

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

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<http://www.waterboards.ca.gov/sandiego/>

**Amendment No. 1 to Clean Water Act Section 401
Water Quality Certification No. R9-2013-0036**

**PROJECT: Planning Area 2
Certification Number R9-2013-0036
WDID: 900002556**

**APPLICANT: Rancho Mission Viejo
28811 Ortega Highway
San Juan Capistrano, CA 92675**

Reg. Meas. ID: 389060
Place ID: 791639
Party ID: 297330
Person ID: 73367

On August 29, 2013, Clean Water Act Section 401 Water Quality Certification No. R9-2013-0036 (Certification) was issued to Rancho Mission Viejo (Applicant) for the Planning Area 2 Project (Project).

By letter dated August 25, 2014, Glenn Lukos Associates, on behalf of the Applicant, requested the Certification be amended to construct a 120 foot high engineered fill berm between the Planning Area 2 (PA2) development and the existing Santa Margarita Water District (SMWD) Chiquita Wastewater Treatment Plant (CWTP). Water Quality Certification No. R9-2013-0036 authorized fill of an ephemeral drainage to the limits of the PA2 boundary. The grading proposed on SMWD property will fill 0.024 acre (345 linear feet) of an ephemeral drainage between the PA2 project boundary and the downstream segment of the drainage which is a concrete channel.

Based on the Applicant's request, the San Diego Water Board is amending the Certification. Except as modified or superseded by the Certification modifications set forth below, all of the findings, provisions and other requirements of Certification No. R9-2013-0036 remain in full force and effect. The following changes are made to Certification No. R9-2013-0036 and are shown in underline/strikeout format to indicate added and removed language.

1. Page 2, PROJECT DESCRIPTION is modified as follows:

Project construction will permanently impact ~~4.30~~ 1.324 acre (~~20,046~~ 20,361 linear feet) of vegetated and unvegetated waters of the United States and/or State. The Project will also permanently impact 0.08 acre (2,439 linear feet) of isolated waters of the 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 ~~4.38~~ 1.404 acres of jurisdictional waters will be achieved through the establishment, enhancement, and preservation of waters of the United States and/or State. No waters of the United States and/or State will receive temporary discharges of fill associated with the Project. Compensatory mitigation for permanent discharges of fill to on-site wetland and vegetated non-wetland waters of the United States and/or State has been completed 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 4.26:1 (area mitigated:area impacted). Compensatory mitigation for permanent off-site discharges of fill to 0.024 acre (345 linear feet) of vegetated non-wetland waters of the United States and/or State has been completed by the Applicant at the GERA at a 5.8:1 ratio (0.14 acre, 900 linear feet of mitigation). The GERA is protected and preserved under a recorded conservation easement. Additionally, Project impacts to waters vegetated with coast live oak riparian forest totaling 0.32 acre will also be mitigated through preservation of 24 acres of coast live oak riparian forest within the Planning Area 2 Aquatic Resource Conservation Area (ARCA) established by the San Juan Creek/Western San Mateo Creek Watershed Special Area Management Plan (SAMP) process.

2. Page 5, The STANDARD CONDITIONS are replaced with the following:

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 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.

3. Page 11, PROJECT IMPACTS AND COMPENSATORY MITIGATION condition A. is modified as follows:

Unavoidable Project impacts to San Juan Creek, Chiquita Creek, and their unnamed tributaries within the San Juan Watershed (San Juan hydrologic unit, Mission Viejo hydrologic area, Gobernadora hydrologic sub area) must be limited to the impacts listed in the table below. At a minimum, compensatory mitigation to offset these impacts to waters of the United States and/or State must be achieved as described in the table below:

	Impacts (acres)	Impacts (linear ft.)	Mitigation for Impacts (acres)	Mitigation for Impacts (linear ft.)	Mitigation Ratio (area mitigated :area impacted)
Permanent Impacts					
Streambed (non-vegetated)	0.38	9,476	0.40 Enhancement ¹	1,041	1:1 ⁵
Wetland	0.04	122	0.17 Establishment ²	925	4.26:1
<u>On-site - Vegetated non-wetland (Riparian)</u>	0.96	12,979	4.09 Establishment ³	925	4.26:1
<u>Off-site - Vegetated non-wetland (Riparian)</u>	<u>0.024</u>	<u>345</u>	<u>0.14</u> Establishment ²	<u>900</u>	<u>5.8:1</u>
Temporary Impacts⁴					
Streambed and Riparian	None				
Wetland	None				

1. Streambed arundo removal enhancement within San Juan Creek consistent with the ISCP.
2. Wetland/Riparian establishment at the GERA. 4.26 4.40 acres of wetland establishment has been completed in the GERA as of the date of issuance of this Certification.
3. 0.32 acre of this mitigation is Coast Live Oak Riparian Forest. Additional mitigation for 0.32 acre of ephemeral waters vegetated with Coast Live Oak Riparian Forest shall be mitigated

through preservation of 24 acres of Coast Live Oak Riparian Forest within the Planning Area 2 ARCA.

4. No waters of the United States and/or State shall receive temporary discharges of fill associated with the Project.
5. Mitigation for permanent discharges of fill into non-vegetated waters of the United States and /or State shall be achieved at a 2:1 functional ratio, which translates to a minimum mitigation ratio of 1:1 (area mitigated:area impacted).

4. Page 12, PROJECT IMPACTS AND COMPENSATORY MITIGATION Condition E.1 is modified as follows:

Compensatory mitigation for permanent discharges of fill to ~~4.38~~ 1.404 acres of waters of the United States and/or State shall be achieved as follows:

Vegetated Waters

- a. Mitigation for on-site permanent discharges of fill into wetlands and other vegetated waters of the United States and/ or State shall be achieved at a minimum 4.26:1 ratio by the maintenance in perpetuity of no less than 4.26 acres of previously established wetland waters of the United States and/ or State at the GERA. In addition, mitigation for permanent off-site discharges of fill into vegetated waters of the United States and/ or State on SMWD property shall be achieved at a minimum 5.8:1 ratio by the maintenance in perpetuity of no less than 0.14 acre of previously established wetland waters of the United States and/ or State at the GERA. The ~~4.26~~ 4.40 acres shall serve as mitigation exclusively for this Project; and
- b. Impacts to waters vegetated with Coast Live Oak Riparian Forest (0.32 acre) shall be mitigated through preservation of 24 acres of Coast Live Oak Riparian Forest within the Planning Area 2 ARCA.

5. Page 18, REPORTING REQUIREMENT Condition E. is modified 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.

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 (MB) 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. R9-2013-0036:PIN 791639
2375 Northside Drive, Suite 100
San Diego, California 92108

Each electronic document must be submitted as a single file, in Portable Document Format (PDF) format, 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. R9-2013-0036:PIN 791639

6. Page 19, REPORTING REQUIREMENT Condition H. is modified 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 No. R9-2013-0036: PIN 791639
2375 Northside Drive, Suite 100
San Diego, California 92108~~

7. Page 20, CEQA FINDINGS are modified as follows:

A. 1. On-site Impacts: Rancho Mission Viejo Property:

The County of Orange 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 their Environmental Impact Report (EIR) titled *The Ranch Plan (Planning Application PA010114* and filed a subsequent Notice of Determination of their Planning Area 2 Addendum to Final EIR No. 589 (*Planning Application PA 130001 through PA 13004 and PA 130006*, on March 27, 2013). The County of Orange has determined the Project will have a significant effect on the environment and mitigation measures were made a condition of the Project; and

2. Off-site Impacts: Construction on SMWD Property:

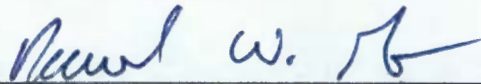
The SMWD is the lead agency under the California Environmental Quality Act (Public Resources Code section 21000, et seq., (CEQA)), and filed a Notice of Determination of their Mitigated Negative Declaration (MND) titled Final Initial Study and Mitigated Negative Declaration Chiquita Water Reclamation

Plant Expansion, on February 19, 2014. The SMWD 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.

Petitions. 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. 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. R9-2013-0036 issued on January 16, 2015.



David W. Gibson
Executive Officer
Regional Water Quality Control Board

16 January 2015
Date



Legend

- RWQCB Isolated Non-Wetland Waters
- RWQCB Isolated Wetland
- Planning Area 2
- RWQCB Non-Wetland Waters
- RWQCB Wetland
- PA 2 Project Footprint
- PA 2 Offsite Remedial Grading
- Cow Camp Road Project Footprint
- PA 2 Avoided







PLANNING AREA 2
RANCHO MISSION VIEJO
 RWQCB Jurisdictional Delineation/Impact Map

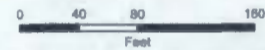
GLENN LUKOS ASSOCIATES

Exhibit 1



Legend

-  PA 2/SMWD Property Boundary
-  RWQCB Non-Wetland Waters
-  PA 2 Permitted Corps/CDFW Jurisdiction
-  Concrete Channel



PLANNING AREA 2
RANCHO MISSION VIEJO
 RWQCB Jurisdictional Delineation/Impact Map

GLENN LUKOS ASSOCIATES

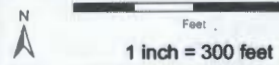


Exhibit 2

1:00 100' ONLY FOR REFERENCE. THIS MAP IS A PRELIMINARY DELINEATION OF JURISDICTION.
 February 4, 2014



Reference Elevation Datum: State Plane 6 NAD 83
 Aerial Photo: Eagle Aerial
 Map Prepared by: K. Kartunen, GLA
 February 6, 2014



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 Ammdment - 0.14 ac SWS

PLANNING AREA 2
RANCHO MISSION VIEJO
 Gobernadora Ecological Restoration Area

GLENN LUKOS ASSOCIATES

Exhibit 3

X:\00_0362_CRM\Y02239_15\Mitigation\GERA\239-15_PA2_02-05-14.mxd

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: Planning Area 2
Certification Number R9-2013-0036
WDID: 9000002556

Reg. Meas. ID: 389060
Place ID: 791639
Party ID: 297330
Person ID: 73367

APPLICANT: Rancho Mission Viejo
28811 Ortega Highway
San Juan Capistrano, CA 92675

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

Rancho Mission Viejo (hereinafter Applicant) submitted an application dated February 6, 2013, for Water Quality Certification pursuant to section 401 of the Clean Water Act for the proposed Planning Area 2 (Project). The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) deemed the application to be complete on April 14, 2013. The Applicant proposes to discharge fill material to waters of the United States and/or State associated with construction activity at the Project site.

The Project site is located at Rancho Mission Viejo, east of Interstate 5, and north of San Juan Creek, at 28811 Ortega Highway (33.526459, -117.613518), in the City of San Juan Capistrano, Orange County, California.

The Applicant proposes the development of residential properties, an urban activity center, a neighborhood commercial center, as well as public facilities, public parklands, and open space. Planning Area 2 will consist of 845 gross acres (3,291 dwelling units), 45 acres of urban activity center uses, and 5 acres of neighborhood commercial center uses, as part of the Rancho Mission Viejo Ranch Plan (Ranch Plan). The Ranch Plan addresses long term

planning for 22,815 acres owned by the Applicant. The Ranch Plan proposes up to 14,000 dwelling units, as well as retail, office, and recreational uses, within a development area of approximately 5,873 acres. The remaining 16,942 acres will be retained as open space.

The supporting infrastructure proposed includes roadways, water storage and wastewater conveyance facilities, and a sewer lift station. In addition to water distribution lines providing connection to individual land uses within Planning Area 2, the Project will include the installation of water mains for both domestic and non-domestic water. The water mains will be located predominately within the existing ranch road in Chiquita Canyon.

The proposed drainage system for the Project is designed to provide (1) storm water management; (2) flood protection; (3) water quality treatment; and (4) hydrologic mitigation. Consistent with the Ranch Plan Master Plan of Drainage, the system will include outfalls to San Juan Creek, an unnamed tributary to San Juan Creek, and Chiquita Canyon¹. Planning Area 2 is divided into 5 subareas; four (4) of these subareas are the subject of this Certification (the Applicant does not propose to develop Subarea 2.5 at this time).

Local flood control mitigation basins will provide flood control at each of the storm drain outlets and provide protection for the San Juan Creek tributaries by reducing the peak storm flow rates to pre-project conditions. The basins have been designed as flow-through basins, where runoff from the entire upstream area drains through the basin. The basins are separate facilities from the water quality and hydromodification facilities.

The Project will add approximately 450 acres of additional impervious surface. Post-construction best management practices (BMPs) will consist of Source Control BMPs, Site Design and Low Impact Development (LID) BMPs, and Project-based Treatment Control BMPs that will meet Orange County's Low Impact Development (LID) capture volume and hydromodification treatment requirements.

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 permanently impact 1.30 acre (20,016 linear feet) of vegetated and unvegetated waters of the United States and/or State. The Project will also permanently impact 0.08 acre (2,439 linear feet) of isolated waters of the State. The Applicant reports that the Project purpose cannot be practically accomplished in a manner which would avoid or

¹ The outfalls to San Juan Creek and Chiquita Canyon have been permitted through Certification No. 12C-067 issued for the Cow Camp Road project.

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 1.38 acres of jurisdictional waters will be achieved through the establishment, enhancement, and preservation of waters of the United States and/or State. No waters of the United States and/or State will receive temporary discharges of fill associated with the Project. Compensatory mitigation for permanent discharges of fill to wetland and vegetated non-wetland waters of the United States and/or State has been completed 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 4.26:1 (area mitigated:area impacted). The GERA is protected and preserved under a recorded conservation easement. Additionally, Project impacts to waters vegetated with coast live oak riparian forest totaling 0.32 acre will also be mitigated through preservation of 24 acres of coast live oak riparian forest within the Planning Area 2 Aquatic Resource Conservation Area (ARCA) established by the San Juan Creek/Western San Mateo Creek Watershed Special Area Management Plan (SAMP) process.

Compensatory mitigation for discharges of fill to non-vegetated waters of the United States and/or State (streambed) will be achieved at a minimum ratio of 1:1 (area mitigated: area impacted) by implementation of the Invasive Species Control Plan (ISCP) (July 2006, Glenn Lukos Associates, Inc.) in accordance with the SAMP. The Applicant has demonstrated through the functional assessment that such a ratio for invasive species removal will provide more than a 1:1 functional replacement for the loss of the on-site streambeds. In addition, implementation of the SAMP will ensure that the highest value aquatic resources in the Ranch Plan are maintained in a manner that will ensure long-term viability. Without the comprehensive planning efforts that provide the context for the mitigation program, invasive species removal would likely not be an acceptable mitigation proposal for the significant loss of non-vegetated streambeds. Invasive species removal is proposed to mitigate for streambed fills because the SAMP process identified the eradication of exotic, invasive species in San Juan Creek and tributaries as a high priority for meeting the SAMP objectives of long-term viability of the aquatic resources. In addition, the Applicant will implement the Aquatic Resource Conservation Plan to promote aquatic resource functions and services within San Juan Creek and western San Mateo Creek watersheds. The Applicant's mitigation plans include a funding mechanism for in perpetuity monitoring and maintenance of the mitigation sites. Based on all of these considerations, the mitigation plans 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**
- 4. Mitigation Figures**

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. Water Quality Certification No. R9-2013-0036 (Certification) shall expire 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 five (5) years from the date of issuance of this Certification, whichever comes first.
- B. Rancho Mission Viejo (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. The Applicant must, at all times, fully comply with the engineering plans, specifications and technical reports submitted to the California Regional Water Quality Control Board, San Diego Region (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. 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.
- E. 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 premises where a regulated facility or activity is located or conducted, or in which records are 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 and photograph, at reasonable times, any 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.
- F. In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation must be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the Clean Water Act (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.
- G. In response to a suspected violation of any condition of this Certification, the San Diego Water Board may, pursuant to Water Code sections 13267 and 13383, require the holder of any permit or license subject to this Certification to investigate, monitor, and report information on the violation. The only restriction is that the burden, including costs of preparing the reports, must bear a reasonable relationship to the need for and the benefits to be obtained from the reports.
- H. In response to any violation of the conditions of this Certification, or if the results of the Project have unintended impacts to water quality, the San Diego Water Board may modify the conditions of this Certification as appropriate to ensure compliance.

III. CONSTRUCTION BEST MANAGEMENT PRACTICES

- A. 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. 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.
- C. 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.
- D. The treatment, storage, and disposal of wastewater discharged to land or surface waters during the life of the Project must be done in accordance with waste discharge requirements established by the San Diego Water Board pursuant to Water Code sections 13260 and 13376.
- E. Discharges of concentrated flow during construction or after completion must not cause downstream erosion or damage to properties or stream habitat.
- F. Water containing mud, silt, or other pollutants from equipment washing or other activities, must not be discharged to waters of the United States and/or State or placed in locations that may be subjected to storm 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.
- G. 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. All areas that have 14 or more days of inactivity must be stabilized within 14 days of the last activity. The Applicant is responsible for implementing and maintaining 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 found online at <http://www.cal-ipc.org/ip/inventory/weedlist.php>.
- I. 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.
- J. Removal of vegetation must occur by hand, mechanically, or using United States Environmental Protection Agency (USEPA) approved herbicides deployed using applicable BMPs to prevent impacts to beneficial uses of waters of the United States and/or State. Use of aquatic pesticides must be done in accordance 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.
- K. The Applicant shall visually define all areas of disturbance to waters of the United State and/or State prior to implementing Project activities within those areas to ensure that all personnel working within those areas can clearly identify the limits of disturbance. The Applicant shall designate an on-site qualified biologist to monitor Project construction activities within or next 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 onsite if a violation occurs or has the potential to occur. The Applicant must report violations to the San Diego Water Board consistent with section VII.A. of this Certification. 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.

IV. POST-CONSTRUCTION BEST MANAGEMENT PRACTICES

- A. 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. All storm drain inlet structures within the Project boundaries must be stamped and/or stenciled (or equivalent) with appropriate language prohibiting non-storm water discharges.
- C. The Project shall meet the development requirements under section F.1 of Order No. R9-2009-0002, Waste Discharge Requirements for Discharges of Runoff from the Municipal Separate Storm Sewer Systems (MS4) Draining the Watershed of the County

of Orange, the Incorporated Cities of Orange County, and the Orange County Flood Control District within the San Diego Region (Order).

- D. All post-construction BMPs must be implemented, installed, and functional prior to construction completion, occupancy, and/or planned use, and maintained in perpetuity. The post construction BMPs must include those described in the *Draft Master Area, Conceptual Water Quality Management Plan (WQMP) For the Ranch Plan Planning Area 2*, dated January 25, 2013, prepared by RBF Consulting, or any subsequent version of the WQMP approved by the County of Orange.
- E. Post-construction BMPs, including those described in the WQMP, must treat 100 percent of the added impervious surface and must be sized to comply with the following numeric sizing criteria:
 - 1. Volume-based BMPs must be designed to mitigate (infiltrate, filter, or treat) either:
 - a. The volume of runoff produced from a 24-hour 85th percentile storm event, as determined from the local historical rainfall record; or
 - b. The volume of runoff, as determined from the local historical rainfall record, that achieves approximately the same reduction in pollutant loads and flows as achieved by mitigation of the 85th percentile 24-hour runoff event.
 - 2. Flow-based BMPs must be designed to mitigate (infiltrate, filter, or treat) either:
 - a. The maximum flow rate of runoff produced from a rainfall intensity of 0.2 inch of rainfall per hour; or
 - b. The maximum flow rate of runoff produced by the 85th percentile hourly rainfall intensity, as determined from the local historical rainfall record, multiplied by a factor of two; or
 - c. The maximum flow rate of runoff, as determined from the local historical rainfall record, that achieves approximately the same reduction in pollutant loads and flows as achieved by mitigation of the 85th percentile hourly rainfall intensity multiplied by a factor of two.

- F. The post construction BMPs must be maintained in accordance with the most recent California Storm Water Quality Association (CASQA)² guidance and the Orange County Technical Guidance Document. Maintenance activities shall include, but are not limited to:
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. Semiannual inspection for the beginning and end of the wet season for standing water, slope stability, sediment accumulation, trash and debris, and presence of burrows;
 3. Removal of accumulated trash and debris as needed to ensure proper functioning of the BMP;
 4. Perform all preventive and corrective maintenance; and
 5. Maintain a log documenting all BMP inspections and maintenance activities.
- G. 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 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.
- H. 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*.
- I. The Applicant shall provide each lot purchaser with a lot map that clearly identifies the location and purpose of typical storm water site design, pollution prevention, and treatment BMP features for the Project subarea. Each lot purchaser shall also be educated regarding pollution prevention activities.

² 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]

V. PROJECT IMPACTS AND COMPENSATORY MITIGATION

A. Unavoidable Project impacts to San Juan Creek, Chiquita Creek, and their unnamed tributaries within the San Juan Watershed (San Juan hydrologic unit, Mission Viejo hydrologic area, Gobernadora hydrologic sub area) must be limited to the impacts listed in the table below. At a minimum, compensatory mitigation to offset these impacts to waters of the United States and/or State must be achieved as described in the table below :

	Impacts (acres)	Impacts (linear ft.)	Mitigation for Impacts (acres)	Mitigation for Impacts (linear ft.)	Mitigation Ratio (area mitigated :area impacted)
Permanent Impacts					
Streambed (non-vegetated)	0.38	9,476	0.40 Enhancement ¹	1,041	1:1 ⁵
Wetland	0.04	122	0.17 Establishment ²	925	4.26:1
Vegetated non-wetland (Riparian)	0.96	12,979	4.09 Establishment ³	925	4.26:1
Temporary Impacts⁴					
Streambed and Riparian	None				
Wetland	None				

1. Streambed arundo removal enhancement within San Juan Creek consistent with the ISCP.
2. Wetland/Riparian establishment at the GERA. 4.26 acres of wetland establishment has been completed in the GERA as of the date of issuance of this Certification.
3. 0.32 acre of this mitigation is Coast Live Oak Riparian Forest. Additional mitigation for 0.32 acre of ephemeral waters vegetated with Coast Live Oak Riparian Forest shall be mitigated through preservation of 24 acres of Coast Live Oak Riparian Forest within the Planning Area 2 ARCA.
4. No waters of the United States and/or State shall receive temporary discharges of fill associated with the Project.
5. Mitigation for permanent discharges of fill into non-vegetated waters of the United States and /or State shall be achieved at a 2:1 functional ratio, which translates to a minimum mitigation ratio of 1:1 (area mitigated:area impacted).

B. Compensatory mitigation and the long-term management of the mitigation areas are described in the (1) *Aquatic Resources Habitat Restoration Plan (ARHRP)* prepared for the EIR, and (2) *Invasive Species Control Plan (ISCP)* (July 2006, Glenn Lukos Associates, Inc.). The ARHRP and the ISCP are incorporated by reference as if set forth herein. Mitigation, monitoring, maintenance, and the long-term management of the mitigation areas must be implemented as described in the ARHRP and the ISCP. Any deviation from, or revisions to, the ARHRP or the ISCP must be approved by the San Diego Water Board.

C. Compensatory mitigation required under this Certification shall be considered achieved once it has met the predetermined success criteria for the mitigation site(s) identified in

the ARHRP and ISCP.

- D. The Applicant shall protect and maintain the compensatory mitigation site(s), in perpetuity and in conformance with the success criteria contained in the ARHRP and the ISCP. All mitigation areas shall be protected in perpetuity from land-use and maintenance activities that may threaten water quality or beneficial uses within the mitigation area. The mitigation sites 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 sites
- E. Compensatory mitigation for permanent discharges of fill to 1.38 acres of waters of the United States and/or State shall be achieved as follows:

1. Vegetated Waters

- a. Mitigation for permanent discharges of fill into wetlands and other vegetated waters of the United States and/ or State shall be achieved at a minimum 4.26:1 ratio by the maintenance in perpetuity of no less than 4.26 acres of previously established wetland waters of the United States and/ or State at the GERA. The 4.26 acres shall serve as mitigation exclusively for this Project; and
- b. Impacts to waters vegetated with Coast Live Oak Riparian Forest (0.32 acre) shall be mitigated through preservation of 24 acres of Coast Live Oak Riparian Forest within the Planning Area 2 ARCA.

2. Streambed

- a. Mitigation for permanent discharges of fill into non-vegetated waters of the United States and/or State shall be achieved at a 2:1 functional ratio, which translates to a minimum mitigation ratio of 1:1 (area mitigated: area impacted). Mitigation must be achieved by implementation of the ISCP for no less than 0.40 acres within San Juan Creek. For the purpose of determining mitigation credit for the removal of exotic/invasive plant species, only the actual area occupied by exotic/invasive plant species shall be quantified to comply with mitigation requirements; and
- b. If the functional assessment monitoring described in the ISCP cannot demonstrate, after five years of mitigation monitoring, that the estimated functional benefits have been achieved, the Applicant must propose and implement mitigation for streambed impacts within the same watershed as the impact site. The Applicant shall propose in-kind establishment at a 1:1 ratio (area mitigated: area impacted), or restoration at a 2:1 ratio, or a combination thereof as appropriate for the site conditions and functional benefits achieved

to date. The mitigation proposal must be submitted as part of the year five mitigation monitoring report required in section VIII.C of this Certification. The Applicant shall implement the mitigation proposal in accordance with the schedule contained in the proposal unless otherwise directed in writing by the San Diego Water Board.

- F. 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 re-vegetation with native species. The Applicant must implement all necessary BMPs to control erosion and runoff from areas associated with the Project.
- G. The mitigation sites must be designed, constructed, and maintained, in perpetuity, in conformance with, at a minimum, 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 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.
- H. Arundo removal conducted under the ISCP must be completed no later than nine months following the discharge of fill into on-site waters of the State. 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. 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.
- J. 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).

- K. San Diego Water Board acceptance of the final 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.
- L. For purposes of this Certification, establishment is defined as the creation of vegetated or unvegetated waters of the United States/State where the resource has never previously existed (e.g. conversion of nonnative grassland to a freshwater marsh). Restoration is divided into two activities, re-establishment and rehabilitation. Re-establishment is defined as the return of natural/historic functions to a site where vegetated or unvegetated waters of the United States/State previously existed (e.g., removal of fill material to restore a drainage). Rehabilitation is defined as the improvement of the general suite of functions of degraded vegetated or unvegetated waters of the United States/State (e.g., removal of a heavy infestation or monoculture of exotic plant species from jurisdictional areas and replacing with native species). Enhancement is defined as the improvement to one or two functions of existing vegetated or unvegetated waters of the United States/State (e.g., removal of small patches of exotic plant species from an area containing predominantly natural plant species). Preservation is defined as the acquisition and legal protection from future impacts in perpetuity of existing vegetated or unvegetated waters of the United States/State (e.g., conservation easement).

VI. MONITORING REQUIREMENTS

A. Hybrid Wetland Functional Assessment

The Hybrid Wetland Functional Assessment must be utilized at the impact and mitigation sites prior to impacts to establish pre-project baseline conditions, set ecological success criteria, and assess mitigation site progress as specified in the Hybrid Wetland Functional Assessment (July 2006) prepared by Glenn Lukos Associates, Inc. If the assessment cannot demonstrate that the estimated benefits have been achieved, the functional assessment shall be repeated every two years afterwards until the benefits have been demonstrated. The functional assessments shall be conducted using the same methodology as in the Draft Hybrid Wetland Functional Assessment.

B. 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.

C. Changes to Monitoring Program

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. 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. 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. The Applicant must record conservation easements for the ISCP areas pursuant to the Phased Dedication Program as set forth in the Special Area Management Plan (SAMP) and the Southern Orange County Subregion Habitat Conservation Plan (HCP) Implementation Agreement. **Within 90 days** following recordation of the conservation easement, the Applicant must submit proof of the completed conservation easement protecting all mitigation areas and their buffers in perpetuity. The conservation easement, deed restriction, or other legal limitation on the mitigation property must be adequate to demonstrate that the site will be maintained without future development or encroachment on the site which could otherwise reduce the functions and values of the site for the variety of beneficial uses of waters of the State that it supports. The legal limitation must prohibit all residential, commercial, industrial, institutional, and transportation development, and any other infrastructure development that would not maintain or enhance the wetland and streambed functions and values of the site, except those specific uses defined as "Covered Activities" in the HCP and SAMP that are allowed within the HCP Habitat Reserve and/or SAMP Aquatic Resource Conservation Areas, respectively. The preservation mechanism must clearly prohibit activities that would result in soil disturbance or vegetation removal, other than the removal of non-native vegetation. Other infrastructure development to be prohibited includes, but is not limited to, additional utility lines, maintenance roads, and areas of maintained landscaping for recreation.
- D. The 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"; and
 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, for a period of not less than five years, until the compensatory mitigation has met success criteria. 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 ISCP, including a timetable for future steps;
 3. Results of the annual mitigation monitoring program described in the ISCP and results from the functional assessment conducted after the fifth year of monitoring;

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;
 9. A survey report documenting boundaries of mitigation area;
 10. All other items specified in the Invasive Control Plan; and
 11. As required by section V.C.2.b of this Certification, a streambed mitigation proposal.
- D. 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. 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. 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.

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. 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. 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. R9-2013-0036: PIN 791639
2375 Northside Drive, Suite 100
San Diego, California 92108

IX. CEQA FINDINGS

- A. The County of Orange 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 their Environmental Impact Report (EIR) titled *The Ranch Plan (Planning Application PA010114* and filed a subsequent Notice of Determination of their Planning Area 2 Addendum to Final EIR No. 589 (*Planning Application PA 130001 through PA 13004 and PA 130006*, on March 27, 2013). The County of Orange 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 February 13, 2013, 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: 858-637-7137
Email: DBradford@waterboards.ca.gov

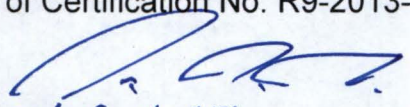
XII. WATER QUALITY CERTIFICATION

I hereby certify that the proposed discharge from the **Rancho Mission Viejo Planning Area 2 Project** (Certification No. R9-2013-0036) 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) on compliance with all applicable requirements of the Water Quality Control Plan for the San Diego Basin Region (9) (Basin Plan).

I, David W. Gibson, Executive Officer, do hereby certify the forgoing is a full, true, and correct copy of Certification No. R9-2013-0036 issued on August 29, 2013.


James B. Smith, AEO
for DAVID W. GIBSON
Executive Officer
San Diego Water Board

28 Aug 2013
Date

**ATTACHMENT 1
DISTRIBUTION LIST**

Jason Lambert
U.S. Army Corps of Engineers
Regulatory Branch
Jason.P.Lambert@usace.army.mil

Kevin Hupf
California Department of Fish and Game
Kevin.Hupf@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

Tony Bomkamp
Glenn Lukos Associates
tbomkamp@wetlandpermitting.com

Rancho Mission Viejo
Planning Area 2
Certification No. R9-2013-0036

August 29, 2013

**ATTACHMENT 2
LOCATION MAPS**

Source: ESRI World Street Map



**PLANNING AREA 2
RANCHO MISSION VIEJO**

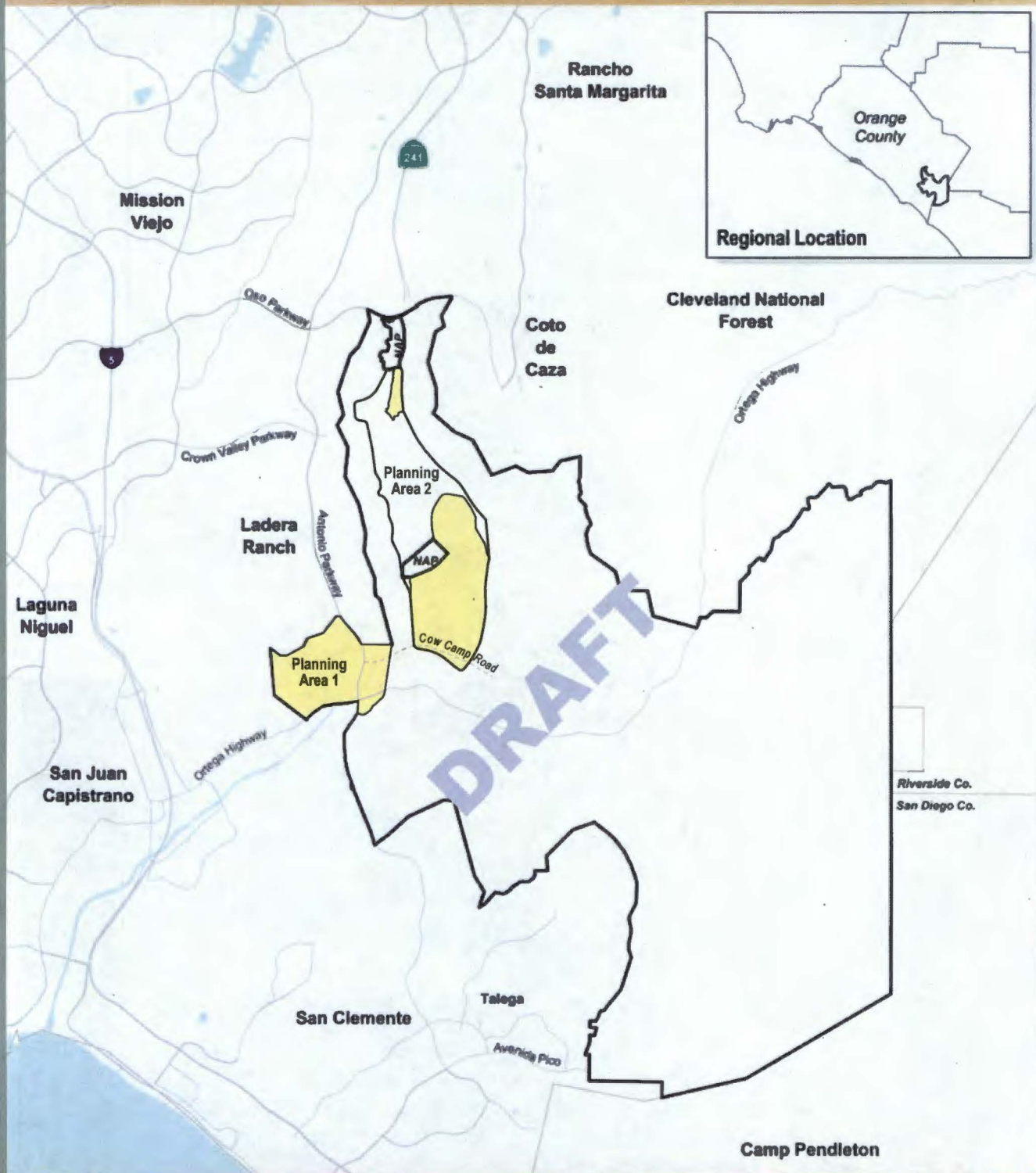
Regional Map

GLENN LUKOS ASSOCIATES



Exhibit 1

Planning Area 2



REGIONAL LOCATION MAP

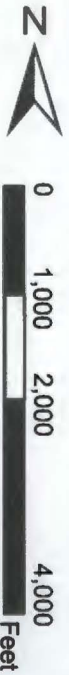
Ranch Plan Planned Community

Exhibit: 1

Not To Scale



Adapted from USGSCanada Gobernadora, CA quadrangle



**PLANNING AREA 2
RANCHO MISSION VIEJO**

Vicinity Map

GLENN LUKOS ASSOCIATES



Exhibit 2

Rancho Mission Viejo
Planning Area 2
Certification No. R9-2013-0036

August 29, 2013

**ATTACHMENT 3
PROJECT SITE PLANS**



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Source: Rancho Mission Viejo

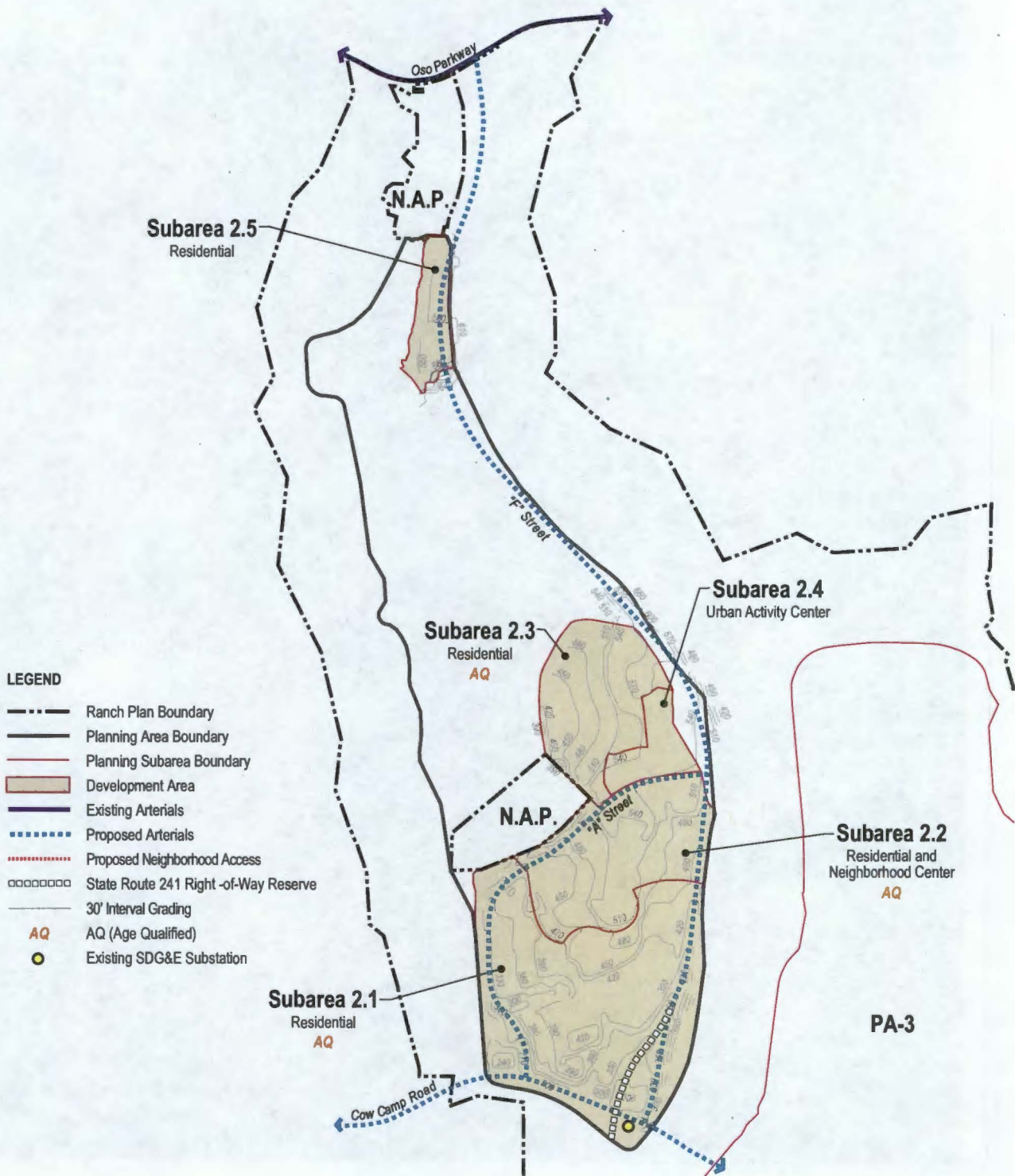
Local Vicinity

Exhibit 2

The Ranch Plan
Planning Area 2 Master and Subarea Plans

Bonterra
 CONSULTING

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Source: Rancho Mission Viejo

Planning Area 2 Land Use and Conceptual Grading Plan

Exhibit 5

The Ranch Plan
Planning Area 2 Master and Subarea Plans



**TABLE 2
PROPOSED PLANNING AREA 2 STATISTICAL TABLE SUMMARY**

Planning Area	Development Uses																	Open Space Use	Planning Area Totals	
	Residential								Parkland Gross Acres	Urban Activity Center (UAC)			Neighborhood Center		Business Park		Golf Resort Gross Acres			Total Gross Acres
	Gross Acres	Net Acres	Maximum Dwelling Units	Conventional Single-Family Detached Dwelling Units	Planned Concept Detached Dwelling Units	Multiple-Family Dwelling Units	Estate Dwelling Units	Age-Qualified Dwelling Units (Subset of Maximum Dwelling Unit Totals)		Maximum Non-Residential Square Footage (000)	Gross Acres	Net Acres	Maximum Square Footage of Non-Residential Uses (000)	Gross Acres	Maximum Square Footage (000)	Gross Acres				
Planning Area 2	820	575	3,291	600	1,200	1,491		950		20	50	35	500	5	25			895	785	1,680
Subarea 2.1	380	270	850	240	330	280		340		10								390		
Subarea 2.2	220	170	900	220	450	230		280					5	25				225		
Subarea 2.3	170	120	1,241	140	420	661		330		10								180		
Subarea 2.4											50	35	500					50		
Subarea 2.5	50	15	300			300												50		

Source: Planning Area 2 Master Area Plan 2013.













**TABLE 3
PROPOSED RANCHO MISSION VIEJO PLANNED COMMUNITY STATISTICAL SUMMARY**

Planning Area	Development Use										Total Gross Acres	Open Space Total Gross Acres	Gross Acres
	Residential			Urban Activity Center (UAC)		Neighborhood Center		Business Park		Golf Resort			
	Gross Acres	Maximum Dwelling Units	Maximum Non-Residential Square Footage (000)	Gross Acres	Maximum Square Footage of Non-Residential Uses (000)	Gross Acres	Maximum Square Footage (000)	Gross Acres	Maximum Square Footage (000)	Gross Acres			
Planning Area 1	449	1,287	300	18	140	0	0	0	0	0	467	237	704
Planning Area 2	840	3,291		50	500	5	25				895	785	1,680
Planning Areas 3–9	4,073	9,422		183	2,540	45	475	80	1,220	25	4,406	3,690	8,096
Planning Area 10												12,203	12,203
<i>Subtotal</i>	5,362	14,000	300	251	3,180	50	500	80	1,220	25			
Total											5,768	16,915	22,683

Source: Planning Area 2 Master Area Plan 2013.

D:\Projects\RMV\023\Graphics\ex_PrelimStormDrain.ai

LEGEND

-  Ranch Plan Boundary
-  Planning Area Boundary
-  Planning Subarea Boundary
-  Development Area
-  Existing Arterials
-  Proposed Arterials
-  State Route 241 Right-of-Way Reserve
-  30' Interval Grading
-  AQ (Age Qualified)
-  Existing Storm Drain
-  Proposed Storm Drain
-  Proposed Outfall Locations Per EIR 589

Subarea 2.5
Residential

N.A.P.

Subarea 2.4
Urban Activity Center

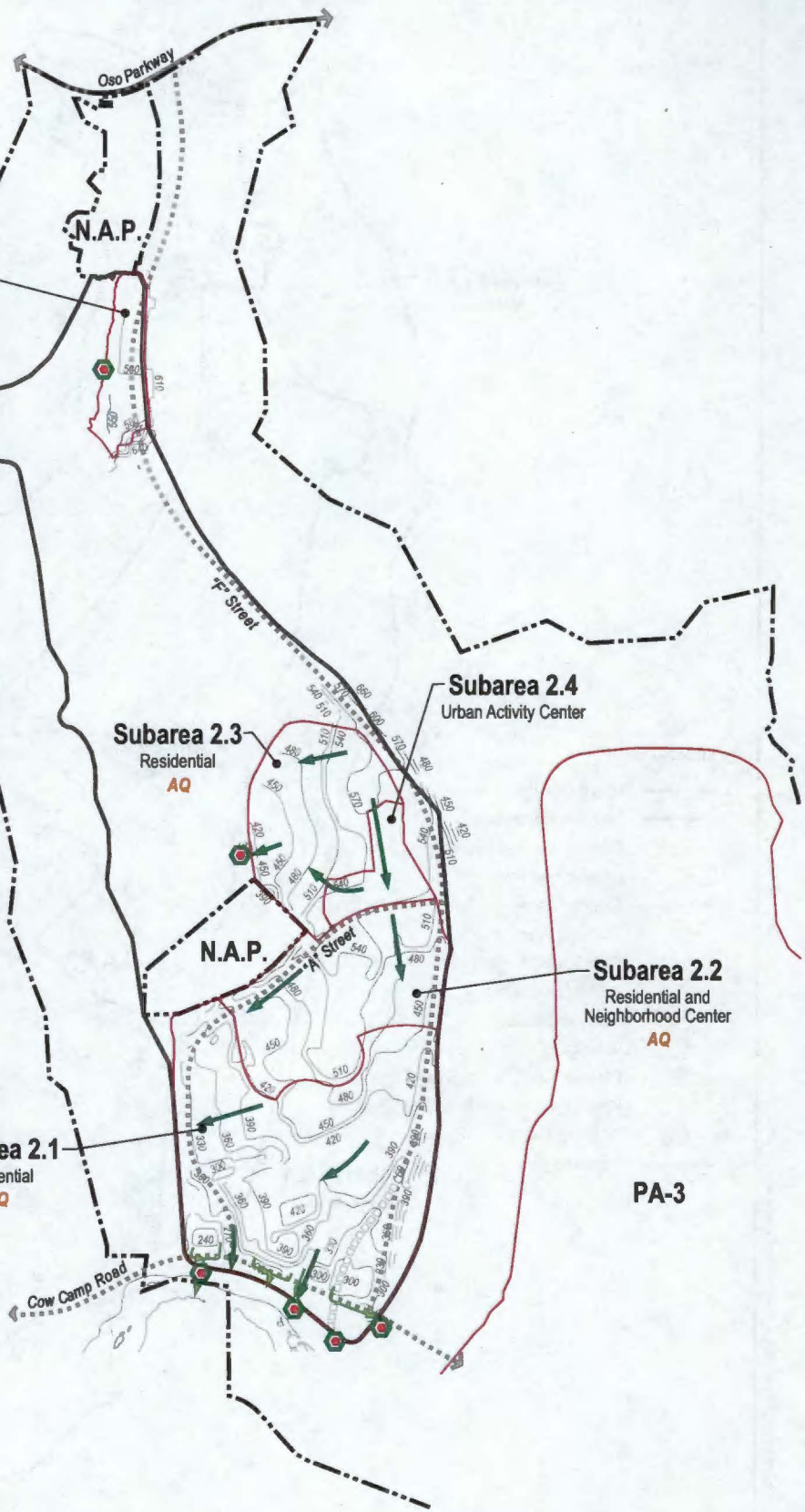
Subarea 2.3
Residential
AQ

N.A.P.

Subarea 2.2
Residential and
Neighborhood Center
AQ

Subarea 2.1
Residential
AQ

PA-3



Source: Rancho Mission Viejo

Preliminary Storm Drainage System














Exhibit 14

*The Ranch Plan
Planning Area 2 Master and Subarea Plans*



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LEGEND

-  Ranch Plan Boundary
-  Planning Area Boundary
-  Planning Subarea Boundary
-  Development Area
-  Existing Arterials
-  Proposed Arterials
-  State Route 241 Right-of-Way Reserve
-  30' Interval Grading
-  AQ (Age Qualified)
-  Potential LID Basin Footprint
-  Potential Flood Control Basin Footprint
-  Potential Cow Camp Road Basin Footprint
-  "F" Street Basin
-  Proposed Flow

Subarea 2.5
Residential

N.A.P.

Subarea 2.4
Urban Activity Center

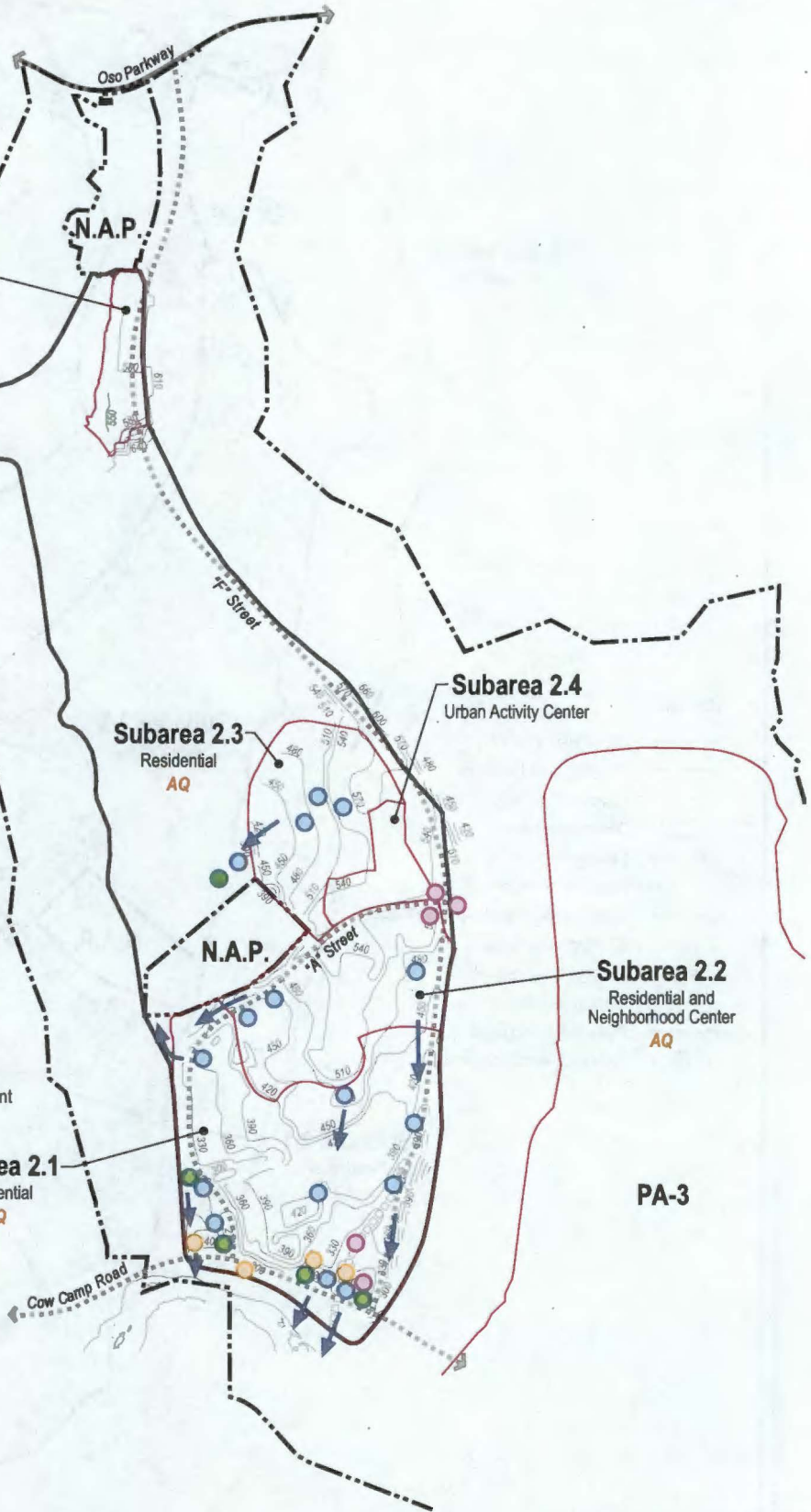
Subarea 2.3
Residential
AQ

N.A.P.

Subarea 2.2
Residential and
Neighborhood Center
AQ

Subarea 2.1
Residential
AQ

PA-3



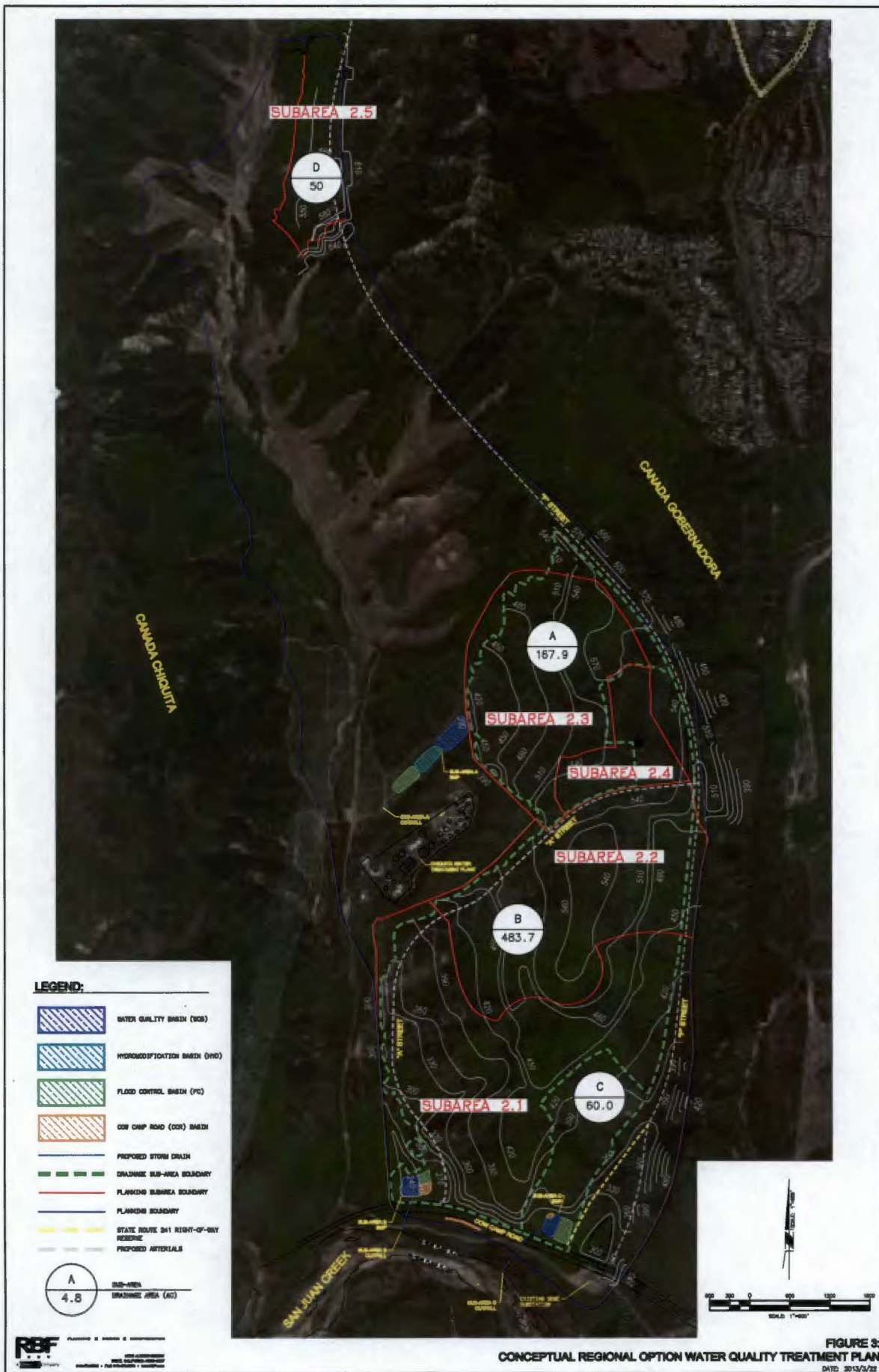
Source: Rancho Mission Viejo

Preliminary Water Quality System











Exhibit 15

*The Ranch Plan
Planning Area 2 Master and Subarea Plans*





LEGEND:

-  WATER QUALITY BASIN (WQB)
-  HYDRODIFFUSION BASIN (HDB)
-  FLOOD CONTROL BASIN (FCB)
-  COW CAMP ROAD (CCR) BASIN
-  PROPOSED STORM DRAIN
-  DRAINAGE SUB-AREA BOUNDARY
-  PLANNED SUBAREA BOUNDARY
-  PLANNED BOUNDARY
-  STATE ROUTE 341 RIGHT-OF-WAY RESERVE
-  PROPOSED ARTERIALS



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 FAX: 303.733.8801
 WWW.RBF.COM

FIGURE 3: CONCEPTUAL REGIONAL OPTION WATER QUALITY TREATMENT PLAN
 DATE: 09/19/2018

H:\DATA\PROJECTS\CAD\STATIONING\STATIONING\2018 - STORM\DATA\MAPS\SPATIAL\DWG - 3/27/18 10.33.37 am










Rancho Mission Viejo
Planning Area 2
Certification No. R9-2013-0036

August 29, 2013

**ATTACHMENT 4
MITIGATION FIGURES**



Legend

- | | |
|---|---|
|  Planning Area 2 |  PA 2 Project Footprint |
|  RWQCB Non-Wetland Waters |  PA 2 Offsite Remedial Grading |
|  RWQCB Wetland |  Cow Camp Road Project Footprint |
|  RWQCB Isolated Non-Wetland Waters |  PA 2 Avoided |
|  RWQCB Isolated Wetland | |

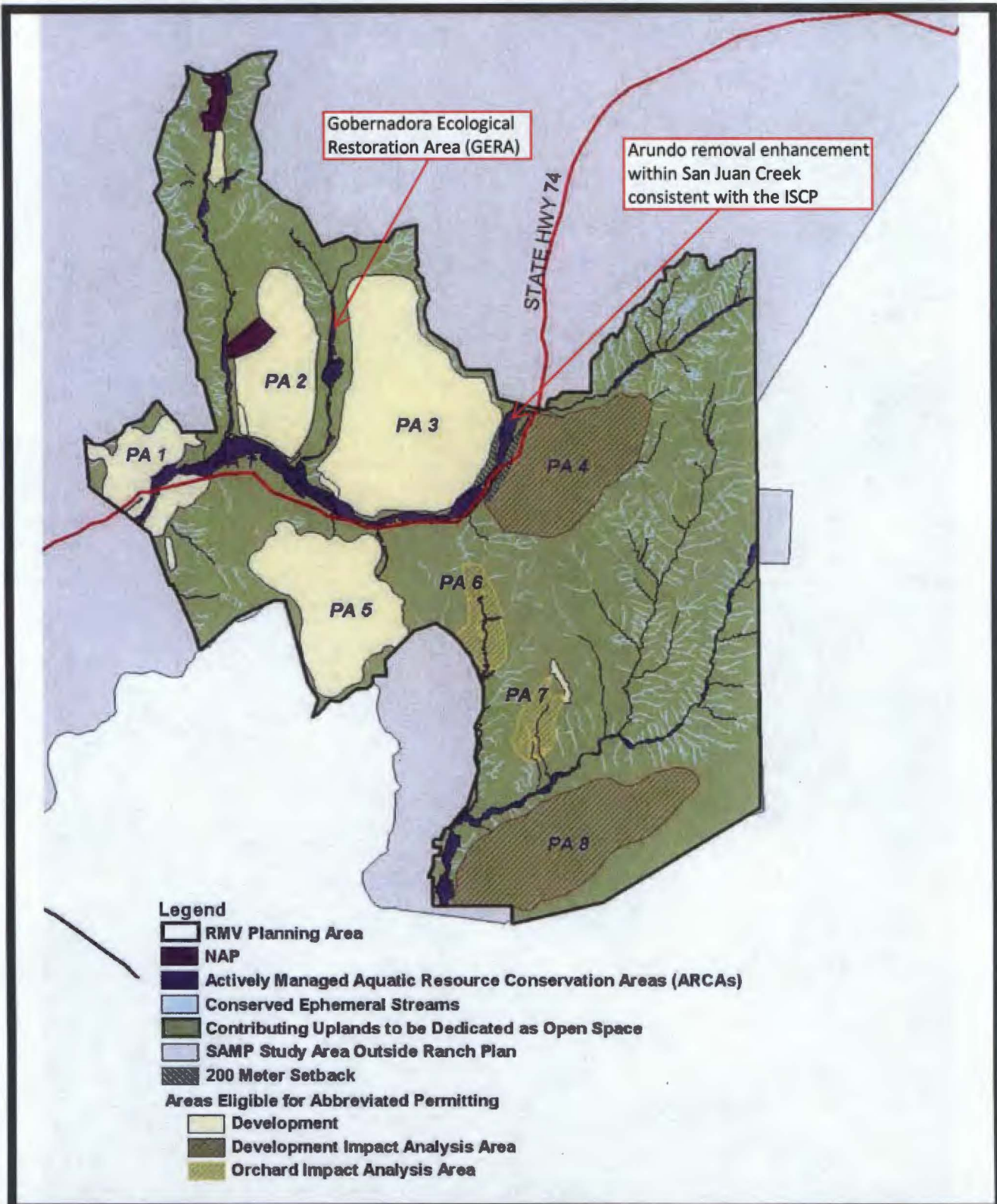


PLANNING AREA 2
RANCHO MISSION VIEJO
RWQCB Jurisdictional Delineation/Impact Map

GLENN LUKOS ASSOCIATES



Exhibit 3B



- Legend**
- RMV Planning Area
 - NAP
 - Actively Managed Aquatic Resource Conservation Areas (ARCAs)
 - Conserved Ephemeral Streams
 - Contributing Uplands to be Dedicated as Open Space
 - SAMP Study Area Outside Ranch Plan
 - 200 Meter Setback
- Areas Eligible for Abbreviated Permitting**
- Development
 - Development Impact Analysis Area
 - Orchard Impact Analysis Area






Aquatic Resources Conservation Areas

Not to Scale










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

-  8.74 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

Reference Elevation Datum: State Plane 6 NAD 83
 Aerial Photo: Eagle Aerial
 Map Prepared by: K. Kartunen, GLA
 January 31, 2013



1 inch = 300 feet

PLANNING AREA 2
RANCHO MISSION VIEJO
 Gobernadora Ecological Restoration Area

GLENN LUKOS ASSOCIATES



Exhibit 8

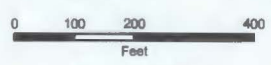


Legend

 Giant Reed Eradication Area



Reference Elevation Datum: State Plane 6 NAD 83
 Aerial Photo: ESRI Basemaps
 Arundo Prevalence Category Shapefiles: RBF
 Map Prepared by: K. Kartunen, GLA
 February 1, 2013



1 inch = 200 feet

PLANNING AREA 2
RANCHO MISSION VIEJO
 Giant Reed Eradication Map


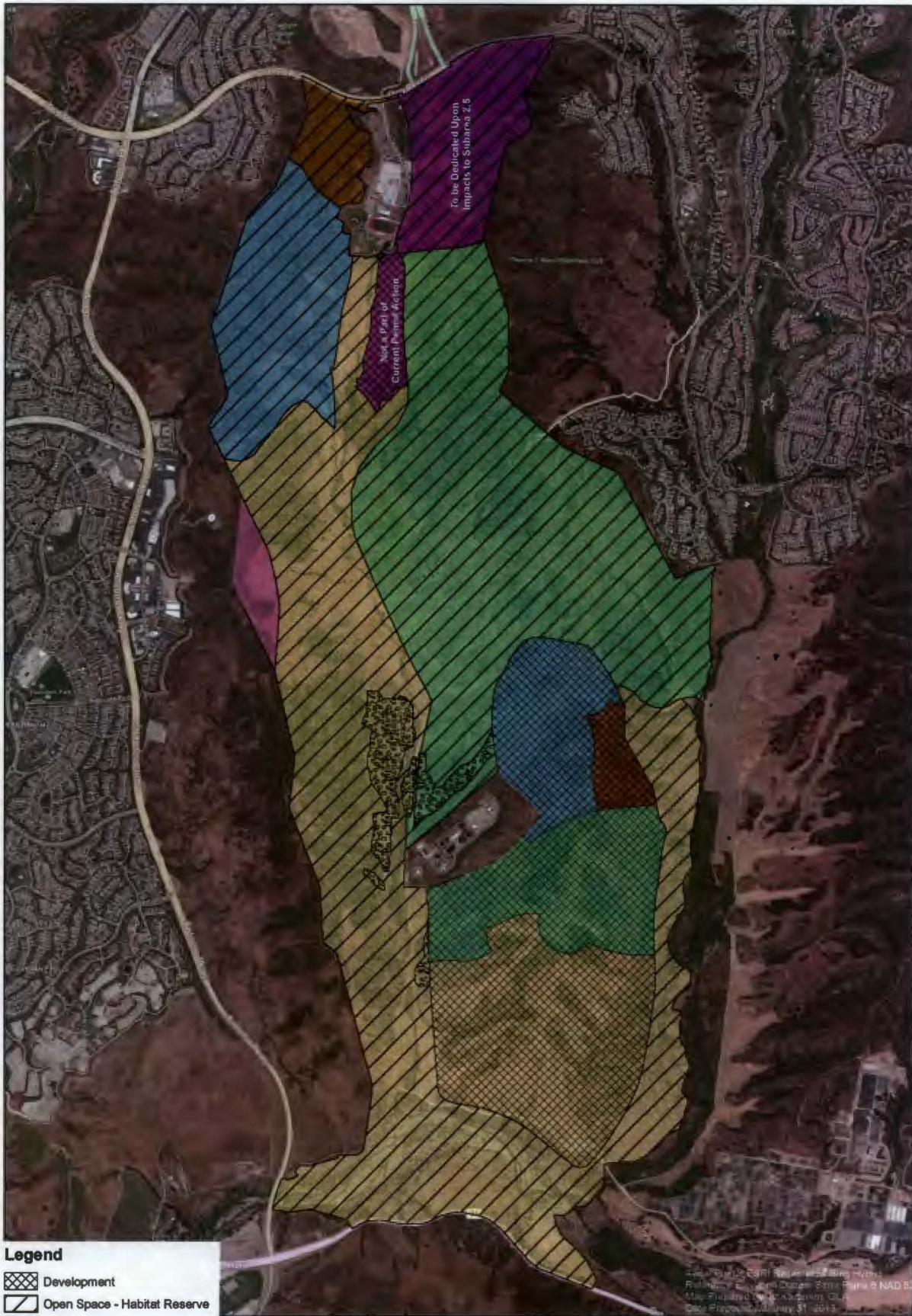









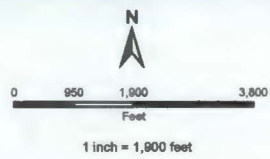
GLENN LUKOS ASSOCIATES 

Exhibit 9



Legend

-  Development
-  Open Space - Habitat Reserve
-  Open Space - Existing Orchards
-  Subarea 2.1
-  Subarea 2.2
-  Subarea 2.3
-  Subarea 2.4
-  Subarea 2.5
-  Proposed Open Space Cow Camp Road



PLANNING AREA 2
 RANCHO MISSION VIEJO
 Open Space Dedication Map

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Exhibit 6