

California Regional Water Quality Control Board, San Diego Region

October 21, 2016

Certified Mail – Return Receipt Requested

Article Number: 7011 0470 0002 8952 8806

Mr. Rick Wood
LS Terracina, LLC
355 East Rincon, Suite 300
Corona, CA 92879

In reply/refer to:
R9-2012-0008:788045:dbradford

Subject: Amendment No. 2 to Clean Water Act Section 401 Water Quality Certification No. R9-2012-0008 for the Terracina Project

Mr. Wood:

Enclosed find Amendment No. 2 (Certification Amendment) to Clean Water Act Section 401 Water Quality Certification No. R9-2012-0008 (Certification) issued by the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) in response to an amendment request submitted by LS Terracina, LLC for the Terracina Project (Project). The Certification Amendment shows changes in underline/strikeout format to indicate added and removed language. A complete copy of both the Certification and Amendment No. 1 is located on the San Diego Water Board Website at:

http://www.waterboards.ca.gov/sandiego/water_issues/programs/401_certification/docs/projects/2013/R9-2013-0008.pdf

http://www.waterboards.ca.gov/sandiego/water_issues/programs/401_certification/docs/projects/2012/R9-2012-0008_Amendment_1.pdf

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

In the subject line of any response, please include reference number R9-2012-0008: 788045:dbradford. For questions or comments, 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:

Amendment No. 2 to Clean Water Act Section 401 Water Quality Certification No. R9-2012-0008 for the Terracina Project

DWG:db:eb:dlb

cc:

Barry Jones
Helix Environmental Planning
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U.S. Army Corps of Engineers, Regulatory Branch
San Diego Field Office
Peggy Bartels
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California Department of Fish and Wildlife
South Coast Region
Habitat Conservation Planning – South
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U.S. EPA, OWOW, Region 9
R9-WTR8-Mailbox@epa.gov

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

Tech Staff Info & Use	
Certification No.	R9-2012-0008
Party ID	84420
WDID	9000002530
Regulatory ID	388169
Place ID	788045
Person ID	537621

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

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**Amendment No. 2 to Clean Water Act Section 401
Water Quality Certification No. R9-2012-0008**

**PROJECT: Terracina Project
Certification Number R9-2012-0008**

**APPLICANT: LS Terracina, LLC
355 East Rincon, Suite 300
Corona, CA 92879**

Reg. Meas. ID: 388169
Place ID: 788045
Party ID: 548732
Person ID: 544623
WDID: 9000002530

On July 1, 2014, Clean Water Act Section 401 Water Quality Certification No. R9-2012-0008 (Certification) was issued to LS Terracina, LLC (Applicant) for the Terracina Project (Project). On July 2, 2015 the Certification was amended to include permanent impacts to an additional 0.26-acre of unvegetated streambed and temporary impacts to 0.089-acre of streambed for culvert maintenance.

On March 2, 2016, Notice of Violation No. R9-2016-0066 was issued to the Applicant for the unauthorized grading of 0.05-acre of streambed waters of the United States and/or State. The Certification for the project assumed that 0.05-acre of streambed would be avoided as part of the channel grading in the downstream portion of the channel. During final grading, unauthorized impacts to 0.05-acre of non-wetland waters or the United States and/or State occurred. The area was graded to the same elevation as the rest of the channel, resulting in the removal of riparian vegetation. The unauthorized impacts reportedly took place during the last week of October 2015.

By letter dated September 9, 2016, HELIX Environmental Planning, Inc, on behalf of the Applicant, requested the Certification be amended to address the unauthorized impacts to 0.05-acre of streambed waters of the United States and/or State.

Based on the Applicant's request, the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) is amending the Certification to address the unauthorized impacts.

Mitigation is proposed to include re-establishment of the 0.05-acre of channel impacted by the unauthorized activity, in addition to the purchase of 0.25 acre of off-site mitigation credits at an approved mitigation bank. The impact area will be restored as ephemeral wash and include planting of floodplain scrub vegetation within the channel preserve consistent with the Habitat Mitigation and Monitoring Plan (HMMP) prepared by HELIX dated June 25, 2014. The re-established impact area will continue to be monitored and maintained as outlined in the HMMP. The long-term functions and services of the impacted area are expected to be the same in the after condition as in the before condition. Off-site mitigation will occur at a ratio of 5:1 (area mitigated:area impacted)

and will consist of the purchase of 0.25-acre credit from the San Luis Rey Mitigation Bank. The combination of on-site and off-site mitigation will result in a compensation ratio of 6:1 (area mitigated:area impacted).

Except as modified or superseded by the Certification modifications set forth below, all of the findings, provisions and other requirements of Certification No. R9-2012-0008 remain in full force and effect. The following changes are made to Certification No. R9-2012-0008 and are shown in underline/strikeout format to indicate added and removed language:

Page 2, PROJECT DESCRIPTION is modified as follows:

Project construction will permanently impact ~~2.062.11~~2.11 acre (5,962 linear feet) of streambed 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 ~~2.062.11~~ acre of jurisdictional waters will be achieved through the establishment, restoration, and preservation of ~~6.186.48~~6.48 acres (5,260 linear feet) of waters of the United 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 Pauba hydrologic sub-area (HSA 902.51) and through purchase of vernal pool wetland mitigation credits from the Barry Jones Mitigation Bank (Gertrudis HSA 902.42) at a total minimum compensation ratio of 3:1 (area mitigated:area impacted).

Page 12, PROJECT IMPACTS AND COMPENSATORY MITIGATION condition V.B, is modified as follows:

Project Impacts and Compensatory Mitigation. Unavoidable Project impacts to unnamed tributaries to Temecula Creek 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:

	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)
Streambed (Permanent Impacts)	2.06 <u>2.11</u>	5,962	0.49 Establishment ¹	0.27:1 Establishment	3,050 Establishment 2,210 Re- establishment	0.55:1 Establishment 0.37:1 Re- establishment
			2.06 <u>2.11</u>	1:1 Re- establishment ²		
			3.63 Preservation ³	1.76:1 Preservation		
			<u>0.25</u> Re- establishment ⁴	<u>5:1</u> Re- establishment		

1. Streambed establishment on-site.
2. Streambed re-establishment on-site.
3. Vernal pool wetland preservation at the Barry Jones Mitigation Bank.
4. Wetland re-establishment at the San Luis Rey Mitigation Bank to address unauthorized impacts to 0.05 acre of streambed waters of the United States and/or State. 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.)


Page 12, Mitigation Bank Preservation Credits condition V.J is modified as follows:

Mitigation Bank Preservation Credits.

1. **Within 60 days from the start of Project construction**, the Applicant must provide proof of purchase of 3.63-acre of vernal pool preservation mitigation credits from the Barry Jones Mitigation Bank.
2. The Applicant must, no later than December 21, 2016, provide proof of purchase of 0.25-acre of re-established river mitigation credits from the San Luis Rey Mitigation Bank.

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

I, David W. Gibson, Executive Officer, do hereby certify the forgoing is a full, true, and correct copy of Amendment No. 2 to Certification No. R9-2012-0008 issued on October 21, 2016.



DAVID W. GIBSON
Executive Officer
San Diego Water Board

21 October 2016
Date