



Central Valley Regional Water Quality Control Board

5 August 2022

Larry Gualco
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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, GERBER CREEK UNIT 2 PROJECT (WDID#5A34CR00759-019), SACRAMENTO COUNTY

On 28 February 2022, Lennar 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 Gerber Creek Unit 2 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 10-acre Project consists of mass grading the project site to prepare for future residential development. Project elements that affect aquatic resources include permanently filling of 0.16 acre of seasonal wetland as a result of the mass grading.

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

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 7444 Gardner Avenue, Sacramento, CA 95829

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

Latitude: 38.487033° and Longitude: -121.377770°

PROJECT SCHEDULE:

Project activities will occur between 2022 and 2026 within a work window approved by Sacramento County.

COMPENSATORY MITIGATION

To mitigate for the loss of 0.16 acre of seasonal wetland, the Applicant shall purchase a minimum of 0.16 acre of seasonal wetland 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. 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 \$3,447.00 was received on 2 March 2022. 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 as Attachment 7 of the Applicant's application on 28 February 2022.

WATER QUALITY MONITORING:

Water Quality Monitoring is not required for the permanent filling of 0.16 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

Attachments: Figure 1 – Project Location Map
Figure 2 – Site Impacts Map

cc: [Via email only]

United States Army Corps of Engineers
Sacramento District Office
Regulatory Division
SPKRegulatoryMailbox@usace.army.mil

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

Figure 1: Project Location

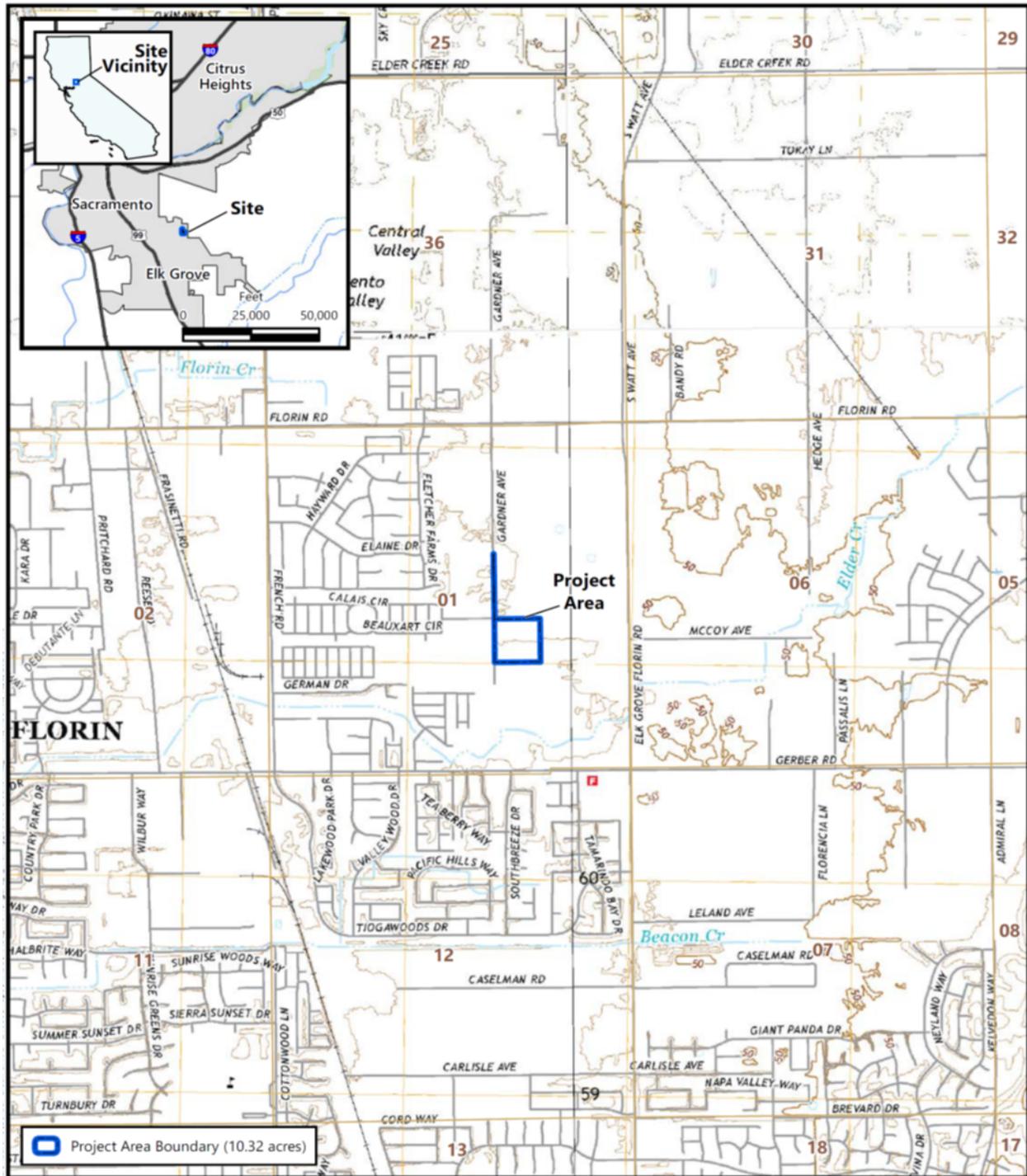


Figure 2
Site and Vicinity

Gerber Creek Unit 1
Sacramento County, California



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

