



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

California Regional Water Quality Control Board, San Diego Region

November 15, 2013

Certified Mail – Return Receipt Requested
Article Number: 7011 0470 0002 8952 5508

Mr. Thomas Duffy
Environmental Planning Manager
County of San Diego
Department of Public Works
5510 Overland Avenue
Suite 410
MS-0385
San Diego, CA 92123

In reply/refer to:
797326:mporter

Subject: Clean Water Act Section 401 Water Quality Certification No. R9-2013-0131 for the Former Fallbrook 1C Burn Dump Remediation Project

Mr. Duffy:

Enclosed find Clean Water Act Section 401 Water Quality Certification No. R9-2013-0131 (Certification) issued by the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) in response to the application submitted on behalf of the County of San Diego for the Former Fallbrook 1C Burn Dump Remediation 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.

The County of San Diego 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 the County of San Diego to enforcement actions by the San Diego Water Board including administrative enforcement orders requiring the County of San Diego 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.

Any petition for reconsideration of this Certification must be filed with the State Water Resources Control Board within 30 days of certification action pursuant to section 3867 of Title 23 of the California Code of Regulations (23 CCR). If no petition is received, it will be assumed that the County of San Diego has accepted and will comply with all terms and conditions of the Certification.

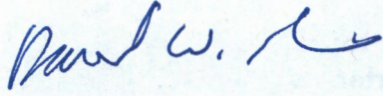
TOMAS MORALES, CHAIR | DAVID GIBSON, EXECUTIVE OFFICER

2375 Northside Drive, Suite 100, San Diego, CA 92108 | (619) 516-1900 | www.waterboards.ca.gov/sandiego



In the subject line of any response, please include reference number **797326:mporter**. For questions or comments, please contact Mike Porter by telephone at (619) 521-3967 or by email at mporter@waterboards.ca.gov.

Respectfully,



DAVID W. GIBSON
Executive Officer

Enclosure:

Clean Water Act Section 401 Water Quality Certification No. R9-2013-0131 for the Former Fallbrook 1C Burn Dump Remediation Project

DWG:jgs:db:kd:mp

cc: Refer to Attachment 2 of Certification R9-2013-0131 for the Distribution List.

Tech Staff Info & Use	
Certification No.	R9-2013-0131
Party ID	11763
File No.	R9-2013-0131
WDID	9 000002631
NPDES No.	None
Regulatory ID	392496
Place ID	797326
Person ID	525512
Inspection ID	None



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ENVIRONMENTAL PROTECTION

California Regional Water Quality Control Board, San Diego Region

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

**PROJECT: Former Fallbrook 1C Burn Dump Remediation
Certification Number R9-2013-0131
WDID: 9000002631**

Regulatory ID: 392496
Place ID: 797326
Party ID: 11763
Person ID: 525512

**APPLICANT: County of San Diego
Department of Public Works
5510 Overland Avenue
Suite 410
MS-0385
San Diego, CA 92123**

ACTION:

<input type="checkbox"/> Order for Low Impact Certification	<input type="checkbox"/> Order for Denial of Certification
<input checked="" type="checkbox"/> Order for Technically-conditioned Certification	<input type="checkbox"/> Waiver of Waste Discharge Requirements
<input checked="" type="checkbox"/> Enrollment in SWRCB GWDR Order No. 2003-017 DWQ	<input type="checkbox"/> Enrollment in Isolated Waters Order No. 2004-004 DWQ

PROJECT DESCRIPTION

An application dated July 24, 2013, was submitted on behalf of the County of San Diego (hereinafter Applicant), for Water Quality Certification pursuant to section 401 of the Clean Water Act for the proposed Former Fallbrook 1C Burn Dump Remediation (Project). The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) deemed the application to be complete on September 6, 2013. The U.S. Army Corps of Engineers extended the date for the San Diego Water Board to take an action on the Water Quality Certification application to November 15, 2013. 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 Project is located within the unincorporated community of Fallbrook, San Diego County, California at Stone Post Way. The project center reading is located at latitude 33° 23' 52.4" North and longitude -117° 14' 40.1" East. The Applicant has paid all required fees for this Certification in the amount of \$1,133.00. On July 29, 2013, the San Diego Water Board

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 excavate 10,500 cubic yards of lead contaminated soil and burn ash from unnamed tributaries to the Santa Margarita River and its associated riparian areas. The Applicant will place clean fill in the excavated areas and grade the site to near pre-cleanup topography and hydrology. The clean fill will be planted with wetland, riparian, and upland plants.

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 0.01 acre (200 linear feet) of unvegetated 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 0.01 acre of jurisdictional waters will be achieved through the re-establishment of 0.03 acres 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 to waters of the United States and/or State will be completed by the re-establishment of unvegetated streambed within the onsite mitigation area, in the De Luz Creek hydrologic sub-area (HSA 902.21), at a minimum compensatory ratio of 3:1 (area mitigated:area impacted).

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 *Fallbrook 1C Burn Dump Project Biological Resources Report* (Mitigation Plan), dated May 2013. 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. 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 3 through 5 of this Certification.

TABLE OF CONTENTS

I. STANDARD CONDITIONS..... 5
II. GENERAL CONDITIONS 5
III. CONSTRUCTION AND POST-CONSTRUCTION BEST MANAGEMENT PRACTICES..... 7
IV. PROJECT IMPACTS AND COMPENSATORY MITIGATION 10
V. MONITORING AND REPORTING REQUIREMENTS..... 13
VI. NOTIFICATION REQUIREMENTS..... 17
VII. CALIFORNIA ENVIRONMENTAL QUALITY ACT COMPLIANCE..... 18
VIII. SAN DIEGO WATER BOARD CONTACT PERSON..... 19
IX. WATER QUALITY CERTIFICATION 19

Attachments:

- 1. Definitions**
- 2. Distribution List**
- 3. Project Location Maps**
- 4. Project Site Plans**
- 5. Mitigation Figures**

I. STANDARD CONDITIONS

Pursuant to section 3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions apply to all water quality certification actions:

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

II. GENERAL CONDITIONS

- A. **Term of Certification.** Water Quality Certification No. R9-2013-0131 (Certification) shall expire upon a) the expiration or retraction of the Clean Water Act section 404 permit issued by the U.S. Army Corps of Engineers for this Project, or b) 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 WC Section 13000) or section 303 of the Clean Water Act.
- 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 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 California Water Code (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 (CWA), the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.
- 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 the unnamed tributaries to the Santa Margarita River;
 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.

III. CONSTRUCTION AND POST-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 dumping, 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 is responsible for implementing and maintaining BMPs to prevent erosion of the rough graded areas. After completion of grading, all areas must be re-vegetated with native species appropriate for the area. The re-vegetation palette must not contain any plants listed on the California Invasive Plant Council Invasive Plant Inventory, which can be accessed at <http://www.cal-ipc.org/ip/inventory/weedlist.php>.
- L. **Hazardous Materials.** Except as authorized by this Certification, substances hazardous to aquatic life including, but not limited to, petroleum products and 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 the unnamed tributaries to the Santa Margarita River. 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. **Post-Construction Discharges.** The Applicant shall not allow post-construction discharges from the Project site to cause or contribute to onsite or off-site erosion or damage to properties or stream habitats.

IV. 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 the unnamed tributaries within the Santa Margarita River 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 for Impacts (linear ft.)	Mitigation Ratio (area mitigated :area impacted)
Permanent Impacts					
Streambed	0.01	200	0.03 re- establishment ¹	200	3:1
Vegetated non-wetland (Riparian as Southern willow scrub, CDFW-only jurisdiction)	0.25	400	0.18 re- establishment ² 0.19 restoration	200 re- establishment 215 restoration	1.5:1

1. Streambed re-establishment will be on site.
2. Riparian re-establishment and restoration will be on site.

- 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. San Diego Water Board acceptance of the final mitigation plan applies only to the Project described in this Certification and must not be construed as approval for other current or future projects that are planning to use additional acreage at the site for mitigation.
- D. Performance Standards.** Compensatory mitigation required under this Certification shall be considered as achieved once it has met the ecological success performance standards contained in the Mitigation Plan to the satisfaction of the San Diego Water Board.
- E. Compensatory Mitigation Site Design.** The compensatory mitigation site(s) shall be designed, to the maximum extent practicable, 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. Mitigation Management and Maintenance. The compensatory mitigation site must be managed and maintained in conformance with the management plan and the final ecological success performance standards identified in the Mitigation Plan. The mitigation area must be monitored and maintained for a minimum of five years.

Maintenance activities that may threaten water quality or beneficial uses within the mitigation area must be 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 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 Protection Mechanism. Within 60 days from the start of construction, the Applicant must provide the San Diego Water Board with proof that the County of San Diego has flagged the mitigation site parcels as being located within

a compensatory mitigation area. Should the property owners propose to make modifications to the mitigation areas within their parcel, the County of San Diego must notify the San Diego Water Board of the planned work and the property owners must obtain all applicable permits, including those required by the San Diego Water Board.

V. 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 V 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.
- E. **Annual Project Monitoring Reports.** The Applicant must submit annual Project progress reports describing status of BMP implementation and compliance with all requirements of this Certification to the San Diego Water Board prior to **March 1** of each year following the issuance of this Certification, until the Project has reached completion. The report must include the following information:
1. The names, qualifications, and affiliations of the persons contributing to the report;
 2. The status, progress, and anticipated schedule for completion of Project construction activities including the installation and operational status of best management practices project features for erosion and storm water quality treatment;

3. A description of Project construction delays encountered or anticipated that may affect the schedule for construction completion; and
 4. 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.
- 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; and
 3. As-built drawings of the Project, no bigger than 11"X17".
- I. **Annual Compensatory Mitigation Monitoring Report.** The Applicant must submit compensatory mitigation monitoring reports, annually, by **March 1** of each year containing sufficient information to demonstrate how the compensatory mitigation project is progressing towards accomplishing its objectives and meeting its performance standards. Mitigation monitoring reports must be submitted annually 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 monitoring reports must include, but not be limited to, the following information:

1. Names, qualifications, and affiliations of the persons contributing to the report;
2. 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;
3. A description of the mitigation site(s) with respect to:
 - a. Detritus cover;
 - b. General topographic complexity characteristics;
 - c. General upstream and downstream habitat and hydrologic connectivity; and

- d. Source of hydrology;
 4. 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;
 5. Qualitative and quantitative comparisons of current mitigation conditions with pre-construction conditions and previous mitigation monitoring results;
 6. Stream photo documentation, including all areas of permanent and temporary impact, prior to and after project construction, and mitigation sites, including all areas of permanent and temporary impact, prior to and after project construction. Photo documentation must be conducted in accordance with guidelines posted at http://www.waterboards.ca.gov/sandiego/water_issues/programs/401_certification/docs/StreamPhotoDocSOP.pdf. In addition, photo documentation must include Geographic Positioning System (GPS) coordinates for each of the photo points referenced;
 7. A qualitative comparison to adjacent preserved streambed areas;
 8. As-built drawings of the compensatory mitigation project site(s), no bigger than 11"X17"; and
 9. A survey report documenting boundaries of the compensatory mitigation site(s).
- J. **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.
- K. **Electronic and Paper Media Documents.** The Applicant must submit all reports and information required under this Certification in both hardcopy (paper) and electronic format. The preferred electronic format for each report submission is one file in PDF format that is also Optical Character Recognition (OCR) capable. All paper and electronic documents submitted to the San Diego Water Board must include the following identification numbers in the header or subject line: Certification No. R9-2013-0131:PIN 797326.
- L. **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.

- M. 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."

- N. Document Submittal Address.** The Applicant must submit reports required under this Certification, or other information required by the San Diego Water Board, to:

Executive Officer
California Regional Water Quality Control Board
San Diego Region
Attn: 401 Certification No. R9-2013-131:PIN 797326
2375 Northside Drive, Suite 100
San Diego, California 92108

VI. 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 San Diego, 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.**

Upon properly noticed transfers of responsibility, the transferee assumes responsibility for compliance with this Certification and references in this Certification to the Applicant will be interpreted to refer to the transferee as appropriate. Transfer of responsibility does not necessarily relieve the Applicant of this Certification in the event that a transferee fails to comply.

F. **Discharge Commencement.** The Applicant must notify the San Diego Water Board in writing **at least 5 days prior to** the start of Project construction.

VII. CALIFORNIA ENVIRONMENTAL QUALITY ACT COMPLIANCE

- A. The County of San Diego is the lead agency (Lead Agency) under the California Environmental Quality Act (Public Resources Code section 21000, et seq., (CEQA)), and filed a Notice of Exemption dated July 23, 2013.

VIII. SAN DIEGO WATER BOARD CONTACT PERSON

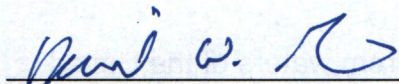
Mike Porter, Engineering Geologist
California Regional Water Quality Control Board, San Diego Region
2375 Northside Drive, Suite 100
San Diego, California 92108
Telephone: 619-521-3967
Email: mporter@waterboards.ca.gov

IX. WATER QUALITY CERTIFICATION

I hereby certify that the proposed discharge from the **Former Fallbrook 1C Burn Dump Remediation Project** (Certification No. R9-2013-0131) 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. R9-2013-0131 issued on November 8, 2013.



DAVID W. GIBSON
Executive Officer
San Diego Water Board

11/15/2013
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.

**ATTACHMENT 2
DISTRIBUTION LIST**

Ms. Malia Durand
Environmental Planner II
County of San Diego
Department of Public Works
Malia.Durand@sdcounty.ca.gov

Ms. Meris Bantilan-Smith
Project Manager
U.S. Army Corps of Engineers
Los Angeles District Regulatory Division
Carlsbad Field Office
Meris.Bantilan-Smith@usace.army.mil

Ms. Kelly Fisher
California Department of Fish and Wildlife
kfisher@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

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Project Manager
U.S. Army Corps of Engineers
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State Water Resources Control Board
Division of Water Quality
401 Water Quality Certification and Wetlands Unit
Stateboard401@waterboards.ca.gov

County of San Diego
Former Fallbrook 1C Burn
Dump Remediation
Certification No. R9-2013-0131

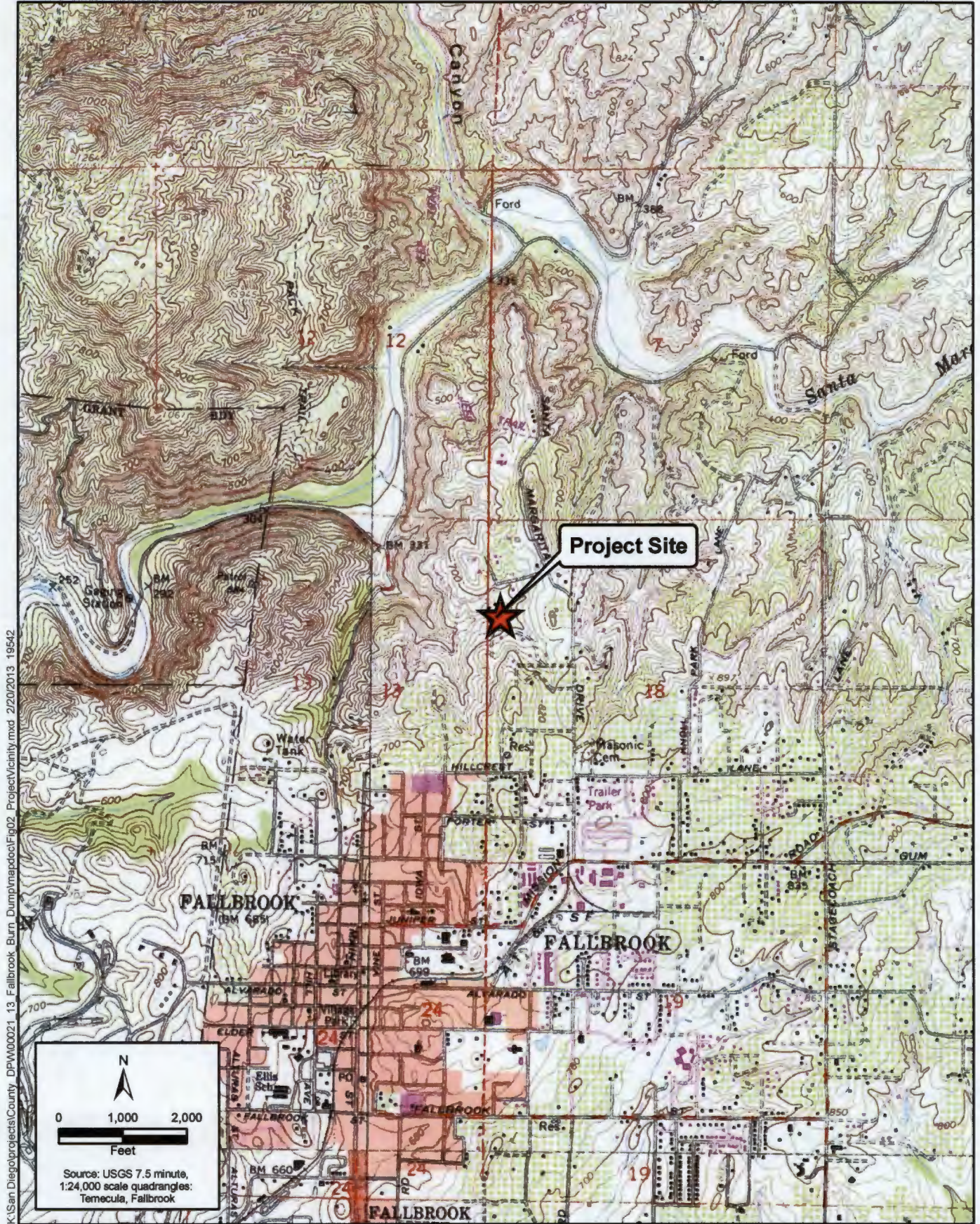
**ATTACHMENT 3
LOCATION MAPS**



K:\San Diego\projects\County_DP\W00021_13_Fallbrook_Burn_Dump\mapdoc\Fig1_Regional_Location.mxd 2/20/2013 1:54:2



Figure 1
Regional Location
Fallbrook 1C Burn Dump Project



K:\San Diego\projects\County DP\W00021_13 Fallbrook Burn Dump\mapdoc\Fig02 ProjectVicinity.mxd 2/20/2013 1:55:42

N
 0 1,000 2,000
 Feet
 Source: USGS 7.5 minute,
 1:24,000 scale quadrangles:
 Temecula, Fallbrook

Figure 2
Project Vicinity
Fallbrook 1C Burn Dump Project



County of San Diego
Former Fallbrook 1C Burn
Dump Remediation
Certification No. R9-2013-0131

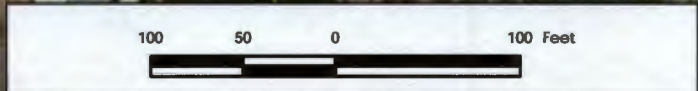
**ATTACHMENT 4
PROJECT SITE PLANS**



P:\GIS\Fallbrook\FallbrookBurnDump\Sites\Features.mxd

Legend

- Proposed Construction Area
- Approximate Limits of Waste (Ninyo & Moore 2012)
- Approximate Limits of Grading
- Parcel Boundary with APN

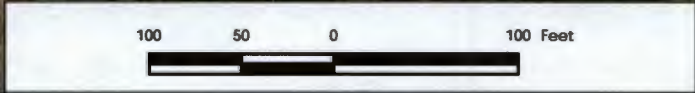


Site Features and Limits of Grading
 Fallbrook Burn Dump 1C
 Stone Post Way
 San Diego County, California

Geosyntec[®]
 consultants

Figure
 2

San Diego December 2012



P:\GIS\Fallbrook\FallbrookBurnGrading.mxd

Legend

- Conceptual Final Grade Elevation Contour
- Existing Grade Elevation Contour (Ninyo & Moore 2012)
- Approximate Limits of Waste (Ninyo & Moore 2012)
- Conceptual Limit of Grading
- Parcel Boundary with APN

Conceptual Grading Plan

Fallbrook Burn Dump 1C
 Stone Post Way
 San Diego County, California

Geosyntec[®]
 consultants

Figure

3

San Diego

December 2012

K:\San_Diego\projects\County_DP\W000057_13_Fallbrook_Burn_Dump\mapdoc\Bio_Resource_Report\Fig07_USACE_Impacts_BR.mxd 5/9/2013 19542



Figure 7
USACE/RWQCB Jurisdictional Impacts
Fallbrook 1C Burn Dump Project

K:\San Diego\projects\County DPW\00057_13 Fallbrook Burn Dump\mapdocs\Bio Resource Report\Fig08 CDFG Impacts_BR.mxd 5/9/2013 19:542



Figure 8
CDFW Jurisdictional Impacts
Fallbrook 1C Burn Dump Project

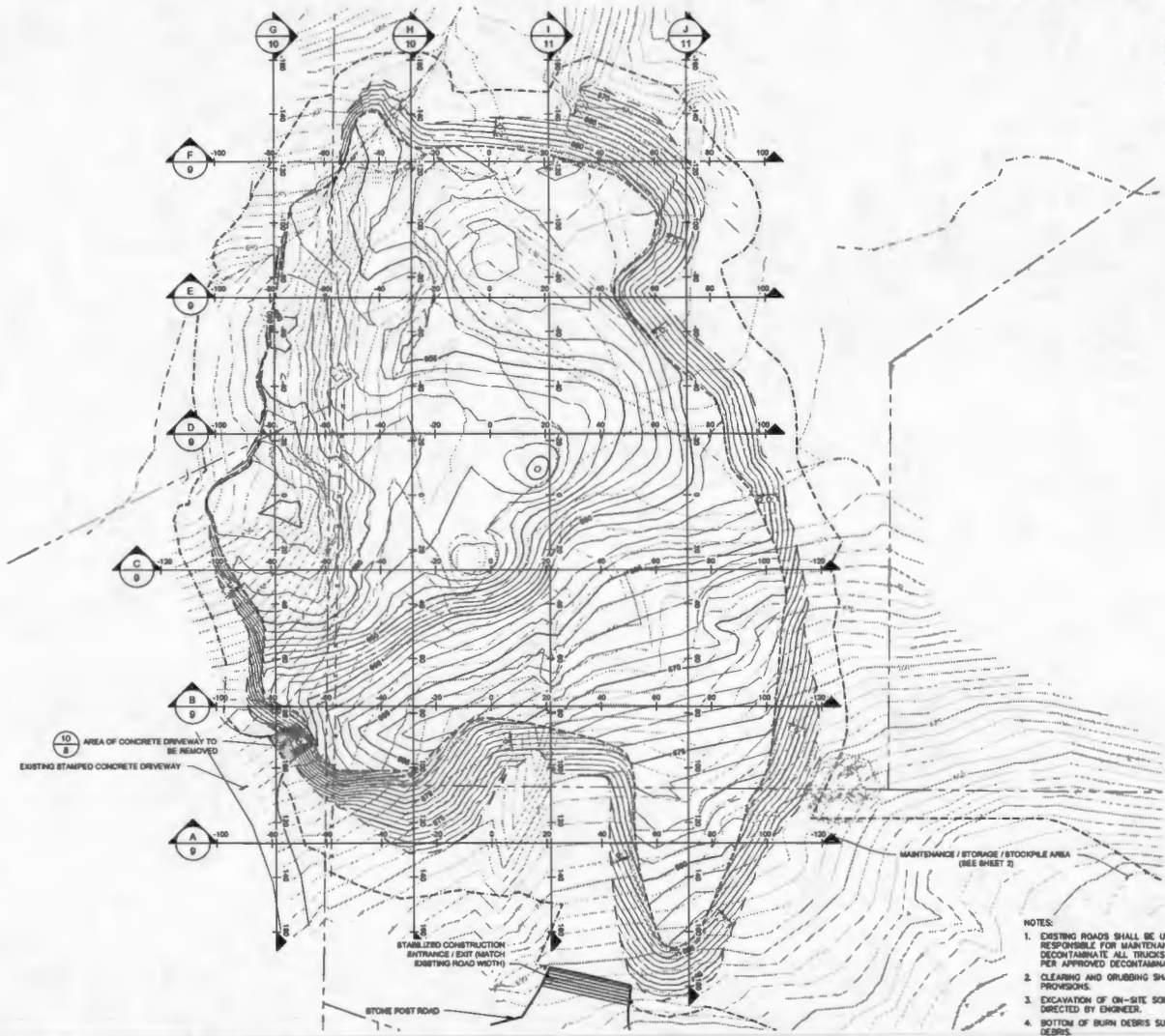
FOR REDUCED PLANS
ORIGINAL SCALE IS IN INCHES

PLANS	BY	DATE
DESIGNED	CS	
DRAWN	SP	

PREPARED BY:
OCEANVIEW CONSULTANTS
1005 SHAWNEE WINDWARD ROAD, STE 200
SAN DIEGO, CA 92137

CHAD BIRD RCE 2/13/98 DATE

- LEGEND:**
- POST CLEAN EXCAVATION MAJOR CONTOUR (5')
 - POST CLEAN EXCAVATION MINOR CONTOUR (1')
 - LIMITS OF WASTE
 - PROPERTY BOUNDARY
 - JURISDICTIONAL WETLANDS
 - LIMITS OF WORK (1.7 AC)
 - BURN DEBRIS EXCAVATION MAJOR CONTOUR (5')
 - BURN DEBRIS EXCAVATION MINOR CONTOUR (1')
 - LIMITS OF BURN DEBRIS EXCAVATION



ESTIMATED BURN DEBRIS EARTHWORK QUANTITIES
CUT: 10,500 CY
FILL: 0 CY
NET: 10,500 CY BURN DEBRIS CUT
IMPORT: 0 CY

- NOTES:**
- EXISTING ROADS SHALL BE USED FOR SITE INGRESS AND EGRESS. CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTENANCE AND DUST CONTROL OF SITE ROADS. CONTRACTOR SHALL PROPERLY DECONTAMINATE ALL TRUCKS AND EQUIPMENT THAT ENCOUNTER BURN DEBRIS PRIOR TO LEAVING SITE PER APPROVED DECONTAMINATION PLAN.
 - CLEARING AND GRUBBING SHALL BE PERFORMED IN ACCORDANCE WITH THE PROJECT SPECIAL PROVISIONS.
 - EXCAVATION OF ON-SITE SOILS SHALL BE ONLY FROM AREAS DESIGNATED ON THIS PLAN OR AS DIRECTED BY ENGINEER.
 - BOTTOM OF BURN DEBRIS SURFACE SHOWN INCLUDES 6 INCHES OF SOIL EXCAVATION BENEATH BURN DEBRIS.

DATE: COUNTY OF SAN DIEGO DEPT. OF PUBLIC WORKS

FINAL DESIGN

COUNTY OF SAN DIEGO
DEPARTMENT OF PUBLIC WORKS
6600 OVERLAND AVENUE, SAN DIEGO, CA 92123-1256



RECOMMENDED BY:	DATE	REVISIONS	BY	APPROVED	DATE
APPROVED BY:	DATE				
	DATE				

COORDINATE INDEX	480	W	1300	E
COUNTY COMPL.				
FIELD REVISIONS				

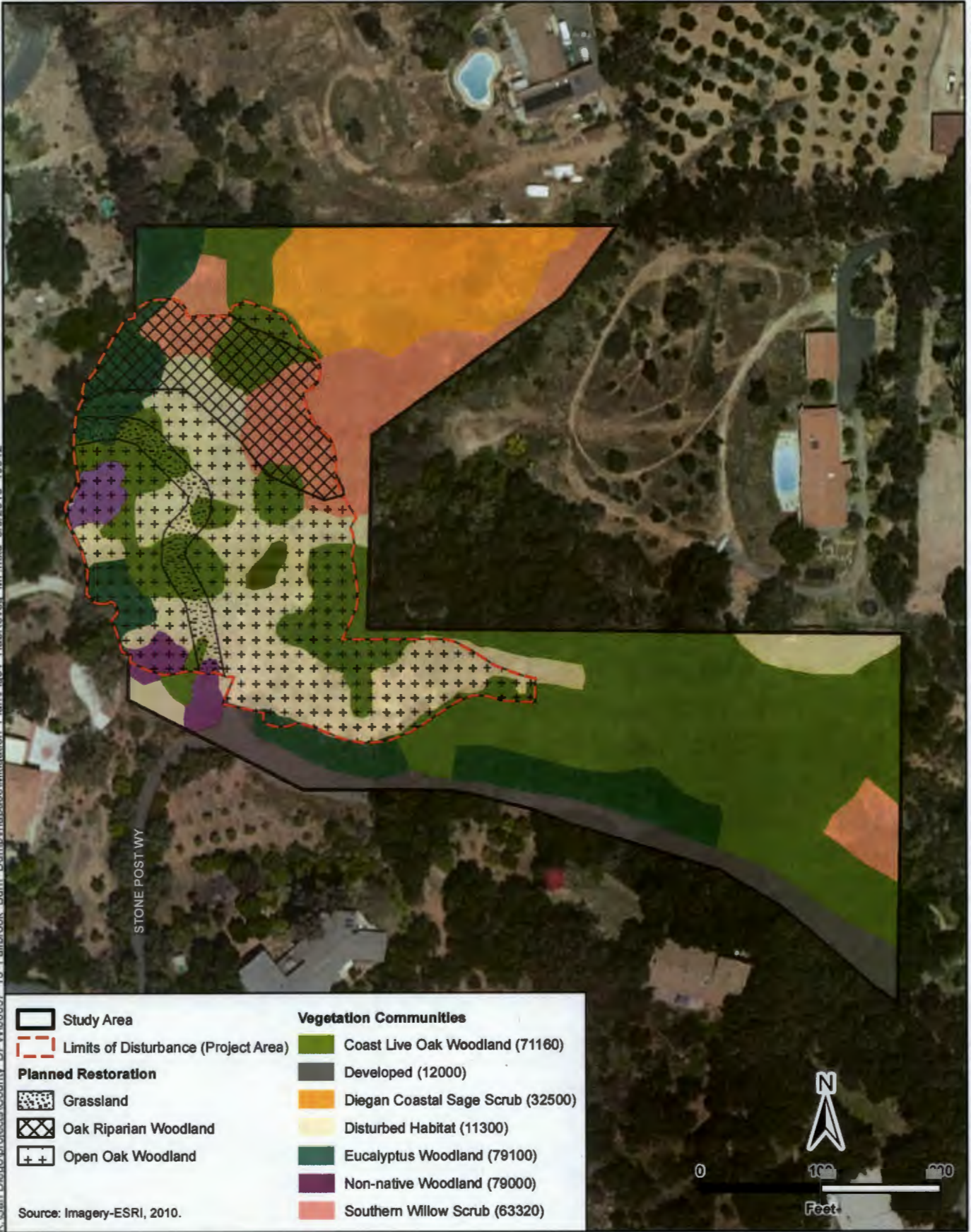
FORMER FALLBROOK 1C BURN DUMP REMEDIATION
EXCAVATION PLAN FOR BURN DEBRIS

SCALE	HORIZ	1" = 20'	VERT	N/A
WA	2/13/98	RS		
SHEET	3	OF	20	SHEETS

County of San Diego
Former Fallbrook 1C Burn
Dump Remediation
Certification No. R9-2013-0131

**ATTACHMENT 5
MITIGATION FIGURES**

K:\San Diego\projects\County DP\000057_13 Fallbrook Burn Dump\mapdoc\Mitigation Plan\Fig04 HabReveg_MP.mxd 5/8/2013 19542

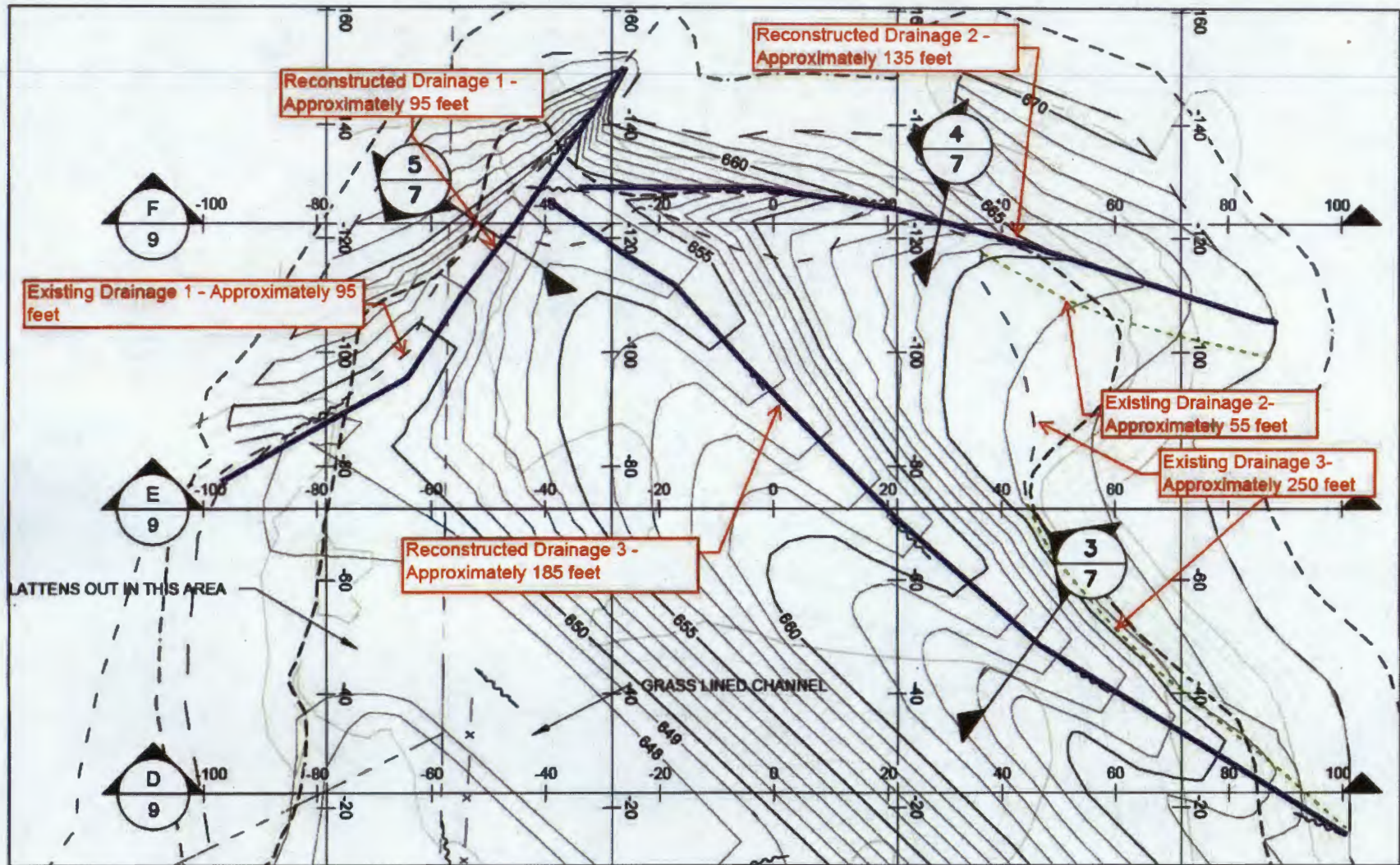


	Study Area		Coast Live Oak Woodland (71160)
	Limits of Disturbance (Project Area)		Developed (12000)
Planned Restoration			Diegan Coastal Sage Scrub (32500)
	Grassland		Disturbed Habitat (11300)
	Oak Riparian Woodland		Eucalyptus Woodland (79100)
	Open Oak Woodland		Non-native Woodland (79000)
			Southern Willow Scrub (63320)

Source: Imagery-ESRI, 2010.



Figure 4
Habitat Revegetation
Fallbrook 1C Burn Dump Project



From Sheet 6 of the Construction Drawings