

Appendix B



Linda S. Adams
Secretary for
Environmental Protection

California Regional Water Quality Control Board

San Diego Region

Over 50 Years Serving San Diego, Orange, and Riverside Counties
Recipient of the 2004 Environmental Award for Outstanding Achievement from USEPA



Arnold Schwarzenegger
Governor

9174 Sky Park Court, Suite 100, San Diego, California 92123-4353
(858) 467-2952 • Fax (858) 571-6972
<http://www.waterboards.ca.gov/sandiego>

April 2, 2007

CERTIFIED MAIL

7004 0750 0001 2969 2516

In reply refer to:

NWU:18-2001091.02:schwk

Mr. Peter M. Olah
Ashby USA, LLC
39252 Winchester Road, #107-393
Murrieta, CA 92563

Dear Mr. Olah:

SUBJECT: Roripaugh Ranch Clean Water Act Section 401 Water Quality Certification 01C-091 – Minor Modification No. 3

We have received your letters dated January 24 and March 2, 2007, requesting a third minor modification to the Clean Water Act Section 401 Water Quality Certification for the Roripaugh Ranch residential development (File No. 01C-091). This certification, dated December 11, 2002, allowed for impacts to 3.38 acres of waters of the U.S.

Your modification proposal is concerned with allowing mowing in Long Valley Wash to maintain hydrologic capacity of the channel and allowing installation of the Armorflex in Long Valley Wash and updating the Water Quality Management Plan information. The Water Quality Certification No. 01C-091 is hereby modified as follows:

1. Special Condition 10 is changed to read as follows:
Maintenance, including mowing, shall be allowed within Santa Gertrudis Creek and Long Valley Wash Channels as required to retain the hydrologic capacity of these channels. Maintenance shall be confined to the boundaries of the Roripaugh Ranch development and shall not be extended into the adjacent open space area. To address the impacts associated with the maintenance activities, Ashby USA LLC shall:
 - a. By July 30, 2007, develop and submit a draft Habitat Mitigation and Monitoring Plan for the creation and restoration of at least 2.1 acres of waters within the Johnson Ranch Mitigation site as outlined in the Ashby's letters dated January 24 and March 2, 2007.
 - b. By July 30, 2008, implement the Habitat Mitigation and Monitoring Plan described in section a. above.
 - c. By July 30, 2007, submit and implement a Non-Native Species Removal Program to be implemented within the channel which includes annual evaluation and mobilization criteria.

- d. By July 30, 2007, submit and implement a Channel Vegetation Monitoring Program to evaluate any additional vegetative growth in the channel caused by urban runoff. The program shall include annual photo monitoring, annual vegetation evaluation by a biologist, and development of criteria for review of urban runoff control BMPs. Baseline photo and biologist monitoring shall be conducted to evaluate vegetation before Long Valley Wash is impacted with the installation of the Armorflex.
 - e. Upon installation of landscaping, submit and implement an Illicit Discharge Monitoring Program to prevent non-storm related waters, including landscape irrigation runoff, from entering the channel. The program shall include discharge monitoring at the channel, investigation to determine the source of the discharge, and enforcement.
 - f. Before installation of landscaping, develop and enforce a Landscaping Design Plan within the project to maximize infiltration to minimize and/or prevent non-storm water from entering the streets including the use of low water use plants such as native plants.
 - g. Upon formation of a Home Owners Association (HOA), submit a signed statement that the HOA will continue to implement the WQMP, Non-Native Species Removal Program, Channel Vegetation Monitoring Program, Illicit Discharge Monitoring Program, and Landscape Design Plan.
2. Special Condition 8. is changed to read as follows:
Armorflex will be installed along both sides of Long Valley Wash. The low flow wash will be maintained in its natural condition until installation of the Armorflex and will be returned to a natural condition, except as detailed in the modified 401 Water Quality Certification.
3. Special Condition 16 is changed to read as follows:
Ashby USA LLC shall implement the Final Water Quality Management Plan (WQMP) for tracts 29353 and 29353-2 dated with revisions October 2006 and Final WQMP dated September 26, 2002 for Tract 29661. Post-construction Best Management Practices (BMPs) that will be implemented to treat and control urban and storm water runoff from the Roripaugh Ranch development shall be implemented and maintained as described in the respective WQMP. Treatment BMPs include infiltration basins with swales, Contech Stormfilters, and a detention basin.

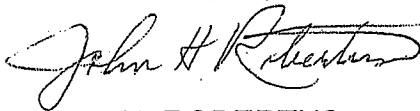
Failure to comply with these conditions would constitute a violation of the subject certification. In the event of any violation or threatened violation of the conditions, the violation or threatened violation shall be subject to any remedies, penalties, process or

sanctions as provided for under state law including the imposition of administrative civil liability in amounts up to \$15,000 a day. In response to a suspected violation of any condition of the certification, the Regional Board may require you to furnish, under penalty of perjury, any technical or monitoring reports the Regional Board deems appropriate. The Regional Board may also add to or modify the conditions of this certification as appropriate to ensure compliance.

Any deviation from the requirements of this or previously issued certifications, prior to written consent by the Regional Board, constitutes a violation subject to enforcement action. Any modifications that become necessary in the future must be requested prior to any due dates specified and prior to any deviation from the specified activity.

If you have questions about this letter, contact Kristin Schwall at (858) 467-2345 or kschwall@waterboards.ca.gov. The heading portion of this letter includes a Regional Board code number noted after "In reply refer to:" In order to assist us in the processing of your correspondence please include this code number in the heading or subject line portion of all correspondence and reports to the Regional Board pertaining to this matter.

Respectfully,



JOHN H. ROBERTUS
Executive Officer

JHR:js:kks

cc: Laurie Monarres
U.S. Army Corps of Engineers
Regulatory Branch
16885 W. Bernardo Dr., Suite 300 A
San Diego, CA 92127

Jeff Brandt
California Department of Fish and Game
3602 Inland Empire Blvd, Suite C-220
Ontario, CA 91764

John Bergin
Ashby USA, LLC
39252 Winchester Road, #107-393
Murrieta, CA 92563