
Central Valley Regional Water Quality Control Board

5 June 2024

George M. Carpenter
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ORDER AMENDING CLEAN WATER ACT SECTION 401 TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION; L STREET LAND L.P. AND BVRP L.P., NORTHBOROUGH PROJECT (WDID#5A34CR00749A5), SACRAMENTO COUNTY

This Order responds to the 10 May 2024 request for an amendment of the Northborough Project (Project) Section 401 Water Quality Certification (WDID#5A34CR00749). The original Water Quality Certification (Certification) was issued on 1 February 2019 and amended on 23 September 2019. A second, third, and fourth amendment were issued on 30 June 2021 (WDID#5A34CR00749A2), 18 March 2022 (WDID#5A34CR00749A3), and 31 January 2024 (WDID#5A34CR00749A4), respectively. The requested fifth amendment is hereby approved. The original Certification is therefore amended as described below. Please attach this document to the original Certification.

AMENDMENT:

L Street Land, L.P. and BVRP L.P. are requesting a time extension through 13 May 2029 and a change in mitigation method due to availability of mitigation credits. The time extension was approved by the United States Army Corps of Engineers.

The originally proposed mitigation credits are no longer available for purchase at the proposed mitigation bank. The United States Corps of Engineers authorized the use of the NFWF Sacramento District California In-Lieu Program. Table 3 of Appendix B will be replaced as shown in Table 3 and Table 4.

Attachment B, Tables 3 and 4 are amended as shown below to reflect the updated compensatory mitigation requirements.

In-Lieu Fee Compensatory Mitigation Information

Table 3: In-Lieu Fee Program

In-Lieu Fee Program Name:	NFWF Sacramento District California In-Lieu Fee Program
Website:	https://www.nfwf.org (https://www.nfwf.org/)
In-Lieu Fee Program Contact Name:	Christopher Gurney, Wetlands Program Director
Phone:	(415) 593-7627
Email:	Christopher.Gurney@NFWF.org
In-Lieu Fee Program Location - County:	American River Aquatic Resource Service Area; and Southeastern Sacramento Valley Cernal Pool Service Area
Latitude:	Variable
Longitude:	Variable

Table 4: Mitigation Type Information

Aquatic Resource Credit Type	Acres	Linear Feet	Number of Credits Purchased
Aquatic Resource	3.02		6.04 (2:1 ratio)
Vernal Pool	0.08		0.16 (2:1 ratio)

APPLICATION FEE RECEIVED:

No fee was required for this amendment. Total fees of \$1,500.00 for the original Certification were received on 8 August 2018. The remaining fee balance of \$109,022.00 based on total Project impacts was received on 11 December 2018. The fee amount was determined as required by California Code of Regulations, title 23, sections 3383(b)(3) and 2200(a)(3), as was calculated as category A - Fill & Excavation Discharges (fee code 84) with the dredge and fill fee calculator.

CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD CONTACT:

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WATER QUALITY CERTIFICATION:

I hereby issue an Order amending the existing Clean Water Act, Section 401 Technically Conditioned Water Quality Certification for the Northborough Project (WDID#5A34CR00749A4). All other conditions and provisions of the original Water Quality Certification and any previously approved amendments remain in full force and effect, except as modified based on the conditions of this Order. Failure to comply with the terms and conditions of the original Water Quality Certification, previously approved amendments, or of this Order may result in suspension or revocation of the Water Quality Certification.

Original Signed by Anne Walters for:
Patrick Pulupa
Executive Officer

cc: [Via email only]

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