



Central Valley Regional Water Quality Control Board

10 February 2023

Thomas Borge
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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 WEST PROJECT (WDID#5A34CR00759-025), SACRAMENTO COUNTY

On 6 January 2023, 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 Programmatic General Permit.

The Central Valley Water Board has reviewed your enrollment materials and finds the North Vineyard Greens Unit 11 West 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 12-acre Project consists of mass grading the Project site to develop a residential subdivision and accompanying infrastructure.

Project elements that affect aquatic resources include mass grading the Project site, which will permanently impact 0.077 acre of seasonal wetland, 0.046 acre of drainage ditch, and 0.02 acre of roadside 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 Waterman Road and Gerber Road (west of Waterman and north of Gerber) in Sacramento County.

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

Latitude: 38.482911° N and Longitude: -121.35696° W

PROJECT SCHEDULE:

Project activities will occur between 2023 and 2027 within a work window approved by Sacramento County.

COMPENSATORY MITIGATION

To mitigate for the loss of 0.143 acre of aquatic resources, the Applicant shall purchase a minimum of 0.143 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 \$3,411.00 was received on 13 January 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 Applicant shall implement the Avoidance and Minimization Measures (AMM) listed in Attachment D of the SSHCP application that was submitted on 6 January 2023.

WATER QUALITY MONITORING:

Water quality monitoring is not required for the permanent filling of 0.143 acre of aquatic resources if filling is completed in dry conditions.

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 Anne Walters for:

Patrick Pulupa
Executive Officer

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

cc: [Via email only]

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Figure 1: Project Location Map

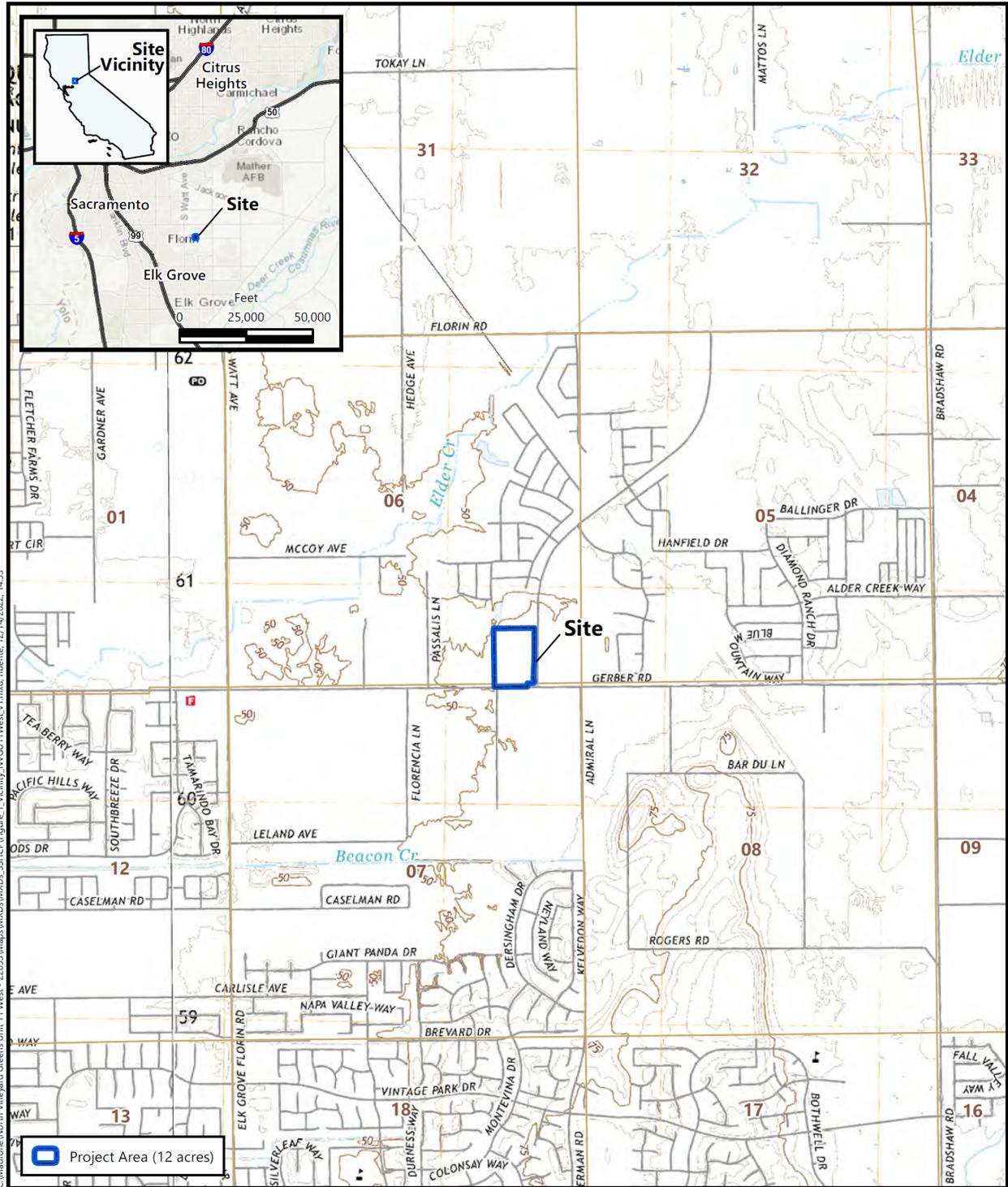


Figure 1
Site and Vicinity

Source: United States Geologic Survey, 2022
Sections 6-7, Township 7 North, Range 6 East, MDB&M
"Elk Grove, California" 7.5-Minute Topographic Quadrangle
Longitude -121.35696, Latitude 38.482911

North Vineyard Greens, Unit 11 West
Sacramento County, California



Figure 2: Project Impacts Map



Figure 2
Impacts to Waters of the State

North Vineyard Greens, Unit 11 West
 Sacramento County, California

