



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

SEP 07 2016

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

Subject: Baseline P&R (SPK-2005-01062) and Baseline 80 Investors, LLC (Westbrook) (SPK-2005-00331) in Placer County, California

Dear Colonel Ray:

Thank you for the opportunity to comment on the subject PNs dated August 22, 2016. These projects represent 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 decisions on the subject applications remain candidates for Headquarters review as identified in our 2008 MOA letters. These permit applications, which were not contemplated as separate permitting actions in the 2008 SVSP Public Notice, account for 6.09 acres of the SVSP's overall proposed impacts (24.81 acres) to waters of the United States (waters). About two-thirds of the 9.47 acres of waters on the applicant's properties will be permanently impacted under the current proposals.

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. We are not aware of any such analyses yet submitted by the applicant. We expect that additional avoidance is practicable, and look forward to continuing to work with your staff as the alternatives analyses become available.

With regard to mitigation, it is unclear whether the applicant still proposes to construct 10.34 acres of on-site wetlands, as proposed in the 2016 Conceptual Mitigation Plan. As detailed in our previous letters, EPA does not believe the proposed on-site created wetlands have sufficient buffers (at least 100 feet) to maintain long-term functions. Some of the constructed wetlands in the Plan have no buffer at all. The PN states that the applicants are proposing on-site preservation for a total of 1.72 acres of wetlands and other Waters of the US within the Curry Creek preserve. If preservation of the avoided wetlands is

intended to offset some secondary impacts of the project, this should be better described and quantified in order to qualify for any 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.

Sincerely,



Jason Brush
Supervisor
Wetlands Section

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