

EXECUTIVE OFFICER SUMMARY REPORT
June 22, 2016

ITEM: 10

SUBJECT: Waste Discharge Requirements for Montecito Ranch LLC, Montecito Ranch Project, San Diego County (Tentative Order No. R9-2015-0054). (Alan Monji)

PURPOSE: To consider adoption of Tentative Order No. R9-2015-0054.

RECOMMENDATION: Adoption of Tentative Order No. R9-2015-0054 (**Supporting Document 1**) is recommended.

KEY ISSUES

1. The Tentative Order authorizes permanent impact to 0.027 acre (1,160 linear feet) of streambed waters of the State.
2. The Tentative Order requires Montecito Ranch LLC (Discharger) to implement post-construction best management practices (BMPs) to manage and control runoff from Project construction activities.
3. The Discharger has taken a sequence of appropriate steps to first avoid, then to minimize, and lastly mitigate for permanent adverse impacts to existing natural drainages on the Project site.

PRACTICAL VISION

The Tentative Order was developed with the San Diego Water Board's Practical Vision entitled *Healthy Waters, Healthy People* in mind. Waste Discharge Requirements (WDRs), such as the Tentative Order, is the chief regulatory tool traditionally relied on by the State to: 1) control the discharge of dredged or fill material into non-federal surface waters of the State and 2) set requirements for the amount of compensatory mitigation needed to offset adverse impacts of such discharges on the function and values of aquatic resources, including wetlands. Consistent with the mission of the *Recovery of Streams, Wetlands and Riparian Systems* chapter of the Practical Vision, the Tentative Order establishes conditions for a housing development project to move

forward with minimal impacts to waters of the State. By emphasizing avoidance and minimization of permanent impacts to waters of the United States and/or State, the Montecito Ranch Project (Project) avoids impacts to 96 percent (by acreage) of the ephemeral drainages on the property. Thus, the need for compensatory mitigation to offset Project impacts to the drainages is limited to those impacts that were truly unavoidable.

DISCUSSION:

Project Location and Description

The Project is located within the City of Ramona, San Diego County, California at the intersection of Montecito Way and Sonora Way (**Supporting Document No. 2**). The Project is located within the San Dieguito River Watershed and discharges to tributaries of Santa Ysabel Creek.

The Discharger is constructing the Project consisting of 417 single family homes on a 347 acre site. The Project includes public facilities, infrastructure improvements (water, sewer, and street improvements), a public park, multiuse recreational trails, and dedicated open space. The Project is divided into two phases. Phase I will include 244 single family residences within five neighborhoods and Phase II will include 173 residences in three neighborhoods. The Project will fully develop and dedicate an 8.3 acre local park and an 11.9 acre historical site surrounding the existing historic Montecito Ranch House. The Project also includes 558 acres dedicated for open space.

Proposed Action

Through a process of avoidance and minimization, the Discharger avoided all impacts to waters of the United States and was not required to obtain a Clean Water Act (CWA) section 404 permit from the U.S. Army Corps of Engineers (USACE) or a section 401 water quality certification from the San Diego Water Board. The construction of the Project will only impact small tributaries of Santa Ysabel Creek, which are waters of the State.

The Discharger submitted a Report of Waste Discharge dated April 22, 2014 in application for WDRs pursuant to Water Code section 13263(a) for discharges of dredged or fill material to the small tributaries of Santa Ysabel Creek. The placement of fill will permanently impact

0.027 acres (1,160 linear feet) of non-wetland waters of the State. The Discharger will provide compensatory mitigation to offset unavoidable impacts to non-wetland waters of the State by securing 0.06 acres of credits from the San Luis Rey Wetland Mitigation Bank, a USACE approved mitigation bank at a minimum compensation ratio of 2.2:1. The mitigation credit amount is acceptable because the Discharger demonstrated exceptional avoidance and minimization of impacts in the Project design. Furthermore, the resource type of the mitigation credits (wetland re-establishment) is considered to be a higher ecological value than the aquatic resources on the Project site (ephemeral streambed). The mitigation credit parcels are part of a 55.8 acre wetland restoration project on the San Luis Rey River. This compensatory mitigation is sufficient to offset the adverse impacts to waters of the State attributed to the Project, is commensurate with the overall scale and scope of the impacts, and provides a net gain of waters of the State.

Post Construction Best Management Practices (BMPs)

The Project includes the construction of new pavement and various related structures which add approximately 188 acres of impervious surfaces. The increase of impervious surfaces will reduce the amount of natural ground surface over which percolation of rainfall and other surface water can occur, which increases the peak storm runoff flow rate and volume. The Tentative Order requires implementation of a runoff management strategy to prevent impacts to aquatic resources through BMPs and incorporation of various project design features for erosion control, and water quality treatment. These BMPs and design features include a pipeline network and flow splitters to route runoff flows to treatment BMPs which include sand filters, curb cuts to landscaping, pavements sloped towards landscaping, and detention basins. The Tentative Order also requires that post construction BMPs be in compliance with the County of San Diego's Hydromodification Management Plan (HMP) and the Stormwater Standards Manual.

Tentative Order

Tentative Order No. R9-2015-0054 will, if adopted, serve as WDRs for the discharge of waste attributable to the Project to waters of the State, pursuant to Water Code

section 13260 et. seq. The Tentative Order authorizes unavoidable direct impacts to small tributaries of Santa Ysabel Creek attributed to the Project and requires the Discharger to implement compensatory mitigation sufficient to offset the permitted Project impacts.

The San Diego Water Board typically relies upon its authority under CWA section 401 to regulate discharges of dredged or fill material to waters of the State through the issuance of water quality certifications. The San Diego Water Board has delegated this function to the Executive Officer and the issuance of water quality certifications is not typically scheduled for consideration by the Board unless the project is very large or controversial. The Montecito Ranch Project discharges are to waters of the State outside of CWA jurisdiction and the water quality certification regulatory process does not apply to these discharges. The San Diego Water Board is relying upon its authority under the Porter-Cologne Water Quality Control Act to regulate these discharges under waste discharge requirements and Board action is required to adopt the Tentative Order.

The Tentative Order was released for public review and comment pursuant to Water Code section 13167.5 on April 28, 2016 for a period of 34 days (Supporting Document No. 3). No comments were received.

LEGAL CONCERNS: None

SUPPORTING DOCUMENTS:

1. Tentative Order No. R9-2015-0054
2. Location Map
3. Notice of Public Hearing

PUBLIC NOTICE: On April 28, 2016 notice of this public hearing and the Tentative Order were provided to the Applicant and other interested parties via e-mail. The public hearing notice and Tentative Order were also posted on the San Diego Water Board website on April 28, 2016 for a period of 34 days for public review and comment. Notice was also provided in the Meeting Notice and Agenda for the June 22, 2016 Board meeting and posted on the San Diego Water Board website.