



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street

San Francisco, CA 94105-3901

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

Subject: Cyril G. Barbaccia Trust Project (SPK-2005-00957) in Placer County, California

Dear Colonel Ray:

Thank you for the opportunity to comment on the subject PN dated 9/22/2016. This project represents a portion of the Sierra Vista Specific Plan (SVSP), a large mixed-use residential community for which EPA has provided extensive prior comment (see attached letters). These comments include letters dated April 28, and May 12, 2008 written pursuant to our agencies' 404(q) Memorandum of Agreement (MOA), in which EPA Region 9 identified the resources at SVSP, including those at issue in the subject PNs, as aquatic resources of national importance (ARNI).

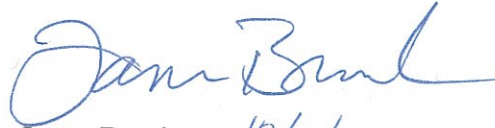
This letter affirms that the Corps' eventual permitting decision on the subject application remains a candidate for Headquarters review as identified in our 2008 MOA letters. This permit application, which was not contemplated as a separate permitting action in the 2008 SVSP Public Notice, accounts for 2.12 acres of the SVSP's overall proposed impacts (24.81 acres) to waters of the United States (waters). About 80% of the 2.5 acres of waters on the applicant's properties will be permanently impacted under the current proposal. There are also significant indirect impacts to the few remaining avoided waters, as two out of the three avoided vernal pools are partially filled and directly abutting roads.

As described in our attached letters, we remain concerned with the apparent lack of avoidance of high resource values, as well as the inadequacy of the conceptual mitigation plan. The SVSP Record of Decision, issued on March 30, 2016, requires each applicant to submit its own alternatives analysis demonstrating that their proposed projects are the least environmentally damaging practicable alternatives (LEDPA) at the site level, and its own compensatory mitigation proposal. The PN states that neither document has been submitted by the applicant. We expect that additional avoidance is practicable, and look forward to continuing to work with your staff as the alternatives analysis become available.

With regard to mitigation, the PN states that the applicant is proposing on-site preservation for a total of .38 acre of wetlands and other Waters of the US within the Curry Creek preserve. If preservation of the avoided wetlands is intended to partially offset the direct and indirect impacts to waters, this should be better described and quantified in order to qualify for partial compensatory credit under the Corps mitigation checklist.

Thank you for your ongoing partnership implementing the programs of the CWA. We remain committed to working directly with your staff to resolve these CWA compliance concerns and avoid the potential need for headquarters review. As additional information becomes available on these permit actions, please contact Leana Rosetti of my staff at (415) 972-3070, or [rosetti.leana@epa.gov](mailto:rosetti.leana@epa.gov).

Sincerely,



Jason Brush  
Supervisor  
Wetlands Section

10/3/16

Enclosures:

EPA letters dated April 28, 2008; May 12, 2008; September 4, 2012; and July 8, 2013, September 16, 2014, December 1, 2014, and April 14, 2016.

cc:

Nancy Haley, Army Corps of Engineers, Sacramento District  
Jennifer Norris, U.S. Fish and Wildlife Service  
Tina Bartlett, California Department of Fish and Wildlife  
Nichole Morgan, Central Valley Regional Water Quality Control Board