



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

California Regional Water Quality Control Board, San Diego Region

March 27, 2014

Certified Mail – Return Receipt Requested

Article Number: 7011 0470 0002 8961 5841

Jay Rutter
Rutter Santiago, LP
18012 Cowan, Suite 200
Irvine, CA 92614

**In reply/refer to:
783565:dbradford**

**Subject: Clean Water Act Section 401 Water Quality Certification No. 12C-060
for the Saddle Crest Project**

Mr. Rutter:

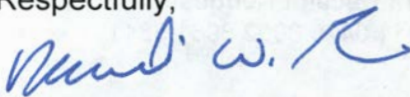
Enclosed find Clean Water Act Section 401 Water Quality Certification No. 12C-060 (Certification) issued by the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) in response to the application submitted by Rutter Santiago, LP for the Saddle Crest Project (Project). A description of the Project and Project location can be found in the Certification and site maps which are included as attachments to the Certification.

Rutter Santiago, LP is enrolled under State Water Resources Control Board Order No. 2003-017-DWQ as a condition of the Certification and is required to implement and comply with all terms and conditions of the Certification in order to ensure that water quality standards are met for the protection of wetlands and other aquatic resources. Failure to comply with this Certification may subject Rutter Santiago, LP to enforcement actions by the San Diego Water Board including administrative enforcement orders requiring Rutter Santiago, LP to cease and desist from violations or to clean up waste and abate existing or threatened conditions of pollution or nuisance; administrative civil liability in amounts of up to \$10,000 per day per violation; referral to the State Attorney General for injunctive relief; and, referral to the District Attorney for criminal prosecution.

Any petition for reconsideration of this Certification must be filed with the State Water Resources Control Board within 30 days of certification action pursuant to section 3867 of Title 23 of the California Code of Regulations (23 CCR). If no petition is received, it will be assumed that Rutter Santiago, LP has accepted and will comply with all terms and conditions of the Certification.

In the subject line of any response, please include reference number 783565:dbradford. For questions or comments, please contact Darren Bradford by telephone at (619) 521-3356 or by email at darren.bradford@waterboards.ca.gov.

Respectfully,



DAVID W. GIBSON
Executive Officer

Enclosure:

Clean Water Act Section 401 Water Quality Certification No. 12C-060 for the Saddle Crest Project

DWG:jgs:db:kd:dlb

cc:

Jason Lambert
U.S. Army Corps of Engineers
Regulatory Branch
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California Department of Fish and Game
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Habitat Conservation Planning – South
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State Water Resources Control Board, Division of Water Quality
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Tech Staff Info & Use	
Certification No.	12C-060
Party ID	38079
File No.	12C-060
WDID	9000002487
NPDES No.	None
Regulatory ID	386254
Place ID	783565
Person ID	535224
Inspection ID	None

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

2375 Northside Drive, Suite 100, San Diego, CA 92108
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<http://www.waterboards.ca.gov/sandiego/>

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

**PROJECT: Saddle Crest
Certification Number 12C-060
WDID: 9000002487**

Reg. Meas. ID: 386254 Place ID: 783565 Party ID: 38079 Person ID: 535224

**APPLICANT: Rutter Santiago, LP
18012 Cowan, Suite 200
Irvine, CA 92614**

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

An application dated June 18, 2013 was submitted by Rutter Santiago, LP (hereinafter Applicant), for Water Quality Certification pursuant to section 401 of the Clean Water Act (33 U.S.C. § 1341) for the proposed Saddle Crest Project (Project). The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) deemed the application to be complete on January 30, 2014. The Applicant proposes to discharge dredged or fill material to waters of the United States and/or State associated with construction activity at the Project site.

The Project is located in unincorporated Orange County on the northwest corner of Ridgeline Road and Santiago Canyon Road, California. The Project center reading is located at latitude 33.695207 and longitude -117.627369. The Applicant has paid all required fees for this Certification in the amount of \$33,087.00. On July 18, 2012, the San Diego Water Board provided public notice of the Project application pursuant to California Code of Regulations, title 23, section 3858 by posting information describing the Project on the San Diego Water Board's web site and providing a period of twenty-one days for public review and comment. No comments were received.

The Applicant proposes the construction of 65 residential lots on 62.2 acres of an 113.7-acre project site. Within the 62.2-acre area which will be developed (project development envelope), 58.0 acres are within the proposed Project's limit of grading and 4.2 acres are within fuel modification areas outside of the limit of grading. The Project focuses development on the portion of the Project area contiguous to Santiago Canyon Road and concentrates open

space on the remainder of the Project area to create a buffer between residential uses and the canyon areas to the north. Approximately 51.0 acres will be avoided (i.e., area outside of the project development envelope) and preserved.

The Project application includes a description of the design objective, operation, and degree of treatment expected to be attained from equipment, facilities, or activities (including construction and post-construction BMPs) to treat waste and reduce runoff or other effluents which may be discharged. The Project will convert approximately 16.07 acres of pervious ground cover to impervious surfaces. Runoff leaving the developed Project area will be significantly greater in volume, velocity, peak flow rate, and duration than pre-development runoff from the same area. Post-construction best management practices (BMPs) to manage and control the effects of these runoff increases will consist of the installation of a water quality basin equipped with a Natural Treatment System (NTS) type facility that is designed to reduce storm water pollutants in the discharge through adsorption, filtration, plant uptake, microbial activity, decomposition, sedimentation and volatilization. These BMPs will be designed, constructed, and maintained to meet Orange County's low impact development (LID) capture volume and hydromodification treatment requirements. Compliance with the Certification conditions will help ensure that construction and post-construction discharges from the Project will not cause on-site or off-site downstream erosion, damage to downstream properties, or otherwise damage stream habitats in violation of water quality standards in the *Water Quality Control Plan for the San Diego Basin (9)* (Basin Plan).

Project construction will permanently impact 0.13 acre (3,405 linear feet) of vegetated and un-vegetated waters of the United States and/or State. The Applicant reports that the Project purpose cannot be practically accomplished in a manner which would avoid or result in less adverse impacts to aquatic resources considering all potential practicable alternatives, such as the potential for alternate available locations, designs, reductions in size, configuration or density.

The Applicant reports that compensatory mitigation for the permanent loss of 0.13 acre (3,405 linear feet) of jurisdictional waters will be achieved through the establishment and restoration of 0.47 acres (6,718 linear feet) of waters of the United States and/or State. No waters of the United States and/or State will receive temporary discharges of fill material associated with this Project. Mitigation for discharges of fill material to waters of the United States and/or State will be completed by the Applicant on-site and at the 305 acre Saddle Creek North mitigation site (Mitigation Site) located in the Aliso hydrologic sub-area (HSA 901.13) at a minimum overall compensation ratio of 3.62:1 (area mitigated:area impacted, see Section V.B for detailed mitigation information).

Detailed written specifications and work descriptions for the compensatory mitigation project including, but not limited to, the geographic boundaries of the project, timing, sequence, monitoring, maintenance, ecological success performance standards and provisions for long-term management and protection of the mitigation areas are described in the conceptual *Habitat Mitigation and Monitoring Plan, Saddle Crest* (Mitigation Plan), dated June 2012. San Diego Water Board acceptance of the Mitigation Plan applies only to the Project described in this Certification and must not be construed as approval for other current or future projects that are planning to use additional acreage at the site for mitigation. The Mitigation Plan is incorporated in this Certification by reference as if set forth herein. This Certification requires

the Applicant to submit a finalized Mitigation Plan. The finalized Mitigation Plan must be approved by the San Diego Water Board prior to the start of Project construction and implemented under the terms and conditions of this Certification. The compensatory mitigation required by this Certification will offset adverse water quality impacts attributed to the Project in a manner that protects and restores the abundance, types and conditions of aquatic resources and supports their beneficial uses. Implementation of the compensatory mitigation will reduce significant environmental impacts to resources within the San Diego Water Board's purview to a less than significant level. Based on all of these considerations, the compensatory mitigation will adequately compensate for the loss of beneficial uses and habitat within waters of the United States and/or State attributable to the Project.

Additional Project details are provided in Attachments 1 through 5 of this Certification.

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Attachments:

- 1. Definitions**
- 2. Project Location Maps**
- 3. Project Site Plans**
- 4. Mitigation Figures**
- 5. CEQA Mitigation Monitoring and Reporting Program**

I. STANDARD CONDITIONS

Pursuant to section 3860 of title 23 of the California Code of Regulations, the following three standard conditions apply to all water quality certification actions:

- 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 Water Code and chapter 28, article 6 (commencing with title 23, section 3867), of the California Code of Regulations.
- B. This Certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to California Code of Regulations title 23, section 3855 subdivision (b), and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
- C. This Certification action is conditioned upon total payment of any fee required under title 23, chapter 28 (commencing with section 3830) of California Code of Regulations and owed by the applicant.

II. GENERAL CONDITIONS

- A. **Term of Certification.** Water Quality Certification No. 12C-060 (Certification) shall expire upon a) the expiration or retraction of the Clean Water Act section 404 (33 U.S.C. §1344) permit issued by the U.S. Army Corps of Engineers for this Project, or b) five (5) years from the date of issuance of this Certification, whichever occurs first.
- B. **Duty to Comply.** The Applicant must comply with all conditions and requirements of this Certification. Any Certification noncompliance constitutes a violation of the Water Code and is grounds for enforcement action or Certification termination, revocation and reissuance, or modification.
- C. **General Waste Discharge Requirements.** The requirements of this Certification are enforceable through 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* (Water Quality Order No. 2003-0017-DWQ). This provision shall apply irrespective of whether a) the federal permit for which the Certification was obtained is subsequently retracted or is expired, or b) the Certification is expired. Water Quality Order No. 2003-0017-DWQ is accessible at:

http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/generalorders/go_wdr401regulated_projects.pdf

- D. Project Conformance with Application.** All water quality protection measures and BMPs described in the application and supplemental information for water quality certification are incorporated by reference into this Certification as if fully stated herein. Notwithstanding any more specific conditions in this Certification, the Applicant shall construct, implement and comply with all water quality protection measures and BMPs described in the application and supplemental information. The conditions within this Certification shall supersede conflicting provisions within the application and supplemental information submitted as part of this Certification action.
- E. Project Conformance with Water Quality Control Plans or Policies.** Notwithstanding any more specific conditions in this Certification, the Project shall be constructed in a manner consistent with the Basin Plan and any other applicable water quality control plans or policies adopted or approved pursuant to the Porter Cologne Water Quality Act (Division 7, commencing with Water Code Section 13000) or section 303 of the Clean Water Act (33 U.S.C §1313.)
- F. Project Modification.** The Applicant must submit any changes to the Project, including Project operation, which would have a significant or material effect on the findings, conclusions, or conditions of this Certification, to the San Diego Water for prior review and written approval. If the San Diego Water Board is not notified of a significant change to the Project, it will be considered a violation of this Certification.
- G. Certification Distribution Posting.** During Project construction, the Applicant must maintain a copy of this Certification at the Project site. This Certification must be available at all times to site personnel and agencies. A copy of this Certification shall also be provided to any contractor or subcontractor performing construction work, and the copy shall remain in their possession at the Project site.
- H. Inspection and Entry.** The Applicant must allow the San Diego Water Board or the State Water Resources Control Board, and/or their authorized representative(s) (including an authorized contractor acting as their representative), upon the presentation of credentials and other documents as may be required under law, to:
1. Enter upon the Project or Compensatory Mitigation site(s) premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Certification;
 2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Certification;
 3. Inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Certification; and
 4. Sample or monitor, at reasonable times, for the purposes of assuring Certification compliance, or as otherwise authorized by the Clean Water Act or Water Code, any substances or parameters at any location.

- I. **Enforcement Notification.** In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall 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.
- J. **Certification Actions.** This Certification may be modified, revoked and reissued, or terminated for cause including but not limited to the following:
1. Violation of any term or condition of this Certification;
 2. Monitoring results indicate that continued Project activities could violate water quality objectives or impair the beneficial uses of the Aliso Creek or its tributaries;
 3. Obtaining this Certification by misrepresentation or failure to disclose fully all relevant facts;
 4. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge; and
 5. Incorporation of any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the Clean Water Act.

The filing of a request by the Applicant for modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any Certification condition.

- K. **Duty to Provide Information.** The Applicant shall furnish to the San Diego Water Board, within a reasonable time, any information which the San Diego Water Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Certification or to determine compliance with this Certification.
- L. **Property Rights.** This Certification does not convey any property rights of any sort, or any exclusive privilege.

III. CONSTRUCTION BEST MANAGEMENT PRACTICES

- A. **Approvals to Commence Construction.** The Applicant shall not commence Project construction until all necessary federal, state, and local approvals are obtained.
- B. **Personnel Education.** Prior to the start of the Project, and annually thereafter, the Applicant must educate all personnel on the requirements in this Certification, pollution prevention measures, spill response measures, and BMP implementation and maintenance measures.

- C. **Spill Containment Materials.** The Applicant 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.
- D. **General Construction Storm Water Permit.** Prior to start of Project construction, the Applicant must, as applicable, obtain coverage under, and comply with, the requirements of State Water Resources Control Board Water Quality Order No. 2009-0009-DWQ, the *General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activity*, (General Construction Storm Water Permit) and any reissuance. If Project construction activities do not require coverage under the General Construction Storm Water Permit, the Applicant must develop and implement a runoff management plan (or equivalent construction BMP plan) to prevent the discharge of sediment and other pollutants during construction activities.
- E. **Waste Management.** The Applicant must properly manage, store, treat, and dispose of wastes in accordance with applicable federal, state, and local laws and regulations. Waste management shall be implemented to avoid or minimize exposure of wastes to precipitation or storm water runoff. The storage, handling, treatment, or disposal of waste shall not create conditions of pollution, contamination or nuisance as defined in Water Code section 13050. Upon Project completion, all Project generated debris, building materials, excess material, waste, and trash shall be removed from the Project site(s) for disposal at an authorized landfill or other disposal site in compliance with federal, state and local laws and regulations.
- F. **Waste Management.** Except for a discharge permitted under this Certification, the dumping, deposition, or discharge of trash, rubbish, unset cement or asphalt, concrete, grout, damaged concrete or asphalt, concrete or asphalt spoils, wash water, organic or earthen material, steel, sawdust or other construction debris waste from Project activities directly into waters of the United States and or State, or adjacent to such waters in any manner which may permit its being transported into the waters, is prohibited.
- G. **Downstream Erosion.** Discharges of concentrated flow during construction or after Project completion must not cause downstream erosion or damage to properties or stream habitat.
- H. **Construction Equipment.** All equipment must be washed prior to transport to the Project site and must be free of sediment, debris, and foreign matter. All equipment used in direct contact with surface water shall be steam cleaned prior to use. All equipment using gas, oil, hydraulic fluid, or other petroleum products shall be inspected for leaks prior to use and shall be monitored for leakage. Stationary equipment (e.g., motors, pumps, generator, etc.) shall be positioned over drip pans or other types of containment.

- I. **Process Water.** 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 State or placed in locations that may be subjected to storm water runoff flows. Pollutants discharged to areas within a stream diversion must be removed at the end of each work day or sooner if rain is predicted.
- J. **Surface Water Diversion.** All surface waters, including ponded waters, must be diverted away from areas of active 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 the receiving water quality objectives. 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.
- K. **Re-vegetation and Stabilization.** All areas that have 14 or more days of inactivity must be stabilized within 14 days of the last activity. The Applicant shall implement and maintain BMPs to prevent erosion of the rough graded areas. After completion of grading, all areas must be re-vegetated with native species appropriate for the area. The re-vegetation palette must not contain any plants listed on the California Invasive Plant Council Invasive Plant Inventory, which can be accessed at <http://www.cal-ipc.org/ip/inventory/weedlist.php>.
- L. **Hazardous Materials.** Except as authorized by this Certification, substances hazardous to aquatic life including, but not limited to, petroleum products, unused 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.
- M. **Vegetation Removal.** Removal of vegetation must occur by hand, mechanically, or through application of United States Environmental Protection Agency (USEPA) approved herbicides deployed using applicable BMPs to minimize adverse effects to beneficial uses of waters of the United States and/or State. Discharges related to the application of aquatic pesticides within waters of the United States must be done in compliance with State Water Resources Control Board Water Quality Order No. 2004-0009-DWQ, the *Statewide General National Pollution Discharge Elimination System Permit for the Discharge of Aquatic Weed Control in Waters of the United States*, and any subsequent reissuance as applicable.
- N. **Limits of Disturbance.** The Applicant shall clearly define the limits of Project disturbance to waters of the United States and/or State using highly visible markers such as flag markers, construction fencing, or silt barriers prior to commencement of Project construction activities within those areas.

- O. **On-site Qualified Biologist.** The Applicant shall designate an on-site qualified biologist to monitor Project construction activities within or adjacent to waters of the United States and/or State to ensure compliance with the Certification requirements. The biologist shall be given the authority to stop all work on-site if a violation of this Certification occurs or has the potential to occur. Records and field notes of the biologist's activities shall be kept on-site and made available for review upon request by the San Diego Water Board.
- P. **Beneficial Use Protection.** The Applicant must take all necessary measures to protect the beneficial uses of waters of the unnamed tributaries to Aliso Creek. This Certification requires compliance with all applicable requirements of the Basin Plan. If at any time, an unauthorized discharge to surface waters (including rivers or streams) occurs or monitoring indicates that the Project is violating, or threatens to violate, water quality objectives, the associated Project activities shall cease immediately and the San Diego Water Board shall be notified in accordance with Notification Requirement VII.A of this Certification. Associated Project activities may not resume without approval from the San Diego Water Board.

IV. POST-CONSTRUCTION BEST MANAGEMENT PRACTICES

- A. **Post-Construction Discharges.** The Applicant shall not allow post-construction discharges from the Project site to cause or contribute to onsite or off-site erosion or damage to properties or stream habitats.
- B. **Storm Drain Inlets.** All storm drain inlet structures within the Project boundaries must be stamped or stenciled (or equivalent) with appropriate language prohibiting non-storm water discharges.
- C. **Post-Construction BMP Design.** The Project must be designed to comply with the most current *Model Water Quality Management Plan for South Orange County* (Model WQMP) and *South Orange County Hydromodification Plan* (HMP). Post-construction BMPs, including those described in the *Preliminary Concept Water Quality Management Plan for "Saddle Crest" Planned Community Proposed Vesting Tentative Tract Map No. TBD* (SWMP) must treat 100 percent of the added impervious surface.
- D. **Post-Construction BMP Implementation.** All post-construction BMPs must be constructed, functional, and implemented prior to completion of Project construction, occupancy, and/or planned use, and maintained in perpetuity. The post construction BMPs must include those described in the SWMP, dated June 23, 2010, prepared on behalf of the Applicant by Hunsaker and Associates Irvine, Inc.; or any subsequent version of the SWMP approved by the County of Orange.

- E. Post-Construction BMP Maintenance.** The post construction BMPs must be designed, constructed, and maintained in accordance with the most recent California Storm Water Quality Association (CASQA)¹ guidance. The Applicant shall:
1. No less than two times per year, assess the performance of the BMPs to ensure protection of the receiving waters and identify any necessary corrective measures;
 2. Perform inspections of BMPs, at the beginning of the wet season no later than October 1 and the end of the wet season no later than April 1, for standing water, slope stability, sediment accumulation, trash and debris, and presence of burrows;
 3. Regularly perform preventative maintenance of BMPs, including removal of accumulated trash and debris, as needed to ensure proper functioning of the BMPs;
 4. Identify and promptly repair damage to BMPs; and
 5. Maintain a log documenting all BMP inspections and maintenance activities. The log shall be made available to the San Diego Water Board upon request.
- F. Stream Crossing Structures.** Bridges, culverts, dip crossings, or other stream crossing structures shall be designed and installed in a manner that will not cause scouring of the stream bed and/or erosion of the banks in the vicinity of the Project. Storm drain lines/culverts and other stream crossing structures shall be designed and maintained to accommodate at least a 100-year, 24-hour storm event, including associated bedload and debris with a similar average velocity as upstream and downstream sections. Bottoms of temporary culverts shall be placed at stream channel grade and bottoms of permanent culverts shall be open bottom or embedded and backfilled below the grade of the stream greater than or equal to a depth of 1 foot.

V. PROJECT IMPACTS AND COMPENSATORY MITIGATION

- A. Project Impact Avoidance and Minimization.** The Project must avoid and minimize adverse impacts to waters of the United States and/or State to the maximum extent practicable.
- B. Project Impacts and Compensatory Mitigation.** Unavoidable Project impacts to the unnamed tributaries to Aliso Creek within the San Juan Watershed must not exceed the type and magnitude of impacts described in the table below. At a minimum, compensatory mitigation required to offset unavoidable permanent Project impacts to waters of the United States and/or State must be achieved as described in the table below:

¹ California Storm Water Quality Association (*California Storm Water BMP Handbook, New Development and Redevelopment 2003*), available on-line at: <http://www.cabmphandbooks.org/> [Accessed on January 15, 2012]

Permanent Impacts	Impacts (acres)	Impacts (linear ft.)	Mitigation for Impacts (acres)	Mitigation Ratio (area mitigated :area impacted)	Mitigation for Impacts (linear ft.)	Mitigation Ratio (linear feet mitigated :linear feet impacted)
Streambed	0.13	3,405	<u>Establishment</u> 0.03 ¹ 0.1 ²	<u>Establishment</u> 1:1	<u>Establishment</u> 1,360 ¹ 1,400 ²	<u>Establishment</u> 0.81:1
			<u>Reestablishment</u> 0.02 ³ 0.13 ⁴	<u>Reestablishment</u> 1.15:1	<u>Reestablishment</u> 516 ³ 415 ⁴	<u>Reestablishment</u> 0.27:1
			<u>Rehabilitation</u> 0.19 ⁵	<u>Rehabilitation</u> 1.46:1	<u>Rehabilitation</u> 3,027 ⁵	<u>Rehabilitation</u> 0.89:1

1. Streambed and riparian establishment at Saddle Creek North.
2. Streambed establishment at D Street and Santiago Canyon Road (Saddle Crest).
3. Streambed and riparian re-establishment at Saddle Creek North.
4. Streambed and riparian re-establishment at Saddle Creek North (Concrete Berm Removal).
5. Streambed and riparian rehabilitation at Saddle Creek North.

C. **Compensatory Mitigation Plan Implementation.** A finalized Mitigation Plan must be approved by the San Diego Water Board prior to start of Project construction and must be fully and completely implemented under the terms and conditions of this Certification.

D. **Performance Standards.** Compensatory mitigation required under this Certification shall be considered as achieved once it has met the ecological success performance standards contained in the finalized Mitigation Plan to the satisfaction of the San Diego Water Board.

E. **Compensatory Mitigation Site Design.** The compensatory mitigation site(s) shall be designed, to the maximum extent practicable, to be self-sustaining once performance standards have been achieved. This includes minimization of active engineering features (e.g., pumps) and appropriate siting to ensure that natural hydrology and landscape context support long-term sustainability in conformance with the following conditions:

1. Most of the channels through the mitigation sites shall be characterized by equilibrium conditions, with no evidence of severe aggradation or degradation;
2. As viewed along cross-sections, the channel and buffer area(s) shall have a variety of slopes, or elevations, that are characterized by different moisture gradients. Each sub-slope shall contain physical patch types or features that contribute to irregularity in height, edges, or surface and to complex topography overall; and
3. The mitigation sites shall have a well-developed plant community characterized by a high degree of horizontal and vertical interspersions among plant zones and layers.

- F. Temporary Project Impact Areas.** The Applicant must restore all areas of temporary impacts and all other areas of temporary disturbance which could result in a discharge or a threatened discharge of pollutants to waters of the United States and/or State. Restoration must include grading of disturbed areas to pre-project contours and re-vegetation with native species. The Applicant must implement all necessary BMPs to control erosion and runoff from areas associated with the Project.
- G. Long Term Management and Maintenance.** The compensatory mitigation site(s), must be managed, protected, and maintained, in perpetuity, in conformance with the long term management plan and the final ecological success performance standards identified in the finalized Mitigation Plan. The aquatic habitats, riparian areas, buffers and uplands that comprise the mitigation site(s) must be protected in perpetuity from land-use and maintenance activities that may threaten water quality or beneficial uses within the mitigation area(s) in a manner consistent with the following requirements:
1. Any maintenance activities on the mitigation site(s) that do not contribute to the success of the mitigation site(s) and enhancement of beneficial uses and ecological functions and services are prohibited;
 2. Maintenance activities must be 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 compensatory mitigation project;
 3. The Mitigation site(s) 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 mitigation site(s); and
 4. If at any time a catastrophic natural event (e.g., fire, flood) causes damage(s) to the mitigation site(s) or other deficiencies in the compensatory mitigation project, the Applicant must take prompt and appropriate action to repair the damage(s) including replanting the affected area(s) and address any other deficiencies. The San Diego Water Board may require additional monitoring by the Applicant to assess how the compensatory mitigation site(s) or project is responding to a catastrophic natural event.
- H. Timing of Mitigation Site Construction.** The construction of proposed mitigation must be concurrent with project grading and completed no later than 9 months following the start of Project construction. Delays in implementing mitigation must be compensated for by an increased mitigation implementation of 10% of the cumulative compensatory mitigation for each month of delay.
- I. Mitigation Site(s) Preservation Mechanism.** Prior to the start of Project construction, the Applicant 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 180 days of start of Project construction**, the Applicant must submit proof of a completed final

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 properties must be adequate to demonstrate that the sites will be maintained without future development or encroachment on the sites which could otherwise reduce the functions and values of the sites for the variety of beneficial uses of waters of the of the United States and/ or State 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 sites. 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.

VI. MONITORING AND REPORTING REQUIREMENTS

- A. **Representative Monitoring.** Samples and measurements taken for the purpose of monitoring under this Certification shall be representative of the monitored activity.
- B. **Monitoring Reports.** Monitoring results shall be reported to the San Diego Water Board at the intervals specified in section VI of this Certification.
- C. **Monitoring and Reporting Revisions.** The San Diego Water Board may make revisions to the monitoring program at any time during the term of this Certification and may reduce or increase the number of parameters to be monitored, locations monitored, the frequency of monitoring, or the number and size of samples collected.
- D. **Records of Monitoring Information.** Records of monitoring information shall include:
 - a. The date, exact place, and time of sampling or measurements;
 - b. The individual(s) who performed the sampling or measurements;
 - c. The date(s) analyses were performed;
 - d. The individual(s) who performed the analyses;
 - e. The analytical techniques or methods used; and
 - f. The results of such analyses.

- E. California Rapid Assessment Method.** California Rapid Assessment Method (CRAM)² monitoring must be performed to assess the current and potential ecological conditions (ecological integrity) of the impact site and proposed compensatory mitigation site(s). These conditions reflect the overall level of ecological function of an aquatic resource. Prior to initiating Project construction, the Applicant shall develop a monitoring plan to implement California Rapid Assessment Method (CRAM) monitoring. The Applicant must conduct a quantitative function-based assessment of the health of streambed habitat to establish pre-project baseline conditions, set CRAM success criteria, and assess the mitigation site(s) progress towards meeting the success criteria. CRAM monitoring must be conducted prior to the start of Project construction authorized under this Certification and annually following construction completion for a period of 5 years. The annual CRAM monitoring results shall be submitted with the Annual Project Progress Report. An evaluation, interpretation, and tabulation of all CRAM assessment data shall be submitted with the final Project Annual Project Monitoring Report.
- F. Annual Project Progress Reports.** The Applicant must submit annual Project progress reports describing status of BMP implementation and compliance with all requirements of this Certification to the San Diego Water Board prior to **March 1** of each year following the issuance of this Certification, until the Project has reached completion. The report must include the following information:
1. The names, qualifications, and affiliations of the persons contributing to the report;
 2. The status, progress, and anticipated schedule for completion of Project construction activities including the installation and operational status of best management practices project features for erosion and storm water quality treatment;
 3. A description of Project construction delays encountered or anticipated that may affect the schedule for construction completion;
 4. A description of each incident of noncompliance during the annual monitoring period and its cause, the period of the noncompliance including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance; and
 5. The results of the California Rapid Assessment Method (CRAM) monitoring required under section VI.E of this Certification.

² The most recent versions of the California Rapid Assessment Method (CRAM) for Wetlands and additional information regarding CRAM can be accessed at <http://www.cramwetlands.org/>

H. **Final Project Completion Report.** The Applicant must submit a Final Project Completion Report to the San Diego Water Board **within 30 days of completion of the Project.** The final report must include the following information:

1. Date of construction initiation;
2. Date of construction completion;
3. BMP installation and operational status for the Project;
4. As-built drawings of the Project, no bigger than 11"X17";
5. 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; and

6. An evaluation, interpretation, and tabulation of all California Rapid Assessment Method (CRAM) assessment data collected throughout the term of Project construction in accordance with section VI.E of this Certification.
- I. **Annual Compensatory Mitigation Monitoring Report.** The Applicant must submit compensatory mitigation monitoring reports, annually, by **March 1** of each year containing sufficient information to demonstrate how the compensatory mitigation project is progressing towards accomplishing its objectives and meeting its ecological success performance standards. Mitigation monitoring reports must be submitted annually for a period, of not less than five years, sufficient to demonstrate that the compensatory mitigation project has accomplished its objectives and met ecological success performance standards contained in the Mitigation Plan. Following Project implementation the San Diego Water Board may reduce or waive compensatory mitigation monitoring requirements upon a determination that performance standards have been achieved. Conversely the San Diego Water Board may extend the monitoring period beyond five years upon a determination that the performance standards have not been met or the compensatory mitigation project is not on track to meet them.

The monitoring reports must include, but not be limited to, the following information:

1. Names, qualifications, and affiliations of the persons contributing to the report;
2. An evaluation, interpretation, and tabulation of the parameters being monitored, including the results of the Mitigation Plan monitoring program, and all quantitative and qualitative data collected in the field;

3. A description of the following mitigation site(s) characteristics:
 - a. Detritus cover;
 - b. General topographic complexity;
 - c. General upstream and downstream habitat and hydrologic connectivity; and
 - d. Source of hydrology;
 4. Monitoring data interpretations and conclusions as to how the compensatory mitigation project(s) is progressing towards meeting performance standards and whether the performance standards have been met;
 5. A description of the progress toward implementing a plan to manage the compensatory mitigation project after performance standards have been achieved to ensure the long term sustainability of the resource in perpetuity, including a discussion of long term financing mechanisms, the party responsible for long term management, and a timetable for future steps;
 6. Qualitative and quantitative comparisons of current mitigation conditions with pre-construction conditions and previous mitigation monitoring results;
 7. Stream photo documentation of the mitigation sites, prior to and after mitigation 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;
 8. A qualitative comparison to adjacent preserved streambed areas;
 9. As-built drawings of the compensatory mitigation project site(s), no bigger than 11"X17"; and
 10. A survey report documenting boundaries of the compensatory mitigation site(s).
- J. **Reporting Authority.** The submittal of information required under this Certification, or in response to a suspected violation of any condition of this Certification, is required pursuant to Water Code section 13267 and 13383. Civil liability may be administratively imposed by the San Diego Water Board for failure to submit information pursuant to Water Code sections 13268 or 13385.

K. Electronic and Paper Media Documents. The Applicant must submit all reports and information required under this Certification in both hardcopy (paper) 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. All paper and electronic documents submitted to the San Diego Water Board must include the following identification numbers in the header or subject line: Certification No. 12C-060:PIN 783565.

L. Document Signatory Requirements. All applications, reports, or information submitted to the San Diego Water Board must be signed 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.

If such authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the Project, a new authorization satisfying the above requirements must be submitted to the San Diego Water Board prior to or together with any reports, information, or applications, to be signed by an authorized representative.

M. Document Certification Requirements. All applications, reports, or information submitted to the San Diego Water Board must be 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."

- N. **Document Submittal Address.** The Applicant 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 No. 12C-060:PIN 783565
2375 Northside Drive, Suite 100
San Diego, California 92108

VII. NOTIFICATION REQUIREMENTS

- A. **Twenty Four Hour Non-Compliance Reporting.** The Applicant shall report any noncompliance which may endanger health or the environment. Any such information shall be provided orally to the San Diego Water Board within **24 hours** from the time the Applicant becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Applicant becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The San Diego Water Board, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
- B. **Hazardous Substance Discharge.** Except for a discharge which is in compliance with this Certification, any person who, without regard to intent or negligence, causes or permits any hazardous substance or sewage to be discharged in or on any waters of the State, shall as soon as (a) that person has knowledge of the discharge, (b) notification is possible, and (c) notification can be provided without substantially impeding cleanup or other emergency measures, immediately notify the County of Orange, in accordance with California Health and Safety Code section 5411.5 and the California Office of Emergency Services of the discharge in accordance with the spill reporting provision of the State toxic disaster contingency plan adopted pursuant to Government Code Title 2, Division 1, Chapter 7, Article 3.7 (commencing with section 8574.17), and immediately notify the State Water Board or the San Diego Water Board of the discharge. This provision does not require reporting of any discharge of less than a reportable quantity as provided for under subdivisions (f) and (g) of section 13271 of the Water Code unless the Applicant is in violation of a Basin Plan prohibition.
- C. **Oil or Petroleum Product Discharge.** Except for a discharge which is in compliance with this Certification, any person who without regard to intent or negligence, causes or permits any oil or petroleum product to be discharged in or on any waters of the State, or discharged or deposited where it is, or probably will be, discharged in or on any waters of the State, shall, as soon as (a) such person has knowledge of the discharge, (b) notification is possible, and (c) notification can be provided without substantially impeding cleanup or other emergency measures, immediately notify the California Office of Emergency Services of the discharge in accordance with the spill reporting provision of the State oil spill contingency plan adopted pursuant to Government Code

Title 2, Division 1, Chapter 7, Article 3.7 (commencing with section 8574.1). This requirement does not require reporting of any discharge of less than 42 gallons unless the discharge is also required to be reported pursuant to Clean Water Act section 311, or the discharge is in violation of a Basin Plan prohibition.

- D. **Anticipated Noncompliance.** The Applicant shall give advance notice to the San Diego Water Board of any planned changes in the Project or the Compensatory Mitigation project which may result in noncompliance with Certification conditions or requirements.
- E. **Transfers.** This Certification is not transferable in its entirety or in part to any person or organization except after notice to the San Diego Water Board in accordance with the following terms:
1. **Transfer of Property Ownership:** The Applicant 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 the Applicant 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 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 Applicant 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 Applicant 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 Applicant must provide such notification to 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 Applicant will be interpreted to refer to the transferee as appropriate. Transfer of responsibility

does not necessarily relieve the Applicant of this Certification in the event that a transferee fails to comply.

- F. **Discharge Commencement.** The Applicant must notify the San Diego Water Board in writing **at least 5 days prior to** the start of Project construction.

VIII. CALIFORNIA ENVIRONMENTAL QUALITY ACT COMPLIANCE

- A. The County of Orange is the Lead Agency under the California Environmental Quality Act (CEQA) (Public Resources Code section 21000, et seq.) section 21067, and CEQA Guidelines (California Code of Regulations, title 14, section 15000 et seq.) section 15367, and has filed a Notice of Determination dated October 2, 2012, for the Final Environmental Impact Report (FEIR) titled *Saddle Crest Homes Final Environmental Impact Report #661* (State Clearing House Number 2011081028). The Lead Agency has determined the Project will have a significant effect on the environment and mitigation measures were made a condition of the Project.
- B. The San Diego Water Board is a Responsible Agency under CEQA (Public Resources Code section 21069; CEQA Guidelines section 15381). The San Diego Water Board has considered the Lead Agency's FEIR and finds that the Project as proposed will have a significant effect on resources within the San Diego Water Board's purview.
- C. The San Diego Water Board has required mitigation measures as a condition of this Certification to avoid or reduce the environmental effects of the Project to resources within the Board's purview to a less than significant level.
- D. The Lead Agency has adopted a mitigation monitoring and reporting program pursuant to Public Resources Code section 21081.6 and CEQA Guidelines section 15097 to ensure that mitigation measures and revisions to the Project identified in the FEIR are implemented. The Mitigation Monitoring and Reporting Program (MMRP) is included and incorporated by reference in Attachment 5 to this Certification. The Applicant shall implement the Lead Agency's MMRP described in the FEIR, as it pertains to resources within the San Diego Water Board's purview. The San Diego Water Board has imposed additional MMRP requirements as specified in section VI of this Certification.
- E. As a Responsible Agency under CEQA, the San Diego Water Board will file a Notice of Determination in accordance with CEQA Guidelines section 15096 subdivision (i).

IX. SAN DIEGO WATER BOARD CONTACT PERSON

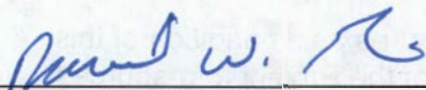
Darren Bradford, Environmental Scientist
California Regional Water Quality Control Board, San Diego Region
2375 Northside Drive, Suite 100
San Diego, California 92108
Telephone: (619) 521-3356
Email: DBradford@waterboards.ca.gov

X. WATER QUALITY CERTIFICATION

I hereby certify that the proposed discharge from the **Saddle Crest** (Certification No. 12C-060) 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 the description in this Certification, and (b) compliance with all applicable requirements of the Basin Plan.

I, David W. Gibson, Executive Officer, do hereby certify the forgoing is a full, true, and correct copy of Certification No. 12C-060 issued on March 27, 2014.



DAVID W. GIBSON
Executive Officer
San Diego Water Board

3-27-2014
Date

ATTACHMENT 1

DEFINITIONS

Activity - when used in reference to a permit means any action, undertaking, or project including, but not limited to, construction, operation, maintenance, repair, modification, and restoration which may result in any discharge to waters of the state.

Buffer - means an upland, wetland, and/or riparian area that protects and/or enhances aquatic resource functions associated with wetlands, rivers, streams, lakes, marine, and estuarine systems from disturbances associated with adjacent land uses.

California Rapid Assessment Method (CRAM) - is a wetland assessment method intended to provide a rapid, scientifically-defensible and repeatable assessment methodology to monitor status and trends in the conditions of wetlands for applications throughout the state. It can also be used to assess the performance of compensatory mitigation projects and restoration projects. CRAM provides an assessment of overall ecological condition in terms of four attributes: landscape context and buffer, hydrology, physical structure and biotic structure. CRAM also includes an assessment of key stressors that may be affecting wetland condition and a "field to PC" data management tool (eCRAM) to ensure consistency and quality of data produced with the method.

Compensatory Mitigation Project - means compensatory mitigation implemented by the Applicant as a requirement of this Certification (i.e., applicant -responsible mitigation), or by a mitigation bank or an in-lieu fee program.

Discharge of dredged material – means any addition of dredged material into, including redeposit of dredged material other than incidental fallback within, the waters of the United States and/or State.

Discharge of fill material – means the addition of fill material into waters of the United States and/or State.

Dredged material – means material that is excavated or dredged from waters of the United States and/or State.

Ecological Success Performance Standards – means observable or measurable physical (including hydrological), chemical, and/or biological attributes that are used to determine if a compensatory mitigation project meets its objectives.

Enhancement – means the manipulation of the physical, chemical, or biological characteristics of an aquatic resource to improve a specific aquatic resource function(s). Enhancement results in the gain of selected aquatic resource function(s), but may also lead to a decline in other aquatic resource function(s). Enhancement does not result in a gain in aquatic resource area.

Establishment – means the manipulation of the physical, chemical, or biological characteristics present to develop an aquatic resource that did not previously exist. Creation results in a gain in aquatic resource area.

Fill material – means any material used for the primary purpose of replacing an aquatic area with dry land or of changing the bottom elevation of a water body.

Isolated wetland – means a wetland with no surface water connection to other aquatic resources.

Mitigation Bank – means a site, or suite of sites, where resources (e.g., wetlands, streams, riparian areas) are restored, established, enhanced, and/or preserved for the purpose of providing mitigation for impacts authorized by this Certification.

Preservation - means the removal of a threat to, or preventing the decline of, aquatic resources by an action in or near those aquatic resources. This term includes activities commonly associated with the protection and maintenance of aquatic resources through the implementation of appropriate legal and physical mechanisms. Preservation does not result in a gain of aquatic resource area or functions.

Re-establishment - means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/ historic functions to a former aquatic resource. Re-establishment results in rebuilding a former aquatic resource and results in a gain in aquatic resource area and functions.

Rehabilitation - means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/ historic functions to a degraded aquatic resource. Rehabilitation results in a gain in aquatic resource function, but does not result in a gain in aquatic resource area.

Restoration - means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former or degraded aquatic resource. For the purpose of tracking net gains in aquatic resource area, restoration is divided into two categories: re-establishment and rehabilitation.

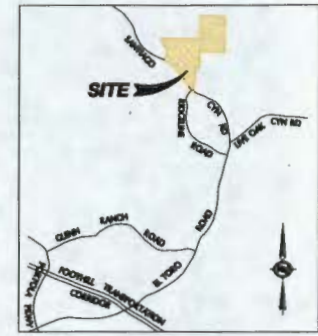
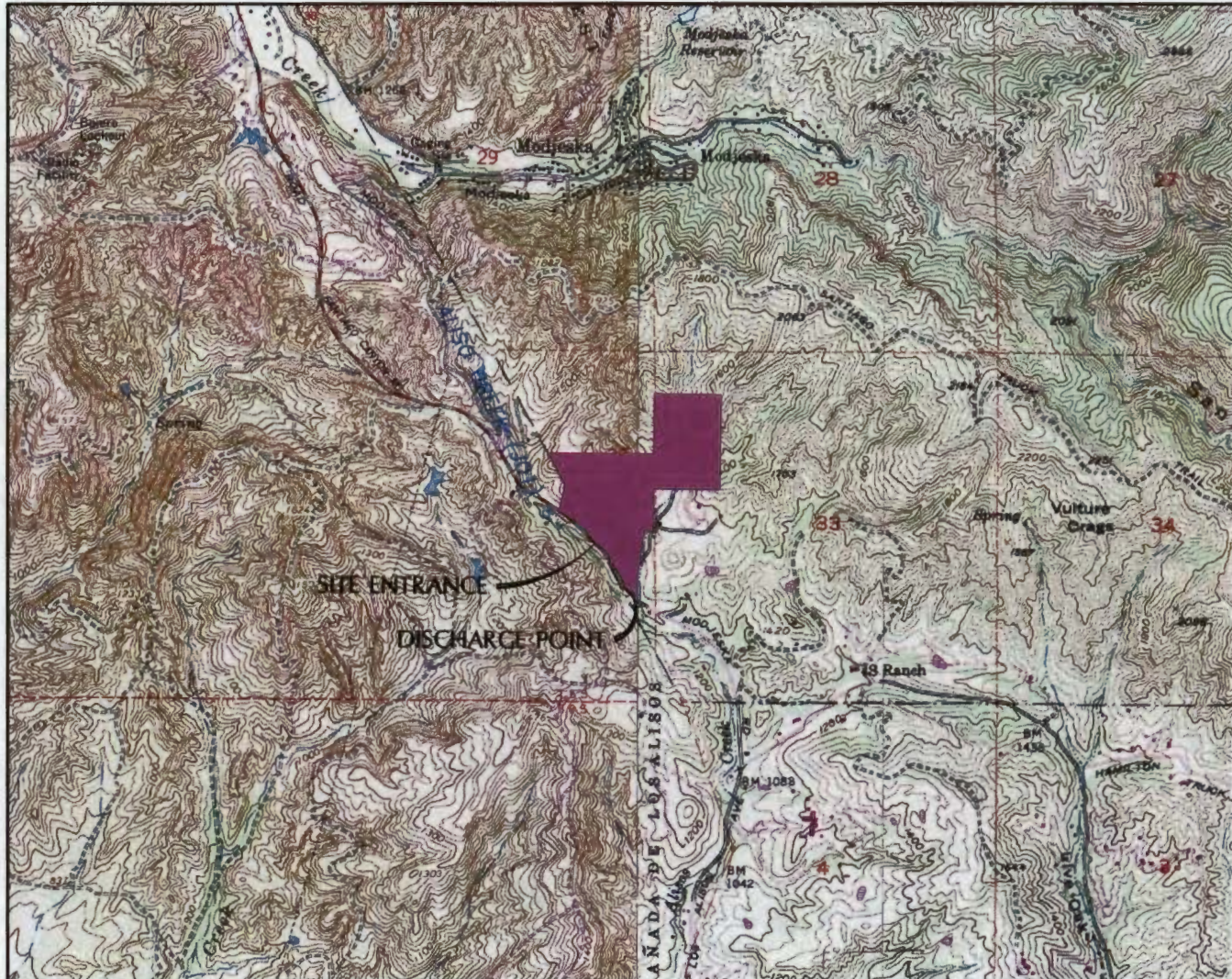
Start of Project Construction - For the purpose of this Certification, "start of Project construction" means to engage in a program of on-site construction, including site clearing, grading, dredging, landfilling, changing equipment, substituting equipment, or even moving the location of equipment specifically designed for a stationary source in preparation for the fabrication, erection or installation of the building components of the stationary source within waters of the United States and/or State.

Uplands - means non-wetland areas that lack any field-based indicators of wetlands or other aquatic conditions. Uplands are generally well-drained and occur above (i.e., up-slope) from nearby aquatic areas. Wetlands can, however, be entirely surrounded by uplands. For example, some natural seeps and constructed stock ponds lack aboveground hydrological connection to other aquatic areas. In the watershed context, uplands comprise the landscape matrix in which aquatic areas form. They are the primary sources of sediment, surface runoff, and associated chemicals that are deposited in aquatic areas or transported through them.

Water quality objectives and other appropriate requirements of state law – means the water quality objectives and beneficial uses as specified in the appropriate water quality control plan(s); the applicable provisions of sections 301, 302, 303, 306, and 307 of the Clean Water Act; and any other appropriate requirement of state law.

Rutter Santiago, LP
Saddle Crest
Certification No. 12C-060

**ATTACHMENT 2
LOCATION MAPS**



VICINITY MAP
NOT TO SCALE

LEGEND

 PROJECT SITE



PREPARED BY:
HUNSAKER & ASSOCIATES
 IRVINE, INC.
 PLANNING ■ ENGINEERING ■ SURVEYING
 Three Hughes, Irvine, CA 92618 ■ P.O. BOX 263-9710 ■ P.O. BOX 263-9709

PREPARED FOR:
RUTTER DEVELOPMENT CORPORATION

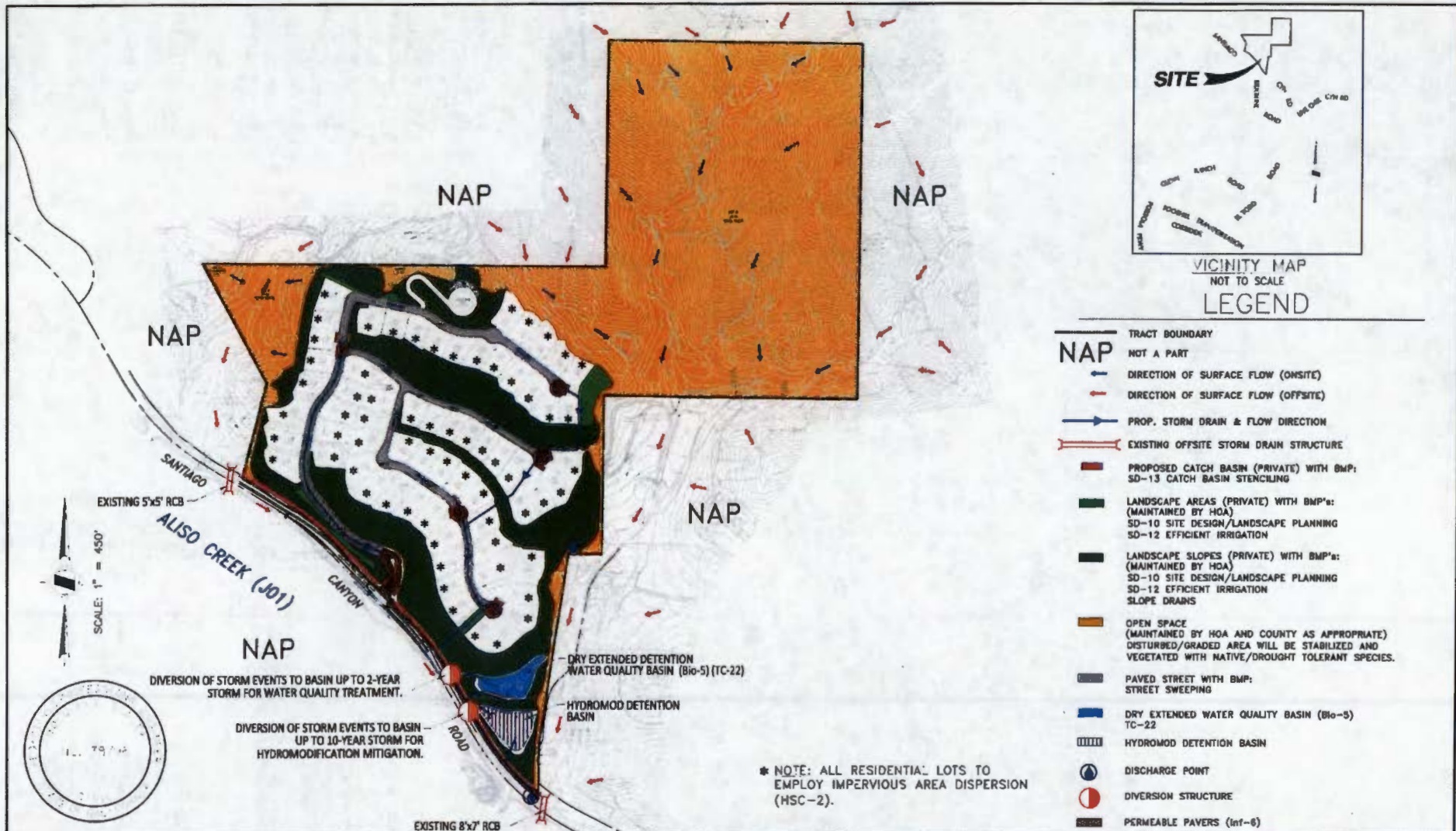
DATE PREPARED:
06/23/10
 W.O. # 2703-15


"SADDLE CREST"
PLANNED COMMUNITY
COUNTY OF ORANGE, CA

WQMP
LOCATION MAP

Rutter Santiago, LP
Saddle Crest
Certification No. 12C-060

**ATTACHMENT 3
PROJECT SITE PLANS**



PREPARED BY:
 **HUNSAKER & ASSOCIATES**
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 Irvine, CA 92614
 (949) 863-1298

DATE PREPARED:
 03/29/12
 W.O. # 2703-15

VESTING TENTATIVE
 TRACT MAP NO. 17388
 SADDLE CREST

CONCEPTUAL
 WQMP
 SITE PLAN
 PA110027

Rutter Santiago, LP
Saddle Crest
Certification No. 12C-060

**ATTACHMENT 4
MITIGATION FIGURES**



	Project Boundary
	ACOE Jurisdiction
	CDFG Jurisdiction



Figure 6
Saddle Creek and Saddle Crest
Jurisdictional Features - Saddle Crest



Cleveland
National Forest

O'Neill
Regional Park

- Saddle Crest Study Area
- Potential Offsite Water Line
- Saddle Creek North



Saddle Crest Project Site and Saddle Creek North

FIGURE

3

Saddle Crest
Source: Aerial Imagery, 2010; PCR Services Corporation, 2012.









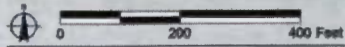
Figure 5
 Saddle Creek and Saddle Crest
 Jurisdictional Features - Saddle Creek



500 0 500 Feet
 Source: Google Earth (Aerial); PCR Services Corporation, 2008.



	Saddle Creek North Boundary
Mitigation	
	Rehabilitation of Existing Drainages (3,027 feet; 0.19 acre)
	Re-establishment (516 feet; 0.02 acre)
	Establishment (1,360 feet; 0.03 acre)
	RWQCB Linear Footage Mitigation (415 feet)
	CDFG Mitigation Areas (4.40 acres)



Proposed Saddle Creek North Mitigation Areas

FIGURE

4

Saddle Creek
Source: Aerial Express, 2010; PCR Services Corporation, 2012.



Source: Aerial Express, 2010; PCR Services Corporation, 2012. (GIS User Comment)

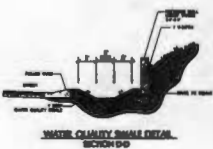
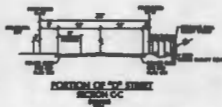
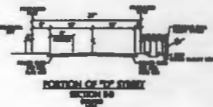
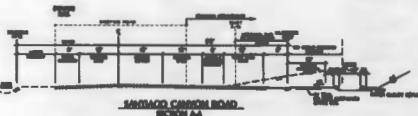
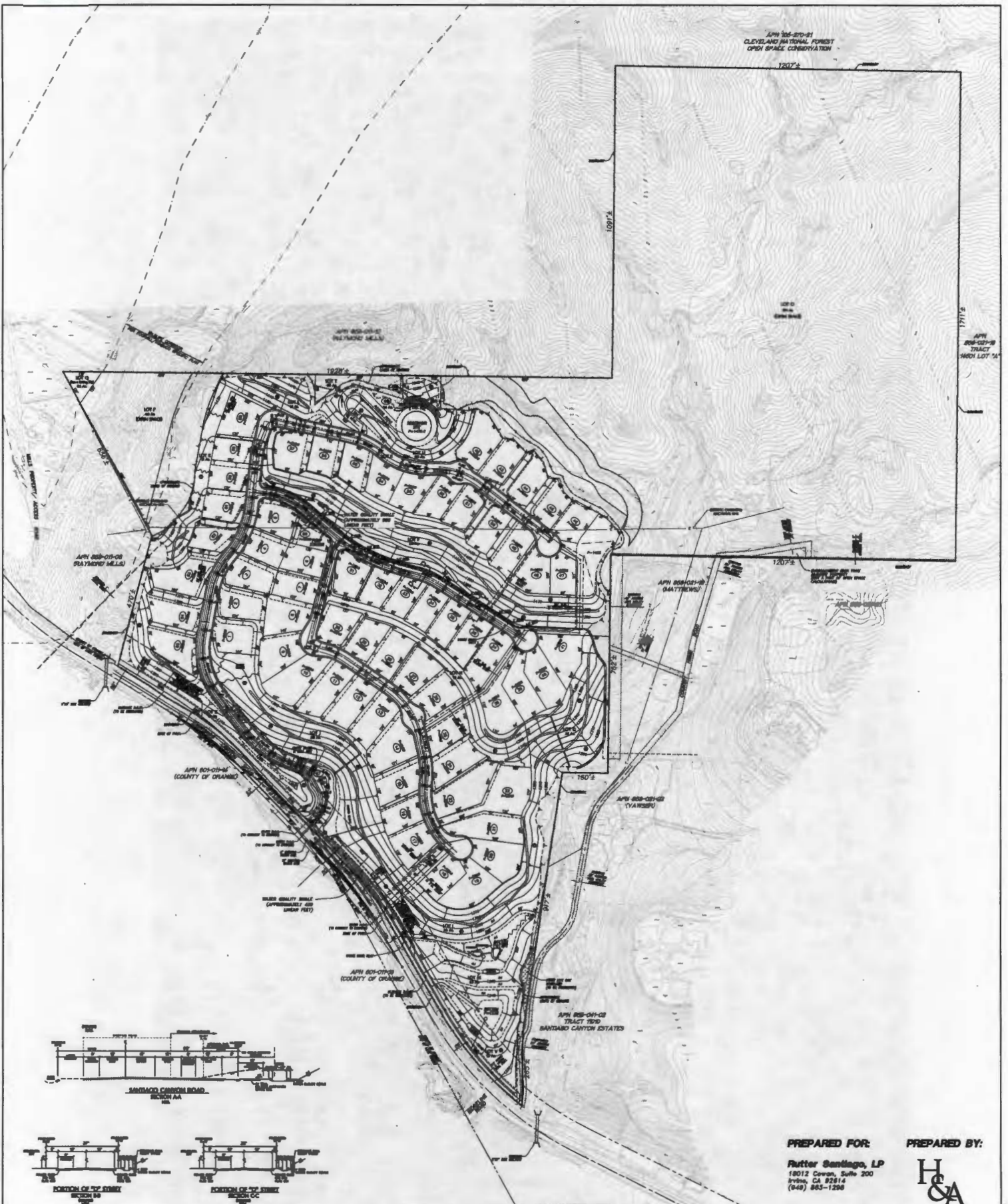


Proposed Saddle Creek North Mitigation Areas

FIGURE

4

Saddle Creek
Source: Aerial Express, 2010, PCR Services Corporation, 2012.









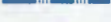


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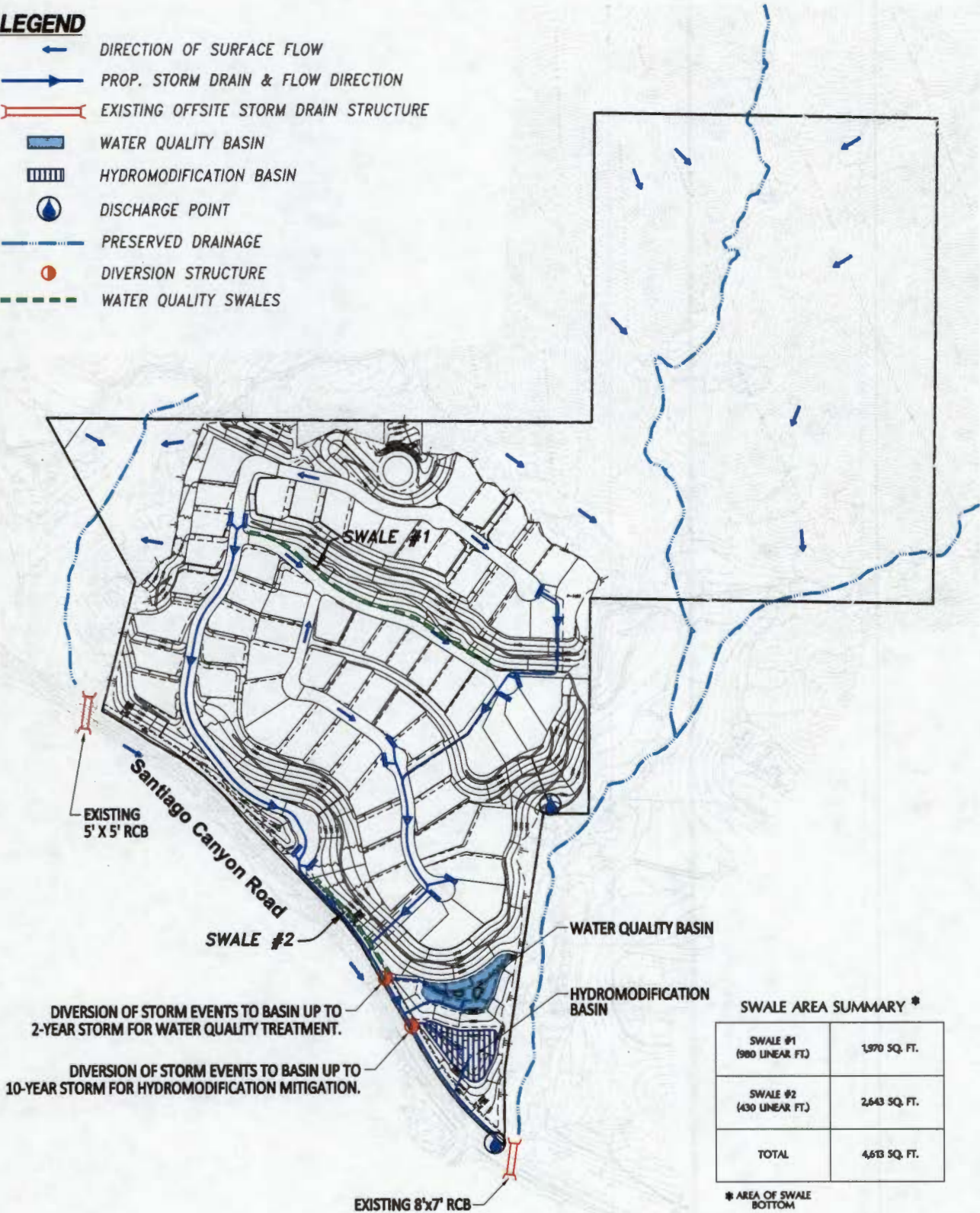
PREPARED BY:



**Saddle Crest
VESTING
TENTATIVE TRACT
NO. 17388
WATER QUALITY
SWALE ALTERNATIVE**

LEGEND

-  DIRECTION OF SURFACE FLOW
-  PROP. STORM DRAIN & FLOW DIRECTION
-  EXISTING OFFSITE STORM DRAIN STRUCTURE
-  WATER QUALITY BASIN
-  HYDROMODIFICATION BASIN
-  DISCHARGE POINT
-  PRESERVED DRAINAGE
-  DIVERSION STRUCTURE
-  WATER QUALITY SWALES



Prepared For:
Rutter Santiago, L.P.
 Prepared By: Hunsaker & Associates

Water Quality Swale Exhibit
 VTTM 17388 - Saddle Crest Homes
 SEPT. 2013

Rutter Santiago, LP
Saddle Crest
Certification No. 12C-060

ATTACHMENT 5
CEQA MITIGATION MONITORING AND REPORTING PROGRAM

**TABLE 5.1
MITIGATION MONITORING AND REPORTING PROGRAM – SADDLE CREST HOMES – ORANGE COUNTY, CA**

MM/PDF No.	Mitigation Measure/Project Design Feature	Method of Verification	Timing of Implementation	Responsibility
	environment for the target bat species.			
MM 3.3-2	<p><u>Sensitive Natural Communities:</u> To mitigate impacts to coastal sage scrub, white sage scrub and needlegrass grassland, the applicant shall implement the following mitigation measures:</p> <ul style="list-style-type: none"> • Impacts to coastal sage scrub may be mitigated through payment into the NCCP/HCP in-lieu fee program. This shall only apply to those areas within the property that are located within the in-lieu fee coverage area and will comply with the NCCP/HCP's Construction Related Mitigation Measures. As an alternative to payment into the NCCP/HCP in-lieu fee program, impacts to coastal sage scrub within the in-lieu fee coverage area may be mitigated through off-site restoration/enhancement. • Prior to approval of grading plans, the project biologist shall review the contract specifications to verify that the NCCP/HCP's Construction Related Minimization/Mitigation Measures relating to removal of coastal sage scrub will be complied with and will provide written evidence to Manager, OC Planning or designee in the form of a note on the grading plans that this condition has been completed. • Impacts to coastal sage scrub and white sage scrub located on the site, but outside of the in-lieu fee coverage area shall be mitigated through off-site restoration/enhancement. The applicant shall acquire mitigation land off-site for restoration and enhancement of similar habitat at a ratio of at least 1:1 for coastal sage scrub and white sage scrub and a ratio of at least 0.75:1 for needlegrass off-site. Off-site mitigation for impacts to sensitive plant communities may include mitigation opportunities on Saddle Creek North. • A habitat restoration plan shall be prepared prior to any ground disturbance. The plan shall include adaptive management practices to achieve the specified ratio for restoration/ enhancement. At a minimum, the plan shall include a description of the existing conditions of the receiver site(s), goals and timeline, installation methods, monitoring procedures, plant spacing, adaptive management strategies, and maintenance requirements which will be reviewed and approved by the monitoring biologist to ensure the sensitive communities referred to above are re-established successfully at the ratios set forth above. 	Mitigation Plan	Prior to any ground disturbance and prior to approval of grading plans.	Manager, OC Planning
MM 3.3-3	<p><u>Jurisdictional Waters:</u> To mitigate for impacts to jurisdictional waters, the applicant shall adopt the following measures in consultation with the regulating agencies (USACOE, CDFG, and RWQCB, where applicable):</p> <ul style="list-style-type: none"> • The applicant shall provide on- and off-site replacement and/or restoration/enhancement of USACOE, RWQCB and CDFG jurisdictional waters and wetlands at a ratio no less than 1.5:1. Off-site replacement may include mitigation on Saddle Creek North and/or include the purchase of mitigation credits at an agency approved off-site mitigation bank. 	Mitigation Plan	Prior to any ground disturbance.	Manager, OC Planning

**TABLE 5.1
MITIGATION MONITORING AND REPORTING PROGRAM – SADDLE CREST HOMES – ORANGE COUNTY, CA**

MM/PDF No.	Mitigation Measure/Project Design Feature	Method of Verification	Timing of Implementation	Responsibility
	If replacement and/or restoration/enhancement would occur, a restoration plan shall be prepared that describes the location of restoration and provides for replanting and monitoring for a three year period following construction.			
MM 3.3-4	<p><u>Coast Live Oak Trees:</u> For impacts to coast live oak trees, the applicant shall incorporate the following mitigation measures (many of which have been addressed in the Tree Management and Preservation Plan for the proposed project (included as Appendix D.2 of the Draft EIR).</p> <ul style="list-style-type: none"> The applicant shall plant various sized trees, seedlings, and site-collected acorns within the landscaped portion of the proposed development as well as within the oak woodlands to be preserved on-site to restore/enhance these "receiver areas." The planting of 15-gallon oak trees along with a variety of other sized oak trees would add diversity to the restoration areas and improve the health and sustainability of all trees in the mitigation program. Trees shall be replaced at a 5:1, 8:1, 10:1, 12:1, or 15:1 replacement ratio depending on the size of the tree. A total of 2,281 coast live oak trees shall be planted, including up to 2,000 acorns and 281 saplings and young trees ranging in size from one-gallon containers to 66-inch boxes. Approximately 12 to 30 percent of the mitigation tree planting (a minimum of 250 trees and a maximum of 300 trees) shall occur in transition areas, such as the perimeter areas of the development and within the fuel modification areas. The remaining 70 to 88 percent of the mitigation trees shall be planted within receiver areas within and around the oak woodlands that are to be preserved on-site. Coast live oak trees located within the fuel modification zones that require pruning shall comply with Orange County Fire Authority requirements. Trees shall be pruned by a qualified arborist specializing in the management and care of this tree species in consultation with the County Biological Resources Monitor. Prior to the issuance of any grading permits or recordation of a subdivision map which creates building sites, whichever occurs first, the applicant shall obtain the approval of the Manager, OC Planning, of a tree preservation plan for the property. The Manager of OC Parks is to be consulted if the plan involves off-site tree mitigation in an OC Parks facility. A seven-year monitoring program shall be prepared that includes performance standards and criteria for evaluating success. Plant species commonly associated with oak woodlands shall be included as woodland enhancement as specified in an oak restoration plan prepared by a restoration specialist. 	Mitigation Plan	Prior to any ground disturbance.	Manager, OC Planning
MM 3.3-5	<p>Wildlife Movement Corridor:</p> <ul style="list-style-type: none"> Vegetation thinning shall occur only during daylight hours. 	Mitigation Plan	Prior to approval of grading plans	Manager, OC Planning

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	<ul style="list-style-type: none"> ■ Instructions for maintaining gutters and downspouts and the importance of diverting water at least five feet away from the foundation. ■ Information on required routine maintenance measures, including, but not limited to, caulking, painting, grading around the building, etc. ■ Information about state solar energy and incentive programs available. ■ A copy of all special inspection verifications required by the County 			
Hazards and Hazardous Materials				
MM 3.7-1	At least three business days prior to any lane closure, the construction contractor shall notify Orange County Fire Authority of construction activities that would impede movement along roadways immediately adjacent to the project area, to allow for uninterrupted emergency access and maintenance of evacuation routes.	Site Inspection	At least three business days prior to any lane closure.	Manager, OC Planning
MM 3.7-2	Prior to the issuance of grading permit, the project applicant shall enter into a Secured Fire Protection Agreement with Orange County Fire Authority.	Plan Check	Prior to the issuance of grading permit.	Manager, OC Planning
MM 3.7-3	All gates within the project shall include installation of emergency opening devices as approved by Orange County Fire Authority.	Plan Check	Prior to the issuance of a certificate of use and occupancy.	Manager, OC Planning
MM 3.7-4	For the safety of construction personnel, neighboring homes, and firefighting safety in wildland areas, the project applicant, under the supervision of the Fire Chief, shall have completed the necessary portions of the fire access roads in the area prior to building permit issuance.	Site Inspection	Prior to the issuance of building permit.	Manager, OC Planning
MM 3.7-5	Prior to the issuance of any preliminary grading permits, the applicant shall provide evidence to the Manager, Permit Services, that the Vector Control District has surveyed the site and approved the project's Water Quality Management Plan, Grading Plans, and Storm Drain Improvement Plans for vector control measures.	Plan Check	Prior to the issuance of grading permit.	Manager, Permit Services
Hydrology and Water Quality				
MM 3.8-1	<p>Prior to the recordation of a subdivision map (except maps for financing and conveyance purposes only) or prior to the issuance of any grading permits, whichever comes first, the following drainage studies shall be submitted to and approved by the Manager, Permit Services:</p> <ol style="list-style-type: none"> 1) A drainage study of the project including diversions, off-site areas that drain onto and/or through the project, and justification of any diversions; and 2) When applicable, a drainage study evidencing that proposed drainage patterns will not overload existing storm drains; and 3) Detailed drainage studies indicating how the project grading, in conjunction with the drainage conveyance systems including applicable swales, channels, street flows, 	Plan Check	Prior to the recordation of a subdivision map.	Manager, Permit Services

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MM/PDF No.	Mitigation Measure/Project Design Feature	Method of Verification	Timing of Implementation	Responsibility
	catch basins, storm drains, and flood water retarding, will allow building pads to be safe from inundation from rainfall runoff which may be expected from all storms up to and including the theoretical 100-year flood.			
MM 3.8-2	<p>Prior to the issuance of any grading permits, the applicant shall in a manner meeting the approval of the Manager, Permit Services:</p> <ol style="list-style-type: none"> 1) Design provisions for surface drainage; and 2) Design all necessary storm drain facilities extending to a satisfactory point of disposal for the proper control and disposal of storm runoff; and 3) Dedicate the associated easements to the County of Orange, if determined necessary. 	Plan Check	Prior to the issuance of any grading.	Manager, Permit Services
MM 3.8-3	Prior to the recordation of a subdivision map (except for financing and conveyance purposes only), whichever comes first, the applicant shall participate in the applicable Master Plan of Drainage in a manner meeting the approval of the Manager, Permit Services, including payment of fees and the construction, or provide evidence of financial security (such as bonding), of the necessary facilities.	Plan Check	Prior to the recordation of a subdivision map.	Manager, Permit Services
MM 3.8-4	<p>Prior to the issuance of any grading or building permits, the applicant shall submit for review and approval by the Manager, Permit Services, a final Water Quality Management Plan (WQMP) specifically identifying best management practices (BMPs) that will be used on-site to control predictable pollutant runoff. The applicant shall utilize the Orange County Drainage Area Management Plan (DAMP), Model WQMP, and Technical Guidance Manual for reference, and the County's WQMP template for submittal. This final WQMP shall update the project's Conceptual Water Quality Management Plan based on the final design and include the following:</p> <ul style="list-style-type: none"> • Detailed site and project description; • Potential stormwater pollutants; • Post-development drainage characteristics; • Low impact development (LID) BMP selection and analysis; • Structural and non-structural source control BMPs; • Site design and drainage plan (BMP Exhibit); • GIS coordinates for all LID and treatment control BMPs; • Operation and Maintenance (O&M) Plan that: (1) describes the long-term operation and maintenance requirements for BMPs identified in the BMP Exhibit; (2) identifies the entity that will be responsible for long-term operation and maintenance of the referenced BMPs; and (3) describes the mechanism for funding the long-term operation and maintenance of the referenced BMPs; and 	Plan Check	Prior to the issuance of any grading or building permits.	Manager, Permit Services

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MM/PDF No.	Mitigation Measure/Project Design Feature	Method of Verification	Timing of Implementation	Responsibility
	<ul style="list-style-type: none"> The BMP Exhibit from the approved WQMP shall be included as a sheet in all plan sets submitted for plan check and all BMPs shall be depicted on these plans. Grading and building plans must be consistent with the approved BMP exhibit. 			
MM 3.8-5	<p>Prior to the issuance of a certificate of use and occupancy, the applicant shall demonstrate compliance with the County's NPDES Implementation Program in a manner meeting the satisfaction of the Manager, OC Inspection:</p> <ul style="list-style-type: none"> Demonstrate that all structural best management practices (BMPs) described in the BMP exhibit from the project's approved WQMP have been implemented, constructed and installed in conformance with approved plans and specifications; Demonstrate that the applicant has complied with all non-structural BMPs described in the project's WQMP; Submit for review and approval, an Operations and Maintenance Plan for all structural BMPs (the plan shall become an attachment to the WQMP); Demonstrate that copies of the project's approved WQMP (with attached Operations and Maintenance Plan) are available for each of the initial occupants; Agree to pay for a Special Investigation from the County for a date 12 months after the issuance of a Certificate of Use and Occupancy for the project to verify compliance with the approved WQMP and Operations and Maintenance Plan; Demonstrate that the applicant has RECORDED one of the following: <ul style="list-style-type: none"> The CC&R's (that must include the approved Water Quality Management Plan and Operations and Maintenance Plan) for the project's Homeowner's Association; A water quality implementation agreement that has the approved Water Quality Management Plan and Operations and Maintenance Plan attached; or The final approved Water Quality Management Plan and Operations and Maintenance Plan. 	Plan Check and Site Inspection	Prior to the issuance of a certificate of use and occupancy.	Manager, OC Inspection
MM 3.8-6	<p>Prior to the issuance of any grading or building permits, the applicant shall demonstrate compliance under California's General Permit for Stormwater Discharges Associated with Construction Activity by providing a copy of the Notice of Intent (NOI) submitted to the State Water Resources Control Board and a copy of the subsequent notification of the issuance of a Waste Discharge Identification (WDID) Number; or other proof of filing in a manner meeting the satisfaction of the Manager, Permit Services. Projects subject to this requirement shall prepare and implement a Stormwater Pollution Prevention Plan (SWPPP). A copy of the current SWPPP shall be kept at the project site and be available for County review on request.</p>	Plan Check	Prior to the issuance of any grading or building permits.	Manager, Permit Services
MM 3.8-7	<p>Prior to the issuance of any grading or building permit, the applicant shall submit a Erosion and Sediment Control Plan (ESCP) in a manner meeting approval of the</p>	Plan Check	Prior to the issuance of any grading or building permits.	Manager, Permit Services

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MM/PDF No.	Mitigation Measure/Project Design Feature	Method of Verification	Timing of Implementation	Responsibility
	<p>Manager, Permit Services, to demonstrate compliance with the County's NPDES Implementation Program and state water quality regulations for grading and construction activities. The ESCP shall identify how all construction materials, wastes, grading or demolition debris, and stockpiles of soil, aggregates, soil amendments, etc. shall be properly covered, stored, and secured to prevent transport into local drainages or coastal waters by wind, rain, tracking, tidal erosion or dispersion. The ESCP shall also describe how the applicant will ensure that all BPMs will be maintained during construction of any future public right-of-ways. A copy of the current ESCP shall be kept at the project site and be available for County review on request.</p>			
Land Use and Planning				
MM 3.9-1	<p>Prior to the recordation of an applicable subdivision map, the subdivider shall:</p> <ul style="list-style-type: none"> Irrevocably offer a recreation easement for riding and hiking trail purposes in a location and in a manner meeting the approval of the Manager, OC Parks. The subdivider shall not grant any easement(s) over the property subject to the recreation easement unless such easements are first reviewed and approved by the Manager OC Parks. <p>Design the necessary improvements for the trail, including, but not limited to grading, erosion control, signage, fencing, and a grade-separated crossing, as applicable, in a manner meeting the approval of the Manager, OC Parks.</p>	Plan Check	Prior to the recordation of an applicable subdivision map.	Manager, OC Parks
Noise				
MM 3.10-1	<p>Prior to the issuance of any grading permits, the applicant shall produce evidence that the following noise control measures are in place:</p> <ul style="list-style-type: none"> Construction shall not take place between the hours of 8:00 PM and 7:00 AM on weekdays, including Saturday, or at any time on Sunday or a federal holiday. Signs will be posted at the construction site that include permitted construction days and hours, a day and evening contact number for the job site, and a contact number with the County of Orange in the event of problems. An on-site complaint and enforcement manager shall track and respond to noise complaints. All construction vehicles or equipment, fixed or mobile shall be equipped with properly operating and maintained mufflers. All construction operations shall comply with Orange County Codified Ordinance Division 6 (Noise Control). Stockpiling and/or vehicle staging areas shall be located as far as practicable from dwellings. 	Site Inspection	Prior to the issuance of any grading permits.	Manager, OC Planning
MM 3.10-2	<p>The applicant shall sound attenuate all residential dwellings against present and projected noise (which shall be the sum of all noise impacting the project) so that the</p>	Plan Check	Prior to the issuance of any	Manager, Permit Services