

Central Valley Regional Water Quality Control Board

5 May 2023

Sean MacDiarmid
 Lennar Communities
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ORDER AMENDING CLEAN WATER ACT SECTION 401 TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION; LENNAR COMMUNITIES, NORTH POINTE HOUSING DEVELOPMENT PROJECT (WDID#5A58CR00188A1), YUBA COUNTY

This Order responds to the 3 April 2023 request for an amendment of the North Pointe Housing Development Project (Project) Section 401 Water Quality Certification (WDID#5A58CR00188). The original Water Quality Certification (Certification) was issued on 3 March 2023. The requested amendment is hereby approved. The original Certification is therefore amended as described below. Please attach this document to the original Certification.

AMENDMENT:

Lennar Communities is requesting a change to their compensatory mitigation requirements by purchasing credits from an in-lieu fee program instead of the mitigation banks listed in the Certification. The Certification, Section XIII.K.5.a, states:

The Permittee is required to provide compensatory mitigation for the authorized impact to wetland by purchasing mitigation credits from nearby mitigation banks such as Wildflower Mitigation Bank, Antonio Mountain Ranch Mitigation Bank, or Colusa Basin Mitigation Bank.

Table 3: Total Required Project Compensatory Mitigation Quantity for Permanent Physical Loss of Area

Aquatic Resource Type	Mitigation Type	Units	Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Wetland	Mitigation Bank Credits	Acres						1.056

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

Additionally, the Certification, Attachment B, Tables 3 through 8, lists the contact information for each mitigation bank.

The Certification, Section XIII.K.5.a, is amended as shown below:

The Permittee is required to provide compensatory mitigation for the authorized impact to 1.056 acres of wetland by purchasing 1.056 Aquatic Resource Credits in the Bear/Yuba Rivers Aquatic Resource Watershed Service Area.

Table 3: Total Required Project Compensatory Mitigation Quantity for Permanent Physical Loss of Area

Aquatic Resource Type	Mitigation Type	Units	Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Wetland	In-Lieu Fee Credits	Acres						1.056

The Certification, Attachment B, Tables 3 and 4, is amended as shown below and Tables 5 through 8 are removed.

In-Lieu Fee Compensatory Mitigation Information

Table 3: In-Lieu Fee Program

In-Lieu Fee Program Name:	Sacramento District California In-Lieu Fee Program
Website:	National Fish and Wildlife Foundation (nfwf.org) (www.nfwf.org)
In-Lieu Fee Program Contact Name:	Heather Hoyles
Phone:	(415) 243-3105
Email:	Heather.Hoyles@nfwf.org
In-Lieu Fee Program Location - County:	Yuba

Table 4: Mitigation Type Information

Aquatic Resource Credit Type	Acres	Linear Feet	Number of Credits Purchased
Wetland	1.056		TBD

APPLICATION FEE RECEIVED:

No fee was required for this amendment. Total fees of \$22,837.00 for the original Certification were received on 9 December 2022. The fee amount was determined as required by California Code of Regulations, title 23, sections 3383(b)(3) and 2200(a)(3), as was calculated as category A - Fill & Excavation Discharges (fee code 84) with the dredge and fill fee calculator.

CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD CONTACT:

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WATER QUALITY CERTIFICATION:

I hereby issue an Order amending the existing Clean Water Act, Section 401 Technically Conditioned Water Quality Certification for the North Pointe Housing Development Project (WDID#5A58CR00188A1). All other conditions and provisions of the original Water Quality Certification 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 Water Quality Certification, previously approved amendments, or of this Order may result in suspension or revocation of the Water Quality Certification.

Original Signed by Anne Walters for:
Patrick Pulupa
Executive Officer

cc: [Via email only] (w/enclosure)

Matthew Robert (SPK-2022-00422)
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Sacramento District Office
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California Department of Fish and Wildlife,
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CWA Section 401 WQC Program
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State Water Resources Control Board
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