



---

## Central Valley Regional Water Quality Control Board

16 August 2023

Sheridon Evans  
PW FUND B, LP  
555 Capitol Mall, Suite 900  
Sacramento, CA 95814  
[sheridonevans@buzzoates.com](mailto:sheridonevans@buzzoates.com)

**NOTICE OF APPLICABILITY FOR COVERAGE UNDER GENERAL ORDER NO. R5-2020-0048, WASTE DISCHARGE REQUIREMENTS AND CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION OF THE WESTERN PLACER COUNTY HABITAT CONSERVATION PLAN PROGRAMMATIC GENERAL PERMIT, 1401 AVIATION BOULEVARD PROJECT (WDID#5A31CR00534-022), PLACER COUNTY**

On 11 July 2023, PW FUND B, LP. (Permittee) submitted a Notice of Intent (NOI) to enroll under and comply with Central Valley Regional Water Quality Control Board (Central Valley Water Board) General Order R5-2020-0048, Waste Discharge Requirements and Clean Water Act Section 401 Water Quality Certification of the Western Placer County Habitat Conservation Plan Programmatic General Permit.

The Central Valley Water Board has reviewed your enrollment materials and finds the 1401 Aviation Boulevard Project (Project) meets the eligibility requirements of, and is hereby enrolled under, General Order R5-2020-0048. You may proceed with your Project in accordance with the Order.

A copy of General Order R5-2020-0048 can be found on the [Central Valley Water Board's Adopted Orders webpage](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/401_wq_certs/5a31cr00534.pdf) ([https://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/401\\_wq\\_certs/5a31cr00534.pdf](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/401_wq_certs/5a31cr00534.pdf)).

Please familiarize yourself with the requirements of General Order R5-2020-0048. You are responsible for complying with all applicable Order requirements. Failure to comply with General Order R5-2020-0048 constitutes a violation of the California Water Code and may result in enforcement action or termination of enrollment under the Order.

**PROJECT DESCRIPTION:**

The 11.1-acre Project consists of mass grading the project site to develop a 177,840 square-foot building along with a depressed loading dock, paved parking spaces, and paved driveways.

Project elements that affect aquatic resources include mass grading of the project site. The Project will permanently impact 0.53 acre of seasonal wetland and 0.09 acre of detention basin.

**PROJECT TYPE:**

Development

**ADDITIONAL CONDITION:**

The Applicant shall obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities Order No. 2009-0009-DWQ, as amended for discharges to surface waters comprised of storm water associated with construction activity, including, but not limited to, demolition, clearing, grading, excavations, and other land disturbance activities of one or more acres, or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres.

**PROJECT LOCATION:**

The Project is located at 1401 Aviation Boulevard in Lincoln.

Section 8, Township 12 North, Range 6 East, MDB&M

Latitude: 38.903150° N and Longitude: -121.337100° W

**PROJECT SCHEDULE:**

Construction of the proposed Project is anticipated to commence in 2023 and the fill of aquatic resources is anticipated to take approximately four to six months to complete.

**PUBLIC NOTICE**

The Central Valley Water Board provided public notice of the application from 14 July 2023 to 4 August 2023. The Central Valley Water Board did not receive any comments during the comment period.

**COMPENSATORY MITIGATION**

To mitigate for the loss of 0.53 acre of seasonal wetland and 0.09 acre of detention basin, the Applicant shall purchase a minimum of 0.63 in lieu fee credits from the Western Placer County in lieu fee program for the impacted watershed prior to commencing construction. The Applicant shall provide evidence of all off-site compensatory mitigation to the Central Valley Water Board. At a minimum, compensatory mitigation must achieve a ratio of 1:1 for permanent impacts.

Compensatory mitigation must comply with the effective policy, which ensures no overall net loss of wetlands for impacts to waters of the state, at the time of Certification.

Evidence of compliance with compensatory mitigation requirements includes providing a letter from the approved in-lieu fee recipient. The letter must: a) be on the in-lieu fee recipient's letterhead; b) be signed by an authorized representative of the in-lieu fee recipient; c) indicate the United States Army Corps of Engineers' SPK number; d)

describe the Project name and location; and e) detail the type of in-lieu fees paid for the Project's impacts.

**APPLICATION FEE RECEIVED:**

A project fee of \$15,351.00 was received on 12 July 2023. The fee amount was determined as required by California Code of Regulations, title 23, sections 3833(b)(3) and 2200(a)(3) and was calculated as A - Fill & Excavation Discharges (fee code 84) with the dredge and fill fee calculator.

**PROJECT SPECIFIC AVOIDANCE AND MINIMIZATION MEASURES:**

The proposed Project will comply with all applicable measures identified within Master Conditions on Covered Activities Checklist, submitted with the application. The Applicant will implement the Avoidance and Minimization Measures (AMMs) and construction Best Management Practices (BMPs) outlined in the County Aquatic Resource Program (CARP) document, the Habitat Conservation Program/Natural Community Conservation Program (HCP/NCCP) document, and General Order No. R5-2020-0048.

**WATER QUALITY MONITORING:**

Water Quality Monitoring is not required.

**PETITIONS FOR RECONSIDERATION**

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with California Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this NOA, except that if the thirtieth day following the date of this NOA falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Links to the law and regulations applicable to filing petitions may be found on the Water Quality Petitions Page [Water Quality Petitions | California State Water Resources Control Board](#) ([http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality)) or will be provided upon request."

If you have any questions regarding this Notice of Applicability, please contact Nicholas Savino by phone at (916) 464-4920 or by email at [Nicholas.Savino@waterboards.ca.gov](mailto:Nicholas.Savino@waterboards.ca.gov).

*Original Signed by Anne Walters for:*

Patrick Pulupa  
Executive Officer

Attachments: Figure 1: Project Location  
Figure 2: Project Impacts

cc: Distribution List, page 4

**DISTRIBUTION LIST**  
**Via email only**

Julie Rimbault  
United States Army Corps of Engineers  
Sacramento District Office  
Regulatory Division  
[Julie.C.Rimbault@usace.army.mil](mailto:Julie.C.Rimbault@usace.army.mil)

United States Environmental Protection Agency  
[R9CWA401@epa.gov](mailto:R9CWA401@epa.gov)

CWA Section 401 WQC Program  
State Water Resources Control Board  
[Stateboard401@waterboards.ca.gov](mailto:Stateboard401@waterboards.ca.gov)

Theresa Johnson  
Placer County  
[tjohnson@placer.ca.gov](mailto:tjohnson@placer.ca.gov)

Candice Guider-Heitmann  
HELIX Environmental Planning, Inc.  
[CandiceGH@helixepi.com](mailto:CandiceGH@helixepi.com)



Figure 1: Project Location Map

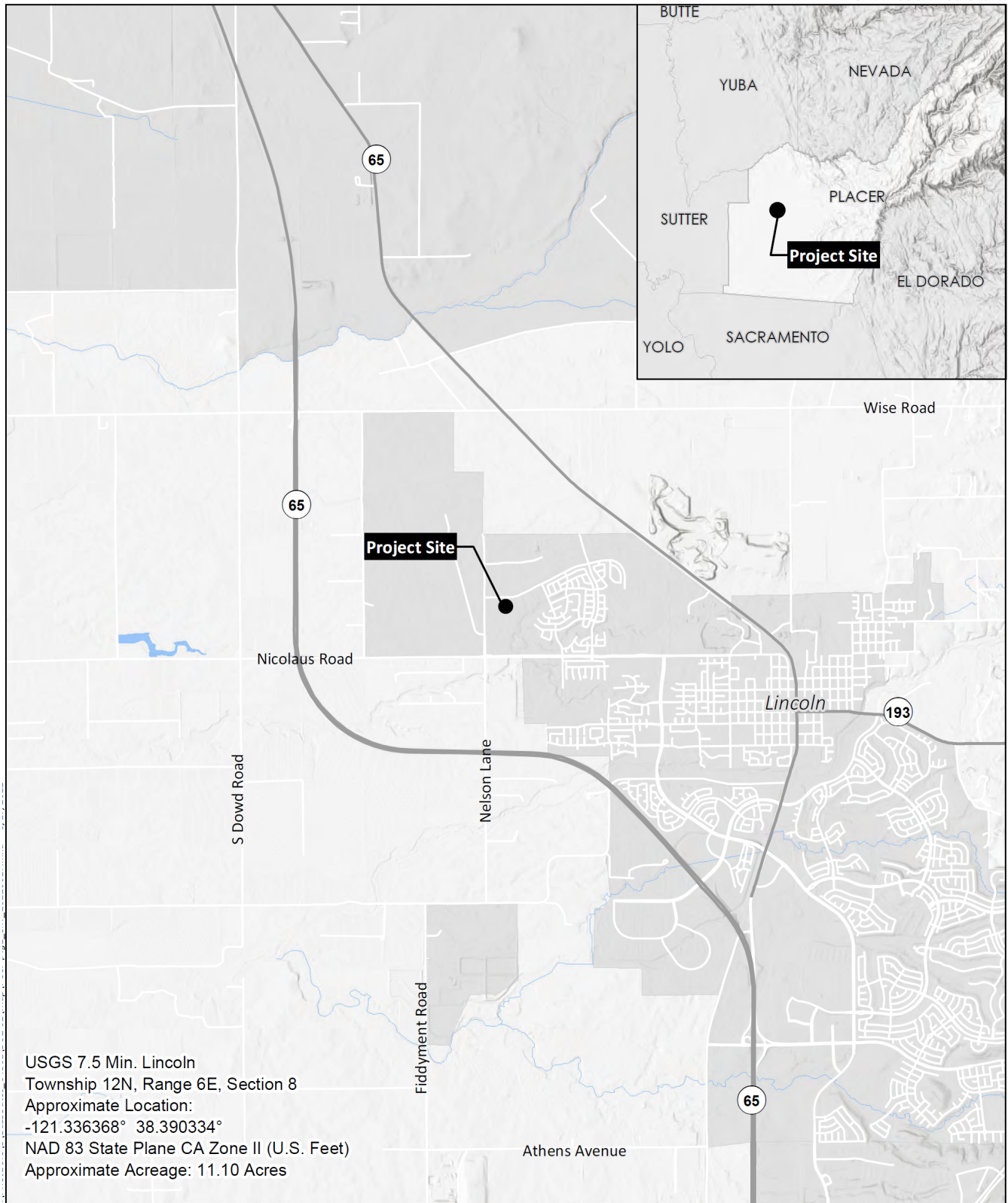


Figure 2: Project Impacts Map

