



Central Valley Regional Water Quality Control Board

14 July 2023

Singh Daljinder
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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, 8171 EXCELSIOR ROAD/EXCELSIOR RANCH SUBDIVISION PROJECT (WDID#5A34CR00759-027), SACRAMENTO COUNTY

On 31 May 2023, Real Investing LLC (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 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 8171 Excelsior Road/Excelsior Ranch Subdivision 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 Project consists of constructing a new road (Organic Lane) off of Excelsior Road. The road will run from east to west across the southern portion of the project area and will require excavation, grading, paving, replacement of existing culverts, and installation of a new culvert.

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

Project elements that affect aquatic resources include grading the project site and installing and replacing culverts. A new 12-inch corrugated steel pipe (CSP) culvert will be placed in a seasonal wetland swale that will be bisected by the future road. Existing culverts that facilitate flow in another seasonal wetland swale will be replaced with 3, 36-inch CSP culverts. A roadside drainage and existing culvert along Excelsior Road will be improved by grading the roadside drainage and replacing the existing culvert with 3, 36-inch CSP culverts. Grading of the future road will result in the placement of fill into portions of two seasonal wetland features.

The Project will permanently impact 0.05 acre of seasonal wetland and 0.03 acre of seasonal wetland swale. There will be no temporary impacts.

PROJECT TYPE

Roads and Highways

ADDITIONAL CONDITION:

The Permittee 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 8171 Excelsior Road in Sacramento.

Section 14, Township 7 North, Range 6 East, MDB&M

Latitude: 38.4603° and Longitude: -121.2946°

PROJECT SCHEDULE:

The project will take place from 2023 to 2026 within a work window approved by Sacramento County.

COMPENSATORY MITIGATION

To mitigate for the loss of 0.05 acre of seasonal wetland and 0.03 acre of seasonal wetland swale, the Permittee shall purchase a minimum of 0.08 seasonal wetland credits from the SSHCP in lieu fee program for the impacted watershed prior to commencing construction. The Permittee 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 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 \$ 2,734.00 was received on 12 June 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 E – Low Impact Discharges (fee code 87) with the dredge and fill fee calculator.

PROJECT SPECIFIC AVOIDANCE AND MINIMIZATION MEASURES:

The Permittee shall implement the Avoidance and Minimization Measures (AMM) listed in Attachment B of the Notice of Intent that was submitted on 31 May 2023.

WATER QUALITY MONITORING:

Water quality monitoring is not required if work is performed when the wetland features are naturally dry.

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

cc: [Via email only]

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