



Central Valley Regional Water Quality Control Board

28 December 2020

Joseph Marques
7793 Bar Du Lane
Sacramento, CA 95829

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, BAR DU LANE GRADING PERMIT PROJECT (WDID#5A34CR00759-004), SACRAMENTO COUNTY

On 18 August 2020, Joseph Marques (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 Bar Du Lane Grading Permit 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).

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 3.733-acre Project consists of placing clean soil into vernal pool habitat to grade the site in preparation for a residential home and driveway. The Project will permanently impact 0.251 acre of vernal pool habitat from placing approximately 202.47 cubic yards of clean, native soil into vernal pool habitat during naturally dry conditions.

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

No dewatering will occur in the Project area. No wet concrete will be placed into Waters of the United States.

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 7793 Bar Du Lane in Sacramento County.

Section 8, Township 7 North, Range 6 East, MDB&M

Latitude: 38.474857° N and Longitude: 121.340426° W

PROJECT SCHEDULE:

1 March through 30 November

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 in each of the four Project phases.

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 0.251 vernal pool credits from the South Sacramento In-Lieu Fee Program prior to the initiation of in-water work for the permanent impacts to 0.251 acre of vernal pool habitat.

APPLICATION FEE RECEIVED:

An application fee of \$1,949.00 was received on 18 August 2020. The remaining application fee balance of \$2,394.00 was received on 30 September 2020.

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 (AMMs) listed in the Section 4 of the Water Quality Certification Application WDID #5A34CR00759-004 for the Bar Du Lane Project dated 17 August 2020.

WATER QUALITY MONITORING:

No sampling is required for the filling of 0.251 acre of vernal pool habitat during naturally dry conditions.

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.

Original Signed By James Marshall for:

Patrick Pulupa
Executive Officer

cc: [Via email only]

Peck Ha (SPK-2020-00435)
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

Sam Ziegler
United States Environmental Protection Agency
Ziegler.Sam@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

Becky Rozumowicz
Area West Environmental, Inc
Becky@AreaWest.net

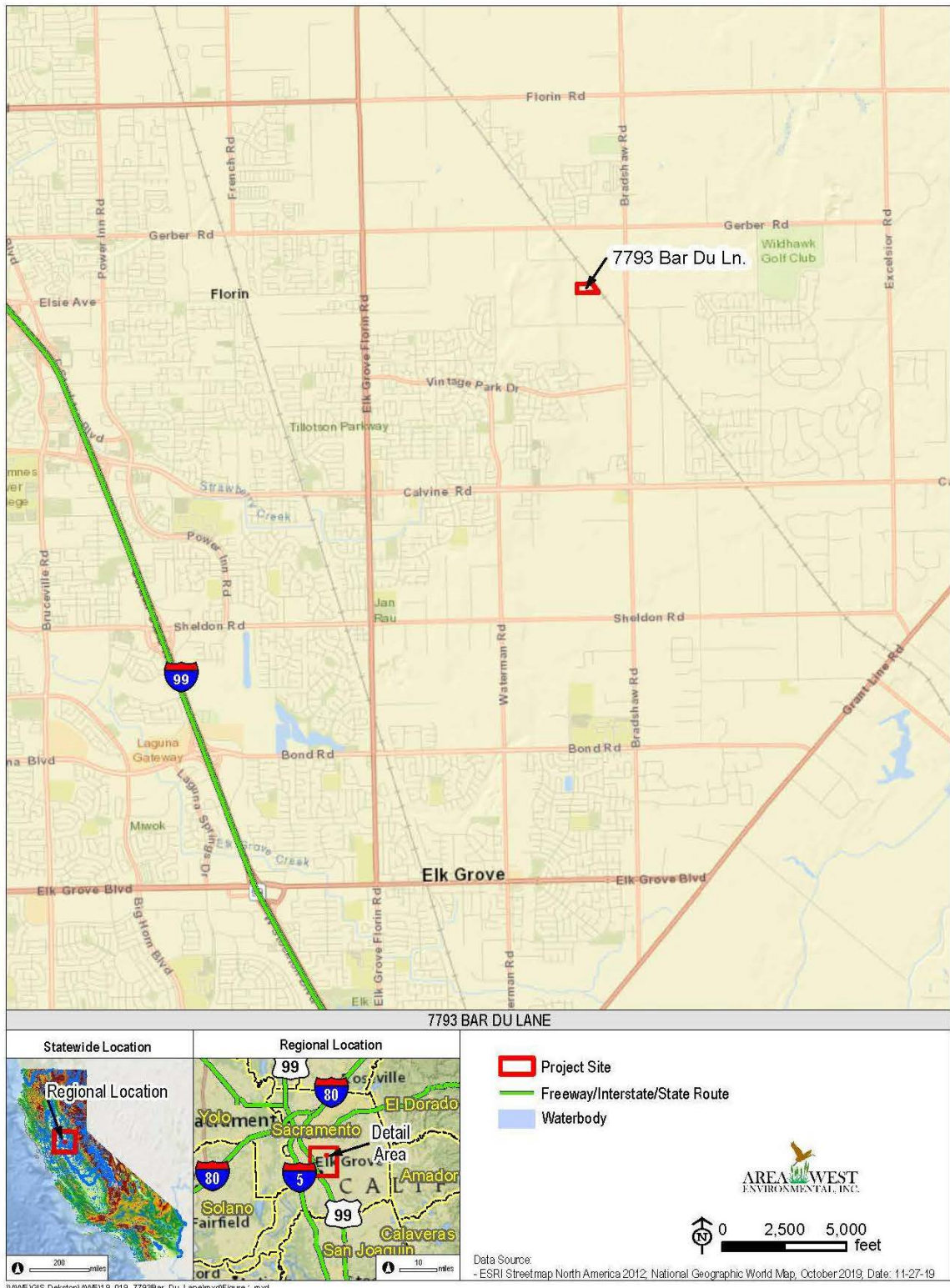


Figure 1-1. Proposed Project Vicinity

Figure 1: Project Location Map

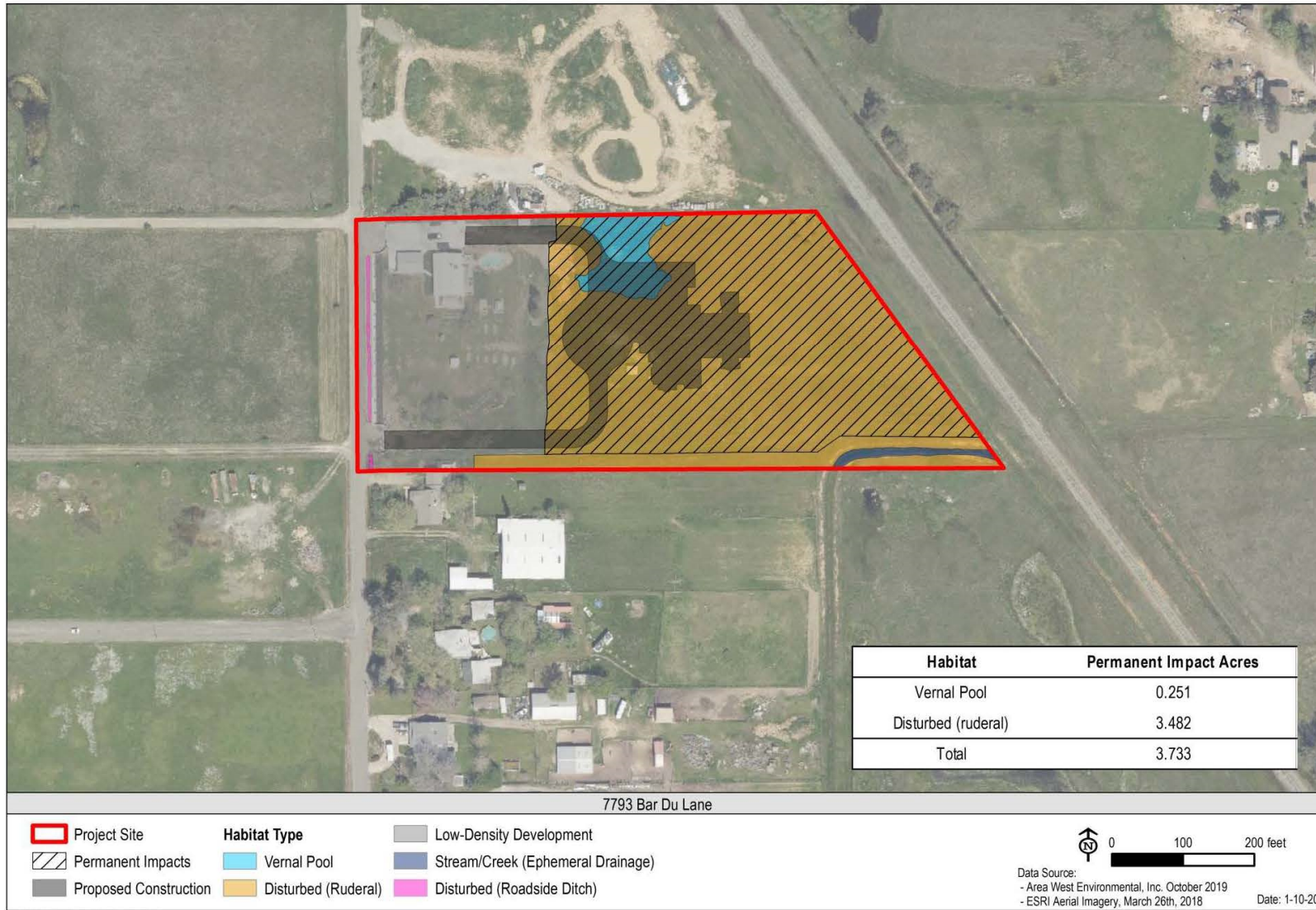


Figure 4-1 Temporary and Permanent Impacts

Figure 2: Site Impact Map