

California Regional Water Quality Control Board, San Diego Region

October 4, 2013

Certified Mail – Return Receipt Requested
Article Number: 7011 0470 0002 8961 5865

Mr. Joseph Rivani
Global Investments
3470 Wilshire Boulevard, Suite 1020
Los Angeles, CA 90010

In reply/refer to:
787016:dbradford

**Subject: Clean Water Act Section 401 Water Quality Certification No. 12C-084
for the French Valley Creek Slope Protection at Skyview Road and
Water Supply Crossing**

Mr. Rivani:

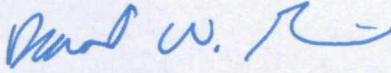
Enclosed find Clean Water Act Section 401 Water Quality Certification No. 12C-084 (Certification) and acknowledgment of enrollment under State Water Resources Control Board Order No. 2003-017-DWQ for the French Valley Creek Slope Protection at Skyview Road and Water Supply Crossing (Project). A description of the Project and Project location can be found in the Certification, location map, and site maps which are included as attachments to the Certification.

Any petition for reconsideration of this Certification must be filed with the State Water Resources Control Board within 30 days of certification action (23 CCR § 3867). If no petition is received, it will be assumed that you have accepted and will comply with all the conditions of this Certification.

Failure to comply with all conditions of this Certification may subject Global Investments to enforcement actions by the California Regional Water Quality Control Board, San Diego Region, including administrative enforcement orders requiring you 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.

In the subject line of any response, please include reference number 787016:dbradford. For questions or comments, please contact Darren Bradford by telephone at (619) 521-3356 or by email at DBradford@waterboards.ca.gov.

Respectfully,



DAVID W. GIBSON
Executive Officer

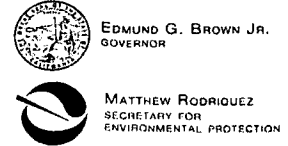
Enclosure:

Clean Water Act Section 401 Water Quality Certification No. 12C-084 for the French Valley Creek Slope Protection at Skyview Road and Water Supply Crossing Project.

DWG:jgs:db:kd:dlb

cc: Refer to Attachment 2 of Certification 12C-084 for the Distribution List.

Tech Staff Info & Use	
Certification No.	12C-084
Party ID	537193
File No.	12C-084
WDID	9000002523
NPDES No.	None
Regulatory ID	387686
Place ID	787016
Person ID	537390
Inspection ID	None



California Regional Water Quality Control Board, San Diego Region

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

PROJECT: French Valley Creek Slope Protection at Skyview
Road and Water Supply Crossing
Certification Number 12C-084
WDID: 9000002523

Reg. Meas. ID: 387686
Place ID: 787016
Party ID: 537193
Person ID: 537390

APPLICANT: Global Investments
3470 Wilshire Boulevard, Suite 1020
Los Angeles, CA 90010

ACTION:

Table with 2 columns and 3 rows of checkboxes for various certification and discharge options.

PROJECT DESCRIPTION

Global Investments (hereinafter Applicant) submitted an application dated September 27, 2012, for Water Quality Certification pursuant to section 401 of the Clean Water Act for the proposed French Valley Creek Slope Protection at Skyview Road and Water Supply Crossing (Project).

The Project is located within the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) area in unincorporated Riverside County, California. The project center reading is located at latitude 33.606886 and longitude -117.107264.

The 74-acre Capistrano development has been constructed to near build-out. The Applicant proposes to construct the remaining homes on a 16-acre parcel. Paved roads, lighting, water supply, sanitary sewer and storm water systems, and other infrastructure are in place.

landscape plantings of ornamental trees and gardens, sparsely vegetated dirt and gravel lots, and trails. As a condition of approval, the Riverside County Flood and Water Conservation District (RCFCWCD) requires the Applicant to install slope protection and the Eastern Municipal Water District (EMWD) requires the installation of an emergency water line. The project is located outside of the residential area in a relatively flat floodplain with constructed side-slopes having an approximate 2:1 slope.

Conditions of approval imposed by the County of Riverside Transportation Department (RCTD), EMWD, and RCFCWCD, include:

- Temporary realignment of approximately 270 linear feet of the French Valley Creek;
- Removal of approximately 50 linear feet of concrete (to allow for suitable tie-in to existing concrete) and the placement of 170 linear feet of buried riprap on the eastern slope of French Valley Creek;
- Placement of a 620-foot-long, 18-inch-diameter steel water supply pipeline across French Valley Creek; and
- Restoration of French Valley Creek designed and vegetated to match existing condition.

Slope protection on both sides adjacent to the development area has already been installed, as has the majority of the slope protection in the general vicinity of the project. The existing concrete slope protection to the south of the Project area is partially buried. The purpose of this project is to extend bank protection for the Capistrano development, including the protection at the terminus of Skyview Road. Buried riprap will be tied into existing concrete slope protection. A portion of the existing buried concrete will be removed and replaced to provide a solid connection to riprap. Riprap will be placed in the over-excavated area and buried. Approximately 170 feet of toedown will extend 2 to 3 feet below the thalweg of the low flow channel. Prior to placing the rock, the existing slopes will be excavated to form stable areas. Over-excavation (3 to 5 feet deep depending on geotechnical recommendations) at the toe of the slope will be required to ensure stability of the riprap and to provide protection from erosion; groundwater encountered during over-excavation will be pumped to the detention basin, the suspended solids will be allowed to settle, then the groundwater will be discharged to the creek. The Applicant has agreed to remove a berm traversing the floodplain in its entirety and reuse the excess material on site. This alkali flat habitat will be planted and hydroseeded with native vegetation and monitored for 5 years. The earthen slopes required to form a surface for riprap placement will be constructed from the material reclaimed by removing the berm or from imported material. A 2:1 slope will be maintained.

Creek Relocation – Approximately 0.194 acre of temporary impact to riparian habitat will result from diverting the creek from its existing location. The creek will be re-established in essentially the same location.

Berm Removal – Approximately 0.567 acre of temporary impact to alkali flat habitat will result from activities such as removing the berm, installing the water line, and providing construction access. The area is comprised of patchy areas of native and non-native vegetation.

Bio-engineered rip-rap – Approximately 0.07 acre of impact will result from installation of the bio-engineered rip-rap on the flood protection embankment. The vegetation in this area is comprised of primarily non-native grasses.

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. Compliance with the Certification conditions will help ensure that construction and post-construction discharges from the Project will not cause onsite or offsite 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 temporarily impact 0.831 acre (270 linear feet) of 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.

All waters of the United States and/or State receiving temporary discharges will be restored upon removal of the fill. Mitigation for temporary discharges of fill to waters of the United States and/or State will be completed by the Global Investments on-site within French Valley Creek, located in the French hydrologic sub-area (HSA 902.33), at a minimum ratio of 1:1 (area mitigated:area impacted). Any future maintenance of the Project area involving a discharge of fill to waters of the United States and/or State will require a separate 401 Water Quality Certification from the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board).

The mitigation plan will adequately compensate for the loss of beneficial uses and habitat within waters of the United States and/or State associated with the discharge of fill material. Project impacts and mitigation are summarized in Section V of this Certification.

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Attachments:

- 1. Distribution List**
- 2. Location Maps**
- 3. Project Site Plans**

I. STANDARD CONDITIONS

Pursuant to section 3860 of Title 23 of the California Code of Regulations (23 CCR), 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 Article 6 (commencing with section 3867 of 23 CCR).
- 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 23 CCR subsection 3855(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 chapter 28 (commencing with section 3830) of 23 CCR and owed by the applicant.

II. GENERAL CONDITIONS

- A. **Term of Certification.** Water Quality Certification No. R9-2013-0075 (Certification) shall expire: a) upon the expiration or retraction of the Clean Water Act section 404 permit issued by the U.S. Army Corps of Engineers for this Project, or b) if the project does not begin within 5 (five) years of the date of issuance of this Certification.
- B. **General Waste Discharge Requirements.** Global Investments (Applicant) must comply with the requirements of State Water Resources Control Board Water Quality Order No. 2003-0017-DWQ, *Statewide General Waste Discharge Requirements for Discharges of Dredged or Fill Material that have Received State Water Quality Certification*. These General Waste Discharge Requirements are accessible at: http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/generalorders/gowdr401regulated_projects.pdf.
- C. **Project Conformance with Engineering Plans and Specifications.** The Applicant must, at all times, fully comply with the engineering plans, specifications and technical reports submitted to the San Diego Water Board, to support this Certification and all subsequent submittals required as part of this Certification and as described herein. The conditions within this Certification must supersede conflicting provisions within such plans submitted as part of this Certification action. Any modifications thereto, shall require notification to the San Diego Water Board and reevaluation for individual Waste Discharge Requirements and/or Certification amendment.
- D. **Project Conformance with Water Quality Control Plans or Policies.** Notwithstanding the specific conditions in this Certification, the Project shall be constructed and operated in a manner consistent with the Basin Plan and any other

applicable water quality control plans or policies for water quality control adopted or approved pursuant to the Porter Cologne Water Quality Act or section 303 of the Clean Water Act.

- E. Certification Distribution and 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. The Applicant shall be responsible for work conducted by the contractor or subcontractors.
- F. 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 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 activities, facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Certification.
 4. Sample or monitor, at reasonable times, for the purposes of assuring Certification compliance, or as otherwise authorized by the Clean Water Act or California Water Code (Water Code), any substances or parameters at any location.
- G. Enforcement Notification.** In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation must be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the Clean Water Act (CWA), 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.
- H. 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.
- I. Property Rights.** This Certification does not convey any property rights of any sort, or any exclusive privilege.

III. CONSTRUCTION BEST MANAGEMENT PRACTICES

- A. **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 Best Management Practices (BMPs) implementation and maintenance.
- B. **General Construction Storm Water Permit.** The Applicant must 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 as applicable. If the Project construction activities are not covered 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.
- C. **Waste Management.** The Applicant must properly manage, store, treat, and dispose of wastes in accordance with applicable federal, state, and local laws and regulations. The storage, handling, treatment, or disposal of waste shall not create conditions of pollution, contamination or nuisance as defined in Water Code section 13050.
- D. **Waste Management.** The dumping, deposition, or discharge of trash, rubbish or other construction debris waste directly into waters of the United States and or State, or adjacent to such waters, in any manner which may permit it being transported into the waters, is prohibited.
- E. **Hazardous Materials.** Except as authorized by this Certification, substances hazardous to aquatic life including, but not limited to, petroleum products, raw cement/concrete, asphalt, and coating materials, must be prevented from contaminating the soil and/or entering waters of the United States and/or State. BMPs must be implemented to prevent such discharges during each Project activity involving hazardous materials.
- F. **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.
- G. **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 water quality objectives of the receiving waters. Any temporary dam or other artificial obstruction constructed must only be built from materials such as clean gravel which will cause little or no siltation. Normal flows must be restored to the affected stream immediately upon completion of work at that location.

- H. **Groundwater Dewatering.** If groundwater dewatering is required for the Project, the Applicant shall enroll in and comply with the requirements of San Diego Water Board Order No. R9-2008-0002 NPDES No. CAG919002, *General Waste Discharge Requirements For Groundwater Extraction Waste Discharges From Construction, Remediation, and Permanent Groundwater Extraction Projects to Surface Waters within the San Diego Region Except for San Diego Bay.*

IV. POST-CONSTRUCTION BEST MANAGEMENT PRACTICES

- A. **Post-Construction Discharges.** The Applicant shall not allow post-construction discharges from the Project site to cause onsite or offsite downstream erosion or damage to properties or stream habitats.
- B. **Post-Construction BMP Design.** The Project must be designed to comply with the most current Water Quality Management Plan and Hydromodification Plan for the County of Riverside.
- C. **Post-Construction BMP Implementation and Maintenance.** All post-construction BMPs must be implemented, installed, and functional prior to construction completion and planned use; and maintained in perpetuity in accordance with the *California Regional Water Quality Control Board, San Diego Region Order No. R9-2007-0001, NPDES No. CAS0108758, Waste Discharge Requirements for Discharges of Urban Runoff from the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds of the County Of Riverside* or most recent California Stormwater Quality Association (CASQA)¹ guidance.

V. PROJECT IMPACTS AND COMPENSATORY MITIGATION

- A. **Project Impact Avoidance and Minimization.** The Project must avoid and minimize adverse impacts to the aquatic environment to the maximum extent practicable.
- B. **Project Impacts and Compensatory Mitigation.** Unavoidable impacts to French Valley Creek within the Santa Margarita watershed must not exceed the type of impacts and amounts described in the table below. At a minimum, compensatory mitigation amounts required to offset unavoidable 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]

	Impacts (acres)	Impacts (linear ft.)	Mitigation for Impacts (acres)	Mitigation for Impacts (linear ft.)	Mitigation Ratio (area mitigated :area impacted)
Permanent Impacts					
Streambed					
Vegetated non-wetland (Riparian)					
Wetland					
Temporary Impacts¹					
Streambed and Riparian	0.831	270	0.831	270	1:1
Wetland					

1. Must restore all areas of temporary impacts to pre-project contours and revegetate with native species.

- C. **Compensatory Mitigation Plan.** Compensatory mitigation is described in the *Habitat Mitigation and Monitoring Plan for the French Valley Creek Slope Protection at Skyview Road and Water Supply Crossing Project (HMMP)*, dated August 2013. Any deviation from the mitigation plan must be approved by the San Diego Water Board. Mitigation, monitoring, and maintenance of the mitigation areas must be implemented as described in the HMMP. Mitigation shall be considered acceptable once it has met the predetermined success criteria for the mitigation site(s) identified in the HMMP, and must be maintained during the five-year maintenance and monitoring term, in a manner that consistently meets the success criteria.
- D. **Temporary 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 to waters of the United States and/or State. Restoration must include grading of disturbed areas to pre-project contours and revegetation with native species. The Applicant must implement all necessary BMPs to control erosion and runoff from areas associated with the Project.
- E. **Mitigation Site Maintenance.** Any maintenance activities that do not contribute to the success of the mitigation site and enhancement of beneficial uses and ecological functions and services are prohibited. Maintenance activities 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 restoration program. Mitigation sites must be maintained, for a minimum of five years, 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 sites.
- F. **Mitigation Timing.** The construction of proposed mitigation must be concurrent with project grading and completed no later than 9 months following the initial discharge of dredge or fill material into on-site waters. Delays in implementing mitigation must be

compensated for by an increased mitigation implementation of 10% of the cumulative compensatory mitigation for each month of delay.

- G. **Catastrophic Natural Event.** If at any time during the implementation and establishment of the mitigation area(s), and prior to verification of meeting success criteria, a catastrophic natural event (e.g., fire, flood) occurs and impacts the mitigation area, the Applicant shall repair and replant the damaged area(s).
- H. **Mitigation Definitions.** For purposes of this Certification, establishment is defined as the creation of vegetated or unvegetated waters of the United States/State where the resource has never previously existed (e.g. conversion of nonnative grassland to a freshwater marsh). Restoration is divided into two activities, re-establishment and rehabilitation. Re-establishment is defined as the return of natural/historic functions to a site where vegetated or unvegetated waters of the United States/State previously existed (e.g., removal of fill material to restore a drainage). Rehabilitation is defined as the improvement of the general suite of functions of degraded vegetated or unvegetated waters of the United States/State (e.g., removal of a heavy infestation or monoculture of exotic plant species from jurisdictional areas and replacing with native species). Enhancement is defined as the improvement to one or two functions of existing vegetated or unvegetated waters of the United States/State (e.g., removal of small patches of exotic plant species from an area containing predominantly natural plant species). Preservation is defined as the acquisition and legal protection from future impacts in perpetuity of existing vegetated or unvegetated waters of the United States/State (e.g., conservation easement).

VI. MONITORING REQUIREMENTS

- A. **Progress Monitoring.** The Applicant must monitor compliance with this Certification, including BMP implementation, and report the monitoring results to the San Diego Water Board in accordance with the reporting requirements in section VIII of this Certification.
- B. **Monitoring Program Changes.** The San Diego Water Board may make revisions to the monitoring program at any time during the five-year monitoring term, and may include a reduction or increase in the number of parameters to be monitored, locations monitored, the frequency of monitoring, or the number and size of samples collected.

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. **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.

C. **Discharge Commencement.** The Applicant must notify the San Diego Water Board in writing **at least 5 days prior to** the actual commencement of dredge, fill, and discharge activities.

VIII. REPORTING REQUIREMENTS

- A. **Annual Project Reports.** The Applicant must submit annual progress reports describing the 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 contain a description of each incident of noncompliance and its cause, the period of the noncompliance including exact dates and times, and if the noncompliance has not been corrected, state the anticipated time it is expected to continue; and identify the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
- B. **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. Status of BMPs for the Project.
 4. As-built drawings 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.
- C. **Mitigation Monitoring Reports.** Mitigation monitoring reports must be submitted annually until mitigation has met the performance standards prescribed in the HMMP and deemed successful by the San Diego Water Board. Annual mitigation monitoring reports must be submitted prior to **March 1** of each year. 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. A description of the progress toward establishing a program to provide for maintenance in perpetuity of all mitigation areas subject to the HMMP, including a timetable for future steps;
 3. Results of the annual mitigation monitoring program described in the HMMP;
 4. An evaluation, interpretation, and tabulation of the raw quantitative and qualitative data collected in the field and the following information:

- i. Detritus cover;
 - ii. General topographic complexity characteristics at each mitigation site;
 - iii. General upstream and downstream habitat and hydrologic connectivity; and
 - iv. Source of hydrology to the mitigation areas;
 5. Qualitative and quantitative comparisons of current mitigation conditions with pre-construction conditions and previous mitigation monitoring results;
 6. An evaluation of upstream and downstream habitat and hydrologic connectivity;
 7. Stream photo documentation, including all areas of permanent and temporary impact, prior to and after Project construction, and mitigation sites, including all areas of permanent and temporary impact, prior to and after Project construction. Photo documentation must be conducted in accordance with guidelines posted at http://www.waterboards.ca.gov/sandiego/water_issues/programs/401_certification/docs/StreamPhotoDocSOP.pdf. In addition, photo documentation must include Geographic Positioning System (GPS) coordinates for each of the photo points referenced;
 8. A qualitative comparison to adjacent preserved streambed areas; and,
 9. A survey report documenting boundaries of mitigation area.
- D. **Reporting Authority.** The submittal of information under 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 13383.
- E. **Electronic and Paper Media Documents.** 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.
- F. **Document Signatory Requirements.** All applications, reports, or information submitted to the San Diego Water Board must be signed and certified as follows:
1. For a corporation, by a responsible corporate officer of at least the level of vice president.
 2. For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
 3. For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.
 4. A duly authorized representative may sign applications, reports, or information if:

- a. The authorization is made in writing by a person described above.
- b. The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.
- c. The written authorization is submitted to the San Diego Water Board Executive Officer.

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.

- G. Document Certification Requirements.** All applications, reports, or information submitted to the San Diego Water Board must be signed and certified as follows:

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

- H. 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-084: PIN 787016
2375 Northside Drive, Suite 100
San Diego, California 92108

IX. CEQA FINDINGS

- A. Riverside County Flood and Water Conservation District is the lead agency under the California Environmental Quality Act (Public Resources Code section 21000, et seq., (CEQA)), and filed a Notice of Determination of its Mitigated Negative Declaration (MND) titled *French Valley Creek Slope Protection at Skyview Road and Water Supply Crossing*. The Riverside County Flood and Water Conservation District 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 has reviewed the lead agency's Notice of Determination and also finds that the Project as proposed will have a significant effect on the environment and has conditioned mitigation measures accordingly and therefore

determines that issuance of this Certification is consistent with the Notice of Determination.

X. PUBLIC NOTIFICATION OF PROJECT APPLICATION

On October 5, 2012, receipt of the Project application was posted on the San Diego Water Board web site to serve as appropriate notification to the public. No public comments were received.

XI. SAN DIEGO WATER BOARD CONTACT PERSON

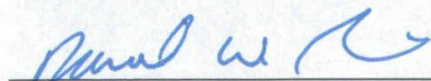
Darren Bradford, Environmental Scientist
California Regional Water Quality Control Board, San Diego Region
2375 Northside Drive, Suite 100
San Diego, California 92108
Telephone: (619) 521-3356
Email: DBradford@waterboards.ca.gov

XII. WATER QUALITY CERTIFICATION

I hereby certify that the proposed discharge from the **French Valley Creek Slope Protection at Skyview Road and Water Supply Crossing** (Certification No. 12C-084) 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 Water Quality Control Plan for the San Diego Basin Region (9) (Basin Plan).

I, David W. Gibson, Executive Officer, do hereby certify the forgoing is a full, true, and correct copy of Certification No. 12C-084 issued on October 4, 2013.



DAVID W. GIBSON
Executive Officer
San Diego Water Board

10/3/2013
Date

**ATTACHMENT 1
DISTRIBUTION LIST**

Ms. Peggy Bartels
U.S. Army Corps of Engineers
Regulatory Branch
Peggy.J.Bartels@usace.army.mil

Ms. Kim Freeburn
California Department of Fish and Game
Kim.Freeburn@wildlife.ca.gov

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

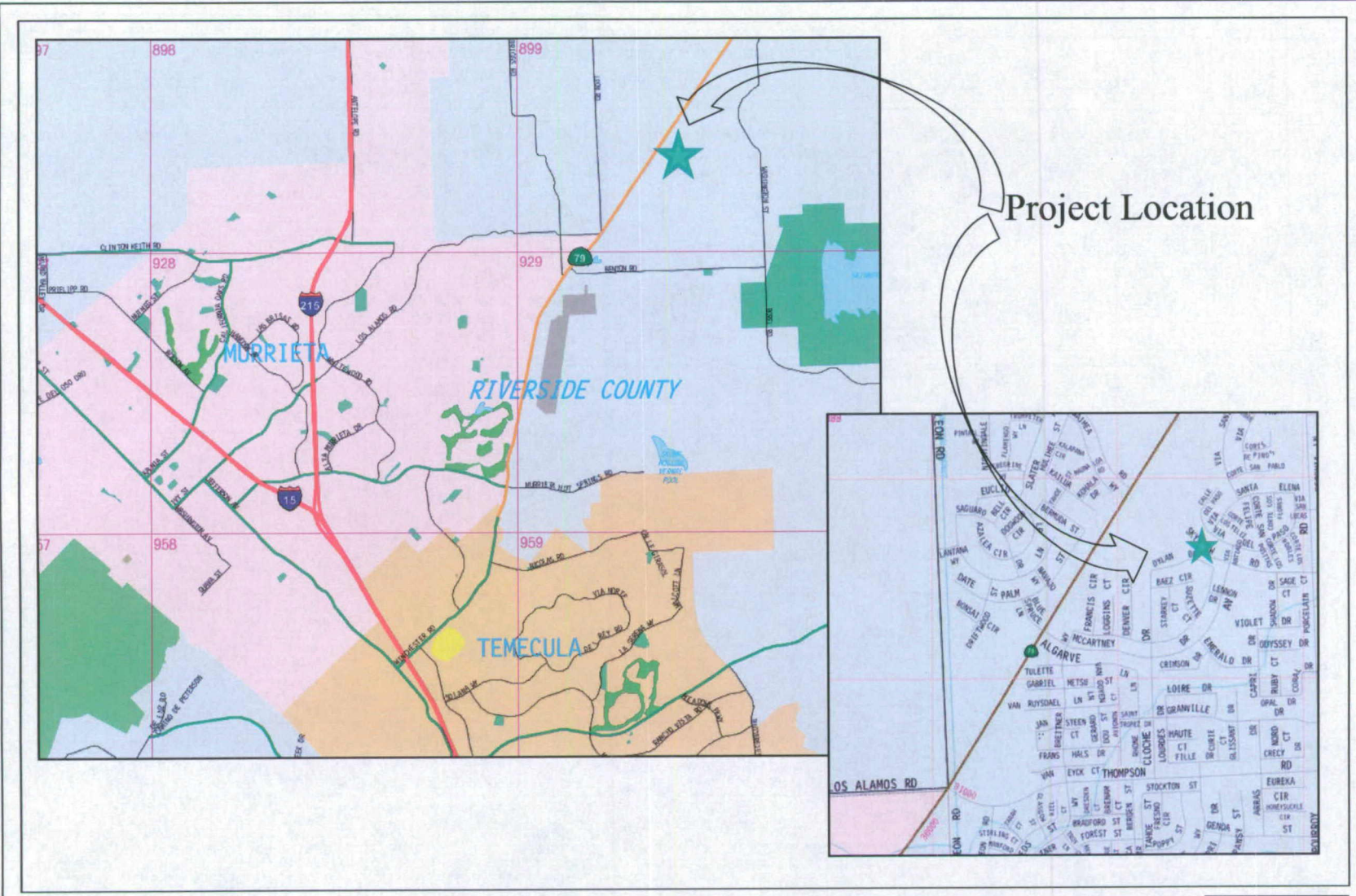
State Water Resources Control Board
Division of Water Quality
401 Water Quality Certification and Wetlands Unit
P.O. Box 100
Sacramento, CA 95812-0100
Stateboard401@waterboards.ca.gov

Ms. Lennie Rae Cooke
VCS Environmental
lrcooke@vcsenvironmental.com

Global Investments
French Valley Creek Slope Protection
Certification No. 12C-084

October 4, 2013

**ATTACHMENT 2
LOCATION MAPS**



Project Location

Project Vicinity



Figure 1
French Valley Creek Slope Protection at Skyview Road and Water Supply Crossing

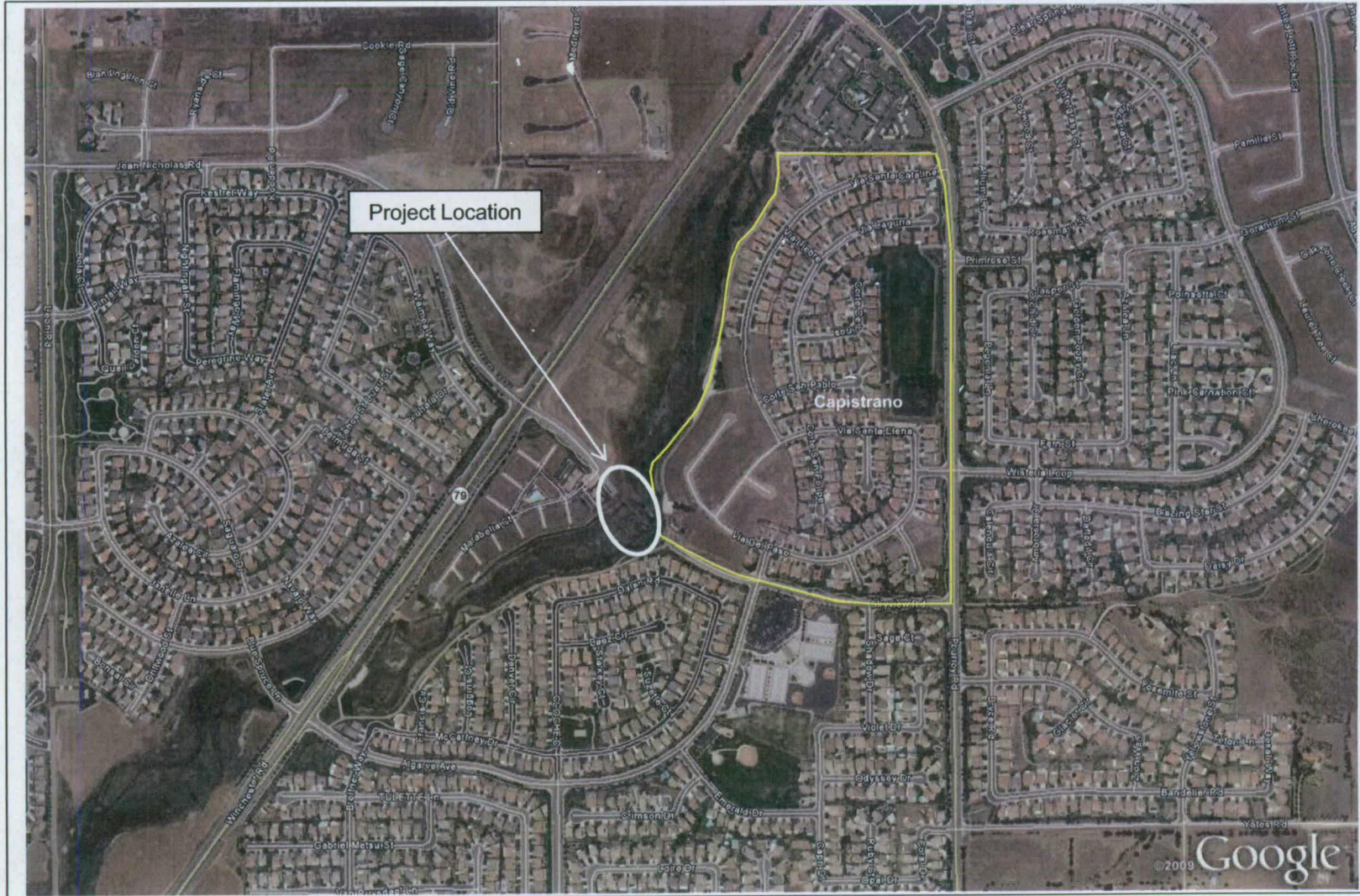


Figure 2

French Valley Creek Slope Protection at Skyview Road and Water Supply Crossing

Project Location



Global Investments
French Valley Creek Slope Protection
Certification No. 12C-084

October 4, 2013

**ATTACHMENT 3
PROJECT SITE PLANS**

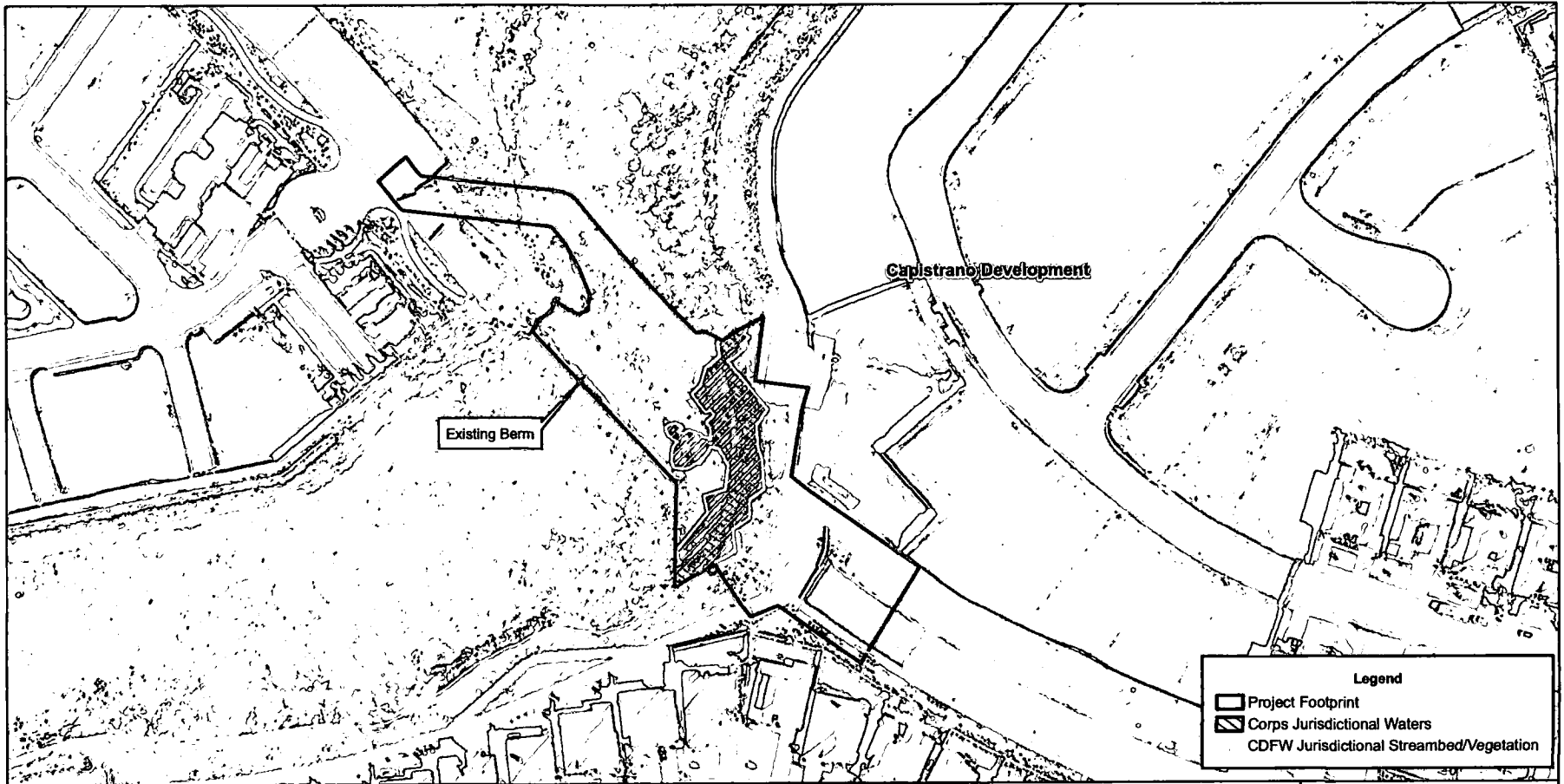
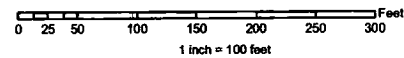
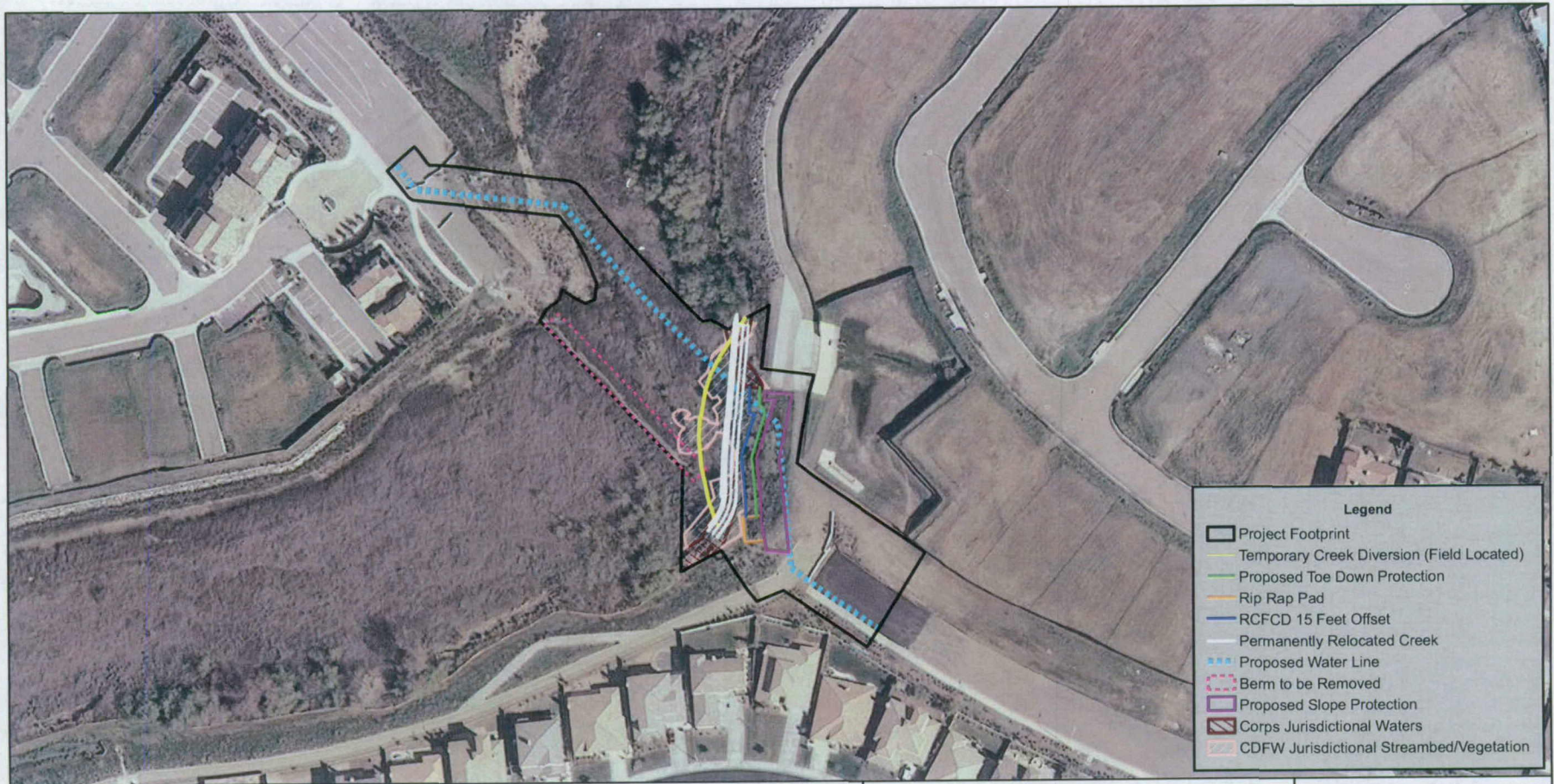


Figure 4
Existing Conditions
French Valley Creek Slope Protection at Skyview Road and Water Supply Crossing



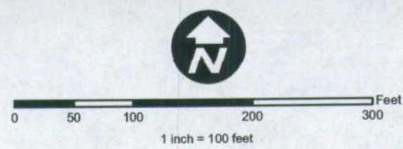
Map Created:
 March 7, 2013
 Data Sources:
 JLC Engineering



- Legend**
- Project Footprint
 - Temporary Creek Diversion (Field Located)
 - Proposed Toe Down Protection
 - Rip Rap Pad
 - RCFCD 15 Feet Offset
 - Permanently Relocated Creek
 - Proposed Water Line
 - Berm to be Removed
 - Proposed Slope Protection
 - Corps Jurisdictional Waters
 - CDFW Jurisdictional Streambed/Vegetation



Figure 5a **Proposed Project**
French Valley Creek Slope Protection at Skyview Road and Water Supply Crossing



Map Created:
 July 15, 2013
 Data Sources:
 JLC Engineering



Legend



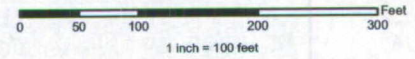
-  Project Footprint
-  Temporary Impacts













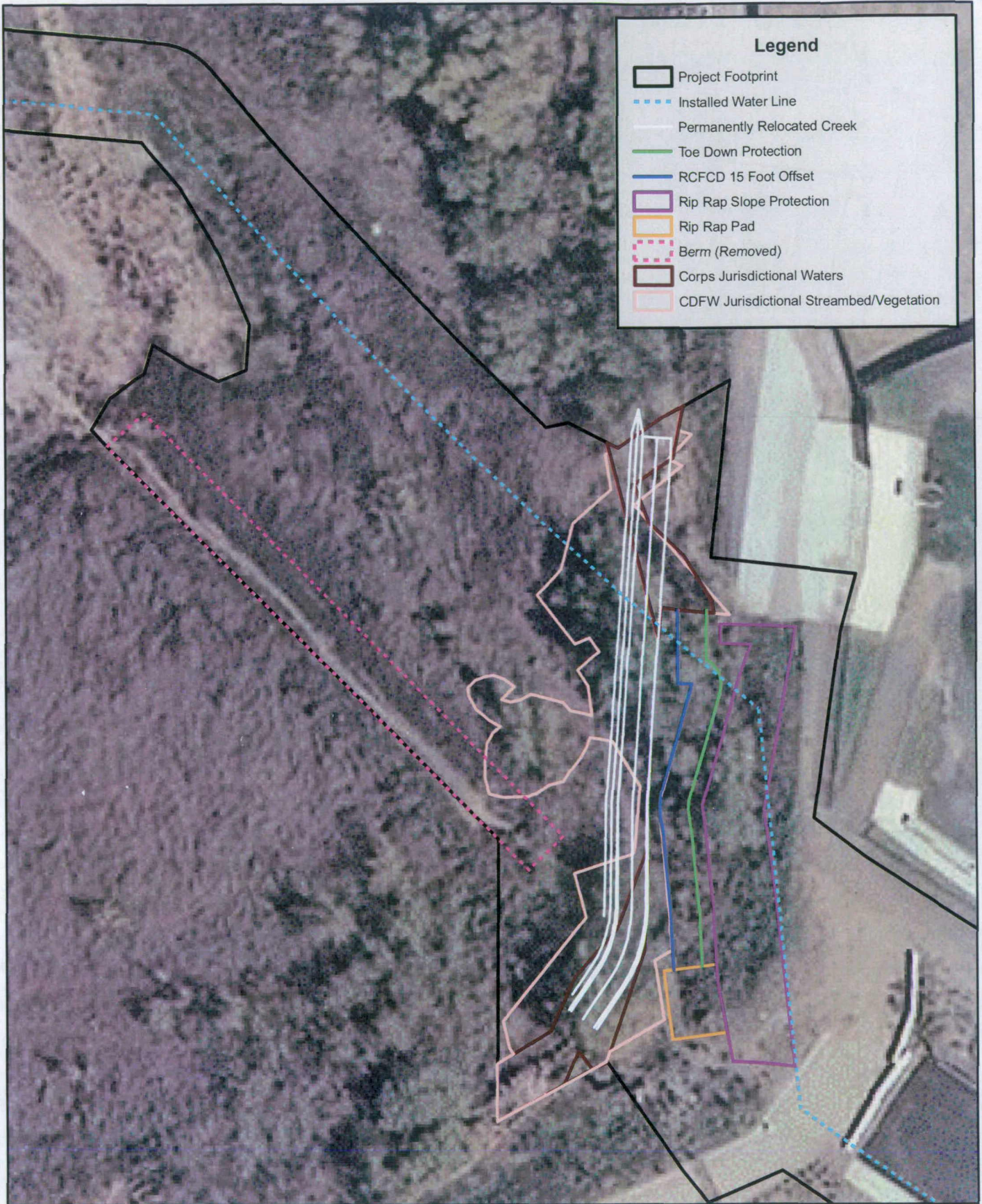
Figure 5b Proposed Temporary Project Impacts
French Valley Creek Slope Protection at Skyview Road and Water Supply Crossing



Map Created:
 July 15, 2013
 Data Sources:
 JLC Engineering

Legend

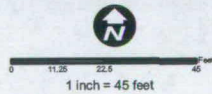
-  Project Footprint
-  Installed Water Line
-  Permanently Relocated Creek
-  Toe Down Protection
-  RCFCD 15 Foot Offset
-  Rip Rap Slope Protection
-  Rip Rap Pad
-  Berm (Removed)
-  Corps Jurisdictional Waters
-  CDFW Jurisdictional Streambed/Vegetation



Prepared By:



Map Created: 6/12/2013



Data Sources: JLC Engineering

French Valley Creek Slope Protection at
Skyview Road and Water Supply Crossing
Future Conditions
FIGURE 6



Legend







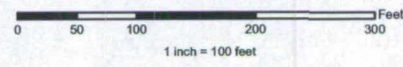
-  Project Footprint
-  Maintenance Area (permanent)
-  Upland (temporary)
-  Riparian (temporary)
-  Alkali Soils (temporary)
-  Berm to be Removed (temporary)



Figure 7
Project Impacts (by vegetation type)
French Valley Creek Slope Protection at Skyview Road and Water Supply Crossing



Map Created:
 July 29, 2013
 Data Sources:
 JLC Engineering



Legend

- RCA CE
- RCFC & WCD R/W
- RCTD & RCFC & WCD Slope R/W
- Skyview Road R/W
- Valley Wide R/W
- RCFC 15 Feet Offset



Figure 3
Constraints Map
 French Valley Creek Slope Protection at Skyview Road and Water Supply Crossing



0 25 50 100 150 200 250 300 Feet
 1 inch = 100 feet

Map Created:
 May 31, 2013
 Data Sources:
 JLC Engineering

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