



California Regional Water Quality Control Board, San Diego Region

March 25, 2016

Certified Mail – Return Receipt Requested

Article Number: 7011 0470 0002 8952 7953

Ms. Laura Coley Eisenberg
Rancho Mission Viejo
2811 Ortega Highway
San Juan Capistrano, CA 92675

**In reply/refer to:
12C-067:784704:dbradford**

Subject: Amendment No. 1 to Clean Water Act Section 401 Water Quality Certification No. 12C-067 for the Cow Camp Road, Trail, and Associated Utilities Project

Ms. Coley Eisenberg:

Enclosed find Amendment No. 1 (Certification Amendment) to Clean Water Act Section 401 Water Quality Certification No. 12C-067 (Certification) issued by the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) in response to an amendment request submitted by Rancho Mission Viejo for the Cow Camp Road, Trail, and Associated Utilities Project (Project). The Certification Amendment shows changes in underline/strikeout format to indicate added and removed language. A complete copy of the Certification has also been enclosed for your reference.

Failure to comply with the Certification Amendment may subject Rancho Mission Viejo to enforcement actions by the San Diego Water Board including administrative enforcement orders requiring Rancho Mission Viejo 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/or referral to the District Attorney for criminal prosecution.

In the subject line of any response, please include reference number 12C-067:784704:dbradford. For questions or comments, please contact Darren Bradford at (619) 521-3356 or by email at darren.bradford@waterboards.ca.gov.

Respectfully,

DAVID W. GIBSON
Executive Officer

Enclosure:

Exhibits 1 through 4

Clean Water Act Section 401 Water Quality Certification No. 12C-067 for the Cow Camp Road, Trail, and Associated Utilities Project

DWG:jgs.eb:dlb

cc:

U.S. Army Corps of Engineers, Regulatory Branch
San Diego Field Office
Corrice Farrar
Corrice.j.farrar@usace.army.mil

California Department of Fish and Game
South Coast Region
Habitat Conservation Planning – South
Kevin Hupf
Kevin.Hupf@wildlife.ca.gov

U.S. Department of the Interior
Fish and Wildlife Service
Jonathan Snyder
Jonathan_D_Snyder@fws.gov

U.S. EPA, OWOW, Region 9
R9-WTR8-Mailbox@epa.gov

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

Tony Bomkamp
Glenn Lukos Associates
tbomkamp@wetlandpermitting.com

Tech Staff Info & Use	
Certification No.	12C-067
Party ID	297330
WDID	9000002496
Regulatory ID	386814
Place ID	784704
Person ID	73367

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

2375 Northside Drive, Suite 100, San Diego, CA 92108
Phone (619) 516-1990 • Fax (619) 516-1994
<http://www.waterboards.ca.gov/sandiego/>

**Amendment No. 1 to Clean Water Act Section 401
Water Quality Certification No. 12C-067**

**PROJECT: Cow Camp Road, Trail, and Associated Utilities Project
Certification Number 12C-067**

**APPLICANT: Rancho Mission Viejo
2811 Ortega Highway
San Juan Capistrano, CA 92675**

Reg. Meas. ID: 386814
Place ID: 784704
Party ID: 297330
Person ID: 73367
WDID: 9000002496

On May 16, 2013, Clean Water Act Section 401 Water Quality Certification No. 12C-067 (Certification) was issued to Rancho Mission Viejo (Applicant) for the Cow Camp Road, Trail, and Associated Utilities Project (Project).

By letter dated November 30, 2015, Glenn Lukos Associates, on behalf of the Applicant, requested the Certification be amended to construct the western abutment for the Cow Camp Road Gobernadora Creek Bridge. Cow Camp Road is a major east-west arterial roadway beginning at Antonio Parkway and ending at Ortega Hwy that is being constructed in phases by the Applicant. To date the Applicant has constructed Phase 1A, the northerly bridge and two lanes of Phase 1B. Currently, Phase 1B ends at the eastern boundary of Planning Area 2. Phase 2 of Cow Camp Road will extend the roadway from its present terminus to Ortega Hwy and involves the construction of two bridges, Gobernadora Creek Bridge and San Juan Creek Bridge. Due to the interrelationship of earthwork between Los Patrones Parkway and the western abutment for the Cow Camp Road Gobernadora Creek Bridge, the Applicant wishes to proceed with construction of the western abutment at this time.

Additional permanent impacts associated with the construction of the western abutment consist of 0.055 acre (347 linear feet) of ephemeral streambed waters of the United States and/or State and temporary impacts to 0.004 acre (16 linear feet) of streambed waters of the United States and/or State. Mitigation for permanent impacts to 0.055 acre of streambed waters of the United States and/or State will be achieved by the dedication of wetland acreage and maintenance in perpetuity of no less than 0.174-acre (960 linear feet) of the previously established wetland waters of the State at the Gobernadora Ecological Restoration Area (GERA) at a minimum ratio of 3.16:1 (area mitigated:area impacted). The GERA is protected and preserved in perpetuity under a recorded conservation easement. The 0.174-acre acre of previously established wetland shall serve as mitigation exclusively for this Project. Temporary impacts will be restored in place.

Based on the Applicant's request, the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) is amending the Certification to construct the western abutment for the Cow Camp Road Gobernadora Creek Bridge. Except as modified or superseded by the Certification modifications set forth below, all of the findings, provisions and other requirements of Certification No. 12C-067 remain in full force and effect. The following changes are made to Certification No. 12C-067 and are shown in underline/strikeout format to indicate added and removed language:

Page 2, The PROJECT DESCRIPTION is modified as follows:

Project construction will permanently impact ~~0.157~~ 0.212 acre (~~1,119~~ 1,466 linear feet) of jurisdictional vegetated and unvegetated 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 ~~0.157~~ 0.212 acre of jurisdictional waters will be achieved through the establishment and enhancement of waters of the United States and/or State in the vicinity of the Project. All waters of the United States and/or State receiving temporary discharges will be restored upon removal of the fill. Mitigation for discharges of fill to wetland and vegetated non-wetland waters of the State and/or U.S. has already been created by the Applicant at the Gobernadora Ecological Restoration Area (GERA) located in the Canada Gobernadora hydrologic sub-area (HSA 901.24) at a minimum ratio of 1:1 (area mitigated:area impacted). This is reasonable mitigation for the wetland component given the high quality of the GERA wetlands. The GERA is conserved through a recorded conservation easement.

Page 5, The STANDARD CONDITIONS are deleted and replaced with the following:

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.

**Page 8, POST-CONSTRUCTION BEST MANAGEMENT PRACTICES
condition IV.C is deleted and replaced as follows:**

~~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.~~

Post-Construction BMP Design. The Project must be designed to comply with the most current Standard Storm Water Mitigation and Hydromodification Plans for Orange County. Post-construction BMPs are described in the *Water Quality Management Plan (WQMP) County of Orange Public/Private Project For: Cow Camp Road Improvements Phase 1B (Planning Area; STA 29 to 76) (SWMP)*.

**Page 10, POST-CONSTRUCTION BEST MANAGEMENT PRACTICES
condition IV.I is added as follows:**

Bridge, Crossing, and Culvert Design. Bridges, culverts, dip crossings, or other stream crossing structures shall be designed and installed so they 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.

**Page 10, PROJECT IMPACTS AND COMPENSATORY MITIGATION
 condition V.A is modified as follows:**

Unavoidable impacts to San Juan Creek, Chiquita Creek, and their unnamed tributaries within the San Juan Watershed must be limited to the impacts listed in the table below. At a minimum, compensatory mitigation for these impacts to waters of the State must be achieved as follows:

	Impacts (acres)	Impacts (linear ft.)	Mitigation for Impacts (acres)	Mitigation for Impacts (linear ft.)	Mitigation Ratio (area mitigated :area impacted)
Permanent Impacts					
Streambed	0.057	832	0.24 Enhancement ¹		4:1
Vegetated non- wetland (Riparian)	0.09 <u>0.145</u>	204 <u>551</u>	0.096 <u>0.27</u> Establishment ²	130 <u>1,090</u>	<u>1.86:1</u>
Wetland	0.01	83	0.01 Establishment ³	130	1:1
Temporary Impacts⁴					
Streambed and Riparian	0.519 <u>0.523</u>	159 <u>175</u>			
Wetland	0.869	1,106			

1. Arundo removal enhancement per the ISCP. See Section V.C.2.b, if success criteria are not met this requirement will change to 1:1 in-kind establishment mitigation.
2. Wetland/Riparian establishment at the GERA.
3. Wetland establishment at the GERA.
4. Must restore all areas of temporary impacts to pre-project contours and revegetation with native species.

**Page 11, PROJECT IMPACTS AND COMPENSATORY MITIGATION
condition V.C is modified as follows:**

Compensatory mitigation for permanent discharges of fill to ~~0.457~~ 0.212 acres of waters of the State shall be achieved as follows:

1. Vegetated Waters: Mitigation for permanent discharges of fill into wetlands and other vegetated waters of the State and/or U.S. shall be achieved at a minimum 1.81:1 ratio by the maintenance in perpetuity of no less than ~~0.406~~ 0.28 acres of previously established wetland waters of the State at the Gobernadora Ecological Restoration Area (GERA). The ~~0.406~~ 0.28 acres shall serve as mitigation exclusively for this Project;

Page 17, REPORTING REQUIREMENTS condition VIII.E is deleted as follows:

~~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.~~

Page 18, REPORTING REQUIREMENTS condition VIII.H is deleted and replaced as follows:

~~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; Project No. 12C-067
9174 Sky Park Court, Suite 100
San Diego, California 92123~~

Electronic Document Submittal. The Applicant must submit all reports and information required under this Certification in electronic format via e-mail to SanDiego@waterboards.ca.gov. Documents over 50 megabytes will not be accepted via e-mail and must be placed on a disc and delivered to:

California Regional Water Quality Control Board
San Diego Region
Attn: 401 Certification No. 12C-067:784704:dbradford
2375 Northside Drive, Suite 100
San Diego, California 92108

Each electronic document must be submitted as a single file, in Portable Document Format (PDF), and converted to text searchable format using Optical Character Recognition (OCR). All electronic documents must include scanned copies of all signature pages; electronic signatures will not be accepted. Electronic documents submitted to the San Diego Water Board must include the following identification numbers in the header or subject line: Certification No. 12C-067:784704:dbradford.

Page 19, SAN DIEGO WATER BOARD CONTACT PERSON is modified as follows:

Darren Bradford, Environmental Scientist
California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100 2375 Northside Drive, Suite 100
San Diego, CA 92123 92108
Telephone: 858-637-7137 (619) 521-3356
Email: DBradford@waterboards.ca.gov

Page 23, ATTACHMENT 1 PROJECT INFORMATION is modified as follows:

Impacted Wetlands of the United States and State:	Permanent –	
	Wetlands	0.01-acre, 83-linear feet
	Riparian	0.09 0.145-acre, 204 <u>567</u> -linear feet
	Streambed	0.057-acre, 832-linear feet
	Temporary –	
	Wetlands	0.869-acre, 1,106-linear feet
Riparian	0.500 <u>0.504</u> -acre, 4,106 <u>1,122</u> -linear feet	
Streambed	0.019-acre, 159-linear feet	

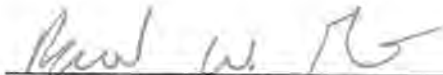
Compensatory Mitigation: Compensatory Mitigation for permanent impacts must be implemented at a minimum ratio of 1:1 as follows:

- Wetland establishment at the GERA: 0.01 acres, 130 LF
- Wetland/riparian establishment at the GERA: ~~0.096~~ 0.27 acres, ~~130~~ 1,090 LF
- Streambed: 0.24 acres of arundo removal enhancement per the ISCP

Fees: Total Due: \$0.00
Paid: \$24,280.00 (Check No. 27577)
\$2,147.00 (Check No. 13645)

Notification: Any person aggrieved by this action of the San Diego Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with the California Code of Regulations, title 23, sections 3867 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Certification Amendment. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

I, David W. Gibson, Executive Officer, do hereby certify the forgoing is a full, true, and correct copy of Amendment No. 1 to Certification No. 12C-067 issued on March 25, 2016.



DAVID W. GIBSON
Executive Officer
San Diego Water Board

25 March 2016
Date



Sources: Esri, DeLorme, NAVTEQ, USGS, Intermap, iPC, NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), TomTom, 2013, Marine Corps



GLENN LUKOS ASSOCIATES

Exhibit 1

RANCHO MISSION VIEJO

Regional Map

Source: ESRI World Street Map



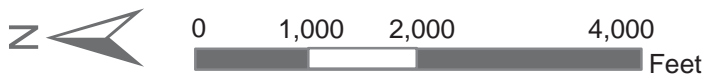


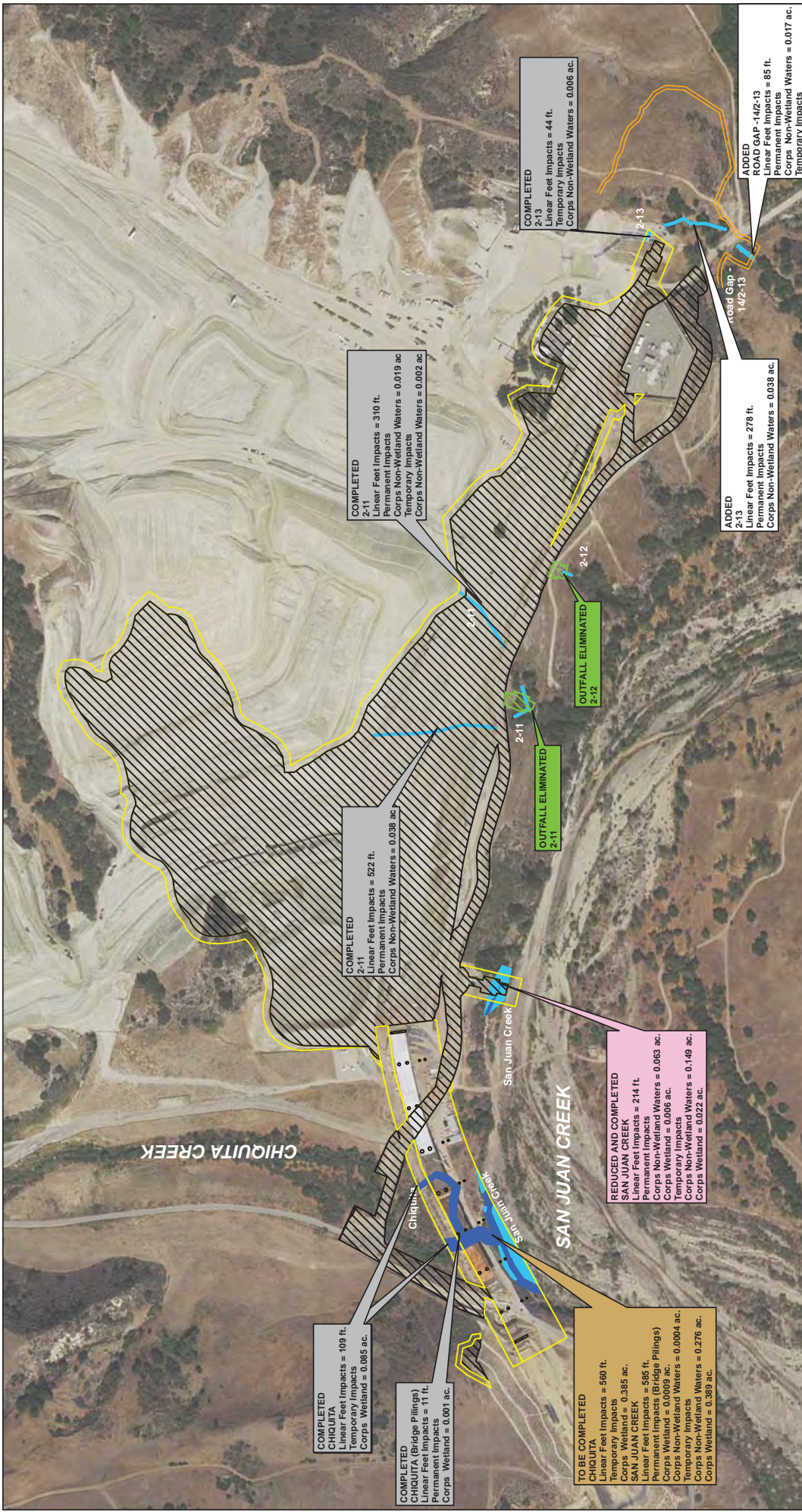
GLENN LUKOS ASSOCIATES

Exhibit 2

RANCHO MISSION VIEJO
Vicinity Map

Adapted from USGS Canada Gobernadora, CA quadrangle





COMPLETED
CHIQUITA
 Linear Feet Impacts = 109 ft.
 Temporary Impacts = 11 ft.
 Corps Wetland = 0.085 ac.

COMPLETED
CHIQUITA (Bridge Piling)
 Linear Feet Impacts = 11 ft.
 Permanent Impacts = 0.001 ac.
 Corps Wetland = 0.001 ac.

TO BE COMPLETED
CHIQUITA
 Linear Feet Impacts = 560 ft.
 Temporary Impacts = 0.385 ac.
SAN JUAN CREEK
 Linear Feet Impacts = 585 ft.
 Temporary Impacts = 0.0019 ac. (Large Piling)
 Corps Wetland = 0.0019 ac.
 Corps Non-Wetland Waters = 0.0004 ac.
 Temporary Impacts = 0.276 ac.
 Corps Non-Wetland Waters = 0.389 ac.

REDUCED AND COMPLETED
SAN JUAN CREEK
 Linear Feet Impacts = 214 ft.
 Permanent Impacts = 0.063 ac.
 Corps Non-Wetland Waters = 0.149 ac.
 Temporary Impacts = 0.022 ac.
 Corps Wetland = 0.022 ac.

COMPLETED
2-11
 Linear Feet Impacts = 522 ft.
 Permanent Impacts = 0.038 ac.
 Corps Non-Wetland Waters = 0.038 ac.

COMPLETED
2-11
 Linear Feet Impacts = 310 ft.
 Permanent Impacts = 0.019 ac.
 Corps Non-Wetland Waters = 0.019 ac.
 Temporary Impacts = 0.002 ac.
 Corps Non-Wetland Waters = 0.002 ac.

OUTFALL ELIMINATED
2-11

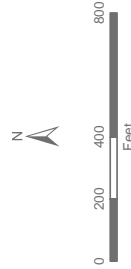
OUTFALL ELIMINATED
2-12

ADDED
2-13
 Linear Feet Impacts = 278 ft.
 Permanent Impacts = 0.038 ac.
 Corps Non-Wetland Waters = 0.038 ac.

COMPLETED
2-13
 Linear Feet Impacts = 44 ft.
 Temporary Impacts = 0.006 ac.
 Corps Non-Wetland Waters = 0.006 ac.

ADDED
ROAD GAP - 14/2-13
 Linear Feet Impacts = 85 ft.
 Permanent Impacts = 0.017 ac.
 Corps Non-Wetland Waters = 0.017 ac.
 Temporary Impacts = 0.004 ac.
 Corps Non-Wetland Waters = 0.004 ac.

- Permanent Impacts
- Temporary Impacts
- Previously Permitted Outfall Eliminated
- CCR West Abutment Remedial Limits
- Corps/RWQCB Non-Wetland Waters
- Corps/RWQCB Wetlands



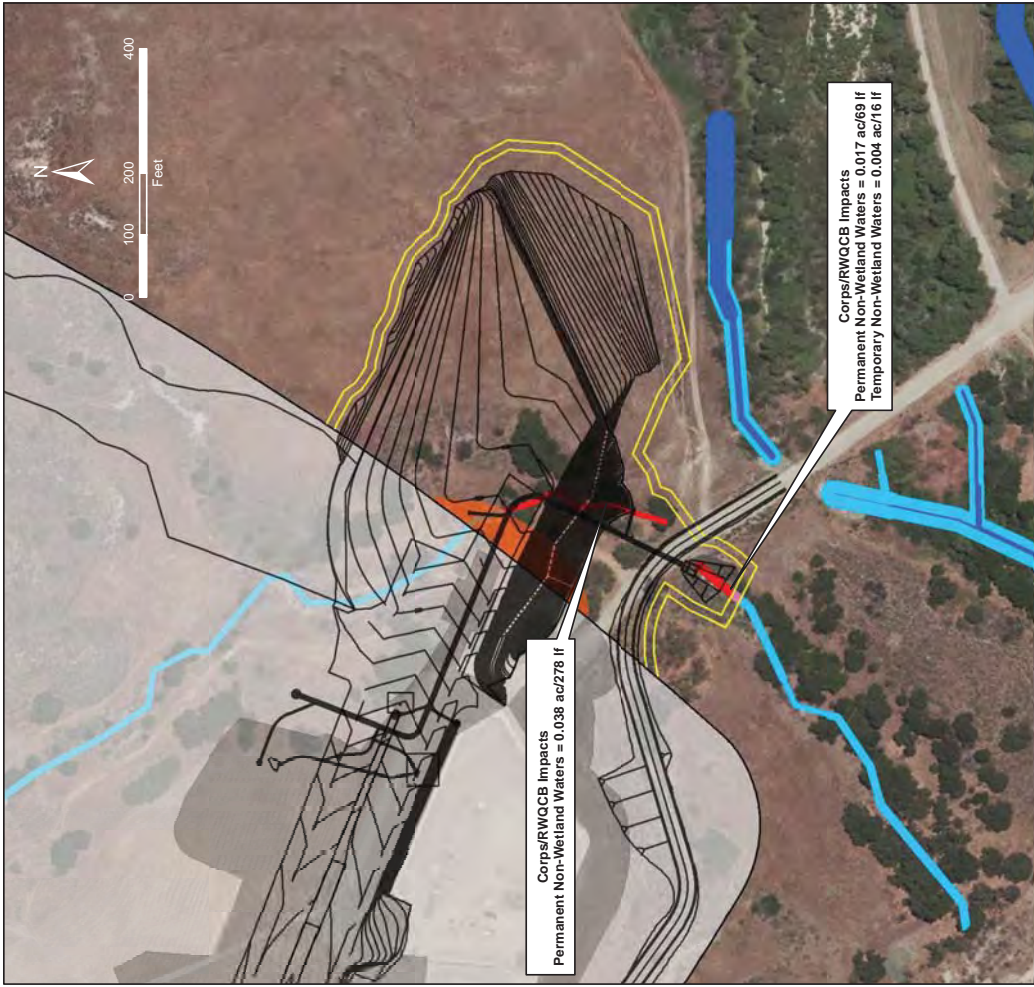
Reference Elevation Datum: State Plane 6 NAD 83
 Aerial Photo: ESRI Basemaps
 Map Prepared by: K. Kartunen, GLA
 November 5, 2015

COW CAMP ROAD PROJECT

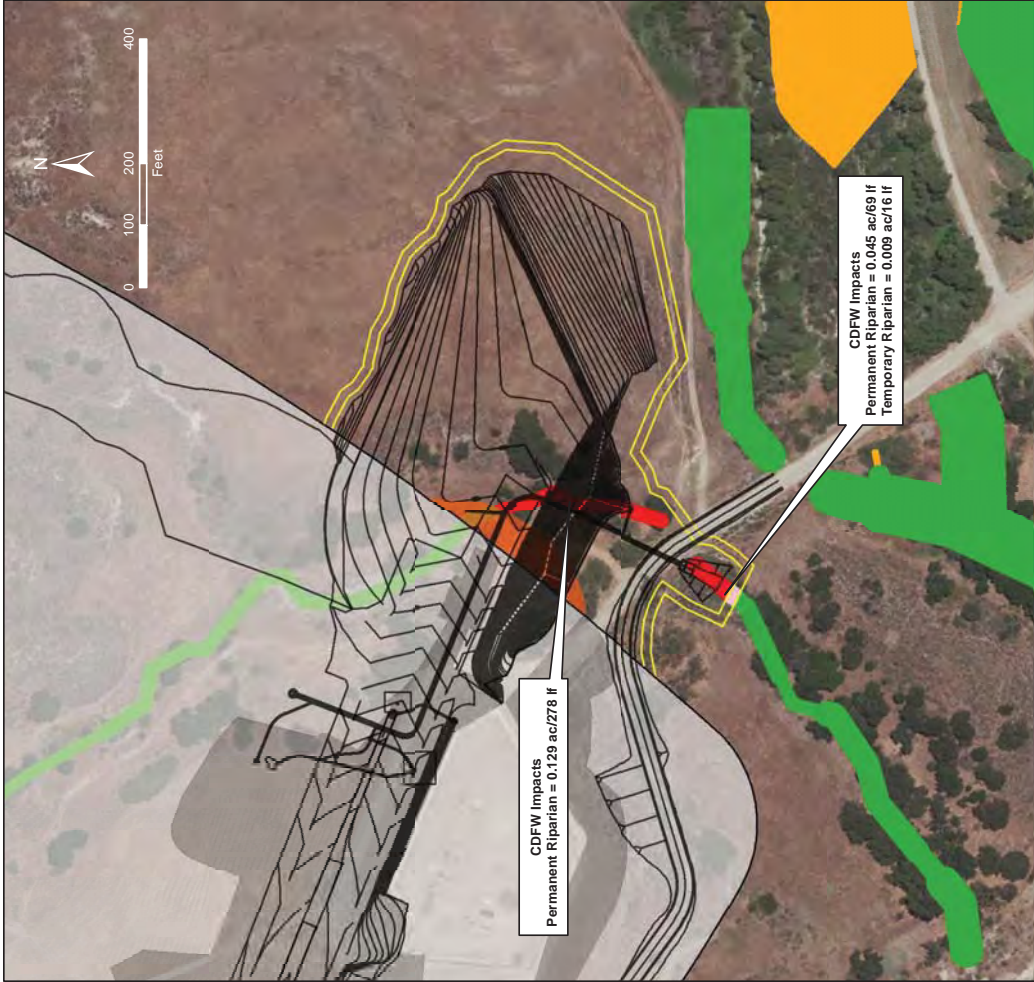
Corps Delineation Impact Map

GLENN LUKOS ASSOCIATES

Exhibit 3



- Planning Area 2
- PA 2 Project Footprint
- PA 2 Offsite Remedial Grading
- Cow Camp Road Project Footprint
- Remedial Limits
- Corps/RWQCB Non-Wetland Waters
- Corps/RWQCB Wetland
- Corps/RWQCB Non-Wetland Waters Permanent Impacts
- Corps/RWQCB Non-Wetland Waters Temporary Impacts



- Planning Area 2
- PA 2 Project Footprint
- PA 2 Offsite Remedial Grading
- Cow Camp Road Project Footprint
- Remedial Limits
- CDFW Unvegetated Streambed
- CDFW Riparian
- CDFW Riparian Permanent Impacts
- CDFW Riparian Temporary Impacts

RANCHO MISSION VIEJO
Jurisdictional Delineation/Impact Map

X:\00 - 0362 ONLY\0238-50COWC\0238-50_GIS\CCR West Aburment GIS Impacts\238-44_CCRWestAburmentImpacts.mxd



Reference Elevation Datum: State Plane 6 NAD 83
 Aerial Photo: Eagle Aerial
 Map Prepared by: K. Kartunen, GLA
 November 3, 2015

Legend

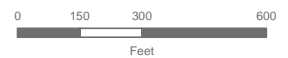
Development Boundaries

GERA Vegetation Type

- Arroyo Willow Forest (1.4 acres)
- Fresh Water Marsh (2.3 acres)
- Southern Willow Scrub (3.0 acres)
- Wet Meadow (11.4 acres)

GERA Mitigation Allocation

- 8.60 acres of Banked Mitigation
- 12.28 acres of Ladera Mitigation
- 4.75 acres of PA1 Mitigation
- Cow Camp Road - 0.11 ac. Southern Willow Scrub
- PA 2 - 4.26 ac. Southern Willow Scrub
- PA 2 Ammendment - 0.14 ac SWS
- Cow Camp Road Western Abutment - 0.174 ac. SWS



1 inch = 300 feet

PLANNING AREA 2
RANCHO MISSION VIEJO
 Cow Camp Road Western Abutment

GLENN LUKOS ASSOCIATES



Exhibit 4