing and inconsistent on mitigation approach, do not provide certainty even on aspects that can and should be final at this stage, and should be clarified prior to finalization.

Because the RGP allows for one third of the overall Plan's impacts, and facilitates the construction of the projects that follow, mitigation for the RGP's impacts should be clearly integrated with the requirements for

[2] See attached EPA letter dated September 16, 2014 and December 1, 2014

mitigation of the entire Plan's impacts. The ROD for the RGP does not provide specific information regarding mitigation for impacts pertaining to the RGP, citing case-by-case future determinations. However, the RODs conflict in that they state the 2016 Mitigation Plan will only apply to the Individual Permit impacts under the SVSP, yet the Mitigation Plan itself includes the impacts from the RGP.

Although improvements to some conceptual on-site mitigation actions have been made over time, impacts to waters under the Plan remain significant and there are presently no provisions to ensure adequate protection of the designated onsite preserve as currently described in the mitigation plan. The ROD for the RGP states that the January 2016 Mitigation Plan will be applicable to each of the individual projects within the SVSP. However, the SVSP ROD makes no mention of this Plan, and only states that the Corps will make a case-specific determination for each of the 8 pending permit applications. Assuming that the Corps will require the Plan to serve as the basis for these future mitigation proposals, the Plan is focused on on-site seasonal wetland establishment and preservation within the preserve corridors.

Considering the concerns above regarding secondary effects, and unknown factors related to the City of Roseville's future management of the "preserve," it is very unclear how the current proposal can be construed as compensatory. For example, the Mitigation Plan uses existing wetlands on the on-site preserve as reference condition for the ecological performance of constructed wetlands. As described above, these existing resources will be indirectly impacted by the projects and thus will poorly represent a target functioning condition for constructed wetlands to actually be compensatory. The Plan also states there will be "qualitative" monitoring of bank erosion, with no specific standards for when issues need to be addressed. There are no short term management requirements of the open space preserve, or mention of who is responsible for this management until after the created wetlands have met performance requirements, which will take at least 5 years. At that point, the open space preserve will be managed under the City of Roseville's Open Space Management Plan. This leaves the avoided and created wetlands at risk during this time, since seasonal wetlands and vernal pools require management such as grazing in order to prevent encroachment of invasive plants.

Finally, the City of Roseville's Open Space Management Plan itself fails to answer the uncertainties above. It states that it would monitor vernal pools for vegetation and listed species every year, but it's not clear if this would still be done in areas such as the SVSP's open space, where the vernal pools will not be getting mitigation credits from the U.S. Fish and Wildlife Service. Monitoring requirements for seasonal wetlands are vague, stating only that there will be annual qualitative monitoring of invasive plants. The long term monitoring and management of the created wetlands should have specific requirements and performance criteria at specific time intervals (e.g., yearly surveys could be qualitative, every 5 years quantitative information would be collected) so as to ensure their long term viability.

Overall, EPA strongly recommends revision of the RODs and RGP prior to finalization. In their current form, the documents do not accurately assess the direct and secondary impacts, confuse "LEDPA" determinations and discourage future practicable avoidance, and provide no clear plan for compensatory mitigation that is likely to be successful, durable, or replace the lost functions of waters of the United States.

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DEC 1 2014

Colonel Michael J: Farrell
District Engineer, Sacramento District
U.S. Army Corps of Engineers
1325 J. Street, Room 1350
Sacramento, California 95814

Subject: Sierra Vista Specific Plan (PN 200601050), Placer County, California

Dear Colonel Farrell:

Thank you for your continued coordination regarding the proposed fill of 24.81 acres of wetlands and other waters of the United States (waters) for the Sierra Vista Specific Plan, located in the City of Roseville, Placer County, California. On November 14, 2014, we met with your staff, landowners and their legal representatives, and the City of Roseville to discuss ongoing environmental concerns with the proposal, which have most recently been addressed in our letter dated September 16, 2014 (attached).[1] We received meeting notes from the applicants' legal consultants on November 19, 2014. As discussed at the meeting, we remain concerned that the applicant's Alternatives Analysis, including the project purpose statement, screening criteria, and identification of the least environmentally damaging practicable alternative (LEDPA), are fundamentally flawed. The inadequacy of the proposed compensatory mitigation also remains of substantial concern.

Project Purpose and Screening Criteria

As discussed and acknowledged at our meeting, the Corps is solely responsible for defining the overall project purpose that drives a CWA 404(b)(1) alternatives analysis.[2] The Corps Final Environmental Impact Statement for Sierra Vista defined the purpose as: "to implement a large scale, mixed-use, mixed-density master-planned community in Western Placer County." EPA strongly encourages the Corps to use this project purpose statement for the "overall" project purpose statement for the 404(b)(1) analysis as well, and reject the applicants' proposed statement that includes attainment of the Sierra Vista Specific Plan's objectives.[3] There are well-established policy reasons why it is inappropriate in general to include such local planning aims in a 404 project purpose statement, and these reasons

[1] The letter reiterates EPA positions documented in letters on the project dated April 28, 2008: May 12, 2008; September 4, 2012; and July 8, 2013 (also attached), but was primarily focused on the July 23, 2014 *Sierra Vista Revised Conceptual Onsite Wetland Creation Plan* (a revision of the previously submitted Sierra Vista Conceptual Mitigation Plan dated February, 2011), and the *Alternatives Analysis for the Sierra Vista Specific Plan* dated November 5, 2012.
[2] The Corps of Engineers Regulatory Program Standard Operating Procedures (SOP) of July 1, 2009, at 15; http://www.spd.usace.army.mil/Portals/13/docs/regulatory/qmsref/eis/Regulatory%20SOP%20July%202009.pdf.
[3] See the above referenced letter for detailed comments regarding this issue.

continue to apply here.[4] But the primary reason to reject such an approach for Sierra Vista is that failing to do so frustrates the Corps ability to exercise the most fundamental determination of the Guidelines at this site—whether avoidance of specific waters at Sierra Vista is practicable.

EPA has consistently communicated this position to the Corps and applicants through many meetings and correspondence. Throughout EPA's participation in the City of Roseville's 2007-2009 consultation meetings (per the August 2000 MOU between the City and the US Fish and Wildlife Service), and as shown in the administrative record in all of EPA's comment letters, EPA has consistently stated that the proposed project has not been demonstrated to be the LEDPA. A letter received from the City of Roseville dated October 9, 2014, provided several attachments which included notes from early consultation meetings and a June 9, 2009 letter from the EPA regarding the process. The EPA letter supports the early consultation process but clearly states that there are outstanding issues concerning Sierra Vista, and that the planning level information "allows us to provide guidance regarding important aquatic resources to avoid but may not allow us to determine all of the aquatic resources that must be avoided for compliance with section 404 of the CWA." In addition, the meeting notes provided by the City of Roseville show that EPA consistently asked for better demonstration of whether more avoidance is practicable whenever the topic was discussed. Although the City has provided their justification for the need to fill certain areas, these justifications are not necessarily equivalent to demonstrating impracticability as required by the Guidelines. Underscoring this point, several sites (e.g., a "signature park") have changed proposed land uses despite the City's prior arguments that it was absolutely necessary in its planned location for the project to be practicable.

As a result of this early coordination, an updated (February 2014) Alternatives Analysis was meant to address these concerns, but surprisingly continues to unnecessarily constrain the description of the project for analysis under the Guidelines by marrying the project purpose described in the EIS to meeting the *specific* objectives of the City's *Specific* Plan: "The 'overall project purpose' is the development of a large-scale, mixed use, mixed-density master-planned community in western Placer County *that achieves the Basic Objectives of the Specific Plan"* (2014 Alternatives Analysis, p. 12 emphasis added). The primary difference between this statement and the version from 2012 is that a subsequent description of these "basic objectives" has been removed. But this does not change the meaning of the statement, or its effect of eliminating any alternative in the applicant's analysis except the one the applicant proposes. The Corps should find this fact suspect, and consider that the inclusion of the "specific plan objectives" may have actually prevented the applicant from identifying the only permittable alternative—the LEDPA.

In its decision document, the Corps should conduct a revised alternatives analysis for Sierra Vista based on deletion of reference to the "Basic Objectives of the Specific Plan" in the overall project purpose. When an applicant's overall project purpose contains an unnecessarily constrained description of the

[4] *Id.* (Rejecting the applicant's overall project purpose description: "to provide a regional shopping mall with support commercial facilities to serve the western El Dorado County-Highway 50 corridor market area."); see also Hartz Mountain Permit Elevation, HQUSACE Review Findings, available at http://www.epa.gov/owow/wetlands/pdf/HartzMountainGuidance.pdf (rejecting applicant's project purpose statement proposing "to construct a 3,301 unit residential housing development in the IR-2 area," where "IR-2" referred to "an area designated by the Hackensack Meadowlands Development Commission master plan as 'Island Residential.'")

project for analysis under the Guidelines, the Corps can (and Sacramento District has[5]) substituted its own more generalized overall project purpose description. Similarly, in the *Hartz Mountain* matter, Corps Headquarters rejected the applicant's attempt to constrain the alternatives analysis by the low-income housing requirements mandated by local zoning.[6] For the same reasons, the Sacramento District should prevent Sierra Vista from constraining the alternatives analysis by, for example, the Regional Housing Needs Allocation (6,650 homes) that is a "Basic Objective" of the City's Specific Plan (which is similar to a zoning ordinance).[7] Although no single factor is presented in the 2014 Alternatives Analysis as determinative, all other alternatives are eliminated because they do not meet these factors.

Specifically in the case of Sierra Vista, the inclusion of these general local planning objectives leads to screening criteria for alternatives that do not speak to the applicable regulatory standards—whether further avoidance of aquatic features is practicable as a matter of costs, logistics or existing technology. Although the 2014 Alternatives Analysis modified the screening criteria by removing some of the strict thresholds set for developable acreage and "cost per developable acre," all of the screening criteria themselves remain, including achieving all the objectives of the specific plan. We also note that the applicant's "cost-per-developable-acre" criterion serves only to show that some alternatives may be more expensive than the applicant's proposed project, not (as is required by the Guidelines) whether the cost of avoiding additional wetland fill is impracticable. Indeed, the Sacramento District has in the past found that net operating income, the perceived need for sufficient sales tax funding, and rate-of-return, are not appropriate screening criteria for determining compliance with the Guidelines.[8]

Finally, the screening criterion that requires "the reasonable development" of each individual property is conceptually at odds with planning at a regional level, and in any event is not specific enough to be useful in assessing practicable avoidance at the plan scale. The implicit presumption that each individual property under the plan is necessarily entitled to develop in waters is not valid. From the standpoint of the CWA, one primary benefit of grouping applicants under a regional planning effort is to maximize both development and conservation efficiencies over a larger landscape. By definition, this means some parcels will be developed more than others for the benefit of the entire plan. Any individual inequities that may arise from that fact should be dealt with among the plan partners, rather than expecting the CWA 404(b)(1) process to do so. Similar vague screening criteria, such as "fiscal sustainability" for the City of Roseville, Blueprint Consistency/Smart Growth, and cost per developable acre, while potentially useful or even laudable planning goals, obfuscate the factors that must be considered for the particular decision before the Corps—CWA compliance.[9]

With regard to the current state of conceptual compensatory mitigation, EPA agrees with the Corps that substantial work remains to be done. The Conceptual Mitigation Proposal would not adequately mitigate for the seasonal depressional wetlands and wetland swales, as it proposes to create out-of-kind riparian and emergent marsh wetlands along Curry Creek to compensate for some of these losses. These

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[5] *See* Corps Administrative Appeal Decision, Roebbelen Land Company, Sundance Plaza Project Permit Denial, File No. 199800257, Sacramento District, February 5, 2001 at 3.
[6] *Hartz Mountain* at 6.
[7] "The adoption of a specific plan is a legislative act similar to adoption of a general plan or zoning ordinance." State of California, Governor's Office of Planning and Research, http://ceres.ca.gov/planning/specific/part1.html#part1_anchor
[8] *See* Corps Administrative Appeal Decision, Roebbelen Land Company, Sundance Plaza Project Permit Denial, File No. 199800257, Sacramento District, February 5, 2001 at 5 and 7.
[9] See EPA's September 16, 2014 comment letter for detailed comments regarding these criteria.

created wetlands also lack appropriate buffers. As the Corps has stated, if this wetland creation is to be used as mitigation, the Corps Standard Operating Procedure for calculating mitigation ratios will likely result in the need for additional mitigation.[10]

Conclusion and Recommendations

The Sierra Vista project continues to lack appropriate analysis and documentation for a defensible Record of Decision, and the proposed impacts remain subject to potential EPA and Corps Headquarters' review.[11] Neither the Specific Plan, nor individual permits under the plan, should be permitted as proposed. Prior to concluding their Record of Decision, EPA recommends that the Corps (1) re-analyze the practicability of on-site avoidance based on more limited and appropriate statement of project purposes consistent with established Corps guidance, and (2) after clearly maximizing plan-level impact avoidance, provide clear guidance to the applicant on appropriate compensatory mitigation necessary to offset unavoidable impacts. Key considerations include:

- Whether mitigation of project impacts has been properly sequenced. Mitigation begins with the avoidance and minimization of direct, indirect, and cumulative impacts to the aquatic ecosystem, followed by compensatory measures if a loss of aquatic functions and/or acreage is unavoidable. Only once the LEDPA has been determined should a detailed mitigation plan be considered.
- Whether resources in the northwest corner of the site (Conley property, northwest portion of Federico property) and on the Baybrook property can be practicably included in the open space preserve. These areas have the highest density of suitable habitat for listed shrimp species relative to the other areas that could be avoided, and are adjacent to areas already designated as open space in the proposed alternative. The Corps should request information from the applicant on the specific costs of this avoidance to consider in their findings.
- Whether proposed fill for creek crossings can be practicably spanned. The three most westerly crossings on Federico Creek impact several vernal pools and seasonal wetlands as proposed. Spanning them would achieve greater avoidance while maintaining the development design. Spanning the two crossings on the eastern portion of Curry creek should be explored for the same reasons.
- Whether adequate buffers (minimum 100 feet from edge of outer most aquatic resource boundary) to avoid indirect impacts to aquatic resources have been proposed in all avoided areas. The trail system should be outside of the buffer where possible; if the trail lies within the buffer, it should be kept at the outer edge, and must minimize impacts with features such as a non-paved surface (such as broken shell or decomposed granite), a post and cable fence, and directional lighting.
- Whether proposed riparian wetland creation along Curry Creek is an appropriate compensatory mitigation strategy for the seasonal depressional wetlands and swales the project would

[10]See The Army Corps of Engineers Memorandum regarding Sierra Vista's Mitigation Ratios dated August 8, 2014.

[11] EPA identified the permit action in 2008 as a candidate for review by our respective Headquarters pursuant to our 1992 Memorandum of Agreement regarding CWA Section 404(q). Both vernal pools and the interconnected aquatic resources are identified as Aquatic Resources of National Importance, and practicable avoidance of these resources must be demonstrated before mitigation is considered. The 2012 and 2013 EPA comment letters to the Draft Environmental Impact Statement and Final Environmental Impact Statement, respectively, reiterate these concerns, as well as the inadequacy of the proposed conceptual mitigation plan. These concerns remain unaddressed in the updated February 2014 Alternatives Analysis and revised mitigation plan.

eliminate. The purpose of these created wetlands is to attenuate peak storm flows from the surrounding development. To potentially be compensatory for some of the lost functions of the seasonal wetlands impacted, they would need to adhere to performance standards that include periods of inundation, a list of dominant plant species, and required depth ranges that are consistent with the seasonal wetland and wetland swales they are replacing. In addition, they would need to have a 100 foot buffer, which they currently lack. Options for appropriate mitigation include permittee-responsible, off-site in-kind wetland creation, or in-kind credits purchased from a mitigation bank in the watershed.

EPA looks forward to continuing our discussion and working to resolve these important issues. Please ensure your staff maintain their excellent coordination with EPA regarding meetings and materials that are developed for this important project. Our point of contact is Leana Rosetti who may be reached at (415) 972-3070, or rosetti.leana@epa.gov.

Sincerely,

Jason Brush
Supervisor
Wetlands Section

cc:
Kathy Norton, USACE, Regulatory Division
Kellie Berry, US Fish and Wildlife Service, Sacramento Valley Office

Attachments:
1) EPA ARNI letter dated April 28, 2008
2) EPA ARNI letter dated May 12, 2008
3) EPA DEIS comment letter dated September 4, 2012
4) EPA FEIS comment letter dated July 8, 2013
5) USACE Memorandum for Record dated August 8, 2014
6) EPA comment letter dated September 16, 2014

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SEP 16 2014

Colonel Michael J. Farrell
District Engineer, Sacramento District
U.S. Army Corps of Engineers
1325 J. Street, Room 1350
Sacramento, California 95814

Subject: Sierra Vista Specific Plan (PN 200601050), Placer County, California

Dear Colonel Farrell:

EPA Region 9 appreciates the ongoing coordination regarding your pending permit decision for the Sierra Vista Specific Plan, located in Placer County, California. Enclosed please find comments reflecting our review of the *Sierra Vista Revised Conceptual Onsite Wetland Creation* plan dated July 23, 2014, which is a revision of the previously submitted Sierra Vista Conceptual Mitigation Plan dated February, 2011, as well as of the *Alternatives Analysis for the Sierra Vista Specific Plan* dated November 5, 2012. We trust our comments will be useful to the Corps in advancing the project through the regulatory process.

In summary, we believe the applicant's proposed project is not the LEDPA and the proposed mitigation plan would fail to compensate for the project's impacts to waters. Among the most significant issues are:

- The proposed project is not in compliance with the Clean Water Act 404(b)(1) Guidelines (Guidelines) at 40 CFR 230.10(a). The Sierra Vista Applicant's Group (applicants) have not demonstrated the proposed project is the least environmentally damaging practicable alternative (LEDPA). EPA strongly believes further avoidance is practicable.
- The compensatory mitigation is inadequate and fails to comply with the 2008 Mitigation Rule. Stormwater treatment wetlands created on-site fail to offset the loss of depressional wetlands such as vernal pools, seasonal wetlands and seasonal swales.
- The open space preserve designed to preserve the Curry Creek and Federico Creek stream corridors lack the buffers necessary to maintain riverine ecosystem function. The function and services of these waters will continue to diminish due to surrounding high density development.

EPA remains concerned that substantial loss and/or degradation of water quality and ecosystem functions are likely if the project is constructed as proposed. Mitigation begins with avoidance and minimization of impacts and compliance with 40 CRF 230.10(a) (alternatives) and is a prerequisite to assessing compliance with 40 CFR 230.10(d)(mitigation) or the requirements of Subpart J of the Guidelines. While the proposed project generally avoids impacts to the two main drainages on the site, Curry and Federico Creeks, the proposed project would directly impact 24.81 acres of waters of the United States (waters), which represents 68 percent of the total waters on the site. The majority of these

impacts (21.12 acres) will occur to depressional wetlands including vernal pools, seasonal wetlands and seasonal swales. These wetlands are habitat to several Special-status plant and wildlife species that are legally protected under the federal Endangered Species Act (ESA) and the California Endangered Species Act (CESA) including Dwarf downingia *(Downingia pusilla)* and Conservancy fairy shrimp (*Branchinecta conservatio*). Furthermore, we note that the project is located within the Western Placer County core recovery area of the Southeast Sacramento Valley vernal pool region. Core recovery areas were identified by the Fish and Wildlife Service as areas to focus recovery actions for 20 species of animals and plants that are listed as either Endangered or Threatened.[1]

Based on the high resource values, the proposed impacts, and the apparent lack of practicable avoidance, the EPA identified the permit action in 2008 as a candidate for review by our respective Headquarters pursuant to our 1992 Memorandum of Agreement regarding CWA Section 404(q). The letter provides detailed comments regarding our concerns with the impacts of the proposed project on the on-site aquatic resources. The 2012 and 2013 EPA comment letters to the Draft Environmental Impact Statement and Final Environmental Impact Statement, respectively, reiterate these concerns, as well as the inadequacy of the proposed conceptual mitigation plan. These concerns remain unaddressed, and are supplemented with the attached detailed comments on the July 2014 mitigation plan update and November 2012 Alternatives Analysis.

Thank you for the opportunity to provide you with additional comments. If you have any questions, please contact Leana Rosetti of my staff at (415) 972-3070, or rosetti.leana@epa.gov.

Sincerely,

Jason Brush
Supervisor
Wetlands Section

cc:
Kathy Norton, USACE, Regulatory Division
Kellie Berry, US Fish and Wildlife Service, Sacramento Valley Office

Attachments:
1) EPA's detailed comments, PN 2006-01050 for the proposed Sierra Vista Specific Plan
2) EPA ARNI letter dated April 28, 2008
3) EPA ARNI letter dated May 12, 2008
4) EPA DEIS comment letter dated September 4, 2012
5) EPA FEIS comment letter dated July 8, 2013

[1] Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon" (US Fish and Wildlife Service 2005).

Detailed EPA Comments
PN 2006-01050 for the proposed Sierra Vista Specific Plan

Project Purpose

As described in the Public Notice and the applicant's alternatives analysis, the proposed Sierra Vista Specific Plan (SVSP) is a mixed-use master planned community with residential, commercial, open space, and recreational uses.[2] This SVSP consists of individually owned properties. As part of the SVSP, property owners have applied for separate section 404 permits and will develop their property separately, while sharing infrastructure outside the individual project footprints. These permit applications have been grouped together in order to evaluate the environmental impacts of the project at a landscape level. While EPA recognizes the benefit of such a landscape level assessment, the applicant fails to comply with the Guidelines by: 1) using the term "masterplan" as a way to maximize human amenities without determining whether particular project features impacting waters are critical or essential to the viability of the project; and 2) by including the City's General Plan goals and policies as screening criteria which gives local zoning bodies undue deference, thereby prohibiting a meaningful analysis of alternatives.[3]

Masterplan Development - The applicant is defining the project as a masterplan or specific plan development. In doing so, the applicant is requesting the project be reviewed as a whole; including all of the residential and nonresidential elements of such a community and foregoing any assessment of whether it is truly necessary to locate particular elements of the project in waters. This is contrary to the Guidelines and avoids a hard look at whether all the amenities associated with a project truly are necessary and/or whether they can be downsized or reconfigured to avoid impacts to waters of the United States.[4]

A good masterplanning effort will factor in the 404(b)(1) Guidelines so as to make sure only truly necessary fills are proposed, making it far more likely that a well-planned project will be the LEDPA. However, as currently proposed, the SVSP uses masterplanning to bundle functionally independent project features as essential project components, thereby rendering alternatives with potentially fewer impacts to waters unavailable. It is not acceptable for an applicant to cite the master plan itself as sufficient reason to look no further at the practicability of further avoidance of impacts to waters. Additionally, while the applicants' masterplan/specific plan seeks to govern the entire area, and share common infrastructure, they object to avoidance and minimization of waters if it creates an unequal burden on individual properties. This defies the purpose of a regional plan that considers resources as a whole rather than as individual parcels, as well as the purpose of doing the alternatives analysis for the entire development.

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[2] Section 404(b)(1) *Alternatives Analysis for the Sierra Vista Specific Plan Army Corps Permit Application No. SPK-2006-01050* dated November 5, 2012 prepared for Sierra Vista Owners Group by Sheppard, Mullin, Richter and Hampton, LLP.
[3] See HQUSACE Review and Findings Old Cutler Bay Elevation at page 6 and HQUSACE Review and Findings Hartz Mountain Permit Elevation at page 4.
[4] See Old Cutler Bay Elevation and Twisted Oaks Elevation.

Project Elements Related to the Basic Objectives of the Specific Plan – The applicant states the Specific Plan implements the goals and policies of the Roseville General Plan within the Specific Plan area. The applicant maintains it is appropriate for the alternatives analysis to "*include attainment of the Specific Plan Basic Objectives as an element of the overall project purpose under the 404(b)(1) Guidelines*" (page 9). This statement is more restrictive than the Corps purpose statement, which guides the alternatives analysis under Section 404. The detailed features should be stated as objectives of the project, recognizing that alternatives without all of these features may still meet the Corps purpose statement and therefore be practicable under Section 404. By narrowing the range of alternatives in its project purpose description to "attainment of the Specific Plan Basic Objectives," the applicant unreasonably precludes opportunities to consider less damaging practicable alternatives as required by 40 CFR 230.10(a).[5]

We would like to reiterate that it is essential to consider local communities' planning goals and objectives, but we object to requiring consistency with local plans as an element of the project purpose. Doing so gives local zoning bodies undue deference and so narrowly defines the project purpose that it is difficult to do a meaningful alternatives analysis.

The applicants' following statement in the alternative analysis, "*The applicant and the Corps must defer to these binding decisions of the local land use authority*" (p. 2) affirms the very issue of concern we have just described. EPA does not object to proper consideration of the goals and objectives of the general plan in the assessment of the LEDPA, but evaluating general plan compliance through the screening criteria in the alternatives analysis is unacceptable and contrary to the Guidelines.

Alternatives Analysis

The applicant does not demonstrate that the Proposed Alternative is the LEDPA. Based on the information provided, the EPA concludes that Alternative 1, Reduced Footprint/Increased Density, is the LEDPA because it appears practicable, and would result in the lowest level of environmental impacts for the majority of the resource categories assessed. As stated in the DEIS, Alternative 1 would also develop the 2,064-acre project site but would reduce the footprint of development within the site by increasing the acreage designated as open space, with the additional open space focused in areas that contain the greatest concentrations of sensitive habitat (vernal pools and/or drainages). Under this alternative, total acreage to be developed would be reduced to 1,027 acres, compared to 1,370 acres under the proposed project, and open space would increase to 599 acres, compared to 257 acres under the proposed project. The residential development footprint would decrease to 593 acres, versus 820 acres under the proposed project. However, residential densities would increase to accommodate a similar number of residential units (6,655 residential units under this alternative, compared to 6,650 under the proposed project). In addition to reducing impacts to waters by 65% (from 24.81 acres to 8.66 acres overall; vernal pool impacts from 7.9 acres to 2.6 acres), Alternative 1 would reduce total air emissions by 10.4 percent.

If Alternative 1 proves not to be the LEDPA due to practicability considerations that are currently undisclosed, then it appears Alternative 4, called "Focused Avoidance," may also be practicable and less damaging than the Sierra Vista Specific Plan proposed alternative.

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[5] An alternative is practicable if it is available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes [OPP]." 40 CFR § 230.10(a)(2).

The applicant's Alternatives Analysis deemed all other alternatives aside from the Proposed Alternative as impracticable. However, the alternatives are screened by whether they (1) meet the overall project purpose (which is too narrow for an alternatives analysis, see above); (2) provide at least one regional commercial center of sufficient size and configuration to meet retail market requirements; (3) provide sufficient tax revenue to meet the City's fiscal requirement; (4) allow each property owner to develop their property consistent with the project purpose (again, see above section on the project purpose); (5) meet the City's adopted Blue Print Scenario, and (6) are within 5% of the total cost of the Proposed Alternative. While we recognize these are important considerations, they are inappropriate as strict screening criteria in an alternatives analysis. Under CWA Section 320.40, the Corps must recognize the importance of land use decisions. However, the same regulations also state that the "preservation of special aquatic areas, including wetlands" have overriding national importance that take precedent over local land use decisions. For the cost analysis under Section 404, the proposed project is not the baseline by which other alternatives are compared. An alternative may be practicable from a cost perspective even if is more expensive than the applicants proposed project. A cost analysis should be performed by an independent third party that can determine whether the project will produce a positive return on investment under forecasted market conditions.

Recommendations:

- EPA recommends that the Corps conduct an alternatives analysis using a valid project purpose and screening criteria consistent with the Guidelines.

Compensatory Mitigation for Impacts to Waters of the U.S.

The Conceptual Mitigation and Monitoring Plan (mitigation plan) states, "The open space preserves were designed to place the highest priority on preserving stream corridors and those wetlands in close proximity to these streams" (p. 18). However, the open space design fails to provide adequate protection to ensure ecological sustainability.

The mitigation plan states that the applicants will purchase 7.88 acres of vernal pool credits from an off-site mitigation bank, and that 28.86 acres of riverine/seasonal wetlands will be constructed on the project site within the 257 acres of open space along the two drainage corridors. The proposed compensatory mitigation plan does not comply with the 2008 Federal Mitigation Rule (40 CFR Part 230, Subpart J) for the following reasons:

1) **Permittee-responsible, out-of-kind mitigation is not justified.** The 2008 rule give preference to mitigation banks over permittee-responsible mitigation when the permitted impacts are located within the service area of an approved bank, and the bank has the appropriate number and resource type of credits available. The rule states that the district engineer can only override this preference when, "a permittee-responsible project will restore an outstanding resource based on a rigorous scientific and technical analysis." The mitigation plan does not provide enough information to justify the use of on-site, out-of-kind, permittee-responsible mitigation over the approved mitigation banks located near the project.

2) **Replacing naturally occurring seasonal wetlands with stormwater treatment wetlands is not compensatory.** According to the plan, the 28.86 acres of wetlands will be constructed on the terraces adjacent to the existing stream channels and "are designed to be inundated during frequent storm events," and will accommodate post-development flows from the surrounding developments. While we agree that these riverine wetlands can improve water quality and may support wildlife, we do not believe

they are appropriate compensation for the loss of depressional wetlands such as vernal pools, seasonal wetlands and seasonal swales.

3) **The proposed mitigation is limited to the Preliminary Drainage and Stormwater Management Plan.** The geomorphic study conducted by cbec, inc. in Appendix B of the mitigation plan makes it clear that the mitigation proposed is actually the drainage and stormwater plan, which attempts to minimize the indirect impacts to Curry Creek and Fiddyment Creek through creation of terraces and riverine wetlands (which are essentially catchment basins) adjacent to the creek. Both creeks will be adversely affected by the large increase in impervious surfaces and resultant runoff flow alterations, resulting in increased incision, erosion and overall degradation of the creeks. These indirect impacts do indeed need to be minimized and mitigated. The proposed mitigation may be appropriate for these *indirect* impacts, though it is inappropriate for mitigating the direct impacts to vernal pools, seasonal wetlands, and seasonal wetland swales.

If the proposed mitigation were to move forward taking into account the above considerations, major improvements are needed. The cbec study that was included as an appendix to the mitigation plan states that the proposed terraced wetlands are not sustainable due to the continuing incision of the creek, and in fact raising the bed of the creek is recommended as the best option for stabilizing the creek and ensuring the continued function of the wetlands. It appears that that the applicant is not following this recommendation, meaning that the created wetlands will soon disconnect from the creek. Additional study, hydrological monitoring, analysis of the impacts to the creeks, and a detailed mitigation plan with appropriate performance standards, is necessary for this work to be done.

4) **The phased implementation of the mitigation plan, to be implemented by each property owner as they develop their own property, entails a high risk of failure.** The plan states that the on-site mitigation will be constructed in segments, and "for any given phase, more wetlands may be constructed than are actually needed to provide the commensurate amount of compensation for that phase." This also implies that a phase which does not provide for its own commensurate amount of compensation could occur first, and if the latter independent phase meant to provide for that compensation were never to occur, the impacts would go unmitigated. In addition, it appears all of the monitoring and maintenance of the permittee-responsible mitigation will be piecemeal and managed differently by each owner. This would not comply with the 2008 Mitigation Rule, which states that the mitigation plan must include a work plan describing the timing and sequence of construction, and comprehensive maintenance plans, performance standards, and monitoring requirements.

5) **Open space may not qualify as preservation unless it meets certain standards.** Open spaces are different from preserves, and usually allow much more public access and disturbance of the sensitive resources. It is not clear how these open spaces will be managed and what measures will be put in place to enhance the seasonal wetlands and swales they contain.

6) **The proposed buffers will not protect or enhance aquatic resource functions.** According to the mitigation plan, 100-foot buffers were established along the stream corridors to minimize indirect impacts from the proposed development. Based on the revised Conceptual Onsite Wetland Creation map dated July 23, 2014, there are many vernal pools and wetlands that are directly adjacent to the open space, with what appears to be no buffer. In addition, there are stormwater detention basins (described as volumetric storage facilities or attenuation enhancement features) proposed to be constructed directly adjacent to existing vernal pools and wetlands, and/or constructed within what may be meant to be the

buffer itself. Constructing a stormwater treatment wetland within a buffer in essence eliminates that buffer.

An appropriate wetland buffer is essential to maintaining ecosystem integrity. It protects and enhances the quality and health of in-stream physical, chemical and biological characteristics, which enables the stream to provide important services, such as sequestering carbon, metabolizing organic matter, and degrading and processing pollutants. A new study by the Journal of the American Water Resources Association reviews the important role buffers play with regard ecosystem function (*e.g.*, nitrate removal, sediment trapping, channel meandering and bank erosion, temperature, and macroinvertebrate and fish communities).[6] Based on their review of the literature, the authors concluded that buffers 100-feet wide or greater are needed to protect water quality, habitat and biotic features associated with fifth order or smaller streams (p. 576).

Climate change will produce more extreme storm events, increase the number and intensity of floods and alter the infiltration and conveyance capacity of stormwater. Consideration of climate change is essential when establishing adequate wetland buffers in areas of urban development.

Recommendations:

- The Corps should not give compensatory mitigation credit for the on-site, out-of-kind constructed stormwater treatment wetlands.
- The Corps should require the applicants to purchase seasonal wetland and vernal pool credits from an approved wetland mitigation banks rather than the allowing the applicant to mitigate on-site.
- The Corps should only approve off-site permittee-responsible mitigation when it occurs in an area that is selected using the principles of the watershed approach and where it is practicable and likely to be successful and sustainable.
- To the extent practicable, the form of all off-site mitigation should be in-kind rehabilitation and re-establishment rather than creation or preservation.
- If the Drainage and Stormwater Management Plan is to be considered as mitigation for the indirect impacts to the creeks, a detailed mitigation plan that is not phased but is managed as one project, with appropriate performance standards, long term maintenance plan, and additional hydrologic studies to ensure the best design, is needed.

[6] Sweeney, B.W. and J.D. Newbold. June 2014. *Streamside Forest Buffer Width Needed To Protect Stream Water Quality, Habitat And Organisms: A Literature Review*. Journal of the American Water Resources Association. pp. 560-574.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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JUL 08 2013

Kathy Norton
U.S. Army Corps of Engineers, Sacramento District
1325 J Street, Room 1350
Sacramento, California 95814

Subject: Final Environmental Impact Statement for the Sierra Vista Specific Plan, Placer County, California (CEQ# 20120230)

Dear Ms. Norton:

The U.S. Environmental Protection Agency (EPA) has reviewed the Final Environmental Impact Statement (FEIS) for the Sierra Vista Specific Plan (SVSP) pursuant to the National Environmental Policy Act, Council on Environmental Quality regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act. We appreciate efforts by the U.S. Army Corps of Engineers (Corps) to coordinate with our agency throughout the environmental review process.

In response to Public Notice 200601050, issued for this project on March 28, 2008, EPA initiated the 404(q) elevation process by submitting "3a" and "3b" letters on April 28 and May 12, 2008, respectively, due to concerns over potential impacts to Aquatic Resources of National Importance. We provided comments on the Administrative Draft Environmental Impact Statement (DEIS) on February 22, 2013, and we commented on the DEIS on September 4, 2012. We rated the DEIS as EO-2 – Environmental Objections – Insufficient Information because the Proposed Action did not appear to be the least environmentally damaging practicable alternative (LEDPA), and did not propose appropriate compensatory mitigation for aquatic resource impacts. After reviewing the FEIS, EPA's objections to the project, as well as our concerns with cumulative impacts to air quality, remain. Specific issues are discussed below, and recommendations are provided for the Corps' permitting process and project implementation.

Clean Water Act (CWA) Section 404(b)(1) Guidelines (Guidelines)

The practice of deferring, until the conclusion of the NEPA process, the disclosure of information needed for findings of compliance with the Guidelines makes it difficult for agencies and the public to provide timely and substantive input on the evaluation of alternatives. Our comments on the DEIS noted the absence of the 404(b)(1) Alternatives Analysis, as well as other critical products for determining compliance with the Clean Water Act. Although the Response to Comments (RTC) indicates that the Alternatives Analysis is provided in Appendix A of the FEIS, we find no such documentation in the record.

Page 29 of the Corps South Pacific Division (SPD) February 8, 2013 Regulatory Program Standard Operating Procedure for Preparing and Coordinating EISs (12509-SPD) states:

> Districts will make all reasonable efforts to ensure the NEPA alternatives analysis is thorough and robust enough to provide the information needed for the evaluation of alternatives under the section 404(b)(1) Guidelines

("Guidelines") and the public interest review. The goal of integrating the NEPA alternatives analysis and the section 404(b)(1) alternatives analysis is to gain efficiencies, facilitate agency decision-making and avoid unnecessary duplication.

The discussion of alternatives in the FEIS does not provide the information needed for the evaluation of alternatives under section 404(b)(1). The analysis does not indicate whether the Proposed Action is the LEDPA, or whether it complies with the other restrictions on discharge under the Guidelines.

Wetland Mitigation

RTC B-9 asserts that the 2008 Mitigation Rule does not apply because SVSP's application was submitted before the Rule went into effect. Although the Corps has the discretion to take this position, EPA recommends against such "grandfathering", given that more than five years have passed since promulgation of the Mitigation Rule. We believe it is inappropriate, in 2013, to use the 2004 Habitat and Mitigation and Monitoring Guidelines to evaluate the SVSP Conceptual Mitigation Plan (CMP), given the decade of advances in scientific understanding regarding compensatory mitigation performance and best practices. We urge the Corps to reconsider its decision and, instead, apply the best available science when evaluating the CMP for the SVSP. We believe that this should include use of the South Pacific Division's Draft 2012 Mitigation and Monitoring Guidelines, which are intended to supplement the 2008 Mitigation Rule and standardize compensatory mitigation procedures across the South Pacific Division, using a watershed-based approach.

The EPA disagrees with statements made in RTC-8 regarding the quality and services of existing onsite habitat that would be impacted by the proposed action. Previous wet-season sampling in 2005 and 2006 confirmed the presence of vernal pool fairy shrimp (DEIS page 3.4-16). Although vernal pool tadpole shrimp were not detected during field surveys for this project, it appears that onsite wetlands are suitable habitat for special status species; Table 3.4-5 indicates that nearly 33.35 acres of wetlands onsite are potential habitat for listed invertebrate species. In addition, while the dwarf *downingia* is not a federal or state listed species, it is known to occur onsite, is considered by the California Native Plant Society as "[f]airly endangered in California" (DEIS page 3.4-13), and is considered a Special-Status plant species in Table 3.4.3. The project site contains important vernal pool habitat, and the CMP has not demonstrated that the proposed created riverine wetlands, adjacent to onsite creeks, could replace the loss of vernal pool and seasonal wetland habitats.

RTC-10 states that the Corps has "no reason to suspect that the wetlands proposed to be established on-site are for the purpose of treating or holding stormwater." EPA's review of the CMP, particularly Figure 2.0-4, indicates otherwise. Figure 2.0-4 illustrates storm drain outfalls connecting to bio swales that would discharge into the constructed wetlands. Furthermore, the geomorphic assessment of the compensatory mitigation plan by Cbec engineering (2009) called the constructed wetlands an "innovative approach to urban stormwater management in a proposed urban setting" (CMP page 2; not included in DEIS). This review appears to indicate that these constructed wetlands are being designed to manage stormwater rather than to replace the functions and values of the natural wetlands found on the project site. EPA recommends that the Corps reevaluate this issue and ensure that the mitigation plan avoids introducing any untreated or unpolished stormwater into any wetlands for which onsite compensatory mitigation credits would be issued.

Wetlands Cumulative Impacts & Significant Degradation

We continue to have concerns with cumulative impacts and significant degradation to aquatic resources. As shown in Figure 4.0-3 in the DEIS, nearly 73 percent of the land within the cumulative study area is projected to be converted to urban or agricultural uses by 2060, with only 7 percent set aside for conservation. These projections further demonstrate the importance of considering a broad set of

stressors on mitigation wetlands, as well as the prevalence and persistence of such stressors, in order to plan for adequate mitigation. For example, the quality of mitigation will likely be impacted by runoff from developments, chemical discharge, sedimentation, and habitat fragmentation. Based upon our review of the FEIS and information contained in the CMP, we continue to believe that the impacts from the SVSP will likely cause or contribute to significant degradation (as defined at 40 CFR 230.10) to aquatic resources within the study area, and the CMP should be revised to avoid these impacts.

Cumulative Air Quality Impacts

EPA's comments on the DEIS recommended that the FEIS include a table displaying criteria pollutant emissions estimates from projects within the cumulative air quality study area. The FEIS does not include the recommended information. We note that quantitative information on cumulative air quality impacts was provided in the DEIS for the adjacent Westbrook Project. Such information helps clarify the intensity of cumulative impacts, as well as future challenges the region would face in attaining federal air quality standards.

EPA remains concerned with air quality impacts from this project, particularly when considered in concert with the numerous other development and major infrastructure projects proposed or in process within the region. We continue to strongly recommend that the Corps, City, County and Applicant coordinate with the Placer County Air Pollution Control District to ensure that construction and operational emissions from this project, combined with other reasonably foreseeable projects, will not exceed the relevant emission budgets in the State Implementation Plans.

We appreciate the opportunity to review this FEIS, and are available to discuss our comments. If you have any questions, please contact Jen Blonn, the lead reviewer for this project. Ms. Blonn can be reached at 415-972-3855 or blonn.jennifer@epa.gov.

Sincerely,

for Angeles Herrera, Associate Director
Communities and Ecosystems Division

Cc via email:

Mike McKeever, Sacramento Area Council of Governments

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MAY 12 2008

OFFICE OF THE
REGIONAL ADMINISTRATOR

Colonel Thomas C. Chapman
District Engineer, Sacramento District
U.S. Army Corps of Engineers
1325 J Street, 14th floor
Sacramento CA, 95814-2922

Subject: Public Notice (PN) 2007001050 for the Sierra Vista Specific Plan.

Dear Colonel Chapman:

On April 28, 2008, EPA provided written comments regarding the proposed Sierra Vista Specific Plan (enclosed). The comments identified concerns regarding potential adverse project impacts to waters of the United States (waters), including wetlands, and the proposed project's compliance with the Federal Guidelines (40 CFR 230) promulgated under Section 404(b)(1) of the Clean Water Act (CWA). The letter also concluded, based upon the available information that the project, as proposed, may result in substantial and unacceptable impacts to aquatic resources of national importance.

The proposed project would be authorized through a unified Individual Permit for seven landowners that would be supported by information contained in one National Environmental Policy Act (NEPA) document. We have discussed our concerns with Army Corps of Engineers (Corps) staff, project proponents, staff from the City of Roseville, and other agency staff at numerous regular meetings. Following transmittal of our comment letter, EPA staff communicated our concerns to the applicants' representative. We understand that changes in the project proposal and supporting information are not expected in the immediate future, but may occur through the NEPA process and subsequent alternatives analysis under the Federal Guidelines. Therefore, for the reasons detailed in the attachment, EPA has concluded that the project, as currently proposed, **will have** a substantial and unacceptable impact on aquatic resources of national importance, pursuant to paragraph 3(b) of the Section 404(q) Memorandum of Agreement.

We believe that it would be possible to address many of our concerns by working with the Corps and other involved parties on the analysis of project impacts and alternatives, and we are prepared to continue our participation in the planning process. Until such new information is available and can be analyzed, however, our evaluation of the project must be based on its current design and the information before us.

We look forward to working with you, your staff, and the applicants to address our concerns about the proposed project. If you wish to discuss this matter further, please call me at (415) 947-8702, or have your staff contact David Smith at (415) 972-3464.

Sincerely,

Wayne Nastri
Regional Administrator

Enclosure

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APR 2 8 2008

Colonel Thomas C. Chapman
District Engineer, Sacramento District
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1325 J Street, 14th floor
Sacramento CA, 95814-2922

Subject: Sierra Vista Specific Plan (PN 200601050), Placer County, California

Dear Colonel Chapman:

We have reviewed the public notice (PN 200601050) of March 28, 2008, regarding an application for a Department of the Army permit and Notice of Intent to prepare an Environmental Impact Statement (EIS) for the proposed Sierra Vista Specific Plan (SVSP) in Placer County, California. EPA supports the efforts of the partners involved in this project area to produce a unified approach through this single PN and the subsequent EIS. We believe this approach will facilitate consideration of cumulative effects and identification of appropriate avoidance and mitigation needs. We are providing the attached comments under the authority of, and in accordance with, the provisions of the Federal Guidelines promulgated under Section 404(b)(1) of the Clean Water Act (CWA) at 40 CFR 230 (the Guidelines).

According to the PN, the proposed SVSP is a mixed-use master planned community with residential, commercial, open space, and recreational land uses. The proposed 2,138 acre project site is located within the sphere of influence and directly adjacent to the urban boundary of the City of Roseville in an unincorporated portion of south western Placer County. At full build-out, the SVSP is expected to provide approximately 10,000 residential units in a "mixed-use, mixed-density master planned community with residential, commercial, office, public/quasi-public parks, and open space land uses, including two regional community centers."

There are approximately 51.87 acres of waters of the US within the project site, including portions of Curry Creek, wetlands, and vernal pools. The applicants propose to fill approximately 37.74 acres of these interconnected waters. Figure 4 of the PN illustrates varying degrees of avoidance of aquatic resources, but provides insufficient information to inform a detailed analysis of each individual site.

Vernal pool complexes, comprised of interconnected pools, wetlands and other waters are high value aquatic resources that provide habitat for federally threatened and endangered species. Some of the species that vernal pool complexes support occur only in California. High rates of biodiversity and endemism within vernal pool ecosystems and the large-scale destruction and

degradation of these ecosystems have increased the importance of the vernal pools and interconnected aquatic resources that remain. Statewide, as much as 85% of the original distribution of vernal pool complexes has been lost to development, and up to 33% of the crustacean species that are endemic to vernal pool habitat (e.g., fairy shrimp) may have already become extinct due to habitat destruction.[1] Between 1994 and 1997 Placer County lost approximately 500 acres of vernal pools per year,[2] and the County's continuing high rate of development threatens remaining vernal pool complexes. Due to the high ecological value and increasing rarity of these systems, EPA considers these vernal pool complexes to be aquatic resources of national importance (ARNI).

Based on information provided in the PN, it does not appear that the proposed project complies with the Guidelines' requirements for avoidance and minimization (40 CFR 230.10). Generally, the Guidelines limit issuing permits to only those projects that avoid waters to the maximum extent practicable. Regulated waters cover approximately 2.4% of the project site; however, the applicants' propose to permanently impact over 72% of the aquatic resources in the project area. Given the low percentage of waters on-site and the high percentage of proposed fill to these waters, it seems likely that more can be done to avoid direct discharges of fill material to waters. EPA believes that project alternatives having fewer impacts to aquatic resources are available and viable and should be examined in the EIS. The PN indicates that the applicants' propose to place four parcels into open space, largely along Carson Creek and its tributaries and under a power line right of way. Although aquatic resources are distributed widely across the site, it seems reasonable that a practicable project alternative can be developed to avoid considerably more than 14.13 acres of the 51.87 acres of onsite waters of the US.

Staff from EPA and the Army Corps of Engineers met monthly with the City of Roseville, staff from natural resource agencies, and individuals representing the project since March 2007 to discuss the SVSP's potential impacts and conflicts. EPA supports the efforts of the Army Corps of Engineers and applicants to consolidate the analysis of projects having the same infrastructure needs into one Environmental Impact Statement for purposes of fulfilling NEPA requirements and providing a base of information to support a CWA Individual Permit action. We communicated our concern regarding a lack of avoidance and compliance with the Guidelines early in the process. The value of on-site aquatic resources and the potential for further avoidance of impacts to these resources support the use of CWA regulatory tools to ensure compliance with the Guidelines. We also recommend that the applicants' coordinate closely with Placer County officials to bring their project into alignment with ongoing development of the Placer County Conservation Plan. We look forward to working collaboratively with the applicants' and the Corps through the NEPA and CWA process to reduce project impacts to a level that would make the project comply with these two acts. There will be additional comments regarding the Scope of the EIS following this letter.

At this time, however, the EPA finds that this project, as currently proposed, **may have** substantial and unacceptable impacts to aquatic resources of national importance. Direct project

[1] King, J. L. (1996). Loss of Diversity as a Consequence of Habitat Destruction in California Vernal Pools. Ecology, Conservation, and Management of Vernal Pool Ecosystems, Sacramento, California Native Plant Society.
[2]CDFG (1998) Changes in Great Valley Vernal Pool Distribution from 1989 to 1997. Report to CDFG, Author Robert F. Holland. http://www.dfg.ca.gov/whdab/wetlands/vp_holland/report_index.htm.

impacts to vernal pools and interconnected aquatic resources would reduce the site's abundance and diversity of native habitat, terrestrial wildlife, and aquatic species and would contribute to the cumulative losses of vernal pools which currently exceed 85% of historic distribution. The magnitude of proposed fill to these valuable resources is unacceptable considering that jurisdictional waters cover such a small percentage of the project site. Therefore, we recommend denial of the project, as currently proposed. This letter follows the field level procedures outlined in the August 1992 Memorandum of Agreement (MOA) between the Environmental Protection Agency and the Department of the Army, Part IV, paragraph 3(a) regarding Section 404(q) of the Clean Water Act.

We look forward to working with your staff and the applicant to resolve the important environmental issues surrounding the proposed project. If you wish to discuss this matter further, please call me at (415) 972-3572 or David Smith, supervisor of the Wetlands Regulatory Office, at (415) 972-3464.

Sincerely,

Alexis Strauss, Director
Water Division

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Detailed EPA Comments
PN 200601050 for the proposed Sierra Vista Project

I. Project Site

The PN 200601050 describes SVSP as a mixed-use master planned community with residential, commercial, open space, and recreational land uses. Participating landowners make up the vast majority of the 2,138-acre SVSP site. The proposed project is located in the southwest portion of unincorporated Placer County, directly adjacent to the City of Roseville and within the Roseville sphere of influence. Currently, SVSP plans to provide approximately 10,000 residential units.

II. Elevation of Individual Permit Decisions under CWA 404(q) MOA

Pursuant to the 1992 Memorandum of Agreement between the Environmental Protection Agency (EPA) and the Department of the Army per Clean Water Act ("CWA") Section 404(q), it appears that authorization of the proposed project may result in unacceptable adverse effects to aquatic resources of national importance (ARNIs). The wetlands in question are considered special aquatic sites under the Guidelines, and the vernal pool complexes on the project site support a diversity of unique plants and animals.

Aquatic Resources of National Importance
Placer County lies within the California Floristic Province, a "biodiversity hotspot"[3] recognized internationally for its high levels of species endemism, in part due to the presence of vernal pools and associated aquatic resources. Statewide, as much as 85% of vernal pools have been lost to development, and up to 33% of the original crustacean species that depend upon vernal pool habitat (e.g., fairy shrimp) may have already become extinct due to habitat destruction[4]. The mosaic of aquatic and terrestrial habitats on the project site are potential habitat for State and federally-listed species such as vernal pool fairy shrimp, vernal pool tadpole shrimp, northwestern pond turtle, Swainson's hawk, burrowing owl, prairie falcon, golden eagle, and tri-colored blackbird.[5] The high rates of endemism within vernal pool ecosystems and the large-scale destruction and degradation of these ecosystems have increased the importance of the landscapes that remain. Between 1994 and 1997 Placer County lost approximately 500 acres of vernal pools per year,[6] and it appears this vigorous pattern of loss has continued as Placer is one of California's fastest growing counties.

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[3] http://www.biodiversityhotspots.org/xp/Hotspots/hotspotsScience/hotspots_defined.xml and http://www.biodiversityhotspots.org/xp/Hotspots/california_floristic/

[4] King, J. L. (1996). Loss of Diversity as a Consequence of Habitat Destruction in California Vernal Pools. Ecology, Conservation, and Management of Vernal Pool Ecosystems, Sacramento, California Native Plant Society.

[5] Placer Vineyards Specific Plan Revised Draft Environmental Impact Report. March 2006. Section 4, pages 4.4-11 through 4.4-14. http://www.placer.ca.gov/CommunityDevelopment/EnvCoordSvcs/PVineyards.aspx

[6] CDFG (1998) Changes in Great Valley Vernal Pool Distribution from 1989 to 1997. Report to CDFG, Author Robert F. Holland. http://www.dfg.ca.gov/whdab/wetlands/vp_holland/report_index.htm.

The SVSP site is a relatively large and intact mosaic of vernal pool and grassland habitat. According to the PN, the site is characterized by integrated waters and wetlands including approximately 11.64 acres of vernal pools, 9.19 acres of seasonal wetlands, 19.65 acres of wetland swale, 2.63 acres of pond, 2.36 acres of perennial streams, 6.02 acres of intermittent streams, and 0.38 acres of ephemeral streams. The primary aquatic features that comprise vernal pool complexes (vernal pools, seasonal wetlands, and seasonal wetland swales) account for approximately 78% of the on-site waters, while linear features, associated wetlands, and ponds make up the remainder.

The US Fish and Wildlife Service (FWS) designated all of the land on the SVSP site as core recovery habitat for vernal pool fairy shrimp[7], which is a strong indication of the importance of this site to the maintenance of listed vernal pool species. Core areas are the specific sites the FWS considers necessary to recover endangered or threatened species and should be the initial focus of protection measures such as preservation. The vernal pool habitat on the SVSP site is occupied by vernal pool fairy shrimp. Preservation of habitat occupied by vernal pool fairy shrimp is a primary element of the FWS recovery strategy because vernal pool species are primarily threatened with extinction due to habitat loss and fragmentation. The vernal pools complexes on the SVSP site appear to serve an important role in the recovery of the endangered vernal pool fairy shrimp for US FWS.

This area of Placer County has a limited supply of opportunities for vernal pool compensatory mitigation and is considered an important part of a large-scale conservation plan for Placer County's aquatic and natural resources. If current efforts focused on protecting aquatic resources at the regional level are to succeed, avoidance of aquatic resources in a conservation strategy that provides for the long-term viability of aquatic resources is vital.

Substantial and Unacceptable Impacts

The proposed project impacts to vernal pools and integrated aquatic features are substantial and unacceptable based on the magnitude of fill, lack of sufficient avoidance, historical losses of these wetland types in the area, habitat fragmentation, and inadequate compensation opportunities. Project construction will result in the permanent loss of approximately 37.74 acres of waters and wetlands. The current proposal includes filling approximately 72.8% of all on-site waters including a high percentage of the vernal pools on the property. Similar to other types of wetlands and streams, vernal pools are dependent on interconnected water sources and immediately adjacent upland areas to function as wetlands and retain value as aquatic habitat. The filling of these aquatic resources:

- permanently destroys habitat for aquatic species and wildlife including endangered and special status species,
- causes a potentially irreversible loss of biodiversity, ecosystem stability, and valuable aquatic resources (see section on Significant Degradation), and
- may lead to decreased floodwater retention, increased sediment transport and runoff.

[7] US Fish and Wildlife Service (2005) Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon.

In addition, many of the seasonal wetlands and streams proposed for direct fill may impact avoided pools by altering the sediment and water supply through increasing impervious surfaces and burying streams into pipe culverts. The proposal to forego avoidance and fill almost 73% of on-site aquatic resources is unacceptable given that all or nearly all the waters could be avoided by realigning the planned open space.

Perhaps the most compelling reason the proposed impacts are both substantial and unacceptable, is the importance of the habitat on the SVSP site to the recovery of aquatic endangered species. The Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon lists habitat fragmentation as the single largest threat to the survival and recovery of listed species addressed in the Recovery Plan. The SVSP proposes to destroy most of the 11.64 acres of vernal pools and fragment an approximately 2000-acre landscape of vernal pool complexes. Figure 1 shows proposed development in western Placer County and the distribution of vernal pool core Recovery Areas identified by FWS. FWS recommends preserving 85% of the core areas identified in western Placer County, and the applicants have been unable to propose offsetting project impacts to aquatic habitat for endangered species by compensating within the core area. EPA has identified two other projects shown in Figure 1, Placer Vineyards and Lincoln 270, as candidates for elevation through the 404(q) process for similar reasons.

III. Clean Water Act Compliance

The purpose of the Section 404(b)(1) Guidelines is to restore and maintain the chemical, physical, and biological integrity of waters of the United States. These goals are achieved, in part, by prohibiting discharges of dredged or fill material that would result in avoidable or significant adverse impacts on the aquatic environment. The burden to demonstrate compliance with the guidelines rests with the permit applicant. The Guidelines contain four main requirements each of which must be complied with to obtain a Section 404 permit:

1. Section 230.10(a) prohibits a discharge if there is a less environmentally damaging practicable alternative to the proposed project. These alternatives are presumed for non-water dependent activities in special aquatic sites.

2. Section 230.10(b) prohibits discharges that will result in a violation of the water quality standards or toxic effluent standards, jeopardize a threatened or endangered species, or violate requirements imposed to protect a marine sanctuary.

3. Section 230.10(c) prohibits discharges that will cause or contribute to significant degradation of the waters of the United States. Significant degradation may include individual or cumulative impacts to human health and welfare; fish and wildlife; ecosystem diversity, productivity and stability; and recreational, aesthetic or economic values.

4. Section 230.10(d) prohibits discharges unless all appropriate and practicable steps have been taken to minimize potential adverse impacts of the discharge on the aquatic ecosystem.

The applicant proposes to fill wetlands and vernal pools, aquatic resources considered special aquatic sites which are afforded a higher level of protection by CWA regulations. The Guidelines consider the degradation or destruction of special aquatic sites to be among the most severe environmental impacts that cause a potentially irreversible loss of valuable aquatic resources (40 CFR 230.1(d)).

Alternatives Analysis– 40 CFR 230.10(a)

Compliance with the Guidelines requires the applicant to clearly demonstrate that the "preferred" alternative is the Least Environmentally Damaging Practicable Alternative (LEDPA) that achieves the overall project purpose. In addition, the Guidelines presume the existence of project alternatives that do not include discharges of fill material to special aquatic sites when the project is not water dependent (40CFR230.10(a)(3)).

Alternatives

The applicants have been evaluating alternatives with input from natural resource agencies. Information describing these alternatives will be provided to the Corps in order to complete the CWA and NEPA processes. We provide the following guidance to support the evaluation of on-site and off-site alternatives. Identification of the LEDPA is achieved by performing an alternatives analysis that estimates the direct, secondary, and cumulative impacts to jurisdictional waters resulting from a set of on- and off-site project alternatives. As the project purpose ("large-scale, mixed-use, mixed-density master planned community") is not water-dependent, the applicant bears the burden of proof to rebut the Guidelines presumption that alternatives are available and capable of being done that do not include discharging dredged or fill material to special aquatic sites. The alternatives analysis should evaluate alternatives that fully avoid fill, avoid placement of fill in the vernal pool complexes on the western portion of the site, and provide for conservation consistent with the conservation footprint options being considered in the PCCP process. An evaluation of the long-term viability of avoided resources in onsite preserve designs for various alternatives can inform the LEDPA determination.

The analysis of project impacts should be commensurate with the magnitude of impacts to aquatic resources. Fewer impacts to aquatic resources require a less comprehensive alternatives analysis. Greater consideration should be given to onsite alternatives that optimize avoidance of aquatic resources. This project clearly rises to the threshold of significant impacts; therefore, the applicants need to perform, and the Corps should analyze carefully, an exhaustive alternatives analysis.

Impact Assessment

The alternatives analysis must evaluate direct, secondary[8], and cumulative[9] impacts for onsite and offsite alternatives for the proposed project. Secondary effects include: (1) changes in the hydrology and sediment transport capacity of Curry Creek and associated tributaries resulting from filling tributaries and wetlands; (2) increases in impervious surfaces and the corresponding increases in the volume and velocity of polluted stormwater; (3) decreases in water quality from the impairment of ecosystem services such as water filtration, groundwater recharge, and the attenuation of floods; (4) disruption of hydrological and ecological connectivity between aquatic resources filled, altered, or degraded on-site and off-site wetlands and vernal pools; and (5) decreases in biodiversity and ecosystem stability.

Cumulative impacts include past, present, and reasonably foreseeable direct and secondary impacts to the aquatic environment. Historical impacts on aquatic ecosystems include California's rapid population growth and resulting losses of approximately 95% of the State's wetlands[10] and up to 85% of the vernal pools. Tens of thousands of acres of land supporting vernal pools and related ecosystems are threatened by numerous proposed developments in western Placer County. SVSP and other proposed development areas potentially impact 50% of the remaining vernal pool complexes in western Placer County.[11] Pending and reasonably foreseeable projects include, but are not limited to, the Placer Parkway, Creekview Specific Plan, Placer Vineyards Specific Plan, Placer Ranch Specific Plan, Brookfield Property, Regional University, Curry Creek Community Plan, and any development associated with the City of Roseville Retention Basin. Figure 1 illustrates the intense development pressure in western Placer County and indicates a strong potential for cumulative adverse impacts to intact vernal pool landscapes.

LEDPA

As stated in the cover letter, the proposed project does not appear to be the LEDPA due to the lack of avoidance of aquatic resources and the magnitude of proposed fill.

Significant Degradation – 40 CFR 230.10(c)

The Guidelines prohibit granting a permit for a project that causes or contributes to significant degradation of aquatic resources. Effects contributing to significant degradation include significantly adverse effects resulting from the discharge of fill material into regulated waters such as: (1) loss of fish and wildlife habitat (40 CFR 230.10(c)(3)), (2) reduction of biological productivity caused by smothering wetland habitat (40 CFR 230.41), and (3) impairment or destruction of endangered species habitat (40 CFR 230.30(2)).

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[8] Secondary effects are defined by the Guidelines as effects on an aquatic ecosystem that are associated with a discharge of dredge or fill materials but do not result from the actual placement of the dredged or fill material (40 CFR 230.11(h)).

[9] Cumulative effects are defined by the Guidelines as changes in an aquatic ecosystem that are attributable to the collective effect of a number of individual discharges of dredged or fill material (40 CFR 230.11(g)).

[10] Dahl, T.E. 1990. Wetland losses in the United States 1780's to 1980's. U.S. Fish and Wildlife Service, Washington, D.C.

[11] GIS data collected by Placer County.

SVSP may cause or contribute to significant degradation of on site aquatic resources because discharging fill material into approximately 38 acres[12] of special aquatic sites will smother and kill aquatic life, permanently destroy habitat for wildlife dependent on these aquatic features, and subsequently reduce onsite ecosystem diversity, productivity, and stability. The proposed fill will destroy habitat for wildlife dependent on the onsite aquatic resources. Vernal pool complexes in the SVSP area are considered important concentration areas for waterfowl and shorebirds using the Pacific Flyway.

Vernal pools and their associated aquatic features support some of the most biologically diverse aquatic ecosystems in California and the United States.[13] The vernal pools on the SVSP site are located within the core recovery area for the vernal pool fairy shrimp (*Branchinecta lynchi*) and considered to be critical habitat for preservation by FWS. Destroying vernal pools, integrated aquatic resources, and associated upland habitat represents a potentially irreversible loss of core area preservation, biodiversity and valuable aquatic resources (40 CFR 230.1(d)), is considered a significant adverse effect by the Guidelines (40 CFR 230.41), and therefore may cause or contribute to significant degradation. Similarly, the mosaic of aquatic and terrestrial habitats on the project site are potential habitat for state special status species such as Northwestern pond turtle, Swainson's Hawk, burrowing owl, prairie falcon, golden eagle, and tri-colored blackbird.[14] Destruction of these habitat resources for endangered and threatened species would be considered significantly adverse by the Guidelines and therefore may cause or contribute to significant degradation.

Minimization– 40 CFR 230.10(d)

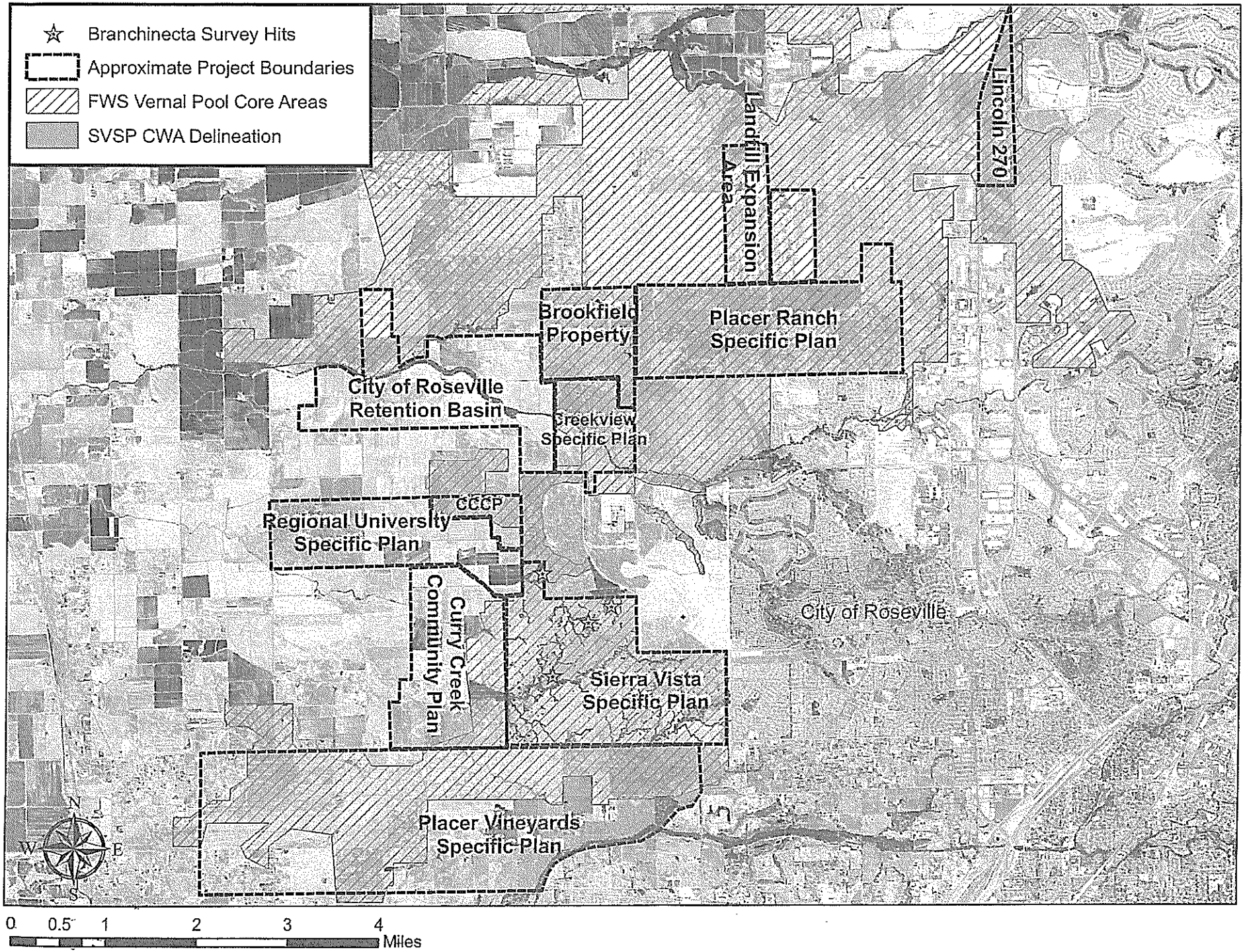
Failure to adequately offset project impacts is grounds for denial of the permit application, and it is not clear the applicants are able to compensate for proposed project impacts. The applicants have not been able to identify lands within the vernal pool core recovery area for compensation even though the entire project and impact site is within the core recovery area. CWA regulations and guidance require all appropriate and practicable steps be taken to avoid and minimize direct impacts to aquatic resources and to compensate for unavoidable discharges of dredged or fill material into waters (40 CFR 230.10(d)).

Specifically, it is important to: (1) increase the proposed avoidance and minimization; (2) document that the remaining proposed impacts are unavoidable; and (3) provide a compensatory mitigation plan for review consistent with the recently issued rule on Compensatory Mitigation for Losses of Aquatic Resources[15]. There are numerous challenges to compensating for impacts to the functions and values provided by vernal pools in western Placer County. For example, CALTRANS and private developers have reported a shortage of available compensatory mitigation opportunities in Placer County to compensate for the unavoidable impacts of pending

[12] Estimated from information provided in the CWA 404 permit application.
[13] http://www.biodiversityhotspots.org/xp/Hotspots/hotspotsScience/hotspots_defined.xml and http://www.biodiversityhotspots.org/xp/Hotspots/california_floristic/
[14] Placer Vineyards Specific Plan Revised Draft Environmental Impact Report. March 2006. Section 4, pages 4.4-11 – 4.4-14. http://www.placer.ca.gov/CommunityDevelopment/EnvCoordSvcs/PVineyards.aspx
[15] http://www.epa.gov/owow/wetlands/pdf/wetlands_mitigation_final_rule_4_10_08.pdf

projects. Mitigation opportunities in nearby counties are also constrained. Mitigation sequencing is now to be performed according the new rules, which stipulate the use of approved mitigation banks or in-lieu fee programs, or citing mitigation according to approved watershed plans. Should those prove to be not practicable, then permittee-responsible mitigation could be used to address unavoidable project impacts. In any case, permit applicants must take all appropriate and practicable steps to avoid and minimize impacts to special aquatic sites and other jurisdictional waters to reduce the need for compensatory mitigation.

As the applicants make progress avoiding and minimizing impacts, the need for specific information about proposed compensatory mitigation sites becomes increasingly important. Specific information includes delineations of waters of the US, proposed long-term management plans, proposed third-party management entity with documented capability, estimated endowment, and proposed easement language for protection of the resources in perpetuity. For example, we would not consider lands proposed for 1:1 open space mitigation as compensation for impacts to aquatic resources without first knowing the amount and type of delineated waters onsite and any proposed plans for creation, restoration, or enhancement. Uplands contained within the proposed open space mitigation site are not appropriate compensation for impacts to waters. Indeed all of these details will need to be analyzed through the development of the EIS for this project and associated alternatives analysis and compensatory mitigation plans.


Branchinecta Survey Hits
Approximate Project Boundaries
FWS Vernal Pool Core Areas
SVSP CWA Delineation
Landfill Expansion Area
Lincoln 270
Brookfield Property
Placer Ranch Specific Plan
City of Roseville Retention Basin
Creekview Specific Plan
CCCP
Regional University Specific Plan
Curry Creek Community Plan
City of Roseville
Sierra Vista Specific Plan
Placer Vineyards Specific Plan
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