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## Central Valley Regional Water Quality Control Board

21 August 2024

Chris Dickinson  
Towne Development of Sacramento  
11060 White Rock Rd., Suite 150  
Rancho Cordova, CA 95670  
[CDickinson@hbtsac.com](mailto:CDickinson@hbtsac.com)

**ORDER AMENDING 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, SIERRA PROJECT (WDID#5A34CR00759-023A1),  
SACRAMENTO COUNTY**

This Order responds to the 11 June 2024 request for an amendment of the Spring Gardens Project (Project) Notice of Applicability for coverage under 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 (WDID#5A34CR00759-023). The original Notice of Applicability (NOA) was issued on 16 December 2022. The requested amendment is hereby approved. The original NOA is therefore amended as described below. Please attach this document to the original NOA.

**AMENDMENT:**

Towne Development of Sacramento is requesting to amend the NOA to cover impacts in an off-site area. The Project area has been modified to accommodate adjacent off-site areas needed for supporting infrastructure. Work within the expanded Project area would result in the fill of waters of the state. The off-site areas, which total 4.58 acres, include areas along the shoulder of Florin Road and along the future alignment of Ruby Port Way west of the Project parcel for storm drain, and an area along the northwestern boundary of the Project parcel for slope/grading work.

Development within the additional off-site areas would result in permanent impacts to 0.02 acre of vernal pool habitat and 0.14 acre of seasonal wetland swale habitat through grading activities. Compensatory mitigation will be provided by purchasing in-

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

lieu fee credits from the South Sacramento Habitat Conservation Plan In-Lieu Fee Program.

Towne Development of Sacramento is also requesting to change the project name from the Spring Gardens Project to the Sierra Project, and to change the legally responsible person on the NOA from Jeff Pemstein to Chris Dickinson.

The Certification is amended to show Chris Dickson as the legally responsible person, the project name as the Sierra Project, and as shown below:

**PROJECT DESCRIPTION:**

The 45.58-acre project consists of mass grading the project site to develop a single-family residential subdivision. Project elements that affect aquatic resources include filling 1.62 acres of aquatic resources as a result of the mass grading. The Project will permanently impact 0.312 acre of seasonal wetland, 1.281 acres of seasonal wetland swale, 0.02 acre of vernal pool, and 0.01 acre of roadside ditch.

**COMPENSATORY MITIGATION:**

To mitigate for the loss of 0.312 acre of seasonal wetland, 1.281 acres of seasonal wetland swale, 0.02 acre of vernal pool, and 0.01 acre of roadside ditch, the Applicant shall purchase a minimum of 1.62 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.

**APPLICATION FEE RECEIVED:**

An additional fee of \$4,257.00 was received on 13 August 2024 for this amendment. 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.

Total fees of \$31,454.00 for the original Certification were received on 23 November 2022.

**CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD CONTACT:**

Nicholas Savino, Environmental Scientist  
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**PUBLIC NOTICE:**

The Central Valley Water Board provided public notice of the amendment pursuant to California Code of Regulations, title 23, section 3858 from 14 June 2024 to 5 July 2024. The Central Valley Water Board did not receive any comments during the comment period.

**NOTICE OF APPLICABILITY:**

I hereby issue an Order amending the existing Notice of Applicability for the Sierra Gardens Project (WDID#5A34CR00759-023A1). All other conditions and provisions of the original Notice of Applicability and any previously approved amendments remain in full force and effect, except as modified based on the conditions of this Order. Failure to comply with the terms and conditions of the original Notice of Applicability, previously approved amendments, or of this Order may result in suspension or revocation of the Notice of Applicability.

*Original Signed by Anne Walters for:*  
Patrick Pulupa  
Executive Officer

Attachment: Figure 1: Project Location Map  
Figure 2: Off-Site Area Map  
Figure 3: Aquatic Resources Map

cc: [Via email only]

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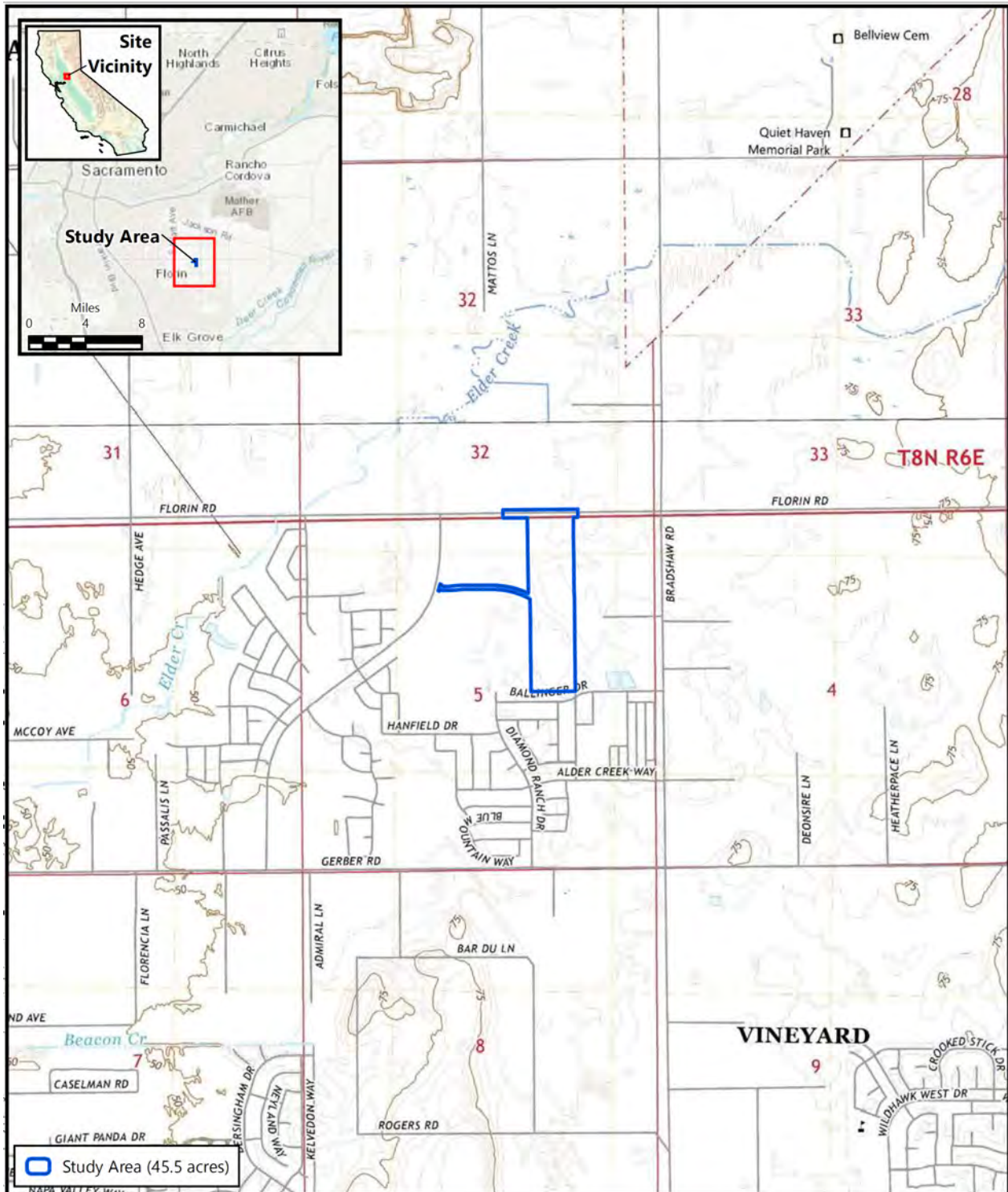
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Figure 1: Project Location Map



Source: United States Geologic Survey, 2022  
"Elk Grove, California" 7.5-Minute Topographic Quadrangle  
Section 5, Township 7 North, Range 6 East, MDBM and  
Section 32, Township 8 North, Range 6 East, MDBM  
Latitude (NAD83): 38.492821°, Longitude (NAD83): -121.340889°

Figure 1  
Site and Vicinity

Sierra Gardens  
Sacramento County, California





Figure 2: Off-site Area Map

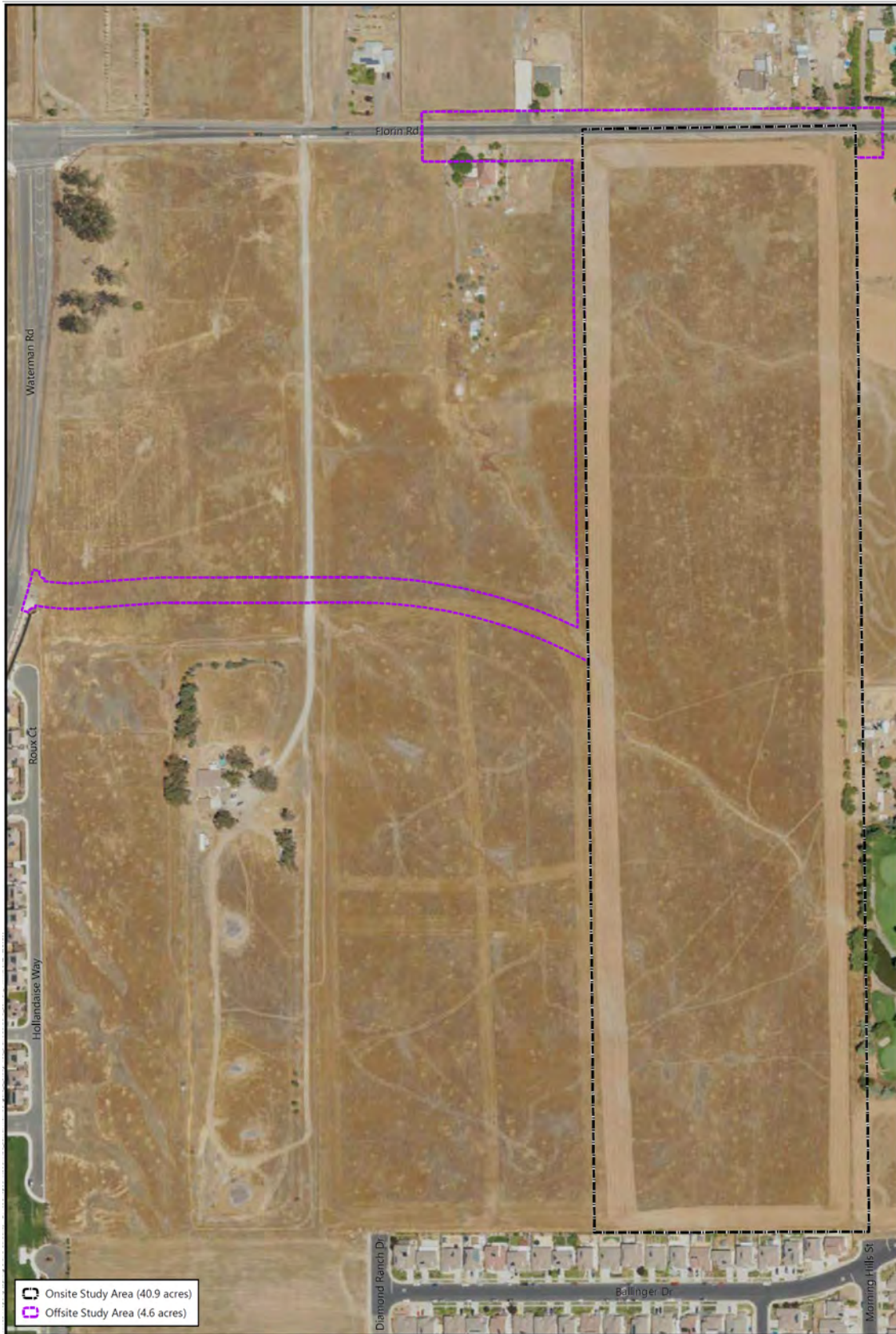


Figure 3: Aquatic Resources Map

