

---

## Central Valley Regional Water Quality Control Board

15 October 2021

Larry Gualco  
Lennar  
1025 Creekside Drive, Suite 240  
Roseville, CA 95678  
[larry.gualco@lennar.com](mailto:larry.gualco@lennar.com)

**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, GERBER CREEK UNIT 1 PROJECT (WDID#5A34CR00759-015), SACRAMENTO COUNTY**

On 20 July 2021, Lennar (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 R5-2019-0023, Waste Discharge Requirements and Clean Water Act Section 401 Water Quality Certification of the South Sacramento Habitat Conservation Plan Programmatic General Permit.

The Central Valley Water Board has reviewed your enrollment materials and finds the Gerber Creek Unit 1 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 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](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 No. 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 20.3-acre Project will prepare the area for a new residential housing development and associated on-site infrastructure. Permanent impacts to aquatic resources will result from rough grading, infrastructure development, and pad development. The Project will

permanently affect 1.13 acre of vernal pools and seasonal wetlands (collectively referred to as vernal pools).

No dewatering will occur in the project area. No wet concrete will be placed into waters of the state. Temporarily impacted areas will be restored to pre-project condition.

**PROJECT TYPE:**

Residential

**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 McCoy Avenue and Elk Grove Florin Road in Sacramento.

Section 1, Township 7 North, Range 5 East MDB&M

Latitude: 38.486217° N and Longitude: 121.374372° W

**PROJECT SCHEDULE:**

Construction is expected to begin in October 2021 and complete in December 2023.

**COMPENSATORY MITIGATION**

A copy of the fully executed agreements for the purchase of mitigation credits shall be provided to the Central Valley Water Board prior to the initiation of in-water work.

The Permittee shall retain responsibility for providing the compensatory mitigation and long-term management until Central Valley Water Board staff has received documentation of the credit purchase and the transfer agreement between the Permittee and the seller of credits.

The Permittee shall purchase 1.13 acre of vernal pool credits from the South Sacramento In-Lieu Fee Program prior to the initiation of in-water work for the permanent impacts to 1.13 acre of vernal pool habitat.

**APPLICATION FEE RECEIVED:**

An application fee of \$21,360.00 was received on 23 July 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 Permittee shall implement the site-specific avoidance and minimization measures (AMMs) outlined in Attachment 4 of the South Sacramento Habitat Conservation Plan for the Gerber Creek Unit 1 Project.

**WATER QUALITY MONITORING:**

No sampling is required for the filling of 1.13 acre of vernal pool habitat.

If you have any questions regarding this Notice of Applicability, please contact Angela Nguyen-Tan at (916)-464-0335 or [Angela.Nguyen-Tan@waterboards.ca.gov](mailto:Angela.Nguyen-Tan@waterboards.ca.gov)

*Original Signed By James Marshall for:*

Patrick Pulupa  
Executive Officer

Attachments: Figure 1: Project Location Map  
Figure 2: Impacts to Waters of the State

Cc: Distribution List, Page 4

**DISTRIBUTION LIST**

cc: [Via email only]

Mary Pakenham-Walsh (SPK-2004-00655)  
United States Army Corps of Engineers  
Sacramento District Office  
Regulatory Division  
SPKRegulatoryMailbox@usace.army.mil

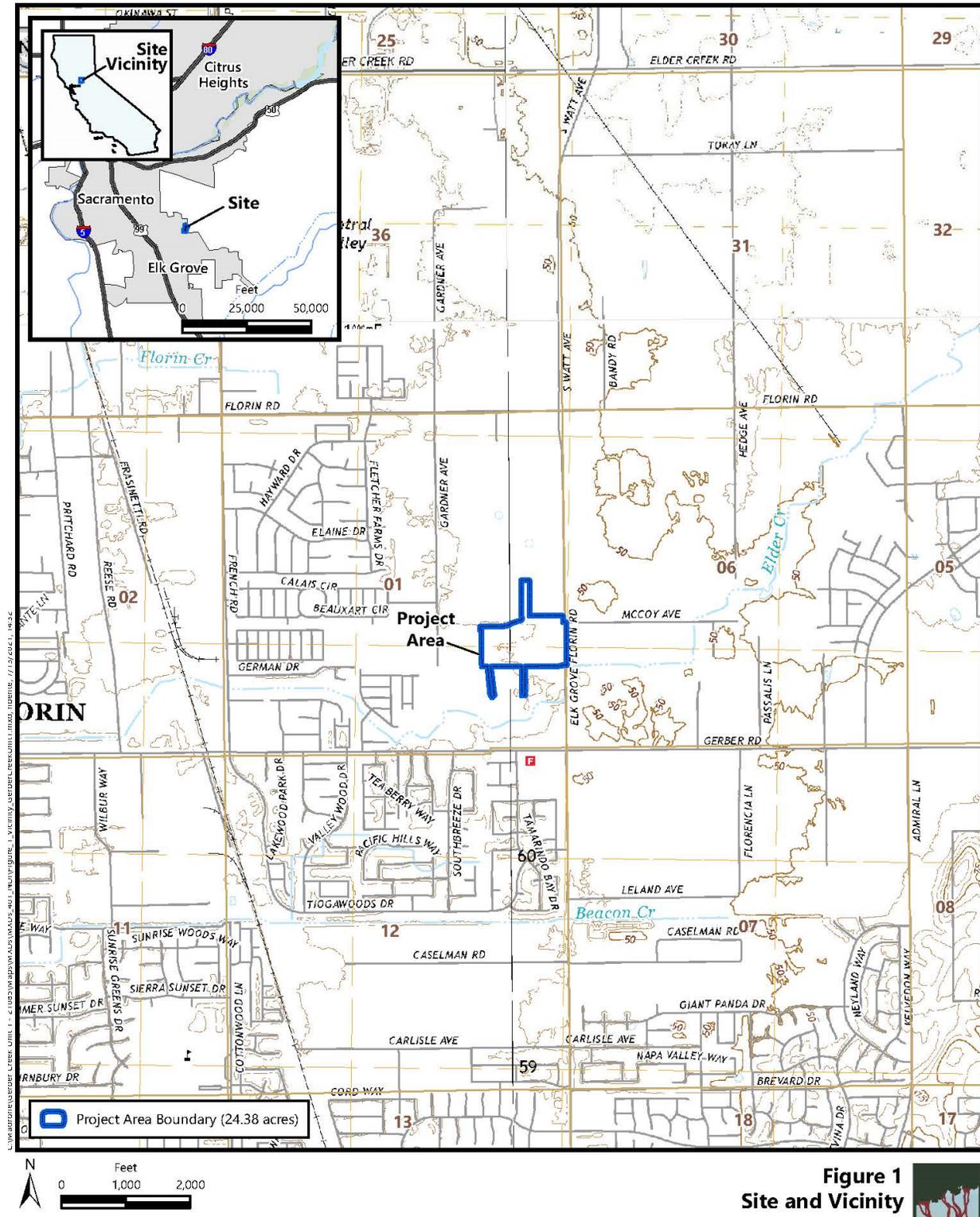
Department of Fish and Wildlife, Region 2  
R2LSA@wildlife.ca.gov

United States Environmental Protection Agency  
R9CWA401@epa.gov

CWA Section 401 WQC Program  
State Water Resources Control Board  
Stateboard401@waterboards.ca.gov

Bill Jennings  
CA Sportfishing Protection Alliance  
DeltaKeep@me.com

Ginger Fodge  
Madrone Ecological Consulting  
gfodge@madroneeco.com

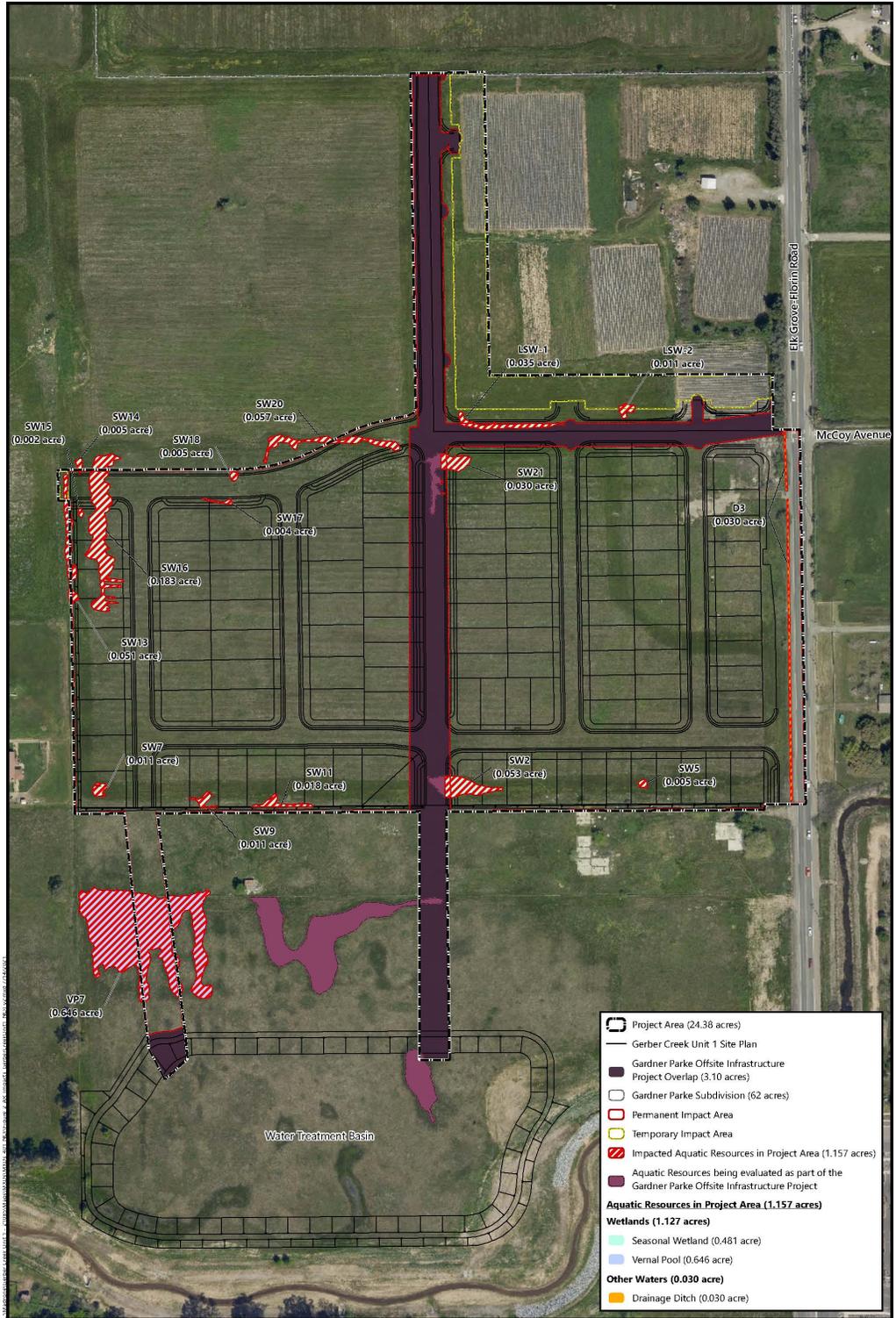


Source: United States Geologic Survey, 2018  
Section 1, Township 7 North, Range 5 East, and  
Section 6, Township 7 North, Range 6 East MDB&M  
"Florin, California" and "Elk Grove, California" 7.5-Minute Topographic Quadrangles  
Longitude -121.374227, Latitude 38.486355

Gerber Creek Unit 1  
Sacramento County, California



**Figure 1: Project Location Map**



Notes: Small summation errors may occur due to rounding. Impacts do not include areas being evaluated as part of the Gardner Parke Offsite Infrastructure Project. Aerial Source: Sac Regional GIS Coop, 26 March 2018

**Figure 2**  
**Gerber Creek Unit 1**  
**Impacts to Aquatic Resources**

Gerber Creek Unit 1  
Sacramento County, California



**Figure 2: Impacts to Waters of the State**