



Central Valley Regional Water Quality Control Board

22 April 2021

John Kautz
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NOTICE OF APPLICABILITY FOR COVERAGE UNDER ORDER NO. 2004-0004-DWQ, STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS FOR DREDGED OR FILL DISCHARGES TO WATERS DEEMED BY THE U.S. ARMY CORPS OF ENGINEERS TO BE OUTSIDE OF FEDERAL JURISDICTION, NAPA VALLEY SUBDIVISION PROJECT (WDID#5A34CR00822), SACRAMENTO COUNTY

On 14 March 2021, the Lemas Road Properties, LLC submitted a Notice of Intent (NOI) to enroll under and comply with State Water Resources Control Board (State Water Board) Order No. 2004-0004-DWQ, Statewide General Waste Discharge Requirements for Dredged or Fill Discharges to Waters Deemed by the United States Army Corps of Engineers to be Outside of Federal Jurisdiction.

The Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed your enrollment materials and finds the Napa Valley Subdivision Project (Project) meets the requirements of, and is hereby enrolled under, Order No. 2004-0004-DWQ. You may proceed with your Project in accordance with the Order.

A copy of [Order 2004-0004-DWQ](https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf) (https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf) can be found on the State Water Resources Control Board's Adopted Orders webpage and is enclosed.

Please familiarize yourself with the requirements of Order No. 2004-0004-DWQ. You are responsible for complying with all applicable Order requirements. Failure to comply with Order No. 2004-0004-DWQ constitutes a violation of the California Water Code and may result in enforcement action or termination of enrollment under the Order.

PROJECT DESCRIPTION:

The 3-acre Project consists of mass grading to prepare the ground for constructing a future residential development. The grading activity will permanently fill 0.15 acre of wetland habitat. The Project will permanently fill 0.15 acre of isolated wetland habitat (waters of the state) by placing approximately 162 cubic yards of native soil during naturally dry conditions.

KARL E. LONGLEY SCD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

No dewatering will occur within the Project area. No wet concrete will be placed into the wetland. The Project will permanently impact 0.15 acre of waters of the state.

PROJECT LOCATION:

The Project is located at the east end of Lemas Road in the Vineyard Community of Sacramento

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

The approximate center of the Project area is located at latitude 38.467652°N and longitude 121.367356°W.

PROJECT SCHEDULE:

1 May through 31 October.

APPLICATION FEE RECEIVED:

\$2,762.00 was received on 16 March 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 category A - Fill & Excavation Discharges (fee code 84) with the dredge and fill fee calculator.

AVOIDANCE AND MINIMIZATION MEASURES:

The work will be conducted during dry weather. Standard construction best management practices (BMPs) will be employed to minimize dust, erosion, and potential sedimentation. These BMPs include use of water trucks, compacting soil, installing erosion control measures, re-seeding disturbed areas, and implementing all erosion control measures (e.g., silt fences, straw wattles, hay bales, etc.)

COMPENSATORY MITIGATION:

To mitigate for the loss of 0.15 acre of wetland habitat, the Applicant shall purchase a minimum of 0.15 wetland mitigation credits from an approved mitigation bank or 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 compensatory mitigation bank or in-lieu fee recipient. The letter must: a) be on the compensatory mitigation bank's or in-lieu fee recipient's letterhead; b) be signed by an authorized representative of the compensatory mitigation bank or in-lieu fee recipient; c) describe the Project name and location; and d) detail the type of compensatory mitigation credits purchased in-lieu fees paid for the Project's impacts.

TERMINATION OF COVERAGE:

Upon completion of the Project, you shall submit a complete Notice of Termination (NOT) requesting to be un-enrolled under Order No. 2004-0004-DWQ. Attachment 2 to the Order contains the NOT form.

If you have questions concerning this matter, please contact Angela Nguyen-Tan by phone at (916) 464-0335 or by email at Angela.Nguyen-Tan@waterboards.ca.gov.

Original Signed By James Marshall for:

Patrick Pulupa
Executive Officer

Attachments: Figure 1 – Project Description
Figure 2 – Impacts to Waters of the State

Enclosure: State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ

cc: [Via email only] [Check emails below & remove hyperlinks]

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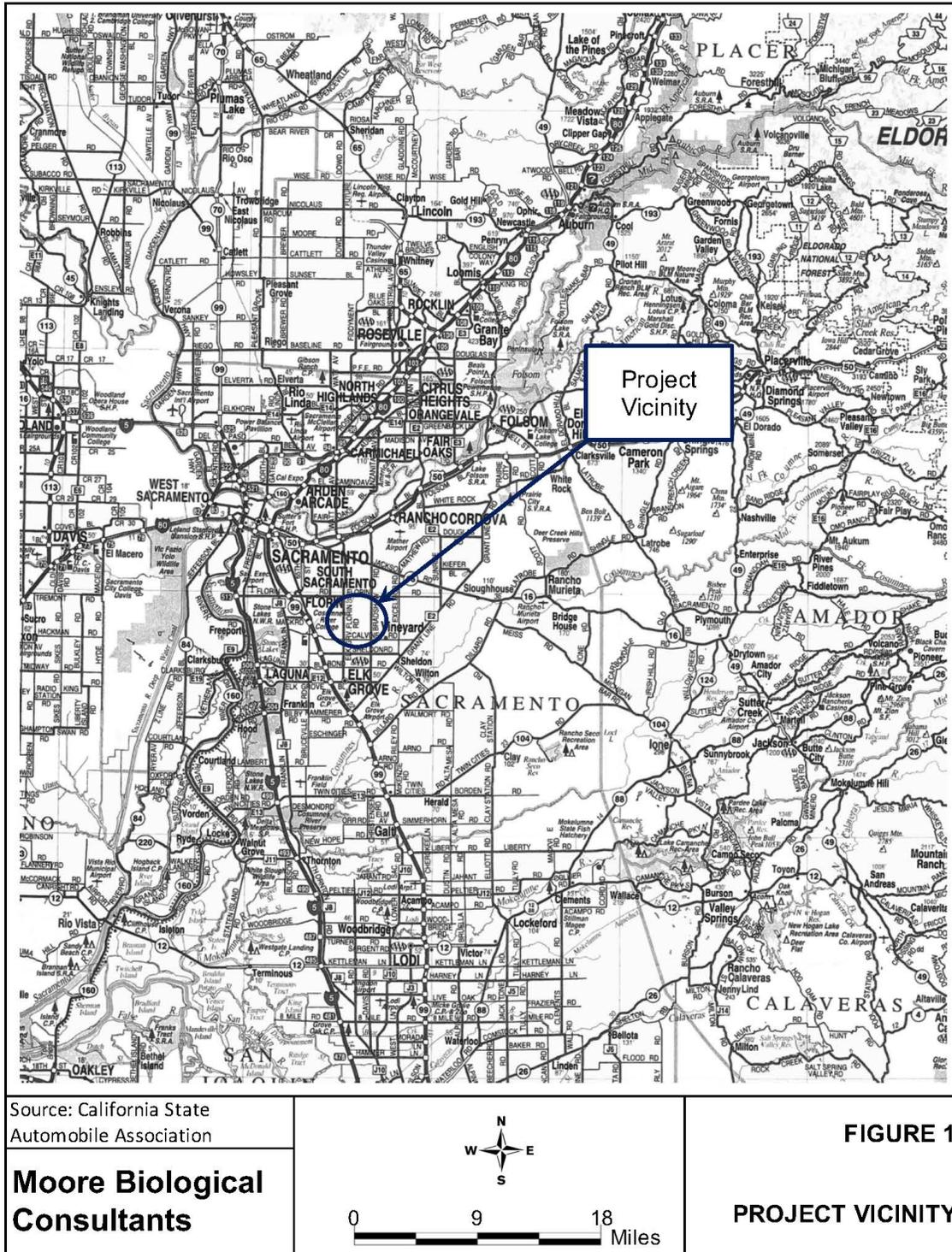


Figure 1 – Project Location Map

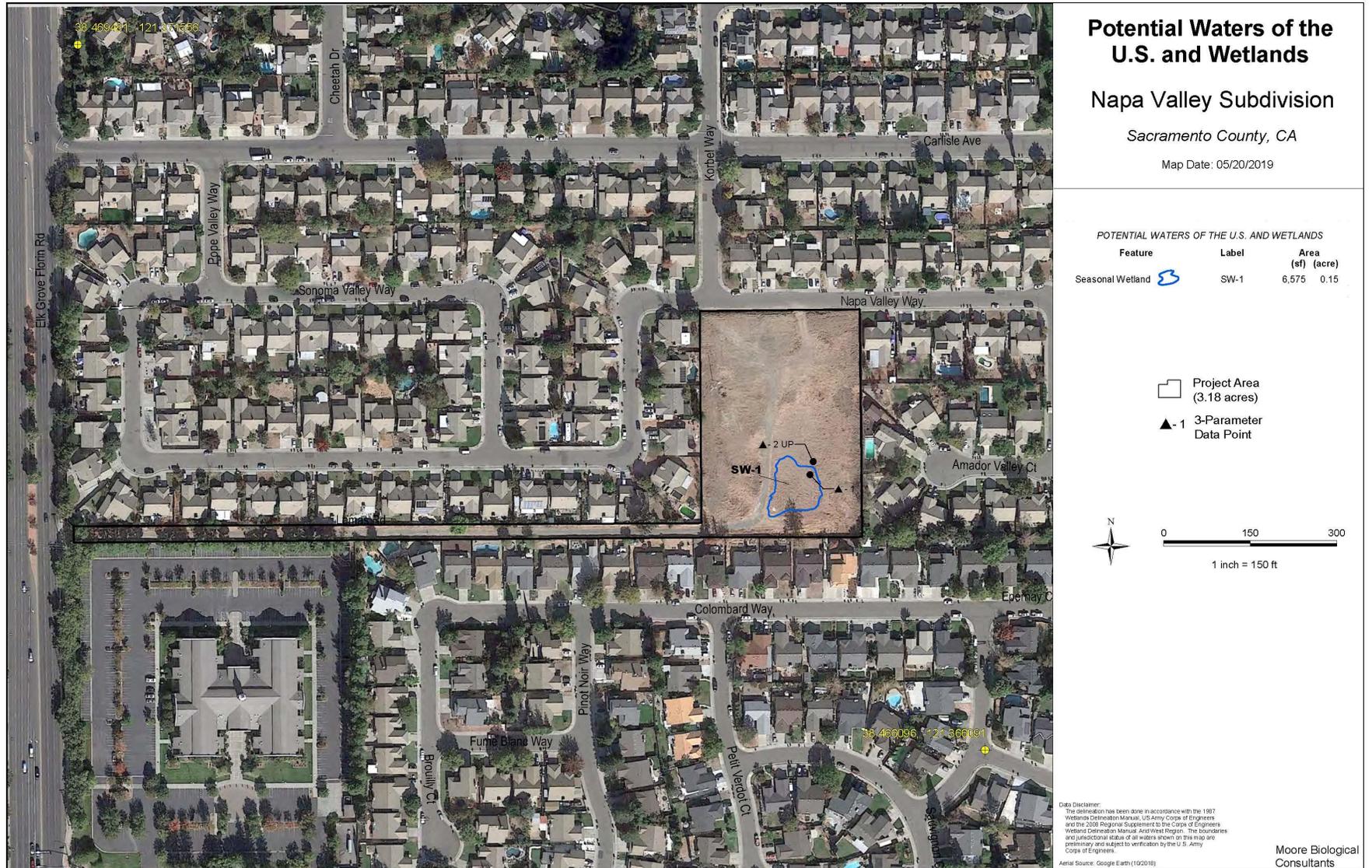


Figure 2 – Impacts to Waters of the State