

California Regional Water Quality Control Board, San Diego Region

October 4, 2012

In reply refer to:
761978:dbradford

Robert C. Dunek
City of Lake Forest
25550 Commercenter Drive, Suite 100
Lake Forest, CA 92630

Subject: Amendment No.1 to Water Quality Certification No. 11C-006 for the Lake Forest Sports Park and Recreation Center Project

Mr. Dunek:

You will find enclosed the amended Clean Water Act Section 401 Water Quality Certification No. 11C-006 (Certification) for the Lake Forest Sports Park and Recreation Center (Project). Both a signed amended Certification and a redline/strikeout version of the amended Certification showing the text changes are enclosed.

On April 2, 2012, the original Certification was issued to the City of Lake Forest (City) for the Project. By letter dated June 18, 2012, the City requested the Certification be amended to allow for additional permanent impacts to 0.01 acre of isolated wetland waters of the State on the Rados Property.

Based on your request, the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board), is amending the Certification to allow the permanent fill of 0.01 acre of isolated wetland waters of the State.

Any petition for reconsideration of this amended Certification must be filed with the State Water Resources Control Board (State Board) within 30 days of certification action (23 CCR § 3867). If a petition is not filed with the State Board within 30 days, the City of Lake Forest will have accepted the changes to Certification No. 11C-006 and must comply with all the certification conditions. Failure to comply with all conditions of this certification may result in enforcement actions against the City.

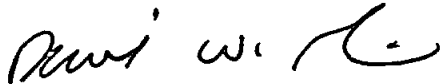
City of Lake Forest
Lake Forest Sports Park
Certification No. 11C-006, Amendment No. 1

- 2 -

October 4, 2012

In the subject line of any response, please include the reference number 761978:dbradford
For questions or comments, please contact Darren Bradford by phone at (858) 637-7137, or by
email at DBradford@waterboards.ca.gov.

Respectfully,



David W. Gibson,
Executive Officer
San Diego Regional Water Quality Control Board

DG js kdd dlb

Enclosures:

Signature Version - Amended Clean Water Act Section 401 Water Quality Certification No
11C-006 for the Lake Forest Sports Park and Recreation Center, with attachments

Redline/Strikeout Version – Amended Clean Water Act Section 401 Water Quality
Certification No 11C-006 for the Lake Forest Sports Park and Recreation Center, with
attachments

cc: (via email)

Ceri Williams-Dodd
PCR
C Williams-Dodd@pcrnet.com

Mr. Jason Lambert
U.S. Army Corps of Engineers,
Regulatory Branch
Jason.p.lambert@usace army mil

Ms. Kevin Hupf
California Department of Fish and Game
South Coast Region
Habitat Conservation Planning – North
khupf@dfg.ca.gov

State Water Resources Control Board, Division of Water Quality
401 Water Quality Certification and Wetlands Unit
Stateboard401@waterboards.ca.gov

U.S. EPA, OWOW, Region 9
75 Hawthorne St.
San Francisco, CA 94105
R9-WTR8-Mailbox@epa.gov

Tech Staff Info & Use	
File No.	11C-006
WDID	9000002220
Reg Measure ID	377332
Place ID	761978
Party ID	525638



California Regional Water Quality Control Board

San Diego Region



Matthew Rodriguez
Secretary
for
Environmental Protection

Over 50 Years Serving San Diego, Orange, and Riverside Counties
Recipient of the 2004 Environmental Award for Outstanding Achievement from USEPA

Edmund G. Brown Jr.
Governor

9174 Sky Park Court, Suite 100, San Diego, California 92123-4340
(858) 467-2952 • Fax (858) 571-6972
[http:// www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego)

Action on Request
for
Clean Water Act Section 401 Water Quality Certification
and
Waste Discharge Requirements
for
Discharge of Dredged and/or Fill Materials

PROJECT: Lake Forest Sports Park and Recreation Center
Water Quality Certification No. 11C-006

APPLICANT: Mr. Robert C Dunek
City of Lake Forest
25550 Commercenter Drive, Suite 100
Lake Forest, CA 92630

WDID	9000002220
Reg Meas	377332
Place	761978
Party	525638
Person	525639

ACTION:

<input type="checkbox"/> Order for Low Impact Certification	<input type="checkbox"/> Order for Denial of Certification
<input checked="" type="checkbox"/> Order for Technically-conditioned Certification	<input type="checkbox"/> Waiver of Waste Discharge Requirements
<input checked="" type="checkbox"/> Enrollment in SWRCB GWDR Order No. 2003-017 DWQ	<input type="checkbox"/> Enrollment in Isolated Waters Order No. 2004-004 DWQ

PROJECT DESCRIPTION:

The Lake Forest Sports Park and Recreation Center (Project) consists of the development of an approximately 59 acre city owned, public sports park and recreation center. Recreational amenities will include five baseball/softball fields; five soccer/multi-use fields; two hard courts for basketball; two playgrounds including tot lots with sand and play structures, a 30,000-square-foot recreation center with a gymnasium and multipurpose/meeting rooms; a small amphitheater; and restrooms/concession building; and associated utilities. An existing 16" reclaimed water line, owned by Irvine Ranch Water District that currently crosses the site from west to east will be relocated. Offsite improvements will include the extension of Rancho Parkway to Portola Parkway. The Project will add approximately 33.5 acres of additional impervious surface

California Environmental Protection Agency

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>
Recycled Paper



Post-construction low impact development (LID) Best Management Practices (BMPs) will be designed to conform to the *Model Stormwater Mitigation Plan (SSMP)*, draft *Model Water Quality Management Plan (Model WQMP) for South Orange County*, dated December 16, 2011, and the draft *South Orange County Hydromodification Plan (HMP)*, dated December 11, 2011. Water quality pretreatment basins will be located along the perimeter of the sports park to capture and treat project generated nuisance flows and storm runoff. The basins will retain all nuisance flows generated by artificial irrigation within the sports park's turf and landscaped areas but high flows during storm events will spill over the basins into the mitigation area and Glass Creek. Sediments and trash carried in runoff from the sports park will be trapped in fore bays or catch basins located along the perimeter and within the sports park before these nuisance flows or storm flows are discharged into the habitat mitigation areas.

The Project will permanently impact 0.10 acre (3,048-linear feet) of non-wetland waters of the United States and/or State and 0.01 acre of isolated wetland waters of the State.

Mitigation will be the on-site creation (establishment) of a minimum of 0.03 acre of in-kind wetland habitat and 0.22-acre (3,048-linear feet) of in-kind habitat directly adjacent to Glass Creek. Establishment will consist of a 3:1 replacement-to-impact ratio for impacts to wetland waters of the State, 2:1 replacement-to-impact ratio for impacts to ephemeral drainages with associated riparian areas, and 1.1 replacement-to-impact ratio for impacts associated with the ephemeral drainages dominated by upland vegetation.

Mitigation will involve the establishment of waters of the U.S. and/or state, on the east side of the sports park area between the planned access road and the preserved area along Glass Creek. Meandering drainage channels will be dug and a broad strip encompassing the new channel segments will be vegetated with native upland and riparian vegetation. Habitat created along the new channel segments will be comparable to the habitat associated with the impacted drainage features and would add habitat area and other functions directly adjacent to the avoided riparian habitat associated with Glass Creek.

TABLE OF CONTENTS

I. STANDARD CONDITIONS:	4
II. ADDITIONAL CONDITIONS: GENERAL	4
III. ADDITIONAL CONDITIONS: CONSTRUCTION BEST MANAGEMENT PRACTICES	6
IV. ADDITIONAL CONDITIONS: IMPACTS AND COMPENSATORY MITIGATION	7
V. MONITORING REQUIREMENTS:	11
VI. NOTIFICATION REQUIREMENTS:	11
VII. REPORTING REQUIREMENTS:	13
VIII. CEQA FINDINGS:	16
IX. PUBLIC NOTIFICATION OF PROJECT APPLICATION:	16
X. SAN DIEGO WATER BOARD CONTACT PERSON:	16
XI. WATER QUALITY CERTIFICATION:	17

I. STANDARD CONDITIONS:

The following three standard conditions apply to all Certification actions, except as noted under Condition 3 for denials.

- A. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to section 13330 of the California Water Code and section 3867 of Title 23 of the California Code of Regulations (23 CCR)
- B. This Certification action is not intended and must not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to 23 CCR subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
- C. The validity of any non-denial Certification action must be conditioned upon total payment of the full fee required under 23 CCR section 3833, unless otherwise stated in writing by the certifying agency.

II. ADDITIONAL CONDITIONS: GENERAL

- A. This Clean Water Act Section 401 Water Quality Certification No. 11C-006 (Certification) is only valid if the project begins no later than 5 (five) years from the date of issuance. If the project has not begun within 5 years from the date of issuance, then this Certification expires.
- B. The City of Lake Forest must comply with the requirements of State Water Resources Control Board Water Quality Order No. 2003-0017-DWQ, *Statewide General Waste Discharge Requirements for Discharges of Dredged or Fill Material that have Received State Water Quality Certification*. These General Waste Discharge Requirements are accessible at:
http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/generalorders/go_wdr401regulated_projects.pdf.
- C. The City of Lake Forest must, at all times, fully comply with the engineering plans, specifications and technical reports submitted to the San Diego Water Board, to support this Certification and all subsequent submittals required as part of this Certification and as described herein

- The conditions within this Certification must supersede conflicting provisions within such plans submitted as part of this Certification action.
- D During construction, City of Lake Forest must maintain a copy of this Certification at the project site so as to be available at all times to site personnel and agencies.
- E. The City of Lake Forest must permit the San Diego Water Board or its authorized representative at all times, upon presentation of credentials:
1. Entry onto project premises, including all areas on which wetland fill or wetland mitigation is located or in which records are kept.
 2. Access to copy any records required to be kept under the terms and conditions of this Certification.
 3. Inspection of any treatment equipment, monitoring equipment, or monitoring method required by this Certification
 4. Sampling of any discharge or surface water covered by this Order
- F. In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation must be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.
- G In response to a suspected violation of any condition of this Certification, the San Diego Water Board may require the holder of any permit or license subject to this Certification to furnish, under penalty of perjury, any technical or monitoring reports the San Diego Water Board deems appropriate, provided that the burden, including costs, of the reports must bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
- H. In response to any violation of the conditions of this Certification, the San Diego Water Board may modify the conditions of this Certification as appropriate to ensure compliance.

III. ADDITIONAL CONDITIONS: BEST MANAGEMENT PRACTICES (BMPs)

CONSTRUCTION BMPs

- A Prior to the start of the project, and annually thereafter, the City of Lake Forest must educate all personnel on the requirements in this Certification, pollution prevention measures, spill response, and the implementation and maintenance of BMPs.
- B The City of Lake Forest must, at all times, maintain appropriate types and sufficient quantities of materials on-site to contain any spill or inadvertent release of materials that may cause a condition of pollution or nuisance if the materials reach waters of the United States and/or State.
- C The City of Lake Forest, and/or all legally responsible parties in the development area, must enroll in and comply with the requirements of State Water Resources Control Board Water Quality Order No. 2009-0009-DWQ, NPDES No CAS000002, General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, and any subsequent revisions thereto.
- D The treatment, storage, and disposal of wastewater during the life of the project must be done in accordance with waste discharge requirements established by the San Diego Water Board pursuant to CWC § 13260
- E. Discharges of concentrated flow during construction or after completion must not cause downstream erosion or damage to properties or stream habitat.
- F. Water containing mud, silt, or other pollutants from equipment washing or other activities, must not be discharged to waters of the United States and/or the State or placed in locations that may be subjected to storm flows. Pollutants discharged to areas within a stream diversion area must be removed at the end of each work day or sooner if rain is predicted.
- G. All surface waters, including ponded waters, must be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. Diversion activities must not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters Any temporary dam or other artificial obstruction constructed must only be built from materials such as clean gravel which will cause little or no

siltation. Normal flows must be restored to the affected stream immediately upon completion of work at that location.

- H. All areas that will be left in a rough graded state must be stabilized no later than two weeks after completion of grading. The City of Lake Forest is responsible for implementing and maintaining BMPs to prevent erosion of the rough graded areas. Hydroseed areas must be revegetated with native species appropriate for the area. The revegetation palette must not contain any plants listed on the California Invasive Plant Council Invasive Plant Inventory, which can be found online at [http://www cal-ipc.org/ip/inventory/weedlist.php](http://www.cal-ipc.org/ip/inventory/weedlist.php) Follow-up applications shall be made as needed to cover bare spots and to maintain adequate soil protection.
- I. Substances hazardous to aquatic life including, but not limited to, petroleum products, raw cement/concrete, asphalt, and coating materials, must be prevented from contaminating the soil and/or entering waters of the United States and/or State. BMPs must be implemented to prevent such discharges during each project activity involving hazardous materials.
- J. Removal of vegetation must occur by hand, mechanically, or using EPA approved herbicides deployed using applicable BMPs to prevent impacts to Beneficial Uses of waters of the State. Use of aquatic pesticides must be done in accordance with State Water Resources Control Board Water Quality Order No. 2004-0009-DWQ, and any subsequent reissuance as applicable.

POST-CONSTRUCTION BMPs

- A. The City of Lake Forest shall not allow post-construction discharges to cause onsite or offsite downstream erosion, and/or damage to properties or damage to stream habitats from the project site.
- B. The City of Lake Forest must eliminate illicit discharges and prevent all nuisance flows from the development area from entering the receiving waters.
- C. All storm drain inlet structures within the project boundaries must be stamped and/or stenciled (or equivalent) with appropriate language prohibiting non-storm water discharges.
- D. The Project must be designed to comply with the draft *Model Water Quality Management Plan (Model WQMP) for South Orange County*, dated December 16, 2011, and the draft *South Orange County Hydromodification Plan (HMP)*, dated December 11, 2011.

- E. All post-construction BMPs, including those described in the *Water Quality Management Plan (WQMP) for: Sports Park and Recreation Center* project dated December 7, 2011 (and any subsequent versions submitted to the San Diego Water Board), prepared by Psomas, must be implemented, installed, and functional prior to construction completion and/or planned use of development areas and maintained in perpetuity
- F. For all post-construction BMPs, as described in the *Water Quality Management Plan (WQMP) for: Sports Park and Recreation Center* project dated December 7, 2011 (and any subsequent versions submitted to the San Diego Water Board), prepared by Psomas; and storm water discharge points, the City of Lake Forest must:
1. No less than two times per year, assess the performance of the systems on protection of the receiving waters and identify any necessary corrective measures;
 2. Have all preventive and corrective maintenance performed,
 3. Maintain a log documenting all BMP inspections and maintenance activities.
- G. The desiltation basins must be designed, constructed, and maintained in accordance with the most recent California Stormwater Quality Association guidance for extended detention basins. Maintenance activities shall include, but are not limited to:
1. Semiannual inspection for the beginning and end of the wet season for standing water, slope stability, sediment accumulation, trash and debris, and presence of burrows,
 2. Removal of accumulated trash and debris in the basin as needed to ensure proper functioning of the basin; and
 3. Yearly inspection of accumulated sediment volume. Accumulated sediment should be removed and the basin re-graded when the accumulated sediment volume exceeds 10 percent of the basin volume.
- H. Discharges from the detention basins must be free of trash and not cause downstream erosion or damage to the mitigation site or Glass Creek

IV. UNAVOIDABLE IMPACTS AND COMPENSATORY MITIGATION

- A. Unavoidable impacts to Glass Creek and its tributaries in the San Juan Creek Watershed are limited to:
1. Permanent Impacts - 0.1-acre Non-wetland waters of the United States, 3,048-linear feet, and 0.01-acre wetland waters of the State.
 2. Temporary Impacts - none
- B. Mitigation for unavoidable impacts shall be implemented as described in the *Habitat Mitigation and Monitoring Plan, Lake Forest Sports Park and Recreation Center*, dated February, 2011 and the *Request to Amend Clean Water Act (CWA) Section 401 Water Quality Certification No. 11C-006, Lake Forest Sports Park and Recreation Center*, dated June 18, 2012. Mitigation, maintenance, and monitoring of the mitigation areas must be implemented as described in these documents. Any deviations must be approved by the San Diego Water Board.
- C. Mitigation must include on-site creation (establishment) of a minimum of 0.03 acre of in-kind wetland habitat and 0.22 acres and 3,048-linear feet of non-wetland/wetland waters of the United States
- D. The construction of proposed mitigation must be concurrent with project grading and completed no later than 9 months following the initial discharge of dredge or fill material into on-site waters. Delays in implementing mitigation must be compensated for by an increased mitigation implementation of 10 percent of the cumulative compensatory mitigation for each month of delay.
- E. The City of Lake Forest must salvage leaf litter, coarse woody debris, and upper soil horizons from impacted jurisdictional water sites that are relatively free of invasive exotic species for use in on-site mitigation areas
- F. The City of Lake Forest must also salvage large cuttings from appropriate tree species if they exist at the impact site and use them as pole plantings at the mitigation site.
- G. The mitigation sites must be designed, constructed, and maintained in perpetuity to meet the following conditions:
1. Most of the channels through the mitigation sites are characterized by equilibrium conditions, with no evidence of severe aggradation or degradation;

2. As viewed along cross-sections, the channel and buffer have a variety of slopes, or elevations, that are characterized by different moisture gradients. Each sub-slope contains physical patch types or features that contribute to irregularity in height, edges, or surface and to complex topography overall; and
 3. The mitigation sites have a well-developed plant community characterized by a high degree of horizontal and vertical interspersion among plant zones and layers.
- H. If at any time during the implementation and establishment of the mitigation areas, and prior to verification of meeting success criteria, a catastrophic natural event (e.g., fire, flood) occurs and impacts the mitigation areas, the City of Lake Forest is responsible for repair and replanting of the damaged areas.
- I. Mitigation areas must be maintained, in perpetuity, free of perennial exotic plant species including, but not limited to, pampas grass, giant reed, tamarisk, sweet fennel, tree tobacco, castor bean, and pepper tree. Annual exotic plant species must not occupy more than 5 percent of the on-site or off-site mitigation areas.
- J. Any maintenance activities that do not contribute to the success of the mitigation site and enhancement of beneficial uses and ecological functions and services are prohibited. Maintenance activities are limited to the removal of trash and debris, removal of exotic plant species, replacement of dead native plant species and remedial measures deemed necessary for the success of the restoration program
- K. Mitigation shall be considered acceptable once it has met the predetermined success criteria for that site, and shall be maintained, in perpetuity, in a manner that consistently meets the final success criteria identified.
- L. For purposes of this Certification, establishment is defined as the creation of vegetated or unvegetated waters of the United States/State where the resource has never previously existed (e.g. conversion of nonnative grassland to a freshwater marsh). Restoration is divided into two activities, re-establishment and rehabilitation. Re-establishment is defined as the return of natural/historic functions to a site where vegetated or unvegetated waters of the United States/State previously existed (e.g., removal of fill material to restore a drainage). Rehabilitation is defined as the improvement of the general suite of functions of degraded vegetated or unvegetated waters of the United States/State (e.g., removal of a heavy infestation or monoculture of exotic plant species from jurisdictional areas

and replacing with native species). Enhancement is defined as the improvement to one or two functions of existing vegetated or unvegetated waters of the United States/State (e.g., removal of small patches of exotic plant species from an area containing predominantly natural plant species). Preservation is defined as the acquisition and legal protection from future impacts in perpetuity of existing vegetated or unvegetated waters of the United States/State (e.g., conservation easement)

V. MONITORING REQUIREMENTS:

A. California Rapid Assessment Method

The California Rapid Assessment Method (CRAM) must be utilized at the impact and mitigation site(s) prior to impacts to establish pre-project baseline conditions. In addition, CRAM must be utilized at the mitigation site(s) following completion of the mitigation site construction at years 3 and 5. The results of the CRAM assessment must be submitted **each year with the Annual Monitoring Reports** and data must be uploaded into eCRAM (<http://www.cramwetlands.org>).

VI. NOTIFICATION REQUIREMENTS:

- A. The City of Lake Forest must notify the San Diego Water Board within **24 hours** of any unauthorized discharge, including hazardous or toxic materials, to waters of the United States and/or State; measures that were implemented to stop and contain the discharge; measures implemented to clean-up the discharge; the volume and type of materials discharged and recovered; and additional best management practices (BMPs) or other measures that will be implemented to prevent future discharges

- B This Certification is not transferable in its entirety or in part to any person or organization except after notice to the Executive Officer of the San Diego Water Board in accordance with the following terms.
 - 1 **Transfer of Property Ownership:** The City of Lake Forest must notify the San Diego Water Board of any change in ownership of the project area. Notification of change in ownership must include, but not be limited to, a statement that County of Orange has provided the purchaser with a copy of the Section 401 Water Quality Certification and that the purchaser understands and accepts the certification requirements and the obligation to implement them or be subject to liability for failure to do so; the seller and purchaser must sign and date the notification and provide such notification to the Executive Officer of the San Diego Water Board **within 10 days of the transfer of**

ownership.

2. **Transfer of Mitigation Responsibility** Any notification of transfer of responsibilities to satisfy the mitigation requirements set forth in this Certification must include a signed statement from an authorized representative of the new party (transferee) demonstrating acceptance and understanding of the responsibility to comply with and fully satisfy the mitigation conditions and agreement that failure to comply with the mitigation conditions and associated requirements may subject the transferee to enforcement by the San Diego Water Board under Water Code section 13385, subdivision (a). Notification of transfer of responsibilities meeting the above conditions must be provided to the San Diego Water Board **within 10 days of the transfer date.**

- 3 **Transfer of Post-Construction BMP Maintenance Responsibility:** the City of Lake Forest assumes responsibility for the inspection and maintenance of all post-construction structural BMPs until such responsibility is legally transferred to another entity. At the time maintenance responsibility for post-construction BMPs is legally transferred the City of Lake Forest must submit to the San Diego Water Board a copy of such documentation and must provide the transferee with a copy of a long-term BMP maintenance plan that complies with manufacturer specifications. The City of Lake Forest must provide such notification to the Executive Officer of the San Diego Water Board **within 10 days** of the transfer of BMP maintenance responsibility.

Upon properly noticed transfers of responsibility, the transferee assumes responsibility for compliance with this Certification and references in this Certification to the City of Lake Forest will be interpreted to refer to the transferee as appropriate. *Transfer of responsibility does not necessarily* relieve the City of Lake Forest of this Certification in the event that a transferee fails to comply.

- C. **Prior to the start of construction**, the City of Lake Forest must provide the San Diego Water Board a draft preservation mechanism (e.g. deed restriction, conservation easement, etc.) that will protect all mitigation areas and their buffers in perpetuity. **Within one year of the start of construction**, the City of Lake Forest must submit proof of a completed preservation mechanism that will protect all mitigation areas and their buffers in perpetuity. The conservation easement, deed restriction, or other legal limitation on the mitigation property must be adequate to demonstrate that the site will be maintained without future development or encroachment on the site which could otherwise reduce the functions and values of the site for the variety of beneficial uses of waters of the United

States that it supports. The legal limitation must prohibit, without exception, all residential, commercial, industrial, institutional, and transportation development, and any other infrastructure development that would not maintain or enhance the wetland and streambed functions and values of the site. The preservation mechanism must clearly prohibit activities that would result in soil disturbance or vegetation removal, other than the removal of non-native vegetation. Other infrastructure development to be prohibited includes, but is not limited to, additional utility lines, maintenance roads, and areas of maintained landscaping for recreation.

- D. The City of Lake Forest must notify the San Diego Water Board in writing **at least 5 days prior to** the actual commencement of dredge, fill, and discharge activities.

VII. REPORTING REQUIREMENTS:

- A The City of Lake Forest must submit annual progress reports describing status of compliance with all requirements of this Certification to the San Diego Water Board prior to **January 1** of each year following the issuance of this Certification until the project has reached completion. The City of Lake Forest must submit a Final Project Annual Report to the San Diego Water Board prior to **January 1** following completion of the project. The reports must include the following:
1. Date of construction initiation.
 2. Date of construction completion.
 3. Status of BMPs for the project.
 4. Final Project Report: Photo documentation of implemented post-construction BMPs. Photo documentation must be conducted in accordance with guidelines posted at http://www.waterboards.ca.gov/sandiego/water_issues/programs/401_certification/docs/StreamPhotoDocSOP.pdf. In addition photo documentation must include Global Positioning System (GPS) coordinates for each of the photo points referenced.

- B Mitigation monitoring reports must be submitted annually until mitigation has been deemed successful. Annual monitoring reports must be submitted prior to **January 1** of each year. Monitoring reports must include, but not be limited to, the following:
1. Names, qualifications, and affiliations of the persons contributing to the report;
 2. Date of initiation of mitigation installation and date mitigation installation was completed.
 3. Mitigation as-builts, including topography maps and planting locations
 4. Tables presenting the raw data collected in the field as well as analyses of the physical and biological data;
 5. Topographic complexity characteristics at each mitigation site,
 - 6 Upstream and downstream habitat and hydrologic connectivity;
 - 7 Source of hydrology;
 8. Width of native vegetation buffer around the entire mitigation site;
 9. Qualitative and quantitative comparisons of current mitigation conditions with pre-construction conditions and previous mitigation monitoring results, including evaluation of success criteria.
 10. Stream photo documentation, including all areas of permanent and temporary impact, prior to and after project construction, and mitigation areas, including all areas of permanent and temporary impact, prior to and after project construction. Photo documentation must be conducted in accordance with guidelines posted at http://www.waterboards.ca.gov/sandiego/water_issues/programs/401_certification/docs/StreamPhotoDocSOP.pdf. In addition, photo documentation must include Geographic Positioning System (GPS) coordinates for each of the photo points referenced.
- C. All information requested in this Certification is pursuant to California Water Code (CWC) section 13267. Civil liability may be administratively imposed by the San Diego Water Board for failure to furnish requested information pursuant to CWC section 13268.

- D. All reports and information submitted to the San Diego Water Board must be submitted in both hardcopy and electronic format. The preferred electronic format for each report submission is one file in PDF format that is also Optical Character Recognition (OCR) capable.
- E All applications, reports, or information submitted to the San Diego Water Board must be signed and certified as follows:
1. For a corporation, by a responsible corporate officer of at least the level of vice president.
 2. For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
 - 3 For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.
 4. A duly authorized representative may sign applications, reports, or information if:
 - a. The authorization is made in writing by a person described above.
 - b. The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.
 - c. The written authorization is submitted to the San Diego Water Board Executive Officer.
- F. All applications, reports, or information submitted to the San Diego Water Board must be signed and certified as follows:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

- G. The City of Lake Forest must submit reports required under this Certification, or other information required by the San Diego Water Board, to

Executive Officer
California Regional Water Quality Control Board
San Diego Region
Attn: 401 Certification; Project No 11C-006
9174 Sky Park Court, Suite 100
San Diego, California 92123

VIII. CEQA FINDINGS:

- A. The City of Lake Forest is the lead agency under the California Environmental Quality Act (Public Resources Code section 21000, et seq , (CEQA)), and filed a Notice of Determination for the Environmental Impact Report, *City of Lake Forest Sports Park and Recreation Center Project*, County of Orange, State Clearing House No. 2009061020, on April 20, 2011.
- B. The San Diego Water Board has reviewed the lead agency's Environmental Impact Report and finds that the project as proposed will have some significant effects on the hydrology and water quality at the proposed project. However all these effects will become less than significant with the mitigation measures implemented through this Certification

IX. PUBLIC NOTIFICATION OF PROJECT APPLICATION:

- A On October 28, 2010, receipt of the project application was posted on the San Diego Water Board web site to serve as appropriate notification to the public. No public comments were received.

X. SAN DIEGO WATER BOARD CONTACT PERSON:


Darren Bradford, Environmental Scientist
California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123
Telephone: 858-637-7137
Email: DBradford@waterboards.ca.gov

XI. WATER QUALITY CERTIFICATION:

I hereby certify that the proposed discharge from the **Lake Forest Sports Park and Recreation Center Project** (Certification Project No. 11C-006) will comply with the applicable provisions of sections 301 ("Effluent Limitations"), 302 ("Water Quality Related Effluent Limitations"), 303 ("Water Quality Standards and Implementation Plans"), 306 ("National Standards of Performance"), and 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act. This discharge is also regulated under State Water Board Order No. 2003-0017-DWQ, "*Statewide General Waste Discharge Requirements for Dredged or Fill Discharges that have Received State Water Quality Certification (General WDRs)*," which requires compliance with all conditions of this Water Quality Certification. Please note that enrollment under Order No. 2003-017-DWQ is conditional and, should new information come to our attention that indicates a water quality problem, the San Diego Water Board may issue individual waste discharge requirements at that time.

Except insofar as may be modified by any preceding conditions, all Certification actions are contingent on (a) the discharge being limited to, and all proposed mitigation being completed in strict compliance with, the applicants' project description and/or on the attached Project Information Sheet, and (b) on compliance with all applicable requirements of the Water Quality Control Plan for the San Diego Basin Region (9) (Basin Plan).

I, David W. Gibson, Executive Officer, do hereby certify the forgoing is a full, true, and correct copy of Certification No 11C-006 issued on April 2, 2012 and amended on October 4, 2012



DAVID W. GIBSON
Executive Officer
Regional Water Quality Control Board

4 Oct. 2012
Date

- Attachments:
1. Project Information
 2. Distribution List
 3. Location Map
 4. Site map
 5. Project & Mitigation Site Map

**ATTACHMENT 1
PROJECT INFORMATION**

Applicant: Ms. Robert C. Dunek
City of Lake Forest
25550 Commercenter Drive, Suite 100
Lake Forest, CA 92630
Telephone: 949-461-3479
Email: RDunek@lakeforestca.gov

**Applicant
Representatives:** PCR Services Corporation
Attention: Stephanie Gasca
1 Venture, Suite 150
Irvine, CA 92618
Telephone: 949-753-7001
Facsimile: 949-753-7002
Email: s.gasca@pcrnet.com

Project Name. Lake Forest Sports Park and Recreation Center Project

Project Location The proposed project is located north of Interstate 5 (I-5) and directly south of California State Highway 241 (SH-241), and on a local level, is located west of Portola Parkway, south of Rancho Parkway, and northeast of Regency Lane. The project is located approximately at latitude 33.662017 and longitude -117 657269.

Type of Project: Sports Park and Recreation Center.

Project Description: The Lake Forest Sports Park and Recreation Center (Project) consists of the development of an approximately 59 acre city owned, public sports park and recreation center. Recreational amenities will include five baseball/softball fields; five soccer/multi-use fields; two hard courts for basketball; two playgrounds including tot lots with sand and play structures; a 30,000-square-foot recreation center with a gymnasium and multipurpose/meeting rooms; a small amphitheater; and restrooms/concession building; and associated utilities. An existing 16" reclaimed water line, owned by Irvine Ranch

Water District that currently crosses the site from west to east will be relocated. Offsite improvements will include the extension of Rancho Parkway to Portola Parkway. The Project will add approximately 33.5 acres of additional impervious surface.

The Project will permanently impact 0.10 acres (3,048-linear feet) of jurisdictional non-wetland waters of the United States and/or State and 0.01 acre of isolated wetland waters of the State

Mitigation will be the on-site establishment of a minimum of 0.03 acre of in-kind wetland habitat and 0.22-acres (3,048-linear feet) of in-kind habitat directly adjacent to Glass Creek

Federal
Agency/Permit:

U.S. Army Corps of Engineers §404, Nationwide Permit 42
Recreational Facilities, Mr. Jason Lambert.

Other Required
Regulatory Approvals.

California Department of Fish and Game (CDFG) § 1602
Streambed Alteration Agreement, Mr Russell Barabe

California
Environmental Quality
Act (CEQA)
Compliance:

Environmental Impact Report, City of Lake Forest Sports Park and Recreation Center, City of Lake Forest, Development Services Department, State Clearing House No. 2009061020, April 20, 2011.

Receiving Waters:

Glass Creek and associated unnamed ephemeral tributaries.
San Juan hydrologic unit, Laguna hydrologic area, Laguna Creek hydrologic subarea

Impacted Wetlands of
the United States and
State:

Permanent -
Non-Wetland Waters 0.10-acre, 3,048-linear feet
Wetland Waters 0.01-acre wetland waters of the State
Temporary -
Non-Wetland Waters none

Impacted Waters for
CDFG jurisdiction
only:

Permanent-
Non-federal Waters of the State None

Riparian Area 0.76-acre

Dredge Volume:

None

Related Projects
Implemented/to be
Implemented by the
Applicant(s):

Offsite improvements will include the extension of Rancho
Parkway to Portola Parkway

Compensatory
Mitigation:

Mitigation for unavoidable impacts shall be implemented as
described in the *Habitat Mitigation and Monitoring Plan, Lake
Forest Sports Park and Recreation Center*, dated February,
2011.

Mitigation will be the on-site creation (establishment) of a
minimum of 0.03 acre of in-kind wetland habitat and 0.22-acre
(3,048-linear feet) of in-kind habitat directly adjacent to Glass
Creek. Establishment will consist of a 3:1 replacement-to-
impact ratio for impacts to wetland waters of the State, 2:1
replacement-to-impact ratio for impacts to ephemeral
drainages with associated riparian areas, and 1:1
replacement-to-impact ratio for impacts associated with the
ephemeral drainages dominated by upland vegetation.

Mitigation will involve the establishment of waters of the U.S.
and/or state, on the east side of the sports park area between
the planned access road and the preserved area along Glass
Creek. Meandering drainage channels will be dug and a
broad strip encompassing the new channel segments will be
vegetated with native upland and riparian vegetation. Habitat
created along the new channel segments will be comparable
to the habitat associated with the impacted drainage features
and will add habitat area and other functions directly adjacent
to the avoided riparian habitat associated with Glass Creek.
The mitigation areas will be located on a gently sloping
terrace below the level of the sports park fields and will
receive storm runoff from the sports park and recreation

center.

**Best Management
Practices (BMPs)**

Construction and Post-construction BMPs are described in the *Water Quality Management Plan (WQMP) for: Sports Park and Recreation Center, City of Lake Forest*, prepared by Psomas, and dated December 7, 2011. BMPs must include, but not be limited to:

- Catch basin and inlet protection.
- Headwall outlet protection.
- Silt fencing
- Fiber rolls.
- Gravel bag berms.
- Erosion control stabilizing emulsion.
- Concrete washout area.
- Stabilized construction entrance/exit.
- Spill prevention and control.
- Street sweeping and vacuuming.

Public Notice.

On January 26, 2011, receipt of the project application was posted on the San Diego Water Board web site to serve as appropriate notification to the public. No public comments were received.

Fees:

Total Due: \$0.00
Total Paid: \$640.00 (Check No. 083477)
Total Paid: \$19,507 00 (Check No. 083577)
Total Paid: \$944 00 (Check No. 084104)

CIWQS:

Regulatory Measure ID: 377332
Place ID: 761978
Party ID: 525638
Person ID: 525639
WDID 9000002220

Lake Forest Sports Park and
Recreation Center
Certification No 11C-006

April 2, 2012
Amended on October 4, 2012

**ATTACHMENT 2
DISTRIBUTION LIST**

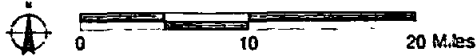
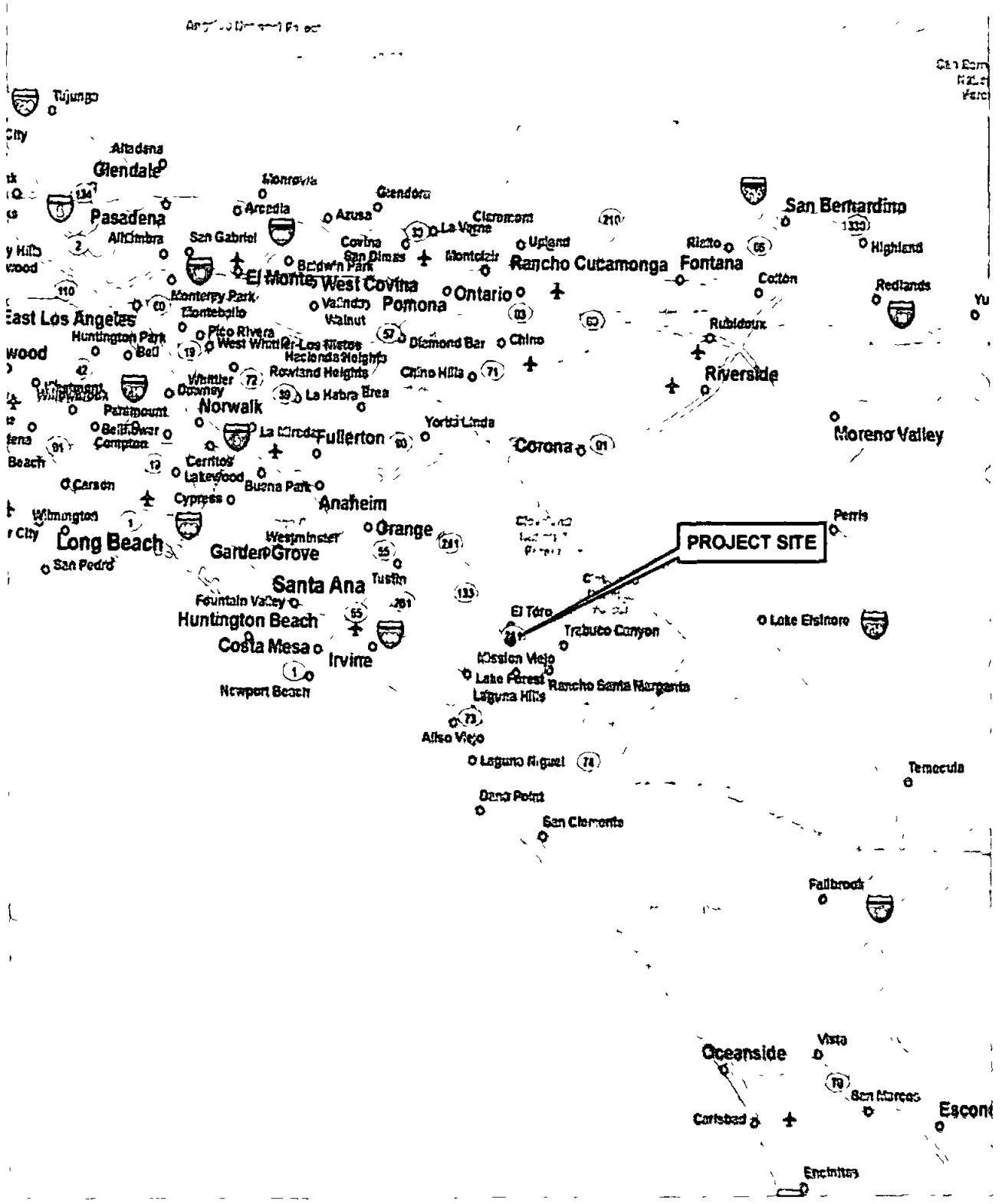
Mr. Jason Lambert
U.S Army Corps of Engineers
Regulatory Branch
Jason.p.lambert@usace.army.mil

Ms. Kevin Hupf
California Department of Fish and Game
South Coast Region
Habitat Conservation Planning – North
khupf@dfg.ca.gov

U.S. EPA, OWOW, Region 9
75 Hawthorne St.,
San Francisco, CA 94105
R9-WTR8-Mailbox@epa.gov

State Water Resources Control Board
Division of Water Quality
401 Water Quality Certification and Wetlands Unit
P.O. Box 100
Sacramento, CA 95812-0100
Stateboard401@waterboards.ca.gov

Attachment 3: Location Map



Regional Map

FIGURE

1

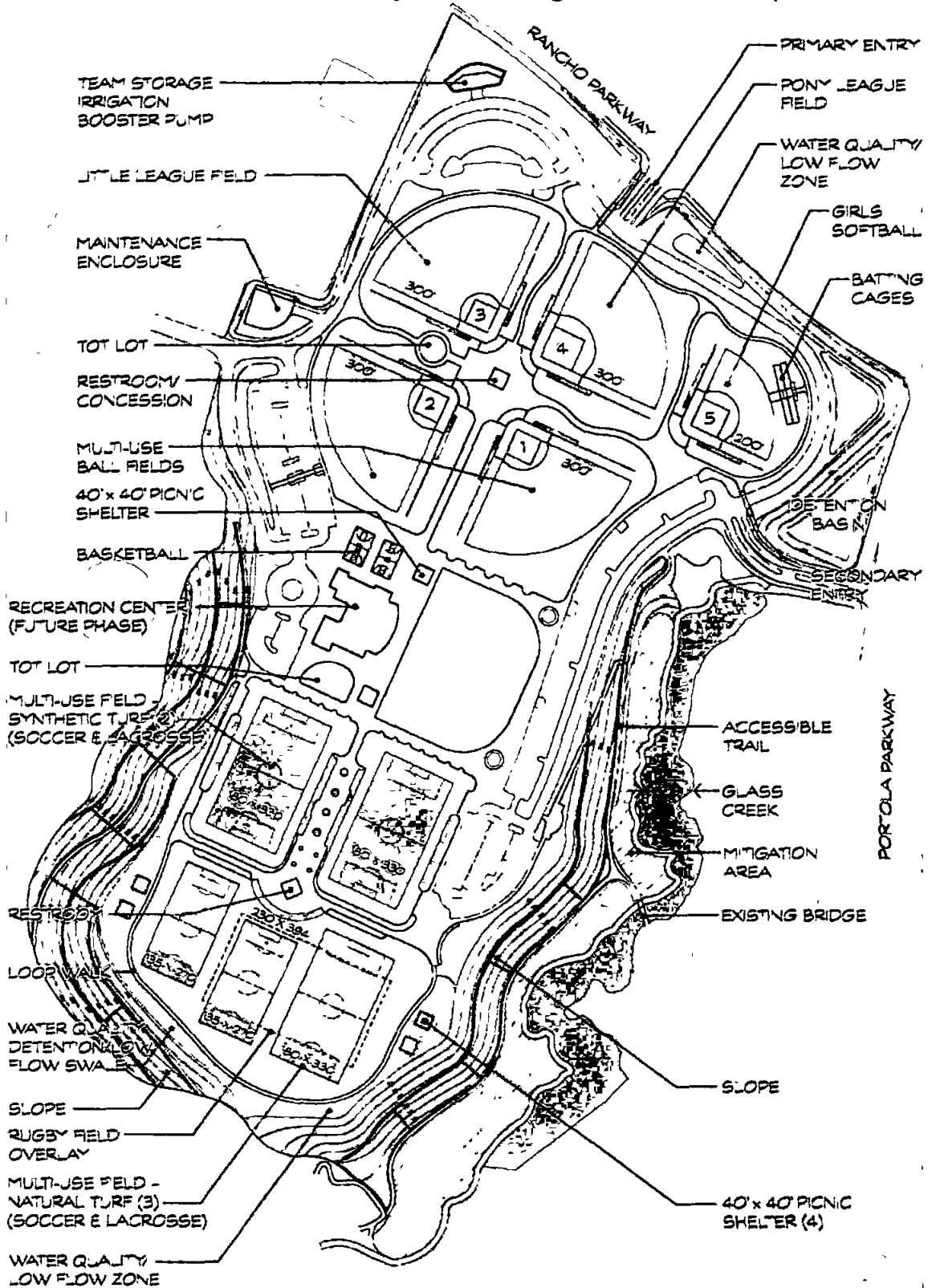
Lake Forest Sports Park and Recreation Center
 Source: ESRA, 2010; PCR Services Corporation, 2010

Attachment 4: Site Map



Figure 2-2
Project Vicinity Map
City of Lake Forest Sports Park and Community Center

Attachment 5: Project & Mitigation Site Map





California Regional Water Quality Control Board San Diego Region



Matthew Rodriguez
Secretary
for
Environmental Protection

Over 50 Years Serving San Diego, Orange, and Riverside Counties
Recipient of the 2004 Environmental Award for Outstanding Achievement from USEPA

Edmund G. Brown Jr.
Governor

9174 Sky Park Court, Suite 100, San Diego, California 92123-4340
(858) 467-2952 • Fax (858) 571-6972
[http // www. waterboards. ca. gov/ sandiego](http://www.waterboards.ca.gov/sandiego)

**Action on Request
for
Clean Water Act Section 401 Water Quality Certification
and
Waste Discharge Requirements
for
Discharge of Dredged and/or Fill Materials**

PROJECT: Lake Forest Sports Park and Recreation Center
Water Quality Certification No 11C-006

APPLICANT: Mr. Robert C Dunek
City of Lake Forest
25550 Commercenter Drive, Suite 100
Lake Forest, CA 92630

WDID	9000002220
Reg Meas	377332
Place	761978
Party	525638
Person	525639

ACTION:

<input type="checkbox"/> Order for Low Impact Certification	<input type="checkbox"/> Order for Denial of Certification
<input checked="" type="checkbox"/> Order for Technically-conditioned Certification	<input type="checkbox"/> Waiver of Waste Discharge Requirements
<input checked="" type="checkbox"/> Enrollment in SWRCB GWDR Order No 2003-017 DWQ	<input type="checkbox"/> Enrollment in Isolated Waters Order No. 2004-004 DWQ

PROJECT DESCRIPTION:

The Lake Forest Sports Park and Recreation Center (Project) consists of the development of an approximately 59 acre city owned, public sports park and recreation center. Recreational amenities will include five baseball/softball fields; five soccer/multi-use fields; two hard courts for basketball; two playgrounds including tot lots with sand and play structures; a 30,000-square-foot recreation center with a gymnasium and multipurpose/meeting rooms; a small amphitheater, and restrooms/concession building; and associated utilities. An existing 16" reclaimed water line, owned by Irvine Ranch Water District that currently crosses the site from west to east will be relocated. Offsite improvements will include the extension of Rancho Parkway to Portola Parkway. The Project will add approximately 33.5 acres of additional impervious surface.

California Environmental Protection Agency

*The energy challenge facing California is real Every Californian needs to take immediate action to reduce energy consumption For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at [http //www. swrcb. ca. gov](http://www.swrcb.ca.gov)
Recycled Paper*



Post-construction low impact development (LID) Best Management Practices (BMPs) will be designed to conform to the *Model Stormwater Mitigation Plan (SSMP)*, draft *Model Water Quality Management Plan (Model WQMP) for South Orange County*, dated December 16, 2011, and the draft *South Orange County Hydromodification Plan (HMP)*, dated December 11, 2011. Water quality pretreatment basins will be located along the perimeter of the sports park to capture and treat project generated nuisance flows and storm runoff. The basins will retain all nuisance flows generated by artificial irrigation within the sports park's turf and landscaped areas but high flows during storm events will spill over the basins into the mitigation area and Glass Creek. Sediments and trash carried in runoff from the sports park will be trapped in fore bays or catch basins located along the perimeter and within the sports park before these nuisance flows or storm flows are discharged into the habitat mitigation areas.

The Project will permanently impact 0.10 acre (3,048-linear feet) of non-wetland waters of the United States and/or State and 0.01 acre of isolated wetland waters of the State.

Mitigation will be the on-site creation (establishment) of a minimum of 0.03 acre of in-kind wetland habitat and 0.22-acre (3,048-linear feet) of in-kind habitat directly adjacent to Glass Creek. Establishment will consist of a 3:1 replacement-to-impact ratio for impacts to wetland waters of the State, 2:1 replacement-to-impact ratio for impacts to ephemeral drainages with associated riparian areas, and 1:1 replacement-to-impact ratio for impacts associated with the ephemeral drainages dominated by upland vegetation.

Mitigation will involve the establishment of waters of the U.S. and/or state, on the east side of the sports park area between the planned access road and the preserved area along Glass Creek. Meandering drainage channels will be dug and a broad strip encompassing the new channel segments will be vegetated with native upland and riparian vegetation. Habitat created along the new channel segments will be comparable to the habitat associated with the impacted drainage features and would add habitat area and other functions directly adjacent to the avoided riparian habitat associated with Glass Creek.

TABLE OF CONTENTS

I. STANDARD CONDITIONS:	44
II. ADDITIONAL CONDITIONS: GENERAL	44
III. ADDITIONAL CONDITIONS: CONSTRUCTION BEST MANAGEMENT PRACTICES.....	66
IV. ADDITIONAL CONDITIONS: IMPACTS AND COMPENSATORY MITIGATION	77
V. MONITORING REQUIREMENTS:	1144
VI. NOTIFICATION REQUIREMENTS.....	1144
VII. REPORTING REQUIREMENTS	1343
VIII. CEQA FINDINGS.....	1645
IX. PUBLIC NOTIFICATION OF PROJECT APPLICATION:	1646
X. SAN DIEGO WATER BOARD CONTACT PERSON:	1646
XI. WATER QUALITY CERTIFICATION:	1746

I. STANDARD CONDITIONS:

The following three standard conditions apply to all Certification actions, except as noted under Condition 3 for denials.

- A. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to section 13330 of the California Water Code and section 3867 of Title 23 of the California Code of Regulations (23 CCR).
- B. This Certification action is not intended and must not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to 23 CCR subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
- C. The validity of any non-denial Certification action must be conditioned upon total payment of the full fee required under 23 CCR section 3833, unless otherwise stated in writing by the certifying agency.

II. ADDITIONAL CONDITIONS: GENERAL

- A. This Clean Water Act Section 401 Water Quality Certification No 11C-006 (Certification) is only valid if the project begins no later than 5 (five) years from the date of issuance. If the project has not begun within 5 years from the date of issuance, then this Certification expires.
- B. The City of Lake Forest must comply with the requirements of State Water Resources Control Board Water Quality Order No. 2003-0017-DWQ, *Statewide General Waste Discharge Requirements for Discharges of Dredged or Fill Material that have Received State Water Quality Certification*. These General Waste Discharge Requirements are accessible at:
http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/generalorders/go_wdr401regulated_projects.pdf
- C. The City of Lake Forest must, at all times, fully comply with the engineering plans, specifications and technical reports submitted to the San Diego Water Board, to support this Certification and all subsequent submittals required as part of this Certification and as described herein. The conditions within this Certification must supersede conflicting provisions within such plans submitted as part of this Certification action.

- D. During construction, City of Lake Forest must maintain a copy of this Certification at the project site so as to be available at all times to site personnel and agencies.
- E. The City of Lake Forest must permit the San Diego Water Board or its authorized representative at all times, upon presentation of credentials:
 - 1. Entry onto project premises, including all areas on which wetland fill or wetland mitigation is located or in which records are kept
 - 2. Access to copy any records required to be kept under the terms and conditions of this Certification.
 - 3. Inspection of any treatment equipment, monitoring equipment, or monitoring method required by this Certification.
 - 4. Sampling of any discharge or surface water covered by this Order.
- F. In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation must be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.
- G. In response to a suspected violation of any condition of this Certification, the San Diego Water Board may require the holder of any permit or license subject to this Certification to furnish, under penalty of perjury, any technical or monitoring reports the San Diego Water Board deems appropriate, provided that the burden, including costs, of the reports must bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
- H. In response to any violation of the conditions of this Certification, the San Diego Water Board may modify the conditions of this Certification as appropriate to ensure compliance.

III. ADDITIONAL CONDITIONS: BEST MANAGEMENT PRACTICES (BMPs)

CONSTRUCTION BMPs

- A. Prior to the start of the project, and annually thereafter, the City of Lake Forest must educate all personnel on the requirements in this Certification, pollution prevention measures, spill response, and the implementation and maintenance of BMPs.
- B. The City of Lake Forest must, at all times, maintain appropriate types and sufficient quantities of materials on-site to contain any spill or inadvertent release of materials that may cause a condition of pollution or nuisance if the materials reach waters of the United States and/or State
- C. The City of Lake Forest, and/or all legally responsible parties in the development area, must enroll in and comply with the requirements of State Water Resources Control Board Water Quality Order No. 2009-0009-DWQ, NPDES No. CAS000002, General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, and any subsequent revisions thereto.
- D. The treatment, storage, and disposal of wastewater during the life of the project must be done in accordance with waste discharge requirements established by the San Diego Water Board pursuant to CWC § 13260.
- E. Discharges of concentrated flow during construction or after completion must not cause downstream erosion or damage to properties or stream habitat.
- F. Water containing mud, silt, or other pollutants from equipment washing or other activities, must not be discharged to waters of the United States and/or the State or placed in locations that may be subjected to storm flows. Pollutants discharged to areas within a stream diversion area must be removed at the end of each work day or sooner if rain is predicted
- G. All surface waters, including ponded waters, must be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. Diversion activities must not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any temporary dam or other artificial obstruction constructed must only be built from materials such as clean gravel which will cause little or no

siltation. Normal flows must be restored to the affected stream immediately upon completion of work at that location.

- H. All areas that will be left in a rough graded state must be stabilized no later than two weeks after completion of grading. The City of Lake Forest is responsible for implementing and maintaining BMPs to prevent erosion of the rough graded areas. Hydroseed areas must be revegetated with native species appropriate for the area. The revegetation palette must not contain any plants listed on the California Invasive Plant Council Invasive Plant Inventory, which can be found online at [http://www cal-ipc.org/ip/inventory/weedlist.php](http://www.cal-ipc.org/ip/inventory/weedlist.php). Follow-up applications shall be made as needed to cover bare spots and to maintain adequate soil protection.
- I. Substances hazardous to aquatic life including, but not limited to, petroleum products, raw cement/concrete, asphalt, and coating materials, must be prevented from contaminating the soil and/or entering waters of the United States and/or State. BMPs must be implemented to prevent such discharges during each project activity involving hazardous materials.
- J. Removal of vegetation must occur by hand, mechanically, or using EPA approved herbicides deployed using applicable BMPs to prevent impacts to Beneficial Uses of waters of the State. Use of aquatic pesticides must be done in accordance with State Water Resources Control Board Water Quality Order No. 2004-0009-DWQ, and any subsequent reissuance as applicable.

POST-CONSTRUCTION BMPs

- A. The City of Lake Forest shall not allow post-construction discharges to cause onsite or offsite downstream erosion, and/or damage to properties or damage to stream habitats from the project site.
- B. The City of Lake Forest must eliminate illicit discharges and prevent all nuisance flows from the development area from entering the receiving waters.
- C. All storm drain inlet structures within the project boundaries must be stamped and/or stenciled (or equivalent) with appropriate language prohibiting non-storm water discharges
- D. The Project must be designed to comply with the draft *Model Water Quality Management Plan (Model WQMP) for South Orange County*, dated December 16, 2011, and the draft *South Orange County Hydromodification Plan (HMP)*, dated December 11, 2011.

- E. All post-construction BMPs, including those described in the *Water Quality Management Plan (WQMP) for: Sports Park and Recreation Center* project dated December 7, 2011 (and any subsequent versions submitted to the San Diego Water Board), prepared by Psomas, must be implemented, installed, and functional prior to construction completion and/or planned use of development areas and maintained in perpetuity.
- F. For all post-construction BMPs, as described in the *Water Quality Management Plan (WQMP) for: Sports Park and Recreation Center* project dated December 7, 2011 (and any subsequent versions submitted to the San Diego Water Board), prepared by Psomas; and storm water discharge points, the City of Lake Forest must:
1. No less than two times per year, assess the performance of the systems on protection of the receiving waters and identify any necessary corrective measures,
 2. Have all preventive and corrective maintenance performed;
 3. Maintain a log documenting all BMP inspections and maintenance activities
- G. The desiltation basins must be designed, constructed, and maintained in accordance with the most recent California Stormwater Quality Association guidance for extended detention basins. Maintenance activities shall include, but are not limited to:
1. Semiannual inspection for the beginning and end of the wet season for standing water, slope stability, sediment accumulation, trash and debris, and presence of burrows;
 2. Removal of accumulated trash and debris in the basin as needed to ensure proper functioning of the basin; and
 3. Yearly inspection of accumulated sediment volume. Accumulated sediment should be removed and the basin re-graded when the accumulated sediment volume exceeds 10 percent of the basin volume
- H. Discharges from the detention basins must be free of trash and not cause downstream erosion or damage to the mitigation site or Glass Creek.

IV. UNAVOIDABLE IMPACTS AND COMPENSATORY MITIGATION

- A. Unavoidable impacts to Glass Creek and its tributaries in the San Juan Creek Watershed are limited to:
1. Permanent Impacts - 0.1-acre Non-wetland waters of the United States, 3,048-linear feet, and 0.01-acre wetland waters of the State
 2. Temporary Impacts - none
- B. Mitigation for unavoidable impacts shall be implemented as described in the *Habitat Mitigation and Monitoring Plan, Lake Forest Sports Park and Recreation Center*, dated February, 2011 and the Request to Amend Clean Water Act (CWA) Section 401 Water Quality Certification No. 11C-006, Lake Forest Sports Park and Recreation Center, dated June 18, 2012. Mitigation, maintenance, and monitoring of the mitigation areas must be implemented as described in these documents. Any deviations must be approved by the San Diego Water Board.
- C. Mitigation must include on-site creation (establishment) of a minimum of 0.03 acre of in-kind wetland habitat and 0.22 acres and 3,048-linear feet of non-wetland/wetland waters of the United States.
- D. The construction of proposed mitigation must be concurrent with project grading and completed no later than 9 months following the initial discharge of dredge or fill material into on-site waters. Delays in implementing mitigation must be compensated for by an increased mitigation implementation of 10 percent of the cumulative compensatory mitigation for each month of delay.
- E. The City of Lake Forest must salvage leaf litter, coarse woody debris, and upper soil horizons from impacted jurisdictional water sites that are relatively free of invasive exotic species for use in on-site mitigation areas.
- F. The City of Lake Forest must also salvage large cuttings from appropriate tree species if they exist at the impact site and use them as pole plantings at the mitigation site.
- G. The mitigation sites must be designed, constructed, and maintained in perpetuity to meet the following conditions:
1. Most of the channels through the mitigation sites are characterized by equilibrium conditions, with no evidence of severe aggradation or degradation,

2. As viewed along cross-sections, the channel and buffer have a variety of slopes, or elevations, that are characterized by different moisture gradients. Each sub-slope contains physical patch types or features that contribute to irregularity in height, edges, or surface and to complex topography overall; and
 3. The mitigation sites have a well-developed plant community characterized by a high degree of horizontal and vertical interspersion among plant zones and layers.
- H. If at any time during the implementation and establishment of the mitigation areas, and prior to verification of meeting success criteria, a catastrophic natural event (e.g., fire, flood) occurs and impacts the mitigation areas, the City of Lake Forest is responsible for repair and replanting of the damaged areas.
- I. Mitigation areas must be maintained, in perpetuity, free of perennial exotic plant species including, but not limited to, pampas grass, giant reed, tamarisk, sweet fennel, tree tobacco, castor bean, and pepper tree. Annual exotic plant species must not occupy more than 5 percent of the on-site or off-site mitigation areas.
- J. Any maintenance activities that do not contribute to the success of the mitigation site and enhancement of beneficial uses and ecological functions and services are prohibited. Maintenance activities are limited to the removal of trash and debris, removal of exotic plant species, replacement of dead native plant species and remedial measures deemed necessary for the success of the restoration program.
- K. Mitigation shall be considered acceptable once it has met the predetermined success criteria for that site, and shall be maintained, in perpetuity, in a manner that consistently meets the final success criteria identified.
- L. For purposes of this Certification, establishment is defined as the creation of vegetated or unvegetated waters of the United States/State where the resource has never previously existed (e.g. conversion of nonnative grassland to a freshwater marsh). Restoration is divided into two activities, re-establishment and rehabilitation. Re-establishment is defined as the return of natural/historic functions to a site where vegetated or unvegetated waters of the United States/State previously existed (e.g., removal of fill material to restore a drainage). Rehabilitation is defined as the improvement of the general suite of functions of degraded vegetated or unvegetated waters of the United States/State (e.g., removal of a heavy infestation or monoculture of exotic plant species from jurisdictional areas and replacing with native species). Enhancement is defined as the

improvement to one or two functions of existing vegetated or unvegetated waters of the United States/State (e.g., removal of small patches of exotic plant species from an area containing predominantly natural plant species). Preservation is defined as the acquisition and legal protection from future impacts in perpetuity of existing vegetated or unvegetated waters of the United States/State (e.g., conservation easement).

V. MONITORING REQUIREMENTS:

A. California Rapid Assessment Method

The California Rapid Assessment Method (CRAM) must be utilized at the impact and mitigation site(s) prior to impacts to establish pre-project baseline conditions. In addition, CRAM must be utilized at the mitigation site(s) following completion of the mitigation site construction at years 3 and 5. The results of the CRAM assessment must be submitted **each year with the Annual Monitoring Reports** and data must be uploaded into eCRAM (<http://www.cramwetlands.org>).

VI. NOTIFICATION REQUIREMENTS:

- A. The City of Lake Forest must notify the San Diego Water Board within **24 hours** of any unauthorized discharge, including hazardous or toxic materials, to waters of the United States and/or State; measures that were implemented to stop and contain the discharge, measures implemented to clean-up the discharge, the volume and type of materials discharged and recovered; and additional best management practices (BMPs) or other measures that will be implemented to prevent future discharges.
- B. This Certification is not transferable in its entirety or in part to any person or organization except after notice to the Executive Officer of the San Diego Water Board in accordance with the following terms
1. **Transfer of Property Ownership:** The City of Lake Forest must notify the San Diego Water Board of any change in ownership of the project area. Notification of change in ownership must include, but not be limited to, a statement that County of Orange has provided the purchaser with a copy of the Section 401 Water Quality Certification and that the purchaser understands and accepts the certification requirements and the obligation to implement them or be subject to liability for failure to do so; the seller and purchaser must sign and date the notification and provide such notification to the Executive Officer of the San Diego Water Board **within 10 days of the transfer of ownership.**

2. **Transfer of Mitigation Responsibility:** Any notification of transfer of responsibilities to satisfy the mitigation requirements set forth in this Certification must include a signed statement from an authorized representative of the new party (transferee) demonstrating acceptance and understanding of the responsibility to comply with and fully satisfy the mitigation conditions and agreement that failure to comply with the mitigation conditions and associated requirements may subject the transferee to enforcement by the San Diego Water Board under Water Code section 13385, subdivision (a). Notification of transfer of responsibilities meeting the above conditions must be provided to the San Diego Water Board **within 10 days of the transfer date.**

3. **Transfer of Post-Construction BMP Maintenance Responsibility:** the City of Lake Forest assumes responsibility for the inspection and maintenance of all post-construction structural BMPs until such responsibility is legally transferred to another entity. At the time maintenance responsibility for post-construction BMPs is legally transferred the City of Lake Forest must submit to the San Diego Water Board a copy of such documentation and must provide the transferee with a copy of a long-term BMP maintenance plan that complies with manufacturer specifications. The City of Lake Forest must provide such notification to the Executive Officer of the San Diego Water Board **within 10 days** of the transfer of BMP maintenance responsibility.

Upon properly noticed transfers of responsibility, the transferee assumes responsibility for compliance with this Certification and references in this Certification to the City of Lake Forest will be interpreted to refer to the transferee as appropriate. Transfer of responsibility does not necessarily relieve the City of Lake Forest of this Certification in the event that a transferee fails to comply.

- C. **Prior to the start of construction**, the City of Lake Forest must provide the San Diego Water Board a draft preservation mechanism (e.g. deed restriction, conservation easement, etc) that will protect all mitigation areas and their buffers in perpetuity. **Within one year of the start of construction**, the City of Lake Forest must submit proof of a completed preservation mechanism that will protect all mitigation areas and their buffers in perpetuity. The conservation easement, deed restriction, or other legal limitation on the mitigation property must be adequate to demonstrate that the site will be maintained without future development or encroachment on the site which could otherwise reduce the functions and values of the site for the variety of beneficial uses of waters of the United States that it supports. The legal limitation must prohibit, without exception, all residential, commercial, industrial, institutional, and transportation development, and any other infrastructure development that

would not maintain or enhance the wetland and streambed functions and values of the site. The preservation mechanism must clearly prohibit activities that would result in soil disturbance or vegetation removal, other than the removal of non-native vegetation. Other infrastructure development to be prohibited includes, but is not limited to, additional utility lines, maintenance roads, and areas of maintained landscaping for recreation.

- D. The City of Lake Forest must notify the San Diego Water Board in writing **at least 5 days prior** to the actual commencement of dredge, fill, and discharge activities.

VII. REPORTING REQUIREMENTS:

- A. The City of Lake Forest must submit annual progress reports describing status of compliance with all requirements of this Certification to the San Diego Water Board prior to **January 1** of each year following the issuance of this Certification until the project has reached completion. The City of Lake Forest must submit a Final Project Annual Report to the San Diego Water Board prior to **January 1** following completion of the project. The reports must include the following:
1. Date of construction initiation
 2. Date of construction completion.
 3. Status of BMPs for the project
 4. Final Project Report: Photo documentation of implemented post-construction BMPs. Photo documentation must be conducted in accordance with guidelines posted at http://www.waterboards.ca.gov/sandiego/water_issues/programs/401_certification/docs/StreamPhotoDocSOP.pdf. In addition photo documentation must include Global Positioning System (GPS) coordinates for each of the photo points referenced.

- B Mitigation monitoring reports must be submitted annually until mitigation has been deemed successful Annual monitoring reports must be submitted prior to **January 1** of each year. Monitoring reports must include, but not be limited to, the following:
- 1 Names, qualifications, and affiliations of the persons contributing to the report;
 2. Date of initiation of mitigation installation and date mitigation installation was completed.
 3. Mitigation as-builts, including topography maps and planting locations
 4. Tables presenting the raw data collected in the field as well as analyses of the physical and biological data,
 5. Topographic complexity characteristics at each mitigation site,
 6. Upstream and downstream habitat and hydrologic connectivity;
 - 7 Source of hydrology,
 8. Width of native vegetation buffer around the entire mitigation site,
 - 9 Qualitative and quantitative comparisons of current mitigation conditions with pre-construction conditions and previous mitigation monitoring results, including evaluation of success criteria.
 - 10 Stream photo documentation, including all areas of permanent and temporary impact, prior to and after project construction, and mitigation areas, including all areas of permanent and temporary impact, prior to and after project construction. Photo documentation must be conducted in accordance with guidelines posted at http://www.waterboards.ca.gov/sandiego/water_issues/programs/401_certification/docs/StreamPhotoDocSOP.pdf In addition, photo documentation must include Geographic Positioning System (GPS) coordinates for each of the photo points referenced
- C. All information requested in this Certification is pursuant to California Water Code (CWC) section 13267 Civil liability may be administratively imposed by the San Diego Water Board for failure to furnish requested information pursuant to CWC section 13268.

- D All reports and information submitted to the San Diego Water Board must be submitted in both hardcopy and electronic format. The preferred electronic format for each report submission is one file in PDF format that is also Optical Character Recognition (OCR) capable.
- E All applications, reports, or information submitted to the San Diego Water Board must be signed and certified as follows:
1. For a corporation, by a responsible corporate officer of at least the level of vice president.
 2. For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
 3. For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.
 4. A duly authorized representative may sign applications, reports, or information if.
 - a. The authorization is made in writing by a person described above.
 - b. The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.
 - c. The written authorization is submitted to the San Diego Water Board Executive Officer.
- F. All applications, reports, or information submitted to the San Diego Water Board must be signed and certified as follows.

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

- G. The City of Lake Forest must submit reports required under this Certification, or other information required by the San Diego Water Board, to:

Executive Officer
California Regional Water Quality Control Board
San Diego Region
Attn. 401 Certification; Project No. 11C-006
9174 Sky Park Court, Suite 100
San Diego, California 92123

VIII. CEQA FINDINGS:

- A. The City of Lake Forest is the lead agency under the California Environmental Quality Act (Public Resources Code section 21000, et seq., (CEQA)), and filed a Notice of Determination for the Environmental Impact Report, *City of Lake Forest Sports Park and Recreation Center Project*, County of Orange, State Clearing House No. 2009061020, on April 20, 2011.
- B. The San Diego Water Board has reviewed the lead agency's Environmental Impact Report and finds that the project as proposed will have some significant effects on the hydrology and water quality at the proposed project. However all these effects will become less than significant with the mitigation measures implemented through this Certification.

IX. PUBLIC NOTIFICATION OF PROJECT APPLICATION:

- A. On October 28, 2010, receipt of the project application was posted on the San Diego Water Board web site to serve as appropriate notification to the public. No public comments were received.

X. SAN DIEGO WATER BOARD CONTACT PERSON:

Darren Bradford, Environmental Scientist
California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123
Telephone: 858-637-7137
Email: DBradford@waterboards.ca.gov

XI. WATER QUALITY CERTIFICATION:

I hereby certify that the proposed discharge from the **Lake Forest Sports Park and Recreation Center Project** (Certification Project No. 11C-006) will comply with the applicable provisions of sections 301 ("Effluent Limitations"), 302 ("Water Quality Related Effluent Limitations"), 303 ("Water Quality Standards and Implementation Plans"), 306 ("National Standards of Performance"), and 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act. This discharge is also regulated under State Water Board Order No. 2003-0017-DWQ, "*Statewide General Waste Discharge Requirements for Dredged or Fill Discharges that have Received State Water Quality Certification (General WDRs)*," which requires compliance with all conditions of this Water Quality Certification. Please note that enrollment under Order No. 2003-017-DWQ is conditional and, should new information come to our attention that indicates a water quality problem, the San Diego Water Board may issue individual waste discharge requirements at that time

Except insofar as may be modified by any preceding conditions, all Certification actions are contingent on (a) the discharge being limited to, and all proposed mitigation being completed in strict compliance with, the applicants' project description and/or on the attached Project Information Sheet, and (b) on compliance with all applicable requirements of the Water Quality Control Plan for the San Diego Basin Region (9) (Basin Plan)

I, David W. Gibson, Executive Officer, do hereby certify the forgoing is a full, true, and correct copy of Certification No. 11C-006 issued on April 2, 2012 and amended on October 4, 2012.

DAVID W. GIBSON
Executive Officer
Regional Water Quality Control Board

Date

- Attachments.
1. Project Information
 2. Distribution List
 3. Location Map
 4. Site map
 5. Project & Mitigation Site Map

**ATTACHMENT 1
PROJECT INFORMATION**

Applicant: Ms. Robert C. Dunek
City of Lake Forest
25550 Commercenter Drive, Suite 100
Lake Forest, CA 92630
Telephone: 949-461-3479
Email: RDunek@lakeforestca.gov

**Applicant
Representatives:** PCR Services Corporation
Attention: Stephanie Gasca
1 Venture, Suite 150
Irvine, CA 92618
Telephone: 949-753-7001
Facsimile: 949-753-7002
Email: s.gasca@pcrnet.com

Project Name: Lake Forest Sports Park and Recreation Center Project

Project Location: The proposed project is located north of Interstate 5 (I-5) and directly south of California State Highway 241 (SH-241), and on a local level, is located west of Portola Parkway, south of Rancho Parkway, and northeast of Regency Lane. The project is located approximately at latitude 33.662017 and longitude -117.657269.

Type of Project: Sports Park and Recreation Center.

Project Description: The Lake Forest Sports Park and Recreation Center (Project) consists of the development of an approximately 59 acre city owned, public sports park and recreation center. Recreational amenities will include five baseball/softball fields; five soccer/multi-use fields; two hard courts for basketball, two playgrounds including tot lots with sand and play structures, a 30,000-square-foot recreation center with a gymnasium and multipurpose/meeting rooms; a small amphitheater, and restrooms/concession building, and associated utilities. An existing 16" reclaimed water line, owned by Irvine Ranch Water District that currently crosses the site from west to east

will be relocated. Offsite improvements will include the extension of Rancho Parkway to Portola Parkway. The Project will add approximately 33.5 acres of additional impervious surface.

The Project will permanently impact 0.10 acres (3,048-linear feet) of jurisdictional non-wetland waters of the United States and/or State and 0.01 acre of isolated wetland waters of the State

Mitigation will be the on-site establishment of a minimum of 0.03 acre of in-kind wetland habitat and 0.22-acres (3,048-linear feet) of in-kind habitat directly adjacent to Glass Creek

Federal
Agency/Permit:

U.S. Army Corps of Engineers §404, Nationwide Permit 42
Recreational Facilities, Mr. Jason Lambert.

Other Required
Regulatory Approvals:

California Department of Fish and Game (CDFG) § 1602
Streambed Alteration Agreement, Mr. Russell Barabe.

California
Environmental Quality
Act (CEQA)
Compliance:

Environmental Impact Report, City of Lake Forest Sports Park and Recreation Center, City of Lake Forest, Development Services Department, State Clearing House No. 2009061020, April 20, 2011.

Receiving Waters:

Glass Creek and associated unnamed ephemeral tributaries. San Juan hydrologic unit, Laguna hydrologic area, Laguna Creek hydrologic subarea.

Impacted Wetlands of
the United States and
State.

Permanent -
Non-Wetland Waters 0.10-acre, 3,048-linear feet

Wetland Waters 0.01-acre wetland waters of the State

Temporary -
Non-Wetland Waters none

Impacted Waters for
CDFG jurisdiction
only:

Permanent-
Non-federal Waters of the State None

Riparian Area 0.76-acre

Dredge Volume:

None

Related Projects
Implemented/to be
Implemented by the
Applicant(s):

Offsite improvements will include the extension of Rancho
Parkway to Portola Parkway

Compensatory
Mitigation.

Mitigation for unavoidable impacts shall be implemented as
described in the *Habitat Mitigation and Monitoring Plan, Lake
Forest Sports Park and Recreation Center*, dated February,
2011.

Mitigation will be the on-site creation (establishment) of a
minimum of 0.03 acre of in-kind wetland habitat and 0.22-acre
(3,048-linear feet) of in-kind habitat directly adjacent to Glass
Creek. Establishment will consist of a 3:1 replacement-to-
impact ratio for impacts to wetland waters of the State, 2:1
replacement-to-impact ratio for impacts to ephemeral
drainages with associated riparian areas, and 1:1
replacement-to-impact ratio for impacts associated with the
ephemeral drainages dominated by upland vegetation.

Mitigation will involve the establishment of waters of the U.S.
and/or state, on the east side of the sports park area between
the planned access road and the preserved area along Glass
Creek. Meandering drainage channels will be dug and a
broad strip encompassing the new channel segments will be
vegetated with native upland and riparian vegetation. Habitat
created along the new channel segments will be comparable
to the habitat associated with the impacted drainage features
and will add habitat area and other functions directly adjacent
to the avoided riparian habitat associated with Glass Creek.
The mitigation areas will be located on a gently sloping
terrace below the level of the sports park fields and will
receive storm runoff from the sports park and recreation
center.

**ATTACHMENT 2
DISTRIBUTION LIST**

Mr. Jason Lambert
U.S. Army Corps of Engineers
Regulatory Branch
Jason.p.lambert@usace.army.mil

Ms. Kevin Hupf
California Department of Fish and Game
South Coast Region
Habitat Conservation Planning – North
khupf@dfg.ca.gov

U.S. EPA, OWOW, Region 9
75 Hawthorne St.,
San Francisco, CA 94105
R9-WTR8-Mailbox@epa.gov

State Water Resources Control Board
Division of Water Quality
401 Water Quality Certification and Wetlands Unit
P.O. Box 100
Sacramento, CA 95812-0100
Stateboard401@waterboards.ca.gov

Lake Forest Sports Park and
Recreation Center
Certification No 11C-006

~~Certification No 11C-006~~ April 2, 2012
Amended on October 4, 2012

Best Management
Practices (BMPs).

Construction and Post-construction BMPs are described in the *Water Quality Management Plan (WQMP) for: Sports Park and Recreation Center, City of Lake Forest*, prepared by Psomas, and dated December 7, 2011. BMPs must include, but not be limited to:

- o Catch basin and inlet protection.
- o Headwall outlet protection.
- o Silt fencing
- o Fiber rolls.
- o Gravel bag berms
- o Erosion control stabilizing emulsion.
- o Concrete washout area.
- o Stabilized construction entrance/exit.
- o Spill prevention and control
- o Street sweeping and vacuuming.

Public Notice:

On January 26, 2011, receipt of the project application was posted on the San Diego Water Board web site to serve as appropriate notification to the public. No public comments were received.

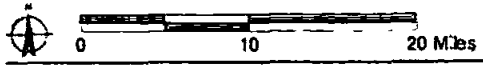
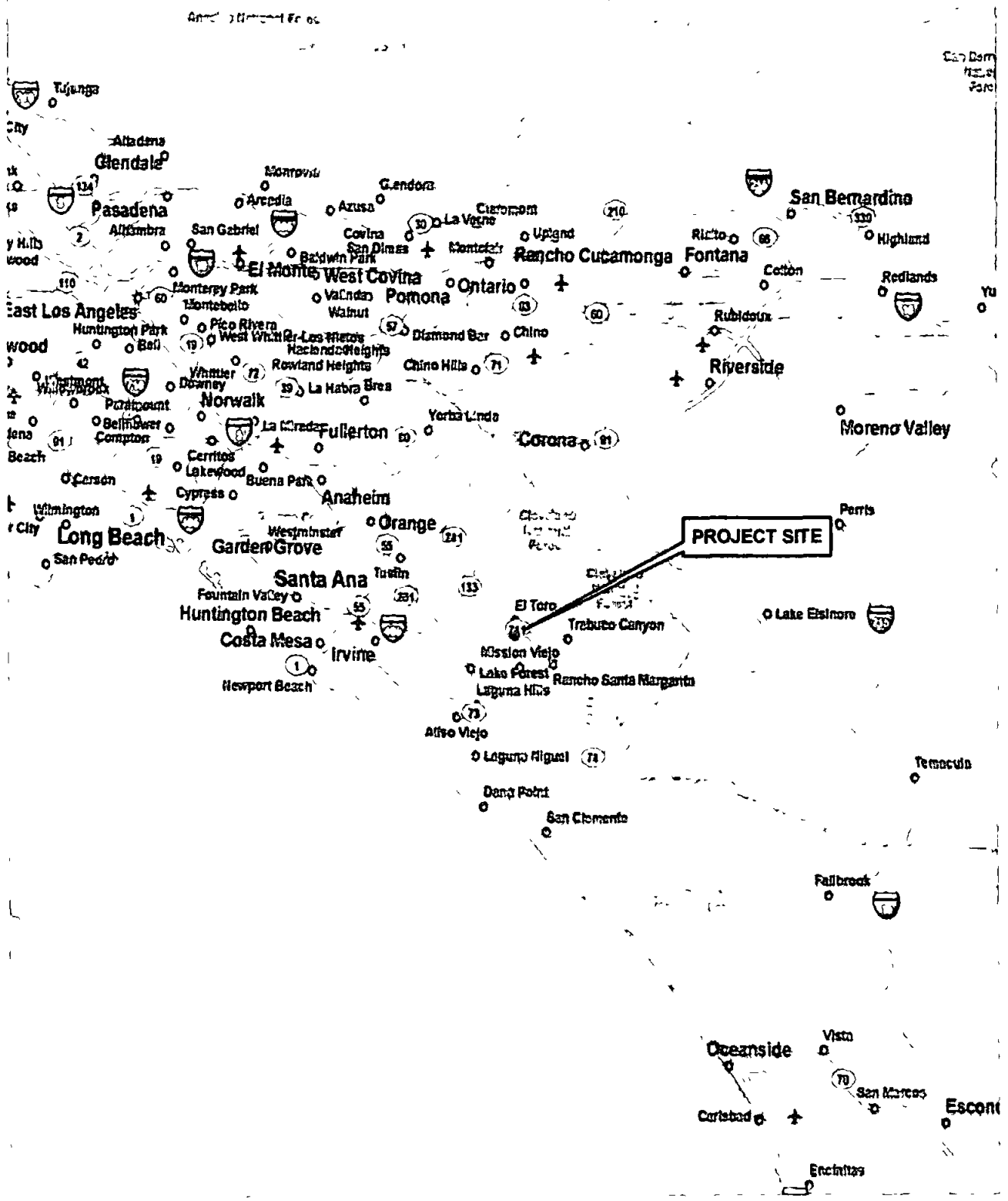
Fees:

Total Due: \$0.00
Total Paid: \$640.00 (Check No 083477)
Total Paid: \$19,507.00 (Check No. 083577)
Total Paid \$944.00 (Check No 084104)

CIWQS:

Regulatory Measure ID: 377332
Place ID: 761978
Party ID: 525638
Person ID: 525639
WDID: 9000002220

Attachment 3: Location Map



Regional Map

Lake Forest Sports Park and Recreation Center
 Source: ES&J, 2010, PCR Services Corporation 2/10

FIGURE
1

Attachment 4: Site Map



Figure 2-2
Project Vicinity Map
City of Lake Forest Sports Park and Community Center

Attachment 5: Project & Mitigation Site Map

