



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

Mr. Tim Jones
Limoneira Lewis Community Builders, LLC
133 North 10th Street
Santa Paula, CA 93060

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 7012 3460 0001 6365 8417

TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION FOR PROPOSED EAST AREA 1 SPECIFIC PLAN PROJECT (Corps' Project No. 2016-00090-AJS), SANTA CLARA RIVER, CITY OF SANTA PAULA, VENTURA COUNTY (File No. 16-130)

Dear Mr. Jones:

Board staff has reviewed your request on behalf of Limoneira Lewis Community Builders, LLC (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. 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.

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.

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 9,379 linear feet of streambed. The proposed project development and/or grading area converts water courses into a storm drain system and does not allow for any natural drainage to occur. There is no evidence that other design alternatives (specific to waters) were considered which would avoid or avoid to some extent, these sections of the drainages within the area of proposed development. In addition, the drainage impacts are not fully

Los Angeles Regional Water Quality Control Board

analyzed in terms of their direct or indirect impacts to the Santa Clara River and associated floodplain, including any downstream geomorphological or hydrological impacts.

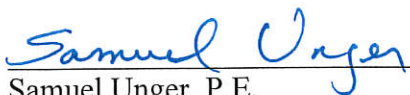
The advantages of a design in which natural drainages, or minimally modified drainages, are retained through the property, creating a hydrologically functional landscape that mimics the natural hydrologic regime, are multifold and may include enhanced property values, improved habitat, aesthetic amenities, and improved quality of life and in some cases economic benefits, including 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 drainages. In addition, the alternative evaluation should include a consideration of the total imperviousness of the site.

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.

We look forward to working with you. Should you have questions concerning this Certification action, please contact Valerie Carrillo Zara, Section 401 Program, at (213) 576-6759, Dr. LB Nye at (213) 576-6785.

Sincerely,



Samuel Unger, P.E.
Executive Officer

Nov. 1, 2016
Date

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