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JARED BLUMENFELD
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

18 August 2022

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NOTICE OF APPLICABILITY FOR COVERAGE UNDER GENERAL ORDER NO. R5-2019-0023, WASTE DISCHARGE REQUIREMENTS AND CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION OF THE SOUTH SACRAMENTO HABITAT CONSERVATION PLAN PROGRAMMATIC GENERAL PERMIT, NORTH VINEYARD GREENS UNIT 11 PROJECT (WDID#5A34CR00759-022), SACRAMENTO COUNTY

On 3 August 2021, Waterman at Gerber 39, LLC 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 No. R5-2019-0023, Waste Discharge Requirements and Clean Water Act Section 401 Water Quality Certification of the South Sacramento Habitat Conservation Plan (SSHCP) Programmatic General Permit.

The Central Valley Water Board has reviewed your enrollment materials and finds the North Vineyard Greens Unit 11 Project (Project) meets the requirements of, and is hereby enrolled under, General Order R5-2019-0023. You may proceed with your Project in accordance with the Order.

A copy of the General Order No. R5-2019-0023 can be found on the [Central Valley Water Board's Adopted Orders webpage](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/sacramento/r5-2019-0023.pdf) (https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/sacramento/r5-2019-0023.pdf).

Please familiarize yourself with the requirements of General Order R5-2019-0023. You are responsible for complying with all applicable Order requirements. Failure to comply with General Order R5-2019-0023 constitutes a violation of the California Water Code and may result in enforcement action or termination of enrollment under the Order.

PROJECT DESCRIPTION:

The 5.5-acre Project consists of mass grading the project site to develop a residential subdivision.

MARK BRADFORD, CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

Project elements that affect aquatic resources include the permanent filling of 0.025 acre of aquatic resources as a result of the mass grading. The Project will permanently impact 0.012 acre of vernal pool habitat and 0.013 acre/275 feet of an unnamed drainage ditch.

PROJECT TYPE:

Residential 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 the northeast corner of Waterman Road and Gerber Road in Sacramento County.

Section 6, Township 7 North, Range 6 East, MDB&M

Latitude: 38.481973° and Longitude: -121.355396°

PROJECT SCHEDULE:

Project activities will occur between 2022 and 2023 within a work window approved by Sacramento County.

COMPENSATORY MITIGATION:

To mitigate for the loss of 0.025 acre of aquatic resources, the Applicant shall purchase a minimum of 0.025 mitigation credits from the SSHCP 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. Evidence of on-site compensatory mitigation shall be provided with the Notice of Completion. 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:

An application fee of \$2,066.00 was received on 10 August 2021. 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 Applicant shall implement the Avoidance and Minimization Measures (AMM) listed in the Project SSHCP AMM compliance document that was submitted on 3 August 2021.

WATER QUALITY MONITORING:

Water quality monitoring is not required for the permanent filling of 0.025 acre of aquatic resources.

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

Original Signed by Adam Laputz (for)
Patrick Pulupa
Executive Officer

cc: [Via email only]

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Figure 1: Project Location

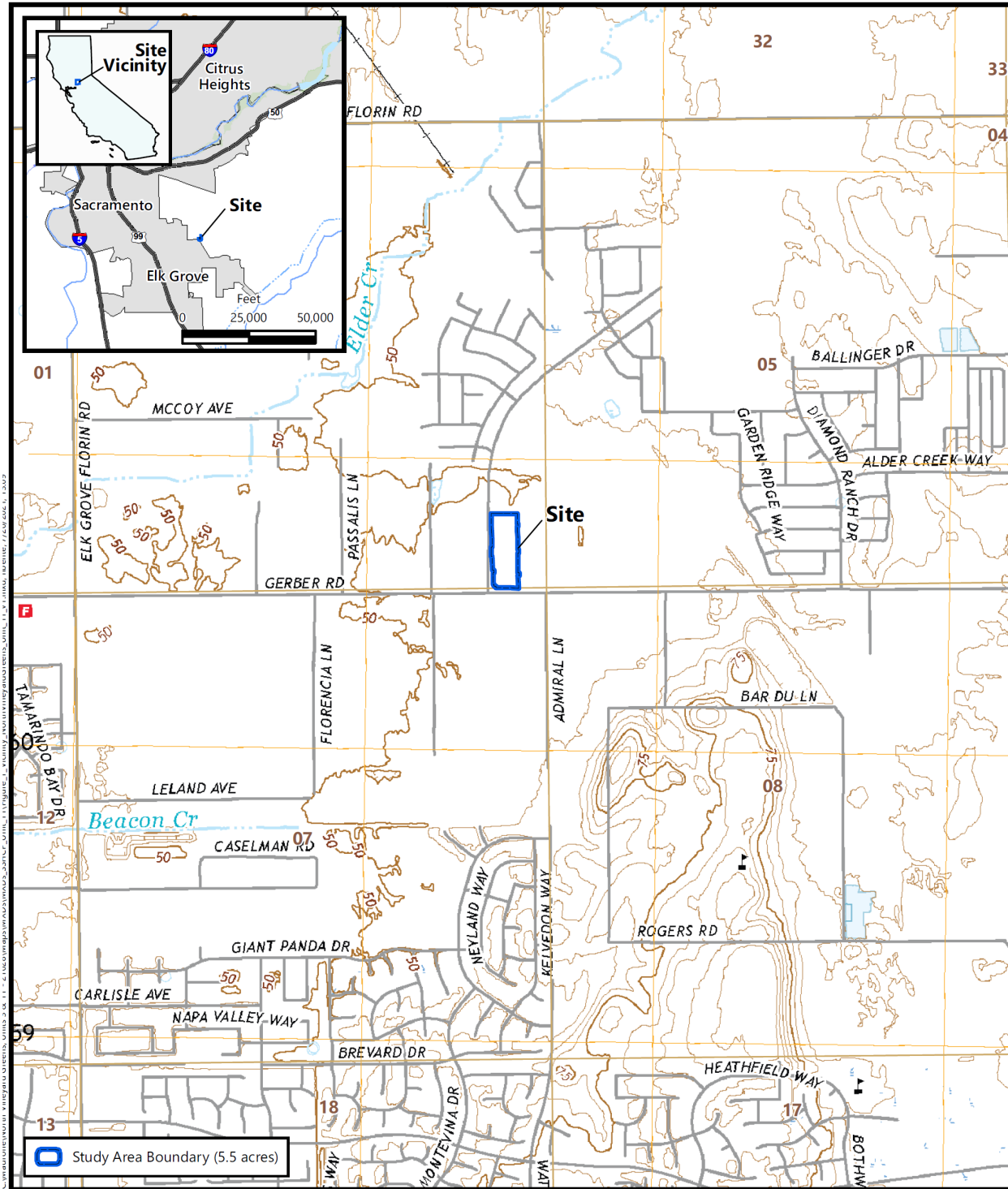


Figure 1
Site and Vicinity

Source: United States Geologic Survey, 2018
Section 6, Township 7 North, Range 6 East, MDB&M
"Elk Grove, California" 7.5-Minute Topographic Quadrangle
Longitude -121.355045, Latitude 38.482977

North Vineyard Greens, Unit 11
Sacramento County, California



Figure 2: Site Impacts

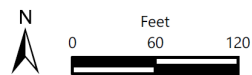


Figure 2
Aquatic Resources Impacts

