

Appendix B

Regulatory Permits



Board of Directors

Chairman
Eugene Montanez
City of Corona

George Moyer
City of Banning

Brenda Knight
City of Beaumont

Jeffrey Hewitt
City of Calimesa

Tim Brown
City of Canyon Lake

Clint Lorimore
City of Eastvale

Linda Krupa
City of Hemet

Verne Lauritzen
City of Jurupa Valley

Natasha Johnson
City of Lake Elsinore

Matt Liesemeyer
City of Menifee

D. LaDonna Jempson
City of Moreno Valley

Jonathan Ingram
City of Murrieta

Kevin Bash
City of Norco

David Starr Rabb
City of Perris

Andy Melendrez
City of Riverside

Crystal Ruiz
City of San Jacinto

Maryann Edwards
City of Temecula

Ben Benoit
City of Wildomar

Kevin Jeffries
County of Riverside

John Tavaglione
County of Riverside

Chuck Washington
County of Riverside

John Benoit
County of Riverside

Vice-Chairman
Marion Ashley
County of Riverside

Executive Staff

Charles Landry
Executive Director

3403 10th Street, Suite 320
Riverside, California 92501

P.O. Box 1667
Riverside, California 92502-1667

Phone: (951) 955-9700
Fax: (951) 955-8873
www.wrc-rca.org

April 26, 2016

Eric Jones
City of Temecula
41000 Main Street
Temecula, California 92590

Dear Mr. Eric Jones:

Please find the following JPR attached:

JPR 15-06-16-01. The Local Identifier is PA14-0087. The JPR file attached includes the following:

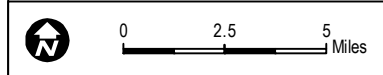
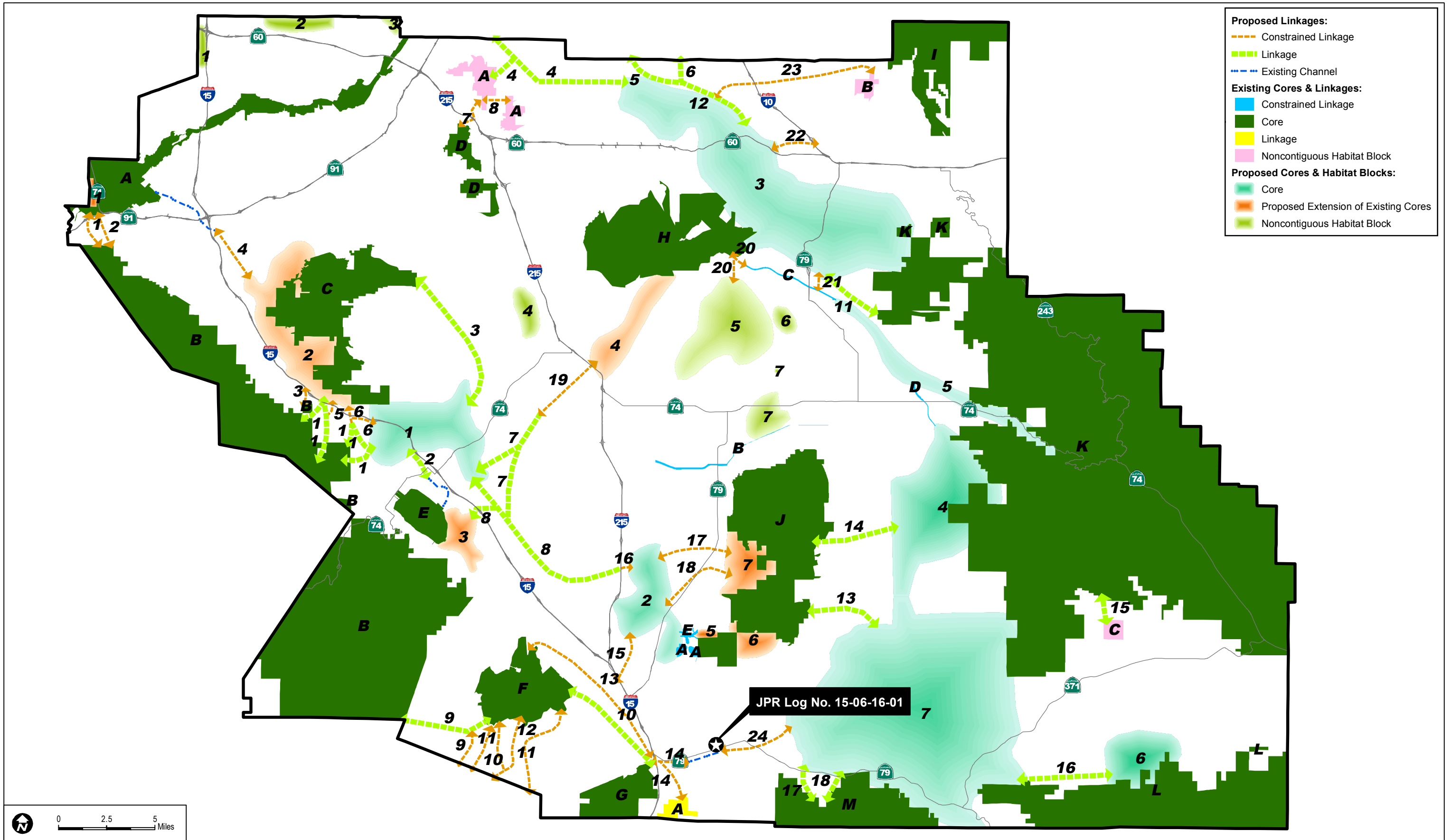
- RCA JPR
- Exhibit A, Vicinity Map with MSHCP Schematic Cores and Linkages
- Exhibit B, Criteria Area Cells with MSHCP Vegetation and Project Location
- Exhibit C, Criteria Area Cells with MSHCP Soils and Project Location
- Exhibit D, Criteria Area Cells with Aerial Photograph and Proposed Project Impacts
- Regional Map.

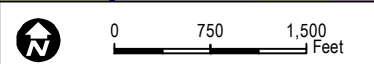
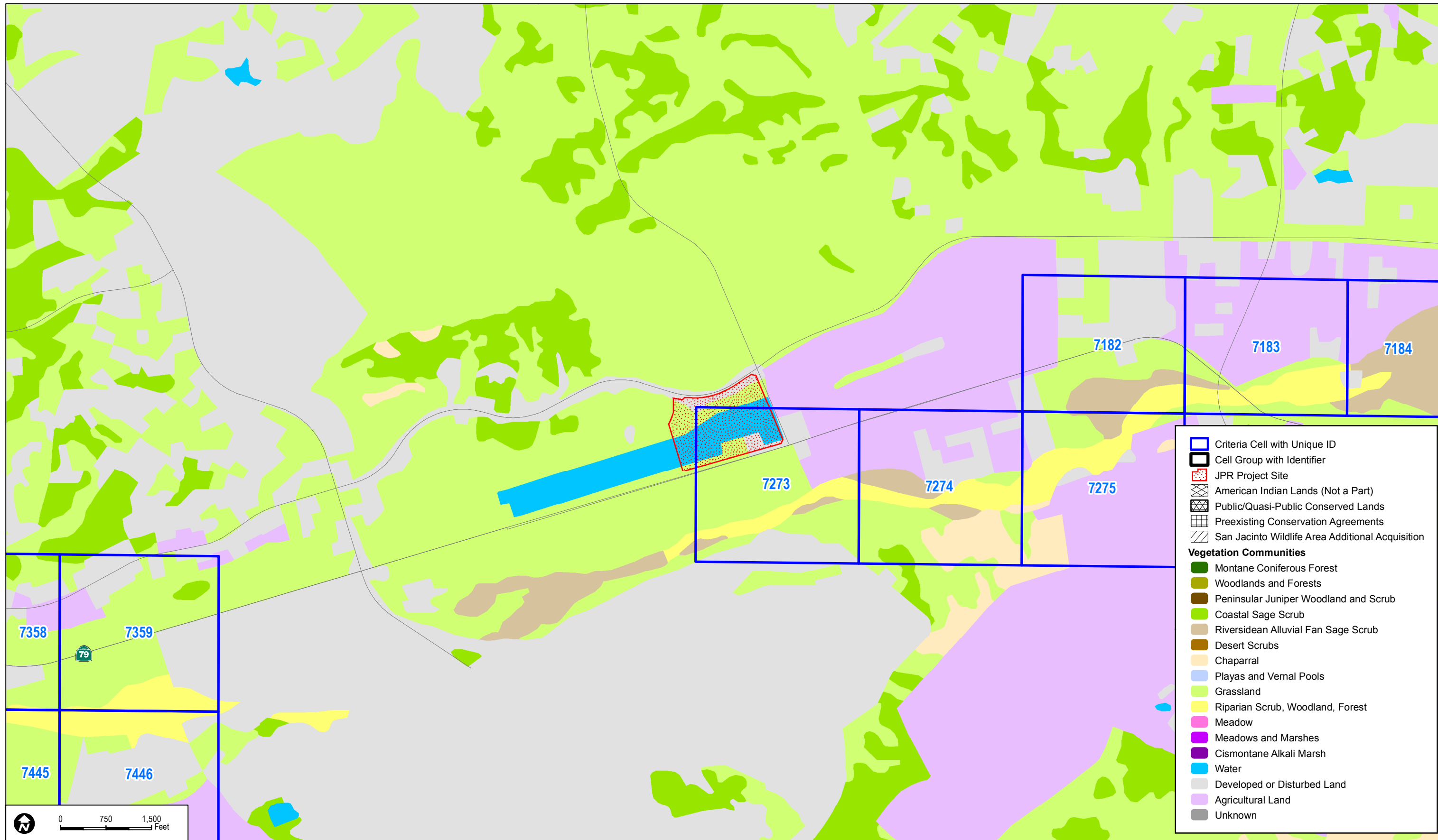
Thank you,

Wendy Worthey
Western Riverside County Regional Conservation Authority

cc: Karin Cleary-Rose
U.S. Fish and Wildlife Service
777 East Tahquitz Canyon Way,
Suite 208
Palm Springs, California 92262

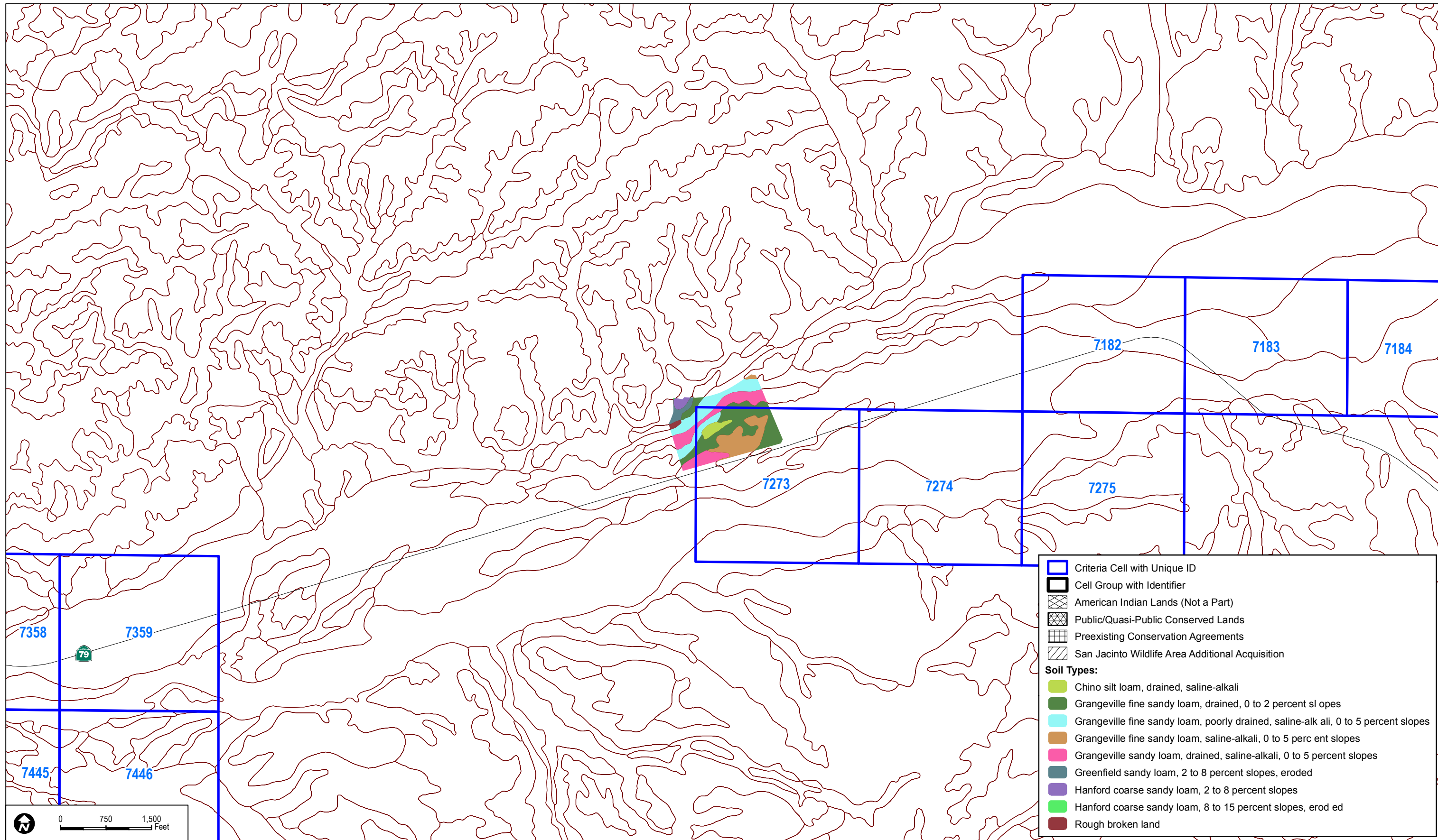
Heather A. Pert
California Dept. of Fish and Wildlife
3602 Inland Empire Blvd. #C220
Ontario, California 91764





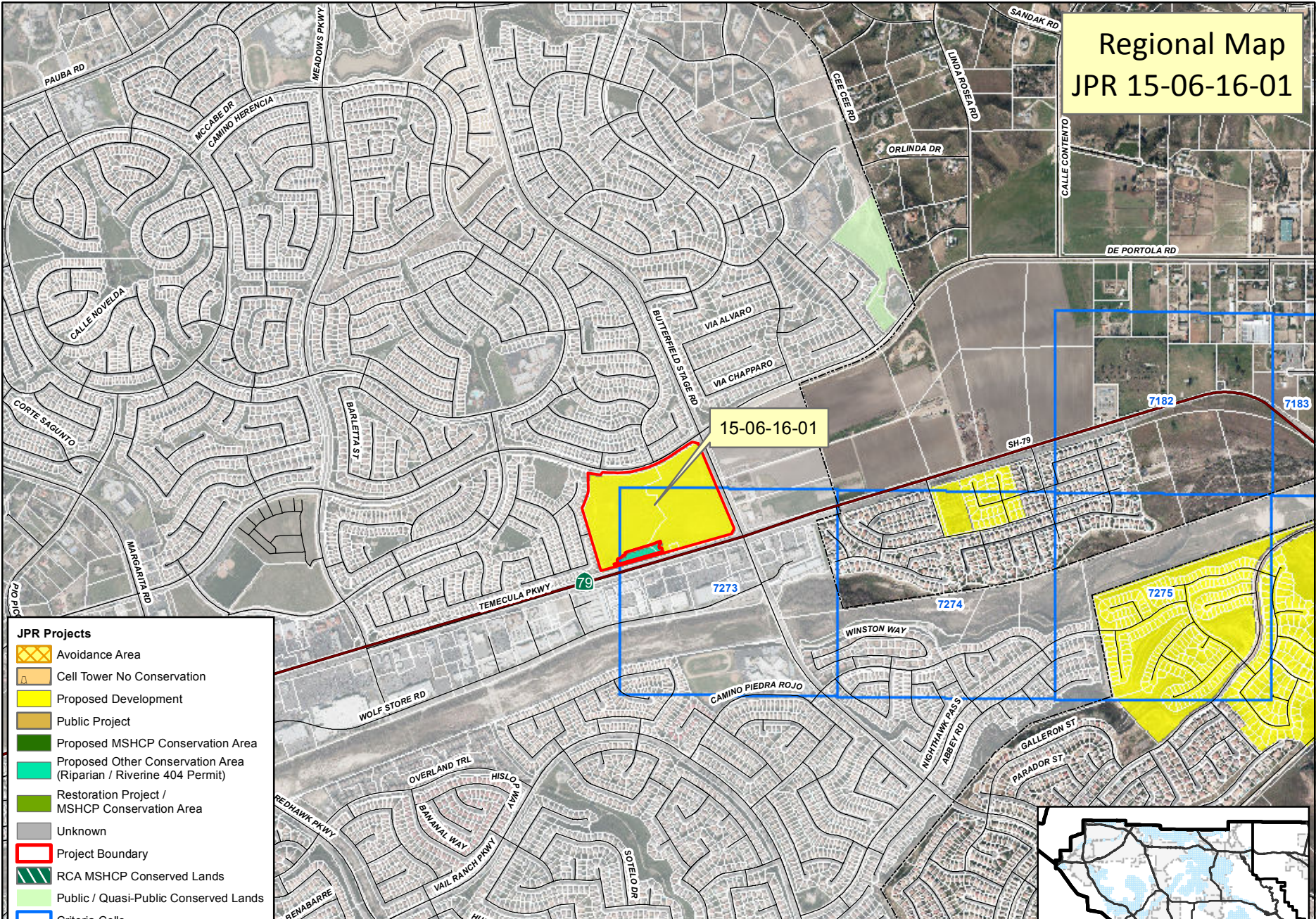
DUDEK

SOURCE: County of Riverside 2015





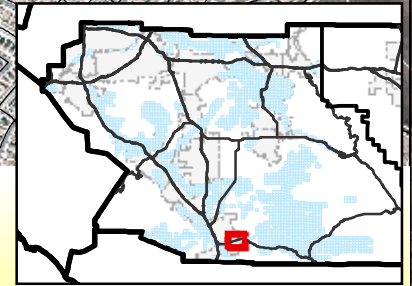
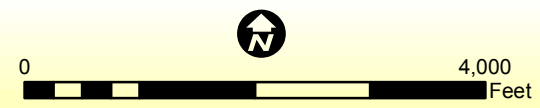
Regional Map
JPR 15-06-16-01



- JPR Projects**
- Avoidance Area
 - Cell Tower No Conservation
 - Proposed Development
 - Public Project
 - Proposed MSHCP Conservation Area
 - Proposed Other Conservation Area (Riparian / Riverine 404 Permit)
 - Restoration Project / MSHCP Conservation Area
 - Unknown
 - Project Boundary
 - RCA MSHCP Conserved Lands
 - Public / Quasi-Public Conserved Lands
 - Criteria Cells
 - Cities
 - Waterbodies
 - Highways



City of Temecula
Rough Step Unit 5





AT THE HEART OF GREAT LIVING
4790 Eastgate Mall Suite 150
San Diego, CA 92121
Tel. 858.674.1300 Fax. 858.455.5368

TRANSMITTAL

TO:	Attention: CESPL-RG	FROM:	Cindy McGehee for Mike L Rust
COMPANY:	US Army Corps of Engineers	DATE:	7/28/2017
	1451 Research Park Drive Suite 100		Riverside, CA 92507
PHONE NUMBER:	951/276-6624	SENDER'S FAX NUMBER:	
RE:	Paseo del Sol Project SPL-2014-00423-PJB		
CC:			

Fedex

PLEASE REPLY

PLEASE RECYCLE

NOTES/COMMENTS:

Enclosed:

2 Original Department of the Army Permit executed by Douglas L. Hageman (July 25, 2017)

(Please Note this is a change of our street address only)

Return a fully executed copy to:

Attention Mike Rust
Cal-Paseo del Sol, LLC,
4790 Eastgate Mall Suite 150
San Diego, CA 92121.

Check #8555 payable to Finance and Accounting Officer USAED LA \$100.00 dated July 28/17 permit processing fee.



DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS
1451 Research Park Drive, Suite 100
Riverside, California 92507

July 17, 2017

Michael Rust
Cal-Paseo Del Sol LLC **4790 EASTGATE MALL**
~~9820 Towne Centre~~
Drive San Diego, California 92121

DEPARTMENT OF THE ARMY STANDARD INDIVIDUAL PERMIT

Dear Mr. Rust:

I received your application for a Department of the Army Permit application, dated July 14, 2014. Enclosed are two copies of the permit authorizing you to discharge fill into waters of the U.S., in association with the Paseo Del Sol Specific Plan Project (SPL-2014-00423-PJB). The proposed work would take place in the city of Temecula, Riverside, California.

THIS PERMIT WILL NOT BECOME VALID UNTIL ALL OF THE FOLLOWING STEPS HAVE BEEN COMPLETED:

1. ✓ The owner or authorized responsible official must sign and date both copies of the permit indicating that he/she agrees to the work as described and agrees to comply with all conditions stated in the permit.
2. ✓ The signer's name and title (if any) must be typed or printed below the signature.
3. ✓ Both signed copies of the permit must be returned to the U.S. Army Corps of Engineers (Corps) at the above address (Attention: CESPL-RG). Upon receipt of the signed copies, the Corps will sign and forward one of the copies back to you.
4. ✓ The owner or authorized responsible official shall return the signed copies of the permit and include a check for the processing fee of \$100.00, payable to the Finance and Accounting Officer USAED LA.

Furthermore, you are hereby advised that the Corps has established an Administrative Appeal Process that is fully described in 33 CFR Part 331. The complete appeal process is diagrammed in the enclosed Appendix B. If you object to the terms or special conditions of this permit, you may submit the attached appeal form stating your objections and describing your proposed modifications to the permit terms and special conditions to:

Colonel Kirk E. Gibbs, District Engineer
Los Angeles District, U.S. Army Corps of Engineers
915 Wilshire Boulevard, Suite 930
Los Angeles, California 90017
Telephone (213) 452-3961; Fax (213) 452-4214
electronic-mail: Kirk.E.Gibbs@usace.army.mil

The District Engineer would then evaluate your objections and determine whether it is appropriate to change some, all, or none of the terms and special conditions of the permit. The permit would then be provided to you a second time, at which point you could accept the permit, appeal the permit conditions to the Corps South Pacific Division office, or withdraw your permit request.

If we do not receive the signed copies of the permit by August 17, 2017 our request for the proposed work will be withdrawn. It is not necessary to submit an appeal form unless you object to the conditions of the permit.

Thank you for participating in the Regulatory Program. If you have questions, please contact Peggy Bartels at 951-276-6624 or via e-mail at Peggy.J.Bartels@usace.army.mil. Please help me to evaluate and improve the regulatory experience for others by completing the customer survey form at http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey.

Sincerely,

FARRAR.CORICE.J
EAN.1251907028

Digitally signed by
FARRAR.CORICE.JEAN.1251907028
DN: c=US, o=U.S. Government, ou=DoD,
ou=PKI, ou=USA,
cn=FARRAR.CORICE.JEAN.1251907028
Date: 2017.07.17 09:39:03 -0700

Corice J. Farrar
Chief, Orange and Riverside Counties Section
South Coast Branch
Regulatory Division

Enclosures

**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND
REQUEST FOR APPEAL**

Applicant: Michael Rust Cal-Paseo Del Sol LLC 9820 Towne Centre Drive 4790 EASTGATE MALL Ste 150 San Diego, CA 92121 Cal-Paseo Del Sol LLC		File Number: SPL-2014-00423-PJB	Date: JUNE 30, 2017
Attached is:			See Section below
X	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
	PERMIT DENIAL	C	
	APPROVED JURISDICTIONAL DETERMINATION	D	
	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://www.usace.army.mil/cecw/pages/reg_materials.aspx or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact: Peggy Bartels
 Project Manager
 U.S. Army Corps of Engineers
 Los Angeles District
 1451 Research Park Drive, Suite 100
 Riverside, California 92507
 Phone: (951) 276-6624
 Email:

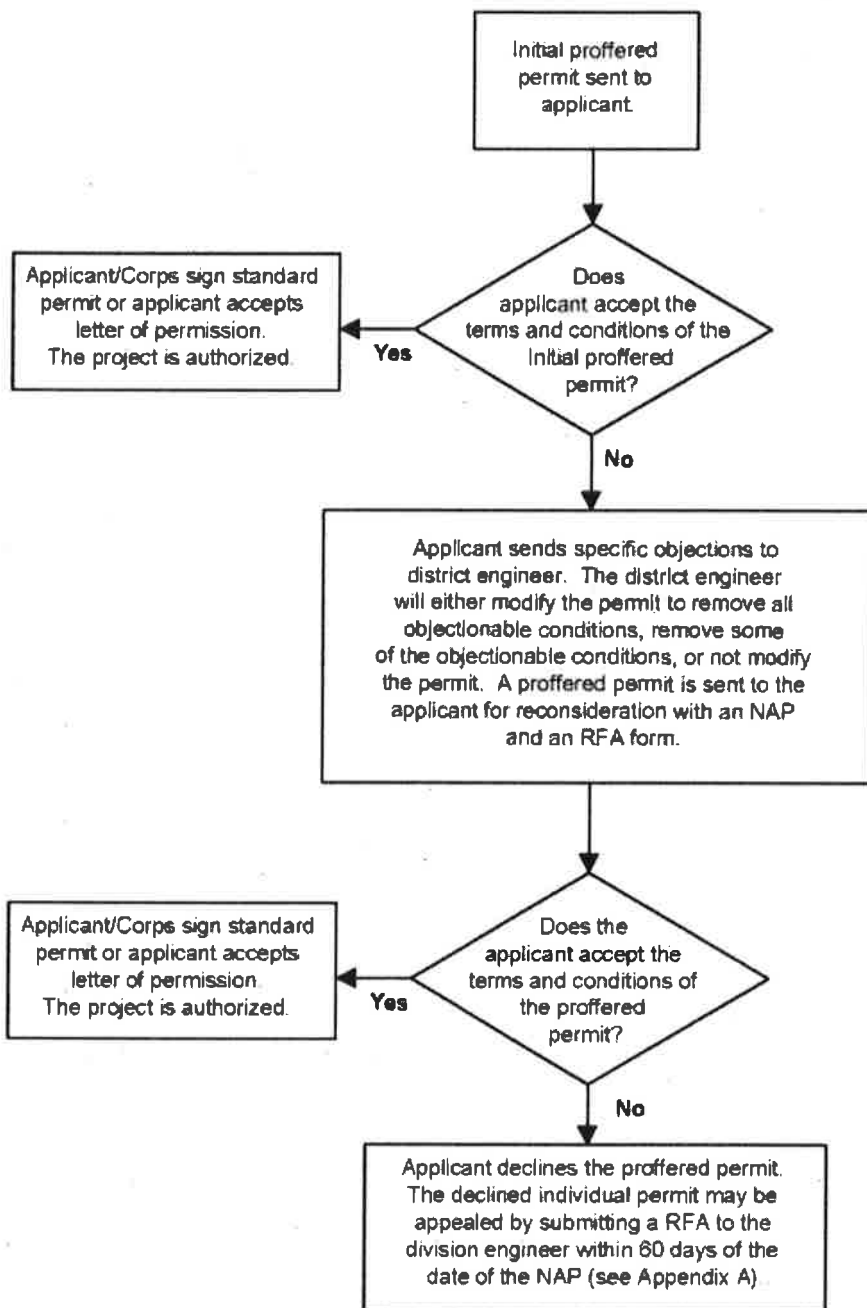
Peggy.J.Bartels@usace.army.mil

If you only have questions regarding the appeal process you may also contact: Thomas J. Cavanaugh
 Administrative Appeal Review Officer,
 U.S. Army Corps of Engineers
 South Pacific Division
 1455 Market Street, 2052B
 San Francisco, California 94103-1399
 Phone: (415) 503-6574
 Fax: (415) 503-6646
 Email: thomas.j.cavanaugh@usace.army.mil

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

_____ Signature of appellant or agent.	Date:	Telephone number:
---	-------	-------------------

Applicant Options with Initial Proffered Permit



DEPARTMENT OF THE ARMY PERMIT

Permittee: Cal-Paseo Del Sol LLC; Michael Rust

Project Name: Paseo Del Sol Specific Plan Project

Permit Number: SPL-2014-00423-PJB

Issuing Office: Los Angeles District

Note: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Location: Riverside County, in the city of Temecula, California

Project Description: The proposed project consists of Planning Area 4 of the Paloma Del Sol Villages at Paseo del Sol Specific Plan No. 219 (Sheet 1). The proposed project comprises approximately 42.64 acres and includes residential development of 174 dwelling units, a 2.15-acre park, and associated roads, basins, and infrastructure needed to construct the proposed project. The proposed project had previously been entitled and received approvals from both the city of Temecula and the regulatory agencies during 1996-1998 for a residential and commercial mixed-use proposed project. The current proposed project eliminates the commercial component of the proposed project, and constructs only the residential component.

The proposed project's grading would permanently impact the existing jurisdictional conveyance features, which is currently a storm water conveyance system to Temecula Creek. The proposed project would construct a regional flood control basin consistent with past permit approvals. A proposed water quality basin would handle nuisance flows and first flush flows from 171.6 acres from nearby properties (including 39.3 acres northwest of Butterfield Stage Road and Temecula Parkway). Additionally, a concrete water quality system would be utilized at the outlet of the pipe discharging flows into the infiltration basin. Flows would be conveyed to the infiltration basin via a splitter structure.

During construction, best management practices (BMPs) for the proposed project site would include, but not be limited to: gravel basins, gravel bag inlet protection, fiber rolls, mulching, silt fencing, off-site sediment control, energy dissipation, and designated maintenance and storage areas. Equipment will be stored in upland areas, outside of drainages. The water quality BMPs will be implemented throughout the proposed project to capture and treat contaminants. A complete discussion of the construction BMPs for this proposed project is found in the referenced Water Quality Certification (WQC-R9-2015-0176).

The proposal would permanently impact with a discharge of clean soil a total of 0.71-acre, of which 0.10 acre (1,350 linear feet) are non-wetland waters of the U.S. and 0.61 acre are wetland waters of the U.S.

The Permittee will employ Native American Monitors to review the site during grading, excavation and filling.

Specifically, you are authorized to:

1. To permanently fill with clean soil 0.61 acre of wetland waters of the U.S. in an unnamed stream that conveys flows to the Temecula Creek (Exhibit 6a).
2. To permanently fill with clean soil 0.10 acre of non-wetland waters of the U.S. into an unnamed stream that conveys flows to Temecula Creek (Exhibit 6a)

PERMIT CONDITIONS

General Conditions:

1. The time limit for completing the authorized activity ends on June 30, 2022. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification from this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit (WQC-R9-

2015-0176) from the San Diego Regional Water Quality Control Board (RWQCB). For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished with the terms and conditions of your permit.

Special Conditions:

Pre-construction:

1. Prior to initiating construction in waters of the U.S., the Permittee shall submit to the Corps Regulatory Division a complete set of final detailed grading/construction plans showing all work and structures in waters of the U.S. All plans shall be in compliance with the Final Map and Drawing Standards for the South Pacific Division Regulatory Program dated February 10, 2016 (<http://www.spd.usace.army.mil/Missions/Regulatory/PublicNoticesandReferences/tabid/10390/Article/651327/updated-map-and-drawing-standards.aspx>). All plan sheets shall be signed, dated, and submitted on paper no larger than 11x 17 inches. No work in waters of the U.S. is authorized until the Permittee receives, in writing (by letter or e-mail), Corps Regulatory Division approval of the final detailed grading/construction plans. The Permittee shall ensure that the project is built in accordance with the Corps-approved plans.

2. Prior to initiating construction in waters of the U.S., and to mitigate for impacts to 0.61 acre(s) of wetland waters of the U.S. and 0.1 acre of non-wetland waters of the U.S., the Permittee shall provide documentation verifying purchase of 0.1 acre of credits for the re-establishment of non-wetland waters of the U.S. and 0.61 acre of wetland waters of the U.S. from the Corps approved San Luis Rey Mitigation Bank. The Permittee shall not initiate work in waters of the U.S. prior to receiving written confirmation (by letter or e-mail) from the Corps Regulatory Division as to compliance with this special condition. The permittee retains responsibility for providing the compensatory mitigation until the number and resource type of credits described above have been secured from a sponsor and the district engineer has received documentation that confirms that the sponsor has accepted the responsibility for providing the required compensatory mitigation. This documentation may consist of a letter or form signed by the sponsor, with the permit number and a statement indicating the number and resource type of credits that have been secured from the sponsor.

Construction:

3. Adverse impacts to waters of the U.S. beyond the Corps-approved construction footprint are not authorized. Such impacts could result in permit suspension and revocation, administrative, civil or criminal penalties, and/or substantial, additional, compensatory mitigation requirements.

Cultural Resources:

4. Pursuant to 36 C.F.R. section 800.13, in the event of any discoveries during construction of either human remains, archeological deposits, or any other type of historic property, the Permittee shall notify the Corps' Archeology Staff within 24 hours (Danielle Storey at 213-452-3855 OR Meg McDonald at 213-452-3849). The Permittee shall immediately suspend all work in any area(s) where potential cultural resources are discovered. The Permittee shall not resume construction in the area surrounding the potential cultural resources until the Corps Regulatory Division re-authorizes project construction, per 36 C.F.R. section 800.13.

Post-Construction:

5. Within 45 calendar days of completion of authorized work in waters of the U.S., the Permittee shall submit to the Corps Regulatory Division a post-project implementation memorandum including the following information:

A. Date(s) work within waters of the U.S. was initiated and completed;

B. Summary of compliance status with each special condition of this permit (including any noncompliance that previously occurred or is currently occurring and corrective actions taken or proposed to achieve compliance);

C. Color photographs (including map of photopoints) taken at the project site before and after construction for those aspects directly associated with permanent impacts to waters of the U.S. such that the extent of authorized fills can be verified;

D. One copy of "as built" drawings for the entire project. Electronic submittal (Adobe PDF format) is preferred. All sheets must be signed, dated, and to-scale. If submitting paper copies, sheets must be no larger than 11 x 17 inches; and

E. Signed Certification of Compliance (attached as part of this permit package).

Further Information:

1. Congressional Authorities. You have been authorized to undertake the activity described above pursuant to:

() Section 10 of the River and Harbor Act of 1899 (33 U.S.C. 403).

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

() Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

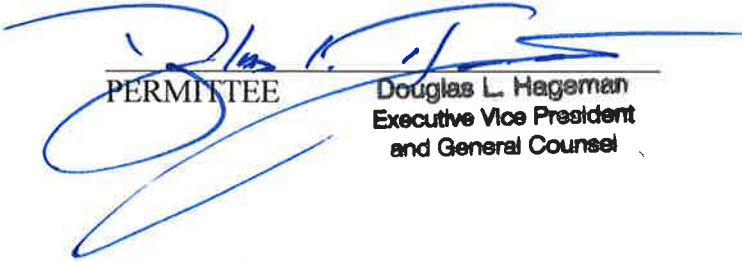
b. This permit does not grant any property rights or exclusive privileges.

- c. This permit does not authorize any injury to the property or rights of others.
 - d. This permit does not authorize interference with any existing or proposed Federal project.
3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
 - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
 - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
 - d. Design or construction deficiencies associated with the permitted work.
 - e. Damage claims associated with any future modification, suspension, or revocation of this permit.
4. Reliance on Applicant's Data. The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
- a. You fail to comply with the terms and conditions of this permit.
 - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
 - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measure ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give you favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.



PERMITTEE

Douglas L. Hageman
Executive Vice President
and General Counsel

July 25, 2017
DATE

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

Michelle R. Lynch, South Coast Branch
Chief, Los Angeles District,
U.S. Army Corps of Engineers

DATE

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

TRANSFEREE

DATE

Cal-Paseo Del Sol

Vendor: 124997, Finance and Accounting Officer USAED LA

Check Date 07/28/2017

Check Number 8555

Invoice Number	Invoice Date	Description	Amount Paid
FEES-07252017	7/25/2017	PaseodelSol SPL-2014-00423-PJB	100.00
California Bank & Trust		Check Total	100.00

TO VERIFY THE AUTHENTICITY OF THIS CHECK, RUB OR BREATHE ON THE OVAL; COLOR WILL DISAPPEAR, THEN REAPPEAR

Cal-Paseo Del Sol
 Cal-Paseo Del Sol
 4790 Eastgate Mall, Suite 150
 San Diego CA 92121
 (858) 455-7503

California Bank & Trust
 San Diego CA 92130
 90-3210/1222 SC

Check Number 8555
 Check Date 07/28/2017

PAY ONE HUNDRED AND 00/100 *****

VOID AFTER 180 DAYS
*******100.00**

TO THE ORDER OF Finance and Accounting Officer USAED LA
 1451 Research Park Drive, Suite 100
 Riverside CA 92507

Vicki R. Mullin

Two signatures required if amount exceeds \$100,000.00

⑈00008555⑈ ⑆ 22232109 ⑆ 1201217901⑈

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
INLAND DESERTS REGION
3602 INLAND EMPIRE BLVD., SUITE C-220
ONTARIO, CA 91764



STREAMBED ALTERATION AGREEMENT
NOTIFICATION No. 1600-2015-0174-R6 REVISION 3

MR. DOUG HAGEMAN
CAL PASEO DEL SOL LLC
PASEO DEL SOL SPECIFIC PLAN PROJECT

This Streambed Alteration Agreement (Agreement) is entered into between the California Department of Fish and Wildlife (CDFW) and Cal Paseo Del Sol LLC (Permittee) or as represented by Mr. Doug Hageman.

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, Permittee notified CDFW on October 15, 2015, that Permittee intends to complete the project described herein.

WHEREAS, pursuant to FGC section 1603, CDFW has determined that the project could substantially adversely affect existing fish or wildlife resources and has included measures in the Agreement necessary to protect those resources.

WHEREAS, Permittee has reviewed the Agreement and accepts its terms and conditions, including the measures to protect fish and wildlife resources.

NOW THEREFORE, Permittee agrees to complete the project in accordance with the Agreement.

PROJECT LOCATION

The project site is located within an unnamed stormwater channel and detention basin, tributary to Temecula Creek, south of De Portola Road and Alcoba Drive, east of Volterra Street, north of Temecula Parkway, and west of Butterfield Stage Road; within the City of Temecula, Riverside County, California; Assessor's Parcel Numbers (APNs) 959-400-001 and 959-400-002; Latitude 33.486918°, Longitude -117.082011°.

PROJECT DESCRIPTION

The proposed project includes the development of Planning Area 4 of the Paloma del Sol Villages at Paseo del Sol Specific Plan No. 219, Amendment No. 8 (Specific Plan No. SP-4), which includes approximately 42.9 acres of high-density residential development and approximately 173 dwelling units. The project site currently contains an earthen stormwater channel which receives flows from a 78-inch storm drain at the northern end of the project site and extends into a detention basin at the southwestern

corner. Flows from the detention basin exit the site under Temecula Parkway and discharge into Temecula Creek.

Construction of the proposed project authorized by this Agreement will involve two parts – the replacing the current stormwater channel and detention basin (Project) and the creation of a channel and associated habitat (Onsite Mitigation Area). The Project will include the placement of a 78-inch reinforced concrete pipe (RCP) storm drain that will extend through the site underground and tie in to an existing 78-inch RCP located at the terminus of Alcoba Drive and the project site. An off-line infiltration basin with a bottom surface of at least 2,300 square feet will also be constructed. Low flows from the storm drain will be diverted into the basin through a series of 18-inch pipes. At the opposite end of the basin, a 30-inch pipe with a riser will carry water back into the storm drain during storm events which exceed the capacity of the basin.

The infiltration basin will output into the Onsite Mitigation Area that will be constructed along the eastern and southern portion of the project. The channel bottom will contain rock substrate approximately 4 feet in depth, with a non vegetated streambed designed to accommodate low flow will vary between 6 to 9.5 feet in width (0.33 acre). The outer edges on either side of the low flow channel, along with the 2.5:1 slope will contain wetland/ riparian scrub (2.97 acres).

PROJECT IMPACTS

Existing native fish and wildlife resources the project could potentially substantially adversely affect include: **BIRDS**- American kestrel (*Falco sparverius*), American crow (*Corvus brachyrhynchos*), Anna's hummingbird (*Calypte anna*), black phoebe (*Sayornis nigricans*), California towhee (*Pipilo crissalis*), Cassin's kingbird (*Tyrannus vociferans*), common raven (*Corvus corax*), common yellowthroat (*Geothlypus trichas*), Cooper's hawk (*Accipiter cooperii*), horned lark (*Eremophila alpestris*), house finch (*Carpodacus mexicanus*), killdeer (*Charadrius vociferus*), lesser goldfinch (*Carduelis psaltria*), mourning dove (*Zenaida macroura*), northern mockingbird (*Mimus polyglottos*), northern rough-winged swallow (*Stelgidopteryx serripennis*), red-tailed hawk (*Buteo jamaicensis*), western kingbird (*Tyrannus verticalis*), western meadowlark (*Sturnella neglecta*), and yellow-rumped warbler (*Setophaga coronate*); **MAMMALS** - California vole (*Microtus californicus*), San Diego black-tailed jackrabbit (*Lepus californicus bennettii*), and western harvest mouse (*Reithrodontomys megalotis*); **PLANTS**- arroyo willow (*Salix lasiolepis*), broadleaf cattail (*Typha latifolia*), coyote brush (*Baccharis pilularis*), mulefat (*Baccharis salicifolia*), and sandbar willow (*Salix exigua*).

The adverse effects the project could have on the fish and wildlife resources identified above include the disturbance to, alteration of, and/or loss of nesting and foraging habitat. The construction of the Project will result in permanent impacts to 0.79 acre of habitat subject to FGC Section 1600 *et seq.*, including 0.69 acre of emergent freshwater marsh and 0.10 acre of ephemeral streambed which will be offset with the creation of the Onsite Mitigation Area (See Section 3.2 below). **All proposed maintenance within the Onsite Mitigation Area will be covered under a separate routine maintenance agreement obtained by either the CDFW approved third party conservator or responsible entity who proposes the work (e.g. home owners association,**

Riverside County vector control).

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

1. Administrative Measures

Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the project site at all times and shall be presented to CDFW personnel, or personnel from another state, federal, or local agency upon request.
- 1.2 Providing Agreement to Persons at Project Site. Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the project at the project site on behalf of Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.
- 1.3 Notification of Conflicting Provisions. Permittee shall notify CDFW if Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the project by another local, state, or federal agency. In that event, CDFW shall contact Permittee to resolve any conflict.
- 1.4 Designated Biologist(s). Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of biological monitor(s) (Designated Biologist(s)) **prior to commencement of project activities** (including construction and/or site preparation). Permittee shall ensure that the Designated Biologist(s) is knowledgeable and experienced in the biology, natural history, collecting, and handling of appropriate species. The Designated Biologist(s) shall be responsible for monitoring activities addressed by this Agreement, including, but not limited to all activities that result in the clearing or grading of sensitive habitat as well as grading, excavation, and/or other ground-disturbing activities in all areas subject to FGC section 1600 *et seq.* The Designated Biologist(s) shall flag the limits of grading and the jurisdictional areas, perform necessary surveys, and take photographs during the construction process, as required by this Agreement.
- 1.5 Project Site Entry. Permittee agrees that CDFW personnel may enter the project site at any time to verify compliance with the Agreement.
- 1.6 Take of Listed Species. The issuance of this Agreement does not authorize the take of any state and/or federally listed threatened, endangered, candidate, or fully protected species.
- 1.7 Take of Nesting Birds. Sections 3503, 3503.5, and 3513 of the FGC stipulate the following: Section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by FGC or any

regulation made pursuant thereto; Section 3503.5 states that it is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by FGC or any regulation adopted pursuant thereto; and Section 3513 states that it is unlawful to take or possess any migratory nongame bird except as provided by the rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act (MBTA) of 1918, as amended (16 U.S.C 703 *et seq.*).

2. Avoidance and Minimization Measures

To avoid or minimize adverse impacts to fish and wildlife resources identified above, Permittee shall implement each measure listed below.

- 2.1 Lighting Impacts. No lighting shall be allowed to impact riparian habitat areas, and the lighting and fencing for infrastructure adjacent to riparian areas shall be designed or reviewed by a qualified biologist to allow wildlife to move within the open space and conserved areas without hindrance.
- 2.2 Work Period and Time Limits - Bird Nesting Surveys. CDFW recommends that Permittee survey the entirety of the project site, and within a recommended 500 buffer surrounding the project site for both diurnal and nocturnal nesting birds, prior to commencing project activities (including construction and/or site preparation). Surveys shall be conducted at the appropriate time(s) of day, no more than three days prior to commencement of project activities. **Documentation of surveys and findings shall be submitted to CDFW prior to conducting project activities.** If an active bird nest is located, the Designated Biologist(s) shall establish, implement, and monitor avoidance and minimization measures to ensure compliance with all applicable laws and regulations related to nesting birds.
- 2.3 Nesting Bird Plan. **No fewer than 60 days prior to initiating project activities**, Permittee shall submit to CDFW for review a Nesting Bird Plan (NBP) that includes project specific avoidance and minimization measures to ensure that impacts to nesting birds do not occur and that the project complies with all applicable laws related to nesting birds and birds of prey. The NBP shall include, at a minimum, a) monitoring protocols; b) survey timing and duration; c) project phasing and timing; d) protocols for monitoring of project-related noise; and e) protocols for the use of sound walls and buffers.
- 2.4 Burrowing Owl. The burrowing owl is protected under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (50 C.F.R. Section 10.13) and Sections 3503, 3503.5 and 3513 of the FGC. Therefore, it is the responsibility to the project proponent to ensure compliance with these laws for the entire project site. CDFW recommends focused surveys, following the guidelines listed in the *2012 Staff Report on Burrowing Owl Mitigation* (found here: https://www.dfg.ca.gov/wildlife/nongame/survey_monitor.html) be conducted over all potential suitable habitat within the entire project site, including areas not subject to FGC Section 1602, within one year prior to initiating project activities. If

burrowing owls are found onsite, Permittee shall submit the survey results, along with a proposed burrowing owl conservation plan, for review and approval by CDFW. Burrowing owls shall not be evicted or translocated from the project site without first obtaining CDFW approval. **Please reference SAA 1600-2015-0174-R6.**

- 2.5 Work in Wetted Areas. To the maximum extent possible, Permittee shall avoid working in the wetted portion of any stream channel, lake, or wetland during the period of February 15 through September 30 to avoid impacts to native amphibian species. If work must be performed within the wetted portion of a stream channel, lake, or wetland, the work areas shall first be surveyed by the Designated Biologist(s) to determine whether native amphibian species are present. In the event that state or federally listed threatened, endangered, candidate, or otherwise sensitive amphibian species are discovered, Permittee shall immediately halt work and notify CDFW for further consultation.
- 2.6 Check for Wildlife in Pipes. Permittee shall visually check all sections of pipe for the presence of wildlife sheltering within them prior to the pipe sections being placed in the trench and attached together, or shall have the ends capped while stored on site so as to prevent wildlife from entering. After attachment of the pipe sections to one another, whether in the trench or not, the exposed end(s) of the pipeline shall be capped at the end of each day during construction to prevent wildlife from entering and being trapped.
- 2.7 Escape Ramp in Trenches and Pits. At the end of each work day, Permittee shall place an escape ramp at each end of any open trenches and pits to allow any animals that may have become entrapped in the trench to climb out overnight. The ramp may be constructed of either dirt fill or wood planking or other suitable material that is placed at an angle no greater than 30 degrees. Alternatively, Permittee may tightly cover the trench or pit after first inspecting it to ensure that no wildlife is trapped inside.
- 2.8 Native Landscaping. CDFW recommends that all plant species installed within open space areas and landscaped areas adjacent to and/or near open space areas include only local California native container plants, cuttings, and seeds, typical of the existing native plant species present within those areas. Permittee shall not plant, seed, or otherwise introduce invasive nonnative plant species to the landscaped areas adjacent to and/or near mitigation/open space areas and within or adjacent to stream channels (minimum 100 foot setback from open space areas and 150 foot setback from stream channels). Invasive nonnative plant species not to be used include those species listed on the "California Invasive Plant Inventory, February 2006" and the "February 2007 Inventory Update", (which are updates to Lists A & B of the California Exotic Pest Plant Council's list of "Exotic Pest Plants of Greatest Ecological Concern in California as of October 1999"). This list includes: pepper trees, pampas grass, fountain grass, ice plant, myoporum, black locust, capeweed, tree of heaven, periwinkle, bush lupine, sweet alyssum, English ivy, French broom, Scotch broom, Spanish broom, and pepperweed. A copy of the complete list can be obtained by contacting the

California Invasive Plant Council by phone at (510) 843-3902, at their website at www.cal-ipc.org, or by email at info@cal-ipc.org.

2.9 Invasive Species Prevention. Permittee shall comply with the following:

2.9.1 Permittee shall conduct project activities in a manner that prevents the introduction, transfer, and spread of invasive species, including plants, animals, and microbes (e.g., algae, fungi, parasites, bacteria, etc.), from one project site and/or waterbody to another. Prevention BMPs and guidelines for invasive plants can be found on the California Invasive Plant Council's website at: <http://www.cal-ipc.org/ip/prevention/index.php> and for invasive mussels and aquatic species can be found at the Stop Aquatic Hitchhikers website: <http://www.protectyourwaters.net/>.

2.9.2 Permittee shall notify CDFW immediately if an invasive species not previously known to occur within the project site is discovered during project activities by submitting a completed Suspect Invasive Species Report (available online at: <https://www.wildlife.ca.gov/Conservation/Invasives/Report>) and photos to the Invasive Species Program by email at: invasives@wildlife.ca.gov. Notification may also be provided by calling (866) 440-9530. Upon receiving notification, CDFW will provide Permittee with guidance for further action as appropriate to the species.

2.10 Best Management Practices. Permittee shall actively implement Best Management Practices (BMPs) to prevent erosion and the discharge of sediment and pollutants into streams during project activities. BMPs shall be monitored and repaired if necessary to ensure maximum erosion, sediment, and pollution control. Permittee shall prohibit the use of erosion control materials potentially harmful to fish and wildlife species, such as mono-filament netting (erosion control matting) or similar material, within and adjacent to areas subject to FGC section 1602. All fiber rolls, straw wattles, and/or hay bales utilized within and adjacent to the project site shall be free of nonnative plant materials. Fiber rolls or erosion control mesh shall be made of loose-weave mesh that is not fused at the intersections of the weave, such as jute, or coconut (coir) fiber, or other products without welded weaves. Non-welded weaves reduce entanglement risks to wildlife by allowing animals to push through the weave, which expands when spread.

2.11 Pollution and Litter. Permittee shall comply with all litter and pollution laws. All contractors, subcontractors, and employees shall also obey these laws and it shall be the responsibility of Permittee to ensure compliance.

2.11.1 Permittee shall not allow water containing mud, silt, or other pollutants from grading, aggregate washing, or other activities to enter a lake, streambed, or flowing stream or be placed in locations that may be subjected to high storm flows.

2.11.2 Spoil sites shall not be located within a lake, streambed, or flowing stream

or locations that may be subjected to high storm flows, where spoil shall be washed back into a lake, streambed, or flowing stream where it will impact streambed habitat and aquatic or riparian vegetation.

- 2.11.3 Raw cement/concrete or washings thereof, asphalt, paint, or other coating material, oil or other petroleum products, or any other substances which could be hazardous to fish and wildlife resources resulting from project related activities shall be prevented from contaminating the soil and/or entering the waters of the State. These materials, placed within or where they may enter a lake, streambed, or flowing stream by Permittee or any party working under contract or with the permission of Permittee, shall be removed immediately.
- 2.11.4 No broken concrete, cement, debris, soil, silt, sand, bark, slash, sawdust, rubbish, or washings thereof, oil or petroleum products, or other organic or earthen material from any construction or associated activity of whatever nature shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into waters of the State. When operations are completed, any excess materials or debris shall be removed from the work area. No rubbish shall be deposited within 150 feet of the high water mark of any lake, streambed, or flowing stream.
- 2.11.5 No equipment maintenance shall be done within or near any lake, streambed, or flowing stream where petroleum products or other pollutants from the equipment may enter these areas under any flow.

3. Mitigation Measures

Adverse impacts to 0.79 acres of fish and wildlife resources identified above that cannot be avoided or minimized shall be compensated. Compensation will include 2.94 acres of creation/reestablishment onsite (termed 'Onsite Mitigation Area') and purchase of 0.61-acre of wetland reestablishment credit (termed 'Offsite Mitigation Area').

- 3.1 Offsite Mitigation Area - Habitat Reestablishment. Permittee shall contribute sufficient funds to San Luis Rey Mitigation Bank to rehabilitate 0.69 acres of CDFW jurisdictional areas. **Permittee shall provide proof of purchase to CDFW prior to commencement of Project activities.**
- 3.2 Onsite Mitigation Area - Habitat Creation/Reestablishment. The Onsite Mitigation Area shall create/reestablish 2.97 acres of riparian/wetland habitat and 0.33 acres of unvegetated streambed. **All onsite restoration activities shall be completed no later than 12 months following the project completion, unless approved by CDFW.**
 - 3.2.1 All plant species installed shall include only local California native container plants and cuttings, and shall be typical of the existing native plant species present within, or immediately adjacent to, Temecula Creek.
 - 3.2.2 CDFW recommends that plant material be installed between October 1

and April 30 to maximize the benefits of the winter rainy season.

Note: If future maintenance, including vector control, is needed within the Onsite Mitigation Area, a separate routine maintenance agreement shall be obtained by the mitigation CDFW approved third party entity and must be issued prior to any work being performed.

- 3.3 Onsite Mitigation Area Success Criteria. The Onsite Mitigation Area shall meet all of the requirements below to be deemed successful by CDFW:
- 3.3.1 All planting shall have a minimum of 80% survival the first year and 100% survival thereafter and shall attain 80% cover after 3 years and 90% cover after 5 years. If the annual cover requirements have not been met, the Permittee is responsible for implementing appropriate remedial measures. Any replacement plants shall be monitored for 5 years after planting. Natural recruitment of native plants shall be evident for the site to be considered successful.
 - 3.3.2 No more than 5 percent invasive nonnative vegetation cover shall be present. All plant species with rates of dispersal and establishment listed as "High" or "Moderate" on the California Invasive Plant Inventory shall have documented absence, or have been removed from the site for at least three years for CDFW to deem the site successful. Nonnative plant removal shall be conducted throughout the 5-year monitoring and maintenance period.
 - 3.3.3 Irrigation may only be used to help the plants become established during the first three years following planting. Watering/ irrigation of the site shall be discontinued at least two years prior to completion of the monitoring period.
 - 3.3.4 If the survival and cover requirements have not been met, the Permittee shall follow contingency measures, including but not limited to, performing modifications to the existing habitat, creation of new habitat on- or offsite, payment of in-lieu fees, or purchase of additional mitigation credits from a mitigation bank. Any contingency actions will be determined in coordination with all regulatory agencies. If Permittee proposes to meet the success criteria through modifications to the existing habitat or creation of additional habitat, Permittee shall be responsible for maintaining and monitoring these areas with the same survival and growth requirements for 5 years after planting, or until CDFW deem the sites successful. Natural recruitment of native plants may be used to supplement replacement plants.
- 3.4 Onsite Mitigation Area - Preservation and Long-Term Management. Permittee shall ensure the preservation and long-term management of the 3.30-acre Onsite Mitigation Area through the recordation of a conservation easement.

- 3.4.1 Permittee shall place a conservation easement to protect fish and wildlife resources in perpetuity. The conservation easement shall be in favor of a CDFW-approved entity, and shall be **recorded within twelve (12) months following signature to this Agreement**. Permittee shall be responsible for all costs in recording and funding the conservation easement, including long-term management costs.
- 3.4.2 **Within 30 days of signing this Agreement**, the Permittee shall identify and engage a CDFW-approved conservation entity to manage the Onsite Mitigation Area.
- 3.4.3 **Within 60 days of signing this Agreement**, a Property Analysis Record (PAR), or substantially equivalent analysis, shall be conducted by Permittee and approved by CDFW and the CDFW-approved conservation entity to determine the management needs and costs described above, which then will be used to calculate the amount of capital needed for the management fund. This management fund shall be held and managed by an entity approved by CDFW. **Funding of the long-term management fund shall be provided to the CDFW-approved conservation entity no more than six (6) months following signature to this Agreement.**
- 3.4.4 A management fund shall be established by the Permittee and will consist of an interest-bearing account with the amount of capital necessary to generate sufficient interest and/or income to fund all monitoring, management, and protection of the mitigation lands, including, but not limited to, reasonable administrative overhead, biological monitoring, improvements to carrying capacity, invasive species and trash removal, fencing and signage replacement and repair, law enforcement measures, and other actions designed to maintain and improve the habitat of the mitigation lands, in perpetuity.

4. Reporting Measures

Permittee shall meet each reporting requirement described below.

- 4.1 Habitat Mitigation and Monitoring Plan. **No less than 60 days prior to the initiation of Project activities**, Permittee shall submit to CDFW for review and approval a Habitat Mitigation and Monitoring Plan (HMMP) designed to meet the onsite habitat rehabilitation, enhancement, and monitoring goals for the Onsite Mitigation Area identified in Measures 3.2 and 3.3 of this Agreement. At a minimum, the HMMP shall include the following information:
 - (a) *Fire Abatement Measures* - A fuel modification plan (i) approved by the local, state, or fire safe counsel which clearly demonstrates that if the Onsite Mitigation Area needs fuel modification, they are consistent with the success criteria; or (ii) verification from the local, state, or fire safe counsel that the HMMP can be implemented and is consistent with their agency needs;
 - (b) *Vector Control and/or Flood Control Measures* – A vector and flood control

plan which clearly demonstrates that if the Onsite Mitigation Area needs vector control and/or flood control measures, they are consistent with (i) the success criteria or (ii) verification from the appropriate Flood Control and Vector Control District in charge of the jurisdiction where the Onsite Mitigation Area is located that the HMMP can be implemented and is consistent with their agency needs;

- (c) *Physical Conditions* - A description of the physical conditions of the Onsite Mitigation Area, including (i) a map and (ii) GIS shapefiles;
- (d) *Site Preparation Plan* - A Site Preparation Plan that includes: (i) detailed contouring/grading plans, (ii) nonnative plant removal, including procedures to ensure that nonnative plants are not introduced, and (iii) details of native plant installation, including the type of materials to be utilized (eg. local native seeds, cutting, and/or container stock), source(s) of the materials, methods of installation, and a local California native plant palette;
- (e) *Irrigation Plan* - An irrigation plan, if applicable that identifies: (i) method used; (ii) sprinkler placement; and (3) timing; and
- (f) *Success Standards* - Success standards (as listed in Measure 3.3 for both native and non-native species) and contingency measures.

4.2 As-Built Report. No later than 180 days following onsite habitat restoration activities, Permittee shall submit to CDFW for review an As-Built Report documenting the completion of the onsite habitat restoration. At a minimum, the As-Built Report shall include the following information: (a) a description of the activities completed within the restoration areas, including grading/recontouring and installing of plant materials; (b) the native plant palette used within the restoration areas; and (d) a planting plan describing the number by species of plants and cuttings installed, and the amount of seed, by mix, distributed within the Mitigation Site.

4.3 Annual Reporting. An annual report shall be submitted to CDFW each year for a minimum of five years following the receipt of the As-Built report, or until CDFW deems the Mitigation Site successful. At a minimum, this report shall include the following information: (1) a description of the habitat maintenance and monitoring activities conducted during the previous year, including: (a) details of nonnative plant removal efforts, such as, the methods used for removal, the amount removed and/or treated, the frequency and timing of removal and treatment, disposal specifics, and a summary of the general successes and failures or failure of the nonnative removal plan; and (b) any overview of any supplemental planting /seeding conducted, including the number of plants replaced/installed, and the location and timing of replacement planting; (2) current site conditions, including: (a) the percent survival, percent cover, and height of both tree and shrub species planted and translocated, and (b) the methods used to assess these parameters; (3) a list of wildlife species observed within the Mitigation Site during monitoring surveys, including sensitive species and/or listed species; and (4) photos from designated photo stations. **The first annual report is due to CDFW no later than 13 months following the submittal of the As-Built Report.**

- 4.4 Long-term Reporting. Long-term reports shall be submitted every four years following the discontinuation of annual reporting. The long-term reports shall include an evaluation of the success or failure of management strategies implemented, and any changes to management strategies proposed in response to the successes or failures. **The first annual report is due to CDFW no later than 13 months following completion of initial re-establishment activities.**
- 4.5 Notification of Start and End of Construction. The Permittee shall notify CDFW, in writing, at least five (5) days prior to initiation and completion of project activities. Notification shall be mailed to CDFW Inland Deserts Region, 3602 Inland Empire Blvd., Suite C-220, Ontario, CA, 91764, Attn: Kim Romich. Please reference SAA # 1600-2016-0131-R6.
- 4.6 Notification to CNDDDB. If any sensitive species are observed on or in proximity to the project site, or during project surveys, Permittee shall submit California Natural Diversity Data Base (CNDDDB) forms and maps to the CNDDDB within five working days of the sightings, and provide the regional CDFW office with copies of the CNDDDB forms and survey maps. The CNDDDB form is available online at: http://www.dfg.ca.gov/biogeodata/cnddb/submitting_data_to_cnddb.asp. This information shall be mailed within *five days* to: California Natural Diversity Data Base, 1807 13th Street, Suite 202, Sacramento, CA 95811, Phone (916) 324-3812. A copy of this information shall also be mailed within five days to CDFW Inland Deserts Region, 3602 Inland Empire Blvd., Suite C-220, Ontario, CA, 91764, **Attn: Kim Romich. Please reference SAA # 1600-2015-0174-R6.**

5. Financial Security

Permittee shall provide a financial security for mitigation measures pursuant to this Agreement as described below unless funding for those specific measures, as approved by CDFW, has been provided in advance of the deadlines below.

- 5.1 Irrevocable Letter of Credit. An irrevocable letter of credit (LOC) shall be obtained for the amount to perform all compensatory and reporting measures pursuant to this Agreement. The LOC shall also include the cost to purchase 3.30 acres of offsite mitigation if the success criteria for the Mitigation Site listed in Measure 3.3 are not achieved.
- 5.1.1 The amount of the LOC shall be based on a cost estimate which shall be submitted to CDFW for approval **no less than 90 days prior to commencing project activities within CDFW jurisdictional areas.**
- 5.1.2 The LOC shall be submitted to CDFW **no less than 60 days prior to commencing project activities.**
- 5.1.3 Permittee shall provide a draft copy of the LOC to CDFW at the address listed below for review and approval prior to execution. The LOC shall not be executed without CDFW's prior approval.

- 5.1.4 In the event that the LOC will expire before the compensatory and reporting obligations have been met, Permittee shall be responsible for providing CDFW a new LOC **to replace the existing LOC at least 30 days prior to the expiration date.**
- 5.1.5 Upon execution of the LOC, Permittee shall provide the original and one copy of the executed document to CDFW at the address listed below.

CONTACT INFORMATION

Any communication that Permittee or CDFW submits to the other shall be in writing and any communication or documentation shall be delivered to the address below by U.S. mail, fax, or email, or to such other address as Permittee or CDFW specifies by written notice to the other.

To Permittee:

Mr. Doug Hageman
Cal Paseo Del Sol LLC
4790 Eastgate Mall Suite 150
San Diego, CA 92121
dhageman@newlandco.com
[\(858\) 875-8161](tel:(858)875-8161)

To CDFW:

Ms. Kim Romich
California Department of Fish and Wildlife
Inland Deserts Region
3602 Inland Empire Blvd., Suite C-220
Ontario, CA 91764
Notification #1600-2015-0174-R6
(909) 980-3818 (office)
kimberly.romich@wildlife.ca.gov

LIABILITY

Permittee shall be solely liable for any violations of the Agreement, whether committed by Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents or contractors and subcontractors, to complete the project or any activity related to it that the Agreement authorizes.

This Agreement does not constitute CDFW's endorsement of, or require Permittee to proceed with the project. The decision to proceed with the project is Permittee's alone.

SUSPENSION AND REVOCATION

CDFW may suspend or revoke in its entirety the Agreement if it determines that Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, is not in compliance with the Agreement.

Before CDFW suspends or revokes the Agreement, it shall provide Permittee written notice by certified or registered mail that it intends to suspend or revoke. The notice shall state the reason(s) for the proposed suspension or revocation, provide Permittee an opportunity to correct any deficiency before CDFW suspends or revokes the Agreement, and include instructions to Permittee, if necessary, including but not limited to a directive to immediately cease the specific activity or activities that caused CDFW to issue the notice.

ENFORCEMENT

Nothing in the Agreement precludes CDFW from pursuing an enforcement action against Permittee instead of, or in addition to, suspending or revoking the Agreement.

Nothing in the Agreement limits or otherwise affects CDFW's enforcement authority or that of its enforcement personnel.

OTHER LEGAL OBLIGATIONS

This Agreement does not relieve Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from obtaining any other permits or authorizations that might be required under other federal, state, or local laws or regulations before beginning the project or an activity related to it.

This Agreement does not relieve Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from complying with other applicable statutes in the FGC including, but not limited to, FGC sections 2050 *et seq.* (threatened and endangered species), 3503 (bird nests and eggs), 3503.5 (birds of prey), 5650 (water pollution), 5652 (refuse disposal into water), 5901 (fish passage), 5937 (sufficient water for fish), and 5948 (obstruction of stream).

Nothing in the Agreement authorizes Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, to trespass.

AMENDMENT

CDFW may amend the Agreement at any time during its term if CDFW determines the amendment is necessary to protect an existing fish or wildlife resource.

Permittee may amend the Agreement at any time during its term, provided the amendment is mutually agreed to in writing by CDFW and Permittee. To request an amendment, Permittee shall submit to CDFW a completed CDFW "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the corresponding amendment fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5).

TRANSFER AND ASSIGNMENT

This Agreement may not be transferred or assigned to another entity, and any purported transfer or assignment of the Agreement to another entity shall not be valid or effective, unless the transfer or assignment is requested by Permittee in writing, as specified below, and thereafter CDFW approves the transfer or assignment in writing.

The transfer or assignment of the Agreement to another entity shall constitute a minor amendment, and therefore to request a transfer or assignment, Permittee shall submit to CDFW a completed CDFW "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the minor amendment fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5).

EXTENSIONS

In accordance with FGC section 1605(b), Permittee may request one extension of the Agreement, provided the request is made prior to the expiration of the Agreement's term. To request an extension, Permittee shall submit to CDFW a completed CDFW "Request to Extend Lake or Streambed Alteration" form and include with the completed form payment of the extension fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5). CDFW shall process the extension request in accordance with FGC 1605(b) through (e).

If Permittee fails to submit a request to extend the Agreement prior to its expiration, Permittee must submit a new notification and notification fee before beginning or continuing the project the Agreement covers (FGC section 1605(f)).

EFFECTIVE DATE

The Agreement becomes effective on the date of CDFW's signature, which shall be: 1) after Permittee's signature; 2) after CDFW complies with all applicable requirements under the California Environmental Quality Act (CEQA); and 3) after payment of the applicable FGC section 711.4 filing fee listed at http://www.wildlife.ca.gov/habcon/ceqa/ceqa_changes.html.

TERM

This Agreement shall expire on **October 01, 2022**, unless it is terminated or extended before then. All provisions in the Agreement shall remain in force throughout its term. Permittee shall remain responsible for implementing any provisions specified herein to

protect fish and wildlife resources after the Agreement expires or is terminated, as FGC section 1605(a)(2) requires.

AUTHORITY

If the person signing the Agreement (signatory) is doing so as a representative of Permittee, the signatory hereby acknowledges that he or she is doing so on Permittee's behalf and represents and warrants that he or she has the authority to legally bind Permittee to the provisions herein.

AUTHORIZATION

This Agreement authorizes only the project described herein. If Permittee begins or completes a project different from the project the Agreement authorizes, Permittee may be subject to civil or criminal prosecution for failing to notify CDFW in accordance with FGC section 1602.

CONCURRENCE

The undersigned accepts and agrees to comply with all provisions contained herein.

FOR CAL PASEO DEL SOL LLC

A California Limited Liability Company

Douglas L. Hageman
Executive Vice President and General Counsel

Date

FOR DEPARTMENT OF FISH AND WILDLIFE

Chris Hayes
Environmental Program Manager

Date

Prepared by: Kim Romich
Environmental Scientist



Formerly Riverside Land Conservancy

BOARD OF DIRECTORS

President - Michael Linton
V. President – Michele McKinney
Treasurer - Fred Ryan
Secretary - Greg Ballmer

DIRECTORS

Kelly Alhadeff-Black
Jeff Beehler
Jane Block
Keith Butler
Jim Davis
Eric Johnson
Patricia Lock-Dawson
Beth Martinez
Fortino Morales III
Sarah Suverkrup
Dusty Williams
Kevin Wolf

STAFF

Jack Easton
Executive Director
Julie Yezzo
Office Manager
Nicole Padron
Stewardship Director
Rebecca O'Connor
Development Director
Rachael Hamilton
Outreach Coordinator
Kristan Culbert
Land Steward
Michael Viramontes
Land Steward

Rivers & Lands Conservancy enhances the quality of life in our community by conserving open spaces, habitats, and agricultural lands through acquisition, stewardship, and community engagement. We primarily serve the lands, people, and wildlife of inland Southern California.

Rivers & Lands Conservancy
4075 Mission Inn Ave.
Riverside, CA 92501
(951) 788-0670
Fax (951) 788-0679
npadron@riversandlands.org
www.riversandlands.org

Non-Profit Organization
Section 501 (c) (3)
TIN: 33-0294311

15Mar2018

Cal-Paseo Del Sol, LLC
c/o Michael L. Rust
4790 Eastgate Mall Suite 150
San Diego, CA 92121

Re: Paseo Del Sol Specific Plan Conservation Easement Project

Dear Mr. Rust:

Cal-Paseo Del Sol, LLC, its successors or assigns (“Client”) previously requested that Rivers & Lands Conservancy (“RLC”) evaluate the proposed conveyance to RLC of a conservation easement or other property interest (“Property Interest”) for the above-referenced Project. RLC has completed the Evaluation and is willing to proceed with the acceptance of the conveyance of the Property Interest, on the following terms and conditions:

1. **Property Interest.** The Property Interest RLC is willing to accept is described on Exhibit “A”, attached hereto.
2. **Obligations of Parties.** The obligations of each of RLC and Client with respect to any mitigation measures, and the on-going long-term maintenance of the Property Interest that will be undertaken by each of RLC and Client is set forth on Exhibit “B”, attached hereto.
3. **Funding.** A copy of the Property Analysis Record (“PAR”) outlining the costs approved by RLC is set forth on Exhibit “C”, attached hereto. In addition to any other costs set forth on the PAR, and in accordance with the Conservation Easement Agreement, RLC will require payment of Initial and Capital Costs and an Endowment in the amounts set forth on the PAR at the time the Conservation Easement Agreement is executed.
4. **Assumptions.** RLC has made certain assumptions identified on Exhibit “D”, attached hereto. RLC’s agreement to proceed on the terms outlined in this LOI is contingent upon all such assumptions being true and correct upon RLC’s acceptance of the Property Interest.
5. **Cost Reimbursement.** In consideration of, and as a condition to, RLC’s agreement to proceed with the conveyance of the Property Interest pursuant to this LOI, Client shall make a payment to RLC concurrently with the execution of this LOI in the amount of Twenty Thousand Dollars (\$20,000.00) in order to cover RLC’s costs associated with the baseline survey, preparation of the baseline report, and negotiation of the appropriate documents to accept the Property Interest. Any remaining portion of the fees that are not expended shall be credited against the Initial & Capital Costs as set forth in the PAR. It is anticipated that the cost reimbursement will be adequate to complete the required tasks, however, should the negotiations require more funds than currently anticipated, RLC reserves the right to request additional funding and to halt the negotiation if such funds are not provided. Should the negotiations terminate, RLC reserves the right to retain Twenty Two Percent (22%) of the unexpended funds as an administrative fee, and the remaining balance shall be refunded to Client.

6. Baseline Report. In accordance with RLC's policies and the standards and practices of the Land Trust Alliance, RLC will conduct a Baseline Survey and prepare a Baseline Report to document site conditions at the time the Property Interest is conveyed to RLC. RLC will complete the Baseline Survey and Report prior to execution of the legal agreement conveying the property interest. The Baseline Report will be submitted to Client for their review and signature, indicating their concurrence with the report, prior to execution of the Conservation Easement Agreement.
7. Board Approval. RLC's obligations to accept the Property Interest will be subject to final approval by RLC's Board of Directors (or a committee appointed by the Board), after the appropriate agreements have been negotiated. Nothing contained herein shall be construed as an obligation of RLC to accept the Property Interest until the final documents are approved by RLC's Board of Directors.

Each Party to this Agreement specifically acknowledges that it had sufficient opportunity to review this Agreement, confer with its separate legal counsel regarding the meaning of this Agreement and any provision contained herein, and negotiate revisions to this Agreement. Each Party relies solely upon its own judgment and the advice of its separate legal counsel in interpreting the provisions of this Agreement and is not relying on any representation, interpretation, presumed assent or implied agreement of the other Party which is not expressly contained in this Agreement. Accordingly, neither Party shall use or rely upon California Civil Code Section 1654 in order to interpret any uncertainty in the meaning of this Agreement.

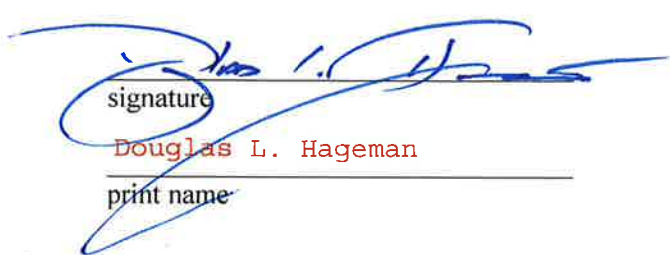
RLC and Client contemplate proceeding to negotiate the appropriate documents to consummate the conveyance of the Property Interest by Client to RLC, on the terms and conditions outlined herein. RLC's agreement to proceed is based upon all assumptions set forth above, and upon the understanding that the conveyance of the Property Interest will be completed, if at all, within eighteen (18) months of the date of this LOI. In the event that the transaction is not completed within such eighteen (18) month period, this LOI shall terminate, unless the parties enter into a new agreement to proceed at such time.

Sincerely,
RIVERS & LANDS CONSERVANCY



Nicole Padron
Stewardship Director

Client agrees to the terms and conditions of this LOI. Enclosed is the check in the amount of Twenty Thousand Dollars (\$20,000.00) made payable to Rivers & Lands Conservancy. RLC will commence preparation of the appropriate documents after receipt of this signed letter agreement and the fee.



signature

Douglas L. Hageman

print name

March 20, 2018

date

Executive Vice President

title and General Counsel

PROPERTY INTEREST

A single Conservation Easement comprising approximately 3.3 acres of Assessor's Parcel Numbers 959-400-001 and 959-400-002, located within the City of Temecula, Riverside County, California. The subject property is within the Paseo Del Sol Specific Plan project located at the northwest corner of the intersection of Temecula Parkway and Butterfield Stage Road.

Exhibit "A"

OBLIGATIONS OF PARTIES

RIVERS & LANDS CONSERVANCY (RLC)

Baseline Survey and Report - Document the conditions at time Property is accepted; to be completed prior to conveyance of the property interest. Send copy of report to Property Owner for signature prior to conveyance of property interest; send copy to involved regulatory agencies upon request.

1. Review relevant documents and permits
2. Examine site to document baseline conditions
3. Document and map existing onsite improvements and general conditions of adjacent lands
4. Establish and map photo points, take baseline photos
5. Describe habitat conditions
6. Examine property for evidence of prohibited uses and disturbance
7. Prepare report describing site conditions, include maps and photographs
8. Submit report to Property Owner for review and signature indicating concurrence with description of existing conditions

Recordation of Conveyance Agreement— Record the conservation easement or grant deed with the Clerk Recorder of the County of Riverside

1. Confirm the agreement is fully executed and contains all exhibits in recordable format.
2. Complete the necessary forms, pay the associated fees, and submit the document to the Clerk Recorder.
3. Upon receipt of conformed copy, distribute copies to Property Owner and other involved parties as required.

Field Survey, Semi-annual - Monitor property twice per year to document site conditions and to identify any activity or use that is inconsistent with the purpose of conservation of the property

1. Conduct site visit on property and fill out standard monitoring form
2. Document existing site conditions
3. Look for and document changes in site conditions and uses prohibited under the easement document
4. Visit photo points, take photos
5. Arrange for corrective actions as needed
6. File all relevant documents in project stewardship file
7. Notify Property Owner within one week of monitoring visit of any observed conditions that require corrective measures
8. A follow-up survey will be conducted as needed to review any management issues, it is estimated that the follow-up surveys will be required once every three years

Clearing/Thinning Vegetation from the Low Flow Channel – Maintain a width of 6-9 feet of the low-flow channel clear of vegetation to promote water conveyance.

1. Monitor the growth of vegetation in the low-flow channel during semi-annual monitoring visits
2. Retain contractor to implement measures for clearing vegetation from the low-flow channel on an annual basis

Removal of dead/dying vegetation – Remove dead/dying vegetation that has the potential to impact flows through the system

1. Note presence, location, and number of dead/dying plants during semi-annual monitoring visits

Exhibit “B”

2. Retain contractor to implement measures for removing dead/dying vegetation that has the potential to impact flows through the system on an annual basis

Control of Invasive Plants – *Plan and implement measures to control invasive plants species.*

1. Note presence, location, and number of invasive plants during semi-annual monitoring visits
2. Determine appropriate techniques for control of specific invasive plants
3. Retain contractor to implement measures for control of invasive plants on an annual basis

Removal of Trash – *Remove by hand wind and water borne trash/litter*

1. Remove wind and water borne trash/litter by hand annually.

Property Owner Contact - *Coordinate with Property Owner regarding any problems or any prohibited uses/activities that may be in conflict with the purpose of the conservation easement; follow-up as needed*

1. Introductory contact, follow up after baseline survey if any issues require attention.
2. Follow up after monitoring visit if any issues require attention.
3. Outline plans and schedule for monitoring visits
4. Meet annually with Property Owner (i.e. Homeowners Association), or less frequently depending on circumstances, regarding the conservation easement terms and any prohibited uses occurring onsite.

Annual Report - *Document the results of monitoring; establish written record for files, send copy to Property Owner, send copies to regulatory agencies upon request*

1. Summarize activities undertaken during preceding year including monitoring, contacts with Property Owner, and other relevant activities
2. Describe general conditions of property, describe changes in site conditions and uses prohibited under the easement document
3. Define problems or management issues
4. Identify actions planned for upcoming year
5. Attach photos, maps, and other relevant exhibits
6. Submit final report to Property Owner and to regulatory agencies (upon request)
7. Store file materials including field notes, photos, photo location map, maps of site conditions

Endowment Reporting – *Prepare an annual fiscal report for submittal to the California Department of Fish and Wildlife in accordance with applicable regulations. The report will include the following elements:*

1. The balance of the endowment at the beginning of the reporting period.
2. The amount of any contribution to the endowment during the reporting period including, but not limited to, gifts, grants, and contributions received.
3. The net amounts of investment earnings, gains, and losses during the reporting period, including both realized and unrealized amounts.
4. The amounts distributed during the reporting period that accomplish the purpose for which the endowment was established.
5. The administrative expenses charged to the endowment from internal or third-party sources during the reporting period.
6. The balance of the endowment or other fund at the end of the reporting period.
7. The specific asset allocation percentages including, but not limited to, cash, fixed income, equities, and alternative investments.

Exhibit "B"

8. The most recent financial statements for the organization audited by an independent auditor who is, at a minimum, a certified public accountant.

PROPERTY OWNER

All responsibilities and obligations associated with property ownership except those listed above. Such responsibilities and obligations include, but are not limited to, maintaining, repairing, and replacing fencing and signage, controlling trespass, removing dumped materials or other large trash items (including any hazardous waste), maintaining and repairing any man-made structures (manufactured slopes, channels, and inlet/outlet pipes) and removing sedimentation from the low-flow channel.

PROPERTY ANALYSIS RECORD ("PAR")

Section 16 - Financial Summary

Property Title: Paseo Del Sol v.02 15Mar2018

Date: 03/15/2018

1st Budget Year: 2019

State: CA

PAR Code: PDS02

<i>Item Descriptions</i>	<i>Total</i>
Initial & Capital Financial Requirements	
Revenues	\$0
Management Costs	\$34,650
Contingency Expense	\$3,465
Initial & Capital Management Total Costs	\$38,115
Administrative Costs of Total Management Costs	\$8,385
Initial & Capital Gross Costs	\$46,500
Initial & Capital Net Costs	\$46,500
Annual Ongoing Financial Requirements	
Revenues	\$0
Ongoing Costs	\$9,013
Contingency Expense	\$901
Ongoing Management Total Costs	\$9,915
Administrative Costs of Total Management Costs	\$2,181
Ongoing Gross Costs	\$12,096
Ongoing Net Costs	\$12,096
Endowment Requirements for Ongoing Stewardship	
Endowment to Produce Income of \$12,096	\$302,395
Endowment per acre \$91,635 Stewardship costs are based on 4.00% of Endowment Earnings per Year Ongoing management funding per year is \$12,096 Resulting in a per acre per year cost of \$3,665	
Total Funding Required	\$348,895

Section 14 - Initial & Capital Tasks and Costs

Property Title: Paseo Del Sol v.02 15Mar2018

PAR ID: PDS02

03/15/2018

Task List	Specific Description	Unit	Quantity	Cost / Unit	Annual Cost	Times Years	Cont %	Total Cost
FIELD EQUIPMENT								
Camera - Digital	Camera	Item	1.00	10.00	10.00	1.0	10.0	11.00
Gps	Field Gps Unit	Item	1.00	10.00	10.00	1.0	10.0	11.00
Vehicle	Mileage (2 WD)	Miles	185.00	0.55	101.75	1.0	10.0	111.92
Sub-Total								133.92
HABITAT MAINTENANCE								
Manage & Maintain	Herbicide, thinning, removal	Contractor	1.00	3,960.00	3,960.00	1.0	10.0	4,356.00
Sub-Total								4,356.00
MONITORING AND REPORTING								
Monitoring	Field Survey 1	L. Hours	8.00	100.00	800.00	1.0	10.0	880.00
Monitoring	Field Survey 2	L. Hours	8.00	100.00	800.00	1.0	10.0	880.00
Monitoring Report	Report Preparation	L. Hours	4.00	180.00	720.00	1.0	10.0	792.00
Monitoring Report	Report Preparation	L. Hours	24.00	100.00	2,400.00	1.0	10.0	2,640.00
Sub-Total								5,192.00
OPERATIONS								
Audit	Audit-cost share	Acre	3.00	0.55	1.65	1.0	10.0	1.81
Insurance	Conservation Easement	Item	1.00	60.00	60.00	1.0	10.0	66.00
Insurance	Liability/Consv. Easemt.	Acre	3.00	0.22	0.66	1.0	10.0	0.72
Legal & Emergency Fund	Establish Fund	Item	1.00	4,000.00	4,000.00	1.0	10.0	4,400.00
Project Accounting	Endowment Reporting	L. Hours	4.00	185.00	740.00	1.0	10.0	814.00
Project Accounting	Setup And Maintain	L. Hours	4.00	85.00	340.00	1.0	10.0	374.00
Project Management	Coordinate with Property	L. Hours	6.00	180.00	1,080.00	1.0	10.0	1,188.00
Project Management	Manage various elements of	L. Hours	16.00	100.00	1,600.00	1.0	10.0	1,760.00
Year 2 Costs	Year 2 Management Costs	Item	1.00	9,013.00	9,013.00	1.0	10.0	9,914.30
Year 3 Costs	Year 3 Management Costs	Item	1.00	9,013.00	9,013.00	1.0	10.0	9,914.30
Sub-Total								28,433.14
Subtotal								38,115.06
Administration								8,385.31
Total								46,500.38

Section 15 - Ongoing Tasks and Costs

Property Title: Paseo Del Sol v.02 15Mar2018

PAR ID: PDS02

03/15/2018

Task List	Specific Description	Unit	Number of Units	Cost / Unit	Annual Cost	Years Divide	Cont %	Total Cost
FIELD EQUIPMENT								
Camera - Digital	Camera	Item	1.00	10.00	10.00	1.0	10.0	11.00
Gps	Field Gps Unit	Item	1.00	10.00	10.00	1.0	10.0	11.00
Vehicle	Mileage (2 WD)	Miles	310.00	0.55	170.50	1.0	10.0	187.55
Sub-Total								209.55
HABITAT MAINTENANCE								
Manage & Maintain	Herbicide, thinning,	Contractor	1.00	3,020.45	3,020.45	1.0	10.0	3,322.49
Sub-Total								3,322.49
MONITORING AND REPORTING								
Monitoring	Field Survey 1	L. Hours	8.00	100.00	800.00	1.0	10.0	880.00
Monitoring	Field Survey 2	L. Hours	8.00	100.00	800.00	1.0	10.0	880.00
Monitoring	Follow-up Survey	L. Hours	6.00	180.00	1,080.00	3.0	10.0	396.00
Monitoring Report	Report Preparation	L. Hours	2.00	180.00	360.00	1.0	10.0	396.00
Monitoring Report	Report Preparation	L. Hours	8.00	100.00	800.00	1.0	10.0	880.00
Sub-Total								3,432.00
OPERATIONS								
Audit	Audit-cost share	Acre	3.00	0.55	1.65	1.0	10.0	1.81
Insurance	Conservation Easement	Item	1.00	60.00	60.00	1.0	10.0	66.00
Insurance	Liability/Consv. Easemt.	Acre	3.00	0.22	0.66	1.0	10.0	0.72
Project Accounting	Endowment Reporting	L. Hours	2.00	185.00	370.00	1.0	10.0	407.00
Project Accounting	Setup And Maintain	L. Hours	2.00	85.00	170.00	1.0	10.0	187.00
Project Management	Coordinate with Property	L. Hours	6.00	180.00	1,080.00	1.0	10.0	1,188.00
Project Management	Manage various elements	L. Hours	10.00	100.00	1,000.00	1.0	10.0	1,100.00
Sub-Total								2,950.54
Subtotal								9,914.58
Administration								2,181.20
Total								12,095.79

ASSUMPTIONS

- 1) RLC accepts a single Conservation Easement over a portion of APNs 959-401-001 and 959-400-001 encompassing approximately 3.3 acres, located within the City of Temecula, Riverside County, California.
 - a) Upon meeting CDFW success criteria for the mitigation areas, the site will comprise wetland and riparian scrub habitat and unvegetated waters/streambed.
 - b) The site provides mitigation in accordance with requirements of the California Department of Fish and Wildlife, U.S. Army Corps of Engineers, and Regional Water Quality Control Board.
 - c) Land uses on the site will be consistent with the objectives of long-term conservation of open space and habitat
 - d) The entire site is held by a single owner
- 2) To date, RLC's evaluation of the proposed conservation project has consisted of the following tasks:
 - a) RLC coordinated internally and corresponded with Mr. Chris Johnson of Michael Baker International and Mr. Michael Rust of Newland Real Estate Group LLC regarding project requirements.
 - b) RLC conducted a site visit on 26Jan2018
 - c) RLC reviewed the following documents provided by Mr. Chris Johnson of Michael Baker International and assumes no other documents are relevant to the proposed conservation easement project at this time:
 - i) CDFW. 2015. Streambed Alteration Agreement. Notification No. 1600-2015-0174-R6 Revision 3
 - ii) RWQCB San Diego. 2016. Clean Water Act Section 401 Water Quality Certification No. R9-2015-0176 for the Paseo Del Sol Specific Plan Project
 - iii) ACOE. Unsigned 2004. Permit No. SPL-2014-00423-PJB
 - iv) DBESP report. 2016, updated 2017. Prepared by Michael Baker International
 - v) Habitat Assessment and MSHCP Consistency Analysis. 2014. Prepared by RBF Consulting
 - vi) Phase I ESA. 2012. Prepared by Converse Consultants
- 3) Costs for preparation for the Baseline Survey and Report and for preparation of the Conservation Easement agreement including legal costs, RLC staff time, and other related costs will be in addition to costs listed in the PAR and will be funded by the Client; these costs are estimated to be \$20,000.00.
- 4) The Initial and Capital Costs and Endowment amounts listed in the PAR will be funded by the Client at the time the Conservation Agreement is executed.
- 5) Client will be responsible for the cost of recording the conservation easement, the premium of a title insurance policy in favor of RLC insuring its interests (and associated title reports), and all other associated costs.

Exhibit "D"

- 6) If required by US Army Corps of Engineers for approval of the easement, Client will provide current aerial photograph with easement area delineated, color photographs showing manmade improvements and major distinct natural features.
- 7) Client will survey and monument the conservation easement boundary or will provide files in Google Earth format (i.e. .KMZ or .KML), prepared by a California registered civil engineer or licensed surveyor, that precisely and accurately depict the conservation easement boundary.
- 8) The anticipated rate of return investment of the PAR endowment funds is 4%.
- 9) RLC shall have no obligation to expend any monies other than the Initial and Capital Costs listed in the PAR and the earnings on the PAR Endowment to monitor and manage the Conservation Easement.

Exhibit "D"



San Diego Regional Water Quality Control Board

June 15, 2016

Certified Mail – Return Receipt Requested

Article Number: 7011 0470 0002 8952 8158

Mr. Michael L. Rust
Cal Paseo Del Sol LLC
4790 Eastgate Mall Suite 150
San Diego, CA 92121

In reply/refer to:
R9-2015-0176:818991:dbradford

**Subject: Clean Water Act Section 401 Water Quality Certification No. R9-2015-0176
for the Paseo Del Sol Specific Plan Project**

Mr. Rust:

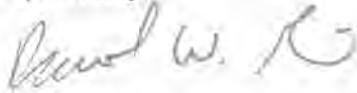
Enclosed find Clean Water Act Section 401 Water Quality Certification No. R9-2015-0176 (Certification) issued by the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) in response to the application submitted by Cal Paseo Del Sol LLC for the Paseo Del Sol Specific Plan Project (Project). A description of the Project and Project location can be found in the Certification and site maps which are included as attachments to the Certification.

Cal Paseo Del Sol LLC is enrolled under State Water Resources Control Board Order No. 2003-017-DWQ as a condition of the Certification and is required to implement and comply with all terms and conditions of the Certification in order to ensure that water quality standards are met for the protection of wetlands and other aquatic resources. Failure to comply with this Certification may subject Cal Paseo Del Sol LLC to enforcement actions by the San Diego Water Board including administrative enforcement orders requiring Cal Paseo Del Sol LLC 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.

Please submit all reports and information required under this Certification in electronic format via e-mail to SanDiego@waterboards.ca.gov. Documents over 50 megabytes will not be accepted via e-mail and must be placed on a disc and delivered to the San Diego Water Board, 2375 Northside Drive, San Diego, CA 92108. Each electronic document must be submitted as a single file, in Portable Document Format (PDF), and converted to text searchable format using Optical Character Recognition (OCR). All electronic documents must include scanned copies of all signature pages; electronic signatures will not be accepted. Electronic documents submitted to the San Diego Water Board must include the following identification numbers in the header or subject line: Certification No. R9-2015-0176:818991:dbradford.

For questions or comments regarding the Certification, please contact Darren Bradford by telephone at (619) 521-3356 or by email at darren.bradford@waterboards.ca.gov.

Respectfully,



DAVID W. GIBSON
Executive Officer

Enclosure:

Clean Water Act Section 401 Water Quality Certification No. R9-2015-0176 for the Paseo Del Sol Specific Plan Project

DWG:jgs:eb:dlb

cc:

U.S. Army Corps of Engineers, Regulatory
Branch
San Diego Field Office
Peggy Bartels
Peggy.J.Bartels@usace.army.mil

California Department of Fish and Game
South Coast Region
Habitat Conservation Planning – South
Jeff Brandt
Jeff.brandt@wildlife.ca.gov

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

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

Mr. Eric Becker
San Diego Water Board
Eric.Becker@waterboards.ca.gov

Mr. David Barker
San Diego Water Board
David.Barker@waterboards.ca.gov

Chris Johnson
Michael Baker International
chrisjohnson@mbakerintl.com

Tech Staff Information	
Certification No.	R9-2015-0176
Party ID	553480
Reg. Meas. ID	403451
Place ID	818991
Person ID	553480
WDID	9000002919

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

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

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

**PROJECT: Paseo Del Sol Specific Plan
Certification Number R9-2015-0176
WDID: 9000002919**

Reg. Meas. ID: 403451
Place ID: 818991
Party ID: 553480
Person ID: 553480

**APPLICANT: Cal Paseo Del Sol LLC
4790 Eastgate Mall Suite 150
San Diego, CA 92121**

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"/> Enrollment in Isolated Waters Order No. 2004-004-DWQ
<input checked="" type="checkbox"/> Enrollment in SWRCB GWDR Order No. 2003-017-DWQ	

PROJECT DESCRIPTION

An application dated October 15, 2015 was submitted by Cal Paseo Del Sol LLC (hereinafter Applicant), for Water Quality Certification pursuant to section 401 of the Clean Water Act (United States Code (USC) Title 33, section 1341) for the proposed Paseo Del Sol Specific Plan Project (Project). The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) deemed the application to be complete on May 5, 2016. The Applicant proposes to discharge dredged or fill material to waters of the United States and/or State associated with construction activity at the Project site. The Applicant has also applied for a Clean Water Act section 404 permit from the United States Army Corps of Engineers for the Project (USACE File No. 2014-00423-PJB).

The Project is located within the City of Temecula, Riverside County, California at the north of SR-79, east of Mantova Drive, South of De Portola Road, and west of Butterfield Stage Road. The Project center reading is located at latitude 33.486918 and longitude -117.082011. The Applicant has paid all required application fees for this Certification in the amount of \$18,549.00. On an annual basis, the Applicant shall also pay all active discharge fees and post discharge monitoring fees, as appropriate¹. On May 6, 2016, the San Diego Water Board

¹ The Applicant shall pay an annual active discharge fee each fiscal year or portion of a fiscal year during which discharges occur until the regional board or the State Board issues a Notice of Completion of Discharges Letter to the discharger. Dischargers shall pay an annual post-discharge monitoring fee each fiscal year or portion of a fiscal year commencing with the first fiscal year following the fiscal year in which the regional board or State Board issued a Notice of Completion of Discharges Letter to the discharger, but continued water quality monitoring or compensatory mitigation monitoring is required. Dischargers
(footnote continued on next page)

provided public notice of the Project application pursuant to California Code of Regulations, title 23, section 3858 by posting information describing the Project on the San Diego Water Board's web site and providing a period of twenty-one days for public review and comment. No comments were received.

The Applicant proposes to construct 173 single-family dwelling units on approximately 42.9 acres. In 1998, regulatory permits were issued for a mixed-use project. Rough grading of the site, including authorized impacts to approximately 4.9-acres of waters of the United States and/or State occurred between 1999 and 2001. The applicant mitigated for impacts to waters of the State by preserving 9.4 acres of willow riparian habitat within Temecula Creek. Project construction stopped in 2002 and is yet to be completed. On-site waters/wetlands that are present today consist of the stormwater best management practices (BMPs) that were constructed in 2001. Additional permitting is required for impacts to the onsite waters. The previously planned commercial component of the Project has been eliminated.

The Project will convert approximately 34.11 acres of pervious ground cover to impervious surfaces. Runoff leaving the developed Project area would be significantly greater in volume, velocity, peak flow rate, and duration than pre-development runoff from the same area without mitigation. Post-construction best management practices (BMPs) to manage and control the effects of these runoff increases will consist of an infiltration basin, landscape buffer areas between sidewalks and streets; and perforated pipes in suitable soils for low-flow infiltration. These BMP will be designed, constructed, and maintained to meet the City of Temecula'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 on-site or off-site downstream erosion, damage to downstream properties, or otherwise damage stream habitats in violation of water quality standards in the *Water Quality Control Plan for the San Diego Basin (9)* (Basin Plan).

Project construction will permanently impact 0.10 acre (26 linear feet) of streambed waters of the United States and/or State and 0.61 (1,350 linear feet) acre of wetland waters of the United States and/or State. The Applicant reports that the Project purpose cannot be practically accomplished in a manner which would avoid or result in less adverse impacts to aquatic resources considering all potential practicable alternatives, such as the potential for alternate available locations, designs, reductions in size, configuration or density.

The Applicant reports that compensatory mitigation for the permanent loss of 0.71 acre (1,376 linear feet) of jurisdictional waters will be achieved through the on-site and off-site establishment and re-establishment of 3.55 acres (1,720 linear feet) of waters of the United

(footnote continued from previous page)

shall pay the annual post-discharge monitoring fee each fiscal year until the regional board or the State Board issues a Notice of Project Complete Letter to the discharger. Additional information regarding fees can be found electronically at the following location: http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/dredgefillcalculator.xlsx

States and/or State. All waters of the United States and/or State receiving temporary discharges of fill material will be restored upon removal of the fill. Mitigation for discharges of fill material to waters of the United States and/or State will be completed by the Applicant on-site in the Pechanga hydrologic sub-area (HSA 902.51) at a minimum compensation ratio of 4:1 (area mitigated:area impacted), and off-site at the San Luis Rey Mitigation Bank located in the Mission hydrologic sub-area (HSA 903.11) at a minimum compensation ratio of 1:1 (area mitigated:area impacted). Mitigation purchased from the San Luis Rey Mitigation Bank is required to be protected and maintained in perpetuity by Wildlands according to the conditions of Water Quality Certification No. R9-2013-0050. By purchasing credits: the Performance Standards; Mitigation Site Design; Long Term Management, Maintenance, and Monitoring; and Mitigation Site Preservation Mechanism for the Project will be implemented by Wildlands through San Luis Rey Mitigation Bank according to the conditions of Water Quality Certification No. R9-2013-0050.

Detailed written specifications and work descriptions for the compensatory mitigation project including, but not limited to, the geographic boundaries of the project, timing, sequence, monitoring, maintenance, ecological success performance standards and provisions for long-term management and protection of the mitigation areas are described in the *Habitat Mitigation and Monitoring Plan Paseo Del Sol Specific Plan Project* (Mitigation Plan), dated April 2016. San Diego Water Board acceptance of the Mitigation Plan applies only to the Project described in this Certification and must not be construed as approval for other current or future projects that are planning to use additional acreage at the site for mitigation. The Mitigation Plan is incorporated in this Certification by reference as if set forth herein. The Mitigation Plan provides for implementation of compensatory mitigation which offsets adverse water quality impacts attributed to the Project in a manner that protects and restores the abundance, types and conditions of aquatic resources and supports their beneficial uses. Implementation of the Mitigation Plan will reduce significant environmental impacts to resources within the San Diego Water Board's purview to a less than significant level. Based on all of these considerations, the Mitigation Plan will adequately compensate for the loss of beneficial uses and habitat within waters of the United States and/or State attributable to the Project.

Additional Project details are provided in Attachments 1 through 4 of this Certification.

TABLE OF CONTENTS

I.	STANDARD CONDITIONS.....	5
II.	GENERAL CONDITIONS	5
III.	CONSTRUCTION BEST MANAGEMENT PRACTICES	8
IV.	POST-CONSTRUCTION BEST MANAGEMENT PRACTICES	10
V.	PROJECT IMPACTS AND COMPENSATORY MITIGATION	11
VI.	MONITORING AND REPORTING REQUIREMENTS	14
VII.	NOTIFICATION REQUIREMENTS	19
VIII.	CALIFORNIA ENVIRONMENTAL QUALITY ACT COMPLIANCE	21
IX.	SAN DIEGO WATER BOARD CONTACT PERSON	21
X.	WATER QUALITY CERTIFICATION	21

Attachments:

1. Definitions
2. Project 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, the following three standard conditions apply to all water quality certification actions:

- A. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to section 13330 of the Water Code and chapter 28, article 6 (commencing with title 23, section 3867), of the California Code of Regulations.
- B. This Certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to California Code of Regulations title 23, section 3855 subdivision (b), and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
- C. This Certification action is conditioned upon total payment of any fee required under title 23, chapter 28 (commencing with section 3830) of California Code of Regulations and owed by the applicant.

II. GENERAL CONDITIONS

- A. **Term of Certification.** Water Quality Certification No. R9-2015-0176 (Certification) shall expire upon a) the expiration or retraction of the Clean Water Act section 404 (33 USC Title 33, section 1344) permit issued by the U.S. Army Corps of Engineers for this Project, or b) five (5) years from the date of issuance of this Certification, whichever occurs first.
- B. **Duty to Comply.** The Applicant must comply with all conditions and requirements of this Certification. Any Certification noncompliance constitutes a violation of the Water Code and is grounds for enforcement action or Certification termination, revocation and reissuance, or modification.
- C. **General Waste Discharge Requirements.** The requirements of this Certification are enforceable through Water Quality Order No. 2003-0017-DWQ, *Statewide General Waste Discharge Requirements for Discharges of Dredged or Fill Material that have Received State Water Quality Certification* (Water Quality Order No. 2003-0017-DWQ). This provision shall apply irrespective of whether a) the federal permit for which the Certification was obtained is subsequently retracted or is expired, or b) the Certification is expired. Water Quality Order No. 2003-0017-DWQ is accessible at:

http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/generalorders/gowdr401regulated_projects.pdf
- D. **Project Conformance with Application.** All water quality protection measures and BMPs described in the application and supplemental information for water quality

certification are incorporated by reference into this Certification as if fully stated herein. Notwithstanding any more specific conditions in this Certification, the Applicant shall construct, implement and comply with all water quality protection measures and BMPs described in the application and supplemental information. The conditions within this Certification shall supersede conflicting provisions within the application and supplemental information submitted as part of this Certification action.

- E. **Project Conformance with Water Quality Control Plans or Policies.** Notwithstanding any more specific conditions in this Certification, the Project shall be constructed in a manner consistent with the Basin Plan and any other applicable water quality control plans or policies adopted or approved pursuant to the Porter Cologne Water Quality Act (Division 7, commencing with Water Code Section 13000) or section 303 of the Clean Water Act (33 USC section 1313). The Basin Plan is accessible at:

http://www.waterboards.ca.gov/sandiego/water_issues/programs/basin_plan/index.shtml

- F. **Project Modification.** The Applicant must submit any changes to the Project, including Project operation, which would have a significant or material effect on the findings, conclusions, or conditions of this Certification, to the San Diego Water Board for prior review and written approval. If the San Diego Water Board is not notified of a significant change to the Project, it will be considered a violation of this Certification.
- G. **Certification Distribution Posting.** During Project construction, the Applicant must maintain a copy of this Certification at the Project site. This Certification must be available at all times to site personnel and agencies. A copy of this Certification shall also be provided to any contractor or subcontractor performing construction work, and the copy shall remain in their possession at the Project site.
- H. **Inspection and Entry.** The Applicant must allow the San Diego Water Board or the State Water Resources Control Board, and/or their authorized representative(s) (including an authorized contractor acting as their representative), upon the presentation of credentials and other documents as may be required under law, to:
1. Enter upon the Project or Compensatory Mitigation site(s) premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Certification;
 2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Certification;
 3. Inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Certification; and
 4. Sample or monitor, at reasonable times, for the purposes of assuring Certification compliance, or as otherwise authorized by the Clean Water Act or Water Code, any substances or parameters at any location.

- I. **Enforcement Notification.** In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.
- J. **Certification Actions.** This Certification may be modified, revoked and reissued, or terminated for cause including but not limited to the following:
1. Violation of any term or condition of this Certification;
 2. Monitoring results indicate that continued Project activities could violate water quality objectives or impair the beneficial uses of Temecula Creek or its tributaries;
 3. Obtaining this Certification by misrepresentation or failure to disclose fully all relevant facts;
 4. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge; and
 5. Incorporation of any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the Clean Water Act.

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

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

III. CONSTRUCTION BEST MANAGEMENT PRACTICES

- A. **Approvals to Commence Construction.** The Applicant shall not commence Project construction until all necessary federal, State, and local approvals are obtained.
- B. **Personnel Education.** Prior to the start of the Project, and annually thereafter, the Applicant must educate all personnel on the requirements in this Certification, pollution prevention measures, spill response measures, and BMP implementation and maintenance measures.
- C. **Spill Containment Materials.** The Applicant must, at all times, maintain appropriate types and sufficient quantities of materials on-site to contain any spill or inadvertent release of materials that may cause a condition of pollution or nuisance if the materials reach waters of the United States and/or State.
- D. **General Construction Storm Water Permit.** Prior to start of Project construction, the Applicant must, as applicable, obtain coverage under, and comply with, the requirements of State Water Resources Control Board Water Quality Order No. 2009-0009-DWQ, the *General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activity*, (General Construction Storm Water Permit) and any reissuance. If Project construction activities do not require coverage under the General Construction Storm Water Permit, the Applicant must develop and implement a runoff management plan (or equivalent construction BMP plan) to prevent the discharge of sediment and other pollutants during construction activities.
- E. **Waste Management.** The Applicant must properly manage, store, treat, and dispose of wastes in accordance with applicable federal, state, and local laws and regulations. Waste management shall be implemented to avoid or minimize exposure of wastes to precipitation or storm water runoff. The storage, handling, treatment, or disposal of waste shall not create conditions of pollution, contamination or nuisance as defined in Water Code section 13050. Upon Project completion, all Project generated debris, building materials, excess material, waste, and trash shall be removed from the Project site(s) for disposal at an authorized landfill or other disposal site in compliance with federal, state and local laws and regulations.
- F. **Waste Management.** Except for a discharge permitted under this Certification, the dum818991g, deposition, or discharge of trash, rubbish, unset cement or asphalt, concrete, grout, damaged concrete or asphalt, concrete or asphalt spoils, wash water, organic or earthen material, steel, sawdust or other construction debris waste from Project activities directly into waters of the United States and or State, or adjacent to such waters in any manner which may permit its being transported into the waters, is prohibited.
- G. **Downstream Erosion.** Discharges of concentrated flow during construction or after Project completion must not cause downstream erosion or damage to properties or stream habitat.

- H. **Construction Equipment.** All equipment must be washed prior to transport to the Project site and must be free of sediment, debris, and foreign matter. All equipment used in direct contact with surface water shall be steam cleaned prior to use. All equipment using gas, oil, hydraulic fluid, or other petroleum products shall be inspected for leaks prior to use and shall be monitored for leakage. Stationary equipment (e.g., motors, pumps, generator, etc.) shall be positioned over drip pans or other types of containment.
- I. **Process Water.** Water containing mud, silt, or other pollutants from equipment washing or other activities, must not be discharged to waters of the United States and/or State or placed in locations that may be subjected to storm water runoff flows. Pollutants discharged to areas within a stream diversion must be removed at the end of each work day or sooner if rain is predicted.
- J. **Surface Water Diversion.** All surface waters, including ponded waters, must be diverted away from areas of active grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. Diversion activities must not result in the degradation of beneficial uses or exceedance of the receiving water quality objectives. Any temporary dam or other artificial obstruction constructed must only be built from materials such as clean gravel which will cause little or no siltation. Normal flows must be restored to the affected stream immediately upon completion of work at that location.
- K. **Re-vegetation and Stabilization.** All areas that have 14 or more days of inactivity must be stabilized within 14 days of the last activity. The Applicant shall implement and maintain BMPs to prevent erosion of the rough graded areas. After completion of grading, all areas must be re-vegetated with native species appropriate for the area. The re-vegetation palette must not contain any plants listed on the California Invasive Plant Council Invasive Plant Inventory, which can be accessed at <http://www.cal-ipc.org/ip/inventory/>.
- L. **Hazardous Materials.** Except as authorized by this Certification, substances hazardous to aquatic life including, but not limited to, petroleum products, unused cement/concrete, asphalt, and coating materials, must be prevented from contaminating the soil and/or entering waters of the United States and/or State. BMPs must be implemented to prevent such discharges during each Project activity involving hazardous materials.
- M. **Vegetation Removal.** Removal of vegetation must occur by hand, mechanically, or through application of United States Environmental Protection Agency (USEPA) approved herbicides deployed using applicable BMPs to minimize adverse effects to beneficial uses of waters of the United States and/or State. Discharges related to the application of aquatic pesticides within waters of the United States must be done in compliance with State Water Resources Control Board Water Quality Order No. 2004-0009-DWQ, the *Statewide General National Pollution Discharge Elimination System Permit for the Discharge of Aquatic Weed Control in Waters of the United States*, and any subsequent reissuance as applicable.

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

IV. POST-CONSTRUCTION BEST MANAGEMENT PRACTICES

- A. **Post-Construction Discharges.** The Applicant shall not allow post-construction discharges from the Project site to cause or contribute to on-site or off-site erosion or damage to properties or stream habitats.
- B. **Storm Drain Inlets.** All storm drain inlet structures within the Project boundaries must be stamped or stenciled (or equivalent) with appropriate language prohibiting non-storm water discharges.
- C. **Post-Construction BMP Design.** The Project must be designed to comply with the most current Standard Storm Water Mitigation and Hydromodification Plans for the City of Temecula. Post-construction BMPs are described in the *Project Specific Preliminary Water Quality Management Plan For: Planning Area 4 of Specific Plan #219 (WQMP)*.
- D. **Post-Construction BMP Implementation.** All post-construction BMPs must be constructed, functional, and implemented prior to completion of Project construction, occupancy, and/or planned use, and maintained in perpetuity. The post construction BMPs must include those described in the WQMP, dated November 18, 2015, prepared

on behalf of the Applicant by JLC Engineering and Consulting, Inc.; or any subsequent version of the WQMP approved by the City of Temecula.

- E. **Post-Construction BMP Maintenance.** The post construction BMPs must be designed, constructed, and maintained in accordance with the most recent California Storm Water Quality Association (CASQA)² guidance. The Applicant shall:
1. No less than two times per year, assess the performance of the BMPs to ensure protection of the receiving waters and identify any necessary corrective measures;
 2. Perform inspections of BMPs, at the beginning of the wet season no later than October 1 and the end of the wet season no later than April 1, for standing water, slope stability, sediment accumulation, trash and debris, and presence of burrows;
 3. Regularly perform preventative maintenance of BMPs, including removal of accumulated trash and debris, as needed to ensure proper functioning of the BMPs;
 4. Identify and promptly repair damage to BMPs; and
 5. Maintain a log documenting all BMP inspections and maintenance activities. The log shall be made available to the San Diego Water Board upon request.
- F. **Bridge, Crossing, and Culvert Design.** Bridges, culverts, dip crossings, or other stream crossing structures shall be designed and installed so they will not cause scouring of the stream bed and/or erosion of the banks in the vicinity of the Project. Storm drain lines/culverts and other stream crossing structures shall be designed and maintained to accommodate at least a 100-year, 24-hour storm event, including associated bedload and debris, with a similar average velocity as upstream and downstream sections. Bottoms of temporary culverts shall be placed at stream channel grade and bottoms of permanent culverts shall be open bottom or embedded and backfilled below the grade of the stream greater than or equal to a depth of 1 foot.
- V. **PROJECT IMPACTS AND COMPENSATORY MITIGATION**
- A. **Project Impact Avoidance and Minimization.** The Project must avoid and minimize adverse impacts to waters of the United States and/or State to the maximum extent practicable.
- B. **Project Impacts and Compensatory Mitigation.** Unavoidable Project impacts to Temecula Creek and its unnamed tributaries within the Santa Margarita Watershed must not exceed the type and magnitude of impacts described in the table below. At a minimum, compensatory mitigation required to offset unavoidable temporary and permanent Project impacts to waters of the United States and/or State must be achieved as described in the table below:

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]

	Impacts (acres)	Impacts (linear ft.)	Mitigation for Impacts (acres)	Mitigation Ratio (area mitigated :area impacted)	Mitigation for Impacts (linear ft.)	Mitigation Ratio (linear feet mitigated :linear feet impacted)
Permanent Impacts						
Stream Channel	0.10	26	1.71 Establishment ¹	17.1:1	1,163 Establishment	44.7:1
Wetland	0.61	1,350	1.23 Establishment ²	2:1	557 Establishment	0.41:1
			0.61 Re-establishment ³	1:1	N/A ⁴	N/A ⁴

1. Streambed establishment on-site.
2. Wetland establishment on-site.
3. Purchase of 0.61-acre of re-established floodplain credits from the San Luis Rey Mitigation Bank. Mitigation purchased from the San Luis Rey Mitigation Bank is required to be protected and maintained in perpetuity by Wildlands according to the conditions of Water Quality Certification No. R9-2013-0050. The mitigation provided for Project impacts contributes to the net gain of wetlands per the State of California Net Gain Policy (Executive Order W-59-93.)
4. The amount of mitigation credits purchased is not reported in terms of linear feet of mitigation.

- C. **Compensatory Mitigation Plan Implementation.** The Applicant must fully and completely implement the Mitigation Plan; any deviations from, or revisions to, the Mitigation Plan must be pre-approved by the San Diego Water Board.
- D. **Performance Standards.** Compensatory mitigation required under this Certification shall be considered achieved once it has met the ecological success performance standards contained in the Mitigation Plan (Section 6, page 22) to the satisfaction of the San Diego Water Board.
- E. **Compensatory Mitigation Site Design.** The compensatory mitigation site(s) shall be designed to be self-sustaining once performance standards have been achieved. This includes minimization of active engineering features (e.g., pumps) and appropriate siting to ensure that natural hydrology and landscape context support long-term sustainability in conformance with the following conditions:
1. Most of the channels through the mitigation sites shall be characterized by equilibrium conditions, with no evidence of severe aggradation or degradation;
 2. As viewed along cross-sections, the channel and buffer area(s) shall have a variety of slopes, or elevations, that are characterized by different moisture gradients. Each sub-slope shall contain physical patch types or features that contribute to irregularity in height, edges, or surface and to complex topography overall; and

3. The mitigation sites shall have a well-developed plant community characterized by a high degree of horizontal and vertical interspersions among plant zones and layers.
- F. **Temporary Project Impact Areas.** The Applicant must restore all areas of temporary impacts and all other areas of temporary disturbance which could result in a discharge or a threatened discharge of pollutants to waters of the United States and/or State. Restoration must include grading of disturbed areas to pre-project contours and re-vegetation with native species. The Applicant must implement all necessary BMPs to control erosion and runoff from areas associated with the Project.
- G. **Long-Term Management and Maintenance.** The compensatory mitigation site(s) must be managed, protected, and maintained, in perpetuity, in conformance with the long-term management plan and the final ecological success performance standards identified in the Mitigation Plan. The aquatic habitats, riparian areas, buffers and uplands that comprise the mitigation site(s) must be protected in perpetuity from land-use and maintenance activities that may threaten water quality or beneficial uses within the mitigation area(s) in a manner consistent with the following requirements:
1. Any maintenance activities on the mitigation site(s) that do not contribute to the success of the mitigation site(s) and enhancement of beneficial uses and ecological functions and services are prohibited;
 2. Maintenance activities must be limited to the removal of trash and debris, removal of exotic plant species, replacement of dead native plant species, and remedial measures deemed necessary for the success of the compensatory mitigation project;
 3. The Mitigation site(s) must be maintained, in perpetuity, free of perennial exotic plant species including, but not limited to, pampas grass, giant reed, tamarisk, sweet fennel, tree tobacco, castor bean, and pepper tree. Annual exotic plant species must not occupy more than 5 percent of the mitigation site(s); and
 4. If at any time a catastrophic natural event (e.g., fire, flood) causes damage(s) to the mitigation site(s) or other deficiencies in the compensatory mitigation project, the Applicant must take prompt and appropriate action to repair the damage(s) including replanting the affected area(s) and address any other deficiencies. The San Diego Water Board may require additional monitoring by the Applicant to assess how the compensatory mitigation site(s) or project is responding to a catastrophic natural event.
- H. **Timing of Mitigation Site Construction.** The construction of proposed mitigation must be concurrent with project grading and completed no later than 9 months following the start of Project construction. Delays in implementing mitigation must be compensated for by an increased mitigation implementation of 10% of the cumulative compensatory mitigation for each month of delay.

- I. **Mitigation Site(s) Preservation Mechanism.** Within 90 days from the issuance of this Certification, the Applicant must provide the San Diego Water Board with a draft preservation mechanism (e.g. deed restriction, conservation easement, etc.) that will protect all mitigation areas and their buffers in perpetuity. Within one year of the start of Project construction, the Applicant must submit proof of a completed final preservation mechanism that will protect all mitigation areas and their buffers in perpetuity. The conservation easement, deed restriction, or other legal limitation on the mitigation properties must be adequate to demonstrate that the sites will be maintained without future development or encroachment on the sites which could otherwise reduce the functions and values of the sites for the variety of beneficial uses of waters of the United States and/ or State that it supports. The legal limitation must prohibit, without exception, all residential, commercial, industrial, institutional, and transportation development, and any other infrastructure development that would not maintain or enhance the wetland and streambed functions and values of the sites. The preservation mechanism must clearly prohibit activities that would result in soil disturbance or vegetation removal, other than the removal of non-native vegetation. Other infrastructure development to be prohibited includes, but is not limited to, additional utility lines, maintenance roads, and areas of maintained landsca818991g for recreation.

VI. MONITORING AND REPORTING REQUIREMENTS

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

California Rapid Assessment Method. California Rapid Assessment Method (CRAM)³ monitoring must be performed to assess the current and potential ecological conditions (ecological integrity) of the impact site and proposed compensatory mitigation site(s). These conditions reflect the overall level of ecological function of an aquatic resource. Prior to initiating Project construction, the Applicant shall develop a monitoring plan to implement California Rapid Assessment Method (CRAM) monitoring. The Applicant must conduct a quantitative function-based assessment of the health of streambed habitat to establish pre-project baseline conditions, set CRAM success criteria, and assess the mitigation site(s) progress towards meeting the success criteria. CRAM monitoring must be conducted prior to the start of Project construction authorized under this Certification and annually following construction completion for a period of 5 years. The annual CRAM monitoring results shall be submitted with the Annual Project Progress Report. An evaluation, interpretation, and tabulation of all CRAM assessment data shall be submitted with the Final Project Completion Report.

- E. **Discharge Commencement Notification.** The Applicant must notify the San Diego Water Board in writing **at least 5 days prior to** the start of Project construction.
- F. **Geographic Information System Data.** The Applicant must submit Geographic Information System (GIS) shape files of the Project impact sites within 30 days of the start of project construction and GIS shape files of the Project mitigation sites within 30 days of mitigation installation. All impact and mitigation site shape files must be polygons. Two GPS readings (points) must be taken on each line of the polygon and the polygon must have a minimum of 10 points. GIS metadata must also be submitted.
- G. **Annual Project Progress Reports.** The Applicant must submit annual Project progress reports describing status of BMP implementation, compensatory mitigation, 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 Annual Project Progress Reports must contain compensatory mitigation monitoring information sufficient to demonstrate how the compensatory mitigation project is progressing towards accomplishing its objectives and meeting its performance standards. Annual Project Progress Reports must be submitted even if Project construction has not begun. The monitoring period for each Annual Project Progress Report shall be January 1st through December 31st of each year. Annual Project Progress Reports must include, at a minimum, the following:
1. **Project Status and Compliance Reporting.** The Annual Project Progress Report must include the following Project status and compliance information:
 - a. The names, qualifications, and affiliations of the persons contributing to the report;
 - b. The status, progress, and anticipated schedule for completion of Project construction activities including the installation and operational status of best

³ The most recent versions of the California Rapid Assessment Method (CRAM) for Wetlands and additional information regarding CRAM can be accessed at <http://www.cramwetlands.org/>

management practices project features for erosion and storm water quality treatment;

- c. A description of Project construction delays encountered or anticipated that may affect the schedule for construction completion; and
 - d. A description of each incident of noncompliance during the annual monitoring period and its cause, the period of the noncompliance including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
2. **Compensatory Mitigation Monitoring Reporting.** Mitigation monitoring information must be submitted as part of the Annual Project Progress Report for a period of not less than five years, sufficient to demonstrate that the compensatory mitigation project has accomplished its objectives and met ecological success performance standards contained in the Mitigation Plan. Following Project implementation the San Diego Water Board may reduce or waive compensatory mitigation monitoring requirements upon a determination that performance standards have been achieved. Conversely the San Diego Water Board may extend the monitoring period beyond five years upon a determination that the performance standards have not been met or the compensatory mitigation project is not on track to meet them. The Annual Project Progress Report must include the following compensatory mitigation monitoring information:
- a. Names, qualifications, and affiliations of the persons contributing to the report;
 - b. An evaluation, interpretation, and tabulation of the parameters being monitored, including the results of the Mitigation Plan monitoring program, and all quantitative and qualitative data collected in the field;
 - c. A description of the following mitigation site(s) characteristics:
 - i. Detritus cover;
 - ii. General topographic complexity;
 - iii. General upstream and downstream habitat and hydrologic connectivity; and
 - iv. Source of hydrology
 - d. Monitoring data interpretations and conclusions as to how the compensatory mitigation project(s) is progressing towards meeting performance standards and whether the performance standards have been met;
 - e. A description of the progress toward implementing a plan to manage the compensatory mitigation project after performance standards have been achieved to ensure the long term sustainability of the resource in perpetuity, including a discussion of long term financing mechanisms, the party responsible for long term management, and a timetable for future steps;

- f. Qualitative and quantitative comparisons of current mitigation conditions with pre-construction conditions and previous mitigation monitoring results;
 - g. Stream photo documentation, including all areas of permanent and temporary impact, prior to and after mitigation site construction. Photo documentation must be conducted in accordance with guidelines posted at http://www.waterboards.ca.gov/sandiego/water_issues/programs/401_certification/docs/401c/401PhotoDocRB9V713.pdf. In addition, photo documentation must include Geographic Positioning System (GPS) coordinates for each of the photo points referenced;
 - h. A qualitative comparison to adjacent preserved streambed areas;
 - i. The results of the California Rapid Assessment Method (CRAM) monitoring required under section VI.E of this Certification;
 - j. As-built drawings of the compensatory mitigation project site(s), no bigger than 11"X17"; and
 - k. A survey report documenting boundaries of the compensatory mitigation site(s).
- H. **Final Project Completion Report.** The Applicant must submit a Final Project Completion Report to the San Diego Water Board **within 30 days of completion of the Project**. The final report must include the following information:
- 1. Date of construction initiation;
 - 2. Date of construction completion;
 - 3. BMP installation and operational status for the Project;
 - 4. As-built drawings of the Project, no bigger than 11"X17";
 - 5. Photo documentation of implemented post-construction BMPs and all areas of permanent and temporary impacts, 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 Global Positioning System (GPS) coordinates for each of the photo points referenced; and
 - 6. An evaluation, interpretation, and tabulation of all California Rapid Assessment Method (CRAM) assessment data collected throughout the term of Project construction in accordance with section VI.E of this Certification.
- I. **Reporting Authority.** The submittal of information required under this Certification, or in response to a suspected violation of any condition of this Certification, is required pursuant to Water Code section 13267 and 13383. Civil liability may be administratively

imposed by the San Diego Water Board for failure to submit information pursuant to Water Code sections 13268 or 13385.

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

California Regional Water Quality Control Board
San Diego Region
Attn: 401 Certification No. R9-2015-0176:818991:dbradford
2375 Northside Drive, Suite 100
San Diego, California 92108

Each electronic document must be submitted as a single file, in Portable Document Format (PDF), and converted to text searchable format using Optical Character Recognition (OCR). All electronic documents must include scanned copies of all signature pages; electronic signatures will not be accepted. Electronic documents submitted to the San Diego Water Board must include the following identification numbers in the header or subject line: Certification No. R9-2015-0176:818991:dbradford.

- K. **Document Signatory Requirements.** All applications, reports, or information submitted to the San Diego Water Board must be signed as follows:
1. For a corporation, by a responsible corporate officer of at least the level of vice president.
 2. For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
 3. For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.
 4. A duly authorized representative may sign applications, reports, or information if:
 - a. The authorization is made in writing by a person described above.
 - b. The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.
 - c. The written authorization is submitted to the San Diego Water Board Executive Officer.

If such authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the Project, a new authorization satisfying the above requirements must be submitted to the San Diego Water Board prior to or

together with any reports, information, or applications, to be signed by an authorized representative.

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

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

VII. NOTIFICATION REQUIREMENTS

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

Office of Emergency Services of the discharge in accordance with the spill reporting provision of the State oil spill contingency plan adopted pursuant to Government Code Title 2, Division 1, Chapter 7, Article 3.7 (commencing with section 8574.1). This requirement does not require reporting of any discharge of less than 42 gallons unless the discharge is also required to be reported pursuant to Clean Water Act section 311, or the discharge is in violation of a Basin Plan prohibition.

- D. **Anticipated Noncompliance.** The Applicant shall give advance notice to the San Diego Water Board of any planned changes in the Project or the Compensatory Mitigation project which may result in noncompliance with Certification conditions or requirements.
- E. **Transfers.** This Certification is not transferable in its entirety or in part to any person or organization except after notice to the San Diego Water Board in accordance with the following terms:
1. **Transfer of Property Ownership:** The Applicant must notify the San Diego Water Board of any change in ownership of the Project area. Notification of change in ownership must include, but not be limited to, a statement that the Applicant has provided the purchaser with a copy of the Section 401 Water Quality Certification and that the purchaser understands and accepts the certification requirements and the obligation to implement them or be subject to liability for failure to do so; the seller and purchaser must sign and date the notification and provide such notification to the San Diego Water Board **within 10 days of the transfer of ownership.**
 2. **Transfer of Mitigation Responsibility:** Any notification of transfer of responsibilities to satisfy the mitigation requirements set forth in this Certification must include a signed statement from an authorized representative of the new party (transferee) demonstrating acceptance and understanding of the responsibility to comply with and fully satisfy the mitigation conditions and agreement that failure to comply with the mitigation conditions and associated requirements may subject the transferee to enforcement by the San Diego Water Board under Water Code section 13385, subdivision (a). Notification of transfer of responsibilities meeting the above conditions must be provided to the San Diego Water Board **within 10 days of the transfer date.**
 3. **Transfer of Post-Construction BMP Maintenance Responsibility:** The Applicant assumes responsibility for the inspection and maintenance of all post-construction structural BMPs until such responsibility is legally transferred to another entity. At the time maintenance responsibility for post-construction BMPs is legally transferred the Applicant must submit to the San Diego Water Board a copy of such documentation and must provide the transferee with a copy of a long-term BMP maintenance plan that complies with manufacturer specifications. The Applicant must provide such notification to the San Diego Water Board within **10 days** of the transfer of BMP maintenance responsibility.

Upon properly noticed transfers of responsibility, the transferee assumes responsibility for compliance with this Certification and references in this Certification to the Applicant

will be interpreted to refer to the transferee as appropriate. Transfer of responsibility does not necessarily relieve the Applicant of responsibility for compliance with this Certification in the event that a transferee fails to comply.

VIII. CALIFORNIA ENVIRONMENTAL QUALITY ACT COMPLIANCE

- A. The City of Temecula is the Lead Agency under the California Environmental Quality Act (CEQA) (Public Resources Code section 21000, et seq.) section 21067, and CEQA Guidelines (California Code of Regulations, title 14, section 15000 et seq.) section 15367, and has filed a Notice of Determination dated January 23, 2002 for the Final Environmental Impact Report (FEIR) titled *Paloma Del Sol Villages at Paseo del Sol Environmental Impact Report No. 235, Addendum #4 to Specific Plan No. 219, Amendment No. 8 (Specific Plan No. SP-4)* (State Clearing House Number 8707003). The Lead Agency has determined the Project will have a significant effect on the environment and mitigation measures were made a condition of the Project.
- B. The San Diego Water Board is a Responsible Agency under CEQA (Public Resources Code section 21069; CEQA Guidelines section 15381). The San Diego Water Board has considered the Lead Agency's FEIR and finds that the Project as proposed will have a significant effect on resources within the San Diego Water Board's purview.
- C. The San Diego Water Board has required mitigation measures as a condition of this Certification to avoid or reduce the environmental effects of the Project to resources within the Board's purview to a less than significant level.
- D. As a Responsible Agency under CEQA, the San Diego Water Board will file a Notice of Determination in accordance with CEQA Guidelines section 15096 subdivision (i).

IX. SAN DIEGO WATER BOARD CONTACT PERSON

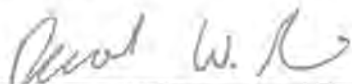
Darren Bradford, Environmental Scientist
Telephone: (619) 521-3356
Email: darren.bradford@waterboards.ca.gov

X. WATER QUALITY CERTIFICATION

I hereby certify that the proposed discharge from the **Paseo Del Sol Specific Plan Project** (Certification No. R9-2015-0176) will comply with the applicable provisions of sections 301 ("Effluent Limitations"), 302 ("Water Quality Related Effluent Limitations"), 303 ("Water Quality Standards and Implementation Plans"), 306 ("National Standards of Performance"), and 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act. This discharge is also regulated under State Water Board Order No. 2003-0017-DWQ, "*Statewide General Waste Discharge Requirements for Dredged or Fill Discharges that have Received State Water Quality Certification (General WDRs)*," which requires compliance with all conditions of this Water Quality Certification. Please note that enrollment under Order No. 2003-017-DWQ is conditional and, should new information come to our attention that indicates a water quality problem, the San Diego Water Board may issue individual waste discharge requirements at that time.

Except insofar as may be modified by any preceding conditions, all Certification actions are contingent on (a) the discharge being limited to, and all proposed mitigation being completed in strict compliance with, the applicants' Project description and/or the description in this Certification, and (b) compliance with all applicable requirements of the Basin Plan.

I, David W. Gibson, Executive Officer, do hereby certify the forgoing is a full, true, and correct copy of Certification No. R9-2015-0176 issued on June 15, 2016.



DAVID W. GIBSON
Executive Officer
San Diego Water Board

15 June 2016

Date

ATTACHMENT 1

DEFINITIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

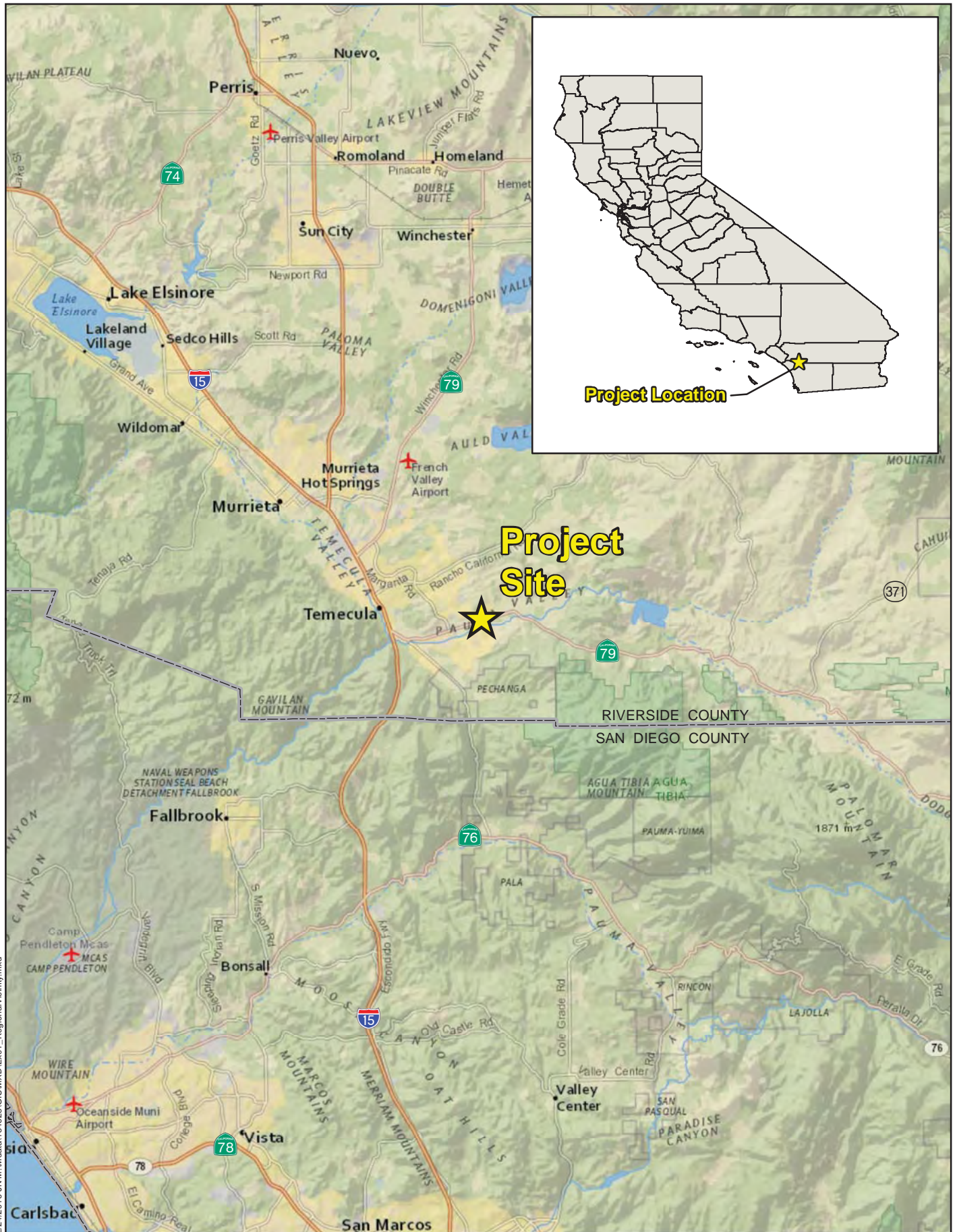
Uplands - means non-wetland areas that lack any field-based indicators of wetlands or other aquatic conditions. Uplands are generally well-drained and occur above (i.e., up-slope) from nearby aquatic areas. Wetlands can, however, be entirely surrounded by uplands. For example, some natural seeps and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

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

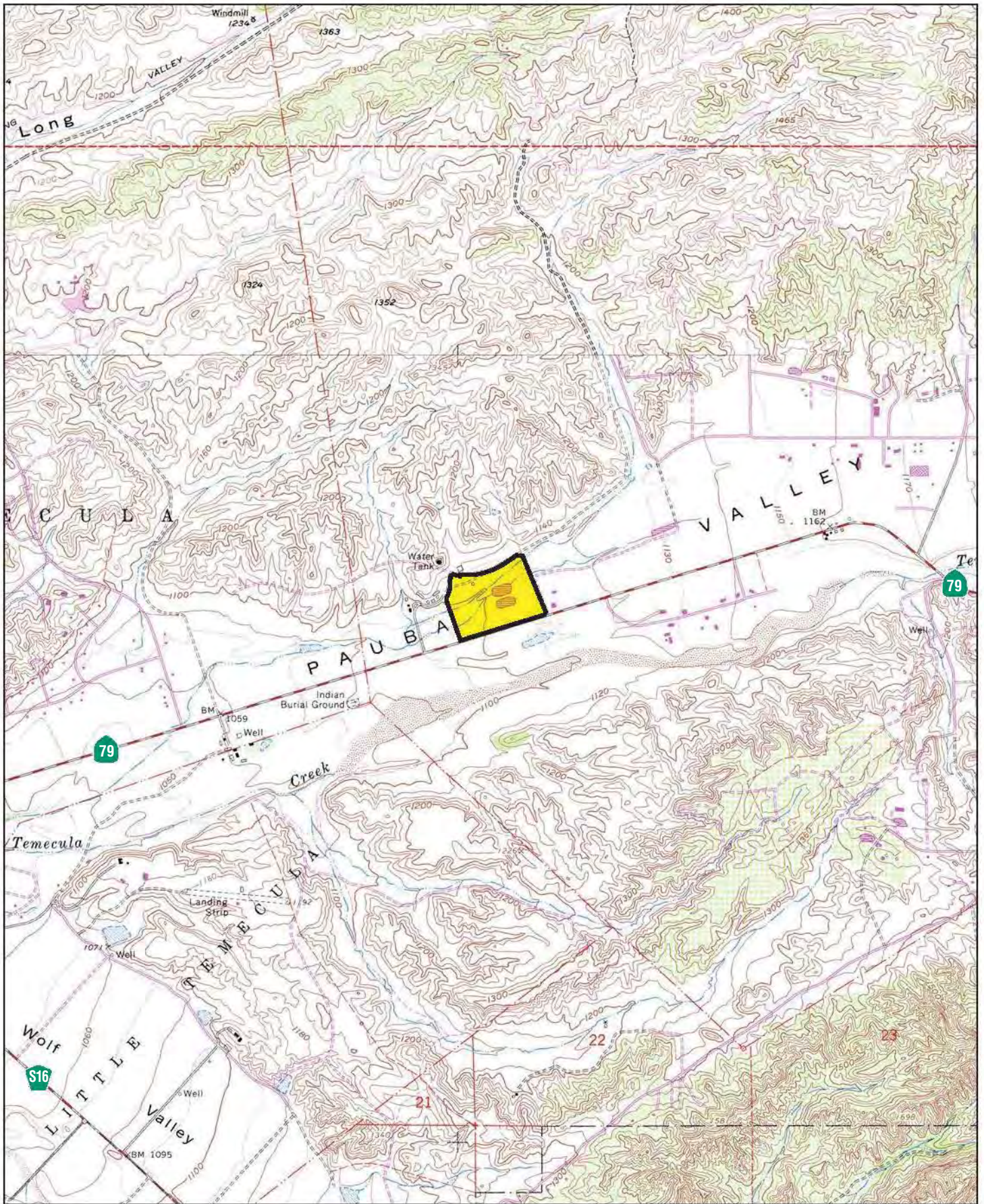
Cal Paseo Del Sol LLC
Paseo Del Sol Specific Plan Project
Certification No. R9-2015-0176

ATTACHMENT 2
PROJECT LOCATION MAPS

Exhibit 1 – Regional Vicinity
Exhibit 2 – Site Vicinity
Figure 4 – Total Tributary Watershed Map
Exhibit 2 – Project Site



2/24/2016 JNM:Mapa\134628\GIS\MXD\Ex01_RegionalVicinity.mxd



Source: USGS Pechanga, Calif. Quadrangle, Revised 1988, and Bachekor Mtn., Calif. Quadrangle, Revised 1973.

 Project Site



9/5/12 JN 10-108909-18646 MAS

PALOMA DEL SOL EAST Site Vicinity

Exhibit 2

VILLAGES AT PASEO DEL SOL - PA 4

IN THE CITY OF TEMECULA, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

TOTAL TRIBUTARY WATERSHED MAP

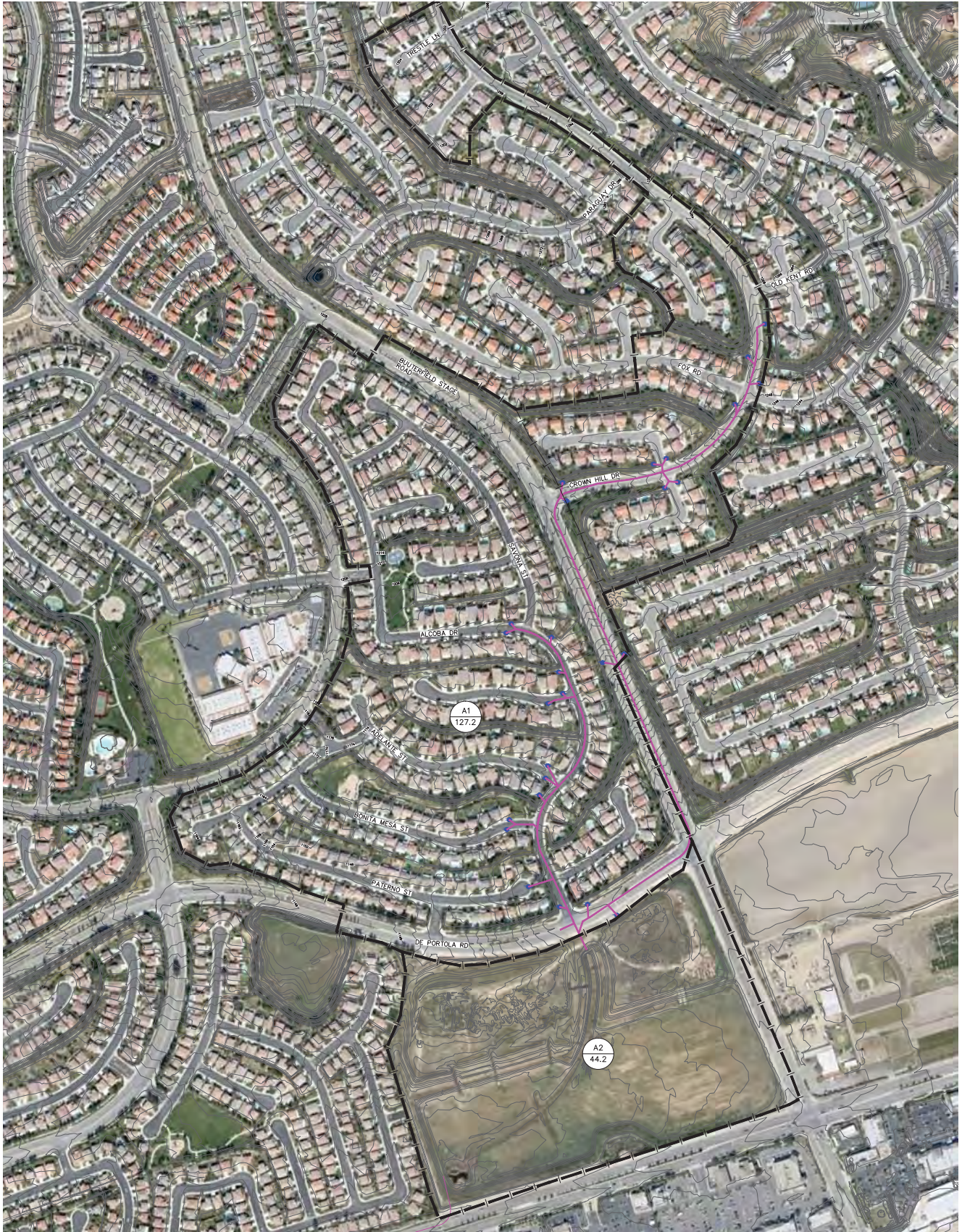
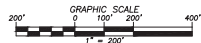


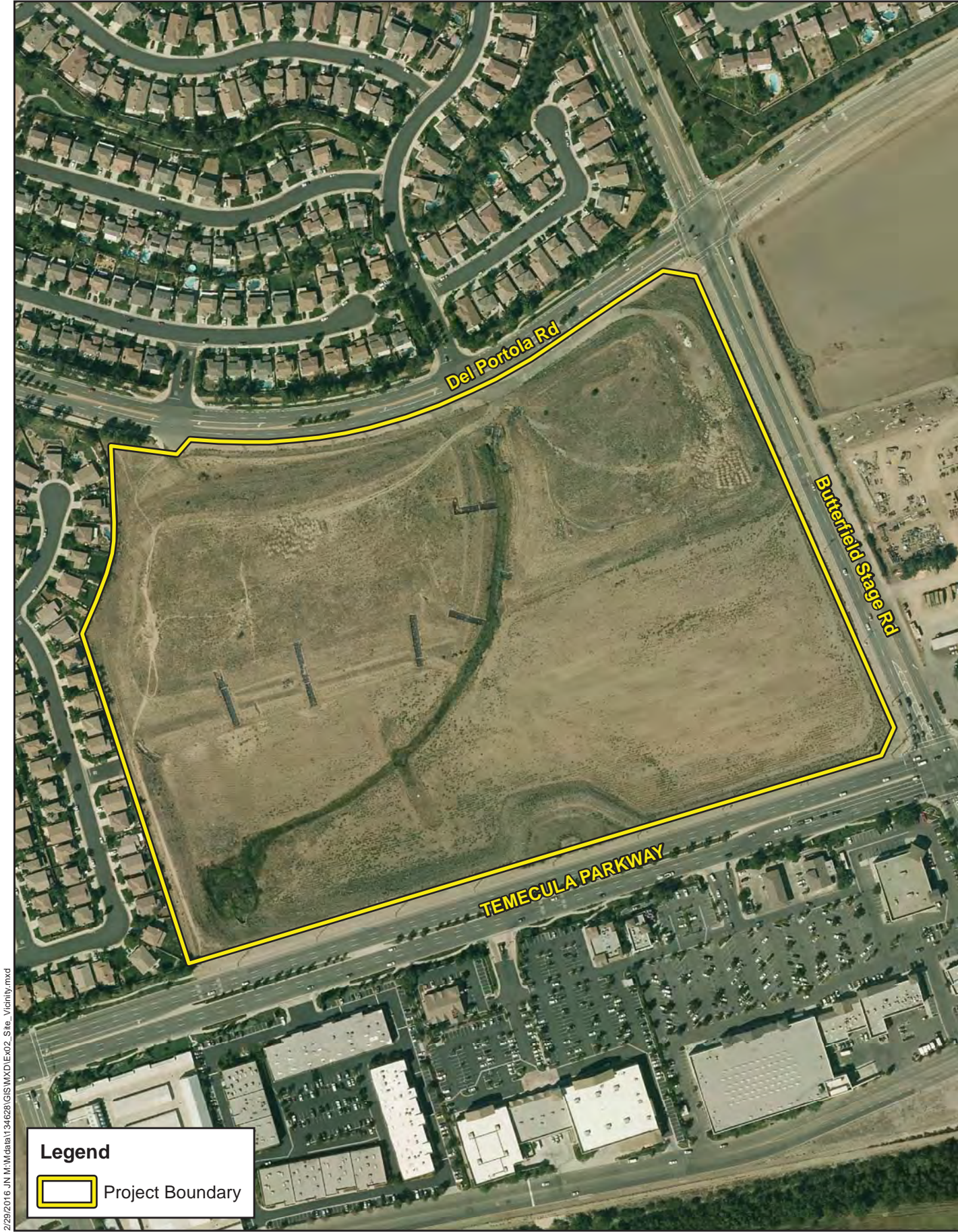
FIGURE 4

PLANNING AREA 4

**TOTAL TRIBUTARY
WATERSHED MAP**




36263 CALLE DE LOBO
MURRIETA, CA 92562
PH. 951.304.9552 FAX 951.304.3568



2/29/2016 JUN M:\Mdata\134628\GIS\WXD\Ex02_Site_Vicinity.mxd

Legend

 Project Boundary



Source: ArcGIS Online

PASEO DEL SOL SPECIFIC PLAN PROJECT
HABITAT MITIGATION AND MONITORING PLAN

Project Site

Exhibit 2

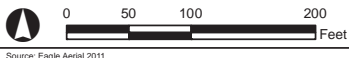
Cal Paseo Del Sol LLC
Paseo Del Sol Specific Plan Project
Certification No. R9-2015-0176

**ATTACHMENT 3
PROJECT SITE PLANS**

Exhibit 6a - Corps/Regional Board Jurisdictional Map
Sheet 1 of 1 – Tentative Tract No. 36483
Figure 3 – WQMP Site Plan



7/3/2014 JUN M:\Mdata\101089\GIS\SP\asoc_Dept_Sol_Corps_Regional_Board_11x17.mxd



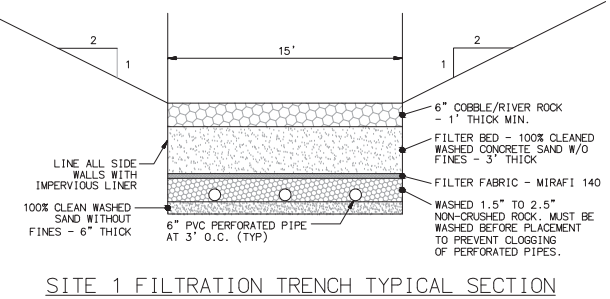
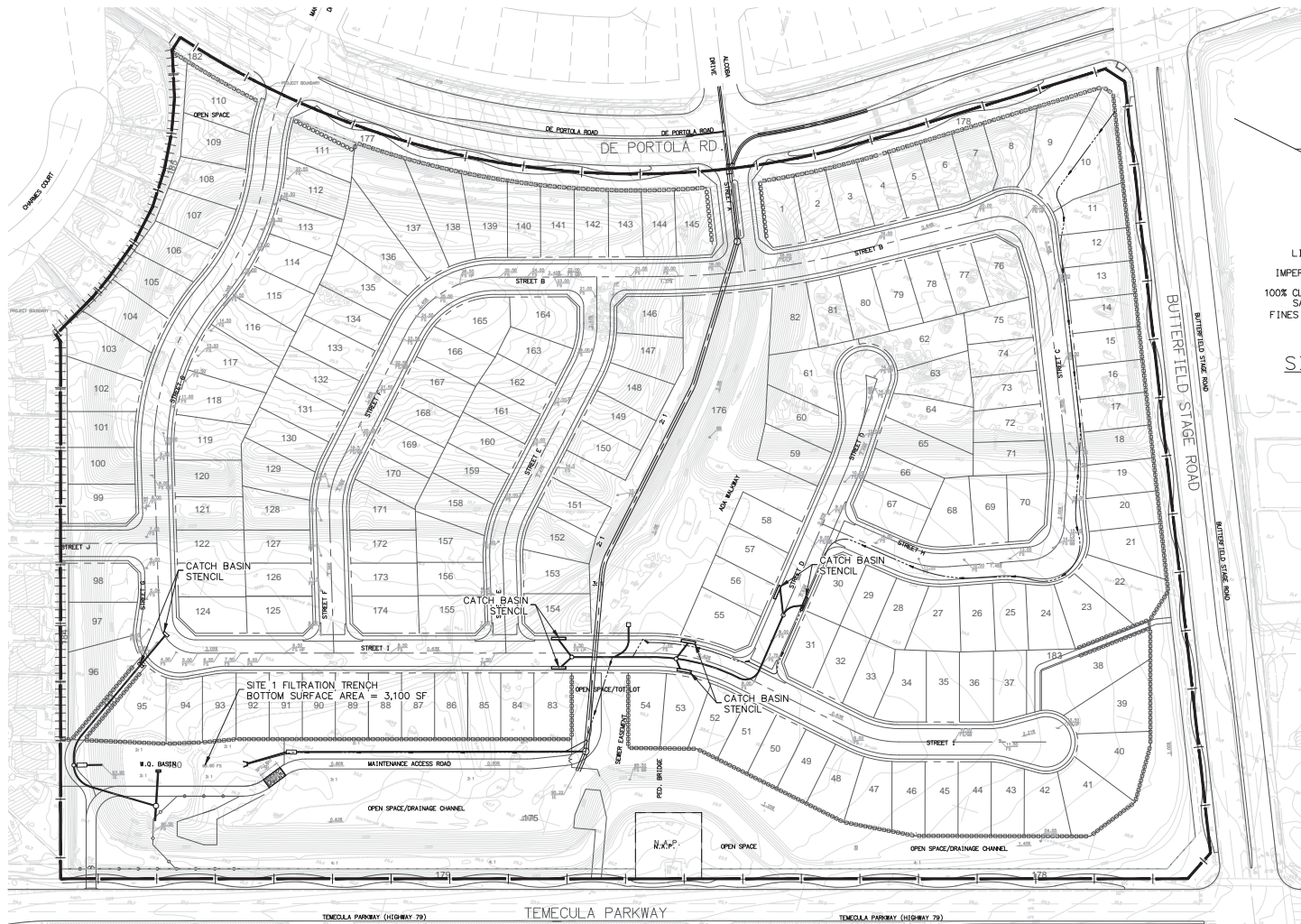
Source: Eagle Aerial 2011

PASEO DEL SOL
Corps/Regional Board Jurisdictional Map

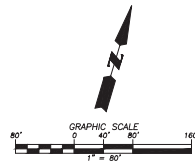
VILLAGES AT PASEO DEL SOL - PLANNING AREA 4

IN THE CITY OF TEMECULA, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

WQMP SITE PLAN



Drawing Number: C:\108\2017\Projects\WQMP\MapInfo\PA 4 - Exhibit\New Site Plan.dwg
 Last Generated: Nov 10, 2018 11:17:43 AM by JGomez



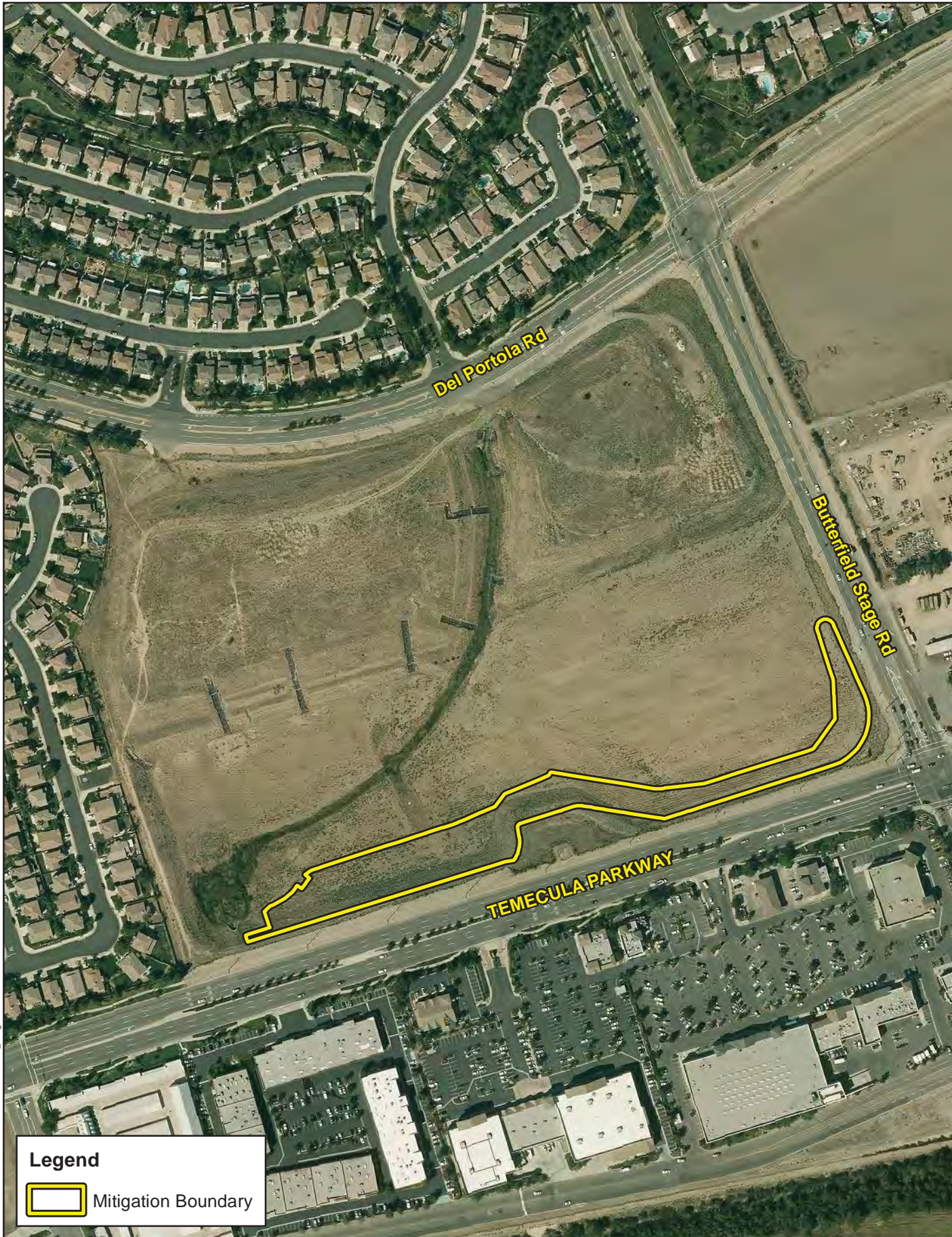
JLC Engineering & Consulting, Inc.
 36263 CALLE DE LOBO
 MURRIETA, CA 92562
 PH. 951.304.9552 FAX 951.304.3568

FIGURE 3
PLANNING AREA 4
WQMP SITE PLAN

Cal Paseo Del Sol LLC
Paseo Del Sol Specific Plan Project
Certification No. R9-2015-0176

**ATTACHMENT 4
MITIGATION FIGURES**

Exhibit 3 – Mitigation Site
Exhibit 5 – Conceptual Planting Layout

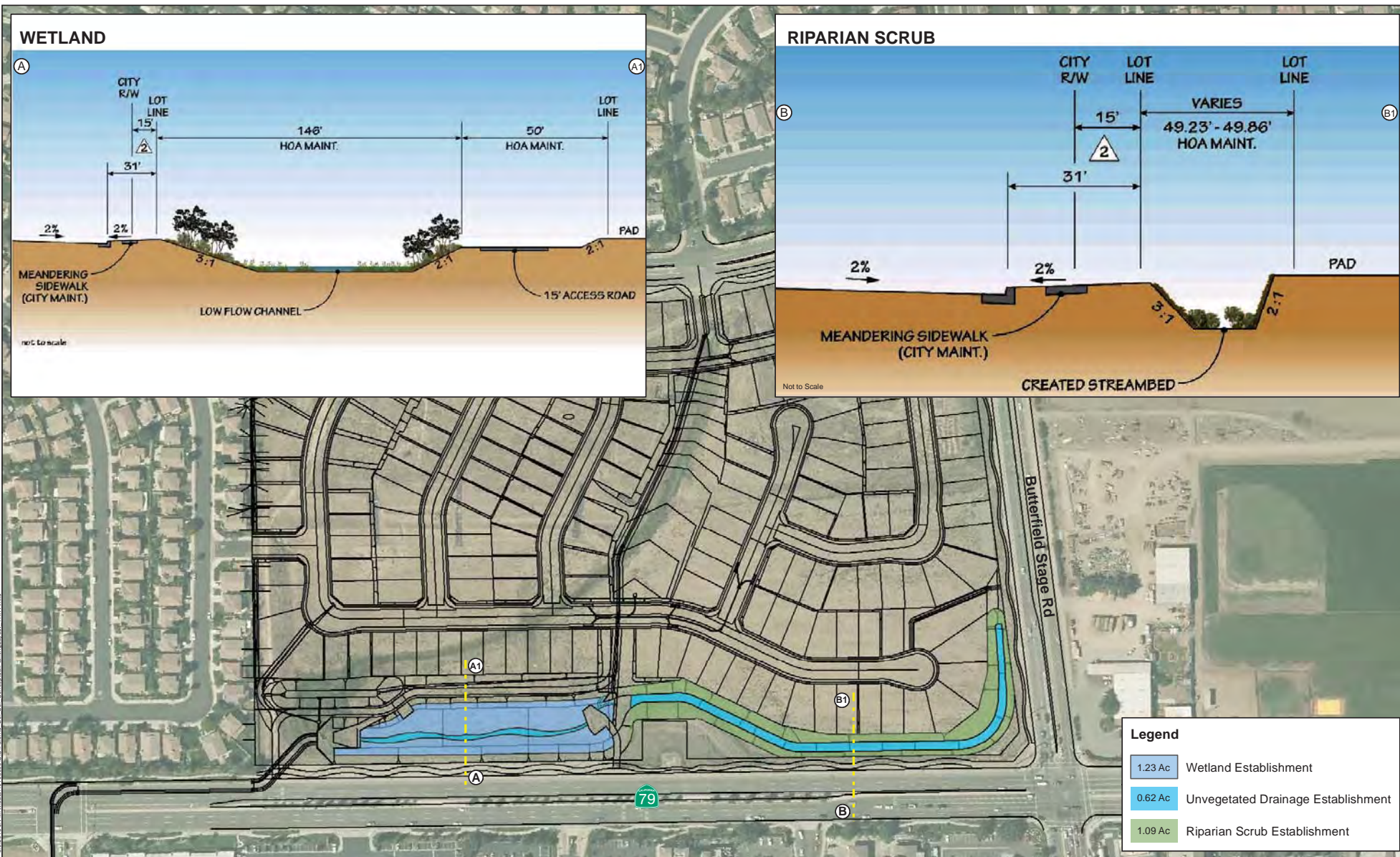


Legend

 Mitigation Boundary

2/29/2016 JN.M:\data\134628\GIS\XDI\Ex03_MitigationSite.mxd





Legend

1.23 Ac	Wetland Establishment
0.62 Ac	Unvegetated Drainage Establishment
1.09 Ac	Riparian Scrub Establishment



San Diego Regional Water Quality Control Board

June 15, 2016

Certified Mail – Return Receipt Requested

Article Number: 7011 0470 0002 8952 8158

Mr. Michael L. Rust
Cal Paseo Del Sol LLC
4790 Eastgate Mall Suite 150
San Diego, CA 92121

In reply/refer to:
R9-2015-0176:818991:dbradford

**Subject: Clean Water Act Section 401 Water Quality Certification No. R9-2015-0176
for the Paseo Del Sol Specific Plan Project**

Mr. Rust:

Enclosed find Clean Water Act Section 401 Water Quality Certification No. R9-2015-0176 (Certification) issued by the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) in response to the application submitted by Cal Paseo Del Sol LLC for the Paseo Del Sol Specific Plan Project (Project). A description of the Project and Project location can be found in the Certification and site maps which are included as attachments to the Certification.

Cal Paseo Del Sol LLC is enrolled under State Water Resources Control Board Order No. 2003-017-DWQ as a condition of the Certification and is required to implement and comply with all terms and conditions of the Certification in order to ensure that water quality standards are met for the protection of wetlands and other aquatic resources. Failure to comply with this Certification may subject Cal Paseo Del Sol LLC to enforcement actions by the San Diego Water Board including administrative enforcement orders requiring Cal Paseo Del Sol LLC 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.

Please submit all reports and information required under this Certification in electronic format via e-mail to SanDiego@waterboards.ca.gov. Documents over 50 megabytes will not be accepted via e-mail and must be placed on a disc and delivered to the San Diego Water Board, 2375 Northside Drive, San Diego, CA 92108. Each electronic document must be submitted as a single file, in Portable Document Format (PDF), and converted to text searchable format using Optical Character Recognition (OCR). All electronic documents must include scanned copies of all signature pages; electronic signatures will not be accepted. Electronic documents submitted to the San Diego Water Board must include the following identification numbers in the header or subject line: Certification No. R9-2015-0176:818991:dbradford.

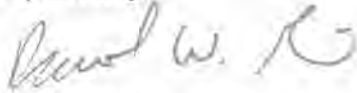
HENRY ABARBANEL, Ph.D., CHAIR | DAVID GIBSON, EXECUTIVE OFFICER

2375 Northside Drive, Suite 100, San Diego, California 92108-2700 | www.waterboards.ca.gov/sandiego



For questions or comments regarding the Certification, please contact Darren Bradford by telephone at (619) 521-3356 or by email at darren.bradford@waterboards.ca.gov.

Respectfully,



DAVID W. GIBSON
Executive Officer

Enclosure:

Clean Water Act Section 401 Water Quality Certification No. R9-2015-0176 for the Paseo Del Sol Specific Plan Project

DWG:jgs:eb:dlb

cc:

U.S. Army Corps of Engineers, Regulatory
Branch
San Diego Field Office
Peggy Bartels
Peggy.J.Bartels@usace.army.mil

California Department of Fish and Game
South Coast Region
Habitat Conservation Planning – South
Jeff Brandt
Jeff.brandt@wildlife.ca.gov

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

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

Mr. Eric Becker
San Diego Water Board
Eric.Becker@waterboards.ca.gov

Mr. David Barker
San Diego Water Board
David.Barker@waterboards.ca.gov

Chris Johnson
Michael Baker International
chrisjohnson@mbakerintl.com

Tech Staff Information	
Certification No.	R9-2015-0176
Party ID	553480
Reg. Meas. ID	403451
Place ID	818991
Person ID	553480
WDID	9000002919

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

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

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

**PROJECT: Paseo Del Sol Specific Plan
Certification Number R9-2015-0176
WDID: 9000002919**

Reg. Meas. ID: 403451
Place ID: 818991
Party ID: 553480
Person ID: 553480

**APPLICANT: Cal Paseo Del Sol LLC
4790 Eastgate Mall Suite 150
San Diego, CA 92121**

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"/> Enrollment in Isolated Waters Order No. 2004-004-DWQ
<input checked="" type="checkbox"/> Enrollment in SWRCB GWDR Order No. 2003-017-DWQ	

PROJECT DESCRIPTION

An application dated October 15, 2015 was submitted by Cal Paseo Del Sol LLC (hereinafter Applicant), for Water Quality Certification pursuant to section 401 of the Clean Water Act (United States Code (USC) Title 33, section 1341) for the proposed Paseo Del Sol Specific Plan Project (Project). The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) deemed the application to be complete on May 5, 2016. The Applicant proposes to discharge dredged or fill material to waters of the United States and/or State associated with construction activity at the Project site. The Applicant has also applied for a Clean Water Act section 404 permit from the United States Army Corps of Engineers for the Project (USACE File No. 2014-00423-PJB).

The Project is located within the City of Temecula, Riverside County, California at the north of SR-79, east of Mantova Drive, South of De Portola Road, and west of Butterfield Stage Road. The Project center reading is located at latitude 33.486918 and longitude -117.082011. The Applicant has paid all required application fees for this Certification in the amount of \$18,549.00. On an annual basis, the Applicant shall also pay all active discharge fees and post discharge monitoring fees, as appropriate¹. On May 6, 2016, the San Diego Water Board

¹ The Applicant shall pay an annual active discharge fee each fiscal year or portion of a fiscal year during which discharges occur until the regional board or the State Board issues a Notice of Completion of Discharges Letter to the discharger. Dischargers shall pay an annual post-discharge monitoring fee each fiscal year or portion of a fiscal year commencing with the first fiscal year following the fiscal year in which the regional board or State Board issued a Notice of Completion of Discharges Letter to the discharger, but continued water quality monitoring or compensatory mitigation monitoring is required. Dischargers
(footnote continued on next page)

provided public notice of the Project application pursuant to California Code of Regulations, title 23, section 3858 by posting information describing the Project on the San Diego Water Board's web site and providing a period of twenty-one days for public review and comment. No comments were received.

The Applicant proposes to construct 173 single-family dwelling units on approximately 42.9 acres. In 1998, regulatory permits were issued for a mixed-use project. Rough grading of the site, including authorized impacts to approximately 4.9-acres of waters of the United States and/or State occurred between 1999 and 2001. The applicant mitigated for impacts to waters of the State by preserving 9.4 acres of willow riparian habitat within Temecula Creek. Project construction stopped in 2002 and is yet to be completed. On-site waters/wetlands that are present today consist of the stormwater best management practices (BMPs) that were constructed in 2001. Additional permitting is required for impacts to the onsite waters. The previously planned commercial component of the Project has been eliminated.

The Project will convert approximately 34.11 acres of pervious ground cover to impervious surfaces. Runoff leaving the developed Project area would be significantly greater in volume, velocity, peak flow rate, and duration than pre-development runoff from the same area without mitigation. Post-construction best management practices (BMPs) to manage and control the effects of these runoff increases will consist of an infiltration basin, landscape buffer areas between sidewalks and streets; and perforated pipes in suitable soils for low-flow infiltration. These BMP will be designed, constructed, and maintained to meet the City of Temecula'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 on-site or off-site downstream erosion, damage to downstream properties, or otherwise damage stream habitats in violation of water quality standards in the *Water Quality Control Plan for the San Diego Basin (9)* (Basin Plan).

Project construction will permanently impact 0.10 acre (26 linear feet) of streambed waters of the United States and/or State and 0.61 (1,350 linear feet) acre of wetland waters of the United States and/or State. The Applicant reports that the Project purpose cannot be practically accomplished in a manner which would avoid or result in less adverse impacts to aquatic resources considering all potential practicable alternatives, such as the potential for alternate available locations, designs, reductions in size, configuration or density.

The Applicant reports that compensatory mitigation for the permanent loss of 0.71 acre (1,376 linear feet) of jurisdictional waters will be achieved through the on-site and off-site establishment and re-establishment of 3.55 acres (1,720 linear feet) of waters of the United

(footnote continued from previous page)

shall pay the annual post-discharge monitoring fee each fiscal year until the regional board or the State Board issues a Notice of Project Complete Letter to the discharger. Additional information regarding fees can be found electronically at the following location: http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/dredgefillcalculator.xlsx

States and/or State. All waters of the United States and/or State receiving temporary discharges of fill material will be restored upon removal of the fill. Mitigation for discharges of fill material to waters of the United States and/or State will be completed by the Applicant on-site in the Pechanga hydrologic sub-area (HSA 902.51) at a minimum compensation ratio of 4:1 (area mitigated:area impacted), and off-site at the San Luis Rey Mitigation Bank located in the Mission hydrologic sub-area (HSA 903.11) at a minimum compensation ratio of 1:1 (area mitigated:area impacted). Mitigation purchased from the San Luis Rey Mitigation Bank is required to be protected and maintained in perpetuity by Wildlands according to the conditions of Water Quality Certification No. R9-2013-0050. By purchasing credits: the Performance Standards; Mitigation Site Design; Long Term Management, Maintenance, and Monitoring; and Mitigation Site Preservation Mechanism for the Project will be implemented by Wildlands through San Luis Rey Mitigation Bank according to the conditions of Water Quality Certification No. R9-2013-0050.

Detailed written specifications and work descriptions for the compensatory mitigation project including, but not limited to, the geographic boundaries of the project, timing, sequence, monitoring, maintenance, ecological success performance standards and provisions for long-term management and protection of the mitigation areas are described in the *Habitat Mitigation and Monitoring Plan Paseo Del Sol Specific Plan Project* (Mitigation Plan), dated April 2016. San Diego Water Board acceptance of the Mitigation Plan applies only to the Project described in this Certification and must not be construed as approval for other current or future projects that are planning to use additional acreage at the site for mitigation. The Mitigation Plan is incorporated in this Certification by reference as if set forth herein. The Mitigation Plan provides for implementation of compensatory mitigation which offsets adverse water quality impacts attributed to the Project in a manner that protects and restores the abundance, types and conditions of aquatic resources and supports their beneficial uses. Implementation of the Mitigation Plan will reduce significant environmental impacts to resources within the San Diego Water Board's purview to a less than significant level. Based on all of these considerations, the Mitigation Plan will adequately compensate for the loss of beneficial uses and habitat within waters of the United States and/or State attributable to the Project.

Additional Project details are provided in Attachments 1 through 4 of this Certification.

TABLE OF CONTENTS

I.	STANDARD CONDITIONS.....	5
II.	GENERAL CONDITIONS	5
III.	CONSTRUCTION BEST MANAGEMENT PRACTICES	8
IV.	POST-CONSTRUCTION BEST MANAGEMENT PRACTICES	10
V.	PROJECT IMPACTS AND COMPENSATORY MITIGATION	11
VI.	MONITORING AND REPORTING REQUIREMENTS	14
VII.	NOTIFICATION REQUIREMENTS	19
VIII.	CALIFORNIA ENVIRONMENTAL QUALITY ACT COMPLIANCE	21
IX.	SAN DIEGO WATER BOARD CONTACT PERSON	21
X.	WATER QUALITY CERTIFICATION	21

Attachments:

1. Definitions
2. Project 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, the following three standard conditions apply to all water quality certification actions:

- A. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to section 13330 of the Water Code and chapter 28, article 6 (commencing with title 23, section 3867), of the California Code of Regulations.
- B. This Certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to California Code of Regulations title 23, section 3855 subdivision (b), and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
- C. This Certification action is conditioned upon total payment of any fee required under title 23, chapter 28 (commencing with section 3830) of California Code of Regulations and owed by the applicant.

II. GENERAL CONDITIONS

- A. **Term of Certification.** Water Quality Certification No. R9-2015-0176 (Certification) shall expire upon a) the expiration or retraction of the Clean Water Act section 404 (33 USC Title 33, section 1344) permit issued by the U.S. Army Corps of Engineers for this Project, or b) five (5) years from the date of issuance of this Certification, whichever occurs first.
- B. **Duty to Comply.** The Applicant must comply with all conditions and requirements of this Certification. Any Certification noncompliance constitutes a violation of the Water Code and is grounds for enforcement action or Certification termination, revocation and reissuance, or modification.
- C. **General Waste Discharge Requirements.** The requirements of this Certification are enforceable through Water Quality Order No. 2003-0017-DWQ, *Statewide General Waste Discharge Requirements for Discharges of Dredged or Fill Material that have Received State Water Quality Certification* (Water Quality Order No. 2003-0017-DWQ). This provision shall apply irrespective of whether a) the federal permit for which the Certification was obtained is subsequently retracted or is expired, or b) the Certification is expired. Water Quality Order No. 2003-0017-DWQ is accessible at:

http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/generalorders/gowdr401regulated_projects.pdf
- D. **Project Conformance with Application.** All water quality protection measures and BMPs described in the application and supplemental information for water quality

certification are incorporated by reference into this Certification as if fully stated herein. Notwithstanding any more specific conditions in this Certification, the Applicant shall construct, implement and comply with all water quality protection measures and BMPs described in the application and supplemental information. The conditions within this Certification shall supersede conflicting provisions within the application and supplemental information submitted as part of this Certification action.

- E. **Project Conformance with Water Quality Control Plans or Policies.** Notwithstanding any more specific conditions in this Certification, the Project shall be constructed in a manner consistent with the Basin Plan and any other applicable water quality control plans or policies adopted or approved pursuant to the Porter Cologne Water Quality Act (Division 7, commencing with Water Code Section 13000) or section 303 of the Clean Water Act (33 USC section 1313). The Basin Plan is accessible at:

http://www.waterboards.ca.gov/sandiego/water_issues/programs/basin_plan/index.shtml

- F. **Project Modification.** The Applicant must submit any changes to the Project, including Project operation, which would have a significant or material effect on the findings, conclusions, or conditions of this Certification, to the San Diego Water Board for prior review and written approval. If the San Diego Water Board is not notified of a significant change to the Project, it will be considered a violation of this Certification.
- G. **Certification Distribution Posting.** During Project construction, the Applicant must maintain a copy of this Certification at the Project site. This Certification must be available at all times to site personnel and agencies. A copy of this Certification shall also be provided to any contractor or subcontractor performing construction work, and the copy shall remain in their possession at the Project site.
- H. **Inspection and Entry.** The Applicant must allow the San Diego Water Board or the State Water Resources Control Board, and/or their authorized representative(s) (including an authorized contractor acting as their representative), upon the presentation of credentials and other documents as may be required under law, to:
1. Enter upon the Project or Compensatory Mitigation site(s) premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Certification;
 2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Certification;
 3. Inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Certification; and
 4. Sample or monitor, at reasonable times, for the purposes of assuring Certification compliance, or as otherwise authorized by the Clean Water Act or Water Code, any substances or parameters at any location.

- I. **Enforcement Notification.** In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.
- J. **Certification Actions.** This Certification may be modified, revoked and reissued, or terminated for cause including but not limited to the following:
1. Violation of any term or condition of this Certification;
 2. Monitoring results indicate that continued Project activities could violate water quality objectives or impair the beneficial uses of Temecula Creek or its tributaries;
 3. Obtaining this Certification by misrepresentation or failure to disclose fully all relevant facts;
 4. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge; and
 5. Incorporation of any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the Clean Water Act.

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

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

III. CONSTRUCTION BEST MANAGEMENT PRACTICES

- A. **Approvals to Commence Construction.** The Applicant shall not commence Project construction until all necessary federal, State, and local approvals are obtained.
- B. **Personnel Education.** Prior to the start of the Project, and annually thereafter, the Applicant must educate all personnel on the requirements in this Certification, pollution prevention measures, spill response measures, and BMP implementation and maintenance measures.
- C. **Spill Containment Materials.** The Applicant must, at all times, maintain appropriate types and sufficient quantities of materials on-site to contain any spill or inadvertent release of materials that may cause a condition of pollution or nuisance if the materials reach waters of the United States and/or State.
- D. **General Construction Storm Water Permit.** Prior to start of Project construction, the Applicant must, as applicable, obtain coverage under, and comply with, the requirements of State Water Resources Control Board Water Quality Order No. 2009-0009-DWQ, the *General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activity*, (General Construction Storm Water Permit) and any reissuance. If Project construction activities do not require coverage under the General Construction Storm Water Permit, the Applicant must develop and implement a runoff management plan (or equivalent construction BMP plan) to prevent the discharge of sediment and other pollutants during construction activities.
- E. **Waste Management.** The Applicant must properly manage, store, treat, and dispose of wastes in accordance with applicable federal, state, and local laws and regulations. Waste management shall be implemented to avoid or minimize exposure of wastes to precipitation or storm water runoff. The storage, handling, treatment, or disposal of waste shall not create conditions of pollution, contamination or nuisance as defined in Water Code section 13050. Upon Project completion, all Project generated debris, building materials, excess material, waste, and trash shall be removed from the Project site(s) for disposal at an authorized landfill or other disposal site in compliance with federal, state and local laws and regulations.
- F. **Waste Management.** Except for a discharge permitted under this Certification, the dum818991g, deposition, or discharge of trash, rubbish, unset cement or asphalt, concrete, grout, damaged concrete or asphalt, concrete or asphalt spoils, wash water, organic or earthen material, steel, sawdust or other construction debris waste from Project activities directly into waters of the United States and or State, or adjacent to such waters in any manner which may permit its being transported into the waters, is prohibited.
- G. **Downstream Erosion.** Discharges of concentrated flow during construction or after Project completion must not cause downstream erosion or damage to properties or stream habitat.

- H. **Construction Equipment.** All equipment must be washed prior to transport to the Project site and must be free of sediment, debris, and foreign matter. All equipment used in direct contact with surface water shall be steam cleaned prior to use. All equipment using gas, oil, hydraulic fluid, or other petroleum products shall be inspected for leaks prior to use and shall be monitored for leakage. Stationary equipment (e.g., motors, pumps, generator, etc.) shall be positioned over drip pans or other types of containment.
- I. **Process Water.** Water containing mud, silt, or other pollutants from equipment washing or other activities, must not be discharged to waters of the United States and/or State or placed in locations that may be subjected to storm water runoff flows. Pollutants discharged to areas within a stream diversion must be removed at the end of each work day or sooner if rain is predicted.
- J. **Surface Water Diversion.** All surface waters, including ponded waters, must be diverted away from areas of active grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. Diversion activities must not result in the degradation of beneficial uses or exceedance of the receiving water quality objectives. Any temporary dam or other artificial obstruction constructed must only be built from materials such as clean gravel which will cause little or no siltation. Normal flows must be restored to the affected stream immediately upon completion of work at that location.
- K. **Re-vegetation and Stabilization.** All areas that have 14 or more days of inactivity must be stabilized within 14 days of the last activity. The Applicant shall implement and maintain BMPs to prevent erosion of the rough graded areas. After completion of grading, all areas must be re-vegetated with native species appropriate for the area. The re-vegetation palette must not contain any plants listed on the California Invasive Plant Council Invasive Plant Inventory, which can be accessed at <http://www.cal-ipc.org/ip/inventory/>.
- L. **Hazardous Materials.** Except as authorized by this Certification, substances hazardous to aquatic life including, but not limited to, petroleum products, unused cement/concrete, asphalt, and coating materials, must be prevented from contaminating the soil and/or entering waters of the United States and/or State. BMPs must be implemented to prevent such discharges during each Project activity involving hazardous materials.
- M. **Vegetation Removal.** Removal of vegetation must occur by hand, mechanically, or through application of United States Environmental Protection Agency (USEPA) approved herbicides deployed using applicable BMPs to minimize adverse effects to beneficial uses of waters of the United States and/or State. Discharges related to the application of aquatic pesticides within waters of the United States must be done in compliance with State Water Resources Control Board Water Quality Order No. 2004-0009-DWQ, the *Statewide General National Pollution Discharge Elimination System Permit for the Discharge of Aquatic Weed Control in Waters of the United States*, and any subsequent reissuance as applicable.

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

IV. POST-CONSTRUCTION BEST MANAGEMENT PRACTICES

- A. **Post-Construction Discharges.** The Applicant shall not allow post-construction discharges from the Project site to cause or contribute to on-site or off-site erosion or damage to properties or stream habitats.
- B. **Storm Drain Inlets.** All storm drain inlet structures within the Project boundaries must be stamped or stenciled (or equivalent) with appropriate language prohibiting non-storm water discharges.
- C. **Post-Construction BMP Design.** The Project must be designed to comply with the most current Standard Storm Water Mitigation and Hydromodification Plans for the City of Temecula. Post-construction BMPs are described in the *Project Specific Preliminary Water Quality Management Plan For: Planning Area 4 of Specific Plan #219 (WQMP)*.
- D. **Post-Construction BMP Implementation.** All post-construction BMPs must be constructed, functional, and implemented prior to completion of Project construction, occupancy, and/or planned use, and maintained in perpetuity. The post construction BMPs must include those described in the WQMP, dated November 18, 2015, prepared

on behalf of the Applicant by JLC Engineering and Consulting, Inc.; or any subsequent version of the WQMP approved by the City of Temecula.

- E. **Post-Construction BMP Maintenance.** The post construction BMPs must be designed, constructed, and maintained in accordance with the most recent California Storm Water Quality Association (CASQA)² guidance. The Applicant shall:
1. No less than two times per year, assess the performance of the BMPs to ensure protection of the receiving waters and identify any necessary corrective measures;
 2. Perform inspections of BMPs, at the beginning of the wet season no later than October 1 and the end of the wet season no later than April 1, for standing water, slope stability, sediment accumulation, trash and debris, and presence of burrows;
 3. Regularly perform preventative maintenance of BMPs, including removal of accumulated trash and debris, as needed to ensure proper functioning of the BMPs;
 4. Identify and promptly repair damage to BMPs; and
 5. Maintain a log documenting all BMP inspections and maintenance activities. The log shall be made available to the San Diego Water Board upon request.
- F. **Bridge, Crossing, and Culvert Design.** Bridges, culverts, dip crossings, or other stream crossing structures shall be designed and installed so they will not cause scouring of the stream bed and/or erosion of the banks in the vicinity of the Project. Storm drain lines/culverts and other stream crossing structures shall be designed and maintained to accommodate at least a 100-year, 24-hour storm event, including associated bedload and debris, with a similar average velocity as upstream and downstream sections. Bottoms of temporary culverts shall be placed at stream channel grade and bottoms of permanent culverts shall be open bottom or embedded and backfilled below the grade of the stream greater than or equal to a depth of 1 foot.
- V. **PROJECT IMPACTS AND COMPENSATORY MITIGATION**
- A. **Project Impact Avoidance and Minimization.** The Project must avoid and minimize adverse impacts to waters of the United States and/or State to the maximum extent practicable.
- B. **Project Impacts and Compensatory Mitigation.** Unavoidable Project impacts to Temecula Creek and its unnamed tributaries within the Santa Margarita Watershed must not exceed the type and magnitude of impacts described in the table below. At a minimum, compensatory mitigation required to offset unavoidable temporary and permanent Project impacts to waters of the United States and/or State must be achieved as described in the table below:

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]

	Impacts (acres)	Impacts (linear ft.)	Mitigation for Impacts (acres)	Mitigation Ratio (area mitigated :area impacted)	Mitigation for Impacts (linear ft.)	Mitigation Ratio (linear feet mitigated :linear feet impacted)
Permanent Impacts						
Stream Channel	0.10	26	1.71 Establishment ¹	17.1:1	1,163 Establishment	44.7:1
Wetland	0.61	1,350	1.23 Establishment ²	2:1	557 Establishment	0.41:1
			0.61 Re-establishment ³	1:1	N/A ⁴	N/A ⁴

1. Streambed establishment on-site.
2. Wetland establishment on-site.
3. Purchase of 0.61-acre of re-established floodplain credits from the San Luis Rey Mitigation Bank. Mitigation purchased from the San Luis Rey Mitigation Bank is required to be protected and maintained in perpetuity by Wildlands according to the conditions of Water Quality Certification No. R9-2013-0050. The mitigation provided for Project impacts contributes to the net gain of wetlands per the State of California Net Gain Policy (Executive Order W-59-93.)
4. The amount of mitigation credits purchased is not reported in terms of linear feet of mitigation.

- C. Compensatory Mitigation Plan Implementation.** The Applicant must fully and completely implement the Mitigation Plan; any deviations from, or revisions to, the Mitigation Plan must be pre-approved by the San Diego Water Board.
- D. Performance Standards.** Compensatory mitigation required under this Certification shall be considered achieved once it has met the ecological success performance standards contained in the Mitigation Plan (Section 6, page 22) to the satisfaction of the San Diego Water Board.
- E. Compensatory Mitigation Site Design.** The compensatory mitigation site(s) shall be designed to be self-sustaining once performance standards have been achieved. This includes minimization of active engineering features (e.g., pumps) and appropriate siting to ensure that natural hydrology and landscape context support long-term sustainability in conformance with the following conditions:
1. Most of the channels through the mitigation sites shall be characterized by equilibrium conditions, with no evidence of severe aggradation or degradation;
 2. As viewed along cross-sections, the channel and buffer area(s) shall have a variety of slopes, or elevations, that are characterized by different moisture gradients. Each sub-slope shall contain physical patch types or features that contribute to irregularity in height, edges, or surface and to complex topography overall; and

3. The mitigation sites shall have a well-developed plant community characterized by a high degree of horizontal and vertical interspersion among plant zones and layers.
- F. **Temporary Project Impact Areas.** The Applicant must restore all areas of temporary impacts and all other areas of temporary disturbance which could result in a discharge or a threatened discharge of pollutants to waters of the United States and/or State. Restoration must include grading of disturbed areas to pre-project contours and re-vegetation with native species. The Applicant must implement all necessary BMPs to control erosion and runoff from areas associated with the Project.
- G. **Long-Term Management and Maintenance.** The compensatory mitigation site(s) must be managed, protected, and maintained, in perpetuity, in conformance with the long-term management plan and the final ecological success performance standards identified in the Mitigation Plan. The aquatic habitats, riparian areas, buffers and uplands that comprise the mitigation site(s) must be protected in perpetuity from land-use and maintenance activities that may threaten water quality or beneficial uses within the mitigation area(s) in a manner consistent with the following requirements:
1. Any maintenance activities on the mitigation site(s) that do not contribute to the success of the mitigation site(s) and enhancement of beneficial uses and ecological functions and services are prohibited;
 2. Maintenance activities must be limited to the removal of trash and debris, removal of exotic plant species, replacement of dead native plant species, and remedial measures deemed necessary for the success of the compensatory mitigation project;
 3. The Mitigation site(s) must be maintained, in perpetuity, free of perennial exotic plant species including, but not limited to, pampas grass, giant reed, tamarisk, sweet fennel, tree tobacco, castor bean, and pepper tree. Annual exotic plant species must not occupy more than 5 percent of the mitigation site(s); and
 4. If at any time a catastrophic natural event (e.g., fire, flood) causes damage(s) to the mitigation site(s) or other deficiencies in the compensatory mitigation project, the Applicant must take prompt and appropriate action to repair the damage(s) including replanting the affected area(s) and address any other deficiencies. The San Diego Water Board may require additional monitoring by the Applicant to assess how the compensatory mitigation site(s) or project is responding to a catastrophic natural event.
- H. **Timing of Mitigation Site Construction.** The construction of proposed mitigation must be concurrent with project grading and completed no later than 9 months following the start of Project construction. Delays in implementing mitigation must be compensated for by an increased mitigation implementation of 10% of the cumulative compensatory mitigation for each month of delay.

- I. **Mitigation Site(s) Preservation Mechanism.** Within 90 days from the issuance of this Certification, the Applicant must provide the San Diego Water Board with a draft preservation mechanism (e.g. deed restriction, conservation easement, etc.) that will protect all mitigation areas and their buffers in perpetuity. Within one year of the start of Project construction, the Applicant must submit proof of a completed final preservation mechanism that will protect all mitigation areas and their buffers in perpetuity. The conservation easement, deed restriction, or other legal limitation on the mitigation properties must be adequate to demonstrate that the sites will be maintained without future development or encroachment on the sites which could otherwise reduce the functions and values of the sites for the variety of beneficial uses of waters of the United States and/ or State that it supports. The legal limitation must prohibit, without exception, all residential, commercial, industrial, institutional, and transportation development, and any other infrastructure development that would not maintain or enhance the wetland and streambed functions and values of the sites. The preservation mechanism must clearly prohibit activities that would result in soil disturbance or vegetation removal, other than the removal of non-native vegetation. Other infrastructure development to be prohibited includes, but is not limited to, additional utility lines, maintenance roads, and areas of maintained landsca818991g for recreation.

VI. MONITORING AND REPORTING REQUIREMENTS

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

California Rapid Assessment Method. California Rapid Assessment Method (CRAM)³ monitoring must be performed to assess the current and potential ecological conditions (ecological integrity) of the impact site and proposed compensatory mitigation site(s). These conditions reflect the overall level of ecological function of an aquatic resource. Prior to initiating Project construction, the Applicant shall develop a monitoring plan to implement California Rapid Assessment Method (CRAM) monitoring. The Applicant must conduct a quantitative function-based assessment of the health of streambed habitat to establish pre-project baseline conditions, set CRAM success criteria, and assess the mitigation site(s) progress towards meeting the success criteria. CRAM monitoring must be conducted prior to the start of Project construction authorized under this Certification and annually following construction completion for a period of 5 years. The annual CRAM monitoring results shall be submitted with the Annual Project Progress Report. An evaluation, interpretation, and tabulation of all CRAM assessment data shall be submitted with the Final Project Completion Report.

- E. **Discharge Commencement Notification.** The Applicant must notify the San Diego Water Board in writing **at least 5 days prior to** the start of Project construction.
- F. **Geographic Information System Data.** The Applicant must submit Geographic Information System (GIS) shape files of the Project impact sites within 30 days of the start of project construction and GIS shape files of the Project mitigation sites within 30 days of mitigation installation. All impact and mitigation site shape files must be polygons. Two GPS readings (points) must be taken on each line of the polygon and the polygon must have a minimum of 10 points. GIS metadata must also be submitted.
- G. **Annual Project Progress Reports.** The Applicant must submit annual Project progress reports describing status of BMP implementation, compensatory mitigation, 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 Annual Project Progress Reports must contain compensatory mitigation monitoring information sufficient to demonstrate how the compensatory mitigation project is progressing towards accomplishing its objectives and meeting its performance standards. Annual Project Progress Reports must be submitted even if Project construction has not begun. The monitoring period for each Annual Project Progress Report shall be January 1st through December 31st of each year. Annual Project Progress Reports must include, at a minimum, the following:
1. **Project Status and Compliance Reporting.** The Annual Project Progress Report must include the following Project status and compliance information:
 - a. The names, qualifications, and affiliations of the persons contributing to the report;
 - b. The status, progress, and anticipated schedule for completion of Project construction activities including the installation and operational status of best

³ The most recent versions of the California Rapid Assessment Method (CRAM) for Wetlands and additional information regarding CRAM can be accessed at <http://www.cramwetlands.org/>

management practices project features for erosion and storm water quality treatment;

- c. A description of Project construction delays encountered or anticipated that may affect the schedule for construction completion; and
 - d. A description of each incident of noncompliance during the annual monitoring period and its cause, the period of the noncompliance including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
2. **Compensatory Mitigation Monitoring Reporting.** Mitigation monitoring information must be submitted as part of the Annual Project Progress Report for a period of not less than five years, sufficient to demonstrate that the compensatory mitigation project has accomplished its objectives and met ecological success performance standards contained in the Mitigation Plan. Following Project implementation the San Diego Water Board may reduce or waive compensatory mitigation monitoring requirements upon a determination that performance standards have been achieved. Conversely the San Diego Water Board may extend the monitoring period beyond five years upon a determination that the performance standards have not been met or the compensatory mitigation project is not on track to meet them. The Annual Project Progress Report must include the following compensatory mitigation monitoring information:
- a. Names, qualifications, and affiliations of the persons contributing to the report;
 - b. An evaluation, interpretation, and tabulation of the parameters being monitored, including the results of the Mitigation Plan monitoring program, and all quantitative and qualitative data collected in the field;
 - c. A description of the following mitigation site(s) characteristics:
 - i. Detritus cover;
 - ii. General topographic complexity;
 - iii. General upstream and downstream habitat and hydrologic connectivity; and
 - iv. Source of hydrology
 - d. Monitoring data interpretations and conclusions as to how the compensatory mitigation project(s) is progressing towards meeting performance standards and whether the performance standards have been met;
 - e. A description of the progress toward implementing a plan to manage the compensatory mitigation project after performance standards have been achieved to ensure the long term sustainability of the resource in perpetuity, including a discussion of long term financing mechanisms, the party responsible for long term management, and a timetable for future steps;

- f. Qualitative and quantitative comparisons of current mitigation conditions with pre-construction conditions and previous mitigation monitoring results;
 - g. Stream photo documentation, including all areas of permanent and temporary impact, prior to and after mitigation site construction. Photo documentation must be conducted in accordance with guidelines posted at http://www.waterboards.ca.gov/sandiego/water_issues/programs/401_certification/docs/401c/401PhotoDocRB9V713.pdf. In addition, photo documentation must include Geographic Positioning System (GPS) coordinates for each of the photo points referenced;
 - h. A qualitative comparison to adjacent preserved streambed areas;
 - i. The results of the California Rapid Assessment Method (CRAM) monitoring required under section VI.E of this Certification;
 - j. As-built drawings of the compensatory mitigation project site(s), no bigger than 11"X17"; and
 - k. A survey report documenting boundaries of the compensatory mitigation site(s).
- H. **Final Project Completion Report.** The Applicant must submit a Final Project Completion Report to the San Diego Water Board **within 30 days of completion of the Project**. The final report must include the following information:
- 1. Date of construction initiation;
 - 2. Date of construction completion;
 - 3. BMP installation and operational status for the Project;
 - 4. As-built drawings of the Project, no bigger than 11"X17";
 - 5. Photo documentation of implemented post-construction BMPs and all areas of permanent and temporary impacts, 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 Global Positioning System (GPS) coordinates for each of the photo points referenced; and
 - 6. An evaluation, interpretation, and tabulation of all California Rapid Assessment Method (CRAM) assessment data collected throughout the term of Project construction in accordance with section VI.E of this Certification.
- I. **Reporting Authority.** The submittal of information required under this Certification, or in response to a suspected violation of any condition of this Certification, is required pursuant to Water Code section 13267 and 13383. Civil liability may be administratively

imposed by the San Diego Water Board for failure to submit information pursuant to Water Code sections 13268 or 13385.

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

California Regional Water Quality Control Board
San Diego Region
Attn: 401 Certification No. R9-2015-0176:818991:dbradford
2375 Northside Drive, Suite 100
San Diego, California 92108

Each electronic document must be submitted as a single file, in Portable Document Format (PDF), and converted to text searchable format using Optical Character Recognition (OCR). All electronic documents must include scanned copies of all signature pages; electronic signatures will not be accepted. Electronic documents submitted to the San Diego Water Board must include the following identification numbers in the header or subject line: Certification No. R9-2015-0176:818991:dbradford.

- K. **Document Signatory Requirements.** All applications, reports, or information submitted to the San Diego Water Board must be signed as follows:
1. For a corporation, by a responsible corporate officer of at least the level of vice president.
 2. For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
 3. For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.
 4. A duly authorized representative may sign applications, reports, or information if:
 - a. The authorization is made in writing by a person described above.
 - b. The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.
 - c. The written authorization is submitted to the San Diego Water Board Executive Officer.

If such authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the Project, a new authorization satisfying the above requirements must be submitted to the San Diego Water Board prior to or

together with any reports, information, or applications, to be signed by an authorized representative.

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

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

VII. NOTIFICATION REQUIREMENTS

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

Office of Emergency Services of the discharge in accordance with the spill reporting provision of the State oil spill contingency plan adopted pursuant to Government Code Title 2, Division 1, Chapter 7, Article 3.7 (commencing with section 8574.1). This requirement does not require reporting of any discharge of less than 42 gallons unless the discharge is also required to be reported pursuant to Clean Water Act section 311, or the discharge is in violation of a Basin Plan prohibition.

- D. **Anticipated Noncompliance.** The Applicant shall give advance notice to the San Diego Water Board of any planned changes in the Project or the Compensatory Mitigation project which may result in noncompliance with Certification conditions or requirements.
- E. **Transfers.** This Certification is not transferable in its entirety or in part to any person or organization except after notice to the San Diego Water Board in accordance with the following terms:
1. **Transfer of Property Ownership:** The Applicant must notify the San Diego Water Board of any change in ownership of the Project area. Notification of change in ownership must include, but not be limited to, a statement that the Applicant has provided the purchaser with a copy of the Section 401 Water Quality Certification and that the purchaser understands and accepts the certification requirements and the obligation to implement them or be subject to liability for failure to do so; the seller and purchaser must sign and date the notification and provide such notification to the San Diego Water Board **within 10 days of the transfer of ownership.**
 2. **Transfer of Mitigation Responsibility:** Any notification of transfer of responsibilities to satisfy the mitigation requirements set forth in this Certification must include a signed statement from an authorized representative of the new party (transferee) demonstrating acceptance and understanding of the responsibility to comply with and fully satisfy the mitigation conditions and agreement that failure to comply with the mitigation conditions and associated requirements may subject the transferee to enforcement by the San Diego Water Board under Water Code section 13385, subdivision (a). Notification of transfer of responsibilities meeting the above conditions must be provided to the San Diego Water Board **within 10 days of the transfer date.**
 3. **Transfer of Post-Construction BMP Maintenance Responsibility:** The Applicant assumes responsibility for the inspection and maintenance of all post-construction structural BMPs until such responsibility is legally transferred to another entity. At the time maintenance responsibility for post-construction BMPs is legally transferred the Applicant must submit to the San Diego Water Board a copy of such documentation and must provide the transferee with a copy of a long-term BMP maintenance plan that complies with manufacturer specifications. The Applicant must provide such notification to the San Diego Water Board within **10 days** of the transfer of BMP maintenance responsibility.

Upon properly noticed transfers of responsibility, the transferee assumes responsibility for compliance with this Certification and references in this Certification to the Applicant

will be interpreted to refer to the transferee as appropriate. Transfer of responsibility does not necessarily relieve the Applicant of responsibility for compliance with this Certification in the event that a transferee fails to comply.

VIII. CALIFORNIA ENVIRONMENTAL QUALITY ACT COMPLIANCE

- A. The City of Temecula is the Lead Agency under the California Environmental Quality Act (CEQA) (Public Resources Code section 21000, et seq.) section 21067, and CEQA Guidelines (California Code of Regulations, title 14, section 15000 et seq.) section 15367, and has filed a Notice of Determination dated January 23, 2002 for the Final Environmental Impact Report (FEIR) titled *Paloma Del Sol Villages at Paseo del Sol Environmental Impact Report No. 235, Addendum #4 to Specific Plan No. 219, Amendment No. 8 (Specific Plan No. SP-4)* (State Clearing House Number 8707003). The Lead Agency has determined the Project will have a significant effect on the environment and mitigation measures were made a condition of the Project.
- B. The San Diego Water Board is a Responsible Agency under CEQA (Public Resources Code section 21069; CEQA Guidelines section 15381). The San Diego Water Board has considered the Lead Agency's FEIR and finds that the Project as proposed will have a significant effect on resources within the San Diego Water Board's purview.
- C. The San Diego Water Board has required mitigation measures as a condition of this Certification to avoid or reduce the environmental effects of the Project to resources within the Board's purview to a less than significant level.
- D. As a Responsible Agency under CEQA, the San Diego Water Board will file a Notice of Determination in accordance with CEQA Guidelines section 15096 subdivision (i).

IX. SAN DIEGO WATER BOARD CONTACT PERSON

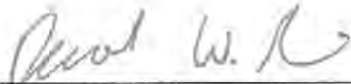
Darren Bradford, Environmental Scientist
Telephone: (619) 521-3356
Email: darren.bradford@waterboards.ca.gov

X. WATER QUALITY CERTIFICATION

I hereby certify that the proposed discharge from the **Paseo Del Sol Specific Plan Project** (Certification No. R9-2015-0176) will comply with the applicable provisions of sections 301 ("Effluent Limitations"), 302 ("Water Quality Related Effluent Limitations"), 303 ("Water Quality Standards and Implementation Plans"), 306 ("National Standards of Performance"), and 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act. This discharge is also regulated under State Water Board Order No. 2003-0017-DWQ, "*Statewide General Waste Discharge Requirements for Dredged or Fill Discharges that have Received State Water Quality Certification (General WDRs)*," which requires compliance with all conditions of this Water Quality Certification. Please note that enrollment under Order No. 2003-017-DWQ is conditional and, should new information come to our attention that indicates a water quality problem, the San Diego Water Board may issue individual waste discharge requirements at that time.

Except insofar as may be modified by any preceding conditions, all Certification actions are contingent on (a) the discharge being limited to, and all proposed mitigation being completed in strict compliance with, the applicants' Project description and/or the description in this Certification, and (b) compliance with all applicable requirements of the Basin Plan.

I, David W. Gibson, Executive Officer, do hereby certify the forgoing is a full, true, and correct copy of Certification No. R9-2015-0176 issued on June 15, 2016.



DAVID W. GIBSON
Executive Officer
San Diego Water Board

15 June 2016

Date

ATTACHMENT 1

DEFINITIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

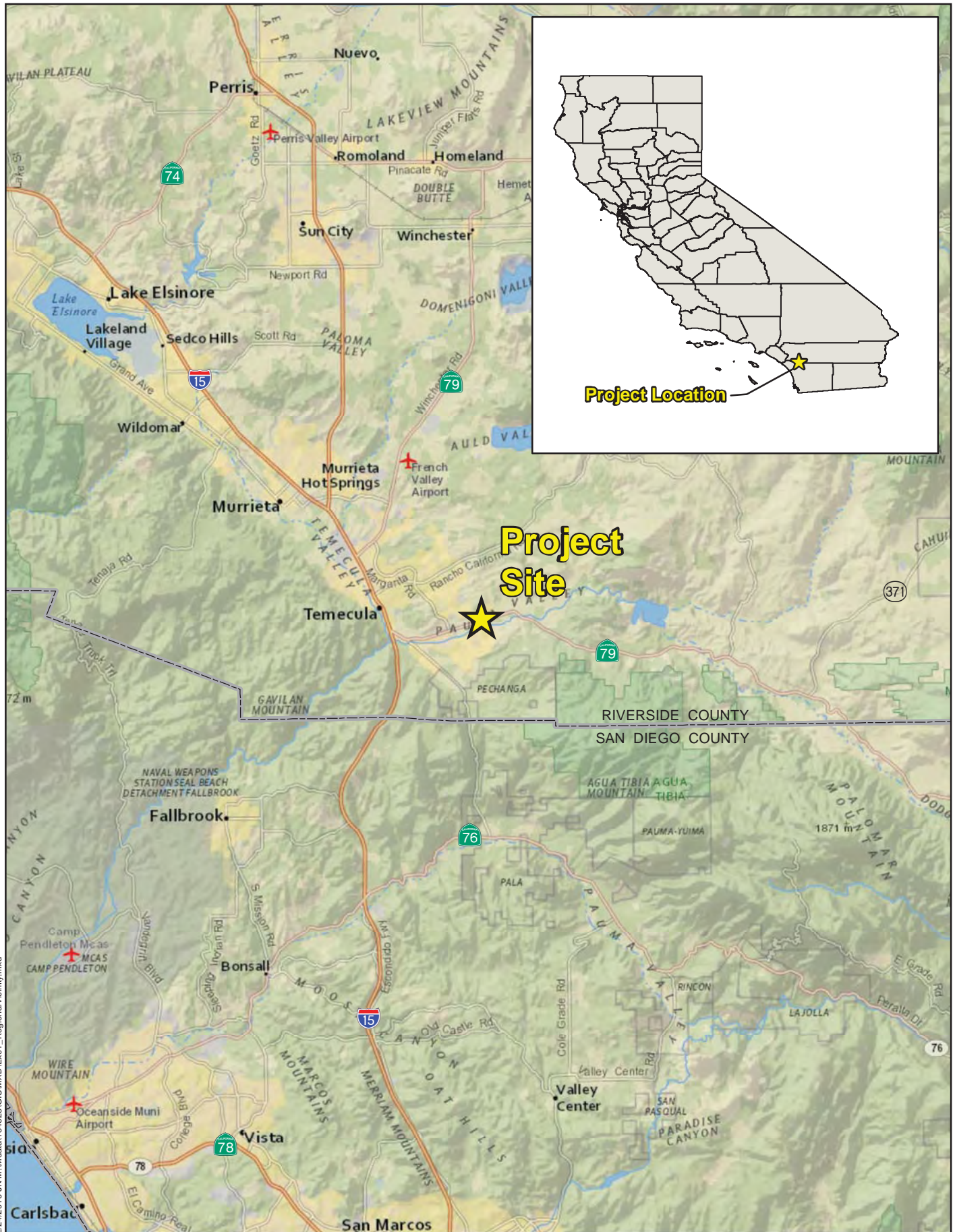
Uplands - means non-wetland areas that lack any field-based indicators of wetlands or other aquatic conditions. Uplands are generally well-drained and occur above (i.e., up-slope) from nearby aquatic areas. Wetlands can, however, be entirely surrounded by uplands. For example, some natural seeps and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

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

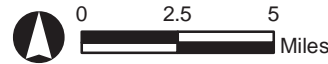
Cal Paseo Del Sol LLC
Paseo Del Sol Specific Plan Project
Certification No. R9-2015-0176

ATTACHMENT 2
PROJECT LOCATION MAPS

Exhibit 1 – Regional Vicinity
Exhibit 2 – Site Vicinity
Figure 4 – Total Tributary Watershed Map
Exhibit 2 – Project Site

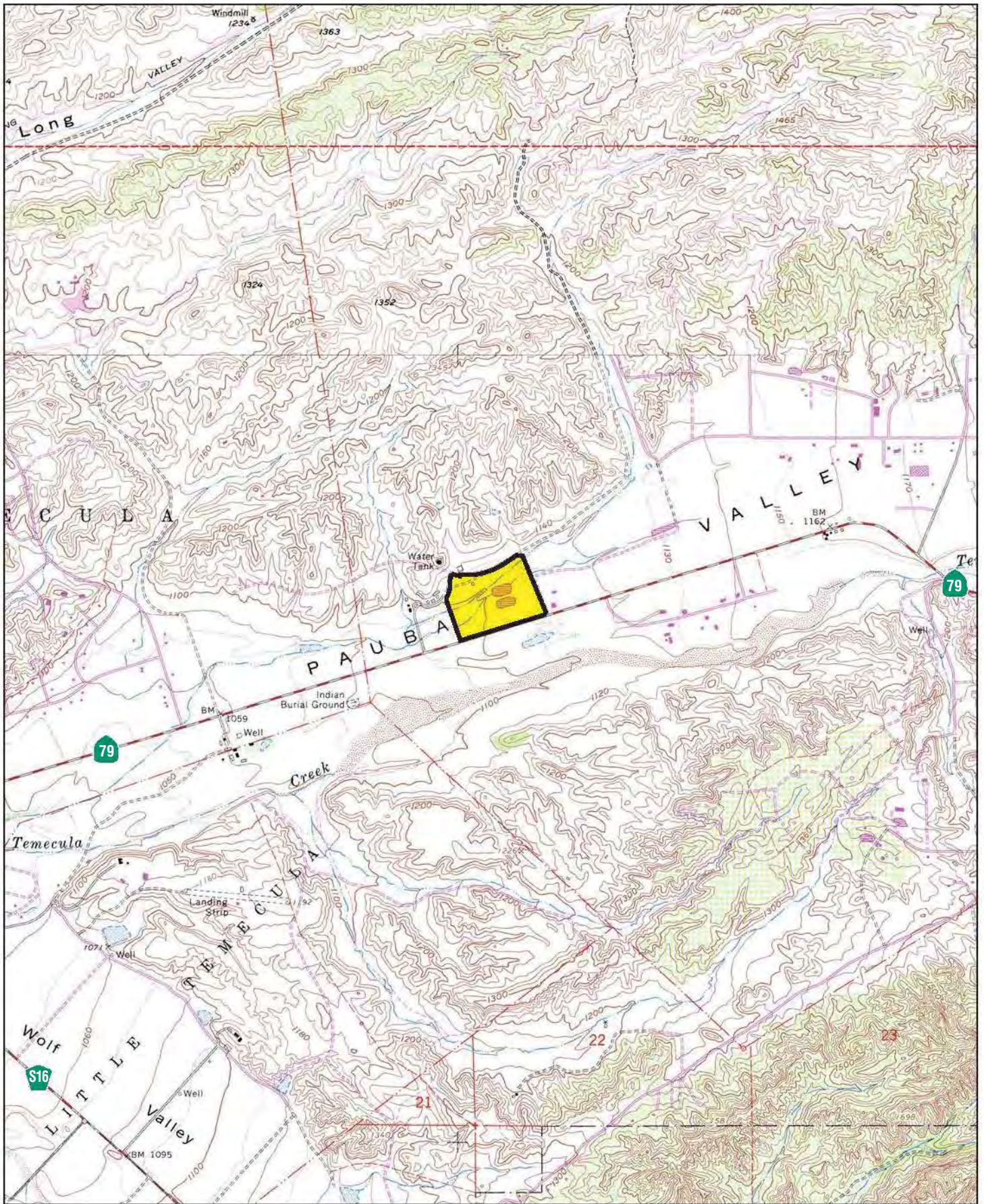


2/24/2016 JNM:Mapa\134628\GIS\MXD\Ex01_RegionalVicinity.mxd




Source: ArcGIS Online

PASEO DEL SOL SPECIFIC PLAN PROJECT
 HABITAT MITIGATION AND MONITORING PLAN
Regional Vicinity



Source: USGS Pechanga, Calif. Quadrangle, Revised 1988,
and Bacheor Mtn., Calif. Quadrangle, Revised 1973.

 Project Site

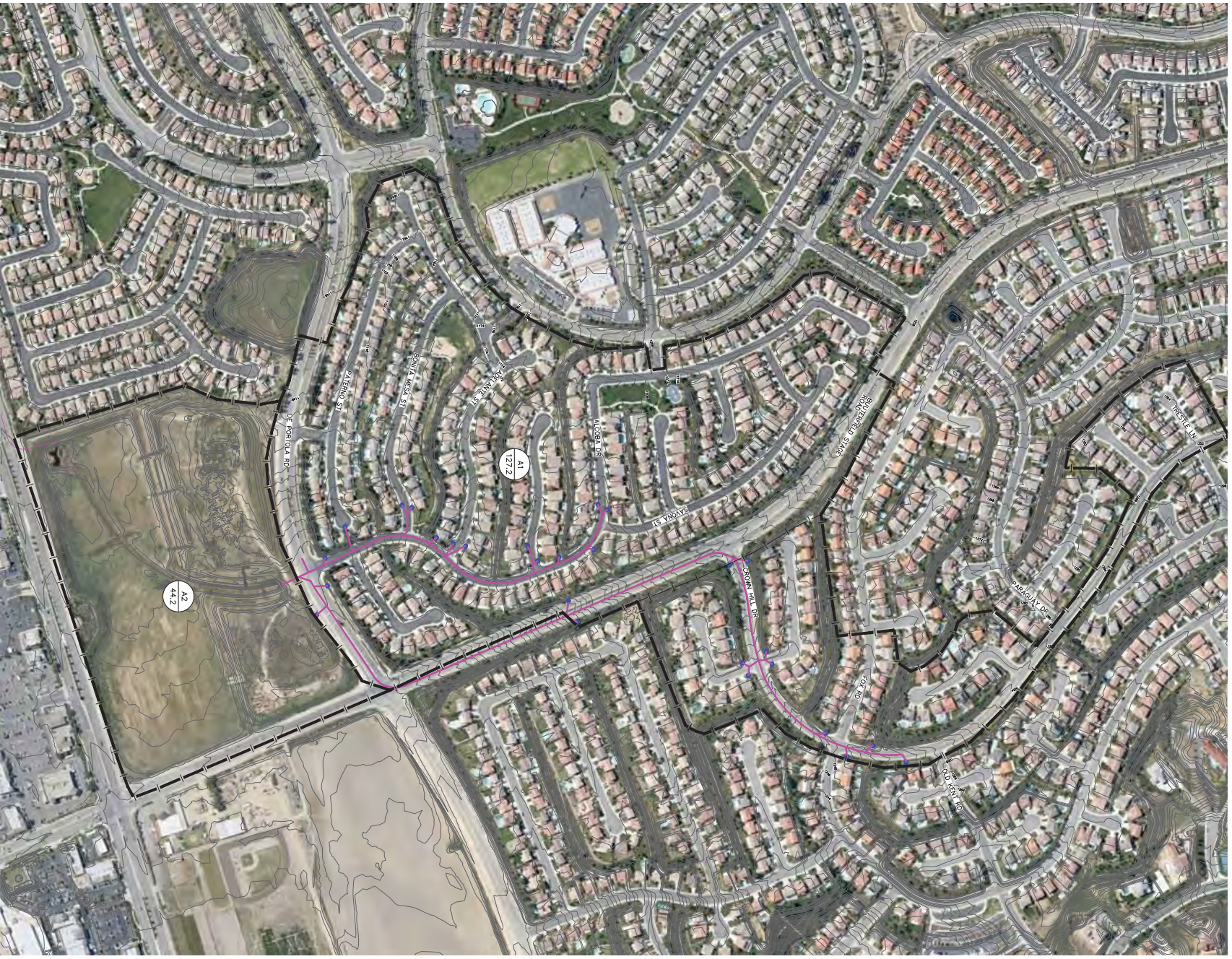


9/5/12 JN 10-108909-18646 MAS

PALOMA DEL SOL EAST
Site Vicinity

Exhibit 2

VILLAGES AT PASEO DEL SOL - PA 4
IN THE CITY OF TEMECULA, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
TOTAL TRIBUTARY WATERSHED MAP



Drawing Name: C:\08\0317\Drawings\Urban\Agenda 4 - Exhibits\Figures - Total Tributary Watershed Map.dwg
User: Gwendolyn
Date: 06/20/2014 10:52:00 AM
Scale: 1" = 200'

GRAPHIC SCALE
1" = 200'

200'

1" = 200'

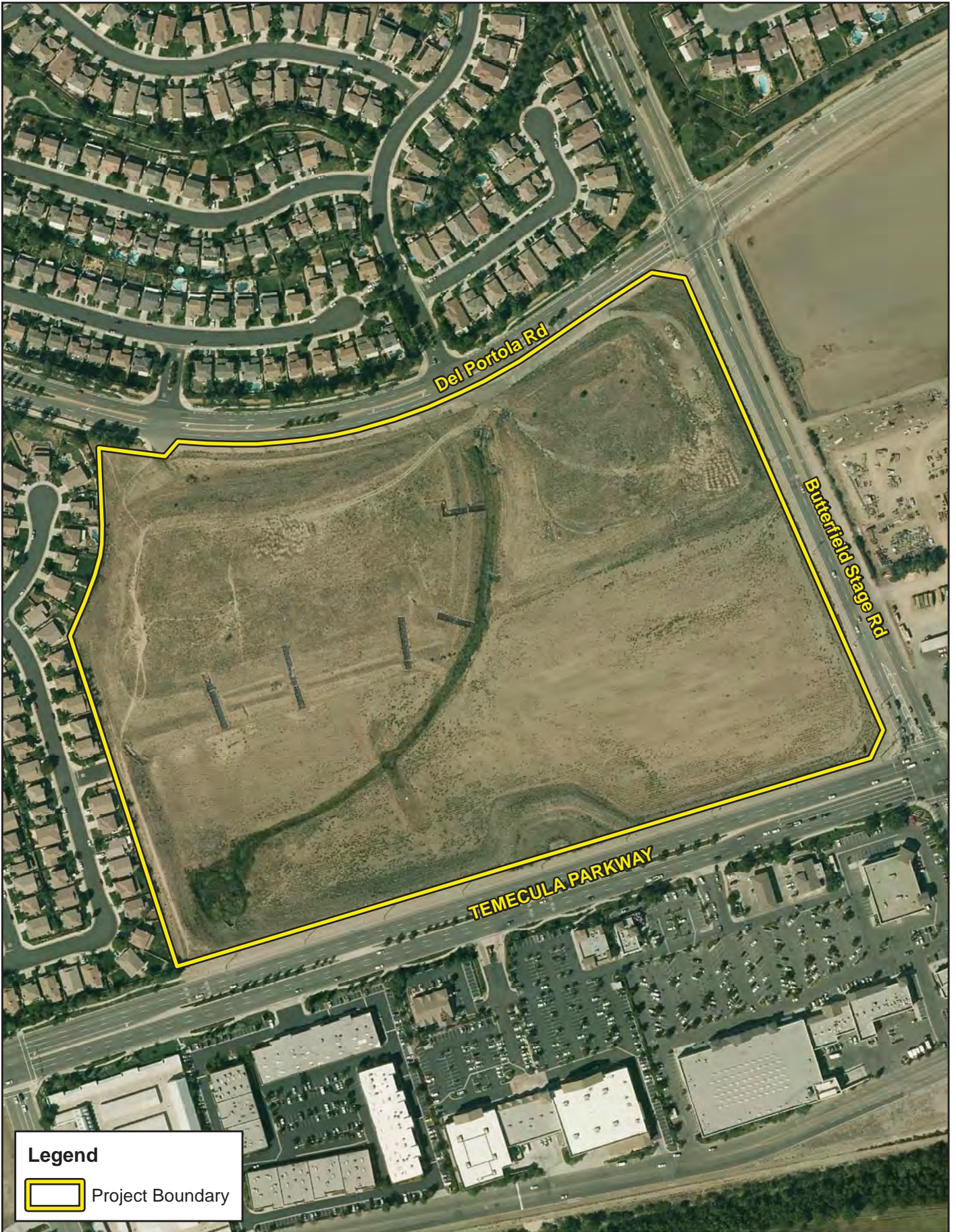
400'



JTC
Engineering & Consulting, Inc.

3626 CALLE DE LOBOS
MURRIETA, CA 92562
PH: 951.304.9552 FAX: 951.304.3568

FIGURE 4
PLANNING AREA 4
TOTAL TRIBUTARY
WATERSHED MAP



Legend

 Project Boundary

2/29/2016 JN.M:\data\134628\GIS\WXD\Ex02_Site_Vicinity.mxd



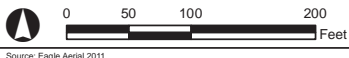
Cal Paseo Del Sol LLC
Paseo Del Sol Specific Plan Project
Certification No. R9-2015-0176

**ATTACHMENT 3
PROJECT SITE PLANS**

Exhibit 6a - Corps/Regional Board Jurisdictional Map
Sheet 1 of 1 – Tentative Tract No. 36483
Figure 3 – WQMP Site Plan



7/3/2014 JUN M:\Mdata\101089\GIS\SP\asoc_Dept_Sol_Corps_Regional_Board_11x17.mxd



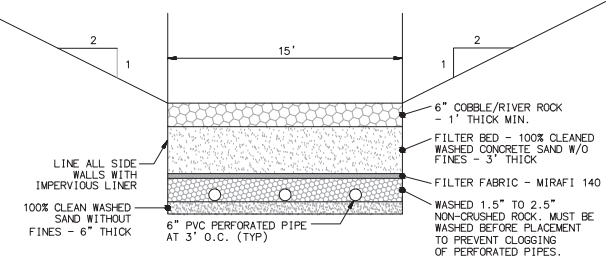
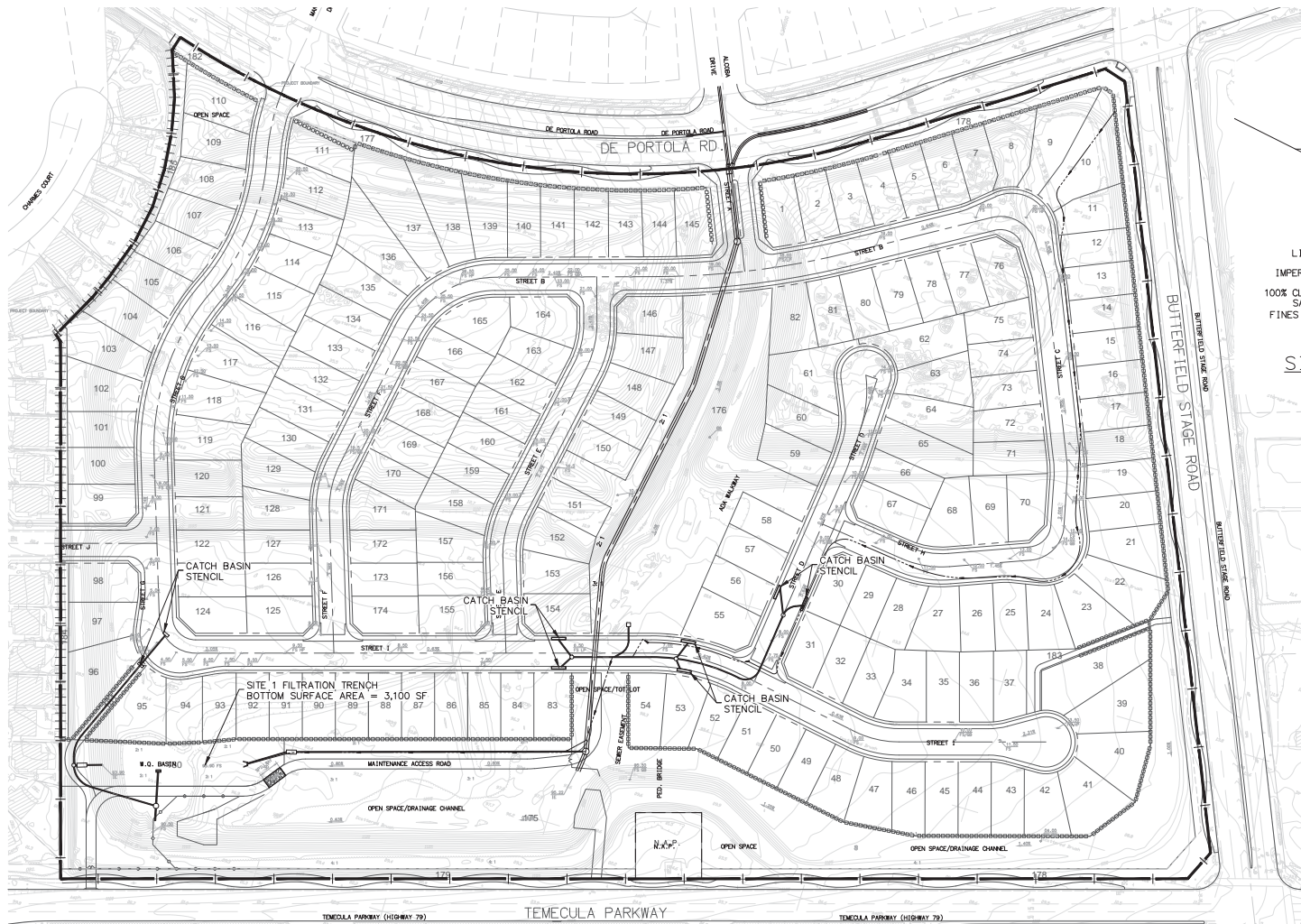
Source: Eagle Aerial 2011

PASEO DEL SOL
Corps/Regional Board Jurisdictional Map

VILLAGES AT PASEO DEL SOL - PLANNING AREA 4

IN THE CITY OF TEMECULA, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

WQMP SITE PLAN



SITE 1 FILTRATION TRENCH TYPICAL SECTION

Drawing Number: 01108.001.01 (Engineering) Village/Planning Area 4 - Exhibit View Site Plan.dwg
Last Generated: Nov 18, 2015 11:47:23 AM by JPC

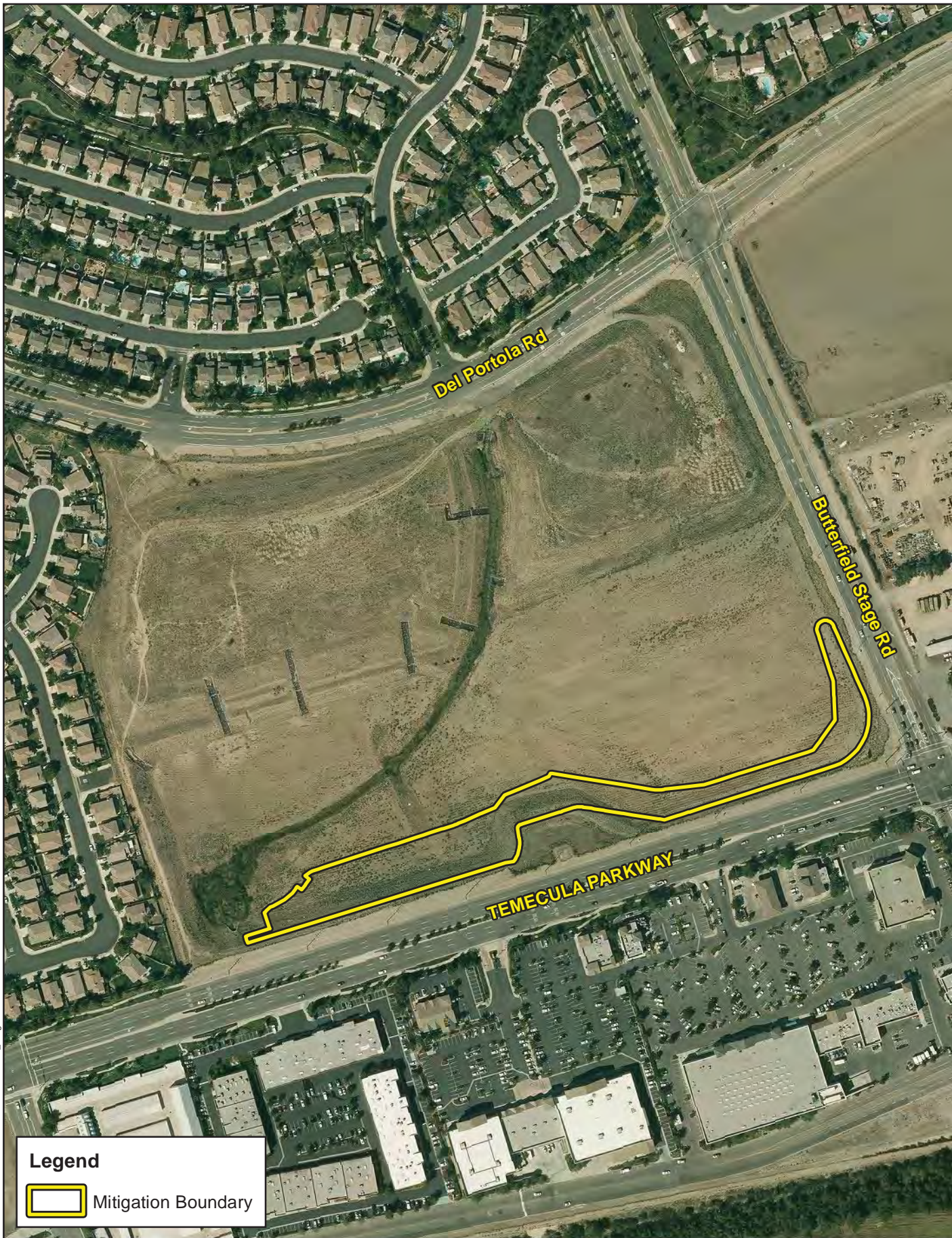
JLCA Engineering & Consulting, Inc.
 36263 CALLE DE LOBO
 MURRIETA, CA 92562
 PH. 951.304.9552 FAX 951.304.3568

FIGURE 3
PLANNING AREA 4
WQMP SITE PLAN

Cal Paseo Del Sol LLC
Paseo Del Sol Specific Plan Project
Certification No. R9-2015-0176

**ATTACHMENT 4
MITIGATION FIGURES**

Exhibit 3 – Mitigation Site
Exhibit 5 – Conceptual Planting Layout

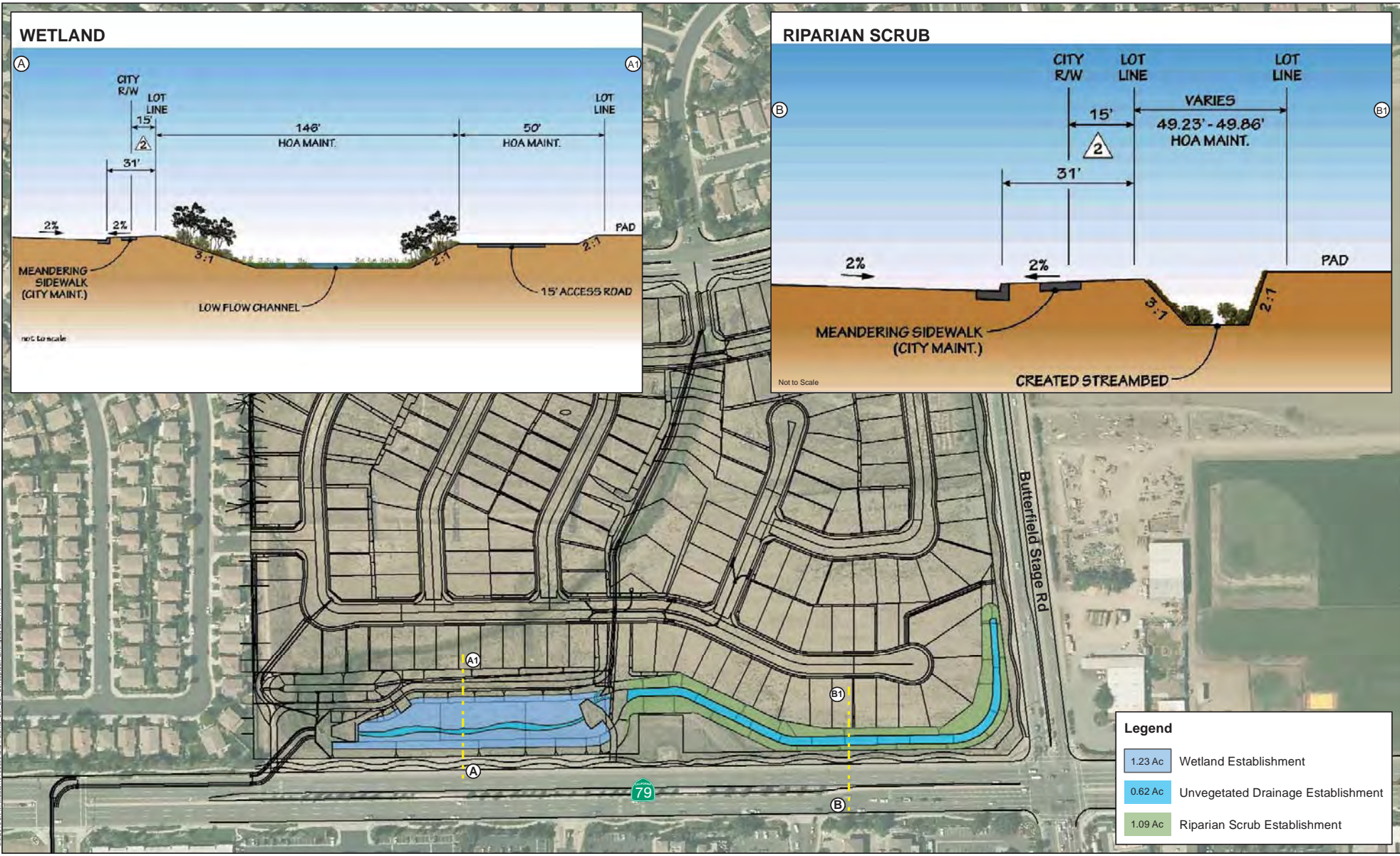


2/29/2016 JN.M:\data\134628\GIS\XD\Ex03_MitigationSite.mxd

Legend

 Mitigation Boundary





10/20/16 2:14:14 Michael Baker International Del Sol Conceptual Planting Layout 11x17.rvt



RCA Joint Project Review (JPR)

JPR #: 15-06-16-01

Date: 4/26/2016

Project Information

Permittee:	<u>City of Temecula</u>
Case Information:	<u>TTM 36483 / Paseo Del Sol / PA 14-0087</u>
Site Acreage:	<u>42.64 acres</u>
Portion of Site Proposed for MSHCP Conservation Area:	<u>0</u>

Criteria Consistency Review

Consistency Conclusion: The project is consistent with both the Criteria and Other Plan requirements.

Data:

Applicable Core/Linkage: Proposed Constrained Linkage 12
 Area Plan: Southwest

APN(s)	Sub-Unit	Cell Group	Cell
959-400-001	SU 2 – Temecula and Pechanga Creeks	Independent	7273
959-400-002			
959-400-003			

Criteria and Project Information

Criteria Comments:

- a. As stated in Section 3.2.3 of the MSHCP, “Proposed Linkage 24 is comprised of the portion of Temecula Creek east of Redhawk Parkway and west of Pauba Road. This Linkage provides Habitat for wetland species and a connection to Core Areas in Wilson Valley. The Linkage is constrained by existing roadways and planned community Development. Planning Species for which Habitat is provided for within this Linkage include bobcat, mountain lion, Stephens’ kangaroo rat, Aguanga kangaroo rat, western pond turtle, yellow warbler, southwestern willow flycatcher, arroyo chub, loggerhead shrike, tree swallow, white-tailed kite, Cooper's hawk and least Bell's vireo. In addition to maintenance of habitat quality, maintenance of existing floodplain processes along Temecula Creek is important for these species. While specific studies of movement along this Linkage have not been conducted, it likely provides for movement of common mammals such as bobcat.”
- b. The project site is partially located within Cell 7273. As stated in Section 3.3.15 of the MSHCP, “Conservation within this Cell will contribute to assembly of Proposed Constrained Linkage 24. Conservation within this Cell will focus on riparian scrub, woodland, forest, and Riversidean alluvial



RCA Joint Project Review (JPR)

JPR #: 15-06-16-01

Date: 4/26/2016

fan sage scrub habitat along Temecula Creek and adjacent grassland habitat. Areas conserved within this Cell will be connected to Riversidean alluvial fan sage scrub, riparian scrub, woodland, forest and grassland habitat proposed for conservation in Cell #7274 to the east. Conservation within this Cell will range from 5%-15% of the Cell focusing in the eastern central portion of the Cell.”

- c. Rough Step: The proposed project is within Rough Step Unit 5. Rough Step 5 encompasses 91,734 acres within the southwestern corner of western Riverside County and includes the Santa Rosa Plateau, the Tenaja Corridor, and Murrieta Creek. It is bounded by Interstate 15 to the northeast, San Diego County to the south and the Santa Ana Mountains in the Cleveland National Forest to the west. Within Rough Step 5, 24,326 acres are located within the Criteria Area. Key vegetation communities within Rough Step Unit 5 include coastal sage scrub; grasslands; riparian scrub, woodland, forest; and Riversidean alluvial fan sage scrub and woodlands and forests. Based on the 2013 MSHCP Annual Report, all vegetation categories are “in” rough step. Based on the MSHCP vegetation mapping, vegetation on the proposed project site includes grassland, disturbed and water. Therefore, development on the project site will not conflict with or interfere with the Rough Step Status of Unit 5.
- d. Project information was provided by the Permittee in the JPR application and HANS package from the Permittee which included a *Habitat Assessment and MSHCP Consistency Analysis* dated April 2014 prepared by RBF Consulting. An updated package, with a revised *Habitat Assessment and MSHCP Consistency Analysis* (August 2015), *Burrowing Owl Focused Survey Report* (August 2015), and *Delineation of State and Federal Jurisdictional Waters* (June 2014) was resubmitted in September 2015 by Michael Baker International (Michael Baker) to include information requested during the initial JPR process. Additional information was requested on several occasions, and the most recent submittal included a *Habitat Assessment and MSHCP Consistency Analysis (Analysis)* revised April 2016 and a *Riparian/Riverine Determination of Biologically Equivalent or Superior Preservation (DBESP)* revised March 2016. The project site is located north of State Route 79 (SR-79), east of Mantova Drive, south of De Portola Road and west of Butterfield Stage Road in the City of Temecula. The project site is part of the previously approved (1998) Paseo Del Sol Specific Plan, and received permits from USACE, RWQCB, and CDFW at that time. The site was previously graded and utilized as interim stormwater management facilities for the larger specific plan area. Per the site plan provided in the application package, the site is being proposed for approximately 174 single family residential units. The project site is generally located east of Interstate 15 (I-15) in the City of Temecula, Riverside County, California. Specifically, the project site is located north of SR-79, east of Mantova Drive, South of De Portola Road, and west of Butterfield Stage Road. The project site is surrounded by residential development to the north, south, and west, and an agricultural field to the northeast. Undeveloped lands are located to the east. Temecula Creek is located approximately 750 feet to the south on the other side of SR-79. The site currently has a manmade channel flowing roughly in a north to southwest direction, and is discussed below in Section 6.1.2. Non-native grassland is found throughout the majority of the project site outside of the unnamed drainage feature, and has been heavily disturbed from previous grading activities. Dominant plant species observed within this plant community include ripgut



RCA Joint Project Review (JPR)

JPR #: 15-06-16-01

Date: 4/26/2016

brome (*Bromus diandrus*), red brome (*Bromus madritensis*), shortpod mustard (*Hirschfeldia incana*), Russian thistle (*Salsola tragus*), Chinese purslane (*Portulaca oleracea*), silverleaf nightshade (*Solanum elaeagnifolium*), London rocket (*Sisymbrium irio*), and filaree (*Erodium sp.*).

- e. Reserve Assembly: The project site is located in the northwestern corner of Cell 7273 which is not in the area that would contribute to Proposed Constrained Linkage 12 described for conservation. The area described for conservation is focused on Temecula Creek and the adjacent grassland areas in the eastern central 5%-15% portion of the Cell. The proposed project site is constrained by development on the north, west, and south sides, separated from Temecula Creek by SR-79 and a shopping center. Furthermore, there is no connection between the project site and Riversidean alluvial fan sage scrub, riparian scrub, woodland, forest or grassland habitat proposed for conservation in Cell #7274 to the east. The proposed project is not contributing to conservation constraints or fragmentation in this area, and its development will not affect the ability of this Proposed Constrained Linkage 12 to function or be assembled. Therefore, the project does not affect the Reserve Assembly goals of the MSHCP.

Other Plan Requirements

Data:

Section 6.1.2 – Was Riparian/Riverine/Vernal Pool Mapping or Information Provided?

Yes. There are riparian/riverine areas on the project site. There are no vernal pools on the project site and soils are not consistent with vernal pool soil types and are not suitable for fairy shrimp habitat.

Section 6.1.3 – Was Narrow Endemic Plant Species Survey Information Provided?

Yes. The project site is not located within a Narrow Endemic Plant Species Survey Area (NEPSSA).

Section 6.3.2 – Was Additional Survey Information Provided?

Yes. The project site is not located within a Criteria Area Species Survey Area (CASSA). The project site is located in an Additional Survey Needs and Procedures Area for burrowing owl.

Section 6.1.4 – Was Information Pertaining to Urban/Wildland Interface Guidelines Provided?

Yes. The property is not directly adjacent to existing or described Conservation Areas. However, flows from the site will ultimately drain to Temecula Creek, an area described for Conservation.

Other Plan Requirement Comments:

- a. Section 6.1.2: According to the MSHCP *Analysis* prepared by Michael Baker, the project site currently has a manmade channel which was constructed for temporary stormwater management of the previously approved specific plan development. An unnamed manmade drainage feature bisects the site, flowing in a north to southwest direction. This drainage enters the site roughly in the center of its northern boundary

through a concrete culvert, where it then transitions to an earthen ditch, then curves to the southwest and is temporarily retained in the southwest corner of the site within a detention/sedimentation basin. The temporary detention/sedimentation basin drains via an off-site concrete [underground] culvert that runs under SR-79 and into Temecula Creek via existing commercial developments on the southwest corner of the site. Historical aerials from 1995 show an alluvial wash on the northern portion of the property running east-west. With development surrounding the site to the north, south, and west, the *Analysis* indicates that the primary function and value of the on-site wetland was “regulation of nuisance flows, energy dissipation, conveyance of floodwaters, and nutrient/particulate uptake from off-site upstream development.” As part of the grading operations in 2001, the project site was graded for the stormwater conveyance features located on the site currently. Project development was ceased in 2006 and the stormwater management facilities have remained in place. Since the time the project was halted in 2006, the trench has continued to convey stormwater from the northern development north through the proposed project site. The *Analysis* explains that the wetland basin provides limited flood protection/water storage capabilities by attenuating flows but it does not eliminate flooding to Butterfield Stage Road, SR-79, the project site, or commercial centers to the south of SR-79. Further, the areas upstream of the wetland are developed, and the existing wetland does not provide a wildlife movement corridor or linkage from Temecula Creek across the project site.

The *Analysis* concluded that a single 0.69-acre wetland (1,350 linear feet) associated with the unvegetated streambed and the 0.10-acre non-wetland detention basin, both determined to be MSHCP riparian/riverine resources, would be impacted by the proposed project and thus require mitigation and preparation of a DBESP. All impacts would be considered permanent and no temporary impacts to riparian/riverine resources are anticipated. The riparian habitat on site is broadleaf cattail (*Typha* spp.) and a sparsely distributed sandbar/narrow leaf willow (*Salix exigua*).

According to the *Analysis*, none of the soils appropriate to create the impermeable restrictive layer are present or have been mapped on the project site. A review of recent (1995-2014) and predevelopment aerial photographs of the site and its immediate vicinity did not provide visual evidence of an astatic or vernal pool on or in the near vicinity of the project site. While prolonged ponding may occur on-site, it is the result of continuous flows from surrounding development and does not suggest suitability for fairy shrimp which require astatic conditions. The continuous flows from surrounding development would preclude the pond from developing into an astatic pond. No other ponding was observed on-site, supporting the fact that the drainage patterns currently occurring on the project site do not follow hydrologic regime needed for vernal pools. Based on this discussion, the *Analysis* concluded that there is no indication of sensitive plant and wildlife species associated with vernal pools and clay soils, including fairy shrimp, and that they are presumed absent from the project site. This habitat is also reportedly not suitable for riparian birds, and therefore no focused surveys were warranted. The *Analysis* also concluded that the development surrounding the site to the north, west, and south limits the potential of the site to support migratory linkages of corridors for riparian species.

To offset impacts to the riparian/riverine areas, the applicant proposes on-site creation of both wetland (1.28 acres) and non-wetland (0.14 acre) habitat, and a vegetated stormwater conveyance riparian scrub streambed (1.70 acres), totaling 3.12-acres. The applicant is responsible for implementing the requirements of a Habitat Management and Monitoring Plan (HMMP) that will include establishment of the on-site wetland and non-wetland features, invasive species control, trash removal, restriction of human access, fencing and signage, maintenance, success criteria, and adaptive management. The on-site basin and channel would be owned by the Homeowners' Association (HOA) a third party approved by the regulatory agencies would be responsible for the long-term management and maintenance. The applicant also proposes off-site mitigation in the form of purchasing credits at the San Luis Rey Mitigation Bank to meet the requirements of regulated waters permitting. The applicant understands that the San Luis Rey Mitigation Bank cannot be used to replace lost functions and values of impacted MSHCP riparian/riverine resources.

According to the DBESP, the proposed on-site mitigation will result in equivalent or superior functions and values relative to water quality as compared to pre-project conditions. The basin would facilitate better water quality on site and to waters delivered downstream (e.g., Temescal Creek). Nuisance and stormwater flows originating from both off-site and on-site sources would be expected to contain nutrients, oxygen-demanding organic matter, heavy metals, hydrocarbons, pesticides, trace organics, and coliform bacteria elevated from pre-construction background levels, at levels typical of other urban watersheds. However, implementation of proposed water quality control measures, including use of structural and non-structural BMPs to treat runoff, would ensure that implementation of the project would not result in degradation of receiving body water quality. Upstream habitat connectivity to the project site is non-existent due to existing residential development, and there is little to no sediment transport/sedimentation buildup issues associated with the existing wetland. With the proposed on-site mitigation, flows from upstream locations would remain unchanged. The DBESP also indicates that the on-site mitigation would incorporate greater plant biodiversity and increase the ecological functions and values as compared to the current open water and monoculture of *Typha* spp.

The RCA needs adequate additional information to ensure that the DBESP is implemented as proposed, including a commitment that long-term management and maintenance of the on-site mitigation.

- The Permittee or the applicant will submit a copy of the final HMMP with all mitigation implementation details including activities that could potentially negate the conservation value such as vector control and weed abatement.

Based on the information provided by Michael Baker, the project demonstrates compliance with Section 6.1.2 of the MSHCP.

- b. Section 6.1.3: The project site is not located within a Narrow Endemic Plant Species Survey Area (NEPSSA). Therefore, no focused surveys for NEPSSA were conducted. Based on the information provided by Michael Baker, the project demonstrates compliance with Section 6.1.3 of the MSHCP.
- c. Section 6.3.2: The project site is not located within a Criteria Area Species Survey Area (CASSA), therefore no focused surveys were conducted for CASSA. The project site is located in an Additional Survey Needs and Procedures Area for burrowing owls. Potential suitable burrows were mapped (refer to *BUOW Focused Survey*) and focused surveys were conducted July 7, 15, 29, and August 4, 2015 consistent with the MSHCP Burrowing Owl Survey Requirements (2006). The project site contains a large number of ground squirrel burrows and debris piles, many of which are suitable to support burrowing owls. These are primarily located on slopes along the northern and southern boundaries of the site and along the east-west centerline of the site, where the higher-elevation northern half drops into the lower-elevation southern half. During the habitat assessment, all burrows encountered were examined for shape, scat, pellets, feathers, tracks, and prey remains. Despite systematic searches of the suitable burrows found on the project site, no burrowing owls or evidence to suggest recent or historical use of the project site by burrowing owl was observed on or within 500 feet of the project site.
- Pre-construction surveys for burrowing owls shall be conducted within all suitable burrowing owl habitat, and shall be conducted within 30 days prior to the project implementing ground disturbance.

Based on the information provided by Michael Baker, the project demonstrates consistency with Section 6.3.2 of the MSHCP.

- d. Section 6.1.4: There are no existing or described Conservation Areas adjacent to the project site. However, flows from the site drain under SR-79 and into Temecula Creek. To preserve the integrity of areas dedicated as MSHCP Conservation Areas, the guidelines contained in Section 6.1.4 related to controlling adverse effects for development adjacent to existing and described MSHCP Conservation Areas shall be implemented by the Permittee in their actions relative to the project. According to the DBESP, measures have been incorporated into the project design to ensure that all indirect project-related impacts to riparian/riverine habitat are avoided or minimized to the greatest extent feasible. At a minimum, where applicable, these measures would apply to the flows to Temecula Creek and to the on-site detention basin. Specifically, the Permittee should include as project conditions the approval measures i., ii., and v. as described below:
- i. Incorporate measures to control the quantity and quality of runoff from the site entering the MSHCP Conservation Area. In particular, measures shall be put in place to avoid discharge of untreated surface runoff from developed and paved areas into MSHCP Conservation Areas. Any water quality or other drainage discharges must be reviewed by RCA prior to conveyance into the MSHCP Conservation Area.

- ii. Land uses proposed in proximity to the MSHCP Conservation Area that use chemicals or generate bioproducts, such as manure, that are potentially toxic or may adversely affect wildlife species, Habitat, or water quality shall incorporate measures to ensure that application of such chemicals does not result in discharge to the MSHCP Conservation Area. The greatest risk is from landscaping fertilization overspray and runoff.
- iii. Night lighting shall be directed away from the MSHCP Conservation Area to protect species within the MSHCP Conservation Area from direct night lighting. Shielding shall be incorporated in project designs to ensure ambient lighting in the MSHCP Conservation Area is not increased.
- iv. Proposed noise-generating land uses affecting the MSHCP Conservation Area shall incorporate setbacks, berms, or walls to minimize the effects of noise on MSHCP Conservation Area resources pursuant to applicable rules, regulations, and guidelines related to land use noise standards.
- v. Consider the invasive, non-native plant species listed in Table 6-2 of the MSHCP in approving landscape plans to avoid the use of invasive species for the portions of the project that are adjacent to the MSHCP Conservation Area. Considerations in reviewing the applicability of this list shall include proximity of planting areas to the MSHCP Conservation Areas, species considered in the planting plans, resources being protected within the MSHCP Conservation Area and their relative sensitivity to invasion, and barriers to plant and seed dispersal, such as walls, topography, and other features.
- vi. Proposed land uses adjacent to the MSHCP Conservation Area shall incorporate barriers, where appropriate, in individual project designs to minimize unauthorized public access, domestic animal predation, illegal trespass, or dumping into the MSHCP Conservation Areas. Such barriers may include native landscaping, rocks/boulders, fencing, walls, signage, and/or other appropriate mechanisms.
- vii. Manufactured slopes associated with the proposed site development shall not extend into the MSHCP Conservation Area.
- viii. Weed abatement and fuel modification activities are not permitted in the Conservation Area, including areas proposed or described for Conservation.



RCA Joint Project Review (JPR)

JPR #: 15-06-16-01

Date: 4/26/2016

INTENTIONALLY LEFT BLANK



RCA Joint Project Review (JPR)

JPR #: 15-06-16-01

Date: 4/25/2016 updated 4/6/2018

Project Information

Permittee:	City of Temecula
Case Information:	TTM 36483 / Paseo Del Sol / PA 14-0087
Site Acreage:	42.64 acres
Portion of Site Proposed for MSHCP Conservation Area:	0 proposed, but result of CDFW Section 1602 permitting requires conservation easement over approximately 3.0 acres

Criteria Consistency Review

Consistency Conclusion: The project is consistent with both the Criteria and Other Plan requirements.

Data:

Applicable Core/Linkage: Proposed Constrained Linkage 12
 Area Plan: Southwest

APN(s)	Sub-Unit	Cell Group	Cell
959-400-001	SU 2 – Temecula and Pechanga Creeks	Independent	7273
959-400-002			
959-400-003			

Criteria and Project Information

Criteria Comments:

- a. As stated in Section 3.2.3 of the MSHCP, “Proposed Linkage 24 is comprised of the portion of Temecula Creek east of Redhawk Parkway and west of Pauba Road. This Linkage provides Habitat for wetland species and a connection to Core Areas in Wilson Valley. The Linkage is constrained by existing roadways and planned community Development. Planning Species for which Habitat is provided for within this Linkage include bobcat, mountain lion, Stephens’ kangaroo rat, Aguanga kangaroo rat, western pond turtle, yellow warbler, southwestern willow flycatcher, arroyo chub, loggerhead shrike, tree swallow, white-tailed kite, Cooper's hawk and least Bell's vireo. In addition to maintenance of habitat quality, maintenance of existing floodplain processes along Temecula Creek is important for these species. While specific studies of movement along this Linkage have not been conducted, it likely provides for movement of common mammals such as bobcat.”
- b. The project site is partially located within Cell 7273. As stated in Section 3.3.15 of the MSHCP, “Conservation within this Cell will contribute to assembly of Proposed Constrained Linkage 24. Conservation within this Cell will focus on riparian scrub, woodland, forest, and Riversidean alluvial



RCA Joint Project Review (JPR)

JPR #: 15-06-16-01

Date: 4/25/2016 updated 4/6/2018

fan sage scrub habitat along Temecula Creek and adjacent grassland habitat. Areas conserved within this Cell will be connected to Riversidean alluvial fan sage scrub, riparian scrub, woodland, forest and grassland habitat proposed for conservation in Cell #7274 to the east. Conservation within this Cell will range from 5%-15% of the Cell focusing in the eastern central portion of the Cell.”

- c. Rough Step: The proposed project is within Rough Step Unit 5. Rough Step 5 encompasses 91,734 acres within the southwestern corner of western Riverside County and includes the Santa Rosa Plateau, the Tenaja Corridor, and Murrieta Creek. It is bounded by Interstate 15 to the northeast, San Diego County to the south and the Santa Ana Mountains in the Cleveland National Forest to the west. Within Rough Step 5, 24,326 acres are located within the Criteria Area. Key vegetation communities within Rough Step Unit 5 include coastal sage scrub; grasslands; riparian scrub, woodland, forest; and Riversidean alluvial fan sage scrub and woodlands and forests. Based on the 2013 MSHCP Annual Report, all vegetation categories are “in” rough step. Based on the MSHCP vegetation mapping, vegetation on the proposed project site includes grassland, disturbed and water. Therefore, development on the project site will not conflict with or interfere with the Rough Step Status of Unit 5.
- d. Project information was provided by the Permittee in the JPR application and HANS package from the Permittee which included a *Habitat Assessment and MSHCP Consistency Analysis* dated April 2014 prepared by RBF Consulting. An updated package, with a revised *Habitat Assessment and MSHCP Consistency Analysis* (August 2015), *Burrowing Owl Focused Survey Report* (August 2015), and *Delineation of State and Federal Jurisdictional Waters* (June 2014) was resubmitted in September 2015 by Michael Baker International (Michael Baker) to include information requested during the initial JPR process. Additional information was requested on several occasions, and the most recent submittal included a *Habitat Assessment and MSHCP Consistency Analysis (Analysis)* revised April 2016 and a *Riparian/Riverine Determination of Biologically Equivalent or Superior Preservation (DBESP)* revised March 2016. The project site is located north of State Route 79 (SR-79), east of Mantova Drive, south of De Portola Road and west of Butterfield Stage Road in the City of Temecula. The project site is part of the previously approved (1998) Paseo Del Sol Specific Plan, and received permits from USACE, RWQCB, and CDFW at that time. The site was previously graded and utilized as interim stormwater management facilities for the larger specific plan area. Per the site plan provided in the application package, the site is being proposed for approximately 174 single family residential units. The project site is generally located east of Interstate 15 (I-15) in the City of Temecula, Riverside County, California. Specifically, the project site is located north of SR-79, east of Mantova Drive, South of De Portola Road, and west of Butterfield Stage Road. The project site is surrounded by residential development to the north, south, and west, and an agricultural field to the northeast. Undeveloped lands are located to the east. Temecula Creek is located approximately 750 feet to the south on the other side of SR-79. The site currently has a manmade channel flowing roughly in a north to southwest direction, and is discussed below in Section 6.1.2. Non-native grassland is found throughout the majority of the project site outside of the unnamed drainage feature, and has been heavily disturbed from previous grading activities. Dominant plant species observed within this



RCA Joint Project Review (JPR)

JPR #: 15-06-16-01

Date: 4/25/2016 updated 4/6/2018

plant community include ripgut brome (*Bromus diandrus*), red brome (*Bromus madritensis*), shortpod mustard (*Hirschfeldia incana*), Russian thistle (*Salsola tragus*), Chinese purslane (*Portulaca oleracea*), silverleaf nightshade (*Solanum elaeagnifolium*), London rocket (*Sisymbrium irio*), and filaree (*Erodium sp.*).

- e. Reserve Assembly: The project site is located in the northwestern corner of Cell 7273 which is not in the area that would contribute to Proposed Constrained Linkage 12 described for conservation. The area described for conservation is focused on Temecula Creek and the adjacent grassland areas in the eastern central 5%-15% portion of the Cell. The proposed project site is constrained by development on the north, west, and south sides, separated from Temecula Creek by SR-79 and a shopping center. Furthermore, there is no connection between the project site and Riversidean alluvial fan sage scrub, riparian scrub, woodland, forest or grassland habitat proposed for conservation in Cell #7274 to the east. The proposed project is not contributing to conservation constraints or fragmentation in this area, and its development will not affect the ability of this Proposed Constrained Linkage 12 to function or be assembled. Therefore, the project does not affect the Reserve Assembly goals of the MSHCP.

Other Plan Requirements

Data:

Section 6.1.2 – Was Riparian/Riverine/Vernal Pool Mapping or Information Provided?

Yes. There are riparian/riverine areas on the project site. There are no vernal pools on the project site and soils are not consistent with vernal pool soil types and are not suitable for fairy shrimp habitat.

Section 6.1.3 – Was Narrow Endemic Plant Species Survey Information Provided?

Yes. The project site is not located within a Narrow Endemic Plant Species Survey Area (NEPSSA).

Section 6.3.2 – Was Additional Survey Information Provided?

Yes. The project site is not located within a Criteria Area Species Survey Area (CASSA). The project site is located in an Additional Survey Needs and Procedures Area for burrowing owl.

Section 6.1.4 – Was Information Pertaining to Urban/Wildland Interface Guidelines Provided?

Yes. The property is not directly adjacent to existing or described Conservation Areas. However, flows from the site will ultimately drain to Temecula Creek, an area described for Conservation.

Other Plan Requirement Comments:

- a. Section 6.1.2: According to the MSHCP *Analysis* prepared by Michael Baker, the project site currently has a manmade channel which was constructed for temporary stormwater management of the previously approved specific plan development. An unnamed manmade drainage feature bisects the site, flowing in a north to southwest direction. This drainage enters the site roughly in the center of its northern boundary through a concrete culvert, where it then transitions to an earthen ditch, then curves to the southwest and is temporarily retained in the southwest corner of the site within a detention/sedimentation basin. The temporary detention/sedimentation basin drains via an off-site concrete [underground] culvert that runs under SR-79 and into Temecula Creek via existing commercial developments on the southwest corner of the site. Historical aerials from 1995 show an alluvial wash on the northern portion of the property running east-west. With development surrounding the site to the north, south, and west, the *Analysis* indicates that the primary function and value of the on-site wetland was “regulation of nuisance flows, energy dissipation, conveyance of floodwaters, and nutrient/particulate uptake from off-site upstream development.” As part of the grading operations in 2001, the project site was graded for the stormwater conveyance features located on the site currently. Project development was ceased in 2006 and the stormwater management facilities have remained in place. Since the time the project was halted in 2006, the trench has continued to convey stormwater from the northern development north through the proposed project site. The *Analysis* explains that the wetland basin provides limited flood protection/water storage capabilities by attenuating flows but it does not eliminate flooding to Butterfield Stage Road, SR-79, the project site, or commercial centers to the south of SR-79. Further, the areas upstream of the wetland are developed, and the existing wetland does not provide a wildlife movement corridor or linkage from Temecula Creek across the project site.

The *Analysis* concluded that a single 0.69-acre wetland (1,350 linear feet) associated with the unvegetated streambed and the 0.10-acre non-wetland detention basin (ephemeral streambed), both determined to be MSHCP riparian/riverine resources, would be impacted by the proposed project and thus require mitigation and preparation of a DBESP. All impacts would be considered permanent and no temporary impacts to riparian/riverine resources are anticipated. The riparian habitat on site is broadleaf cattail (*Typha* spp.) and a sparsely distributed sandbar/narrow leaf willow (*Salix exigua*).

According to the *Analysis*, none of the soils appropriate to create the impermeable restrictive layer are present or have been mapped on the project site. A review of recent (1995-2014) and predevelopment aerial photographs of the site and its immediate vicinity did not provide visual evidence of an astatic or vernal pool on or in the near vicinity of the project site. While prolonged ponding may occur on-site, it is the result of continuous flows from surrounding development and does not suggest suitability for fairy shrimp which require astatic conditions. The continuous flows from surrounding development would preclude the pond from developing into an astatic pond. No other ponding was observed on-site, supporting the fact that the drainage patterns currently occurring on the project site do not follow hydrologic regime needed for vernal pools. Based on this discussion, the *Analysis* concluded that there is



RCA Joint Project Review (JPR)

JPR #: 15-06-16-01

Date: 4/25/2016 updated 4/6/2018

no indication of sensitive plant and wildlife species associated with vernal pools and clay soils, including fairy shrimp, and that they are presumed absent from the project site. This habitat is also reportedly not suitable for riparian birds, and therefore no focused surveys were warranted. The *Analysis* also concluded that the development surrounding the site to the north, west, and south limits the potential of the site to support migratory linkages of corridors for riparian species.

To offset impacts to the riparian/riverine areas, the applicant proposes on-site re-establishment of both wetland and non-wetland habitat, and a vegetated stormwater conveyance riparian scrub streambed, totaling 2.94 acres. The applicant is responsible for implementing the requirements of a Habitat Management and Monitoring Plan (HMMP) that will include establishment of the on-site wetland and non-wetland features, invasive species control, trash removal, restriction of human access, fencing and signage, maintenance, success criteria, and adaptive management. The on-site basin and channel would be owned by the Homeowners' Association (HOA) and a third party approved by the regulatory agencies would be responsible for the long-term management and maintenance. [On March 13, 2018, since the time these Findings were prepared, the Rivers & Lands Conservancy agreed to accept the conveyance and implement the re-establishment requirements. The MSHCP requires that a protection mechanism, such as a conservation easement, be placed over the approximate on-site 3.0-acre mitigation area. Should the HOA need to implement maintenance or vector control, then a separate CDFW 1602 permit would be required.] The applicant also proposes off-site mitigation in the form of purchasing credits (equivalent to 0.69 acres) at the San Luis Rey Mitigation Bank to meet the requirements of regulated waters permitting. The applicant understands that the San Luis Rey Mitigation Bank cannot be used to replace lost functions and values of impacted MSHCP riparian/riverine resources.

According to the DBESP, the proposed on-site mitigation will result in equivalent or superior functions and values relative to water quality as compared to pre-project conditions. The basin would facilitate better water quality on site and to waters delivered downstream (e.g., Temescal Creek). Nuisance and stormwater flows originating from both off-site and on-site sources would be expected to contain nutrients, oxygen-demanding organic matter, heavy metals, hydrocarbons, pesticides, trace organics, and coliform bacteria elevated from pre-construction background levels, at levels typical of other urban watersheds. However, implementation of proposed water quality control measures, including use of structural and non-structural BMPs to treat runoff, would ensure that implementation of the project would not result in degradation of receiving body water quality. Upstream habitat connectivity to the project site is non-existent due to existing residential development, and there is little to no sediment transport/sedimentation buildup issues associated with the existing wetland. With the proposed on-site mitigation, flows from upstream locations would remain unchanged. The DBESP also indicates that the on-site mitigation would incorporate greater plant biodiversity and increase the ecological functions and values as compared to the current open water and monoculture of *Typha* spp.

The RCA needs adequate additional information to ensure that the DBESP is implemented as proposed, including a commitment that long-term management and maintenance of the on-site mitigation.



RCA Joint Project Review (JPR)

JPR #: 15-06-16-01

Date: 4/25/2016 updated 4/6/2018

The Permittee or the applicant will submit a copy of the final HMMP to RCA that must include all mitigation implementation details including future activities that could potentially negate the conservation value such as vector control and weed abatement. The HMMP must include success criteria including timelines of when success is anticipated.

Based on the information provided by Michael Baker, the project demonstrates compliance with Section 6.1.2 of the MSHCP.

- b. Section 6.1.3: The project site is not located within a Narrow Endemic Plant Species Survey Area (NEPSSA). Therefore, no focused surveys for NEPSSA were conducted. Based on the information provided by Michael Baker, the project demonstrates compliance with Section 6.1.3 of the MSHCP.
- c. Section 6.3.2: The project site is not located within a Criteria Area Species Survey Area (CASSA), therefore no focused surveys were conducted for CASSA. The project site is located in an Additional Survey Needs and Procedures Area for burrowing owls. Potential suitable burrows were mapped (refer to *BUOW Focused Survey*) and focused surveys were conducted July 7, 15, 29, and August 4, 2015 consistent with the MSHCP Burrowing Owl Survey Requirements (2006). The project site contains a large number of ground squirrel burrows and debris piles, many of which are suitable to support burrowing owls. These are primarily located on slopes along the northern and southern boundaries of the site and along the east-west centerline of the site, where the higher-elevation northern half drops into the lower-elevation southern half. During the habitat assessment, all burrows encountered were examined for shape, scat, pellets, feathers, tracks, and prey remains. Despite systematic searches of the suitable burrows found on the project site, no burrowing owls or evidence to suggest recent or historical use of the project site by burrowing owl was observed on or within 500 feet of the project site.

Due to the potential suitable burrowing owl habitat on site a 30-day preconstruction survey for burrowing owls is required prior to initial ground-disturbing activities. If burrowing owl have colonized the property site prior to the initiation of construction, the Permittee should immediately inform the Wildlife Agencies and the RCA, and coordinate on the potential need for a Burrowing Owl Protection and Relocation Plan, prior to initiating ground disturbance.

Based on the information provided by Michael Baker, the project demonstrates consistency with Section 6.3.2 of the MSHCP.

- d. Section 6.1.4: There are no existing or described Conservation Areas adjacent to the project site. However, flows from the site drain under SR-79 and into Temecula Creek. To preserve the integrity of areas dedicated as MSHCP Conservation Areas, and the on-site mitigation area (under conservation easement), the guidelines contained in Section 6.1.4 related to controlling adverse effects for development adjacent to existing and described MSHCP Conservation Areas shall be implemented by the Permittee in their actions relative to the project. According to the DBESP, measures have been incorporated into the project design to ensure that all indirect project-related impacts to riparian/riverine habitat are avoided or minimized to the greatest extent feasible. At a minimum, where applicable, these measures would apply to the flows to Temecula Creek and to the on-site detention basin. **Specifically,**



RCA Joint Project Review (JPR)

JPR #: 15-06-16-01

Date: 4/25/2016 updated 4/6/2018

the Permittee should include as project conditions the approval measures i., ii., and v. as described below:

- i. Incorporate measures to control the quantity and quality of runoff from the site entering the MSHCP Conservation Area. In particular, measures shall be put in place to avoid discharge of untreated surface runoff from developed and paved areas into MSHCP Conservation Areas. Any water quality or other drainage discharges must be reviewed by RCA prior to conveyance into the MSHCP Conservation Area.
 - ii. Land uses proposed in proximity to the MSHCP Conservation Area that use chemicals or generate bioproducts, such as manure, that are potentially toxic or may adversely affect wildlife species, Habitat, or water quality shall incorporate measures to ensure that application of such chemicals does not result in discharge to the MSHCP Conservation Area. The greatest risk is from landscaping fertilization overspray and runoff.
 - iii. Night lighting shall be directed away from the MSHCP Conservation Area to protect species within the MSHCP Conservation Area from direct night lighting. Shielding shall be incorporated in project designs to ensure ambient lighting in the MSHCP Conservation Area is not increased.
 - iv. Proposed noise-generating land uses affecting the MSHCP Conservation Area shall incorporate setbacks, berms, or walls to minimize the effects of noise on MSHCP Conservation Area resources pursuant to applicable rules, regulations, and guidelines related to land use noise standards.
 - v. Consider the invasive, non-native plant species listed in Table 6-2 of the MSHCP in approving landscape plans to avoid the use of invasive species for the portions of the project that are adjacent to the MSHCP Conservation Area. Considerations in reviewing the applicability of this list shall include proximity of planting areas to the MSHCP Conservation Areas, species considered in the planting plans, resources being protected within the MSHCP Conservation Area and their relative sensitivity to invasion, and barriers to plant and seed dispersal, such as walls, topography, and other features.
 - vi. Proposed land uses adjacent to the MSHCP Conservation Area shall incorporate barriers, where appropriate, in individual project designs to minimize unauthorized public access, domestic animal predation, illegal trespass, or dumping into the MSHCP Conservation Areas. Such barriers may include native landscaping, rocks/boulders, fencing, walls, signage, and/or other appropriate mechanisms.
 - vii. Manufactured slopes associated with the proposed site development shall not extend into the MSHCP Conservation Area.
 - viii. Weed abatement and fuel modification activities are not permitted in the Conservation Area, including areas proposed or described for Conservation.
- e. MSHCP Volume I, Appendix C: The following best management practices (BMPs), as applicable, shall be implemented for the duration of construction:
- i. A condition shall be placed on grading permits requiring a qualified biologist to conduct a training session for project personnel prior to grading. The training shall include a description of the species of



RCA Joint Project Review (JPR)

JPR #: 15-06-16-01

Date: 4/25/2016 updated 4/6/2018

concern and its habitats, the general provisions of the Endangered Species Act (Act) and the MSHCP, the need to adhere to the provisions of the Act and the MSHCP, the penalties associated with violating the provisions of the Act, the general measures that are being implemented to conserve the species of concern as they relate to the project, and the access routes to and project site boundaries within which the project activities must be accomplished.

ii. Water pollution and erosion control plans shall be developed and implemented in accordance with RWQCB requirements.

iii. The footprint of disturbance shall be minimized to the maximum extent feasible. Access to sites shall be via pre-existing access routes to the greatest extent possible.

iv. The upstream and downstream limits of projects disturbance plus lateral limits of disturbance on either side of the stream shall be clearly defined and marked in the field and reviewed by the biologist prior to initiation of work.

v. Projects should be designed to avoid the placement of equipment and personnel within the stream channel or on sand and gravel bars, banks, and adjacent upland habitats used by target species of concern.

vi. Projects that cannot be conducted without placing equipment or personnel in sensitive habitats should be timed to avoid the breeding season of riparian identified in MSHCP Global Species Objective No. 7.

vii. When stream flows must be diverted, the diversions shall be conducted using sandbags or other methods requiring minimal instream impacts. Silt fencing or other sediment trapping materials shall be installed at the downstream end of construction activity to minimize the transport of sediments off site. Settling ponds where sediment is collected shall be cleaned out in a manner that prevents the sediment from reentering the stream. Care shall be exercised when removing silt fences, as feasible, to prevent debris or sediment from returning to the stream.

viii. Equipment storage, fueling, and staging areas shall be located on upland sites with minimal risks of direct drainage into riparian areas or other sensitive habitats. These designated areas shall be located in such a manner as to prevent any runoff from entering sensitive habitat. Necessary precautions shall be taken to prevent the release of cement or other toxic substances into surface waters. Project related spills of hazardous materials shall be reported to appropriate entities including but not limited to applicable jurisdictional city, FWS, and CDFW, RWQCB and shall be cleaned up immediately and contaminated soils removed to approved disposal areas.

ix. Erodible fill material shall not be deposited into water courses. Brush, loose soils, or other similar debris material shall not be stockpiled within the stream channel or on its banks.



RCA Joint Project Review (JPR)

JPR #: 15-06-16-01

Date: 4/25/2016 updated 4/6/2018

- x. **The qualified project biologist shall monitor construction activities for the duration of the project to ensure that practicable measures are being employed to avoid incidental disturbance of habitat and species of concern outside the project footprint.**
- xi. The removal of native vegetation shall be avoided and minimized to the maximum extent practicable. Temporary impacts shall be returned to pre-existing contours and revegetated with appropriate native species.
- xii. Exotic species that prey upon or displace target species of concern should be permanently removed from the site to the extent feasible.
- xiii. To avoid attracting predators of the species of concern, the project site shall be kept as clean of debris as possible. All food related trash items shall be enclosed in sealed containers and regularly removed from the site(s).
- xiv. Construction employees shall strictly limit their activities, vehicles, equipment, and construction materials to the proposed project footprint and designated staging areas and routes of travel. The construction area(s) shall be the minimal area necessary to complete the project and shall be specified in the construction plans. Construction limits will be fenced with orange snow screen. Exclusion fencing should be maintained until the completion of all construction activities. Employees shall be instructed that their activities are restricted to the construction areas.
- xv. The Permittee shall have the right to access and inspect any sites of approved projects including any restoration/enhancement area for compliance with project approval conditions, including these BMPs.

WW

