



Central Valley Regional Water Quality Control Board

16 December 2022

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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, SPRING GARDENS PROJECT (WDID#5A34CR00759-023), SACRAMENTO COUNTY

On 20 October 2022, Towne Development of Sacramento 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 Spring Gardens 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 41-acre project consists of mass grading the project site to develop a single-family residential subdivision.

Project elements that affect aquatic resources include filling 1.46 acres of aquatic resources as a result of the mass grading. The Project will permanently impact 0.312 acre of seasonal wetland and 1.141 acres of seasonal wetland swale.

PROJECT TYPE:

Development: 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 9565 Florin Road, Sacramento, CA 95829.

Section 05, Township 07 North, Range 06 East, MDB&M

Latitude: 38.492626° and Longitude: -121.340709°

PROJECT SCHEDULE:

The project will take place between 2022 and 2026 within a work window approved by Sacramento County.

COMPENSATORY MITIGATION:

To mitigate for the loss of 0.312 acre of seasonal wetland and 1.141 acres of seasonal wetland swale, the Applicant shall purchase a minimum of 1.46 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 \$2,417.00 was received on 28 October 2022. The remaining application fee balance of \$29,037.00 was received on 23 November 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 (AMMs) listed in the Project SSHCP AMM compliance document that was submitted on 20 October 2022.

WATER QUALITY MONITORING:

Water quality monitoring is not required for the permanent filling of 1.46 acres 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

cc: [Via email only]

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Sacramento District Office
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CWA Section 401 WQC Program
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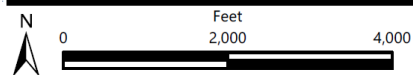
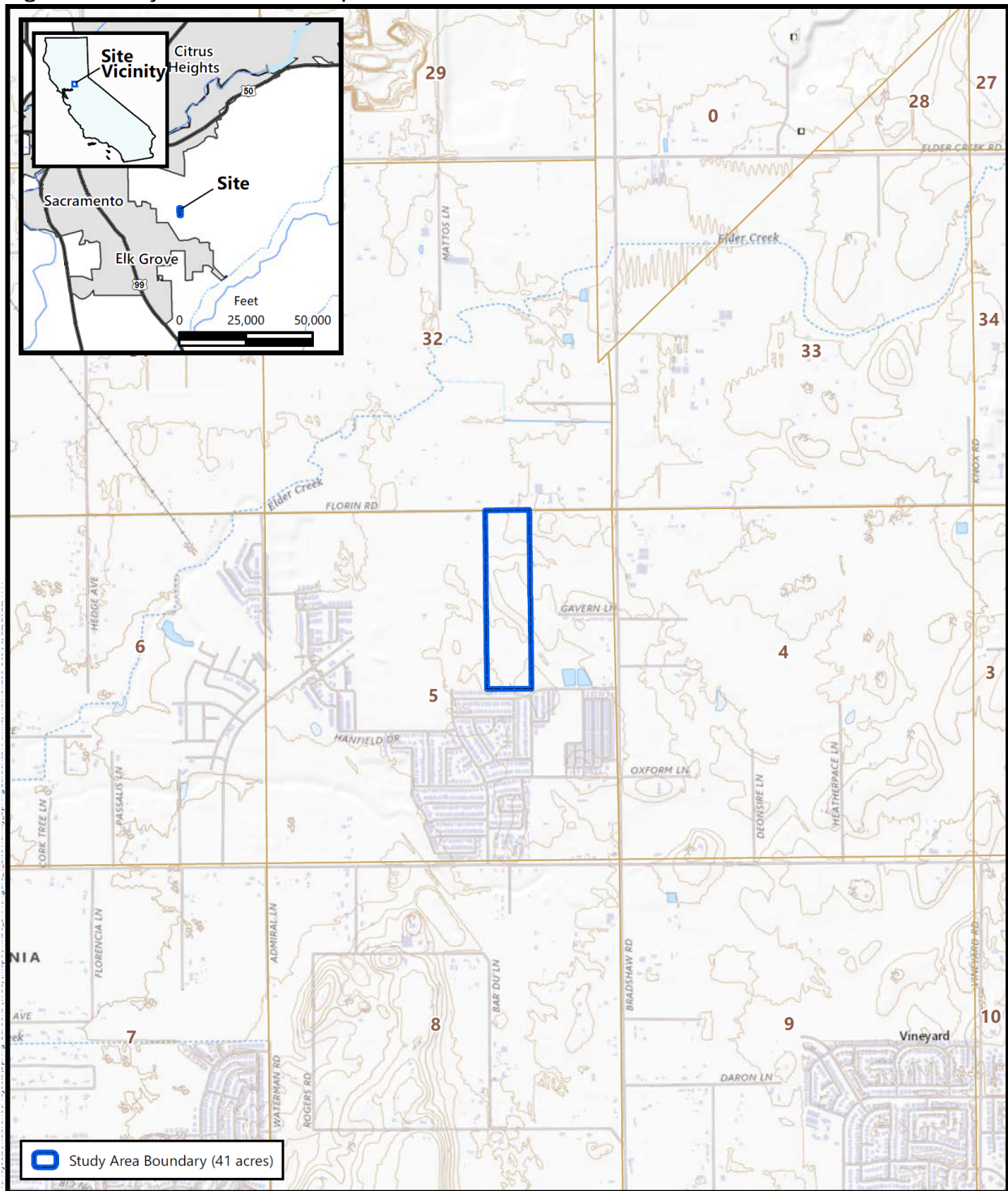
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Figure 1: Project Location Map



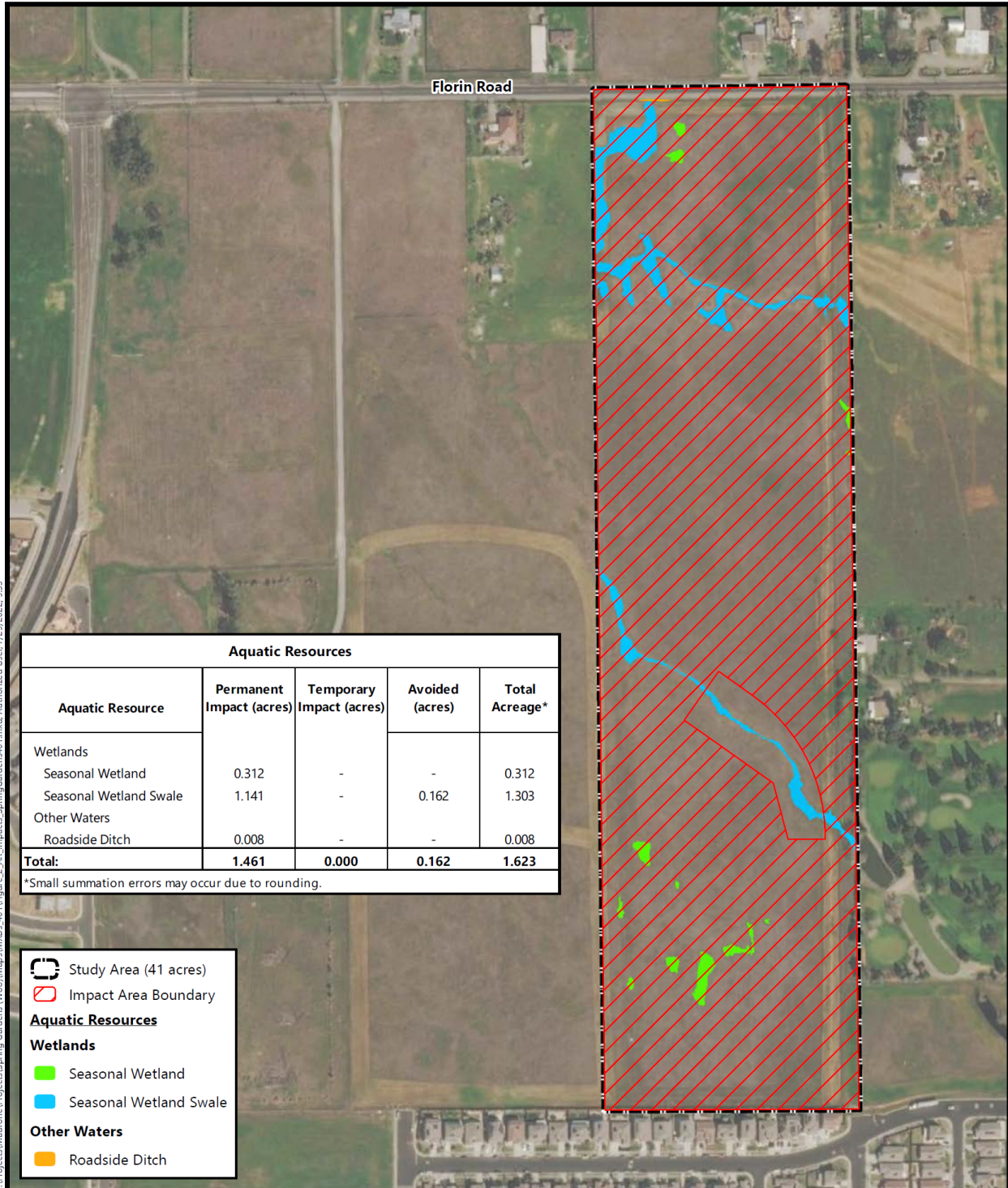
Source: United States Geologic Survey, 2018
"Elk Grove, California" 7.5-Minute Topographic Quadrangle
Section 5, Township 07 North, Range 06 East, MDB&M
Longitude -121.340677, Latitude 38.492612

Figure 1
Site and Vicinity

Spring Gardens
Sacramento County, California



Figure 2: Aquatic Resource Impacts Map



Aerial Source: Maxar 3 April 2021

Figure 2
Aquatic Resources Impacts

Spring Gardens
Sacramento County, California

