



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

California Regional Water Quality Control Board, San Diego Region

January 7, 2016

Certified Mail – Return Receipt Requested

Article Number: 7011 0470 0002 8952 7915

Mr. Jiries Elqura
French Valley Towne Center, LLC
31401 Camino Capistrano, Suite 1
San Juan Capistrano, CA 92675

**In reply/refer to:
09C-078:711018:dbradford**

**Subject: Amendment No. 1 to Clean Water Act Section 401 Water Quality Certification
No. 09C-078 for the French Valley Towne Center Project**

Mr. Elqura:

Enclosed find Amendment No. 1 (Certification Amendment) to Clean Water Act Section 401 Water Quality Certification No. 09C-078 (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 French Valley Towne Center, LLC for the French Valley Towne Center Project (Project). The Certification Amendment shows changes in underline/strikeout format to indicate added and removed language. A complete copy of the Certification has also been enclosed for your reference.

Failure to comply with the Certification Amendment may subject French Valley Towne Center, LLC to enforcement actions by the San Diego Water Board including administrative enforcement orders requiring French Valley Towne Center, 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.

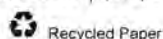
In the subject line of any response, please include reference number 09C-07: 711018:dbradford. For questions or comments, please contact Darren Bradford by telephone at (619) 521-3356 or by email at darren.bradford@waterboards.ca.gov.

Respectfully,

DAVID W. GIBSON
Executive Officer

HENRY ABARBANEL, PH.D. | DAVID GIBSON, EXECUTIVE OFFICER

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



Enclosure:

Clean Water Act Section 401 Water Quality Certification No. 09C-078 for the French Valley
Towne Center 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
Kim Freeburn
Kim.Freeburn@wildlife.ca.gov

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.	09C-078
Party ID	453668
WDID	9000001977
Regulatory ID	371696
Place ID	711018
Person ID	453670

**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/>

**Amendment No. 1 to Clean Water Act Section 401
Water Quality Certification No. 09C-078**

**PROJECT: French Valley Towne Center Project
Certification Number 09C-078**

**APPLICANT: French Valley Towne Center, LLC
31401 Camino Capistrano, Suite 1
San Juan Capistrano, CA 92675**

Reg. Meas. ID: 371696
Place ID: 711018
Party ID: 453668
Person ID: 453670
WDID: 9000001977

On January 21, 2011, Clean Water Act Section 401 Water Quality Certification No. 09C-078 (Certification) was issued to French Valley Towne Center, LLC (Applicant) for the French Valley Towne Center Project (Project).

By letter dated October 5, 2015, Kristoff Commercial, on behalf of the Applicant, requested the Certification be amended to extend the expiration date of the Certification.

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 extend the expiration date of the Certification for three years. Except as modified or superseded by the Certification modifications set forth below, all of the findings, provisions and other requirements of Certification No. 09C-078 remain in full force and effect. The following changes are made to Certification No. 09C-078 and are shown in underline/strikeout format to indicate added and removed language:

Page 3 The STANDARD CONDITIONS are deleted and replaced with the following:

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

1. 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).
2. 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.
3. 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.

Page 3, ADDITIONAL CONDITION II.A is deleted and replaced with the following:

This Certification is valid until January 21, 2019, or until the associated federal permit or license expires, whichever comes first.

Page 7, ADDITIONAL CONDITIONS: IV. B is deleted and replaced with the following:

The Project must be designed to comply with the most current Standard Storm Water Mitigation and Hydromodification Plans for the County of Riverside and Order No. R9-2013-0001, NPDES No. CAS019266 (as amended by Order No. R9-2015-0001), National Pollutant Discharge Elimination System Permit and Waste Discharge Requirements for Discharges from the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds within the San Diego Region) Post-construction BMPs are described in the *Project Specific Water Quality Management Plan for Commercial Development at the southeast corner of Winchester Road and Thompson Road (French Valley Area)*, (SWMP).

Page 7, ADDITIONAL CONDITIONS: IV. F is deleted and replaced with the following:

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 SWMP, dated August 16, 2010, prepared on behalf of the Applicant by Coory Engineering; or any subsequent version of the SWMP approved by the County of Riverside.

Page 9, ADDITIONAL CONDITIONS: V. G is modified as follows:

Throughout the The mitigation monitoring program mitigation areas 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 onsite or offsite mitigation areas.

Page 14, REPORTING REQUIREMENTS: VIII. J is deleted and replaced as follows:

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. 09C-078: 711018: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. 09C-078:PIN 711018.

Page 15, SAN DIEGO WATER BOARD CONTACT PERSON: XI. is modified as follows:

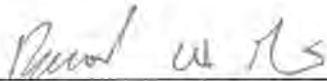
~~Chad Loflen~~ Darren Bradford
California Regional Water Quality Control Board, San Diego Region
~~9174 Sky Park Court~~ 2375 Northside Drive, Suite 100
San Diego, CA ~~92123~~ 92108
~~858-467-2727~~ (619) 521-3356, eloflendarren.bradford@waterboards.ca.gov

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.

French Valley Towne Center, LLC
French Valley Towne Center Project
Certification No. 09C-078

January 21, 2011
Amended on January 7, 2016

I, David W. Gibson, Executive Officer, do hereby certify the forgoing is a full, true, and correct copy of Amendment No. 1 to Certification No. 09C-078 issued on January 7, 2016.



DAVID W. GIBSON
Executive Officer
San Diego Water Board

7 Jan. 2016
Date



California Regional Water Quality Control Board San Diego Region



Linda S. Adams
*Acting Secretary for
Environmental Protection*

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

Edmund G. Brown Jr.
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](http://www.waterboards.ca.gov/sandiego)

January 21, 2011

In reply refer to:
711018: cloflen

Jiries Elquera
French Valley Towne Center, LLC
31401 Camino Capistrano, Ste. 1
San Juan Capistrano, CA 92675

Dear Mr. Elquera:

**SUBJECT: ACTION ON REQUEST FOR CLEAN WATER ACT SECTION 401
WATER QUALITY CERTIFICATION FOR THE FRENCH VALLEY TOWNE CENTER
PROJECT WATER QUALITY CERTIFICATION NO. 09C-078**

Enclosed find Clean Water Act Section 401 Water Quality Certification for discharge to Waters of the U.S. and acknowledgment of enrollment under State Water Resources Control Board Order No. 2003-017 DWQ for the **French Valley Towne Center Project** (Project). A description of the project and project location can be found in the project information sheet, location map, and site maps, which are included as Attachments 1 through 6.

Any petition for reconsideration of this Certification must be filed with the State Water Resources Control Board within 30 days of certification action (23 CCR § 3867). If no petition is received, it will be assumed that you have accepted and will comply with all the conditions of this Certification.

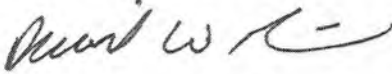
Failure to comply with all conditions of this Certification may subject you to enforcement actions by the California Regional Water Quality Control Board, San Diego Region, including administrative enforcement orders requiring you to cease and desist from violations, or to clean up waste and abate existing 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.

California Environmental Protection Agency



In the subject line of any response, please include the requested "In reply refer to:" information located in the heading of this letter. For questions pertaining to the subject matter, please contact Chad Loflen at (858) 467-2727 or cloflen@waterboards.ca.gov.

Respectfully,



DAVID W. GIBSON
Executive Officer

Enclosures:

Clean Water Act Section 401 Water Quality Certification No. 09C-078 for the French Valley Towne Center Project, with 8 attachments

cc: Refer to Attachment 2 of Certification 09C-078 for Distribution List.

Tech Staff Info & Use	
File No.	09C-078
WDID	9000001977
Reg. Measure ID	371696
Place ID	711018
Party ID	453668
Person ID	453670



California Regional Water Quality Control Board

San Diego Region



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Acting Secretary for
Environmental Protection

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Edmund G. Brown, Jr.
Governor

9174 Sky Park Court, Suite 100, San Diego, California 92123-4340
(858) 467-2952 • Fax (858) 571-6972
<http://www.waterboards.ca.gov/sandiego>

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: French Valley Towne Center Project,
Certification Number (09C-078),
WDID: 9 000001977

APPLICANT: Jiries Elqura and
French Valley Towne Center, LLC
31401 Camino Capistrano, Suite 1
San Juan Capistrano, CA 92675

CIWQS Reg. Meas. ID: 371696 Place ID: 711018 Party ID: 453668
--

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:

The project includes the commercial development of a currently undeveloped lot located at the southeastern corner of Winchester (79) and Thompson Road in unincorporated Riverside County. The project requires the placement of fill within 0.33 acres (1,066 linear feet) of wetland waters of the United States and 0.93 acres of non-wetland vernal pool. The project site, although undeveloped, is traversed by a sub-surface aqueduct and is in a disturbed state due to historic grading for upstream residential development. Historic on-site grading included the construction of a detention basin for flow control for the residential development. The on-site wetland waters receive perennial flows from the upstream developed area. The project will infiltrate on-site the 85th percentile 24 hour storm event utilizing subsurface infiltration chambers.

California Environmental Protection Agency

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>.

Recycled Paper



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I. STANDARD CONDITIONS:

The following three standard conditions apply to all Certification actions, except as noted under Condition 3 for denials (Action 3).

- 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 California Water Code and section 3867 of Title 23 of the California Code of Regulations (23 CCR).
- B. This Certification action is not intended and must not be construed to apply to any discharge from any activity involving a hydroelectric facility 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 the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
- C. The validity of any non-denial Certification action (Actions 1 and 2) must be conditioned upon total payment of the full fee required under 23 CCR section 3833, unless otherwise stated in writing by the certifying agency.

II. ADDITIONAL CONDITIONS: GENERAL

- A. Water Quality Certification No. 09C-078 (Certification) is only valid if the project begins no later than 5 (five) years from the date of issuance. If the project has not begun within 5 years from the date of issuance, then this Certification expires.
- B. Jiries Elqura and French Valley Towne Center, LLC must comply with the requirements of State Water Resources Control Board Water Quality Order No. 2003-0017-DWQ, Statewide General Waste Discharge Requirements for discharges of dredged or fill material that have received State Water Quality Certification. These General Waste Discharge Requirements are accessible at:
http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/generalorders/go_wdr401regulated_projects.pdf.
- C. Jiries Elqura and French Valley Towne Center, LLC must, at all times, fully comply with the engineering plans, specifications and technical reports submitted to the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board), to support this Certification and all subsequent submittals required as part of this Certification and as described in Attachment 1. The conditions within this Certification must

supersede conflicting provisions within such plans submitted prior to the Certification action. Any modifications thereto, would require notification to the San Diego Water Board and reevaluation for individual Waste Discharge Requirements and/or Certification amendment.

- D. During construction, Jiries Elqura and French Valley Towne Center, LLC must maintain a copy of this Certification at the project site so as to be available at all times to site personnel and agencies.
- E. Jiries Elqura and French Valley Towne Center, LLC must permit the San Diego Water Board or its authorized representative at all times, upon presentation of credentials:
 - 1. Entry onto project premises, including all areas on which wetland fill or wetland mitigation is located or in which records are kept.
 - 2. Access to copy any records required to be kept under the terms and conditions of this Certification.
 - 3. Inspection of any treatment equipment, monitoring equipment, or monitoring method required by this Certification.
 - 4. Sampling of any discharge or surface water covered by this Order.
- F. In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation must be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.
- G. In response to a suspected violation of any condition of this Certification, the San Diego Water Board may require the holder of any permit or license subject to this Certification to furnish, under penalty of perjury, any technical or monitoring reports the San Diego Water Board deems appropriate, provided that the burden, including costs, of the reports must bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
- H. In response to any violation of the conditions of this Certification, the San Diego Water Board may add to or modify the conditions of this Certification as appropriate to ensure compliance.

III. ADDITIONAL CONDITIONS: BEST MANAGEMENT PRACTICES

- A. Prior to the start of the project, and annually thereafter, Jiries Elqura and French Valley Towne Center, LLC must educate all personnel on the requirements in this Certification, pollution prevention measures, spill response, and Best Management Practices (BMPs) implementation and maintenance.
- B. Jiries Elqura and French Valley Towne Center, LLC must, at all times, maintain appropriate types and sufficient quantities of materials onsite 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 U.S. and/or State.
- C. Jiries Elqura and French Valley Towne Center, LLC must enroll in and comply with the requirements of State Water Resources Control Board Water Quality Order No. 2009-0009-DWQ, the NPDES General Permit for Storm Water Discharges Associated with Construction Activity.
- D. The treatment, storage, and disposal of wastewater during the life of the project must be done in accordance with waste discharge requirements established by the San Diego Water Board pursuant to CWC § 13260.
- E. Discharges of concentrated flow during construction or after completion must not cause downstream erosion or damage to properties or stream habitat.
- F. Water containing mud, silt, or other pollutants from equipment washing or other activities, must not be discharged to waters of the U.S. and/or the State or placed in locations that may be subjected to storm flows. Pollutants discharged to areas within a stream diversion area must be removed at the end of each work day or sooner if rain is predicted.
- G. All surface waters, including ponded waters, must be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. Diversion activities must not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any temporary dam or other artificial obstruction constructed must only be built from materials such as clean gravel which will cause little or no siltation. Normal flows must be restored to the affected stream immediately upon completion of work at that location.
- H. All areas that will be left in a rough graded state must be stabilized no later than one week after completion of grading. Jiries Elqura and French Valley Towne Center, LLC and subsequent owners, are responsible for

implementing and maintaining BMPs to prevent erosion of the rough graded areas to prevent flow from this area from causing negative impacts to beneficial uses. After completion of grading, all areas must be revegetated with native species appropriate for the area. The revegetation palette must not contain any plants listed on the California Invasive Plant Council Invasive Plant Inventory, which can be found online at <http://www.cal-ipc.org/ip/inventory/weedlist.php>.

- I. Substances hazardous to aquatic life including, but not limited to, petroleum products, raw cement/concrete, asphalt, and coating materials, must be prevented from contaminating the soil and/or entering waters of the U.S. and/or State. BMPs must be implemented to prevent such discharges during each project activity involving hazardous materials.
- J. Removal of vegetation must occur by hand, mechanically, or using EPA approved herbicides deployed using applicable BMPs to prevent impacts to Beneficial Uses of waters of the State. Use of aquatic pesticides must be done in accordance with State Water Resources Control Board Water Quality Order No. 2004-0009-DWQ, and any subsequent reissuance as applicable. Removal of vegetation must occur outside of the avian nesting season (March 15- August 31).

IV. ADDITIONAL CONDITIONS: POST CONSTRUCTION BMPS

- A. All storm drain inlet structures within the project boundaries must be stamped and/or stenciled (or equivalent) with appropriate language prohibiting non-storm water discharges.
- B. All post-construction BMPs, including Kristar inlet filters (or equivalent) and Cultec Rechargers (or equivalent) and those described in the *Project Specific Water Quality Management Plan for Commercial Development at the southeast corner of Winchester Road and Thompson Road (French Valley Area)*, prepared by Coory Engineering and revised August 16, 2010, must be sized to comply with the following numeric sizing criteria and treat 100 percent of the impervious surfaces associated with the project:
 1. Volume: Volume-based BMPs must be designed to mitigate (infiltrate, filter, or treat) either:
 - a. The volume of runoff produced from a 24-hour 85th percentile storm event, as determined from the local historical rainfall record (0.6 inch approximate average for the San Diego County area); or
 - b. The volume of runoff, as determined from the local historical rainfall record, that achieves approximately the same reduction in pollutant

- loads and flows as achieved by mitigation of the 85th percentile 24-hour runoff event; or
2. Flow: Flow-based BMPs must be designed to mitigate (infiltrate, filter, or treat) either:
 - a. The maximum flow rate of runoff produced from a rainfall intensity of 0.2 inch of rainfall per hour; or
 - b. The maximum flow rate of runoff produced by the 85th percentile hourly rainfall intensity, as determined from the local historical rainfall record, multiplied by a factor of two; or
 - c. The maximum flow rate of runoff, as determined from the same reduction in pollutant loads and flows as achieved by mitigation of the 85th percentile hourly rainfall intensity multiplied by a factor of two.
 - C. Post-construction BMPs must be installed and functional prior to occupancy and/or planned use of development areas.
 - D. Jiries Elqura and French Valley Towne Center, LLC or their designated party must inspect and maintain structural BMPs per the manufacturer's specifications.
 - E. Treatment BMPs must be inspected prior to the commencement of the rainy season (October 1) and after every storm event exceeding 0.5 inches of precipitation.
 - F. Jiries Elqura and French Valley Towne Center, LLC must install and maintain in perpetuity all post-construction BMPs including Kristar inlet filters (or equivalent), Cultec Rechargers (or equivalent), and those described in the *Project Specific Water Quality Management Plan for Commercial Development at the southeast corner of Winchester Road and Thompson Road (French Valley Area)*, prepared by Coory Engineering and revised August 16, 2010, and depicted in Attachment 5.
 - G. Records must be kept regarding inspections and maintenance in order to assess the performance of the systems and determine whether adaptations are necessary to protect receiving waters.

V. ADDITIONAL CONDITIONS: COMPENSATORY MITIGATION

- A. Mitigation for permanent discharges to 0.33 acres (1,066 linear feet) of wetlands and 0.93 acres of non-wetland vernal pool (waters of the United States), and temporary discharges to 0.15 acres of wetland waters of the United States must be achieved as described in the *Habitat Mitigation and Monitoring Plan for the French Valley Towne Center Project, Riverside County, California*, prepared by ICF Jones & Stokes and dated October 5, 2009. Mitigation must include:
1. Creation (establishment) of a minimum of 0.33 acres (1,066 linear feet) of wetland waters of the United States at the Western Riverside County Regional Conservation Authority Parcel (APN 384230001).
 2. Creation (establishment) of 0.98 acres of non-wetland vernal pool/ephemeral pond at the Western Riverside County Regional Conservation Authority Parcel.
 3. Purchase of 1.54 acres of restoration and/or enhancement credit from a local conservation district or mitigation bank.
 4. Purchase of 1.92 acres of vernal pool/wetland preservation credits at the Barry Jones (Skunk Hollow) Mitigation Bank.
- B. The construction of proposed mitigation must be concurrent with project grading and completed no later than 9 months following the initial discharge of dredge or fill material into on-site waters. Delays in implementing mitigation must be compensated for by an increased mitigation implementation of 10 percent of the cumulative compensatory mitigation for each month of delay.
- C. Jiries Elqura and French Valley Towne Center, LLC must restore all areas of temporary impacts and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the U.S./State. Restoration must include grading of disturbed areas to pre-project contours and revegetation with native species. Jiries Elqura and French Valley Towne Center, LLC must implement all necessary BMPs to control erosion and runoff from areas associated with this project.
- D. Jiries Elqura and French Valley Towne Center, LLC must salvage leaf litter, coarse woody debris, and upper soil horizons from impacted jurisdictional water sites that are relatively free of invasive exotic species for use in on-site mitigation areas.
- E. Jiries Elqura and French Valley Towne Center, LLC must also salvage large cuttings from appropriate tree species if they exist at the impact site and use them as pole plantings at the mitigation site.

- F. The mitigation site shall be designed and constructed to meet the following conditions:
1. Most of the channel through the mitigation site is characterized by equilibrium conditions, with no evidence of severe aggradation or degradation;
 2. As viewed along cross-sections, the channel and buffer have a variety of slopes, or elevations, that are characterized by different moisture gradients. Each sub-slope contains physical patch types or features that contribute to irregularity in height, edges, or surface and to complex topography overall; and
 3. The mitigation site has a well-developed plant community characterized by a high degree of horizontal and vertical interspersion among plant zones and layers.
- G. Throughout the mitigation monitoring program mitigation areas 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 onsite or offsite mitigation areas.
- H. San Diego Water Board acceptance of the final mitigation plan applies only to the site and plan that mitigates for the French Valley Towne Center Project and must not be construed as approval of the mitigation site or plan for use by other current or future projects that are planning to use additional acreage at the site for mitigation.
- I. Any maintenance activities that do not contribute to the success of the mitigation site and enhancement of beneficial uses and ecological functions and services are prohibited. Maintenance activities are limited to the removal of trash and debris, removal of exotic plant species, replacement of dead native plant species and remedial measures deemed necessary for the success of the restoration program.
- J. If at any time during the implementation and establishment of the mitigation area(s), and prior to verification of meeting success criteria, a catastrophic natural event (e.g., fire, flood) occurs and impacts the mitigation area, Jiries Elqura and French Valley Towne Center, LLC is responsible for repair and replanting of the damaged area(s).
- K. For the purpose of determining mitigation credit for the removal of exotic/invasive plant species, only the actual area occupied by exotic/invasive plant species must be quantified to comply with mitigation requirements.

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

VI. MONITORING REQUIREMENTS:

- A. Monitoring of the project and mitigation site must be conducted as described in the *Habitat Mitigation and Monitoring Plan for the French Valley Towne Center Project, Riverside County, California*, prepared by ICF Jones & Stokes and dated October 5, 2009. Monitoring of the impact and mitigation site must utilize the California Rapid Assessment Method (CRAM) quantitative function-based assessment to establish baseline conditions, set success criteria, and assess mitigation site progress.

VII. NOTIFICATION REQUIREMENTS:

- A. Jiries Elqura and French Valley Towne Center, LLC must notify the San Diego Water Board within **24 hours** of any unauthorized discharge, including hazardous or toxic materials, to waters of the U.S. and/or State; measures that were implemented to stop and contain the discharge; measures implemented to clean-up the discharge; the volume and type of materials discharged and recovered; and additional best management practices (BMPs) or other measures that will be implemented to prevent future discharges.
- B. This Certification is not transferable in its entirety or in part to any person except after notice to the Executive Officer of the San Diego Water Board in accordance with the following terms.

1. **Transfer of Property Ownership:** Jiries Elqura and French Valley Towne Center, LLC 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 Jiries Elqura and French Valley Towne Center, LLC 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 Executive officer of 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 Section D of this Certification shall 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:** Jiries Elqura and French Valley Towne Center, LLC assume 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 Jiries Elqura and French Valley Towne Center, LLC 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. 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 Jiries Elqura and French Valley Towne Center, LLC will be interpreted to refer to the transferee as appropriate. Transfer of responsibility does not necessarily relieve Jiries Elqura and French Valley Towne Center, LLC of this Certification in the event that a transferee fails to comply.

- C. Jiries Elqura and French Valley Towne Center, LLC must notify the San Diego Water Board in writing **at least 5 days prior to** the actual commencement of dredge, fill, and discharge activities.

VIII. REPORTING REQUIREMENTS:

- A. Jiries Elqura and French Valley Towne Center, LLC must submit annual progress reports describing status of compliance with all requirements of this Certification to the San Diego Water Board prior to **August 1** of each year following the issuance of this Certification until the project has reached completion. Jiries Elqura and French Valley Towne Center, LLC shall submit a Final Project Annual Report to the San Diego Water Board **prior to August 1 following completion of the project**. The reports must include the following:
1. Date of construction initiation.
 2. Projected date of construction completion.
 3. Status of BMPs for the project.
 4. Final Project Report: As-built drawings no bigger than 11"X17."
 5. Final Project Report: Photo documentation of implemented post-construction BMPs. Photo-documentation must be modeled after the protocols found in Attachment 7. In addition, photo documentation must include Global Positioning System (GPS) coordinates for each of the photo points referenced.
- B. Mitigation monitoring reports must be submitted annually until mitigation has been deemed successful. Annual monitoring reports must be submitted **prior to December 1 of each year**. Monitoring reports must include, but not be limited to, the following:
1. Names, qualifications, and affiliations of the persons contributing to the report;
 2. Date of initiation of mitigation installation and date mitigation installation was completed.
 3. Mitigation as-builts, including topography maps and planting locations.
 4. Tables presenting the raw data collected in the field as well as analyses of the physical and biological data;
 5. Topographic complexity characteristics at each mitigation site;
 6. Upstream and downstream habitat and hydrologic connectivity;
 7. Source of hydrology;
 8. Width of native vegetation buffer around the entire mitigation site;
 9. Qualitative and quantitative comparisons of current mitigation conditions with pre-construction conditions and previous mitigation monitoring results. Quantitative comparisons must include CRAM scoring;

10. Stream Photodocumentation, including all areas of permanent and temporary impact, prior to and after project construction, and mitigation areas, including all areas of permanent and temporary impact, prior to and after project construction. Photo documentation must be conducted in accordance with Attachment 7. In addition, photo documentation must include Geographic Positioning System (GPS) coordinates for each of the photo points referenced.
 11. A Survey report documenting boundaries of mitigation area, including Geographic Information System (GIS) shape files (polygons) of the impact and mitigation areas (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.; and
 12. Other items specified in the *Habitat Mitigation and Monitoring Plan for the French Valley Towne Center Project, Riverside County, California*, prepared by ICF Jones & Stokes and dated October 5, 2009.
- C. **Prior to the start of construction**, Jiries Elqura and French Valley Towne Center, LLC must provide the San Diego Water Board with verification that 1.92 acres of preservation credit from the Barry Jones (Skunk Hollow) Mitigation Bank have been purchased.
- D. **Prior to the start of construction**, Jiries Elqura and French Valley Towne Center, LLC must provide the San Diego Water Board the preservation mechanism (e.g. deed restriction, conservation easement, etc.) that will protect the off-site Western Riverside County Regional Conservation Authority Parcel mitigation area in perpetuity. Construction of the site must not be initiated until the preservation mechanism is received. The conservation easement, deed restriction, or other legal limitation on the mitigation property must be adequate to demonstrate that the site will be maintained without future development or encroachment on the site that could otherwise reduce the functions and values of the site for the variety of beneficial uses of waters of the U.S. and 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 site. The preservation mechanism must clearly prohibit activities that would result in soil disturbance or vegetation removal, other than the removal of non-native vegetation. Other infrastructure development to be prohibited includes, but is not limited to, additional utility lines, maintenance roads, and areas of maintained landscaping for recreation.
- E. **Within 1 year of the initial discharge of fill**, Jiries Elqura and French Valley Towne Center, LLC must provide the San Diego Water Board with verification that 1.54 acres of restoration and/or enhancement credits from

a local conservation district or mitigation bank have been purchased.

- F. All information requested in this Certification is pursuant to California Water Code (CWC) section 13267. Civil liability may be administratively imposed by the San Diego Water Board for failure to furnish requested information pursuant to CWC section 13268.
- G. All reports and information submitted to the San Diego Water Board must be submitted in both hardcopy and electronic format. The preferred electronic format for each report submission is one file in PDF format that is also Optical Character Recognition (OCR) capable.
- H. All applications, reports, or information submitted to the San Diego Water Board must be signed and certified as follows:
1. For a corporation, by a responsible corporate officer of at least the level of vice president.
 2. For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
 3. For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.
 4. A duly authorized representative may sign applications, reports, or information if:
 - a. The authorization is made in writing by a person described above.
 - b. The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.
 - c. The written authorization is submitted to the San Diego Water Board Executive Officer.
- I. All applications, reports, or information submitted to the San Diego Water Board must be signed and certified as follows:
- "I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."
- J. Jiries Elqura and French Valley Towne Center, LLC 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; Project No. 09C-078
9174 Sky Park Court, Suite 100
San Diego, California 92123

IX. CEQA FINDINGS:

- A. The County of Riverside is the lead agency under the California Environmental Quality Act (Public Resources Code section 21000, et seq., (CEQA)), and made a determination on November 13, 2007, for a Mitigated Negative Declaration under CEQA Guidelines Title 14, California Code of Regulations. The County of Riverside has determined the project will not have a significant effect on the environment and mitigation measures were made a condition of the project.
- B. The San Diego Water Board has reviewed the lead agency's Mitigated Negative Declaration and also finds that the project as proposed will not have a significant effect on the environment with conditioned mitigation measures and therefore determines that issuance of this Certification is consistent with the Mitigated Negative Declaration.

X. PUBLIC NOTIFICATION OF PROJECT APPLICATION:

- A. On October 7, 2009, receipt of the project application was posted on the San Diego Water Board web site to serve as appropriate notification to the public. No public comments were received.

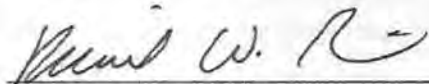
XI. SAN DIEGO WATER BOARD CONTACT PERSON:

Chad Loflen
California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123
858-467-2727, cloflen@waterboards.ca.gov

XII. WATER QUALITY CERTIFICATION:

I hereby certify that the proposed discharge from the French Valley Towne Center Project (Project No. 09C-078) 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 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 and all proposed mitigation being completed in strict compliance with the applicants' project description and/or on the attached Project Information Sheet, and (b) on compliance with all applicable requirements of the Water Quality Control Plan for the San Diego Basin Region (9) (Basin Plan).



DAVID W. GIBSON
Executive Officer
Regional Water Quality Control Board

20 Jan 20 11
Date

- Attachments:
1. Project Information
 2. Distribution List
 3. Location Map
 4. Site Map
 5. Post-Construction BMP Map
 6. Mitigation Map
 7. Stream Photodocumentation Procedure
 8. Checklist of Required Reports and Notifications



Project Identifiers	
WDID No:	9000001997
Reg. Meas. ID:	371696
Place ID:	711018
Party ID:	453668
USACOE No:	
Other File No:	

Attachment 1

PROJECT INFORMATION	
Details	
Application Received Date:	10/6/2009
Application Completed Date:	11/5/2009
Additional Info Completed Date:	1/4/2011
Applicant:	Jiries Elquera French Valley Towne Center, LLC 31401 Camino Capistrano, Ste. 1 San Juan Capistrano, CA 92675
Applicant Representative(s):	Amanda Duchardt, ICF International 1 Ada, Suite 100 Irvine, California 92618
Project Title:	French Valley Towne Center Project
Regulating Water Board:	R9
Type of Project:	Commercial Development
Project Description:	
<p>The project includes the commercial development of a currently undeveloped lot located at the southeastern corner of Winchester (79) and Thompson Road in unincorporated Riverside County. The project requires the placement of fill within 0.33 acres (1,066 linear feet) of wetland waters of the United States and 0.93 acres of non-wetland vernal pool. The project site, although undeveloped, is traversed by a sub-surface aqueduct and is in a disturbed state due to historic grading for upstream residential development. Historic on-site grading included the construction of a detention basin for flow control for the residential development. The on-site wetland waters receive perennial flows from the upstream developed area. The project will infiltrate on-site the 85th percentile 24 hour storm event utilizing subsurface infiltration chambers.</p>	
Location	
City:	Unincorporated
County:	Riverside
Cross Streets:	Thompson and Winchester Road
Section, Township, Range:	See Lat/Long
Zip code:	92596
Directions:	See Address/Lat-Long
Latitude(s) and Longitude(s):	33 35'43.22, 117 07'07.05
Public Notice	
<p>Water Board Public Notice: Information regarding this project was noticed on the San Diego Water Board's website on January 30, 2009.</p>	
<p><input checked="" type="checkbox"/> No Comments were received. <input type="checkbox"/> Comments were responded to in writing.</p>	



Fees	
Application Fee Provided: A certification fee of \$640 was submitted on 10/5/2009 as required by 23 CCR §3833b(2)(A) and by 23 CCR § 2200(e). An additional fee of \$10816 to offset additional design impacts was received on 10/5/2009 as required by 23 CCR §3833b(2)(A) and by 23 CCR § 2200(e).	

Hydrologic Information	
Receiving Water(s):	Unnamed Tributary to Warm Springs Creek
Hydrologic Unit(s):	Santa Margarita (902.33 French Valley)
Water Body Type(s):	Wetlands, Non-wetland vernal pool

Designated Beneficial Use(s)												
X	AGR		COMM		FRSH		MIGR		RARE		SPWN	
	AQUA		CUL		GWR	X	MUN	+	REC-1	X	WARM	
	ASBS		EST	X	IND		NAV	X	REC-2		WET	
	BIOL		FISH		LWRM		POW		SAL	x	WILD	
	COLD		FLD		MAR	x	PRO		SHELL		WQE	

Candidate, Sensitive, or Special Status Species	
None Documented	

Other Permits/Licenses/Agreements/Plans	
Federal (Type and Permit/License Number):	
404 NWP Pending	
State (Type and Permit/License/Agreement Number):	
CA Department of Fish and Game Streambed Alteration Agreement	
Other County, City, etc. (Type and Permit/License Number):	
-	
Any Required Documents or Plan Submittals (SWPPP, Mitigation & Monitoring, etc.)	
See Certification	

NEPA and/or CEQA Compliance



Document type:	MND
Lead Agency:	County of Riverside
Date completed:	11/13/2007
State Clearinghouse Number:	2007111054

IMPACTS	
Describe Potential Water Quality Impacts:	
Turbidity, settleable matter, and other pollutants associated with construction activities.	
Post-construction: oil and grease, metals, nutrients, pesticides, etc...	

Final Project Impacts (Fill)*						
Waterbody Type	Permanent			Temporary		
	Acres**	Linear Feet	Cubic Yards	Acres**	Linear Feet	Cubic Yards
Lake						
Ocean						
Riparian						
Streambed						
Vernal Pool	.93 (non-wetland)	-				
Wetland	.33	1066		.15	-	

* Include all three measurements (acres, linear feet and cubic yards) for all federal and non-federal waterbody types.
 ** Provide acres to three decimal places (e.g., 0.006).

Final Project Impacts (Dredge*/Excavation)**						
Waterbody Type	Permanent			Temporary		
	Acres***	Linear Feet	Cubic Yards	Acres***	Linear Feet	Cubic Yards
Lake						
Ocean						
Riparian						
Streambed						
Vernal Pool						
Wetland						

* For projects that will occur annually please provide the total volume to be dredged for the entire certification period (typically 5 years).
 ** Include all three measurements (acres, linear feet and cubic yards) for all federal and non-federal waterbody types.
 *** Provide acres to three decimal places (e.g., 0.006).

Impact Comparison*								
	Fill				Dredge			
	Permanent		Temporary		Permanent		Temporary	
	Initial	Final	Initial	Final	Initial	Final	Initial	Final
Impacts (Acres)**								

* Include impacts to both federal and non-federal waters.
 ** Provide acres to three decimal places (e.g., 0.006).



MITIGATION	
Describe Avoidance and Minimization for Impacts to Waters:	
<p>“The final site design avoids impacts to a portion of Drainage B located on the north side of Thompson Road that was part of the original project description. Additional, onsite avoidance of the drainage features and vernal pools through project redesign was generally determined not feasible because these resources and their watersheds bisect the project site and/or are scattered throughout the project site. Avoidance of some or all of these resources would result in small (approximately 7- to 9-acre) isolated pockets of site development with no internal traffic circulation, shared utilities or drainage facilities, or pedestrian access between the proposed commercial uses.”</p> <p>4041b was also conducted</p> <p>“The proposed project minimizes impacts to water quality primarily through the implementation of the Project Specific Water Quality Management Plan and SWPPP. These plans include conservation of natural areas, draining of rooftops into adjacent landscaping prior to discharge to the storm drain, and first flush capture in street catch basins equipped with biofilter inserts then discharged into Cultec Chambers, and on overflows and offsite flows discharging into a Regional Detention Basin.”</p>	
Describe Compensatory Mitigation for Impacts to Waters (temporary and permanent):	
<p>The project proponent will create, off-site, wetlands and an ephemeral pond. The current wetlands are perennialized by non-storm water MS4 flows, severely invaded, and limited by up and downstream culverts. Temporary impacts will be restored. The project proponent will also purchase 1.54 acres of restoration or enhancement credit from a local RCD, and 1.92 acres of vernal pool preservation credits.</p>	

Compensatory Mitigation (Proponent Provided)								
Waterbody Type	Acres Established		Acres Restored		Acres Enhanced		Acres Preserved	
	Temp.*	Perm.	Temp.*	Perm.	Temp.*	Perm.	Temp.*	Perm.
<i>Riparian</i>								
<i>Streambed</i>								
<i>Vernal Pool</i>		.98						
<i>Wetland</i>		.33 1066 lf	.15					

* Report as mitigation for temporary impacts at a 1:1 ratio any required conditions to restore the site (e.g., re-vegetating or re-contouring).

Compensatory Mitigation (Mitigation Bank)				
Waterbody Type	Acres Established	Acres Restored	Acres Enhanced	Acres Preserved
<i>Riparian</i>				
<i>Streambed</i>				
<i>Vernal Pool</i>				1.92
<i>Wetland</i>				

Compensatory Mitigation (In-Lieu)				
Waterbody Type	Acres Established	Acres Restored	Acres Enhanced	Acres Preserved
<i>Riparian</i>				
<i>Streambed</i>				
<i>Vernal Pool</i>				
<i>Wetland</i>			1.54	



Proponent Provided Mitigation Information (If Applicable)*		
	Site 1	Site 2
Mitigation Site Location(s):	Off-site @ Western Riverside County Regional Conservation Authority Parcel	
Mitigation Site Lat/Long(s)	33 37'17.65, 117 10'09.62	
Name of Watershed & Hydrologic Unit:	Same as impact	
Mitigation Site City and County:	Unincorporated Riverside	
*If more than two sites, please provide additional information in the additional information table located at the end of this form.		

Mitigation Bank Information (If Applicable)*		
	Bank 1	Bank 2
Mitigation Bank Name:	Barry Jones (Skunk Hollow)	
Name of Mitigation Bank Operator:	Mike McCollum	
Address of Mitigation Bank Office:	10196 Clover Ranch Drive Sacramento, CA 95829-6574	
Mitigation Bank Location(s):	Pourroy Road 92563	
Mitigation Bank Lat/Long(s)	33.559646,-117.108128	
Name of Watershed & Hydrologic Unit:	902.41	
Mitigation Bank City and County:	Riverside County	
Mitigation purchase amount (\$):	75,000	
*If more than two sites, please provide additional information in the additional information table located at the end of this form.		

In-Lieu Mitigation Information (If Applicable)*		
	Program 1	Program 2
Name of approved in-lieu fee mitigation sponsor:	TBD	
Address of In-lieu mitigation sponsor:		
Description of in-lieu mitigation arrangements:		
In-lieu mitigation location:		
In-lieu mitigation Lat/Long(s):		
In-lieu mitigation City and County:		
Name of Watershed & Hydrologic Unit		
*If more than two sites, please provide additional information in the additional information table located at the end of this form.		

Additional Mitigation Information (Proponent, Bank, or In-Lieu)		
	Site 1	Site 2
Mitigation Site Name:		
Name of Mitigation Site Operator:		
Address of Mitigation Site Office:		
Mitigation Site Location(s):		
Mitigation Site Lat/Long(s)		
Name of Watershed & Hydrologic Unit:		
Mitigation Site City and County:		
Mitigation purchase amount (\$):		

**ATTACHMENT 2
E-MAIL DISTRIBUTION LIST**

Crystel Doyle
U.S. Army Corps of Engineers, Regulatory Branch
crystel.l.doyle@usace.army.mil

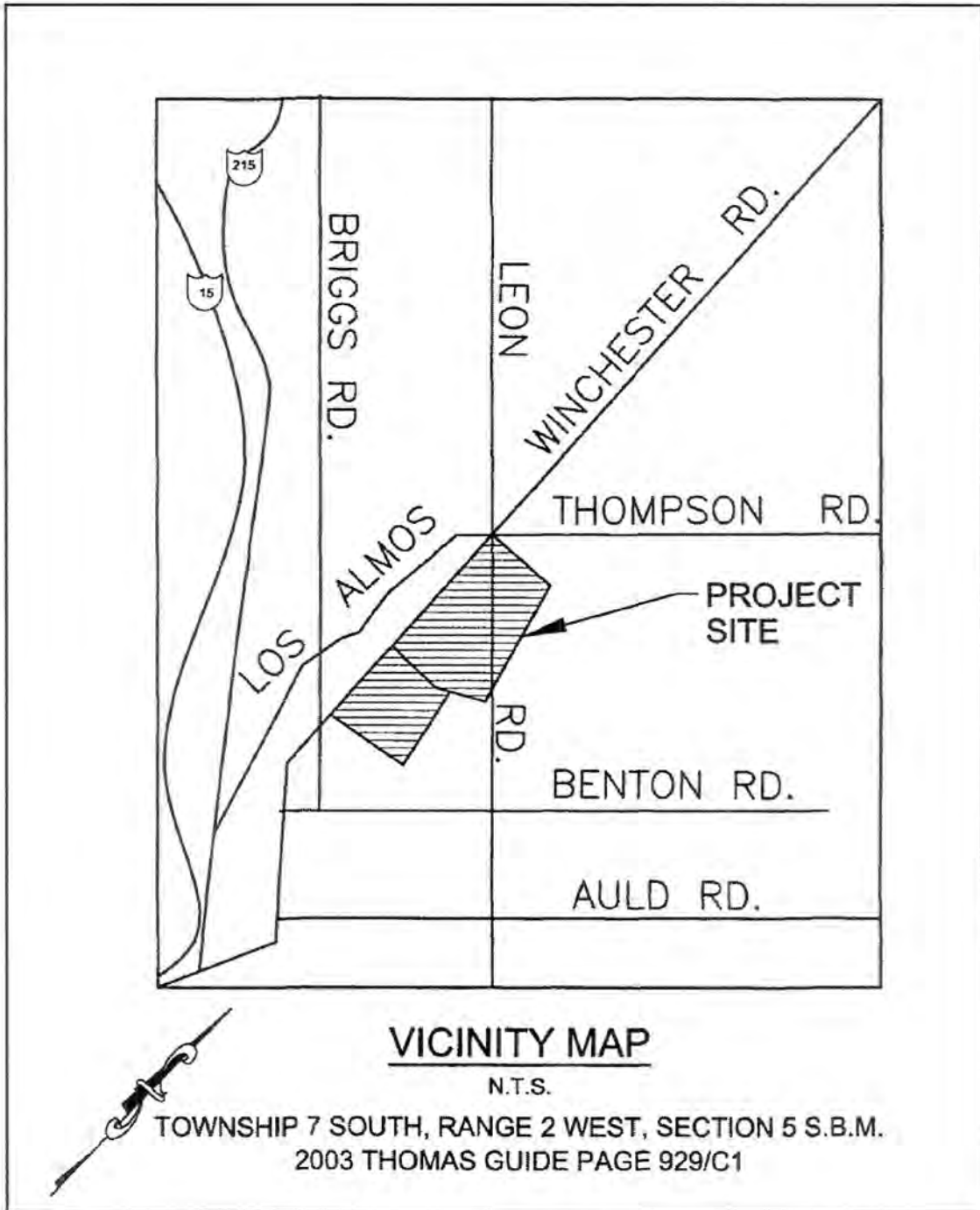
Anna Milloy
California Department of Fish and Game, Inland Desert Region
amilloy@dfg.ca.gov

USEPA, 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

Amanda Duchart
ICF Jones & Stokes
aduchardt@icfi.com

**ATTACHMENT 3
PROJECT LOCATION**



ATTACHMENT 4 SITE MAP



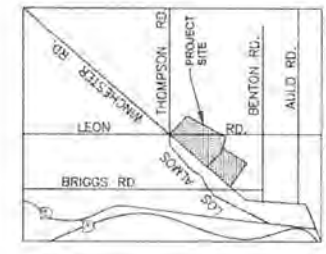
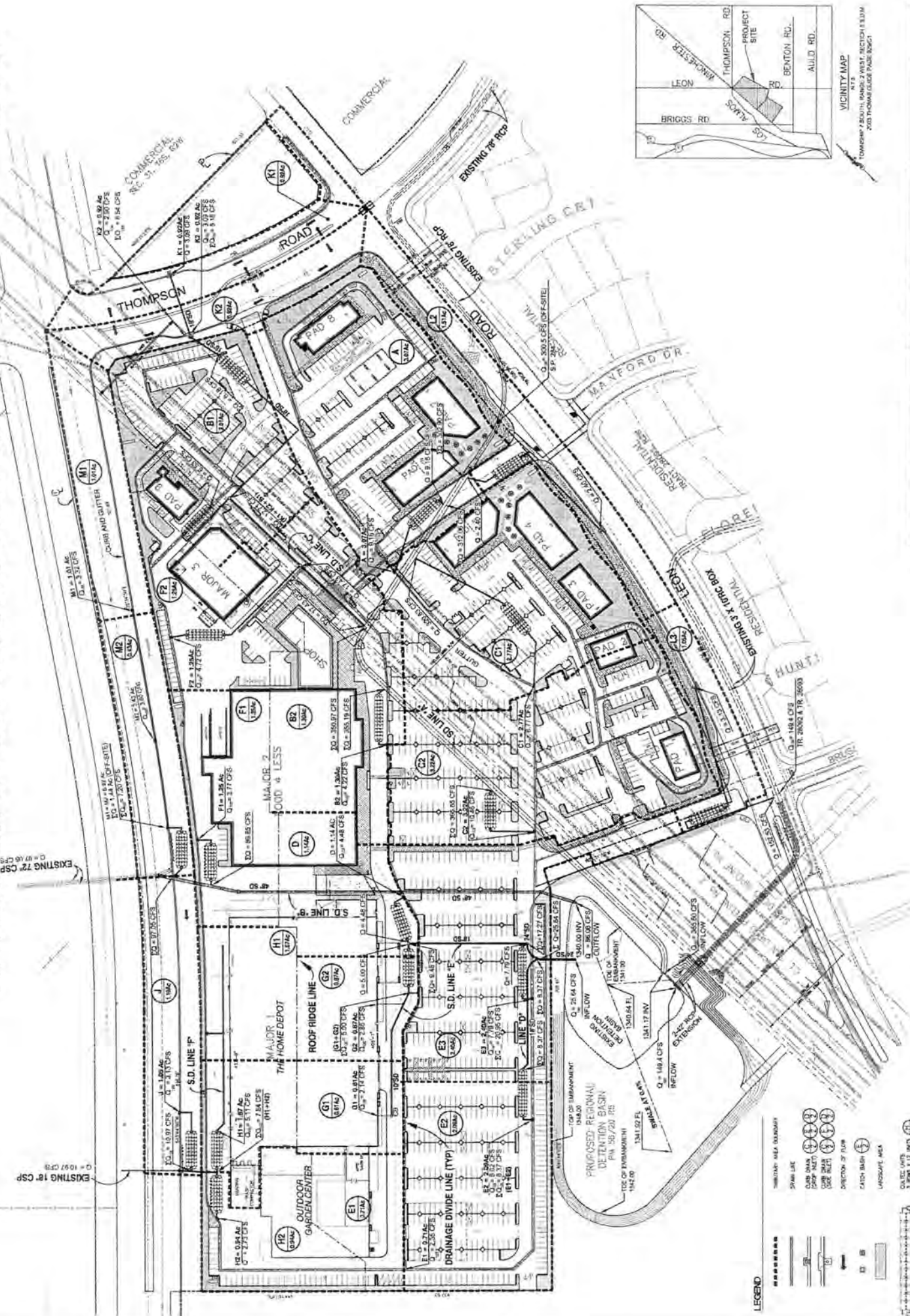
SOURCE: Project Boundary French Valley Towne Center, LLC, 2005; P&O Consultants, 2005; ESRI USA Imagery (04/2007, 0.6m)



Figure 4
Jurisdictional Waters
French Valley Towne Center

*Note: The detention basin and Drainage C are construction BMPs from prior development. The detention basin will be expanded to provide additional flow control for the project and upstream impervious surfaces.

ATTACHMENT 5: POST-CONSTRUCTION BMP MAP



TOWNSHIP 2 SOUTH RANGE 2 WEST SECTION 13.00M
 2025 PROJECT (SHEET 1 OF 10)

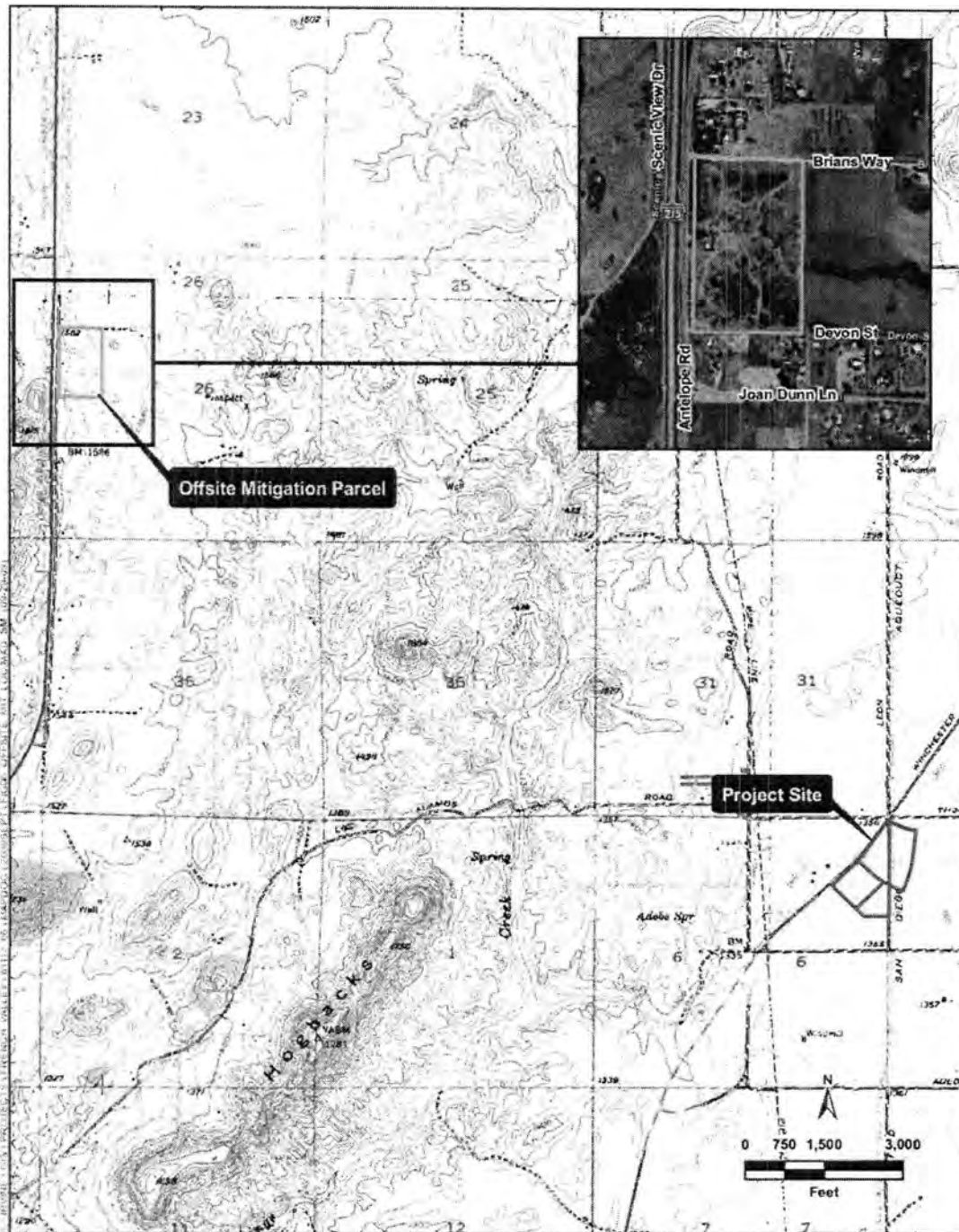
PLANS PREPARED BY
 COORY ENGINEERING
 1000 W. BROADWAY, SUITE 200
 DENVER, CO 80202
 PREPARED FOR
 WOMP
 100 WICKBERRY ROAD AND THOMPSON RD
 COUNTY OF INVERNE CALIFORNIA
 SHEET 1 OF 10

NO	DESCRIPTION	BY	APPROVED	DATE

LEGEND

- PROPERTY LINE BOUNDARY
- 2" MAX. SLOPE
- 3" MAX. SLOPE
- 4" MAX. SLOPE
- 5" MAX. SLOPE
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- 97" MAX. SLOPE
- 98" MAX. SLOPE
- 99" MAX. SLOPE
- 100" MAX. SLOPE

ATTACHMENT 6 MITIGATION MAP



SOURCE: USGS 7.5' Quad., California; Merrieta, Bachelor Mountain, Romoland & Winchester



Figure 6
Location of the Offsite Mitigation Parcel
French Valley Towne Center



SOURCE: ESRI USA Imagery (05/2005, 0.5m)

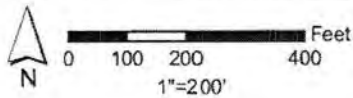


Figure 7
Conceptual Mitigation Plan
French Valley Towne Center

ATTACHMENT 7 STREAM PHOTO DOCUMENTATION PROCEDURES

Standard Operating Procedure (SOP)

Stream Photo Documentation Procedure

(CARCD 2001, Written by TAC Visual Assessments work group)

Introduction:

Photographs provide a qualitative, and potentially semi-quantitative, record of conditions in a watershed or on a water body. Photographs can be used to document general conditions on a reach of a stream during a stream walk, pollution events or other impacts, assess resource conditions over time, or can be used to document temporal progress for restoration efforts or other projects designed to benefit water quality. Photographic technology is available to anyone and it does not require a large degree of training or expensive equipment. Photos can be used in reports, presentations, or uploaded onto a computer website or GIS program. This approach is useful in providing a visual portrait of water resources to those who may never have the opportunity to actually visit a monitoring site.

Equipment:

Use the same camera to the extent possible for each photo throughout the duration of the project. Either 35 mm color or digital color cameras are recommended, accompanied by a telephoto lens. If you must change cameras during the program, replace the original camera with a similar one comparable in terms of media (digital vs. 35 mm) and other characteristics. A complete equipment list is suggested as follows:

Required:

- Camera and backup camera
- Folder with copies of previous photos (do not carry original photos in the field)
- Topographic and/or road map
- Aerial photos if available
- Compass
- Timepiece
- Extra film or digital disk capacity (whichever is applicable)
- Extra batteries for camera (if applicable)
- Photo-log data sheets or, alternatively, a bound notebook dedicated to the project
- Yellow photo sign form and black marker, or, alternatively, a small black board and chalk

Optional:

- GPS unit
- Stadia rod (for scale on landscape shots)
- Ruler (for scale on close up views of streams and vegetation)
- Steel fence posts for dedicating fixed photo points in the absence of available fixed landmarks

How to Access Aerial Photographs:

Aerial Photos can be obtained from the following federal agencies:

USGS Earth Science Information Center
507 National Center
12201 Sunrise Valley Drive
Reston, VA 22092
800-USA-MAPS

USDA Consolidated Farm Service Agencies
Aerial Photography Field Office
222 West 2300 South
P.O. Box 30010
Salt Lake City, UT 84103-0010
801-524-5856

Cartographic and Architectural Branch
National Archives and Records Administration
8601 Adelphi Road
College park, MD 20740-6001
301-713-7040

Roles and Duties of Team:

The team should be comprised of a minimum of two people, and preferably three people for restoration or other water quality improvement projects, as follows:

1. Primary Photographer
2. Subject, target for centering the photo and providing scale
3. Person responsible for determining geographic position and holding the photo sign forms or blackboard.

One of these people is also responsible for taking field notes to describe and record photos and photo points.

Safety Concerns:

Persons involved in photo monitoring should **ALWAYS** put safety first. For safety reasons, always have at least two 2 volunteers for the survey. Make sure that the area(s) you are surveying either are accessible to the public or that you have obtained permission from the landowner prior to the survey.

Some safety concerns that may be encountered during the survey include, but are not limited to:

- Inclement weather
- Flood conditions, fast flowing water, or very cold water
- Poisonous plants (e.g.: poison oak)
- Dangerous insects and animals (e.g.: bees, rattlesnakes, range animals such as cattle, etc.)
- Harmful or hazardous trash (e.g.: broken glass, hypodermic needles, human feces)

We recommend that the volunteer coordinator or leader discuss the potential hazards with all volunteers prior to any fieldwork.

General Instructions:

From the inception of any photo documentation project until it is completed, always take each photo from the same position (photo point), and at the same bearing and vertical angle at that photo point. Photo point positions should be thoroughly documented, including photographs taken of the photo point. Refer to copies of previous photos when arriving at the photo point. Try to maintain a level (horizontal) camera view unless the terrain is sloped. (If the photo can not be horizontal due to the slope, then record the angle for that photo.) When photo points are first being selected, consider the type of project (meadow or stream restoration, vegetation management for fire control, ambient or event monitoring as part of a stream walk, etc.) and refer to the guidance listed on *Suggestions for Photo Points by Type of Project*.

When taking photographs, try to include landscape features that are unlikely to change over several years (buildings, other structures, and landscape features such as peaks, rock outcrops, large trees, etc.) so that repeat photos will be easy to position. Lighting is, of course, a key ingredient so give consideration to the angle of light, cloud cover, background, shadows, and contrasts. Close view photographs taken from the north (i.e., facing south) will minimize shadows. Medium and long view photos are best shot with the sun at the photographer's back. Some artistic expression is encouraged as some photos may be used on websites and in slide shows (early morning and late evening shots may be useful for this purpose). Seasonal changes can be used to advantage as foliage, stream flow, cloud cover, and site access fluctuate. It is often important to

include a ruler, stadia rod, person, farm animal, or automobile in photos to convey the scale of the image. Of particular concern is the angle from which the photo is taken. Oftentimes an overhead or elevated shot from a bridge, cliff, peak, tree, etc. will be instrumental in conveying the full dimensions of the project. Of most importance overall, however, is being aware of the goal(s) of the project and capturing images that clearly demonstrate progress towards achieving those goal(s). Again, reference to *Suggestions for Photo Points by Type of Project* may be helpful.

If possible, try to include a black board or yellow photo sign in the view, marked at a minimum with the location, subject, time and date of the photograph. A blank photo sign form is included in this document.

Recording Information:

Use a systematic method of recording information about each project, photo point, and photo. The following information should be entered on the photo-log forms (blank form included in this document) or in a dedicated notebook:

- Project or group name, and contract number (if applicable, e.g., for funded restoration projects)
- General location (stream, beach, city, etc.), and short narrative description of project's habitat type, goals, etc.
- Photographer and other team members
- Photo number
- Date
- Time (for each photograph)
- Photo point information, including:
 - Name or other unique identifier (abbreviated name and/or ID number)
 - Narrative description of location including proximity to and direction from notable landscape features like roads, fence lines, creeks, rock outcrops, large trees, buildings, previous photo points, etc. – sufficient for future photographers who have never visited the project to locate the photo point
 - Latitude, longitude, and altitude from map or GPS unit
- Magnetic compass bearing from the photo point to the subject
- Specific information about the subject of the photo
- Optional additional information: a true compass bearing (corrected for declination) from photo point to subject, time of sunrise and sunset (check newspaper or almanac), and cloud cover.

For ambient monitoring, the stream and shore walk form should be attached or referenced in the photo-log.

When monitoring the implementation of restoration, fuel reduction, or Best Management Practices (BMP) projects, include or attach to the photo-log a narrative description of observable progress in achieving the goals of the project. Provide supplementary information along with the photo, such as noticeable changes in habitat, wildlife, and water quality and quantity.

Archive all photos, along with the associated photo-log information, in a protected environment.

The Photo Point: Establishing Position of Photographer:

1. Have available a variety of methods for establishing position: maps, aerial photos, GPS, permanent markers and landmarks, etc. If the primary method fails (e.g., a GPS or lost marker post) then have an alternate method (map, aerial photo, copy of an original photograph of the photo-point, etc).
2. Select an existing structure or landmark (mailbox, telephone pole, benchmark, large rock, etc.), identify its latitude and longitude, and choose (and record for future use) the permanent position of the photographer relative to that landmark. Alternatively, choose the procedure described in *Monitoring California's Annual Rangeland Vegetation* (UC/DANR Leaflet 21486, Dec. 1990). This procedure involves placing a permanently marked steel fence post to establish the position of the photographer.
3. For restoration, fuel reduction, and BMP projects, photograph the photo-points and carry copies of those photographs on subsequent field visits.

Determining the Compass Bearing:

1. Select and record the permanent magnetic bearing of the photo center view. You can also record the true compass bearing (corrected for declination) but do not substitute this for the magnetic bearing. Include a prominent landmark in a set position within the view. If possible, have an assistant stand at a fixed distance from both the photographer and the center of the view, holding a stadia rod if available, within the view of the camera; preferably position the stadia rod on one established, consistent side of the view for each photo (right or left side).
2. Alternatively, use the procedure described in *Monitoring California's Annual Rangeland Vegetation* (UC/DANR Leaflet 21486, Dec. 1990). This procedure involves placing a permanently marked steel fence post to establish the position of the focal point (photo center).
3. When performing ambient or event photo monitoring, and when a compass is not available, then refer to a map and record the approximate bearing as north, south, east or west.

Suggestions for Photo Points by Type of Project:

Ambient or Event Monitoring, Including Photography Associated with Narrative Visual Assessments:

1. When first beginning an ambient monitoring program take representative long and/or medium view photos of stream reaches and segments of shoreline being monitored. Show the positions of these photos on a map, preferably on the stream/shore walk form. Subjects to be photographed include a representative view of the stream or shore condition at the beginning and ending positions of the segment being monitored, storm drain outfalls, confluence of tributaries, structures (e.g., bridges, dams, pipelines, etc.).
2. If possible, take a close view photograph of the substrate (streambed), algae, or submerged aquatic vegetation.
3. Time series: Photographs of these subjects at the same photo points should be repeated annually during the same season or month if possible.
4. Event monitoring refers to any unusual or sporadic conditions encountered during a stream or shore walk, such as trash dumps, turbidity events, oil spills, etc. Photograph and record information on your photo-log and on your Stream and Shore Walk Visual Assessment form. Report pollution events to the Regional Board. Report trash dumps to local authorities.

All Restoration and Fuel Reduction Projects – Time Series:

Take photos immediately before and after construction, planting, or vegetation removal. Long term monitoring should allow for at least annual photography for a minimum of three years after the project, and thereafter at 5 years and ten years.

Meadow Restoration:

1. Aerial view (satellite or airplane photography) if available.
2. In the absence of an aerial view, a landscape, long view showing an overlapping sequence of photos illustrating a long reach of stream and meadow (satellite photos, or hill close by, fly-over, etc.)
3. Long view up or down the longitudinal dimension of the creek showing riparian vegetation growth bounded on each side by grasses, sedges, or whatever that is lower in height
4. Long view of conversion of sage and other upland species back to meadow vegetation

5. Long view and medium view of streambed changes (straightened back to meandering, sediment back to gravel, etc.)
6. Medium and close views of structures, plantings, etc. intended to induce these changes

Stream Restoration/stabilization:

1. Aerial view (satellite or airplane photography) if available.
2. In the absence of an aerial view, a landscape, long-view showing all or representative sections of the project (bluff, bridge, etc.)
3. Long view up or down the stream (from stream level) showing changes in the stream bank, vegetation, etc.
4. Long view and medium view of streambed changes (thalweg, gravel, meanders, etc.)
5. Medium and close views of structures, plantings, etc. intended to induce these changes.
6. Optional: Use a tape set perpendicular across the stream channel at fixed points and include this tape in your photos described in 3 and 4 above. For specific procedures refer to Harrelson, Cheryl C., C.L. Rawlins, and John P. Potyondy, *Stream Channel Reference Sites: An Illustrated Guide to Field Techniques*, United States Department of Agriculture, Forest Service, Rocky Mountain Forest and Range Experiment Station, General Technical Report RM-245.

Vegetation Management for Fire Prevention (“fuel reduction”):

1. Aerial view (satellite or airplane photography) if available.
2. In the absence of an aerial view, a landscape, long view showing all or representative sections of the project (bluff, bridge, etc.)
3. Long view (wide angle if possible) showing the project area or areas. Preferably these long views should be from an elevated vantage point.
4. Medium view photos showing examples of vegetation changes, and plantings if included in the project. It is recommended that a person (preferably holding a stadia rod) be included in the view for scale

5. To the extent possible include medium and long view photos that include adjacent stream channels.

Stream Sediment Load or Erosion Monitoring:

1. Long views from bridge or other elevated position.
2. Medium views of bars and banks, with a person (preferably holding a stadia rod) in view for scale.
3. Close views of streambed with ruler or other common object in the view for scale.
4. Time series: Photograph during the dry season (low flow) once per year or after a significant flood event when streambed is visible. The flood events may be episodic in the south and seasonal in the north.
5. Optional: Use a tape set perpendicular across the stream channel at fixed points and include this tape in your photos described in 1 and 2 above. For specific procedures refer to Harrelson, Cheryl C., C.L. Rawlins, and John P. Potyondy, *Stream Channel Reference Sites: An Illustrated Guide to Field Techniques*, United States Department of Agriculture, Forest Service, Rocky Mountain Forest and Range Experiment Station, General Technical Report RM-245.

PHOTO SIGN FORM: Print this form on yellow paper. Complete the following information for each photograph. Include in the photographic view so that it will be legible in the finished photo.

Location:

Subject Description:

Date:

Time:

Attachment 8 Checklist of Required Reports and Notifications

Required Reports and Submittals: 401 Certification No. 09C-078

Due Date	Required Report	Required Condition(s) To Be Met	Report Received
Prior to Project Construction	Submit Proof of Mitigation Credit Purchase	VIII.C	
Prior to Project Construction	Submit Proof of Preservation Mechanism	VIII.D	
Within 1 year of Initial Discharge	Submit Proof of In-lieu Fee Payment	VIII.E	
August 1 st , Annually	Project Annual Report	VIII.A	
December 1 st , Annually	Mitigation and Monitoring Annual Reports	VIII.B	
August 1 st After Project Completion	Final Annual Project Report	VIII.A	
December 1 st After Mitigation Success	Final Mitigation and Monitoring Annual Report	VIII.B	

Required Notifications: 401 Certification No. 09C-078

Notification Requirement	Required Notification Period	Required Condition(s) To Be Met	Date Notified
Unauthorized Discharge	Within 24 Hours of Discharge	VII.A	
Transfer of Certification Responsibility	Within 10 Days of Transfer	VII.B	
Dredge or Fill Commencement	5 Days Prior to Commencement	VII.C	