
Central Valley Regional Water Quality Control Board

18 September 2023

Gonzalo Rodriguez
Brookfield Sunset, LLC
2271 Lava Ridge Court, Suite 220
Roseville, CA 95661
Gonzalo.Rodriguez@brookfieldpropertiesdevelopment.com

NOTICE OF APPLICABILITY FOR COVERAGE UNDER GENERAL ORDER NO. R5-2020-0048, WASTE DISCHARGE REQUIREMENTS AND CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION OF THE WESTERN PLACER COUNTY HABITAT CONSERVATION PLAN PROGRAMMATIC GENERAL PERMIT, AMORUSO PRESERVE VERNAL POOL 167 REMEDIATION PROJECT (WDID#5A31CR00534-024), PLACER COUNTY

On 3 August 2023, Brookfield Sunset, 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 R5-2020-0048, Waste Discharge Requirements and Clean Water Act Section 401 Water Quality Certification of the Western Placer County Habitat Conservation Plan Programmatic General Permit.

The Central Valley Water Board has reviewed your enrollment materials and finds the Amoruso Preserve Vernal Pool 167 Remediation Project (Project) meets the eligibility requirements of, and is hereby enrolled under, General Order R5-2020-0048. You may proceed with your Project in accordance with the Order.

A copy of General Order R5-2020-0048 can be found on the [Central Valley Water Board's Adopted Orders webpage](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/401_wq_certs/5a31cr00534.pdf) (https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/401_wq_certs/5a31cr00534.pdf).

Please familiarize yourself with the requirements of General Order R5-2020-0048. You are responsible for complying with all applicable Order requirements. Failure to comply with General Order R5-2020-0048 constitutes a violation of the California Water Code and may result in enforcement action or termination of enrollment under the Order.

PROJECT DESCRIPTION:

The purpose of the Project is to repair sedimentation within a portion of a vernal pool (VP 167) in the Amoruso Open Space Preserve.

The edge of the Amoruso Open Space Preserve is protected by a silt fence and fiber rolls from the adjacent Amoruso Ranch development project. High winter precipitation

levels during December 2022 and January 2023 resulted in a breach of the silt fence at the edge of VP 167, which led to several centimeters of sediment being deposited into VP 167 and the adjacent vernal pool grassland.

The sediment and loose soil will be removed from VP 167 to the original grade prior to sedimentation caused by the breached silt fence. Sediment removal will be completed using hand labor, if possible, or small equipment such as a Bobcat loader or excavator. Sediment will not be removed below the original grade of the vernal pool surface and backfill is not anticipated as part of the Project. Native soil from within the Project Area may be used as backfill, if needed, provided it is processed to remove concentrations of organic material, debris, and particles greater than 8 inches in maximum dimension. Disturbed areas will be planted with native vegetation, and a suitable erosion control blanket will be applied to the finished soil surface where needed. Vegetation will be reestablished through application of vernal pool inoculum and/or application of California native seeds during the fall/early winter following remediation. VP 167 will be monitored for a period of two years after implementation of the project to assess the success of the restoration efforts.

Project elements that affect aquatic resources include the removal of sediment from VP 167, which will temporarily impact 0.011 acre of vernal pool habitat and 0.001 acre of seasonal wetland habitat. The temporary impacts will restore the vernal pool and seasonal wetland habitat to their original conditions.

PROJECT TYPE:

Ecological Aquatic/Stream/Habitat Restoration

PROJECT LOCATION:

The Project is located at the south of Sunset Boulevard West, north of Blue Oaks Drive, and west of Fiddymont Road in the Amoruso Preserve.

Section 11, Township 11 North, Range 5 East, MDB&M

Latitude: 38.812516° N and Longitude: -121.387522° W

PROJECT SCHEDULE:

September 2023 through November 2023.

PUBLIC NOTICE

The State Water Resources Control Board (State Water Board) provided public notice of the application from 4 August 2023 to 25 August 2023. The Central Valley Water Board did not receive any comments during the comment period.

COMPENSATORY MITIGATION

The project is an ecological restoration project that will restore vernal pool habitat; therefore, no compensatory mitigation is required.

APPLICATION FEE RECEIVED:

An application fee of \$ 729.00 was received on 28 August 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 D – Ecological Restoration and Enhancement Projects with the dredge and fill fee calculator.

PROJECT SPECIFIC AVOIDANCE AND MINIMIZATION MEASURES:

The proposed Project will comply with all applicable measures identified within Master Conditions on Covered Activities Checklist, submitted with the application. The Applicant will implement the Avoidance and Minimization Measures (AMMs) and construction Best Management Practices (BMPs) outlined in the County Aquatic Resource Program (CARP) document, the Habitat Conservation Program/Natural Community Conservation Program (HCP/NCCP) document, and General Order No. 5 R5-2020-0048.

WATER QUALITY MONITORING:

Water quality monitoring is not required. All construction will be performed when the work area is naturally dry.

PETITIONS FOR RECONSIDERATION

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with California Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this NOA, except that if the thirtieth day following the date of this NOA falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Links to the law and regulations applicable to filing petitions may be found on the Water Quality Petitions Page (http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request."

If you have any questions regarding this Notice of Applicability, please contact Nicholas Savino by phone at (916) 464-4920 or by email at Nicholas.Savino@waterboards.ca.gov.

Original Signed by Anne Walters for:
Patrick Pulupa
Executive Officer

Attachments: Figure 1 – Project Location
Figure 2 – Sediment Deposition in Vernal Pool 167
Figure 3 – Project Impacts

cc: Distribution List, page 4

DISTRIBUTION LIST
[Via email only]

Julie Rimbault
United States Army Corps of Engineers
Sacramento District Office
Regulatory Division
Julie.C.Rimbault@usace.army.mil

United States Environmental Protection Agency
R9CWA401@epa.gov

CWA Section 401 WQC Program
State Water Resources Control Board
Stateboard401@waterboards.ca.gov

Dave Krolick
ECORP Consulting, Inc
DKrolick@ecorpconsulting.com

Theresa Johnson
Placer County
tjohnson@placer.ca.gov

Figure 1: Project Location

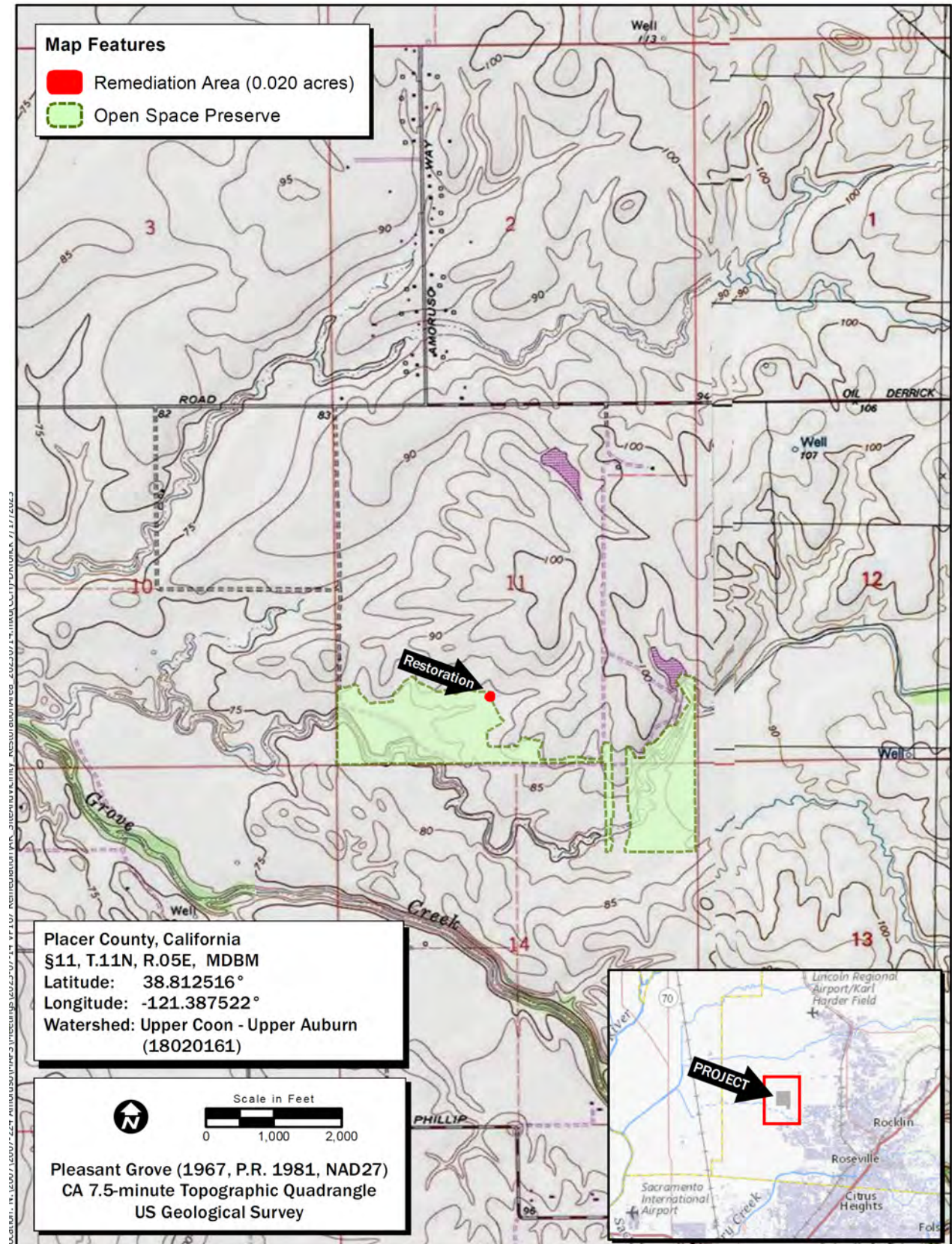


Figure 2: Sediment Deposition in Vernal Pool 167



Figure 3: Project Impacts

