



California Regional Water Quality Control Board

Los Angeles Region



Linda S. Adams
Acting Secretary for
Environmental
Protection

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Edmund G. Brown
Governor

May 25, 2011

Mr. Jim Bizzelle
Pardee Homes
10880 Wilshire Boulevard, Suite 1900
Los Angeles, CA 90024

DENIAL WITHOUT PREJUDICE OF WATER QUALITY CERTIFICATION FOR PROPOSED SKYLINE RANCH PROJECT (Corps' Project No. 2009-00877-KW), MINT CANYON, TRIBUTARY TO SANTA CLARA RIVER, LOS ANGELES COUNTY (File No. 10-108)

Dear Mr. Bizelle:

Board staff has reviewed your request on behalf of Pardee Homes (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project to develop a 1,260 single-family home development on 622 acres near the City of Santa Clarita. I hereby deny your application without prejudice pursuant to §3859(d) of Title 23 of the California Code of Regulations (23 CCR) because it is inadequate.

While we have received a complete application and a response to our request for additional information, we are unable to certify your project as it is designed, because we cannot conclude that impacts to waters of the United States have been appropriately minimized and that the project would not result in an unacceptable degradation of water quality. Section 401 of the Clean Water Act requires that we certify that your activities will not cause or contribute to a violation of the state water quality standards. Because the proposed project will eliminate waters of the United States and all the beneficial uses of those waters, mitigation for the loss cannot be considered until it is demonstrated that avoidance has been considered and mitigation is justified. Our review of your application leads us to conclude that your project, as currently designed, does not avoid or minimize impacting waterways leading to unnecessary water quality degradation.

Because these waters are also waters of the State, Article 4, Chapter 4, Division 7 of the California Water Code (CWC), commencing with section 13260(a), also applies to your project. Pursuant to Article 4, this Regional Board is required to prescribe waste discharge requirements (WDRs) for any proposed or existing discharges including dredge and fill discharges. If certified

under Section 401 of the CWA, Water Quality Order No. 2003 - 0017 *DWQ Statewide General Waste Discharge Requirements for Dredged or Fill Discharges That Have Received State Water Quality Certification* would apply to your discharge.

Our principal concern with the preferred alternative design of your project is the undergrounding (permanently removal) of 5.22 acres of vegetated, ephemeral stream. The proposed project development and/or grading area converts all the natural water courses which cross the housing development area into a storm drain system and does not allow for any natural drainage to occur. There is no evidence that other design alternatives were considered which would avoid or avoid to some extent, these sections of the drainages within the area of proposed development.

The Regional Board understands that alternatives which result in a much larger or smaller project or which would develop other sites are not preferable. However, alternatives were not provided in which avoidance was considered for the current development area. The advantages of a design in which natural drainages, or minimally modified drainages, are retained through the property, creating a hydrologically functional landscape that mimics the natural hydrologic regime, are multifold and may include enhanced property values, improved habitat, aesthetic amenities, and improved quality of life and in some cases economic benefits, including reducing cost of stormwater management.

Before the 401 Certification can be issued for the proposed project, you must demonstrate that appropriate alternatives have been considered within the proposed development footprint; in particular an alternative in which natural drainages, or minimally modified drainages, are retained through the property. When considering the alternatives, the evaluation should analyze avoidance and minimization, include the hydrologic impacts of the design, likely effects downstream and the importance of habitat-connectivity which will be diminished with the removal of the natural channels. In addition, the alternative evaluation should include a consideration of the total imperviousness of the site and an assessment of the alternative's ability to reduce, minimize, and disconnect the total impervious area at the site. The alternatives considered should include any rationale as to why the current proposed project is the only design option for this site which would meet project needs and that there are not other, more appropriate, project designs which will avoid or minimize impacts to waterways while also meeting project needs.

You may choose to revise your project and/or submit a report specifically regarding project alternatives and additional issues to be addressed, in order to complete your application in the future. Additional fees may be required, pursuant to 23 CCR §3833(4), if the revised application is not filed within twelve months of the date of this action or the project has changed significantly in scope or its potential for adverse impact.


Mr. Jim Bizzell
Pardee Homes (10-108)

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May 25, 2011

We look forward to working with you. Should you have questions concerning this Certification action, please contact Valerie Carrillo, Section 401 Program, at (213) 576-6759, vcarrillo@waterboards.ca.gov or Dr. LB Nye (213) 57606785, lnye@waterboards.ca.gov.

Sincerely,


Samuel Unger, P.E.
Executive Officer

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