

**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. R9-2013-0113**

**PROJECT: Portola Center  
Certification Number R9-2013-0113  
WDID: 9000002616**

Reg. Meas. ID: 391014  
Place ID: 795519  
Party ID: 251069  
Person ID: 534961

**APPLICANT: USA Portola Properties, LLC  
610 West Ash Street, Suite 1500  
San Diego, CA 92101**

On July 3, 2014, Clean Water Act Section 401 Water Quality Certification No. R9-2013-0113 (Certification) was issued to USA Portola Properties, LLC (Applicant) for the Portola Center Project (Project).

By email dated November 20, 2014, Vipul Joshi, on behalf of the Applicant, requested the Certification be amended to allow more time to complete a preservation mechanism that will protect the mitigation areas and change the due dates of the Annual Project Progress Reports and Annual Compensatory Mitigation Monitoring Reports (Annual Reports).

Based on the Applicant's request, the San Diego Water Board is amending the Certification. Except as modified or superseded by the Certification modifications set forth below, all of the findings, provisions and other requirements of Certification No. R9-2013-0113 remain in full force and effect. The following changes are made to Certification No. R9-2013-0113 and are shown in underline/strikeout format to indicate added and removed language:

**1. Page 14, PROJECT IMPACTS AND COMPENSATORY MITIGATION condition V.I is modified as follows:**

**Mitigation Site(s) Preservation Mechanism. Within 60 days from the start of Project construction**, the Applicant must provide the San Diego Water Board a draft preservation mechanism (e.g. deed restriction, conservation easement, etc.) that will protect all mitigation areas and their buffers in perpetuity. **Within one year of the issuance of this Certification start of Project construction**, the Applicant must submit proof of a completed final preservation mechanism that will protect all mitigation areas and their buffers in perpetuity. The conservation easement, deed restriction, or other legal limitation on the mitigation properties must be adequate to demonstrate that the sites will be maintained without future development or encroachment on the sites which could otherwise reduce the functions and values of the sites for the variety of beneficial uses of waters of the United States and/ or State

that it supports. The legal limitation must prohibit, without exception, all residential, commercial, industrial, institutional, and transportation development, and any other infrastructure development that would not maintain or enhance the wetland and streambed functions and values of the sites. The preservation mechanism must clearly prohibit activities that would result in soil disturbance or vegetation removal, other than the removal of non-native vegetation. Other infrastructure development to be prohibited includes, but is not limited to, additional utility lines, maintenance roads, and areas of maintained landscaping for recreation.

**2. Page 15, MONITORING AND REPORTING REQUIREMENTS condition VI.F is modified as follows:**

**Annual Project Progress 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 ~~May 4~~ **October 15** of each year following the issuance of this Certification, until the Project has reached completion. The monitoring period for each Annual Project Progress Report shall be August 1<sup>st</sup> through July 31<sup>st</sup> of each year.

**3. Page 16, MONITORING AND REPORTING REQUIREMENTS condition VI.I is modified as follows:**

**Annual Compensatory Mitigation Monitoring Report.** The Applicant must submit compensatory mitigation monitoring reports, annually, by ~~May 4~~ **October 15** of each year containing sufficient information to demonstrate how the compensatory mitigation project is progressing towards accomplishing its objectives and meeting its performance standards. The monitoring period for each Annual Compensatory Mitigation Monitoring Report shall be August 1<sup>st</sup> through July 31<sup>st</sup> of each year. 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.

**4. Page 17, MONITORING AND REPORTING REQUIREMENTS condition VI.K is modified as follows:**

~~**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. R9-2013-0113:PIN 795519.~~

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

California Regional Water Quality Control Board  
San Diego Region  
Attn: 401 Certification No. R9-2013-0113:PIN 795519  
2375 Northside Drive, Suite 100  
San Diego, California 92108

Each electronic document must be submitted as a single file, in Portable Document Format (PDF) format, and converted to text searchable format using Optical Character Recognition (OCR). All electronic documents must include scanned copies of all signature pages; electronic signatures will not be accepted. Electronic documents submitted to the San Diego Water Board must include the following identification numbers in the header or subject line: Certification No. R9-2013-0113:PIN 795519

5. **Page 18, MONITORING AND REPORTING REQUIREMENTS condition VI.N is modified as follows:**

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

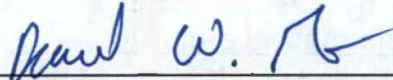
~~Executive Officer  
California Regional Water Quality Control Board  
San Diego Region  
Attn: 401 Certification No. R9-2013-0113:PIN 795519  
2375 Northside Drive, Suite 100  
San Diego, California 92108~~

**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](http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.

USA Portola Properties, LLC  
Portola Center Project  
Certification No. R9-2013-0113

July 3, 2014  
Amended on January 16, 2015

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. R9-2013-0113 issued on January 16, 2015.



\_\_\_\_\_  
David W. Gibson  
Executive Officer  
Regional Water Quality Control Board

16 January 2015  
Date

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

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

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

**PROJECT: Portola Center Project  
Certification Number R9-2013-0113  
WDID: 9000002616**

Reg. Meas. ID: 391014  
Place ID: 795519  
Party ID: 251069  
Person ID: 534961

**APPLICANT: USA Portola Properties, LLC  
610 West Ash Street  
San Diego, CA 92101**

**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 2, 2013 was submitted by USA Portola Properties, LLC (hereinafter Applicant), for Water Quality Certification pursuant to section 401 of the Clean Water Act (33 U.S.C. § 1341) for the proposed Portola Center Project (Project). The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) deemed the application to be complete on March 12, 2014. The Applicant proposes to discharge dredged or fill material to waters of the United States and/or State associated with construction activity at the Project site. The Applicant has also applied for a Clean Water Act section 404 permit from the United States Army Corps of Engineers for the Project (USACE File No. SPL-2013-00481-JPL).

The Project is located within the City of Lake Forest, Orange County, California, northwest of El Toro Road, and divided by Glenn Ranch Road. The Project center reading is located at latitude 33.67157 and longitude -117.63593. The Applicant has paid all required fees for this Certification in the amount of \$36,633.00. On June 13, 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 develop a total of 930 residential units, consisting of 704 single family detached units and 226 multi-family units, within a mixed-use area that also includes 10,000 sq. ft. of commercial/retail uses. The site would contain a series of pedestrian parks as

well as a neighborhood park, totaling 10.7 acres. Site development would require grading portions of the site, with the majority of slopes remaining below 2:1. Infrastructure to accommodate site development, including roadways and drainage basins, is also included in the Project.

The Project will convert approximately 105.3 acres of pervious ground cover to impervious surfaces. Runoff leaving the developed Project area would be significantly greater in volume, velocity, peak flow rate, and duration than pre-development runoff from the same area without mitigation. Post-construction best management practices (BMPs) to manage and control the effects of these runoff increases will consist of 7 underground flow-through hydromodification/water quality chambers, 1 underground hydromodification use only chamber, 2 underground detention chambers and 1 above ground water quality basin (with combined uses for water quality treatment, hydromodification, and retention). These BMPs will be designed, constructed, and maintained to meet Orange County's Low Impact Development (LID) Capture Volume and hydromodification treatment requirements.

The Project application includes a description of the design objective, operation, and degree of treatment expected to be attained from equipment, facilities, or activities (including construction and post-construction BMPs) to treat waste and reduce runoff or other effluents which may be discharged. Compliance with the Certification conditions will help ensure that construction and post-construction discharges from the Project will not cause on-site or off-site downstream erosion, damage to downstream properties, or otherwise damage stream habitats in violation of water quality standards in the *Water Quality Control Plan for the San Diego Basin (9)* (Basin Plan).

Project construction will permanently impact 0.16 acre (250 linear feet) of wetland waters of the United States and/or State and 0.14 acre (3,783 linear feet) ephemeral 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 0.30 acre of jurisdictional waters will be achieved through the establishment, restoration, enhancement, and preservation of 2.69 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 material to waters of the United States and/or State will be completed by the Applicant at the Southern California Edison (SCE) conservation area located within the Aliso hydrologic sub-area (HSA 901.13) at a minimum compensation ratio of 9:1 (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 *Conceptual Habitat Mitigation and Monitoring Plan for the Portola Center Project (Off-Site SCE Property)* (Mitigation Plan), dated April, 2014. San Diego Water Board acceptance of the Mitigation Plan applies only to the Project described in this Certification and must not be construed as

approval for other current or future projects that are planning to use additional acreage at the site for mitigation. The Mitigation Plan is incorporated in this Certification by reference as if set forth herein. The Mitigation Plan provides for implementation of compensatory mitigation which offsets adverse water quality impacts attributed to the Project in a manner that protects and restores the abundance, types and conditions of aquatic resources and supports their beneficial uses. Implementation of the Mitigation Plan will reduce significant environmental impacts to resources within the San Diego Water Board's purview to a less than significant level. Based on all of these considerations, the Mitigation Plan will adequately compensate for the loss of beneficial uses and habitat within waters of the United States and/or State attributable to the Project.

Additional Project details are provided in Attachments 1 through 5 of this Certification.

## TABLE OF CONTENTS

I.	STANDARD CONDITIONS.....	5
II.	GENERAL CONDITIONS .....	5
III.	CONSTRUCTION BEST MANAGEMENT PRACTICES .....	8
IV.	POST-CONSTRUCTION BEST MANAGEMENT PRACTICES .....	10
V.	PROJECT IMPACTS AND COMPENSATORY MITIGATION.....	11
VI.	MONITORING AND REPORTING REQUIREMENTS .....	14
VII.	NOTIFICATION REQUIREMENTS .....	19
VIII.	CALIFORNIA ENVIRONMENTAL QUALITY ACT COMPLIANCE .....	20
IX.	SAN DIEGO WATER BOARD CONTACT PERSON .....	21
X.	WATER QUALITY CERTIFICATION.....	21

### Attachments:

1. Definitions
2. Project Location Maps
3. Project Site Plans
4. Mitigation Figures
5. CEQA Mitigation Monitoring and Reporting Program



## I. STANDARD CONDITIONS

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

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

## II. GENERAL CONDITIONS

- A. **Term of Certification.** Water Quality Certification No. R9-2013-0113 (Certification) shall expire upon a) the expiration or retraction of the Clean Water Act section 404 (33 U.S.C. §1344) permit issued by the U.S. Army Corps of Engineers for this Project, or b) five (5) years from the date of issuance of this Certification, whichever occurs first.
- B. **Duty to Comply.** The Applicant must comply with all conditions and requirements of this Certification. Any Certification noncompliance constitutes a violation of the Water Code and is grounds for enforcement action or Certification termination, revocation and reissuance, or modification.
- C. **General Waste Discharge Requirements.** The requirements of this Certification are enforceable through Water Quality Order No. 2003-0017-DWQ, *Statewide General Waste Discharge Requirements for Discharges of Dredged or Fill Material that have Received State Water Quality Certification* (Water Quality Order No. 2003-0017-DWQ). This provision shall apply irrespective of whether a) the federal permit for which the Certification was obtained is subsequently retracted or is expired, or b) the Certification is expired. Water Quality Order No. 2003-0017-DWQ is accessible at:

[http://www.waterboards.ca.gov/water\\_issues/programs/cwa401/docs/generalorders/gowdr401regulated\\_projects.pdf](http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/generalorders/gowdr401regulated_projects.pdf)

- D. Project Conformance with Application.** All water quality protection measures and BMPs described in the application and supplemental information for water quality certification are incorporated by reference into this Certification as if fully stated herein. Notwithstanding any more specific conditions in this Certification, the Applicant shall construct, implement and comply with all water quality protection measures and BMPs described in the application and supplemental information. The conditions within this Certification shall supersede conflicting provisions within the application and supplemental information submitted as part of this Certification action.
- E. Project Conformance with Water Quality Control Plans or Policies.** Notwithstanding any more specific conditions in this Certification, the Project shall be constructed in a manner consistent with the Basin Plan and any other applicable water quality control plans or policies adopted or approved pursuant to the Porter Cologne Water Quality Act (Division 7, commencing with Water Code Section 13000) or section 303 of the Clean Water Act (33 U.S.C §1313.)
- 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 Water Code, any substances or parameters at any location.

- I. **Enforcement Notification.** In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.
- J. **Certification Actions.** This Certification may be modified, revoked and reissued, or terminated for cause including but not limited to the following:
1. Violation of any term or condition of this Certification;
  2. Monitoring results indicate that continued Project activities could violate water quality objectives or impair the beneficial uses of the Aliso Creek or its tributaries;
  3. Obtaining this Certification by misrepresentation or failure to disclose fully all relevant facts;
  4. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge; and
  5. Incorporation of any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the Clean Water Act.
- The filing of a request by the Applicant for modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any Certification condition.
- K. **Duty to Provide Information.** The Applicant shall furnish to the San Diego Water Board, within a reasonable time, any information which the San Diego Water Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Certification or to determine compliance with this Certification.
- L. **Property Rights.** This Certification does not convey any property rights of any sort, or any exclusive privilege.
- M. **Petitions.** Any person aggrieved by this action of the San Diego Water Board may petition the State Water Board to review the action in accordance with the California Code of Regulations, title 23, sections 3867 and following. The State Water Resources Board must receive the petition by 5:00 p.m., 30 days after the date of this Order. 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](http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.

### III. CONSTRUCTION BEST MANAGEMENT PRACTICES

- A. **Approvals to Commence Construction.** The Applicant shall not commence Project construction until all necessary federal, state, and local approvals are obtained.
- B. **Personnel Education.** Prior to the start of the Project, and annually thereafter, the Applicant must educate all personnel on the requirements in this Certification, pollution prevention measures, spill response measures, and BMP implementation and maintenance measures.
- C. **Spill Containment Materials.** The Applicant must, at all times, maintain appropriate types and sufficient quantities of materials on-site to contain any spill or inadvertent release of materials that may cause a condition of pollution or nuisance if the materials reach waters of the United States and/or State.
- D. **General Construction Storm Water Permit.** Prior to start of Project construction, the Applicant must, as applicable, obtain coverage under, and comply with, the requirements of State Water Resources Control Board Water Quality Order No. 2009-0009-DWQ, the *General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activity*, (General Construction Storm Water Permit) and any reissuance. If Project construction activities do not require coverage under the General Construction Storm Water Permit, the Applicant must develop and implement a runoff management plan (or equivalent construction BMP plan) to prevent the discharge of sediment and other pollutants during construction activities.
- E. **Waste Management.** The Applicant must properly manage, store, treat, and dispose of wastes in accordance with applicable federal, state, and local laws and regulations. Waste management shall be implemented to avoid or minimize exposure of wastes to precipitation or storm water runoff. The storage, handling, treatment, or disposal of waste shall not create conditions of pollution, contamination or nuisance as defined in Water Code section 13050. Upon Project completion, all Project generated debris, building materials, excess material, waste, and trash shall be removed from the Project site(s) for disposal at an authorized landfill or other disposal site in compliance with federal, state and local laws and regulations.
- F. **Waste Management.** Except for a discharge permitted under this Certification, the 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 shall implement and maintain BMPs to prevent erosion of the rough graded areas. After completion of grading, all areas must be re-vegetated with native species appropriate for the area. The re-vegetation palette must not contain any plants listed on the California Invasive Plant Council Invasive Plant Inventory, which can be accessed at <http://www.cal-ipc.org/paf/>.
- L. **Hazardous Materials.** Except as authorized by this Certification, substances hazardous to aquatic life including, but not limited to, petroleum products, unused cement/concrete, asphalt, and coating materials, must be prevented from contaminating the soil and/or entering waters of the United States and/or State. BMPs must be implemented to prevent such discharges during each Project activity involving hazardous materials.
- M. **Vegetation Removal.** Removal of vegetation must occur by hand, mechanically, or through application of United States Environmental Protection Agency (USEPA) approved herbicides deployed using applicable BMPs to minimize adverse effects to beneficial uses of waters of the United States and/or State. Discharges related to the application of aquatic pesticides within waters of the United States must be done in compliance with State Water Resources Control Board Water Quality Order No. 2004-0009-DWQ, the *Statewide General National Pollution Discharge Elimination System Permit for the Discharge of Aquatic Weed Control in Waters of the United States*, and any subsequent reissuance as applicable.

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

#### IV. POST-CONSTRUCTION BEST MANAGEMENT PRACTICES

- A. **Post-Construction Discharges.** The Applicant shall not allow post-construction discharges from the Project site to cause or contribute to onsite or off-site erosion or damage to properties or stream habitats.
- B. **Storm Drain Inlets.** All storm drain inlet structures within the Project boundaries must be stamped or stenciled (or equivalent) with appropriate language prohibiting non-storm water discharges.
- C. **Post-Construction BMP Design.** The Project must be designed to comply with the most current Standard Storm Water Mitigation and Hydromodification Plans for Orange County. Post-construction BMPs, including those described in the *Water Quality Management Plan (WQMP) for: Portola Center Tentative Tract Map No. 15353 and Tentative Tract Map No. 17300 (SWMP)*, must treat 100 percent of the added impervious surface.
- D. **Post-Construction BMP Implementation.** All post-construction BMPs must be constructed, functional, and implemented prior to completion of Project construction, occupancy, and/or planned use, and maintained in perpetuity. The post construction BMPs must include those described in the SWMP, dated March 18, 2013, prepared on behalf of the Applicant by Hunsaker & Associates Inc.; or any subsequent version of the SWMP approved by the City of Lake Forest.

**E. Post-Construction BMP Maintenance.** The post construction BMPs must be designed, constructed, and maintained in accordance with the most recent California Storm Water Quality Association (CASQA)<sup>1</sup> guidance. The Applicant shall:

1. No less than two times per year, assess the performance of the BMPs to ensure protection of the receiving waters and identify any necessary corrective measures;
2. Perform inspections of BMPs, at the beginning of the wet season no later than October 1 and the end of the wet season no later than April 1, for standing water, slope stability, sediment accumulation, trash and debris, and presence of burrows;
3. Regularly perform preventative maintenance of BMPs, including removal of accumulated trash and debris, as needed to ensure proper functioning of the BMPs;
4. Identify and promptly repair damage to BMPs; and
5. Maintain a log documenting all BMP inspections and maintenance activities. The log shall be made available to the San Diego Water Board upon request.

**F. Stream Crossing Structures.** Bridges, culverts, dip crossings, or other stream crossing structures shall be designed and installed in a manner that will not cause scouring of the stream bed and/or erosion of the banks in the vicinity of the Project. Storm drain lines/culverts and other stream crossing structures shall be designed and maintained to accommodate at least a 100-year, 24-hour storm event, including associated bedload and debris with a similar average velocity as upstream and downstream sections. Bottoms of temporary culverts shall be placed at stream channel grade and bottoms of permanent culverts shall be open bottom or embedded and backfilled below the grade of the stream greater than or equal to a depth of 1 foot.

## **V. PROJECT IMPACTS AND COMPENSATORY MITIGATION**

**A. Project Impact Avoidance and Minimization.** The Project must avoid and minimize adverse impacts to waters of the United States and/or State to the maximum extent practicable.

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<sup>1</sup> California Storm Water Quality Association (*California Storm Water BMP Handbook, New Development and Redevelopment 2003*), available on-line at: <http://www.cabmphandbooks.org/> [Accessed on January 15, 2012]

**B. Project Impacts and Compensatory Mitigation.** Unavoidable Project impacts to tributaries to Aliso Creek within the San Juan Watershed must not exceed the type and magnitude of impacts described in the table below. At a minimum, compensatory mitigation required to offset unavoidable temporary and permanent Project impacts to waters of the United States and/or State must be achieved as described in the table below:

	Impacts (acres)	Impacts (linear ft.)	Mitigation for Impacts (acres)	Mitigation Ratio (area mitigated :area impacted)	Mitigation for Impacts (linear ft.)	Mitigation Ratio (linear feet mitigated :linear feet impacted)
Streambed	0.14	3,783	0.24 Establishment <sup>1</sup> 0.10 Rehabilitation <sup>2</sup> 0.01 Enhancement <sup>3</sup> 0.18 Preservation <sup>4</sup>	1.7:1 Establishment 0.71:1 Rehabilitation 0.07:1 Enhancement 1.29:1 Preservation	3,600 Establishment <sup>1</sup> 1,426 Rehabilitation <sup>2</sup> 192 Enhancement <sup>3</sup> 2,325 Preservation <sup>4</sup>	0.95:1 Establishment 0.38:1 Rehabilitation 0.05:1 Enhancement 0.61 Preservation
<b>Streambed Totals</b>	<b>0.14</b>	<b>3,783</b>	<b>0.53</b>	<b>3.77:1</b>	<b>7,543</b>	<b>1.99:1</b>
Wetland	0.16	250	0.16 Establishment <sup>5</sup> 2.01 Preservation <sup>6</sup>	1:1 Establishment 12.56:1 Preservation	527 Establishment <sup>5</sup> 950 Preservation <sup>6</sup>	2.11:1 Establishment 3.8:1 Preservation
<b>Wetland Totals</b>	<b>0.16</b>	<b>250</b>	<b>2.17</b>	<b>13.56:1</b>	<b>1,477</b>	<b>5.91:1</b>

1. Streambed establishment at the SCE conservation area.
2. Streambed rehabilitation at the SCE conservation area.
3. Streambed enhancement at the SCE conservation area.
4. Streambed preservation at the SCE conservation area.
5. Wetland establishment at the SCE conservation area.
6. Wetland preservation at the SCE conservation area.

**C. Compensatory Mitigation Plan Implementation.** The Applicant must fully and completely implement the Mitigation Plan; any deviations from, or revisions to, the Mitigation Plan must be pre-approved by the San Diego Water Board.

**D. Performance Standards.** Compensatory mitigation required under this Certification shall be considered as achieved once it has met the ecological success performance standards contained in section 6.0 of 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 interspersions among plant zones and layers.

**F. Temporary Project Impact Areas.** The Applicant must restore all areas of temporary disturbance which could result in a discharge or a threatened discharge of pollutants to waters of the United States and/or State. Restoration must include grading of disturbed areas to pre-project contours and re-vegetation with native species. The Applicant must implement all necessary BMPs to control erosion and runoff from areas associated with the Project.

**G. Long Term Management and Maintenance.** The compensatory mitigation site(s), must be managed, protected, and maintained, in perpetuity, in conformance with the long term management plan and the final ecological success performance standards identified in the Mitigation Plan. The aquatic habitats, riparian areas, buffers and uplands that comprise the mitigation site(s) must be protected in perpetuity from land-use and maintenance activities that may threaten water quality or beneficial uses within the mitigation area(s) in a manner consistent with the following requirements:

1. Any maintenance activities on the mitigation site(s) that do not contribute to the success of the mitigation site(s) and enhancement of beneficial uses and ecological functions and services are prohibited;
2. Maintenance activities must be limited to the removal of trash and debris, removal of exotic plant species, replacement of dead native plant species, and remedial measures deemed necessary for the success of the compensatory mitigation project;
3. The Mitigation site(s) must be maintained, in perpetuity, free of perennial exotic plant species including, but not limited to, pampas grass, giant reed, tamarisk, sweet fennel, tree tobacco, castor bean, and pepper tree. Annual exotic plant species must not occupy more than 5 percent of the mitigation site(s); and
4. If at any time a catastrophic natural event (e.g., fire, flood) causes damage(s) to the mitigation site(s) or other deficiencies in the compensatory mitigation project, the Applicant must take prompt and appropriate action to repair the damage(s) including replanting the affected area(s) and address any other deficiencies. The San Diego Water Board may require additional monitoring by the Applicant to assess how the compensatory mitigation site(s) or project is responding to a catastrophic natural event.

- H. **Timing of Mitigation Site Construction.** The construction of proposed mitigation must be concurrent with project grading and completed no later than 12 months following the start of Project construction. Delays in implementing mitigation must be compensated for by an increased mitigation implementation of 10% of the cumulative compensatory mitigation for each month of delay.
- I. **Mitigation Site(s) Preservation Mechanism. Within 60 days from the start of Project construction,** the Applicant must provide the San Diego Water Board a draft preservation mechanism (e.g. deed restriction, conservation easement, etc.) that will protect all mitigation areas and their buffers in perpetuity. **Within one year of the issuance of this Certification,** the Applicant must submit proof of a completed final preservation mechanism that will protect all mitigation areas and their buffers in perpetuity. The conservation easement, deed restriction, or other legal limitation on the mitigation properties must be adequate to demonstrate that the sites will be maintained without future development or encroachment on the sites which could otherwise reduce the functions and values of the sites for the variety of beneficial uses of waters of the United States and/ or State that it supports. The legal limitation must prohibit, without exception, all residential, commercial, industrial, institutional, and transportation development, and any other infrastructure development that would not maintain or enhance the wetland and streambed functions and values of the sites. The preservation mechanism must clearly prohibit activities that would result in soil disturbance or vegetation removal, other than the removal of non-native vegetation. Other infrastructure development to be prohibited includes, but is not limited to, additional utility lines, maintenance roads, and areas of maintained landscaping for recreation.

## VI. MONITORING AND REPORTING REQUIREMENTS

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

- d. The individual(s) who performed the analyses;
- e. The analytical techniques or methods used; and
- f. The results of such analyses.

**E. California Rapid Assessment Method.** California Rapid Assessment Method (CRAM)<sup>2</sup> monitoring must be performed to assess the current and potential ecological conditions (ecological integrity) of the impact site and proposed compensatory mitigation site(s). These conditions reflect the overall level of ecological function of an aquatic resource. Prior to initiating Project construction, the Applicant shall develop a monitoring plan to implement California Rapid Assessment Method (CRAM) monitoring. The Applicant must conduct a quantitative function-based assessment of the health of streambed habitat to establish pre-project baseline conditions, set CRAM success criteria, and assess the mitigation site(s) progress towards meeting the success criteria. CRAM monitoring must be conducted prior to the start of Project construction authorized under this Certification and annually following construction completion for a period of 5 years. The annual CRAM monitoring results shall be submitted with the Annual Project Progress Report. An evaluation, interpretation, and tabulation of all CRAM assessment data shall be submitted with the Final Project Completion Report.

**F. Annual Project Progress 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 **May 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;
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; and

The results of the California Rapid Assessment Method (CRAM) monitoring required under section VI.E of this Certification.

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<sup>2</sup> The most recent versions of the California Rapid Assessment Method (CRAM) for Wetlands and additional information regarding CRAM can be accessed at <http://www.cramwetlands.org/>

H. **Final Project Completion Report.** The Applicant must submit a Final Project Completion Report to the San Diego Water Board **within 30 days of completion of the Project.** The final report must include the following information:

1. Date of construction initiation;
2. Date of construction completion;
3. BMP installation and operational status for the Project;
4. As-built drawings of the Project, no bigger than 11"X17";
5. Photo documentation of implemented post-construction BMPs. 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](http://www.waterboards.ca.gov/sandiego/water_issues/programs/401_certification/docs/StreamPhotoDocSOP.pdf)

In addition, photo documentation must include Global Positioning System (GPS) coordinates for each of the photo points referenced; and

6. An evaluation, interpretation, and tabulation of all California Rapid Assessment Method (CRAM) assessment data collected throughout the term of Project construction in accordance with section VI.E of this Certification.
- I. **Annual Compensatory Mitigation Monitoring Report.** The Applicant must submit compensatory mitigation monitoring reports, annually, by **May 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 following mitigation site(s) characteristics:

- a. Detritus cover;
  - b. General topographic complexity;
  - 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. A description of the progress toward implementing a plan to manage the compensatory mitigation project after performance standards have been achieved to ensure the long term sustainability of the resource in perpetuity, including a discussion of long term financing mechanisms, the party responsible for long term management, and a timetable for future steps;
  6. Qualitative and quantitative comparisons of current mitigation conditions with pre-construction conditions and previous mitigation monitoring results;
  7. 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](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;
  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. R9-2013-0113:PIN 795519.

**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. R9-2013-0113:PIN 795519  
2375 Northside Drive, Suite 100  
San Diego, California 92108

## VII. NOTIFICATION REQUIREMENTS

- A. **Twenty Four Hour Non-Compliance Reporting.** The Applicant shall report any noncompliance which may endanger health or the environment. Any such information shall be provided orally to the San Diego Water Board within **24 hours** from the time the Applicant becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Applicant becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The San Diego Water Board, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
- B. **Hazardous Substance Discharge.** Except for a discharge which is in compliance with this Certification, any person who, without regard to intent or negligence, causes or permits any hazardous substance or sewage to be discharged in or on any waters of the State, shall as soon as (a) that person has knowledge of the discharge, (b) notification is possible, and (c) notification can be provided without substantially impeding cleanup or other emergency measures, immediately notify the County of Orange, in accordance with California Health and Safety Code section 5411.5 and the California Office of Emergency Services of the discharge in accordance with the spill reporting provision of the State toxic disaster contingency plan adopted pursuant to Government Code Title 2, Division 1, Chapter 7, Article 3.7 (commencing with section 8574.17), and immediately notify the State Water Board or the San Diego Water Board of the discharge. This provision does not require reporting of any discharge of less than a reportable quantity as provided for under subdivisions (f) and (g) of section 13271 of the Water Code unless the Applicant is in violation of a Basin Plan prohibition.
- C. **Oil or Petroleum Product Discharge.** Except for a discharge which is in compliance with this Certification, any person who without regard to intent or negligence, causes or permits any oil or petroleum product to be discharged in or on any waters of the State, or discharged or deposited where it is, or probably will be, discharged in or on any waters of the State, shall, as soon as (a) such person has knowledge of the discharge, (b) notification is possible, and (c) notification can be provided without substantially impeding cleanup or other emergency measures, immediately notify the California Office of Emergency Services of the discharge in accordance with the spill reporting provision of the State oil spill contingency plan adopted pursuant to Government Code Title 2, Division 1, Chapter 7, Article 3.7 (commencing with section 8574.1). This requirement does not require reporting of any discharge of less than 42 gallons unless the discharge is also required to be reported pursuant to Clean Water Act section 311, or the discharge is in violation of a Basin Plan prohibition.
- D. **Anticipated Noncompliance.** The Applicant shall give advance notice to the San Diego Water Board of any planned changes in the Project or the Compensatory Mitigation project which may result in noncompliance with Certification conditions or requirements.

E. **Transfers.** This Certification is not transferable in its entirety or in part to any person or organization except after notice to the San Diego Water Board in accordance with the following terms:

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

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

## VIII. CALIFORNIA ENVIRONMENTAL QUALITY ACT COMPLIANCE

- A. The City of Lake Forest is the Lead Agency under the California Environmental Quality Act (CEQA) (Public Resources Code section 21000, et seq.) section 21067, and CEQA Guidelines (California Code of Regulations, title 14, section 15000 et seq.) section 15367, and has filed a Notice of Determination dated November 6, 2013 for the *Final*



*Subsequent Environmental Impact Report Portola Center Project* (SEIR, State Clearing House Number 2012061063). The SEIR is tiered from the *Lake Forest Opportunities Study Area Program Environmental Impact Report*. The Lead Agency has determined the Project will have a significant effect on the environment and mitigation measures were made a condition of the Project.

- B. The San Diego Water Board is a Responsible Agency under CEQA (Public Resources Code section 21069; CEQA Guidelines section 15381). The San Diego Water Board has considered the Lead Agency's SEIR and finds that the Project as proposed will have a significant effect on resources within the San Diego Water Board's purview.
- C. The San Diego Water Board has required mitigation measures as a condition of this Certification to avoid or reduce the environmental effects of the Project to resources within the Board's purview to a less than significant level.
- D. The Lead Agency has adopted a mitigation monitoring and reporting program pursuant to Public Resources Code section 21081.6 and CEQA Guidelines section 15097 to ensure that mitigation measures and revisions to the Project identified in the FEIR are implemented. The Mitigation Monitoring and Reporting Program (MMRP) is included and incorporated by reference in Attachment 5 to this Certification. The Applicant shall implement the Lead Agency's MMRP described in the FEIR, as it pertains to resources within the San Diego Water Board's purview. The San Diego Water Board has imposed additional MMRP requirements as specified in section VI of this Certification.
- E. As a Responsible Agency under CEQA, the San Diego Water Board will file a Notice of Determination in accordance with CEQA Guidelines section 15096 subdivision (i).

#### **IX. SAN DIEGO WATER BOARD CONTACT PERSON**

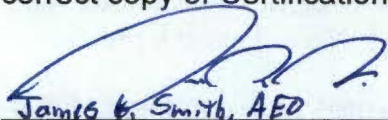
Darren Bradford, Environmental Scientist  
California Regional Water Quality Control Board, San Diego Region  
2375 Northside Drive, Suite 100  
San Diego, California 92108  
Telephone: (619) 521-3356  
Email: [darren.bradford@waterboards.ca.gov](mailto:darren.bradford@waterboards.ca.gov)

#### **X. WATER QUALITY CERTIFICATION**

I hereby certify that the proposed discharge from the **Portola Center Project** (Certification No. R9-2013-0113) 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. R9-2013-0113 issued on July 3, 2014.



*for* James G. Smith, AEO  
DAVID W. GIBSON  
Executive Officer  
San Diego Water Board

3 July 2014  
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.

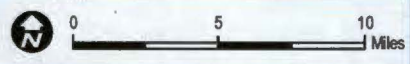
**Water quality objectives and other appropriate requirements of state law** – means the water quality objectives and beneficial uses as specified in the appropriate water quality control plan(s); the applicable provisions of sections 301, 302, 303, 306, and 307 of the Clean Water Act; and any other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

USA Portola Properties, LLC  
Portola Center Project  
Certification No. R9-2013-0113

**ATTACHMENT 2  
PROJECT LOCATION MAPS**

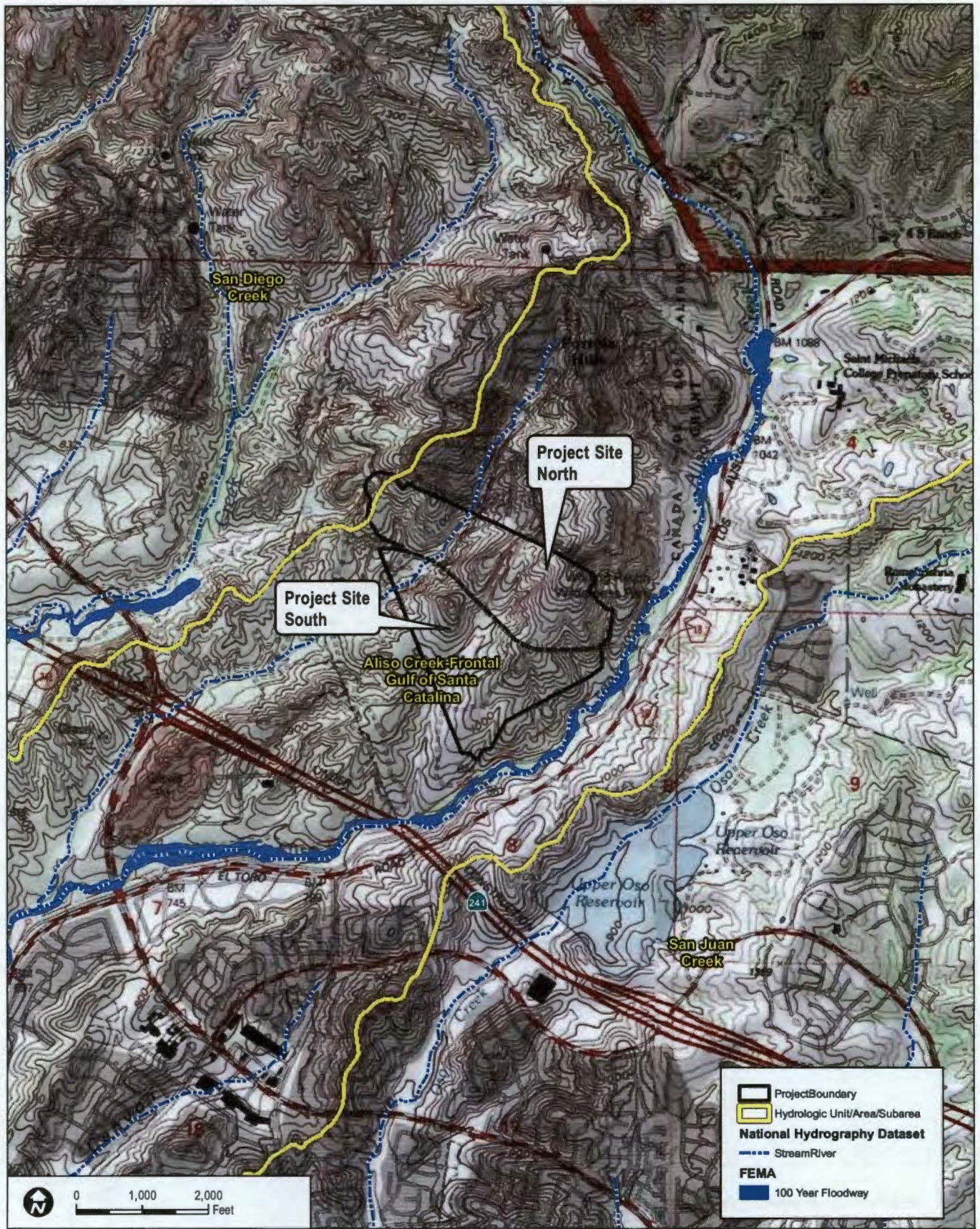


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<b>DUDEK</b>
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<b>FIGURE 1</b>	
<b>Regional Map</b>	
Portola Center - Joint Permit Application	



**DUDEK**

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SOURCE: ArcGIS Online World Topographic Map  
Federal Emergency Management Agency (FEMA)  
USGS National Hydrography Dataset

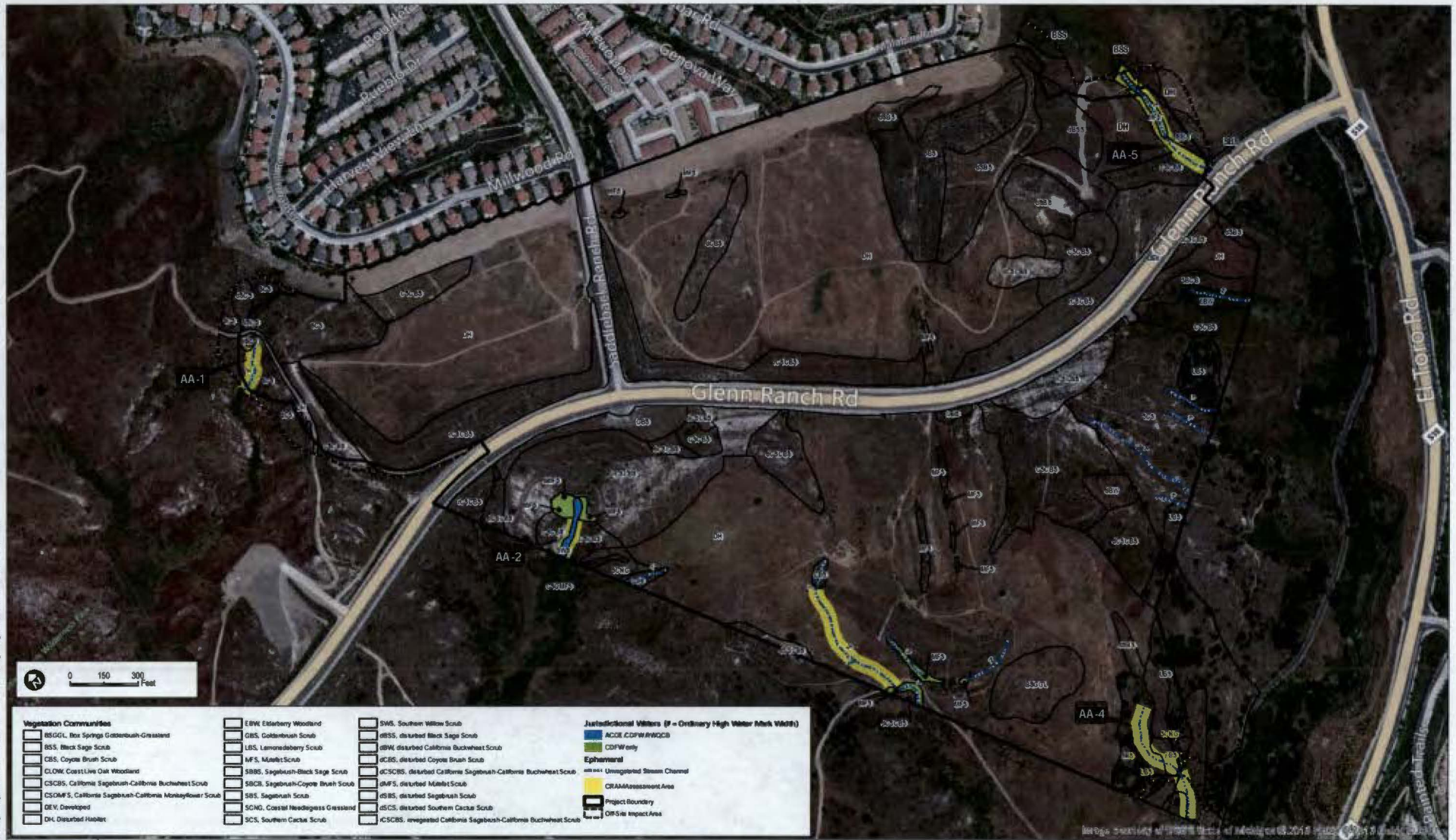
Portola Center - Joint Permit Application

**FIGURE 3**  
**Hydrologic Setting**

USA Portola Properties, LLC  
Portola Center Project  
Certification No. R9-2013-0113

**ATTACHMENT 3  
PROJECT SITE PLANS**





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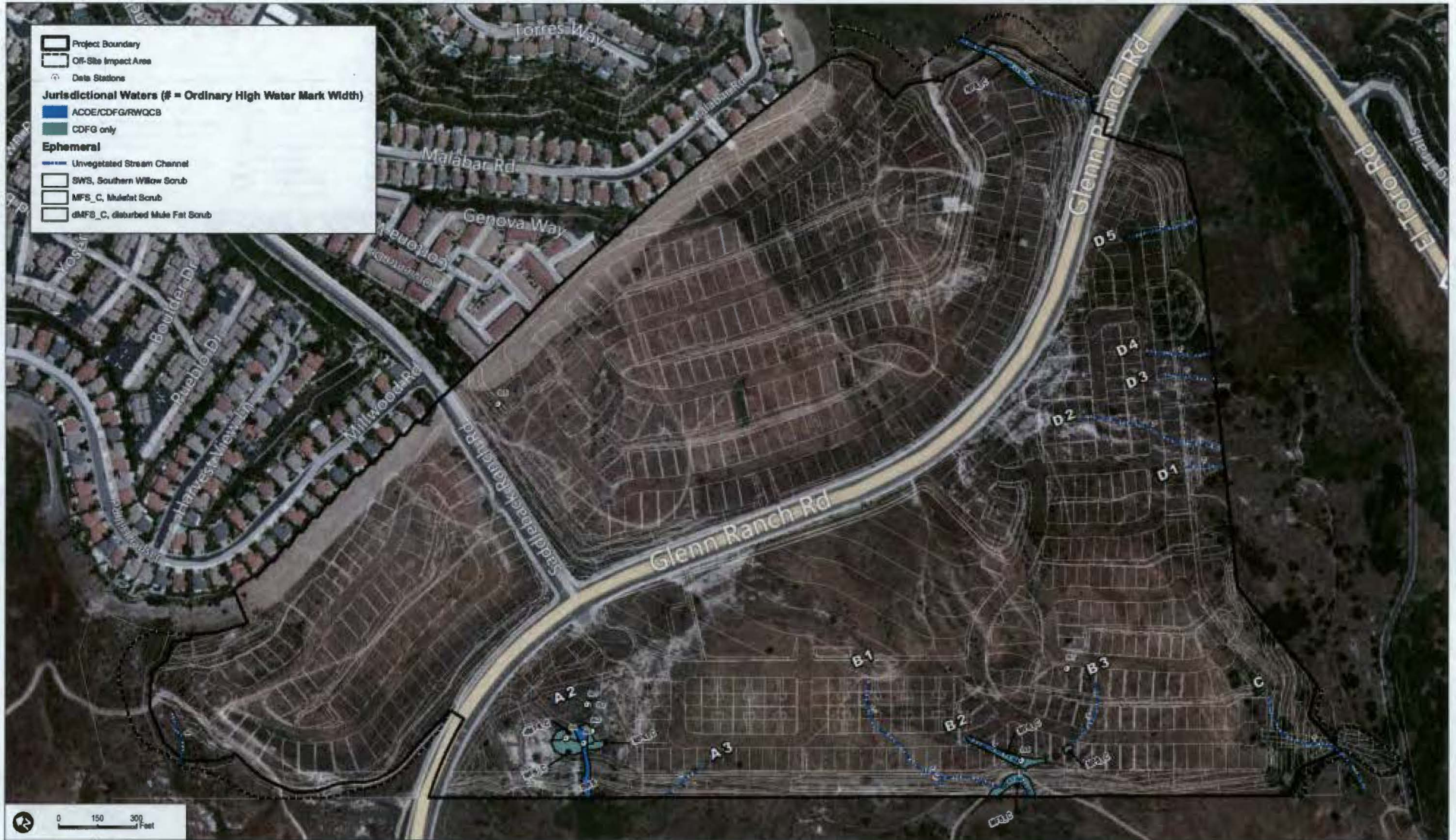
SOURCE: BING MAPPING SERVICE

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Portola Center - Baseline California Rapid Assessment Method Report

**FIGURE 3**

**Biological Resources Map with Assessment Areas**



**DUDEK**

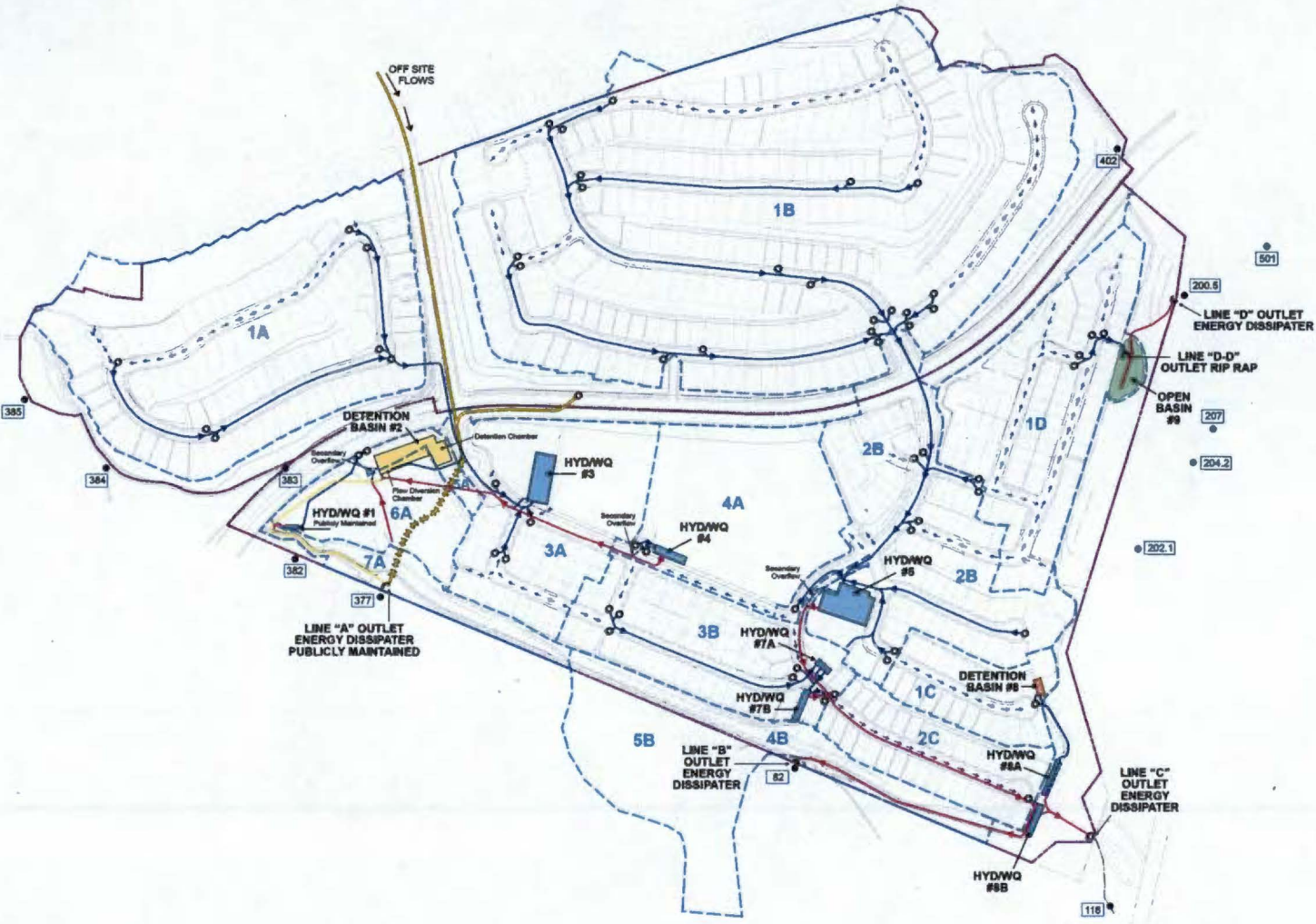
AERIAL SOURCE: BING MAPPING SERVICE

6886

Parola Center - ACOE Linear Foot Walver Memo

**FIGURE 5**  
**Jurisdictional Delineation Map with Site Plan**

Detention / Hydromod and  
Water Quality Basins

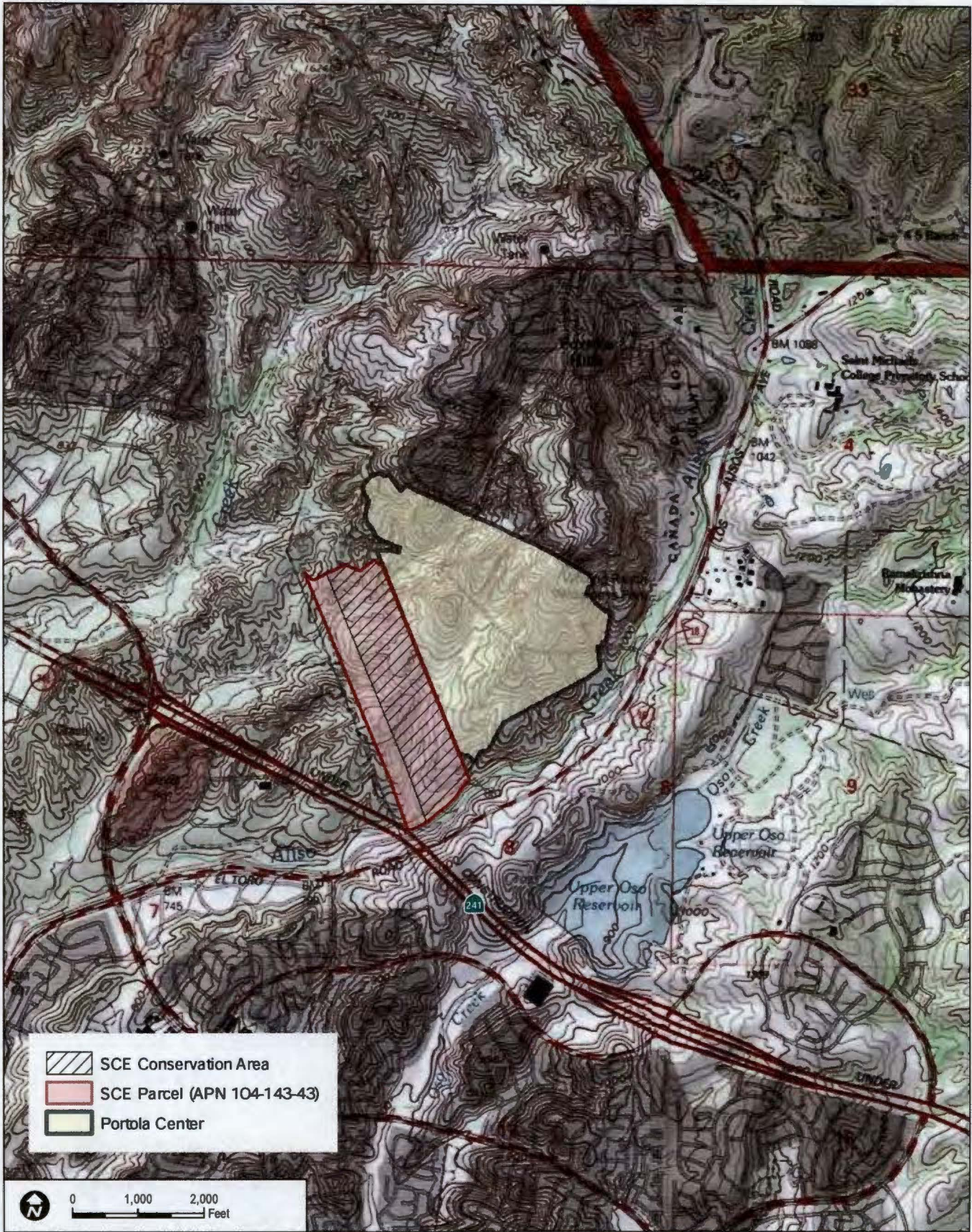


- Portola Hills Detention Chamber Publicly Maintained
- Portola Center Detention Chamber
- Hydromod / Water Quality Underground Chamber
- Hydromod / Water Quality / Detention Basin
- Existing Public Storm Drain Publicly Maintained (To Remain)
- Existing Public Storm Drain (To be Abandoned)
- Proposed Storm Drain (Pre-Treated Flows)
- Proposed Storm Drain (Post-Treatment)
- Proposed Publicly Maintained Storm Drain (Post-Treatment / Off Site Flows)
- Pre Treated Surface Flows Upstream from Storm Drain Inlet
- Proposed Storm Drain Inlet
- Proposed Post Treatment Outlet
- Tributary Area Boundary
- Tract Boundary
- Node Number

**PORTOLA CENTER**  
A Planned Community by USA Portola Properties, LLC in the City of Lake Forest, California

USA Portola Properties, LLC  
Portola Center Project  
Certification No. R9-2013-0113

**ATTACHMENT 4  
MITIGATION FIGURES**



**DUDEK**

SOURCE: ArcGIS Online World Topographic Map, El Toro Quadrangle.

6888

Conceptual Habitat Mitigation and Monitoring Plan for the Portola Center Project (Off-Site SCE Property)

**FIGURE 2**  
**Vicinity Map**



Figure 3

Biological Resources Map

DUDEK

AERIAL SOURCE: BING MAPPING SERVICE

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Conceptual Habitat Mitigation and Monitoring Plan for the Portola Center Project (Off-Site SCE Property)



**SCE Property Mitigation/Proposed Revegetation**

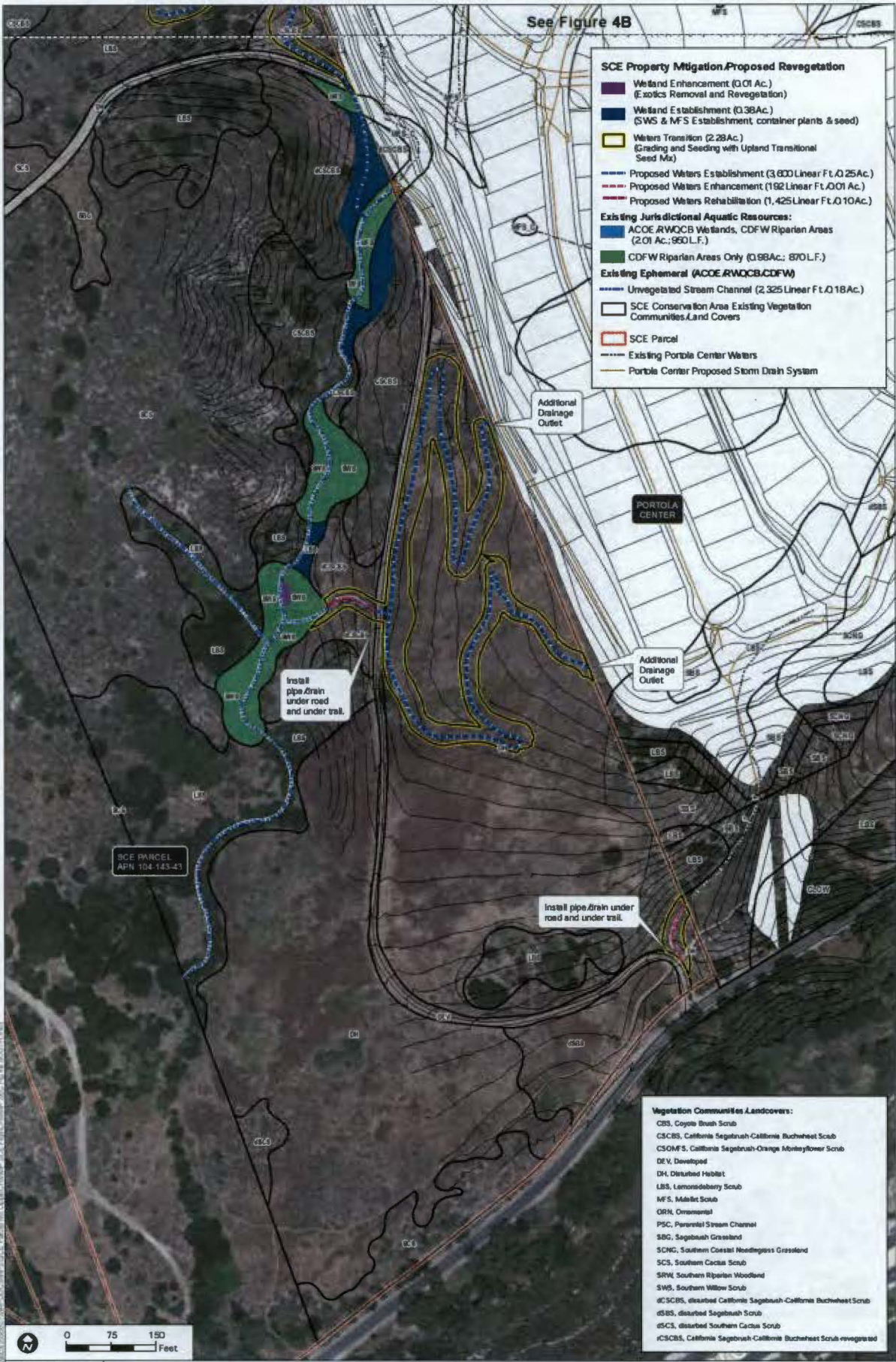
- Wetland Enhancement (0.01 Ac.)  
(Exotics Removal and Revegetation)
  - Wetland Establishment (0.38 Ac.)  
(SWS & MFS Establishment, container plants & seed)
  - Waters Transition (2.28 Ac.)  
(Grading and Seeding with Upland Transitional Seed Mix)
  - Proposed Waters Establishment (3,800 Linear Ft./0.25 Ac.)
  - Proposed Waters Enhancement (1,921 Linear Ft./0.01 Ac.)
  - Proposed Waters Rehabilitation (1,425 Linear Ft./0.10 Ac.)
- Existing Jurisdictional Aquatic Resources:**
- ACOE RWQCB Wetlands, CDFW Riparian Areas (2.01 Ac., 950 L.F.)
  - CDFW Riparian Areas Only (0.98 Ac., 870 L.F.)
- Existing Ephemeral (ACOE RWQCB, CDFW)**
- Unvegetated Stream Channel (2,325 Linear Ft./0.18 Ac.)
- Other Features:**
- SCE Conservation Area Existing Vegetation Communities/Land Covers
  - SCE Parcels
  - Existing Portola Center Unvegetated Stream Channels
  - Portola Center Proposed Storm Drain System

**Vegetation Communities/Land Covers**

- CBS, Coyote Brush Scrub
- CSCBS, California Sagebrush-California Buckwheat Scrub
- CSOMFS, California Sagebrush-Orange Monkeyflower Scrub
- DEV, Developed
- DH, Disturbed Habitat
- LBS, Lemonadeberry Scrub
- MFS, Mulefat Scrub
- SBG, Sagebrush Grassland
- SCNG, Southern Coastal Needlegrass Grassland
- SCS, Southern Cactus Scrub
- SWS, Southern Willow Scrub
- dCSCBS, disturbed California Sagebrush-California Buckwheat Scrub
- dSBS, disturbed Sagebrush Scrub
- dSCS, disturbed Southern Cactus Scrub

**Figure 4**  
**SCE Property Mitigation/Revegetation Opportunities Overview Map**

See Figure 4B



- SCE Property Mitigation/Proposed Revegetation**
- Wetland Enhancement (0.01 Ac.) (Exotics Removal and Revegetation)
  - Wetland Establishment (0.38Ac.) (SWS & MFS Establishment container plants & seed)
  - Waters Transition (2.29Ac.) (Grading and Seeding with Upland Transitional Seed Mix)
  - Proposed Waters Establishment (3,600 Linear Ft./0.25Ac.)
  - Proposed Waters Enhancement (192 Linear Ft./0.01 Ac.)
  - Proposed Waters Rehabilitation (1,425 Linear Ft./0.10Ac.)
- Existing Jurisdictional Aquatic Resources:**
- ACOE RWQCB Wetlands, CDFW Riparian Areas (2.01 Ac.; 960 L.F.)
  - CDFW Riparian Areas Only (0.98Ac.; 870 L.F.)
- Existing Ephemeral (ACOE/RWQCB/CDFW)**
- Unvegetated Stream Channel (2,325 Linear Ft./0.18Ac.)
- SCE Conservation Area Existing Vegetation Communities Land Covers**
- SCE Parcel
  - Existing Portola Center Waters
  - Portola Center Proposed Storm Drain System

- Vegetation Communities Landcovers:**
- CBS, Coyote Brush Scrub
  - CSCBS, California Sagebrush-California Buckwheat Scrub
  - CSOMFS, California Sagebrush-Orange Monkeyflower Scrub
  - DE V, Developed
  - DH, Disturbed Habitat
  - LBS, Lemonadeberry Scrub
  - MFS, Madrillet Scrub
  - ORN, Ornamental
  - PSC, Perennial Stream Channel
  - SBG, Sagebrush Grassland
  - SCNG, Southern Coastal Needlegrass Grassland
  - SCS, Southern Cactus Scrub
  - SRW, Southern Riparian Woodland
  - SWS, Southern Willow Scrub
  - CSCBS, disturbed California Sagebrush-California Buckwheat Scrub
  - CSBS, disturbed Sagebrush Scrub
  - CSCS, disturbed Southern Cactus Scrub
  - CSCBS, California Sagebrush-California Buckwheat Scrub-revegetated

**DUDEK**

AERIAL SOURCE: BING MAPPING SERVICE

**Figure 4A**  
**SCE Property Mitigation/Revegetation Opportunities (South Portion Enlargement)**

6888

Conceptual Habitat Mitigation and Monitoring Plan for the Portola Center Project (Off-Site SCE Property)





USA Portola Properties, LLC  
Portola Center Project  
Certification No. R9-2013-0113

**ATTACHMENT 5**  
**CEQA MITIGATION MONITORING AND REPORTING PROGRAM**



Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	specifications shall be subject to review for expansive soils and approval by the City of Lake Forest Department of Public Works.							
GEO-7	Concurrent with submittal of the 40-scale grading plans, the City's Engineer shall confirm that the project's Final Geotechnical Engineering Report includes recommendations from a corrosion engineer for proper protection of buried metal pipes at the project site.	Applicant/ Geotechnical Engineer	Prior to submittal of Final Geotechnical Engineering Report	City Engineer	At time of 40-scale Grading Plan submittal			
<b>HYDROLOGY</b>								
<b>Standard Conditions of Approval</b>								
	Compliance with NPDES, DAMP, Groundwater Management Plan.	Applicant/ Project Engineer	Prior to Plan submittals to City	City Engineer/ Public Works Department	Review of Project Plans			
	Compliance with Lake Forest Municipal Code and County of Orange Codes regulating drainage and water quality.	Applicant/ Project Engineer	Prior to Plan submittals to City	City Engineer/ Public Works Department/ Director of Development Services	Review of Project Plans			
DFN4	Prior to the issuance of a certificate of occupancy <u>related to a given area, neighborhood, or building site of the project</u> , the applicant shall demonstrate that all structural Best Management Practices (BMP) described in the project's <u>Final Water Quality Management Plan (WQMP) that serve as water quality treatment and detention facilities for that area, neighborhood, or building site of the project</u> have been constructed and installed. In addition, the applicant <del>is prepared to</del> shall implement all non-structural BMP's described in the project's <u>Final WQMP for that portion of the project site</u> . Two (2) copies of the <u>Final WQMP</u> shall be available on-site. Prior to the issuance of a certificate of occupancy, all	Applicant/ Project Engineer	Prior to Issuance of a Certificate of Occupancy	City Engineer/ Public Works Department	Prior to Issuance of a Certificate of Occupancy/ Review of Project Plans			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	equipment shall be in place and in good working order as indicated in the <u>Final WQMP</u> .							
<b>Applicable OSA PEIR Mitigation Measures</b>								
3.8-1	<p><del>Prior to approval of a Parcel Map or a Tentative Tract Map (whichever comes first), Concurrent with submittal of the 40-scale grading plans,</del> the applicant shall submit a <u>Final Water Quality Management Plan (WQMP)</u>, including a <u>Final hydrology study</u>, if appropriate, for review and approval of the City Engineer. The <u>Final WQMP Plan</u> shall include Best Management Practices (BMP's) in accordance with the latest City of Lake Forest Water Quality Management Plan Template User Guide and include stormwater detention/retention features, if necessary, to mitigate impacts of changes in stormwater rates or volumes as identified in the site-specific <u>Final hydrology study</u>. <u>The Final hydrology study shall comply with the Orange County Hydrology Manual (OCHM) and addresses the following as part of final design:</u></p> <ul style="list-style-type: none"> <li>▪ <u>The time of concentration (Tc) for the different storm events shall be calculated to provide correct times for each storm event in both existing and proposed condition rational method models.</u></li> <li>▪ <u>Orange County Hydrology Manual recommendations shall be utilized for small area hydrograph analysis or justification for the use of different values.</u></li> <li>▪ <u>Equation D.4 shall be utilized for calculating effective area, consistent with the Orange County Hydrology Manual.</u></li> <li>▪ <u>Verify details of the diversion structure for Basin #2 to ensure it functions as intended.</u></li> </ul>	Applicant	At time of 40-scale Grading Plan submittal	City Engineer	At time of 40-scale Grading Plan submittal/ Review of Project Plans			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
3.8-2	<p>All City landscape contractors and project developers shall be required, as part of their contract, <u>Prior to the approval of a Master Landscape Plan the applicant shall to submit to the City a landscape design plan including that includes</u> the following elements:</p> <ul style="list-style-type: none"> <li>▪ Maximized use of native plant species with minimum water and fertilizer requirements</li> <li>▪ Watering shall be kept to the minimum necessary to maintain new landscaping</li> <li>▪ Drip irrigation shall be used only until the native landscaping is established</li> <li>▪ Minimal use of fertilizers and pesticides</li> </ul>	Applicant	Prior to approval of a Master Landscape Plan	Public Works Department / Planning Department	Prior to approval of a Master Landscape Plan.			
3.8-4	<p>Prior to the issuance of a grading permit, the applicant shall develop and implement appropriate Best Management Practices, such as a nutrient management program, to reduce the amount of nutrients entering the watershed (see San Luis Rey Watershed Urban Runoff Management Program <a href="http://www.projectcleanwater.org/html/wurmp_san_luis_rey.htm">http://www.projectcleanwater.org/html/wurmp_san_luis_rey.htm</a>) for an example of a management program that addresses nutrients). In addition, a pesticide management program shall be developed to reduce the amounts of pesticides entering the watershed through minimizing the use of pesticides and emphasizing non-chemical controls (see the City of San Francisco's Integrated Pest Management Program (<a href="http://www.sfgov.org/site/frame.asp?u=http://www.sfwater.org/">http://www.sfgov.org/site/frame.asp?u=http://www.sfwater.org/</a>) for an example). These plans shall be approved by the City prior to issuance of a grading permit.</p>	Applicant/ Project Engineer	Prior to Issuance of a Grading Permit	City Engineer	Prior to Issuance of a Grading Permit			
<b>Additional Mitigation Measures</b>								
	No additional mitigation measures are required.							



Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
<b>Modified Initial Study Mitigation Measures</b>								
SC DFN2	Prior to the issuance of a grading permit, the applicant shall demonstrate to the <del>Building Official</del> <u>City Engineer/ Public Works Director</u> that coverage has been obtained under California's General Permit for Storm Water Discharge Associated with Industrial Activity by providing a copy of the Notice of Intent (NOI) submitted to the State Water Resources Control Board and a copy of the subsequent notification of the issuance of a Waste Discharge Identification (WDID) Number to the Building Official. Prior to the issuance of a grading permit, the applicant shall submit to the Building Official for review and approval a Stormwater Pollution Prevention Plan (SWPPP). A copy of the approved SWPPP shall be kept at the project site and available for review upon request.	Applicant	Prior to Issuance of a Grading Permit	City Engineer/ Public Works Director	Prior to Issuance of a Grading Permit			
<b>TRAFFIC</b>								
<b>Standard Conditions of Approval</b>								
FFP1	<p>Prior to the issuance of a building permit, the applicant shall pay fees to the City of Lake Forest as prescribed in the Major Thoroughfare and Bridge Fee Program, including but not limited to the following:</p> <ul style="list-style-type: none"> <li>▪ Foothill Circulation Phasing Plan -- <del>Zone 2, 3, 4, 5 or 8</del></li> <li>▪ Foothill/Eastern Transportation Corridor -- <del>Zone A or Zone B</del></li> <li>▪ Santiago Canyon Road</li> <li>▪ <del>Drainage Fees (\$945.00/Acre)</del></li> <li>▪ El Toro Road</li> <li>▪ <u>LFTM Program</u></li> </ul>	Applicant	Prior to Issuance of a Building Permit	City of Lake Forest	Prior to Issuance of a Building Permit			
<b>Applicable OSA PEIR Mitigation Measures</b>								
	No OSA Mitigation Measures are applicable to this topical area.							

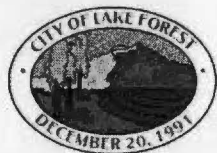


Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	Road and Saddleback Ranch Road to ensure that the interior CNEL would not exceed 45 dB. To mitigate the interior noise impact, the homes and multifamily buildings would most likely require air-conditioning and/or mechanical ventilation and possibly sound-rated windows.							
N-4	Prior to issuance of building permits, the Applicant shall demonstrate that all stands and general spectator areas shall be located a minimum of 150 feet from the closest residential property line. Alternatively, noise barriers (e.g., sound walls or berms) up to six feet in height above the finished grade shall be constructed along the western boundaries of all lots with a direct line-of-sight to the proposed 5-acre public Neighborhood Park. The noise barriers, such as solid walls or noise-rated glass, shall be located along the line of sight between the residential outdoor activity areas (i.e., rear yards) and the spectator areas in the park. The parks shall not be used between the hours of 10:00 p.m. and 7:00 a.m.	Applicant	Prior to Issuance of a Building Permit	City Engineer/ Development Services Department	Prior to Issuance of a Building Permit			
N-5	Prior to issuance of building permits, a noise assessment shall be prepared for the commercial property outdoor mechanical equipment. The noise assessment shall identify any noise control measures necessary to comply with the City's Noise Ordinance requirements.	Applicant	Prior to Issuance of a Building Permit	Development Services Department	Prior to Issuance of a Building Permit			
<b>BIOLOGICAL RESOURCES</b>								
<b>Modified Initial Study Mitigation Measures</b>								
MM 3.4-1	<del>Sensitive Species Surveys. Where future development projects have the potential to reduce or eliminate habitat for native plant and wildlife species or sensitive habitats, including but not limited to those listed in Appendix E (Sensitive Species Potentially Occurring within</del>	Applicant	Prior to Issuance of a Grading Permit	Director of Development Services	Prior to Issuance of a Grading Permit			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	<p>the Project Area), the project applicant shall conduct biological field surveys of the Project Area to characterize the extent and quality of habitat that would be impacted by project development. Surveys shall be conducted in accordance with current CDFG or USFWS survey protocols for the target species by qualified biologists or botanists. If no sensitive species are observed and the regulatory agencies agree with those findings then no further mitigation will be required for the species. Similarly, if no sensitive habitats are observed and the regulatory agencies agree with those findings then no further mitigation will be required. [THE APPLICANT HAS COMPLIED WITH THIS REQUIREMENT]</p> <p>If sensitive species or habitats are documented on a specific site, and the species or habitat is covered by the NCCP/HCP the applicant shall conform and comply with the applicable requirements of the NCCP/HCP and proceed with MM 3.4-2. If the species or habitat is not covered in the NCCP/HCP, then refer to MM 3.4-3. For impacts to wetlands and other aquatic habitats, refer to MM 3.4-4.</p>							
MM 3.4-2	<p><b>Loss of Coastal Sage Scrub Habitat and Plant and Animal Species Protected by the NCCP/HCP.</b> Prior to recordation of a subdivision map or issuance of a grading permit, whichever comes first, the Applicant shall retain a qualified, permitted biologist to confirm the presence and quantity of coastal sage scrub habitat located on the project site. [THE APPLICANT HAS COMPLIED WITH THIS REQUIREMENT] If coastal sage scrub habitat is found to be located on the project site, the Applicant shall submit proof to the Director of Development Services</p>	Applicant	Prior to Issuance of a Grading Permit	Director of Development Services	Prior to Issuance of a Grading Permit			





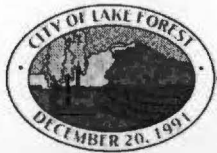
Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	<p>that in-lieu fees have been paid to the County of Orange Central/Coastal Natural Communities Conservation Plan (NCCP) Reserve. Currently, these fees are assessed at <del>\$50,000</del> <u>\$65,000</u> per acre of coastal sage scrub habitat lost.</p> <p>The Applicant shall also demonstrate to the satisfaction of the Director of Development Service compliance with the following NCCP construction impact avoidance measures or such measure in effect at the time of construction:</p> <ol style="list-style-type: none"> <li>1. To the maximum extent practicable, no grading of coastal sage scrub (CSS) habitat that is occupied by nesting gnatcatchers will occur during the breeding season (February 15 through July 15). It is expressly understood that this provision and the remaining provisions of these "construction-related minimization measures," are subject to public health and safety considerations. These considerations include unexpected slope stabilization, erosion control measure and emergency facility repairs. In the event of such public health and safety circumstances, landowners or public agencies/utilities will provide USFWS/CDFG with the maximum practicable notice (or such notice as is specified in the NCCP/HCP) to allow for capture of gnatcatchers, cactus wrens and any other CSS Identified Species that are not otherwise flushed and will carry out the following measures only to the extent as practicable in the context of the public health and safety considerations.</li> </ol>							



Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	<p>2. Prior to the commencement of grading operations or other activities involving significant soil disturbance, all areas of CSS habitat to be avoided under the provisions of the NCCP/HCP, shall be identified with temporary fencing or other markers clearly visible to construction personnel. Additionally, prior to the commencement of grading operations or other activities involving disturbance of CSS, a survey will be conducted to locate gnatcatchers and cactus wrens within 100 feet of the outer extent of projected soil disturbance activities and the locations of any such species shall be clearly marked and identified on the construction/grading plans.</p> <p>3. A monitoring biologist, acceptable to the City of Lake Forest will be on site during any clearing of CSS. The landowner or relevant public agency/utility will advise USFWS/CDFG at least seven (7) calendar days (and preferably fourteen (14) calendar days) prior to the clearing of any habitat occupied by Identified Species to allow USFWS/CDFG to work with the monitoring biologist in connection with bird flushing/capture activities. The monitoring biologist will flush Identified Species (avian or other mobile Identified Species) from occupied habitat areas immediately prior to brush-clearing and earth-moving activities. If birds cannot be flushed, they will be captured in mist nets, if feasible, and relocated to areas of the site be protected or to the NCCP/HCP Reserve System. It will be the responsibility of the monitoring biologist to assure that</p>							



Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	<p>Identified bird species will not be directly impacted by brush-clearing and earth-moving equipment in a manner that also allows for construction activities on a timely basis.</p> <p>4. Following the completion of initial grading/earth movement activities, all areas of CSS habitat to be avoided by construction equipment and personnel will be marked with temporary fencing other appropriate markers clearly visible to construction personnel. No construction access, parking or storage of equipment or materials will be permitted within such marked areas.</p> <p>5. In areas bordering the NCCP Reserve System or Special Linkage/Special Management areas containing significant CSS identified in the NCCP/HCP for protection, vehicle transportation routes between cut-and-fill locations will be restricted to a minimum number during construction consistent with project construction requirements. Waste dirt or rubble will not be deposited on adjacent CSS identified in the NCCP/HCP for protection. Preconstruction meetings involving the monitoring biologist, construction supervisors and equipment operators will be conducted and documented to ensure maximum practicable adherence to these measures.</p> <p>6. CSS identified in the NCCP/HCP for protection and located within the likely dust drift radius of construction areas shall be periodically sprayed with water to</p>							



Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	reduce accumulated dust on the leaves as recommended by the monitoring biologist.							
MM 3.4-3	<p><b>Loss of Species or Habitats Not Covered by the NCCP/HCP.</b> To mitigate for potential impacts to species or habitat not covered by the NCCP/HCP, the following process shall be followed. <del>Prior to approval of a tentative tract map in an area in which species or habitat not covered where a species or habitat is not covered by the NCCP/HCP has been identified, the Applicant shall prepare a biological assessment identifying the species and/or habitat that will be impacted by the proposed project.</del> [THE APPLICANT HAS COMPLIED WITH THIS REQUIREMENT]</p> <p>If the species is protected under either the Federal Endangered Species Act (FESA) or California Endangered Species Act (CESA), the Applicant shall comply with the requirements of those statutes and obtain the necessary permits and authorization under those Acts. Evidence that all necessary permits and approvals, have been obtained shall be provided to the City prior to issuance of a grading permit for any impacted habitat area. <del>If the species or habitat is not protected under FESA or CESA, but is otherwise protected through the Migratory Bird Treaty Act or other similar regulatory requirement, the Applicant shall provide suitable replacement habitat at a minimum of 1:1, and shall prepare and submit a mitigation plan for City approval that demonstrates that the replacement habitat is protected in perpetuity and that appropriate long-term habitat management is provided. The mitigation plan must be prepared in consultation with and receive the approval of the agency regulating the species or habitat. The mitigation plan</del></p>	Applicant	Prior to Approval of Grading Plans	Director of Development Services	Prior to Approval of Grading Plans			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	<p><del>shall provide for among other things; biological monitoring during grading activities; and fencing of any habitat area that would not be disturbed by construction. [THE APPLICANT HAS COMPLIED WITH THIS REQUIREMENT; REFER TO APPENDIX A2, CONCEPTUAL SOUTHERN CACTUS SCRUB REVEGETATION &amp; MANAGEMENT PLAN FOR THE PORTOLA CENTER PROJECT]</del></p>							
MM 3.4-4-A	<p><del>A Wetland Delineation. Prior to approval of Tentative Tract or Parcel Maps, a qualified wetland specialist shall conduct a wetland delineation in accordance with USACE methodology of all jurisdictional waters, seeps, and stream channels within a site. [THE APPLICANT HAS COMPLIED WITH THIS REQUIREMENT]</del> If appropriate, this specialist shall also submit a request for a streambed alteration agreement from the CDFG, because CDFG also has jurisdiction over lakes and streams under Section 1600 of the Fish and Game Code. The wetland specialist shall prepare and submit a request for a jurisdictional determination to the USACE or CDFG, as appropriate. Those waters no subject to the USACE jurisdiction could fall under the regulatory control of the local RWQCB. The wetland specialist shall submit the delineation documents along with the USACE jurisdictional determination to the RWQCB and request an assessment of jurisdiction. If the areas in question are subject to the USACE or RWQCB jurisdiction, then the following two measures shall be implemented as required. If the areas in question are not jurisdictional, then there is not impact to wetlands and no further action is</p>	Applicant	Prior to Issuance of a Grading Permit	Director of Development Services	Prior to Issuance of a Grading Permit			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	required.							
MM 3.4-4-B	<b>Permitting.</b> The wetland specialist shall prepare an application for fill of waters subject to the USACE jurisdiction as determined in MM 3.4-4-A. If appropriate, this specialist shall also submit a request for a streambed alteration agreement from CDFG because CDFG also has jurisdiction over lakes and streams under Section 1600 of the Fish and Game Code. For wetlands that are not subject to the USACE jurisdiction within the Project Area, but RWQCB has indicated that they will assert jurisdiction, an application for a Waste Discharge Requirement or Waiver of Waste Discharge Requirement shall be submitted to the local RWQCB. The regulatory requirements of contained within the Clean Water Act, the Waste Discharge Requirement, and the Streambed Alteration Agreement would mandate minimal intrusion into jurisdictional areas and compensatory mitigation for permanent impacts to these areas.	Wetland Specialist	Prior to Grading or Construction Activities	City Engineer/ Development Services Department	Prior to Grading or Construction Activities			
MM 3.4-4-C	<b>Restoration Plan.</b> Once an approved wetland delineation is in place, the wetland specialist shall develop a comprehensive wetland restoration plan to offset impacts to these resources. Restoration could include on- or off-site construction of wetlands, contribution of funds to a local mitigation bank, or restoration of existing yet relatively poor quality wetlands. The USACE goal is to permit no net loss of functions and values of wetland habitat. The replacement ratio of wetland acreage required to achieve this goal is a minimum of 1(new):1(old).	Wetland Specialist	Prior to Grading or Construction Activities	Applicant/ Development Services Department	Prior to Grading or Construction Activities			
MM 3.4-5	<b>Mitigation for Fragmentation of Habitat and Wildlife Movement Corridors.</b> In order to minimize the fragmentation of habitat and	City of Lake Forest	Prior to Issuance of Site Development	City of Lake Forest	Prior to Issuance of Site Development			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	wildlife movement corridors the City shall require the applicant to include, to the extent feasible, specific design features to maintain connectivity between remaining open spaces. These features include greenbelts and other wildlife movement corridors through the proposed developments, creek setbacks and wildlife friendly stream crossings (bridges instead of culverts), and installation of wildlife-friendly landscaping (native vegetation). Any nighttime lighting shall be focused away from greenbelts and riparian corridors to preserve the nighttime integrity of these movement corridors.		Permit/ Review of Project Plans		Permit/ Review of Project Plans			
<b>HAZARDS AND HAZARDOUS MATERIALS</b>								
<b>Standard Conditions of Approval</b>								
SC HZM1	Prior to issuance of a grading permit, the applicant shall provide a plan showing the placement of underground storage tanks for the approval of the Development Services Department.	Applicant	Prior to Issuance of a Grading Permit	Director of Development Services	Prior to Issuance of a Grading Permit/ Review of Project Plans			
<b>Applicable OSA PEIR Mitigation Measures</b>								
MM 3.7-3	Lane Closures - At least three business days prior to any lane closure, the construction contractor shall notify the OCSD and OCFA, of construction activities that would impede movement (such as road or lane closures) along roadways immediately adjacent to the Project Area, and obtain an encroachment permit from the Public Works Department, to allow for uninterrupted emergency access and maintenance of evacuation routes.	Contractor	Three Business Days Prior to Lane Closure	Development Services Director; Orange County Sheriff's Department; Orange County Fire Authority	Three Business Days Prior to Lane Closure			
MM 3.7-4	Prior to issuance of building permits for any development within the Project Area, the City shall modify, to the extent necessary, the City's emergency response protocol and available emergency response resources, as outlined in the Emergency Preparedness Plan, to	City of Lake Forest	Prior to Issuance of a Building Permit	Development Services Department	Prior to Issuance of a Building Permit			