

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

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ORDER NO. R9-2019-0011

**WASTE DISCHARGE REQUIREMENTS
FOR
BEL AIR MURRIETA, LLC**

**BEL AIR APARTMENT HOMES (MURRIETA 196) PROJECT
RIVERSIDE COUNTY**

The following Discharger is subject to waste discharge requirements set forth in this Order:

Table 1. Discharger Information

Discharger	Bel Air Murrieta, LLC
Name of Project	Bel Air Apartment Homes (Murrieta 196) Project
Project Address	South of Murrieta Hot Springs Road, east of Via Princesa, and north of Calle Del Lago, Murrieta, CA
Project Contact, Title, and Phone	Kazem Zomorrodian, P.E., (760) 845-3093
Mailing Address	4525 District Boulevard, Vernon, CA 90058
Type of Project	Housing Development
CIWQS Party Number	556148
CIWQS Place Number	824380
WDID Number	9000003055

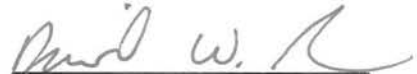
Table 2. Discharge Location

Discharge Point	Discharge Description	Discharge Point Latitude	Discharge Point Longitude	Receiving Water
Refer to Attachment A for a map of the discharge location	Clean Fill	33.554722	-117.151944	Unnamed 1.40-acre isolated wetland (pond)

Table 3. Administrative Information

This Order was adopted by the California Regional Water Quality Control Board, San Diego Region on:	March 13, 2019
This Order shall become effective on:	March 13, 2019

I, David W. Gibson, Executive Officer, do hereby certify that this order is a full, true, and correct copy of an order adopted by the California Regional Water Quality Control Board, San Diego Region, on March 13, 2019.



David W. Gibson
Executive Officer

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ATTACHMENT A: PROJECT SITE MAPS

ATTACHMENT B: INFORMATION SHEET

ATTACHMENT C: MITIGATION FIGURES

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ATTACHMENT E: POST-CONSTRUCTION BEST MANAGEMENT PRACTICES

ATTACHMENT F: MITIGATION AND MONITORING REPORTING PROGRAM

I. PROJECT INFORMATION

Information describing the Bel Air Apartment Homes (Murrieta 196) Project is summarized in Table 1 and in section 2 of the Fact Sheet. Section 3 of the Fact Sheet also includes information regarding the Report of Waste Discharge for the Project,

II. FINDINGS

The California Regional Water Quality Control Board, San Diego Region (hereinafter San Diego Water Board) finds:

- A. **Report of Waste Discharge.** Bel Air Murrieta, LLC submitted a Report of Waste Discharge to construct the Bel Air Apartment Homes (Murrieta 196) Project (Project), located in Riverside County on April 29, 2016. Additional information to complete the ROWD application was received on July 12, 2016, February 14, 2017, April 20, 2017, October 26, 2017, and December 5, 2018. The ROWD was deemed complete on December 14, 2018. The Discharger proposes to discharge fill material to waters of the State associated with construction activity at the Project site.
- B. **Project Location.** The proposed 9.85 acre Project is a 196-unit multifamily residential housing development on a 10.91 acre parcel. The Project is located on the south side of Murrieta Hot Springs Road, east of Via Princessa, north of Calle Del Lago in the City of Murrieta, Riverside County, California. The Project is located in an unsectioned portion of Township 7 South, Range 3 West of the Murrieta USGS Topographical map quadrangle. Attachment A of this Order provides the location of the Project and compensatory mitigation sites.
- C. **Receiving Waters.** The Project site contains 1.40 acres of isolated surface waters of the State. The jurisdictional features on the project site included two intermittent drainages, identified as Drainage A (including tributary A1) and Drainage B, which extend onto the property from a pipe at the southeast corner of the site, and a wetland (pond) at the terminus of the drainages. The on-site ponded area is not hydrologically connected to any off-site water body during "normal" rainfall events. A tributary to Warms Springs Creek, which is the nearest downstream receiving waters, exists approximately 800 feet northwest of the project site in a man-made channel. The on-site ponded feature is separated from this tributary by an on-site slope and approximately 800 feet of curb and gutter. The Project area lies within the Murrieta Hydrologic Area (HA), French Hydrologic Subarea (HSA) (902.33). The Project site is completely surrounded by existing multifamily development and is characterized by disturbed, upland and riparian vegetation communities

D. **Overall Project Purpose.** The purpose of the Project is to construct a 196-unit multifamily residential community within a vacant 9.85-net acre (10.91 gross-acre) parcel. The units in the community may be sold to individual owners as condominiums or rented as apartments. The 196 units will be located in nine three-story buildings, situated around community open space and amenities including a two story community center and pool, children's play area, and barbecue areas. (See Project Site Maps, Attachment A).

The Project adds approximately 5.07 acres of impervious surfaces. More details about the Project are described in the Fact Sheet in Attachments B of this Order.

E. **Project Impacts.** This Order authorizes the discharge of fill material with a total of 1.40 acre (683 linear feet) of permanent impacts to waters of the State attributed to the Project and no temporary impacts to waters of the State. Because the ponded feature is located within the center of the property, there is no way to avoid or preserve waters onsite due to the relatively small property size and steep topography.

F. **Project Mitigation.** The Discharger submitted a compensatory mitigation plan, *Draft Habitat Mitigation and Monitoring Plan (HMMP) for the Bel Air Apartment Homes (Murrieta 196) Project Moore Property Mitigation Site*, prepared by Dudek, February 2018. The HMMP provides for implementation of compensatory mitigation at a ratio of 2.41:1 (area mitigated:area impacted) 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. The Discharger reports that compensatory mitigation to offset permitted Project impacts will be achieved through the purchase of 1.40-acre of re-established river/wetland mitigation bank credits from the San Luis Rey Wetland Mitigation Bank in advance of Project construction and enhancement of approximately 1.97-acres of vernal pool complex and wetland meadow within an 11.31-acre off-site property, referred to as the "Moore Property." The proposed mitigation package would replace the biological functions and values associated with the impacted jurisdictional waters, including wildlife habitat and flood control within the same watershed through enhancement of regionally significant vernal pools on the Moore Property. In addition, there would be no-net-loss of wetland waters of the State as the Project would also purchase 1.4 acres of re-establishment credits from the San Luis Rey Mitigation Bank. (See Jurisdictional Impacts Figure in Attachment A of this Order.)

G. **Regulatory Authority and Reason for Action.** By letter dated March 9, 2015, the U.S. Army Corps of Engineers (USACE) determined that the proposed Project activities will not result in the discharge of dredge or fill material to waters of the United States. Therefore, the Project is not subject to USACE jurisdiction under Section 404 of the Clean Water Act (CWA) and a Section 404 permit and 401 Certification are not required for the Project.

However, surface waters affected by the Project are waters of the State, as defined by section 13050 (e) of the Water Code, which includes any surface or groundwater, including saline waters, within the boundaries of the State, including, but not limited to: wetlands and ephemeral, intermittent, and perennial stream channels, in all flow conditions, and which may be effluent dominated and seasonally dry. Waste discharges to these waters are subject to State regulation under division 7 of the Water Code (commencing with section 13000). This Order is issued pursuant to Water Code section 13263 and establishes waste discharge requirements for the discharge of fill material, including structural material and/or earthen wastes from Project construction activities, to waters of the State. The waste discharge requirements of this Order are necessary to adequately address potential and anticipated impacts to waters of the State, and to ensure compliance with applicable water quality control plans and polices.

H. **Statement of Basis.** The San Diego Water Board developed the requirements in this Order based on information submitted as part of the ROWD and other available information. The Fact Sheet in Attachment B of this Order contains background information and the supporting rationale for the requirements of this Order and is hereby incorporated into this Order and constitutes part of the findings for this Order.

I. **Water Quality Control Plan.** The San Diego Water Board adopted the *Water Quality Control Plan for the San Diego Basin* (hereinafter Basin Plan) on September 8, 1994 that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for Warm Springs Creek and other receiving waters addressed through the Plan.¹ Subsequent revisions to the Basin Plan have also been adopted by the San Diego Water Board and approved by the State Water Resources Control Board (State Water Board). Beneficial uses applicable to the unnamed tributaries of Warm Springs Creek specified in the Basin Plan are as follows:

Table 5. Basin Plan Beneficial Uses of Warm Springs Creek

Discharge Points	Receiving Water Name	Beneficial Use(s) (check these)
	Unnamed tributaries to Warm Springs Creek	Municipal and Domestic Supply; Industrial Service Supply; Agricultural Supply; Industrial Process Supply, Non-Contact Water Recreation; Warm Freshwater Habitat; and Wildlife Habitat.

Together with an anti-degradation policy, the Basin Plan beneficial uses and water quality objectives serve as water quality standards under the Clean Water Act. This Order specifies waste discharge requirements that are necessary to adequately address effects on, and threats to, applicable water quality standards

¹ The Basin Plan is accessible on-line at:
http://www.waterboards.ca.gov/sandiego/water_issues/programs/basin_plan/index.shtml

resulting from discharges attributed to the Project. Through compliance with the waste discharge requirements of this Order, the Project will not cause or contribute to an exceedance of State water quality standards.

- J. **Anti-Degradation Policy.** The State Water Resources Control Board established California's anti-degradation policy in State Water Board Resolution No. 68-16 (Policy) which requires that existing quality of waters be maintained unless degradation is justified based on specific findings. Minimal water quality degradation may be allowed under the Policy only if any change in water quality is consistent with the maximum benefit to the people of the State; the degradation will not unreasonably affect present and anticipated beneficial uses; and the degradation will not result in violation of any applicable Water Quality Control Plan. Discharges must meet requirements that will result in the best practicable treatment or control to avoid pollution or a condition of nuisance. Consistent with the Policy, any degradation must provide for the maximum benefit to the people of the State. Construction of the housing development provides jobs and an important affordable housing component to serve lower income households in Riverside County. This Order contains waste discharge requirements to ensure present and future beneficial uses are maintained or enhanced through compensatory mitigation and monitoring requirements for authorized impacts to waters of the State. The waste discharge requirements employ best practicable treatment and control of any discharges to ensure and verify that the highest level of water quality is maintained consistent with the maximum benefit to the people of the State.
- K. **No Net Loss Policy.** In 1993, the Governor of California issued the California Wetlands Conservation Policy (Executive Order W-59-93). Commonly referred to as the "No Net Loss Policy" for wetlands, the Executive Order requires State agencies to "...ensure no overall net loss [of wetlands] and achieve a long-term net gain in the quantity, quality, and permanence of wetlands acreage and values in California in a manner that fosters creativity, stewardship and respect for private property." This Order meets the objectives of Executive Order W-59-93 by requiring that the Project first avoid and then minimize adverse impacts on aquatic resources to the maximum extent practical. Any remaining unavoidable adverse impacts on aquatic resources are offset by compensatory mitigation requirements which protect and restore the abundance, types and conditions of aquatic resources and supports their beneficial uses.
- L. **California Environmental Quality Act.** The City of Murrieta is the lead agency (Lead Agency) under the California Environmental Quality Act (Public Resources Code section 21000, et seq., (CEQA)). The Lead Agency certified a Final Environmental Impact Report (EIR) for the City Of Murrieta Bel Air Apartment Homes (Murrieta 196) Project, and filed a Notice of Determination (SCH # 2015111002) on February 8, 2017, under CEQA Guidelines Title 14, California Code of Regulations. The Lead Agency determined the Project, without mitigation, will have a significant effect on the environment. Therefore, the Final EIR incorporates mitigation measures that mitigate the Project's effects on the

environment to less than significant. For those impacts the Lead Agency determined to be unavoidable impacts, the Lead Agency adopted a Statement of Overriding Considerations finding that the benefits of the project outweighed the impacts.

The San Diego Water Board is a responsible agency under CEQA for the purposes of issuing this Order. As a Responsible Agency, the San Diego Water Board is “responsible for considering only the effects of those activities involved in a project which it is required by law to carry out or approve.” Pub. Resources Code, section 21002.1(d). The San Diego Water Board has reviewed and considered impacts to water quality in the Lead Agency’s Final EIR and Statement of Overriding Considerations. None of the significant unavoidable environmental impacts triggering the lead agency’s adoption of the Statement of Overriding Considerations are within the areas of responsibility of the San Diego Water Board. The San Diego Water Board concludes that impacts to water quality are less than significant with mitigation.

The Lead Agency 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 Final EIR are implemented. The Mitigation Monitoring and Reporting Program (MMRP) is included and incorporated by reference in Attachment F to this Order. The Discharger shall implement the Lead Agency’s MMRP described in the EIR, as it pertains to resources within the San Diego Water Board’s purview.

This Order requires implementation waste discharge requirements and mitigation measures, including the purchase of compensatory mitigation credits. The Order also requires the Discharger to comply with a monitoring and reporting program that will ensure that the mitigation measures are implemented, and the requirements of this Order are met. The San Diego Water Board finds that compliance with the Lead Agency’s MMRP and the conditions in this Order will reduce effects to water quality to less than significant because implementation of BMPs, compensatory mitigation, and monitoring requirements will ensure that the Project is in compliance with applicable water quality objectives. The San Diego Water Board will file a Notice of Determination in accordance with CEQA Guidelines section 15096 subdivision (i).

- M. Executive Officer Delegation of Authority.** The San Diego Water Board by prior resolution has delegated all matters that may legally be delegated to its Executive Officer to act on its behalf pursuant to Water Code section 13223. Therefore, the Executive Officer is authorized to act on the San Diego Water Board’s behalf on any matter within this Order unless such delegation is unlawful under Water Code section 13223 or this Order explicitly states otherwise.

- N. **Public Notice.** The San Diego Water Board has notified the Discharger and interested agencies and persons of its intent to prescribe waste discharge requirements for the discharge and has provided them with an opportunity to submit their written comments and recommendations. The San Diego Water Board has also provided an opportunity for the Discharger and interested agencies and persons to submit oral comments and recommendations at a public hearing. Details of the notification are provided in the Fact Sheet provided in Attachment B of this Order.
- O. **Public Hearing.** The San Diego Water Board, in a public meeting, heard and considered all comments pertaining to the discharge. Details of the Public Hearing are provided in the Fact Sheet provided in Attachment B of this Order.

THEREFORE, IT IS HEREBY ORDERED that, in order to meet the provisions contained in division 7 of the Water Code (commencing with section 13000) and regulations adopted thereunder, the Discharger shall comply with the requirements in this Order.

III. DISCHARGE PROHIBITIONS

- A. **Project Conformance with Application.** The discharge of waste, in a manner or location other than as described in the Report of Waste Discharge or findings of this Order, and for which valid waste discharge requirements are not in force is prohibited.
- B. **Waste Management.** Unless authorized by this Order, the discharge of sand, silt, clay, or other earthen materials from any activity in quantities which cause deleterious bottom deposits, turbidity, or discoloration in waters of the State or which unreasonably affect, or threaten to affect, beneficial uses of such waters is prohibited.
- C. **Waste Management.** The treatment, storage, or disposal of waste in a manner that creates a pollution, contamination or nuisance, as defined by Water Code section 13050, is prohibited.
- D. **Waste Management.** The dumping, deposition, or discharge of waste directly into waters of the State, or adjacent to such waters in any manner which may permit it's being transported into the waters, is prohibited unless authorized by the San Diego Water Board.
- E. **Basin Plan Prohibitions.** The Discharger must comply with all applicable Discharge Prohibitions contained in Chapter 4 of the Basin Plan. All such prohibitions are incorporated by this reference into this Order as if fully set forth herein and summarized in section 5.0 of the Fact Sheet in Attachment B of this Order.

IV. CONSTRUCTION BEST MANAGEMENT PRACTICES

- A. **Approvals to Commence Construction.** The Discharger 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 until construction is completed, the Discharger must educate all personnel on the requirements in this Order, including pollution prevention measures, spill response, and BMPs implementation and maintenance.
- C. **Spill Containment Materials.** The Discharger 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 Discharger 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 Discharger 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 Discharger 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.
- F. **Downstream Erosion.** Discharges of concentrated flow during construction or after completion of the Project must not cause downstream erosion or damage to properties or stream habitat.
- G. **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.
- H. **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 the State or placed in locations that may be subjected to storm flows.

Pollutants discharged to areas within a stream diversion area must be removed at the end of each work day or sooner if rain is predicted.

- I. **Surface Water Diversion.** All surface waters, including ponded waters, must be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving waters. Diversion activities must not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any temporary dam or other artificial obstruction constructed must only be built from materials such as clean gravel which will cause little or no siltation. Normal flows must be restored to the affected stream immediately upon completion of work at that location.
- J. **Cofferdams or Water Barriers.** Cofferdams and water barrier construction shall be adequate to prevent seepage into or from the work area. Cofferdams or water barriers shall not be made of earth or other substances subject to erosion or that contain pollutants. When dewatering is necessary to create a temporary dry construction area, the water shall be pumped through a sediment-settling device before it is returned to the water body. The enclosure and the supportive material shall be removed when the work is completed, and removal shall proceed from downstream to upstream.
- K. **Re-vegetation and Stabilization.** All areas that will be left in a rough graded state must be stabilized no later than two weeks after completion of grading. The Discharger is responsible for implementing and maintaining BMPs to prevent erosion of rough graded areas. Hydroseed areas must be revegetated with native species appropriate for the area. The revegetation palette must not contain any plants listed on the California Invasive Plant Council Invasive Plant Inventory, which can be found online at <http://www.cal-ipc.org/ip/inventory/>. Follow-up seed applications must be made as needed to cover bare spots and to maintain adequate soil protection.
- L. **Hazardous Materials.** Except as authorized by this Order, substances hazardous to aquatic life including, but not limited to, petroleum products, raw cement/concrete, asphalt, and coating materials, must be prevented from contaminating the soil and/or entering waters of the 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 using United States Environmental Protection Agency (USEPA) approved herbicides deployed using applicable BMPs to prevent impacts to beneficial uses of waters of the State. Use of aquatic pesticides must be done in accordance with State Water Resources Control Board Water Quality Order No. 2013-0002-DWQ, General Permit No. CAG990005, *Statewide General National Pollutant Discharge Elimination System (NPDES) Permit For Residual Aquatic*

Pesticide Discharges To Waters Of The United States From Algae and Aquatic Weed Control Applications, and any subsequent revisions or reissuance thereto.

- N. **Limits of Disturbance.** The Discharger shall clearly define the limits of Project disturbance to waters of the 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. **Beneficial Use Protection.** The Discharger must take all necessary measures to protect the beneficial uses of waters of Warm Springs Creek and its unnamed tributaries. This Order requires compliance with all applicable requirements of the Basin Plan. If at any time, an unauthorized discharge to waters of the State 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 Reporting Requirement VIII.B of this Order. Associated Project activities may not resume without approval from the San Diego Water Board.

V. POST- CONSTRUCTION BEST MANAGEMENT PRACTICES

- A. **Post-Construction Discharges.** The Discharger shall not allow post-construction discharges from the Project site to cause or contribute to on-site 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 and/or stenciled 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 the City of Murrieta.
- D. **Post-Construction BMP Design.** Bridges, culverts, dip crossings, or other stream crossing structures shall be designed and installed so they will not cause scouring of the stream bed and erosion of the banks. 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.
- E. **Post-Construction BMP Implementation.** The Project adds approximately 5.07 acres of impervious surface. The Discharger must install and implement the post construction BMPs for the Project described in the *County Project Specific Water Quality Management Plan for Murrieta 196 (WQMP) for Bel Air Apartment*

Homes (Murrieta 196), and dated April 10, 2014 (Revised, October 21, 2018), or any subsequent version of the WQMP approved by the County of Riverside. Post-construction BMPs must be installed and functional within 30 days of Project completion.

F. Post-Construction BMP Maintenance. All post-construction structural treatment BMPs, including, but not limited to, vegetated swales and media filters, must be regularly inspected and maintained in perpetuity per manufacturers' specifications for proprietary structural devices, and at frequencies no less than those recommended by the California Storm Water Quality Association (CASQA)² guidance, or equivalent if approved by the Executive Officer, for non-proprietary measures. At a minimum, the Discharger must comply with the following:

1. Final maintenance plans for the vegetated swales must be developed and implemented based on CASQA guidance (or equivalently effective practices).
2. Flow-based treatment BMPs (e.g., media filters and vegetated swales) must be inspected at a minimum monthly from October through April and at least twice from May through September each year.
3. Retention basins must be maintained as necessary to prevent nuisance conditions, including those associated with odors, trash, and disease vectors. Such maintenance shall not compromise the ability of the basins to perform water quality treatment required by this Order.
4. Records must be kept regarding inspections and maintenance in order to assess the performance of the systems and determine whether adaptations are necessary to protect receiving waters.

VI. PROJECT IMPACTS AND COMPENSATORY MITIGATION

- A. Project Impact Avoidance and Minimization.** The Project must avoid and minimize adverse impacts to waters of the State to the maximum extent practicable.
- B. Project Impacts and Compensatory Mitigation.** Unavoidable Project impacts to the isolated wetland pond must not exceed the type and magnitude of impacts described in the table below. At a minimum, compensatory mitigation required to offset unavoidable permanent Project impacts to waters of the State must be achieved as described in the table below:

² 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]

	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)
Permanent Impacts						
Wetland	1.40	683	1.40 ¹ 1.97 ²	1:1 1.41:1	NA ³	NA

1. Purchase of 1.40-acre of re-established river credits. Mitigation purchased from the San Luis Rey Mitigation Bank is required to be protected and maintained in perpetuity by Wildlands according to the conditions of Water Quality Certification No. R9-2013-0050. The mitigation provided for Project impacts contributes to the net gain of wetlands per the State of California No Net Loss Policy (Executive Order W-59-93.) referenced in Finding II.K of this Order.
2. Enhancement of a 1.97-acre vernal pool complex/wetland at the Western Riverside County Regional Conservation Authority (RCA) owned Moore Property, including the purchase of the 3.57 acres of the Moore Property and long-term management funding to Riverside Multi Species Habitat Conservation Plan (MSHCP) through the RCA.
3. Compensatory mitigation is being provided in a contiguous area at the Mitigation Bank (approximately 55.8 acres) therefore, compensatory mitigation for linear feet is not being calculated on a project by project basis.

C. Compensatory Mitigation for Permanent Impacts. The Discharger shall provide compensatory mitigation for impacts to waters of the State attributable to the Project in accordance with the HMMP and incorporated herein by reference. Any deviations from, or revisions to the HMMP must be pre-approved by the San Diego Water Board. The terms and conditions of this Order shall supersede conflicting provisions within the Report of Waste Discharge.

D. Compensatory Mitigation Credit Purchase. Prior to the start of Project construction, the Discharger must provide documentation to the San Diego Water Board verifying the purchase of at least 1.40 acres of mitigation bank credit applicable to the establishment and/or re-establishment of wetlands from the San Luis Rey Mitigation Bank (SLRMB) located in the Mission hydrologic subarea (HSA 903.11) in the City of Oceanside, San Diego County, California. The documentation shall also include the transfer agreement between the Discharger and the bank sponsor demonstrating acceptance and understanding of the obligation to comply with compensatory mitigation and long-term mitigation management requirements of this Order in perpetuity.

The use of an alternate mitigation bank to provide required compensatory mitigation must be approved by the San Diego Water Board before the credits are secured and is subject to the following conditions:

1. The Discharger must identify the USACE approved mitigation bank and submit documentation demonstrating that:

- a. The permitted Project impacts are located within the service area of the mitigation bank; and
 - b. The mitigation bank has the appropriate number and resource type of credits available.
2. If the San Diego Water Board approval of the use of the alternate mitigation bank is obtained, the Discharger must provide documentation verifying that the appropriate number and resource type of credits have been secured from the mitigation bank prior to the start of construction.
- E. Compensatory Mitigation Responsibility.** The Discharger shall retain responsibility for providing the compensatory mitigation with long term management required under this Order in perpetuity until the San Diego Water Board has received documentation of credit purchase and the transfer agreement between the Discharger and the seller of credits.
- F. Performance Standards.** Compensatory mitigation required under this Order shall be considered achieved once the Discharger has met the ecological success performance standards contained in the HMMP (Section 6.3, page 34) and documentation of the mitigation bank credit purchase is submitted, to the satisfaction of the San Diego Water Board.
- G. Temporary Project Impacts.** The Discharger must restore areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the State. Restoration must include grading of disturbed areas to pre-Project contours and revegetation with native species. The Discharger must implement all necessary BMPs to control erosion and runoff from areas associated with this Project. The revegetation palette must not contain any plants listed on the California Invasive Plant Council Invasive Plant Inventory, which can be found online at <http://www.cal-ipc.org/ip/inventory/>. Follow-up applications shall be made, as needed, to cover bare spots and to maintain adequate soil protection.
- H. 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 HMMP. 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 Discharger 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 Discharger to assess how the compensatory mitigation site(s) or project is responding to a catastrophic natural event.
- I. **Timing of Mitigation Site Construction.** The construction of proposed mitigation must be concurrent with project grading and completed no later than 9 months following the start of Project construction. Delays in implementing mitigation must be compensated for by an increased mitigation implementation of 10% of the cumulative compensatory mitigation for each month of delay.
- J. **Mitigation Site(s) Preservation Mechanism. Within 120 days from the issuance of this Order,** the Discharger must provide the San Diego Water Board with a draft preservation mechanism (e.g. deed restriction, conservation easement, etc.) that will protect the Moore Property Mitigation Site and its buffers in perpetuity. **Within 5 years of the start of Project construction,** the Discharger must submit proof of a completed final preservation mechanism that will protect the Moore Property Mitigation Area and its buffers in perpetuity. The conservation easement, deed restriction, or other legal limitation on the mitigation property must be adequate to demonstrate that the site will be maintained without future development or encroachment on the site which could otherwise reduce the functions and values of the site 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 functions and values of the site. The preservation mechanism must clearly prohibit activities that would result in soil disturbance or vegetation removal, other than the removal of non-native vegetation. Other infrastructure development to be prohibited includes, but is not limited to, additional utility lines, maintenance roads, and areas of maintained landscaping for recreation.

VII. RECEIVING WATER LIMITATIONS

- A. The receiving water limitations set forth below for Warm Springs Creek and its unnamed tributaries are based on applicable water quality standards contained in

the Basin Plan and applicable federal regulations and are a required part of this Order. Project activities shall not cause or contribute to a violation of these receiving water limitations.

1. **Water Quality Objectives.** Water Quality Objectives applicable to Warm Springs Creek and its unnamed tributaries are established in Chapter 3 of the San Diego Water Board's Water Quality Control Plan for the San Diego Basin (Basin Plan) and shall not be exceeded outside the Project impact area.
2. **Priority Pollutant Criteria.** Priority pollutant criteria applicable to the Warm Springs Creek and its unnamed tributaries are promulgated by the USEPA through the a) National Toxics Rule (NTR) (40 CFR 131.36 promulgated on December 22, 1992 and amended on May 4, 1995) and b) California Toxics Rule (CTR) (40 CFR 131.38, (65 Fed. Register 31682-31719), adding Section 131.38 to Title 40 of the Code of Federal Regulations, on May 18, 2000), shall not be exceeded.

VIII. MONITORING AND REPORTING REQUIREMENTS

- A. **Representative Monitoring.** Samples and measurements taken for the purpose of monitoring under this Order 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 VIII of this Order.
- 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 Order and may reduce or increase the number of parameters to be monitored, locations monitored, the frequency of monitoring, or the number and size of samples collected.
- D. **Records of Monitoring Information.** Records of monitoring information shall include:
 1. The date, exact place, and time of sampling or measurements;
 2. The individual(s) who performed the sampling or measurements;
 3. The date(s) analyses were performed;
 4. The individual(s) who performed the analyses;
 5. The analytical techniques or methods used; and
 6. The results of such analyses.

- E. California Rapid Assessment Method.** California Rapid Assessment Method (CRAM)³ monitoring must be performed to assess the current and potential ecological conditions (ecological integrity) of the impact site and proposed Moore Property Mitigation Site. These conditions reflect the overall level of ecological function of an aquatic resource. Prior to initiating Project construction, the Discharger shall develop a monitoring plan to implement California Rapid Assessment Method (CRAM) monitoring. The Discharger must conduct a quantitative function-based assessment of the health of wetland 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 Order and annually following construction completion for a period of 3 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. Discharge Commencement Notification.** The Discharger must notify the San Diego Water Board in writing at least 5 days prior to the start of initial Project construction ground disturbance activities.
- G. Geographic Information System Data.** The Discharger must submit Geographic Information System (GIS) shape files of the Project impact sites within 30 days of the start of project construction and GIS shape files of the Project mitigation sites within 30 days of mitigation installation. All impact and mitigation site shape files must be polygons. Two GPS readings (points) must be taken on each line of the polygon and the polygon must have a minimum of 10 points. GIS metadata must also be submitted.
- H. Annual Project Progress Reports.** The Discharger must submit annual Project progress reports describing status of BMP implementation, compensatory mitigation, and compliance with all requirements of this Order to the San Diego Water Board prior to **March 1** of each year following the issuance of this Order, until the Project has reached completion. The Annual Project Progress Reports must contain compensatory mitigation monitoring information sufficient to demonstrate how the compensatory mitigation project is progressing towards accomplishing its objectives and meeting its performance standards. Annual Project Progress Reports must be submitted even if Project construction has not begun. The monitoring period for each Annual Project Progress Report shall be January 1st through December 31st of each year. Annual Project Progress Reports must include, at a minimum, the following:

³ 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/> [Accessed on September 3, 2018].

1. **Project Status and Compliance Reporting.** The Annual Project Progress Report must include the following Project status and compliance information:
 - a. The names, qualifications, and affiliations of the persons contributing to the report;
 - b. 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;
 - c. A description of Project construction delays encountered or anticipated that may affect the schedule for construction completion; and
 - d. 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.

2. **Compensatory Mitigation Monitoring Reporting.** Mitigation monitoring information must be submitted as part of the Annual Project Progress Report 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 HMMP. 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 Annual Project Progress Report must include the following compensatory mitigation monitoring information:
 - a. Names, qualifications, and affiliations of the persons contributing to the report;
 - b. An evaluation, interpretation, and tabulation of the parameters being monitored, including the results of the HMMP monitoring program, and all quantitative and qualitative data collected in the field;
 - c. A description of the following mitigation site(s) characteristics:
 - i. Detritus cover;
 - ii. General topographic complexity;

- iii. General upstream and downstream habitat and hydrologic connectivity; and
 - iv. Source of hydrology.
- d. 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;
- e. 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;
- f. Qualitative and quantitative comparisons of current mitigation conditions with pre-construction conditions and previous mitigation monitoring results;
- g. Stream photo documentation, including all areas of permanent and temporary impact, prior to and after mitigation site construction. Photo documentation must be conducted in accordance with guidelines posted at http://www.waterboards.ca.gov/sandiego/water_issues/programs/401_certification/docs/401c/401PhotoDocRB9V713.pdf. In addition, photo documentation must include Geographic Positioning System (GPS) coordinates for each of the photo points referenced;
- h. The results of the California Rapid Assessment Method (CRAM) monitoring required under section VIII.E of this Order;
- i. As-built drawings of the compensatory mitigation project site(s), no bigger than 11"X17"; and
- j. A survey report documenting boundaries of the compensatory mitigation site(s).
- I. **Final Project Completion Report.** Within 30 days of Project completion, the Discharger must submit a Project Completion Report to the San Diego Water Board containing 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 and all areas of permanent and temporary impacts, prior to and after project construction. Photo documentation must be conducted in accordance with guidelines posted at http://www.waterboards.ca.gov/sandiego/water_issues/programs/401_certification/docs/StreamPhotoDocSOP.pdf. In addition, photo documentation must include 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 VIII.E of this Order.
- J. **Noncompliance Reports.** The Discharger must report to the San Diego Water Board any noncompliance which may endanger human health or the environment. Any information shall be provided orally within 24 hours from the time the Discharger becomes aware of the circumstances. A written submission shall also be provided within five (5) days of the time the Discharger becomes aware of the circumstances. The written submission shall contain a description of the incident 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 steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. The San Diego Water Board may waive the above-required written report under this provision on a case by case basis if an oral report has been received within 24 hours.
- K. **Hazardous Substance Discharge.** Except as provided in Water Code section 13271(b), any person who, without regard to intent or negligence, causes or permits any hazardous substance or sewage to be discharged in or on any waters of the State, shall as soon as (a) that person has knowledge of the discharge, (b) notification is possible, and (c) notification can be provided without substantially impeding cleanup or other emergency measures, immediately notify the County of San Diego in accordance with California Health and Safety Code section 5411.5 and the California Office of Emergency Services of the discharge in accordance with the spill reporting provision of the State toxic disaster contingency plan adopted pursuant to Government Code Title 2, Division 1, Chapter 7, Article 3.7 (commencing with section 8574.17), and immediately notify the State Water Board or the San Diego Water Board of the discharge. This provision does not require reporting of any discharge of less than a reportable quantity as provided for under subdivisions (f) and (g) of section 13271 of the Water Code unless the Discharger is in violation of a Basin Plan prohibition.

L. **Oil or Petroleum Product Discharge.** Except as provided in Water Code section 13272(b), 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.

M. **Signatory Requirements.** All applications, reports, or information submitted to the San Diego Water Board must be signed and certified as follows:

1. For a corporation, by a responsible corporate officer of at least the level of vice president; or
2. For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or
3. For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.

N. **Duly Authorized Representative.** Applications, reports, or information submitted to the San Diego Water Board may be signed by a duly authorized representative of that person described in Reporting Requirement F above if:

1. The authorization is made in writing by a person described above;
2. The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity; and
3. The written authorization is submitted to the San Diego Water Board.

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.

- O. **Certification.** All applications, reports, or information submitted to the San Diego Water Board must be signed and certified as follows:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

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

California Regional Water Quality Control Board
San Diego Region
Attn: R9-2019-0011: 824380:dbradford
2375 Northside Drive, Suite 100
San Diego, California 92108

Each electronic document must be submitted as a single file, in Portable Document Format (PDF) 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: R9-2019-0011: 824380:dbradford.

IX. PROVISIONS

- A. **Duty to Comply.** The Discharger must comply with all conditions of this Order. Any noncompliance with this Order constitutes a violation of the Water Code and is grounds for (a) enforcement action; (b) termination, revocation and reissuance, or modification of this Order; or (c) denial of a report of waste discharge in application for new or revised waste discharge requirements.
- B. **Duty to Comply.** The Discharger must, at all times, fully comply with the engineering plans, specifications and technical reports submitted to the San Diego Water Board) to support this Order and all subsequent submittals required under this Order and as described herein. The conditions within this Order shall supersede conflicting provisions within such plans, specifications, technical reports and other submittals required under this Order.
- C. **Anticipated Noncompliance.** The Discharger 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 the terms and requirements of this Order.

- D. **Need to Halt or Reduce Activity Not a Defense.** It shall not be a defense for a Discharger in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Order.
- E. **Duty to Mitigate.** The Discharger shall take all reasonable steps to minimize or prevent any discharge in violation of this Order that has a reasonable likelihood of adversely affecting human health or the environment, including such accelerated or additional monitoring as may be necessary to determine the nature and impact of the noncompliance.
- F. **Property Rights.** This Order does not convey any property rights of any sort or any exclusive privileges. The issuance of this Order does not authorize any injury to persons or property or invasion of other private rights, or any infringement of State or local law or regulations.
- G. **Inspection and Entry.** The Discharger 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 by law, to:
1. Enter upon the Discharger's premises, where a regulated facility or activity is located or conducted, or where records are kept under the conditions of this Order;
 2. Access and copy, at reasonable times, any records that must be kept under the conditions of this Order;
 3. Inspect and photograph, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under this Order; and
 4. Sample or monitor, at reasonable times, for the purposes of assuring compliance with this Order or as otherwise authorized by the Water Code, any substances or parameters at any location.
- H. **Retention of Records.** The Discharger shall retain records of all monitoring information, including all calibration and maintenance records, copies of all reports required by this Order, and records of all data used to complete the application for this Order. Records shall be maintained for a minimum of five years from the date of the sample, measurement, report, or application. Records may be maintained electronically. This period may be extended during the course of any unresolved enforcement action or litigation regarding this

discharge or when requested by the San Diego Water Board.

- I. **Duty to Provide Information.** The Discharger 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 Order. The Discharger shall also furnish to the San Diego Water Board, upon request, copies of records required to be kept by this Order.
- J. **Duty to Provide Updated Information.** When the Discharger becomes aware that it failed to submit any relevant facts in a Report of Waste Discharge or submitted incorrect information in a Report of Waste Discharge or in any report to the San Diego Water Board, it shall promptly submit such facts or information.
- K. **Reopener Provision.** This Order may be modified, revoked and reissued, or terminated for cause including, but not limited to, the following:
 1. Violation of any terms or conditions of this Order.
 2. Obtaining this Order by misrepresentation or failure to disclose fully all relevant facts.
 3. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.
- L. **Reopener Provision.** The filing of a request by the Discharger for the modification, revocation, reissuance, or termination of this Order, or notification of planned changes or anticipated noncompliance does not stay any condition of this Order.
- M. **Reopener Provision.** The San Diego Water Board reserves the right to suspend, cancel, or modify and reissue this Order, after providing notice to the Discharger, if the San Diego Water Board determines that the Project fails to comply with any of the terms or requirements of this Order or if the results of the Project have unintended impacts to water quality.
- N. **Transfers of Responsibility.** This Order 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 Discharger must notify the San Diego Water Board of any change in ownership of the Project area. Notification of change in ownership must include, at a minimum, a statement that the Discharger has provided the purchaser with a copy of this Order and that the purchaser understands and accepts the Order 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 Compensatory Mitigation Responsibility.** Any notification of transfer of responsibilities to satisfy the mitigation requirements set forth in this Order 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 13350. 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 Discharger 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 Discharger 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 Discharger must provide such notification to the San Diego Water Board within 10 days of the transfer of BMP maintenance responsibility.
- O. **Hydroelectric Facility.** This Order is not intended and shall not be construed to apply to any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license, unless the pertinent waste discharge requirement application was filed pursuant to Cal. Code Regs., title 23, section 3855, subdivision (b), and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
- P. **Payment of Fees.** This Order is conditioned upon total payment of any fee required under California Code of Regulations, title 23, section 2200 and owed by the Discharger.
- Q. **Order Availability.** A copy of this Order, the application, and supporting documentation must be available at the Project site during construction for review by site personnel and agencies. A copy of this Order must also be provided to the contractor and all subcontractors working at the Project site.
- R. **Enforcement Authority.** In the event of any violation or threatened violation of the conditions of this Order, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under State law.

- S. Investigation of Violations.** In response to a suspected violation of any condition of this Order, the San Diego Water Board may, pursuant to Water Code section 13267, require the Discharger to investigate, monitor, and report information on the violation. The only restriction is that the burden, including costs of preparing the reports, must bear a reasonable relationship to the need for and the benefits to be obtained from the reports.

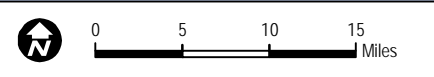
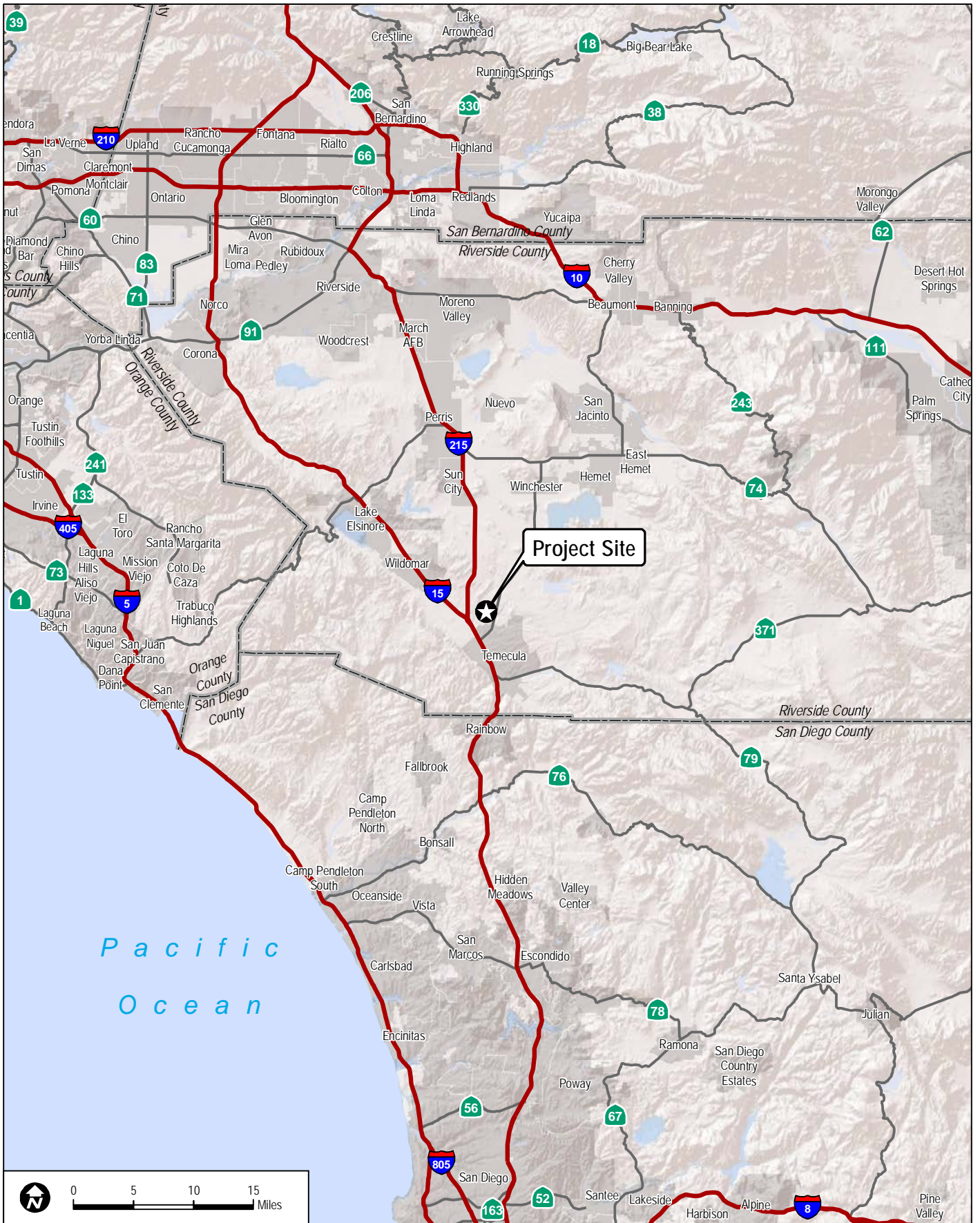
X. NOTIFICATIONS

- A. These waste discharge requirements have not been officially reviewed by the United States Environmental Protection Agency and are not issued pursuant to CWA section 402.
- B. The provisions of this Order are severable, and if any provision of this Order, or the application of any provision of this Order to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this Order, shall not be affected thereby.
- C. This Order becomes effective on the date of adoption by the San Diego Water Board.
- D. 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 Water Code Section 13320 and the California Code of Regulations, title 23, sections 2050-2056 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after adoption 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 or will be provided upon request.

Bel Air Murrieta, LLC
Bel Air Apartment Homes (Murrieta 196) Project
Order No. R9-2019-0011

**ATTACHMENT A
PROJECT SITE MAPS**

Figure 3-1 – Regional Map
Figure 3-2 – Vicinity Map
Figure 3-3 – USGS Topographic Map
Figure 3-4 – Existing Site Layout
Figure 3-5 – Conceptual Site Plan
Figure 3-6 – Landscape Concept Plan
Figure 3-7a – Conceptual Grading Plan
Figure 3-7b – Retaining Wall Profiles and Sections
Figure 3-8 – Lighting Plan
Figure 4 – Jurisdictional Features

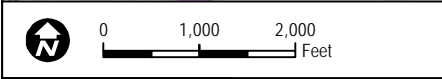
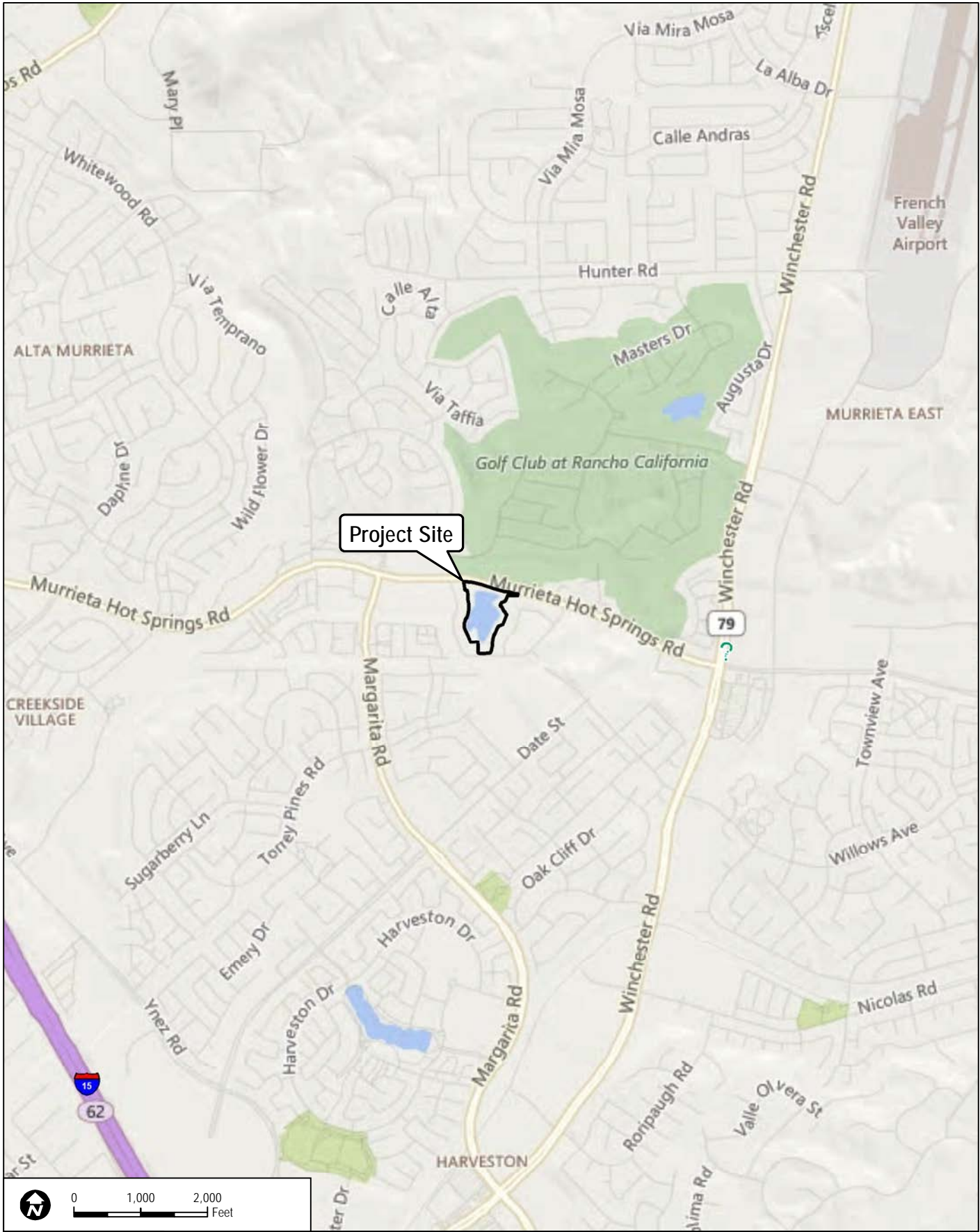


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**FIGURE 3-1
Regional Map**

Bel Air Apartment Homes Project EIR



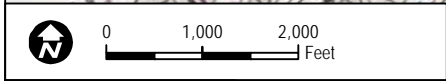
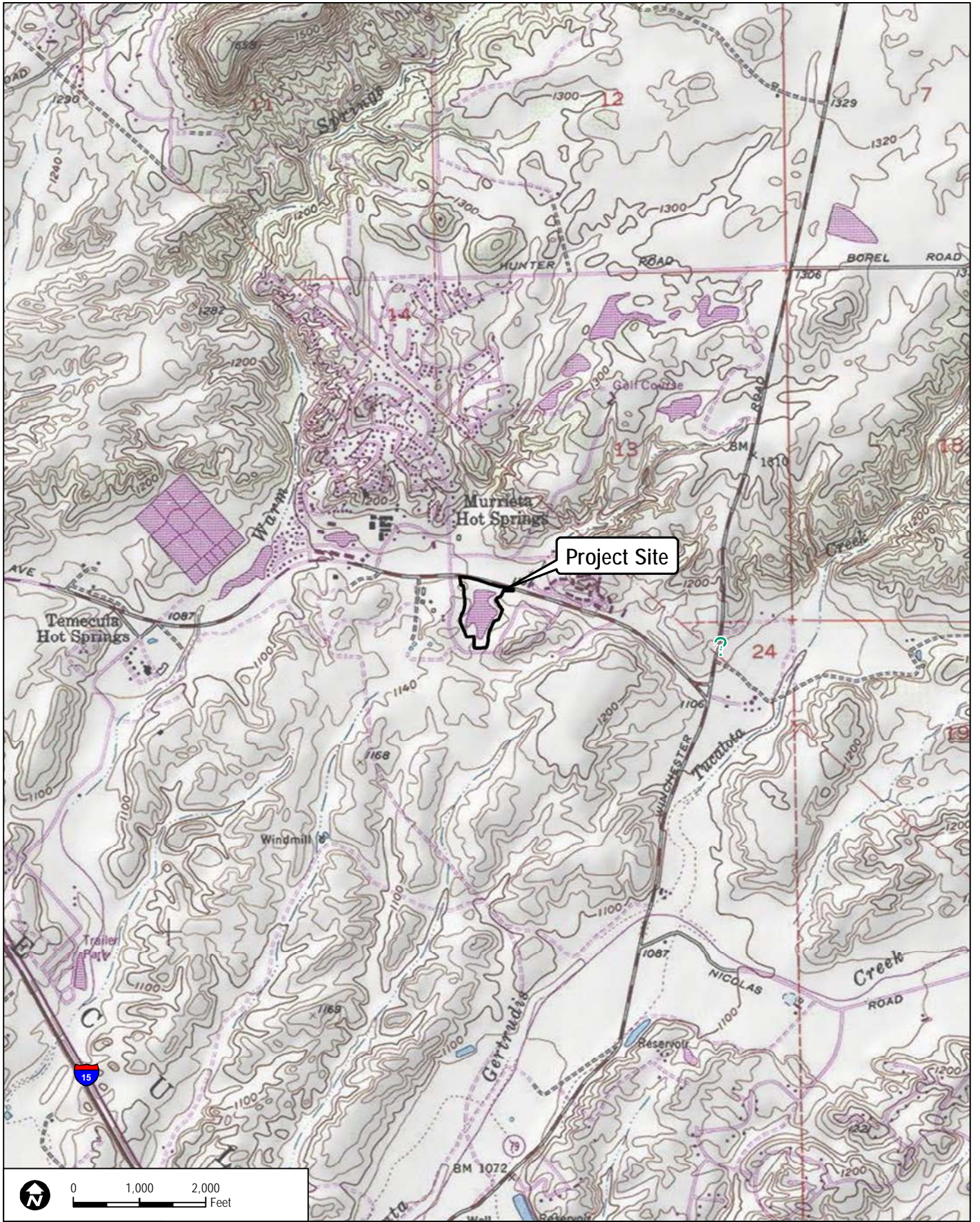
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SOURCE: Bing Maps 2014

**FIGURE 3-2
Vicinity Map**

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Bel Air Apartment Homes Project EIR



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SOURCE: USGS 7.5-Minute Series Murrieta Quadrangle. **FIGURE 3-3**
USGS Topographic Map

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Bel Air Apartment Homes Project EIR



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Feet

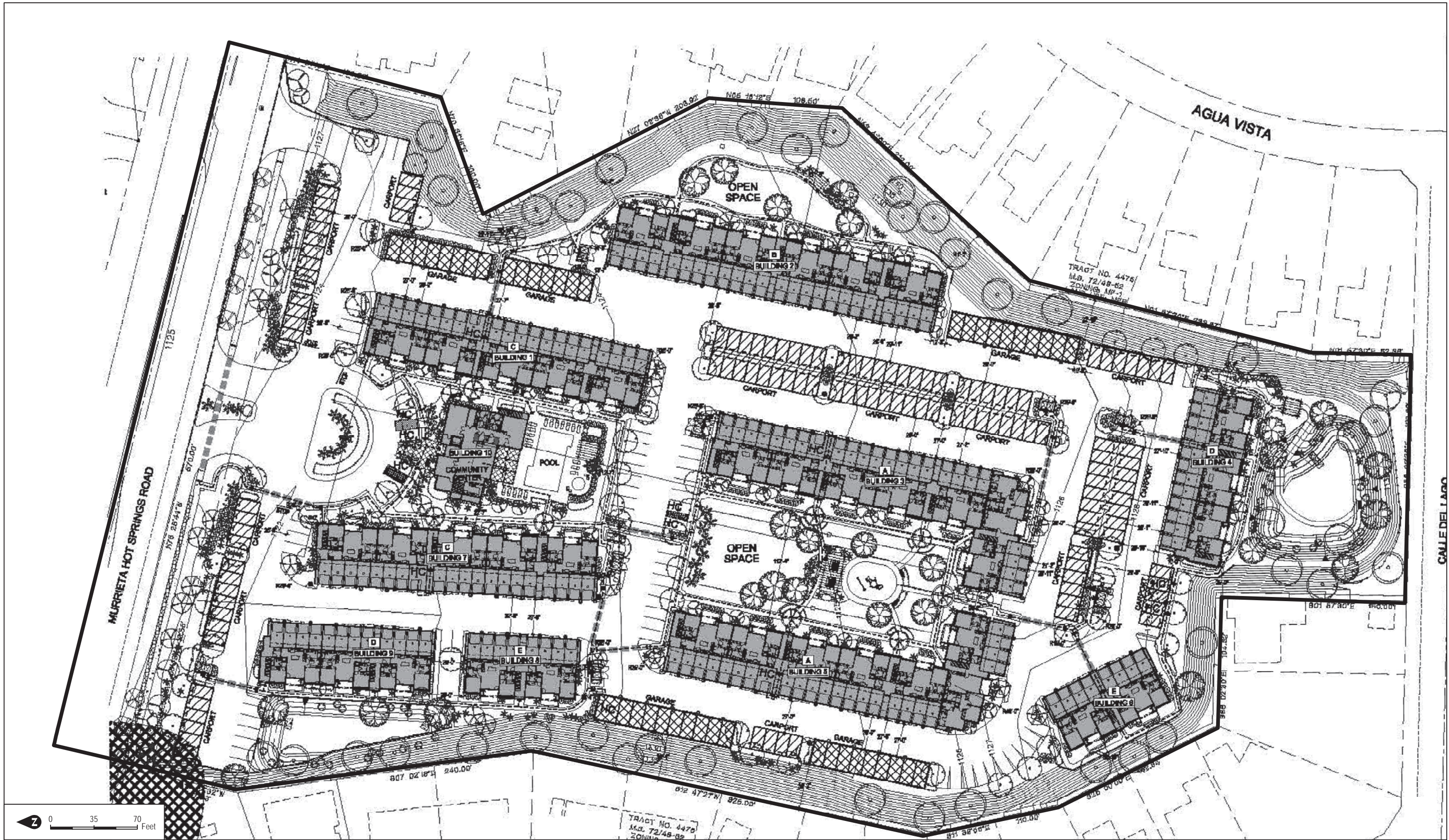
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SOURCE: Bing Maps 2014

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Bel Air Apartment Homes Project EIR

FIGURE 3-4
Existing Site Layout



SOURCE: KTGy Group Inc. Architecture+Planning, 2015

FIGURE 3-5
Conceptual Site Plan

PLANT LIST/LEGEND

AREA TABULATIONS

428,290 s.f. Total Private Property
 184,180 s.f. (38.3%) landscaped

18,070 s.f. Total ROW Area
 12,320 s.f. (68.2%) landscaped

446,360 s.f. TOTAL AREA (10.37 acres)
 176,500 s.f. (39.5%) landscaped

- PALM:** (45 @ 8" sizes as listed)
 Queen Palm (*Syagrus romanzoffiana*) min. 10-ft.
 Date Palm (*Phoenix* spp.) min. 12-ft.
- SI CPP TREE:** (41 @ 16-gal.)
 Coast Live Oak (*Quercus agrifolia*)
 California Pepper (*Schinus molle*)
 Desert Willow (*Chilopsis linearis*)
 Valley Oak (*Quercus lobata*)
 Tipu Tree (*Tipuana* sp.)
- ACCENT TREE:** (37 @ box sizes)
 Desert Willow (*Chilopsis linearis*)
 Indian Hawthorn (*Raphiopholia indica* 'Majestic Beauty')
 Citrus Myrtle (*Laguncularia nativa*)
 Redbud (*Cercis occidentalis*)
 Citrus Treas (*Citrus* spp.)
- NARROW UPRIGHT TREE:** (26 @ box sizes, 16 @ 15-gal.)
 Fruitless Sweet Gum (*Liquidambar rotundifolia*)
 Chinese Photinia (*Photinia serrulata*)
 Chantrelier Pear (*Pyrus calleryana* 'Chantrelier')
- LARGE SHADE TREE:** (13 @ box sizes, 14 @ 15-gal.)
 Valley Oak (*Quercus lobata*)
 California Pepper (*Schinus molle*)
 Camphor (*Cinnamomum camphora*)
 Japanese Pagoda Tree (*Sophora japonica*)
- MEDIUM SHADE TREE:** (30 @ box sizes, 37 @ 15-gal.)
 Chinese Pistache (*Pistacia chinensis*)
 Chinese Flame Tree (*Koelreuteria bipinnata*)
 Bradford Pear (*Pyrus calleryana* 'Bradford')
 Australian Willow (*Galearia parviflora*)
 Strawberry Tree (*Aristida unedo*)
 African Sunstar (*Rhus lancea*)
- BACKGROUND SHRUB:** (5-gal.)
 Purple Haze Bush (*Dodonaea viscosa* 'Purpurea')
 Toyon (*Heteromeles arbutifolia*)
 Xytosma (*Xytosma oregonum* 'Compacta')
- COLUMNAR SHRUB:** (15-gal.)
 Swanee Gold Cypress
 Spartan Juniper
- MEDIUM SHRUB:** (5-gal.)
 Juniper (*Juniperus* spp.)
 Coastal Rosemary (*Wickstroemia* spp.)
 Compact Myrtle (*Myrtus communis* 'Compacta')
 Landscape Roses (*Rosa hybrida*)
 Rockrose (*Cistus* spp.)
 Green and Gold Delia (*Eurocybe viridis*)
 Texas Ranger (*Leucophyllum fraxinea*)
 Ornamental grasses (various)
- LOW SHRUBS & PERENNIALS:** (1 gal. & 6 gal.)
 Daylily (*Hemerocallis* spp.)
 Society Garlic (*Turroglia violacea*)
 Autumn Sage (*Salvia greggii*)
 Pacific Mist Manzanilla (*Arctostaphylos 'Pacific Mist'*)
 Howard McMillin Manzanilla (*Arctostaphylos* 'Howard McMillin')
 Yankee Point Calli. Liliac (*Ceanothus 'Yankee Point'*)
 Agave (*Agave attenuata*)
 Aloe (Aloe - various)
- DETENTION BASIN SHRUBS:** (5-gal.)
 Catalina Perfume (*Ribes viburnifolium*)
 Calif. Liliac (*Ceanothus g.h. 'Yankee Point'*)
 Bush Anemone (*Carpenteria californica*)
 Redberry (*Rhamnus crocea*)
- DETENTION BASIN GRASSES/PERENNIALS:** (5-gal.)
 Deer Grass (*Muhlenbergia rigens*)
 Pink Muhly (*Muhlenbergia capillaris*)
- SLOPE SHRUBS:** (5-gal.)
 Lemonade Berry (*Rhus integrifolia*)
 Coffeeberry (*Rhamnus californica* 'Eve Case')
 Blue Elderberry (*Sambucus mexicana*)
- GROUND COVERS:** (Flats & 1-gal.)
 Centennial Coyote Bush (*Baccharis confertiflora*)
 Blue Sheep Fescue (*Festuca ovina* 'Clausa')
 Spreading *l. aniana* (*l. aniana*)
 Verbena (*Verbena* spp.)
 Dymondia Daisy (*Dymondia marginata*)
 Sedum
 Coleraster (*Coleraster horizontalis*)
- LAWN:**
 Merathon II Sod
- MEADOW GRASSES:** (Planted from plugs at 12" o.c.)
 Buffalo Grass (*Buchloe distachya*)
 Clustered Field Sedge (*Carex praegracilis*)
- VINE:** (5-gal.) (Not shown on plan)
 Boston Ivy (*Parthenocissus*)
 Hardenbergia Vine (*Hardenbergia violacea*)
 California Vireo (*Madroryza unguis-cati*)

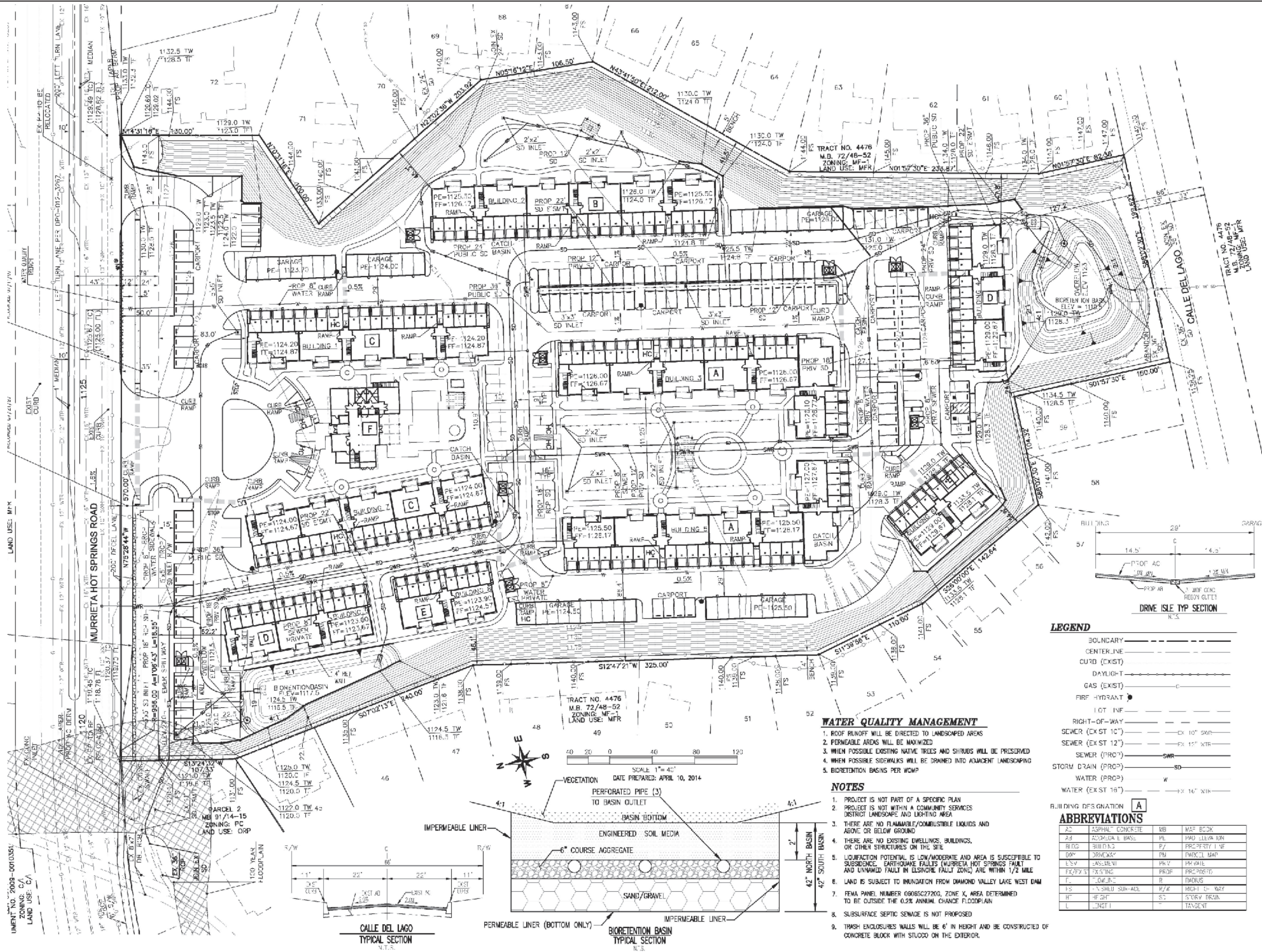


SOURCE: Royal Oaks Design 2015



Bel Air Apartment Homes Project EIR

FIGURE 3-6
 Landscape Concept Plan



LEGEND

- BOUNDARY
- CENTERLINE
- CURB (EXIST)
- DAYLIGHT
- GAS (EXIST)
- FIRE HYDRANT
- LOT INF
- RIGHT-OF-WAY
- SEWER (EX ST 10")
- SEWER (EX ST 12")
- SEWER (PROP)
- STORM DRAIN (PROP)
- WATER (PROP)
- WATER (EX ST 16")

ABBREVIATIONS

AC	ASPHL	CONCRETE	MB	MAP BOOK
AB	ADJACENT	BASE	PL	PLD LLEVATION
BLDG	BUILDING	FZ	PROPERTY LINE	
DRW	DRIVEWAY	FW	PROPERTY MAP	
ESV	EASEMENT	PRV	PRIVATE	
EX/EX	EXISTING	PROP	PROPOSED	
FL	FLOORING	R	RADIUS	
FS	FINISHED	SH-ADL	SH/4	RIGHT OF WAY
HF	HIGHWAY	ST	STREET	BOUNDARY
L	LINE	T	TANGENT	

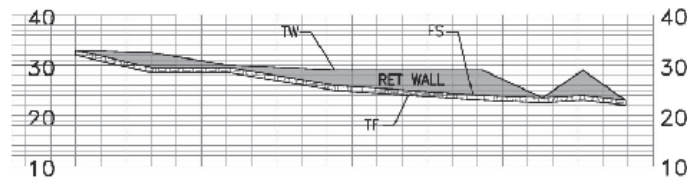
- WATER QUALITY MANAGEMENT**
- ROOF RUNOFF WILL BE DIRECTED TO LANDSCAPED AREAS
 - PERMEABLE AREAS WILL BE MAXIMIZED
 - WHEN POSSIBLE EXISTING NATIVE TREES AND SHRUBS WILL BE PRESERVED
 - WHEN POSSIBLE SIDEWALKS WILL BE DRAINED INTO ADJACENT LANDSCAPING
 - BIORETENTION BASINS PER WQMP
- NOTES**
- PROJECT IS NOT PART OF A SPECIFIC PLAN
 - PROJECT IS NOT WITHIN A COMMUNITY SERVICES DISTRICT LANDSCAPE AND LIGHTING AREA
 - THERE ARE NO FLAMMABLE/COMBUSTIBLE LIQUIDS AND ABOVE OR BELOW GROUND
 - THERE ARE NO EXISTING DWELLINGS, BUILDINGS, OR OTHER STRUCTURES ON THE SITE
 - LIQUIFACTION POTENTIAL IS LOW/MODERATE AND AREA IS SUSCEPTIBLE TO SUBSIDENCE. EARTHQUAKE FAULTS (MURRIETA HOT SPRINGS FAULT AND UNWIND FAULT IN ELSINORE FAULT ZONE) ARE WITHIN 1/2 MILE
 - LAND IS SUBJECT TO INUNDATION FROM DIAMOND VALLEY LAKE WEST DAM
 - FEMA PANEL NUMBER 06085C27205, ZONE X, AREA DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN
 - SUBSURFACE SEPTIC SANITATION IS NOT PROPOSED
 - TRASH ENCLOSURES WALLS WILL BE 6' IN HEIGHT AND BE CONSTRUCTED OF CONCRETE BLOCK WITH STUCCO ON THE EXTERIOR.

SOURCE: Love Engineering 2015

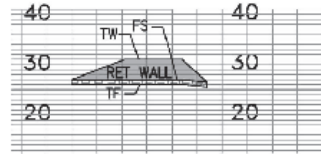


Bel Air Apartment Homes Project EIR

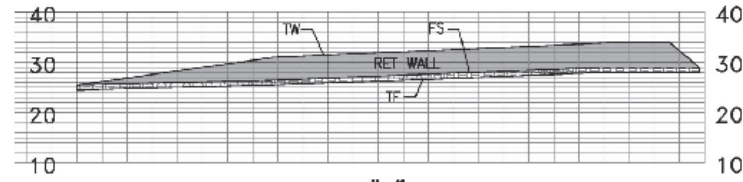
FIGURE 3-7a
Conceptual Grading Plan



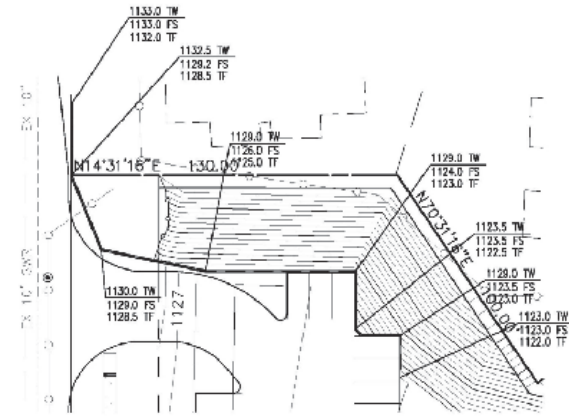
RET WALL "A" PROFILE
HORIZONTAL SCALE: 1"=30'
VERTICAL SCALE: 1"=15'



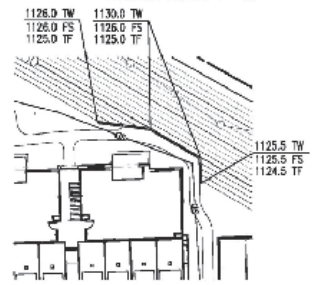
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VERTICAL SCALE: 1"=15'



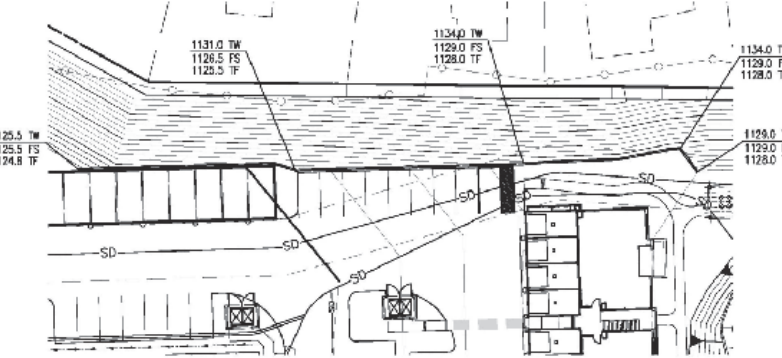
RET WALL "C" PROFILE
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VERTICAL SCALE: 1"=15'



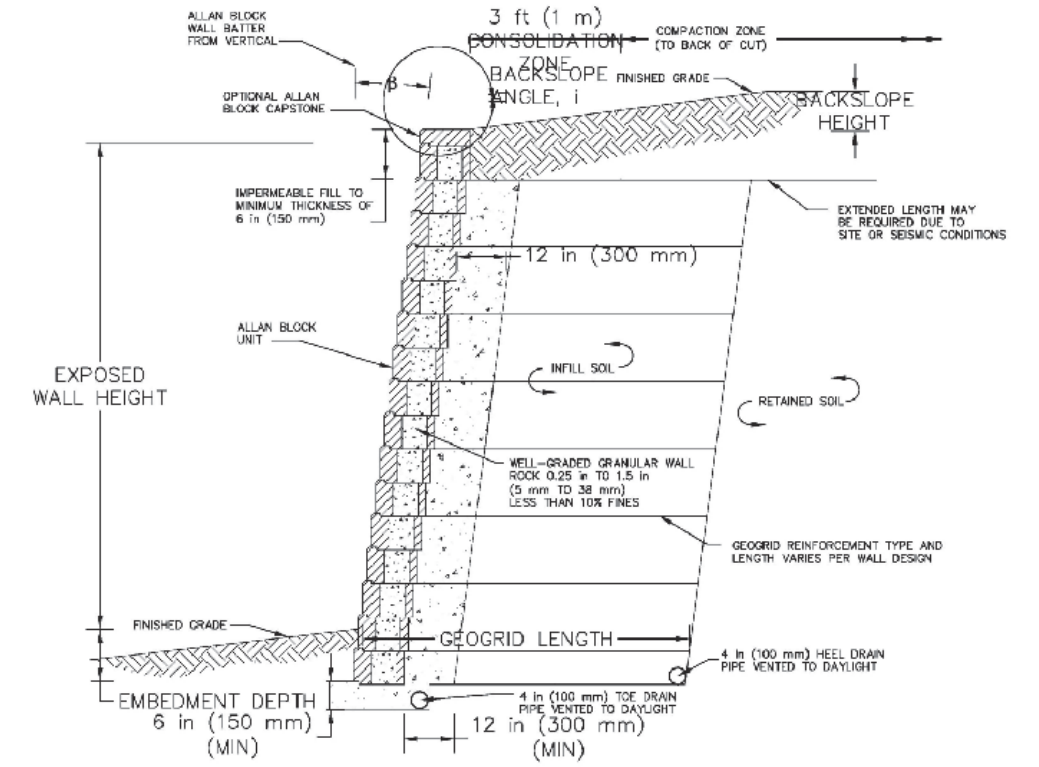
RET WALL "A" PLAN VIEW
SCALE: 1"=30'



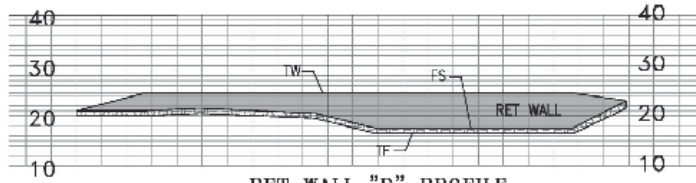
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SCALE: 1"=30'



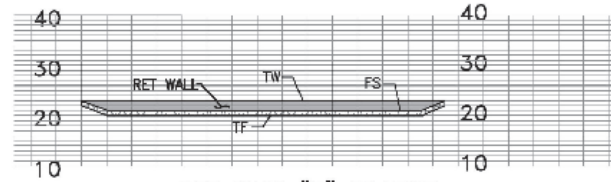
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SCALE: 1"=30'



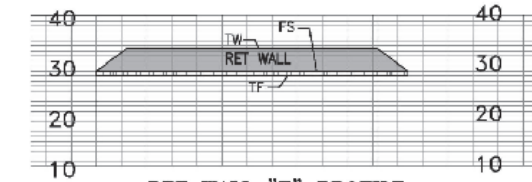
RETAINING WALL SECTION
NTS



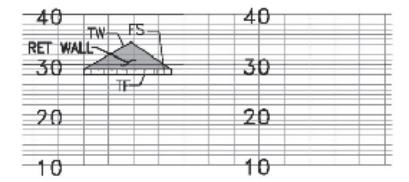
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VERTICAL SCALE: 1"=15'



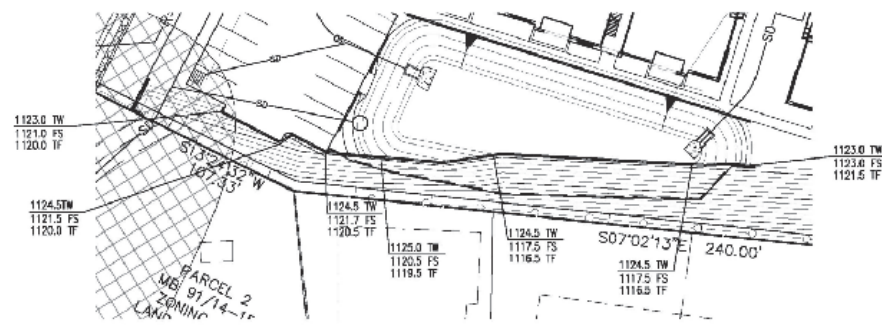
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VERTICAL SCALE: 1"=15'



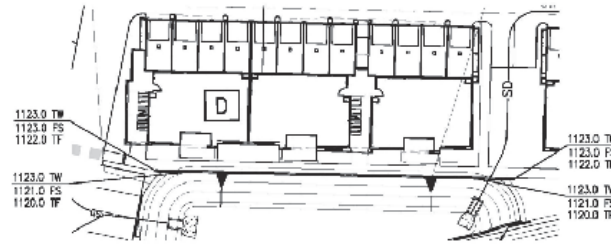
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VERTICAL SCALE: 1"=15'



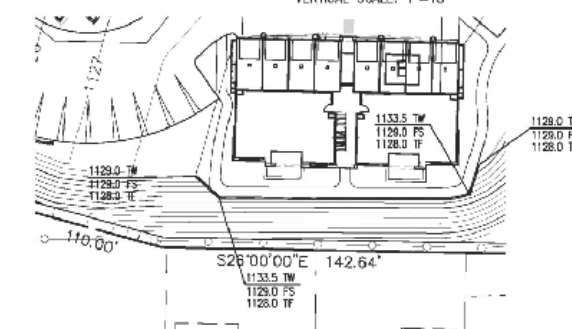
RET WALL "G" PROFILE
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VERTICAL SCALE: 1"=15'



RET WALL "D" PLAN VIEW
SCALE: 1"=30'



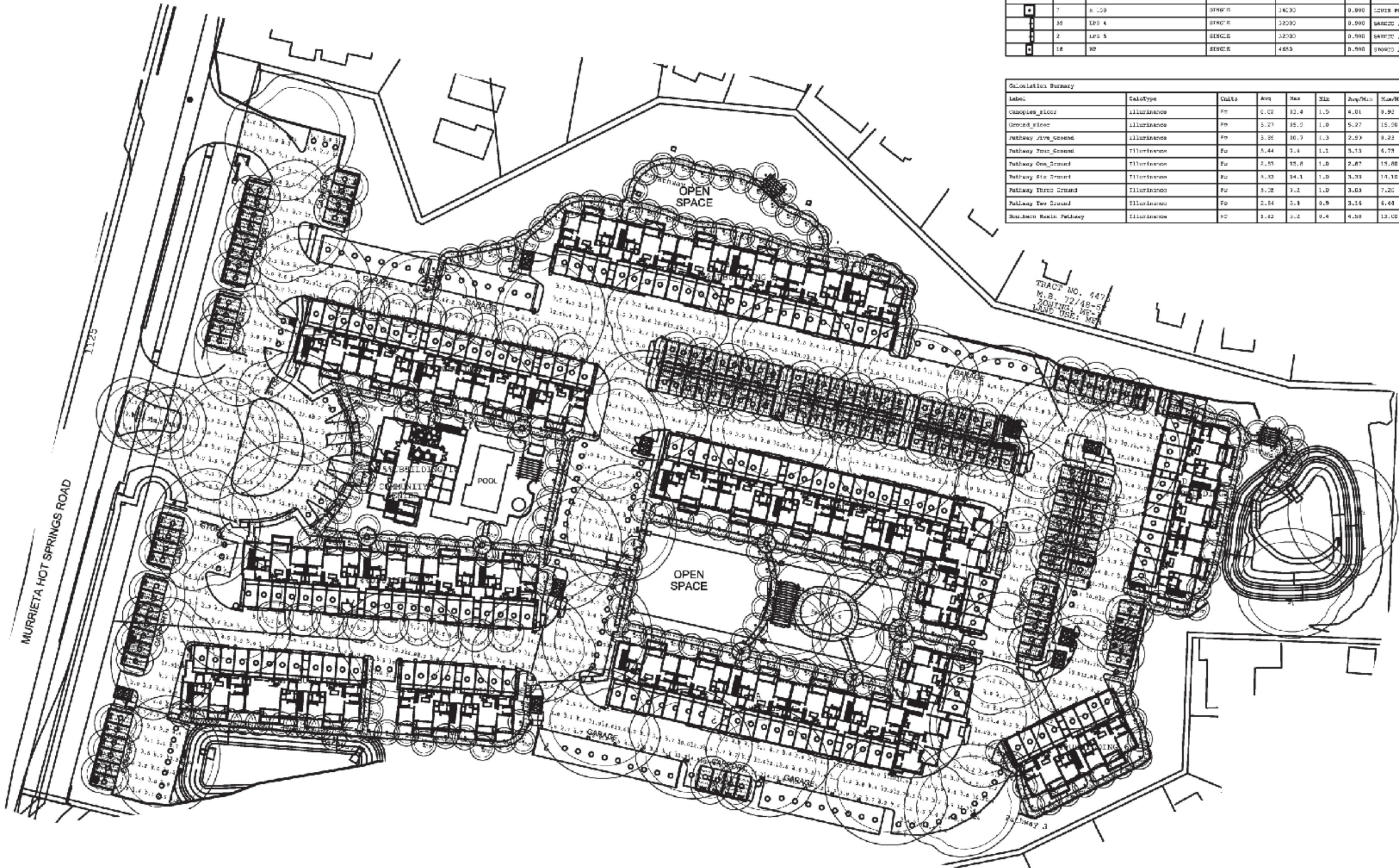
RET WALL "E" PLAN VIEW
SCALE: 1"=30'



RET WALL "F" PLAN VIEW
SCALE: 1"=30'



RET WALL "G" PLAN VIEW
SCALE: 1"=30'



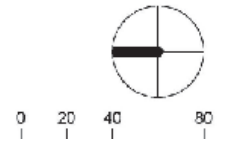
Symbol	Qty	Label	Assignment	Total Lamp Lumens	LW	Description
○	211	8 AS DCV	SINGLE	3420	0.800	GARAGE // 8AS-8-CORRE (ELEVATED TO 80W)
○	7	F	SINGLE	2920	0.710	POSSIBLE // 8AS-8-CORRE (ELEVATED TO 80W)
○	57	FS	GROUP	N.A.	0.740	POSSIBLE // 8AS-8-CORRE (ELEVATED TO 80W)
○	7	8 L20	STROBE	14000	0.800	POSSIBLE // 8AS-8-CORRE (ELEVATED TO 80W)
○	38	EPS 4	STROBE	32000	0.900	GARAGE // 8AS-8-CORRE (ELEVATED TO 80W)
○	2	EPS 5	SINGLE	52000	0.900	GARAGE // 8AS-8-CORRE (ELEVATED TO 80W)
○	18	HP	SINGLE	4850	0.900	STROBE // 8AS-8-CORRE (ELEVATED TO 80W)

Label	ColorType	Units	Avg	Max	Min	Req/Min	Max/Min
Couples Floor	ILLUMINANCE	Ft	5.02	11.4	1.5	4.01	9.93
Ground Floor	ILLUMINANCE	Ft	5.27	15.0	1.0	5.27	15.00
Pathway Five Ground	ILLUMINANCE	Ft	3.25	10.7	1.3	2.53	9.22
Pathway Two Ground	ILLUMINANCE	Ft	3.44	7.4	1.1	3.13	6.78
Pathway One Ground	ILLUMINANCE	Ft	2.55	15.6	1.0	2.87	15.60
Pathway Six Ground	ILLUMINANCE	Ft	4.53	14.1	1.0	3.33	14.10
Pathway Three Ground	ILLUMINANCE	Ft	3.28	7.2	1.0	3.03	7.20
Pathway Two Ground	ILLUMINANCE	Ft	2.84	5.8	0.8	3.15	5.80
Southwest Main Pathway	ILLUMINANCE	Ft	1.62	3.2	0.4	4.58	13.00

MURRIETA SITE PLAN 11-1-2015.ADW
 PROJECT NO: 1000000000
 REPORT BY: Barry Tyson/Applications Engineer
 DRAWING NO.: See Drawing
 USE: RESIDENTIAL DEVELOPMENT
 DATE: 11/14/2015

Note: All outside lighting shall conform to Development Code Section 16.18.110 Mount Palomar Lighting Standards.

NOTE: ALL OUTSIDE LIGHTING SHALL CONFORM TO DEVELOPMENT CODE SECTION 16.18.110 MOUNT PALOMAR LIGHTING STANDARDS.





- Project Boundary
- Soil pit locations
- ~ Jurisdictional Drainage
- ▨ Extent of Waters of the U.S.
- Extent of ACOE wetland jurisdiction
- Extent of CDFG jurisdiction

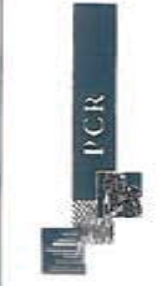


Figure 4
 Cameo Homes - Murrieta 180
 Jurisdictional Features

Source: AllPhoto USA, 2004 (Aerial);
 PCR Services Corporation, 2005.

**ATTACHMENT B
FACT SHEET**

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1.0 Applicant and Discharger

Bel Air Murrieta, LLC
(Hereinafter Discharger)
4525 District Boulevard
Vernon, CA 90058

Contact:
Kazem Zomorrodian, P.E., RCE
4525 District Boulevard
Vernon, CA 90058
(760) 845-3093
mkzomorrodian@yahoo.com

2.0 Project Description

The Project consists of the construction of a 196-unit multifamily residential community within a vacant 9.85-net acre (10.91 gross-acre) parcel. The units in the community may be sold to individual owners as condominiums or rented as apartments. The 196 units will be located in nine three-story buildings, situated around community open space and amenities including a two-story community center and pool, children's play area, and barbecue areas.

The 9.85-acre property will be graded and compacted to construct building pads and detention basins and install on-site utilities. The existing slopes along the east, west, and south property boundary will be graded, compacted, and stabilized with block retaining walls between 2 and 10 feet in height. A total of 12,730 cubic yards of cut material is expected to be generated during grading, and 78,140 cubic yards of fill is expected to be required. As a result, approximately 65,410 cubic yards of fill is expected to be imported during grading.

The Project adds approximately 5.07 acres of impervious surface. Stormwater runoff will be collected via a system of catch basins and storm drains and conveyed to three on-site detention basins (See section 8.0 and Attachment E for details).

The Project will discharge waste (fill material) to a total of 1.40 acre of waters of the State (683 linear feet) resulting in permanent impacts to jurisdictional waters in the Murrieta Hydrologic Area (HA), French Hydrologic Subarea (HSA) (902.33) as summarized in Table 1. Permanent impacts are categorized as those resulting in a physical loss in area and those degrading ecological condition only.

By letter dated March 9, 2015, the United States Army Corps of Engineers (USACE) determined that the Project activities will not occur within waters of the

United States and therefore the Project is not subject to USACE jurisdiction under Section 404 of the Clean Water Act (CWA) and a Section 404 permit is not required for the Project. The 1.40 acre of wetland waters was determined by the USACE to be outside of federal jurisdiction. These waters remain non-federal waters of the State, and discharges to these waters are thereby regulated pursuant to California Water Code Section 13260, *et. seq.*

Table 1: Jurisdictional Impact Summary

Jurisdiction Type	Permanent Impact		Temporary Impact	
	Area (acres)	Length (LF)	Area (acres)	Length (LF)
Surface Waters of the State (wetland)	1.40	683	0	0
Total	1.40	683	0	0

3.0 Regulatory Background

Section 13260(a) of the California Water Code (Water Code) requires that any person discharging waste or proposing to discharge waste within any region, other than to a community sewer system, which could affect the quality of the waters of the State, file a Report of Waste Discharge (ROWD). The discharge of dredged or fill material constitutes a discharge of waste that could affect the quality of waters of the State. Water Code section 13263(a) requires that Waste Discharge Requirements (WDRs) be prescribed as to the nature of any proposed discharge, existing discharge, or material change in an existing discharge. Such WDRs must implement any relevant water quality control plans, taking into consideration beneficial uses to be protected, the water quality objectives reasonably required for those purposes, other waste discharges, the need to prevent nuisance, and the provisions of Water Code section 13241.

Construction activities associated with the proposed discharges of fill threaten beneficial uses on-site and downstream. The Discharger will file a Notice of Intent to the State Water Resources Control Board (State Board) for coverage under State Board Order No. 2009-0009-DWQ, *National Pollutant Discharge Elimination System (NPDES) General Permit, For Storm Water Discharges Associated With Construction And Land Disturbance Activities* (Order No. 2009-0009-DWQ). The San Diego Water Board may conduct inspections to verify compliance with Order No. 2009-0009-DWQ, including, but not limited to, implementation of a storm water pollution prevention plan.

Since all federal waters can also be considered waters of the State, the State of California largely relies on section 401 of the federal Clean Water Act (CWA) (33 U.S.C. § 1341) to regulate discharges of dredged or fill material to waters of the State. That section requires an applicant to obtain “water quality certification”

from California that the project will comply with State water quality standards before certain federal licenses or permits may be issued. Each water quality certification includes a condition of coverage with State Water Resources Control Board's General Order No. 2003-0017-DWQ, *Statewide General Waste Discharge Requirements for Dredge and Fill Discharges that have Received State Water Quality Certification*. Water Quality Order No. 2003-0017-DWQ is accessible on the State Water Board web site at:

http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/generalorders/go_wdr401regulated_projects.pdf.

In light of recent U.S. Supreme Court rulings, isolated waters, or waters lacking a significant nexus to a traditionally navigable waterbody, are no longer considered waters of the U.S. (i.e. federal waters), and therefore no longer require certification pursuant to Section 401 of the CWA. In order to comply with the State's "No Net Loss" Policy for wetlands (Executive Order W-59-93), discharges of waste to these nonfederal, State wetlands are being regulated pursuant to California Water Code Section 13260.

On March 9, 2015, the USACE determined the Project property contained no waters of the U.S. On April 29, 2016, the Discharger submitted a ROWD, along with required fees in accordance with the State Water Board's Dredge and Fill Fee Calculator, for discharges of fill associated with the Project to the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board). Pursuant to fee schedules currently set in CCR Title 23, annual fees are required. By letter dated December 13, 2018, the San Diego Water Board informed the Discharger that the ROWD application was complete.

This Order serves as individual waste discharge requirements for discharges of fill to non-federal waters of the State.

4.0 California Environmental Quality Act

Before the San Diego Water Board can issue WDRs, the project must have a final, valid environmental document meeting the criteria of the California Environmental Quality Act (CEQA). The CEQA document must fully disclose the potential significant adverse impacts of the project and identify measures to avoid, minimize, rectify, reduce or compensate for the impacts identified, including a monitoring and reporting program to ensure compliance with the proposed mitigation measures.

The City of Murrieta is the Lead Agency under the California Environmental Quality Act (Public Resources Code section 21000, et seq., (CEQA)). The Lead Agency certified a Final Environmental Impact Report (EIR) for the Bel Air Apartments LLC; Tentative Map 2014-461 (TTM 36854) Project, and filed a

Notice of Determination (SCH # 2015111002) on February 8, 2017, under CEQA Guidelines Title 14, California Code of Regulations. 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.

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 Final EIR are implemented. The Mitigation Monitoring and Reporting Program (MMRP) is included and incorporated by reference in Attachment F to this Certification. The Discharger must implement the Lead Agency's MMRP described in the Final EIR, as it pertains to resources within the San Diego Water Board's purview.

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).

5.0 Water Quality Standards and Prohibitions

Section 303 of the federal Clean Water Act (33 U.S.C. §1313) defines the term water quality standards as the uses of the surface waters, the water quality criteria which are applied to protect those uses, and an antidegradation policy.¹ A water quality standard defines the water quality goals for a water body by designating the use or uses to be made of the water body, by setting criteria to protect the uses, and by protecting water quality through non-degradation provisions. Under the Porter-Cologne Water Quality Control Act (California Water Code, Division 7, Chapter 2 §13050), these concepts are defined separately as beneficial uses and water quality objectives. Beneficial uses and water quality objectives are required to be established for all waters of the State, both surface and ground waters.

The Project will affect waters of the State in the Murrieta HA, French HSA (902.33).

The Water Quality Control Plan for the San Diego Basin (9) (Basin Plan), adopted on September 8, 1994 as amended, designates existing and potential beneficial uses for surface and ground waters within the San Diego Region. Beneficial uses within the project area are summarized in Table 2 below.

¹ Pursuant to the federal Clean Water Act, water quality standards are composed of three parts: (1) designated uses, e.g., protection of fish and wildlife, recreation and drinking water supply (40 CFR section 131.10); (2) numeric or narrative water quality criteria to protect those uses (40 CFR section 131.11); and (3) an antidegradation policy (40 CFR section 131.12).

Table 2. Beneficial Uses of the Project Site Surface and Ground Waters

Beneficial Use	Description
Municipal and Domestic Supply (MUN)	Uses of water for community, military, or individual water supply systems, including, but not limited to, drinking water supply.
Agricultural Supply (AGR)	Uses of water for farming, horticulture, or ranching, including, but not limited to, irrigation, stock watering, or support of vegetation for range grazing.
Industrial Service Supply (IND)	Uses of water for industrial activities that do not depend primarily on water quality, including, but not limited to, mining, cooling water supply, hydraulic conveyance, gravel washing, fire protection, and oil well repressurization.
Industrial Process Supply (PROC)	Includes uses of water for industrial activities that depend primarily on water quality.
Non-contact Water Recreation (REC2)	Uses of water for recreational activities involving proximity to water, but not normally involving contact with water where water ingestion is reasonably possible. These uses include, but are not limited to, picnicking, sunbathing, hiking, beachcombing, camping, boating, tide pool and marine life study, hunting, sightseeing, or aesthetic enjoyment in conjunction with the above activities.
Warm Freshwater Habitat (WARM)	Uses of water that support warm water ecosystems including, but not limited to, preservation or enhancement of aquatic habitats, vegetation, fish, or wildlife, including invertebrates.
Wildlife Habitat (WILD)	Uses of waters that support wildlife habitats, including, but not limited to, the preservation and enhancement of vegetation and prey species used by wildlife, such as waterfowl.

The Basin Plan establishes Water Quality Objectives for surface waters within the Murrieta HA as shown in Table 3 below.

Table 3. Water Quality Objectives for Surface Waters in the Santa Maria Valley and the Santa Ysabel Hydrologic Area

Constituent	Concentration^a
Total Dissolved Solids	750
Chloride	300
Sulfate	300
Percent Sodium	60
Nitrogen and Phosphorus	b
Iron	0.3
Manganese	0.05
Methylene Blue-Activated Substances	0.5
Boron	0.75
Turbidity (NTU)	20
Color Units	20
Fluoride	1

a. All units are mg/L unless otherwise noted.

b. Concentrations of nitrogen and phosphorus, by themselves or in combination with other nutrients, shall be maintained at levels below those which stimulate algae and emergent plant growth. Threshold

total Phosphorus (P) concentrations shall not exceed 0.05 mg/l in any stream at the point where it enters any standing body of water, or 0.025 mg/l in any standing body of water. A desired goal in order to prevent plant nuisances in streams and other flowing waters appears to be 0.1 mg/l total P. These values are not to be exceeded more than 10% of the time unless studies of the specific body in question clearly show that water quality objective changes are permissible and changes are approved by the San Diego Water. Analogous threshold values have not been set for nitrogen compounds; however, natural ratios of nitrogen to phosphorus are to be determined by surveillance and monitoring and upheld. If data are lacking, a ratio of N:P =10:1 shall be used.

The Basin Plan establishes water quality objectives for ground waters within the Murrieta HA as shown in Table 4 below.

Table 4. Water Quality Objectives for Ground Waters in the Murrieta Hydrologic Area

Constituent	Concentration ^a
Total Dissolved Solids	750
Chloride	300
Sulfate	300
Percent Sodium	60
Nitrate	45
Iron	0.3
Manganese	0.05
Methylene Blue-Activated Substances	0.5
Boron	0.75
Turbidity (NTU)	none
Color Units	15
Fluoride	1

a. All units are mg/L unless otherwise noted.

The Basin Plan establishes the following Waste Discharge Prohibitions pursuant to California Water Code §13243 applicable to the Discharge:

- Prohibition No. 1. The discharge of waste to waters of the state in a manner causing, or threatening to cause a condition of pollution, contamination, or nuisance as defined in California Water Code section 13050, is prohibited.
- Prohibition No. 2. The discharge of waste to land, except as authorized by waste discharge requirements or the terms described in California Water Code section 13264 is prohibited.

- Prohibition No. 3. The discharge of pollutants or dredged or fill material to waters of the United States except as authorized by an NPDES permit or a dredged or fill material permit (subject to the exemption described in California Water Code section 13376) is prohibited.
- Prohibition No. 7. The dumping, deposition, or discharge of waste directly into waters of the state, or adjacent to such waters in any manner which may permit it's being transported into the waters, is prohibited unless authorized by the San Diego Water Board.
- Prohibition No. 14. The discharge of sand, silt, clay, or other earthen materials from any activity, including land grading and construction, in quantities which cause deleterious bottom deposits, turbidity or discoloration in waters of the state or which unreasonably affect, or threaten to affect, beneficial uses of such waters is prohibited.

6.0 Basis for Waste Discharge Requirements

This Order establishes requirements for the discharge of wastes pursuant to Division 7 of the California Water Code and Article 4, Title 23 of the California Code of Regulations, and establishes mitigation and monitoring provisions based on best professional judgment. The waste discharge requirements, reporting requirements, and standard provisions in this Order are established in accordance with Division 7 of the California Water Code. The discharge of fill material as regulated by this Order will not reduce water quality below applicable standards.

7.0 Compensatory Mitigation Measures

Compensatory mitigation for permanent impacts to wetland waters of the State will be achieved through the purchase of 1.40-acre establishment or re-establishment mitigation bank credits from the San Luis Rey Mitigation Bank (SLRMB), in advance of Project construction, and enhancement of an approximately 1.97-acre vernal pool complex/wetland at the Western Riverside County Regional Conservation Authority (RCA) owned Moore Property. The Discharger will purchase the 3.57 acre Moore Property site and provide long-term management funding to Riverside Multi Species Habitat Conservation Plan (MSHCP) through the RCA to achieve a minimum compensation ratio of 2.41:1 (area mitigated:area impacted). The SLRMB is located on 55.84 acres in the Mission HSA (903.11) in the City of Oceanside, San Diego County, California. Mitigation credit parcels, purchased from the Bank to satisfy compensatory mitigation requirements, are required to be protected, monitored and maintained in perpetuity by the Bank pursuant to a federal and State approved bank enabling instrument and a recorded conservation easement held

by Wildlife Heritage Foundation. Wildlands, a habitat development and land management company, is the Bank Sponsor and is responsible for Bank design, entitlement, construction and long-term operations and management.

Mitigation activities at San Luis Rey Wetland Mitigation Bank are expected to be successful based on the location, soil type, expected hydrology, and the use of plant species that occur on-site and are known to perform well in habitat restoration programs.

The Moore Property is located within the same watershed as the project and is located directly adjacent to the Santa Rosa Plateau Ecological Reserve (SRPER) to the north of Avocado Mesa Road (Deluz Creek HSA 902.21). The Moore Property is hydrologically connected to a large vernal pool within the SRPER by a pair of cross-culverts installed underneath Avocado Mesa Road. The Moore Property supports the State-listed endangered and Federally listed threatened thread-leaved brodiaea (*Brodiaea filifolia*) and vernal pool fairy shrimp (*Branchinecta lynchi*) were identified on site during Fall 2014 surveys (Personal correspondence with RCA, April 29, 2015). The site is located within critical habitat for Riverside fairy shrimp (*Streptocephalus woottoni*). The California Rapid Assessment Method (CRAM) analysis prepared at the Moore property and at the project site documented significantly higher biological functions and values at the Moore property. The proposed mitigation efforts at the Moore property include the following goals:

- Improve the functional value of existing on-site wetlands, including vernal pool habitat;
- Promote the spread of Federal and State listed San Diego button celery and State listed prostrate navarretia;
- Promote use by local wildlife, including potential for colonization by Riverside fairy shrimp;
- Protect-in-place existing sensitive plant populations; and
- Establish a weed free buffer to reduce weed invasion and further promote development of native bunch grasses and thread-leaved brodiaea.

For the reasons above, it is anticipated that the proposed mitigation will adequately compensate for impacts to waters of the State associated with the discharge of fill material from the Project. Attachment C shows the location of the mitigation areas.

Table 5, *Impact and Compensatory Mitigation Summary*, provides a summary of the jurisdictional impacts and conceptual mitigation approach.

Table 5. Impact and Compensatory Mitigation Summary

Jurisdiction Type	Permanent Impact		Mitigation Proposed (acre)	Water Board Mitigation Ratio
	Area (acres)	Length (LF)		
Wetland waters of the state ¹	1.40	683	1.4 Reestablishment Credit purchase at the San Luis Rey Mitigation Bank	1:1
			1.97 Enhancement of vernal pool complex at Moore Property	1.41:1
Total			3.37-acre	2.41:1

¹The wetland feature to be impacted within the project site is a circular ponded area that was constructed in the 1960's to create a man-made lake.

8.0 Runoff Management Plan (RMP)

The post-construction Best Management Practices (BMPs) for the Project are detailed in *County Project Specific Water Quality Management Plan For: Murrieta 196 (WQMP)* prepared by Love Engineering for the Discharger, dated April 10, 2014 (Revised on October 21, 2018). The Project adds approximately 5.07 acres of impervious surface. Stormwater runoff will be collected via a system of catch basins and storm drains and conveyed to three on-site detention basins. The two major infiltration basins will be constructed to collect and treat runoff from the Project. The first basin will be located at the southern end of the Project site. This basin will collect off-site flows from surrounding residential development that is currently discharged onto the property. On- and off-site flows will be directed into an underground storm drain along the westerly edge of the project to a second basin at the northwest corner of the project site. The basins will be constructed with a permeable lined bottom and 4:1 impermeable lined sides. The basins will be filled with a layer of sand and gravel over the basin bottom, a layer of 6-inch aggregate, and topped with engineered soil and vegetation. A series of perforated pipes in the aggregate layer will capture runoff after solids, sediment, and other urban pollutants have settled out, and they will direct flows to the basin outlets. Flows from the northwest basin will be discharged off-site into the City of Murrieta storm drain system via existing underground storm drain pipes in Murrieta Hot Springs Road. A third smaller detention basin is located in the semi-circle landscape area at the entry to the site. Water quality trenches, constructed

with materials similar to the basins, will be installed along the Projects boundary with Murrieta Hot Springs Road to capture and filter runoff from the roadway.

In addition, the Project will incorporate the following Source Control BMPs:

- Minimize impervious footprint;
- The on-site storm drain system will be clearly marked to prevent dumping;
- Paved areas including guest parking and hardscape will drain into adjacent landscaping when feasible;
- Landscaping will encourage infiltration while discouraging fertilizers and pesticides; and
- Drainage swales will be vegetated when feasible.

The BMP exhibits in Attachment E show the preliminary onsite drainage network locations.

Under the terms and conditions of this Order, the Project is conditioned to mitigate (infiltrate, filter, and/or treat), prior to discharging to receiving waters, the volume of runoff produced by all storms up to and including the 24-hour, 85th percentile storm event for volume-based BMPs and/or the 1 hour, 85th percentile multiplied by a factor of two for flow-based BMPs, as determined from the local historical rainfall record. The Project must also conform to the Standard Storm Water Mitigation and Hydromodification Plans for the City of Murrieta.

9.0 Public Participation

The San Diego Water Board has considered the issuance of waste discharge requirements in this Order for the Project. As a step in the adoption process of this Order the San Diego Water Board developed a Tentative Order and encouraged public participation in the Board's proceedings to consider adoption of the Tentative Order in accordance with the requirements of Water Code section 13167.5.

The public was notified by a San Diego Water Board internet website posting on December 19, 2018, that a report of waste discharge application for WDRs for the Project was submitted.

As a step in the WDR adoption process, the San Diego Water Board developed Tentative Order No. R9-2019-0011, a draft version of the Order. The San Diego Water Board has taken the following steps to encourage public participation in the San Diego Water Board's proceedings to consider adoption of the Tentative Order.

Notice of Public Hearing and Public Comment Period

By electronic e-mail and public notice dated December 19, 2018, the San Diego

Water Board notified the Discharger and interested agencies and persons of its intent to consider adoption of the Tentative Order in a public hearing during a regularly scheduled Board Meeting on March 13, 2019. The San Diego Water Board also provided notice that the Tentative Order was posted on the Board website and provided a period of 30 days for public review and comment. Notification was also provided through the San Diego Water Board website and the San Diego Water Board Meeting agenda publication.

The public also had access to the Board meeting agenda, including all supporting documents and any changes in meeting dates and locations through the San Diego Water Board's website at: <http://www.waterboards.ca.gov/sandiego/>

10.0 Written Comments and Responses

Interested persons were invited to submit comments concerning the Tentative Order as provided in the public notice. Written comments or e-mailed comments were required to be received in the San Diego Water Board office at 2375 Northside Drive, Suite 100, San Diego, CA 92108. To be fully responded to by staff and considered by the San Diego Water Board, the written or e-mailed comments were due at the San Diego Water Board office by **5:00 p.m. on January 18, 2019**. The San Diego Water Board provided written responses to all timely received public comments on the Tentative Order and posted the response to comments document on the Board's website in advance of the public hearing date.

11.0 Public Hearing

The San Diego Water Board held a public hearing on the Tentative Order during its regular Board meeting as follows:

Date: March 13, 2019
Time: 9:00 a.m.
Location: San Diego Water Board
Regional Board Meeting Room
2375 Northside Drive, Suite 100
San Diego, CA 92108

At the public hearing, the San Diego Water Board heard and considered all comments and testimony, pertinent to the discharge and the Tentative Order. For accuracy of the record, important testimony was requested in writing.

12.0 Information and Copying

Records pertinent to the San Diego Water Board's proceedings to adopt this Order including but not limited to the Report of Waste Discharge (ROWD), public

notices, draft and finalized versions of the Tentative Order, public comments received, Board responses to comments received and other supporting documents are maintained by the San Diego Water Board. These records are available for public access between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday at the San Diego Water Board office.

The San Diego Water Board website contains on-line information and instructions on how to request access and obtain copies of these records at: http://www.waterboards.ca.gov/sandiego/about_us/contact_us/records.shtml.

Before making a request to view public records in the San Diego Water Board office you may wish to determine if the information is already available on the San Diego Water Board's website at: <http://www.waterboards.ca.gov/sandiego/>

13.0 Register of Interested Persons

Any person interested in being placed on the mailing list for information regarding this Order should contact the San Diego Water Board, reference this Order or Project, and provide a name, address, phone number, and email address.

San Diego Regional Water Quality Control Board
2375 Northside Drive, Suite 100
San Diego, CA 92108-2700
Phone (619) 516-1990
Fax (619) 516-1994
E-mail rb9_questions@waterboards.ca.gov.

14.0 Additional Information

Requests for additional information or questions regarding this Order should be directed to Darren Bradford of the San Diego Water Board staff at (619) 521-3356 or to the San Diego Water Board via e-mail at rb9_questions@waterboards.ca.gov.

15.0 Petition for State Water Board Review

Any aggrieved person may petition the State Water Board to review the decision of the San Diego Water Board regarding the final WDRs of this Order in accordance with Water Code section 13320 and the California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the adoption date of this Order, except that if the thirtieth day following the adoption date of this Order falls on a Saturday, Sunday, or State holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the State Water Board

website at:

http://www.waterboards.ca.gov/public_notices/petitions/water_quality/index.shtml

or will be provided upon request.

16.0 Documents Used in Preparation of the Fact Sheet and Order

The following documents were used in the preparation of this Fact Sheet and this Order:

- a. Application/Report of Waste Discharge submitted on April 29, 2016 with 11 attachments.
- b. Bel Air Apartment Homes (Murrieta 196) Project Initial Study.
- c. Bel Air Apartments LLC; Tentative Map 2014-461 (TTM 36854), Notice of Determination, SCH #2015111002, February 8, 2017.
- d. Letter from the USACE to Mr. Kazem Zomorrodian. Subject: Determination of need for Department of the Army Permit, March 9, 2015.
- e. Draft Agreement for Sale of Mitigation Credits from the San Luis Rey Mitigation Bank on November 19, 2018.
- f. Habitat Mitigation and Monitoring Plan for the Bel Air Apartment homes (Murrieta 196) Project Moore Property Mitigation Site: February 2018.
- g. Supplemental information submitted on July 12, 2016, February 14, 2017, April 20, 2017, October 26, 2017, and April 23, 2018.
- h. *Preliminary Project Specific Water Quality Management Plan For: Murrieta 196 (WQMP)* prepared by Love Engineering for the Discharger, dated April 10, 2014 (Revised October 21, 2018).

Tech Staff Info & Use	
File No.	R9-2019-0011
WDID	9000003055
Reg. Measure ID	406020
Place ID	824380
Party ID	556148
Person ID	556147

Bel Air Murrieta, LLC
Bel Air Apartment Homes (Murrieta 196) Project
Order No. R9-2019-0011

**ATTACHMENT C
MITIGATION FIGURES**

Mitigation Purchase Agreement: San Luis Rey Mitigation Bank
Figure 4 – Moore Property Vicinity Map
Figure 5 – Murrieta 196 Project Area with Riverside MSHCP Plan Area
Figure 6 – Moore Property Mitigation Site with Riverside MSHCP Plan Area
Figure 7 – Moore Property Mitigation Concept Map
Figure 10 – Moore Property Mitigation Site Sensitive Vegetation
Figure 11 – Moore Property Mitigation Site Jurisdictional Aquatic Resources

**AGREEMENT FOR SALE OF MITIGATION CREDITS
SAN LUIS REY MITIGATION BANK**

**RWQCB File No. R9-2019-0011
CDFW File No. 1600-2016-0087-R6**

This Agreement is made and entered into this 19th day of November, 2018 by and between WILDLANDS SLR HOLDINGS I, LLC, a Delaware limited liability company (“Bank Sponsor”) and BEL AIR MURRIETA, LLC, a Nevada limited liability company (“Project Proponent”). Bank Sponsor and Project Proponent are collectively referred to herein as the “Parties.”

RECITALS

A. Bank Sponsor has developed the San Luis Rey Mitigation Bank (“Bank”) located in San Diego County, California; and

B. The Bank has been developed pursuant to a Bank Enabling Instrument entered into by and between Bank Sponsor, United States Army Corps of Engineers (“USACE”), and California Department of Fish and Wildlife (“CDFW”); and

C. Bank Sponsor has received the approval of the USACE and CDFW to operate the Bank as a mitigation bank with wetland waters of the United States/State credits, waters of the United States/State credits and buffer credits for sale as compensation for the loss of waters of the United States, waters of the State and/or State jurisdictional habitats; and

D. Project Proponent is seeking to implement the project described on Exhibit “A” attached hereto (“Project”), which would unavoidably and adversely impact waters of the United States/State thereon, and seeks to compensate for such impacts by purchasing compensatory credits from Bank Sponsor; and

E. Project Proponent has been authorized by the Regional Water Quality Control Board (“RWQCB”) under Section 401 Water Quality Certification No. R9-2019-0011 and by CDFW under Streambed Alteration Agreement Notification No. 1600-2016-0087-R6 to purchase from the Bank Sponsor 1.6 acres of wetland or riparian re-establishment credits at Bank; and

F. Project Proponent desires to purchase from Bank Sponsor and Bank Sponsor desires to sell to Project Proponent 1.6 acres of Re-established River: Wetland Waters of the U.S./State credits.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. Bank Sponsor hereby agrees to sell to Project Proponent and Project Proponent hereby agrees to purchase from Bank Sponsor 1.6 acres of Re-established River: Wetland Waters of the U.S./State credits (“Credits”) for the purchase price of \$920,000.00 (“Purchase Price”). The Purchase Price for said Credits shall be paid by wire transfer of funds according to written

instructions by Bank Sponsor to Project Proponent, or by check payable to “**Wildlands SLR Holdings I, LLC.**” Upon receipt of the Purchase Price, Bank Sponsor will deliver to Project Proponent an executed Bill of Sale in the form attached hereto as Exhibit “B.”

2. The sale and transfer herein is not intended as a sale or transfer to Project Proponent of a security, license, lease, easement, or possessory or non-possessory interest in real property, nor the granting of any interest of the foregoing.

3. Project Proponent shall have no obligation whatsoever by reason of the purchase of the Credits, to support, pay for, monitor, report on, sustain, continue in perpetuity, or otherwise be obligated or liable for the success or continued expense or maintenance in perpetuity of the Credits sold, or the Bank. As required by law, Bank Sponsor shall monitor and make reports to the appropriate agency or agencies on the status of any Credits sold to Project Proponent. Bank Sponsor shall be fully and completely responsible for satisfying any and all conditions placed on the Bank or the Credits, by all state or federal jurisdictional agencies.

4. The Credits sold and transferred to Project Proponent shall be nontransferable and non-assignable, and shall not be used as compensatory mitigation for any other Project or purpose, except as set forth herein.

5. Project Proponent must deliver the Purchase Price to Bank Sponsor within 30 days of the date of this Agreement. After the 30-day period this Agreement will be considered null and void and Bank Sponsor shall have no further obligations hereunder.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written.

BANK SPONSOR

WILDLANDS SLR HOLDINGS I, LLC, a Delaware limited liability company

By: 
Name: **Wildlands, Manager**
Its: **Mark Heintz, Manager**

PROJECT PROPONENT

BEL AIR MURRIETA, LLC, a Nevada limited liability company


By: 
Name:
Its:

Exhibit "A"

**DESCRIPTION OF PROJECT
TO BE
MITIGATED**

The Bel Air Apartment Homes (Murrieta 196) Project is for the construction of a 196-unit multi-family residential community, consisting of nine three-story residential buildings, common area facilities, including a multi-purposes room, business office, recreational facilities, swimming pool and spa, and parking spaces, and associated infrastructure, such as access roads, landscaping, utilities, and infiltration and detention basins.

The Project is located north of Calle del Lago, east of Via Princessa, south of the Murrieta Hot Springs, and west of Agua Vista, in the City of Murrieta, Riverside County, California; within Assessor's Parcel Number 913-160-040; Latitude 33°33'16.90" N, Longitude -117°09'07.01" W.

Exhibit "B"

BILL OF SALE

Contract # SLRMB-18-___

**RWQCB File No. R9-2019-0011
CDFW File No. 1600-2016-0087-R6**

In consideration of \$920,000.00, receipt of which is hereby acknowledged, WILDLANDS SLR HOLDINGS I, LLC, a Delaware limited liability company ("Bank Sponsor") does hereby bargain, sell and transfer to BEL AIR MURRIETA, LLC, a Nevada limited liability company ("Project Proponent") 1.6 acres of Re-established River: Wetland Waters of the U.S./State Credits, for the Bel Air Apartment Homes (Murrieta 196) Project, in the San Luis Rey Mitigation Bank in San Diego County, California, developed and approved under the authority of the United States Army Corps of Engineers and California Department of Fish and Wildlife.

Bank Sponsor represents and warrants that it has good title to the Credits, has good right to sell the same, and that they are free and clear of all claims, liens, or encumbrances.

Bank Sponsor covenants and agrees with the Project Proponent to warrant and defend the sale of the Credits herein before described against all and every person and persons whomsoever lawfully claiming or to claim the same.

DATED: _____

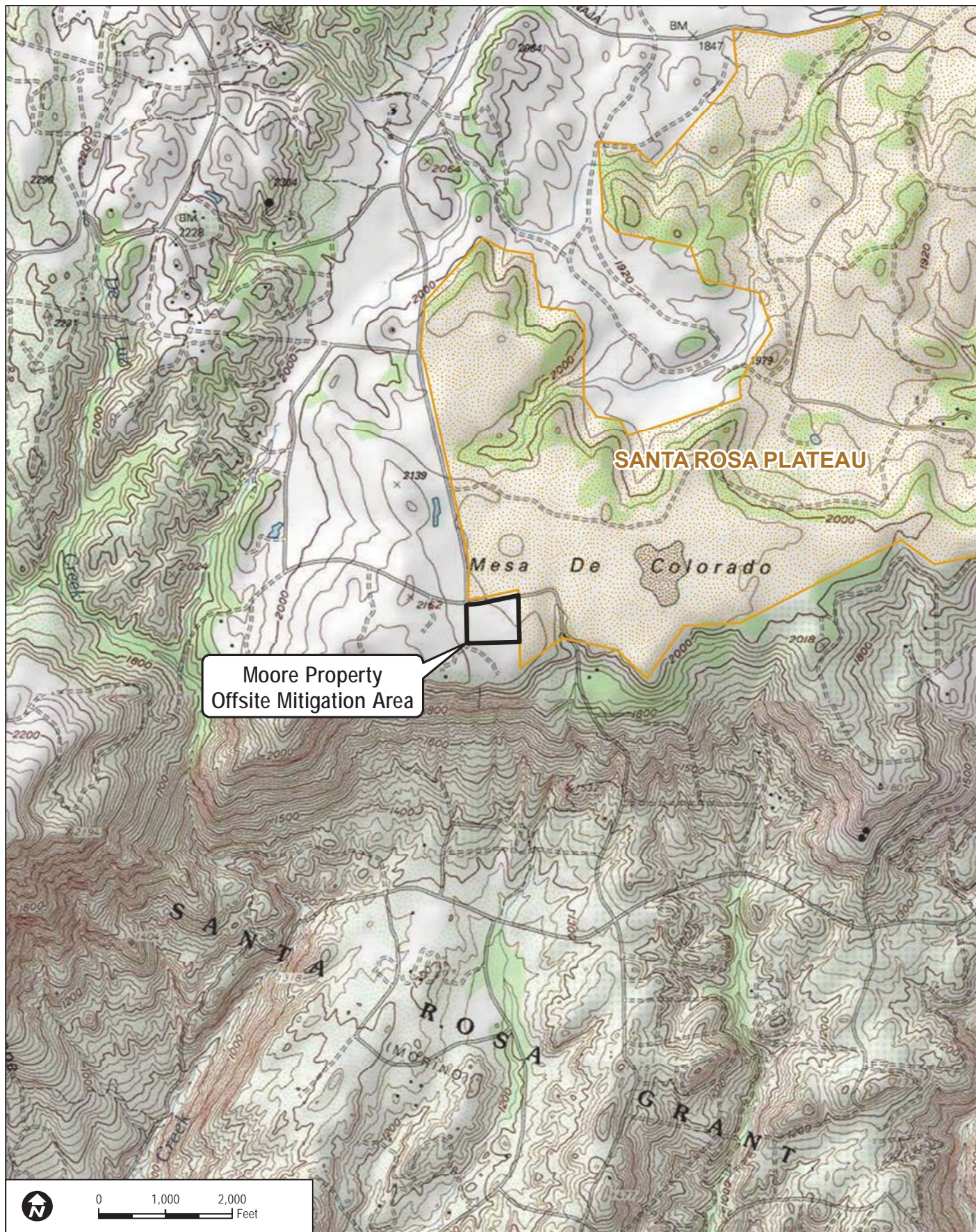
WILDLANDS SLR HOLDINGS I, LLC, a Delaware limited liability company

By: _____

Name:

Its:

M:\marketing\Agreement\saleSLR_MURRIETA 196.doc
Revised: 11/01/2018



0 1,000 2,000
Feet

DUDEK

7396

SOURCE: USGS topo 7.5-Minute Series Wildomar Quadrangle

FIGURE 4
Moore Property Vicinity Map

Habitat Mitigation and Monitoring Plan for the Bel Air Apartment Homes (Murrieta 196) Project - Moore Property Mitigation Site

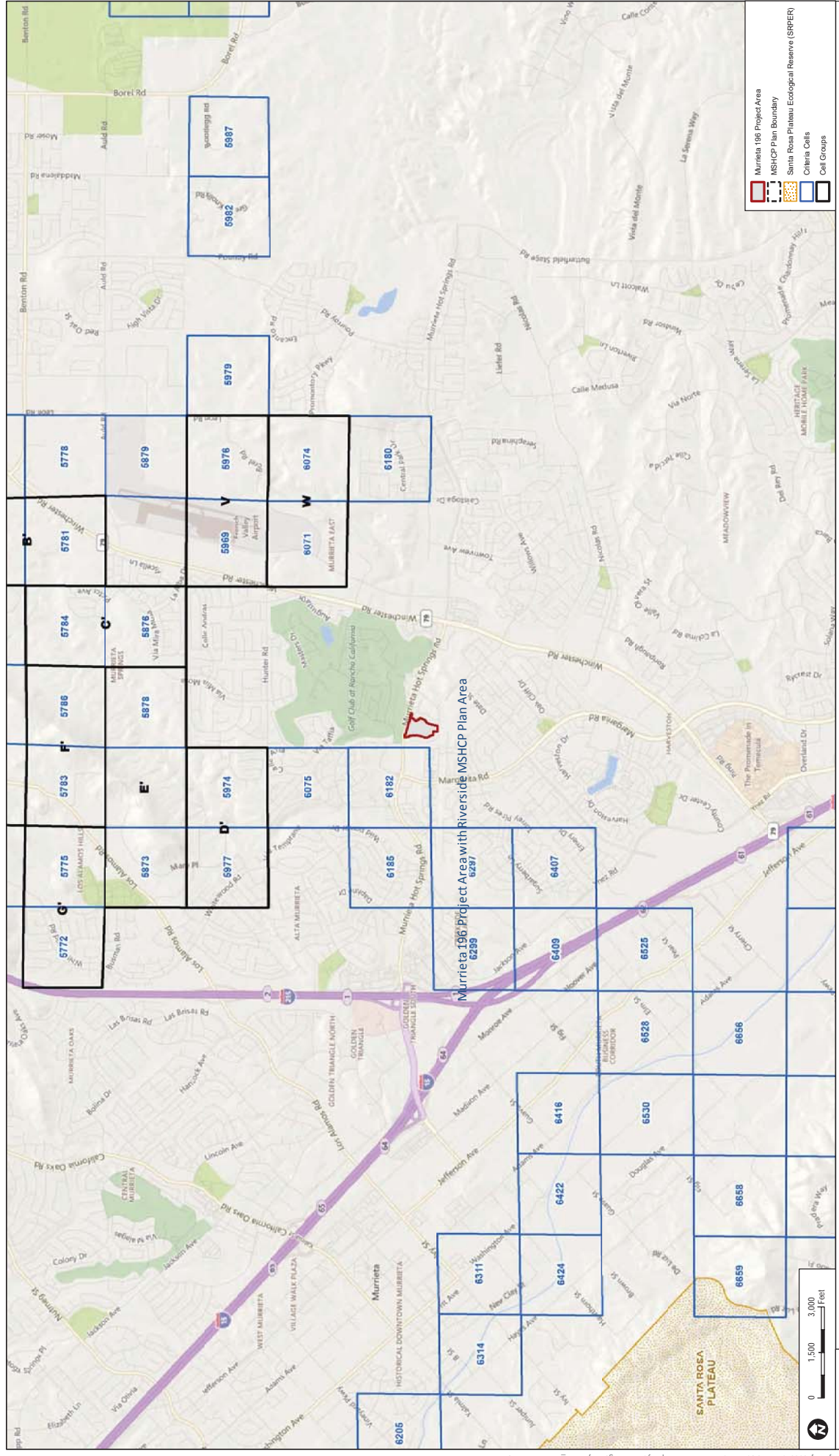


FIGURE 5
Murrieta 196 Project Area with Riverside MSHCP Plan Area

AERIAL SOURCE: Riverside County 2015; Bing Maps 2015



Habitat Mitigation and Monitoring Plan for the Bel Air Apartment Homes (Murrieta 196) Project - Moore Property Mitigation Site

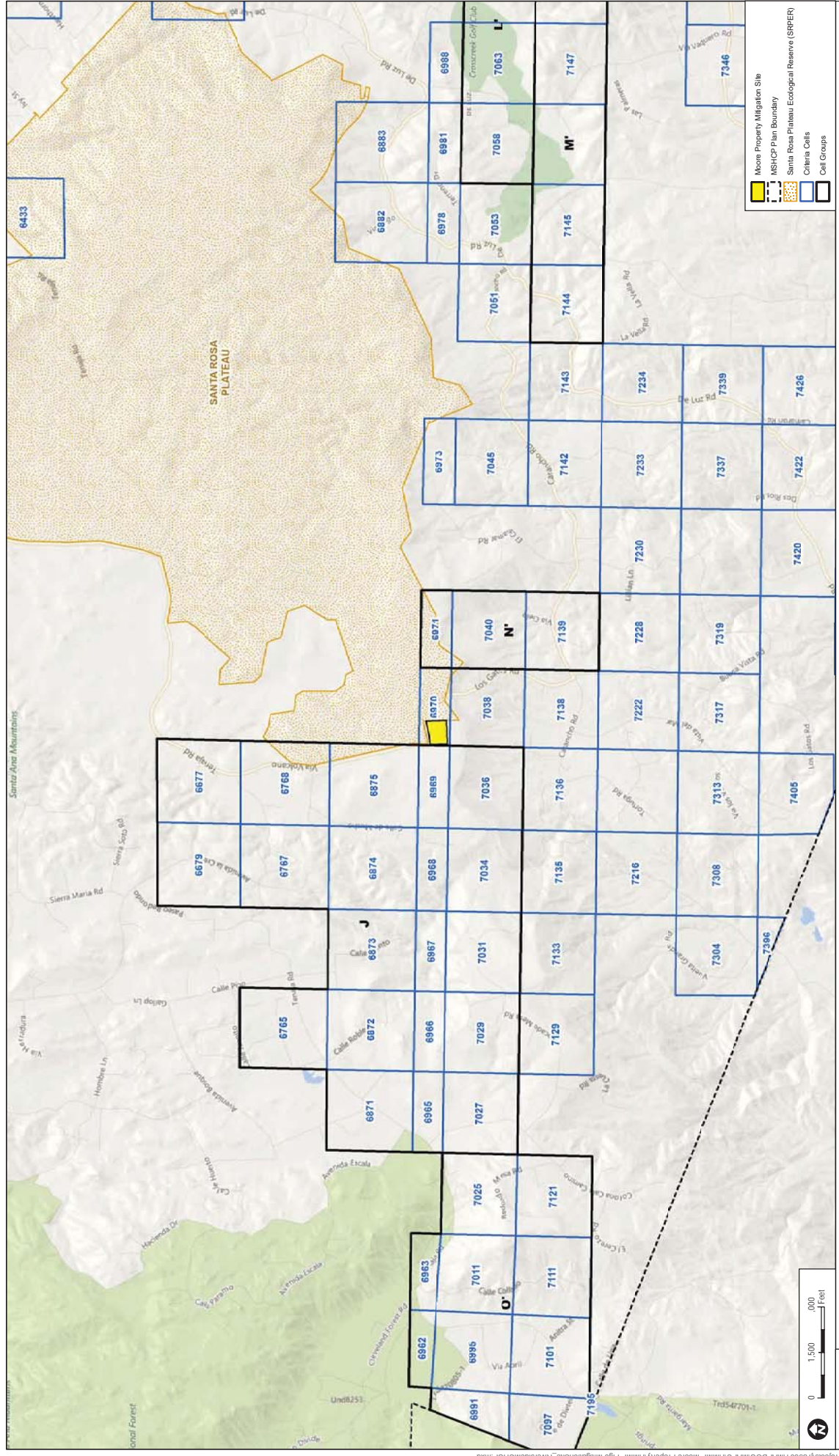


FIGURE 6

Moore Property Mitigation Site with Riverside MSHCP Plan Area

ER SOURCE: Riverside County 2015 mg Maps 2015

Habitat Mitigation and Monitoring Plan for the Bel Air Apartment Homes (Murieta 196) Project - Moore Property Mitigation Site





AERIAL SOURCE: Bing Maps 2015



7386

Habitat Mitigation and Monitoring Plan for the Bel Air Apartment Homes (Murieta 196) Project - Moore Property Mitigation Site

FIGURE 7

Moore Property Mitigation Concept Map

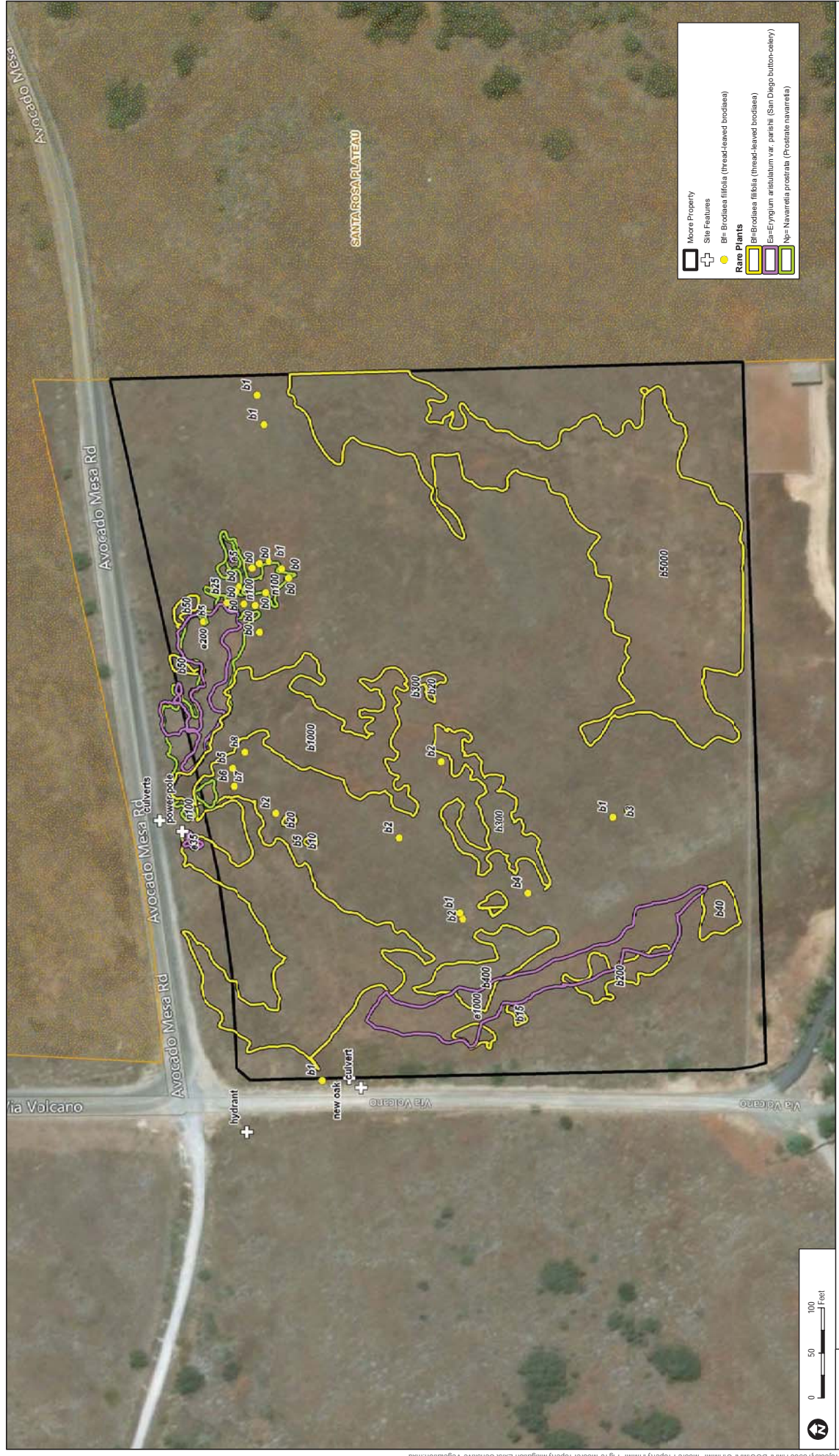


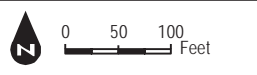
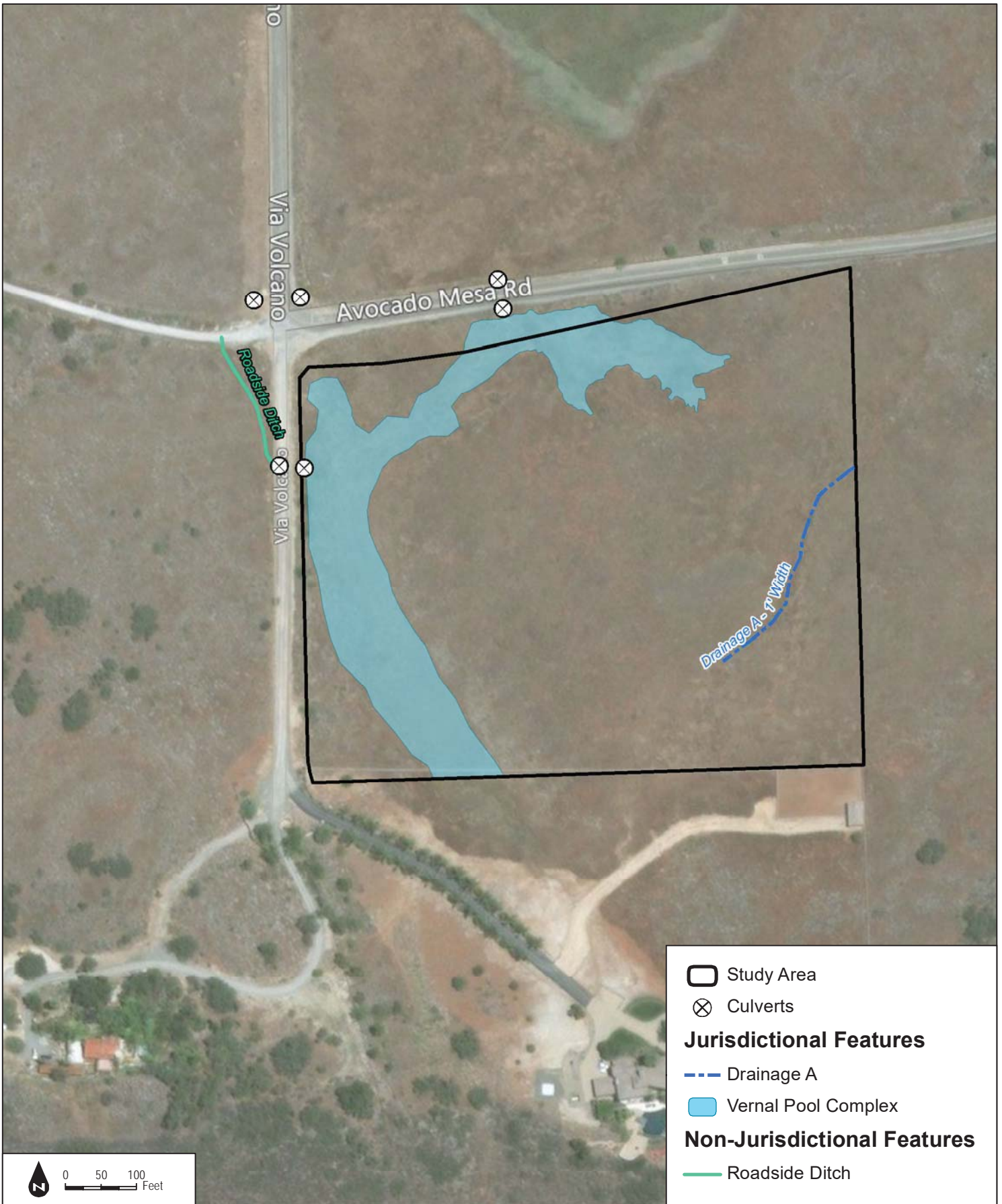
FIGURE 10

Moore Property Mitigation Site Sensitive Vegetation

Habitat Mitigation and Monitoring Plan for the Bel Air Apartment Homes (Murieta 196) Project - Moore Property Mitigation Site

AERIAL SOURCE: Bing Maps 2015





- Study Area
- Culverts
- Jurisdictional Features**
- Drainage A
- Vernal Pool Complex
- Non-Jurisdictional Features**
- Roadside Ditch

Bel Air Murrieta, LLC
Bel Air Apartment Homes (Murrieta 196) Project
Order No. R9-2019-0011

ATTACHMENT D
NON-FEDERAL WATERS OF THE UNITED STATES

Determination of Need for a Department of the Army Permit



DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS
5900 LA PLACE COURT, SUITE 100
CARLSBAD, CALIFORNIA 92008

March 9, 2015

Kazem Zomorrodian, P.E., R.C.E
2400 La Costa Avenue
Carlsbad, California 92009

DETERMINATION OF NEED FOR A DEPARTMENT OF THE ARMY PERMIT

Dear Mr. Zomorrodian:

I am responding to your request for a Department of Army Permit for the proposed Murrieta 180/196 project (File No. SPL-2012-00802-PJB) dated November 20, 2012, for clarification as to whether a Department of the Army Permit is required. The proposed project is located within the County of Riverside and the City of Murrieta, California (Figures 1 and 2).

The United States (U.S.) Army Corps of Engineers' (Corps) evaluation process for determining if you need a permit is based on whether or not the proposed project is located within or contains a water of the U.S., and whether or not the proposed project includes an activity potentially regulated under Section 10 of the Rivers and Harbors Act or Section 404 of the Clean Water Act. If both conditions are met, a permit would be required.

Based on the attached approved jurisdictional determination (JD) and compact disc (CD) dated May 6, 2014, and approved by the Corps and the Environmental Protection Agency (EPA) on July 28, 2014, the Murrieta 180/196 project site does not contain waters of the U.S. pursuant to 33 CFR Part 325.9. An approved JD is appealable and is generally valid for five years per Regulatory Guidance Letter 05-02.

Therefore, I have determined the proposed project does not require a permit under Section 404 of the Clean Water Act pursuant to 33 CFR Part 323.4. Notwithstanding this determination, your proposed project may be regulated under other Federal, State, and local laws.

If you have any questions, please contact me at 760-602-4832 or via e-mail at Peggy.J.Bartels@usace.army.mil. Thank you for participating in the Regulatory Program. Please also complete the customer survey form at http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey, which would help me to evaluate and improve the regulatory experience for others.

Sincerely,

A handwritten signature in blue ink that reads "Therese O. Bradford".

Therese O. Bradford
Chief, South Coast Branch

Enclosure(s)



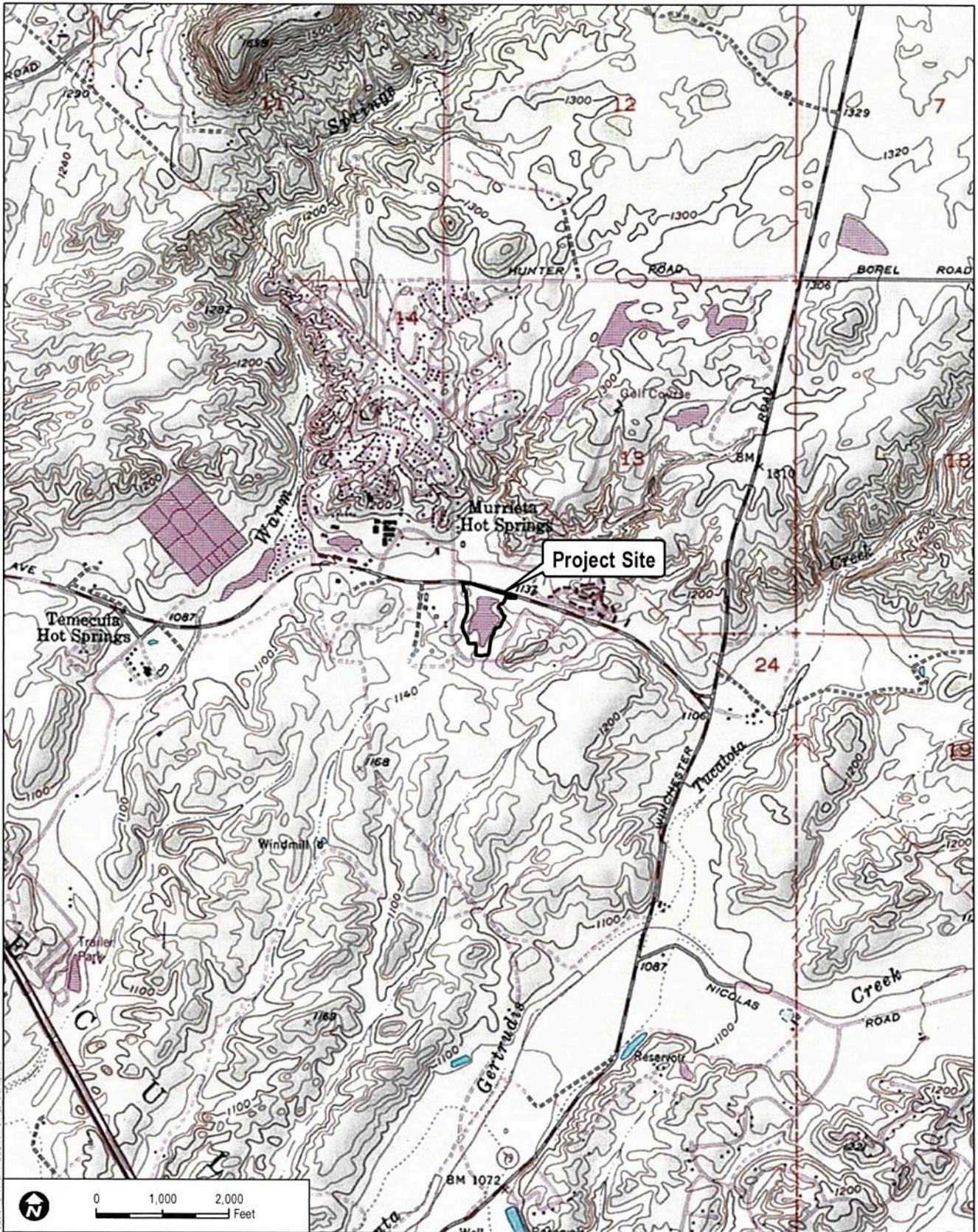
Project Site

DUDEK

7396

10.91 ACRE PROPERTY - BEL AIR MURRIETTA LLC

**FIGURE 1
Regional Map**



SOURCE USGS topo 7.5-Minute Series Murrieta Quadrangle

DUDEK

7396

FIGURE 2
Vicinity Map

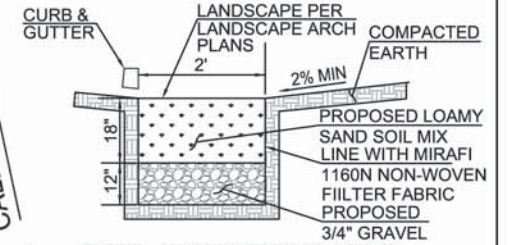
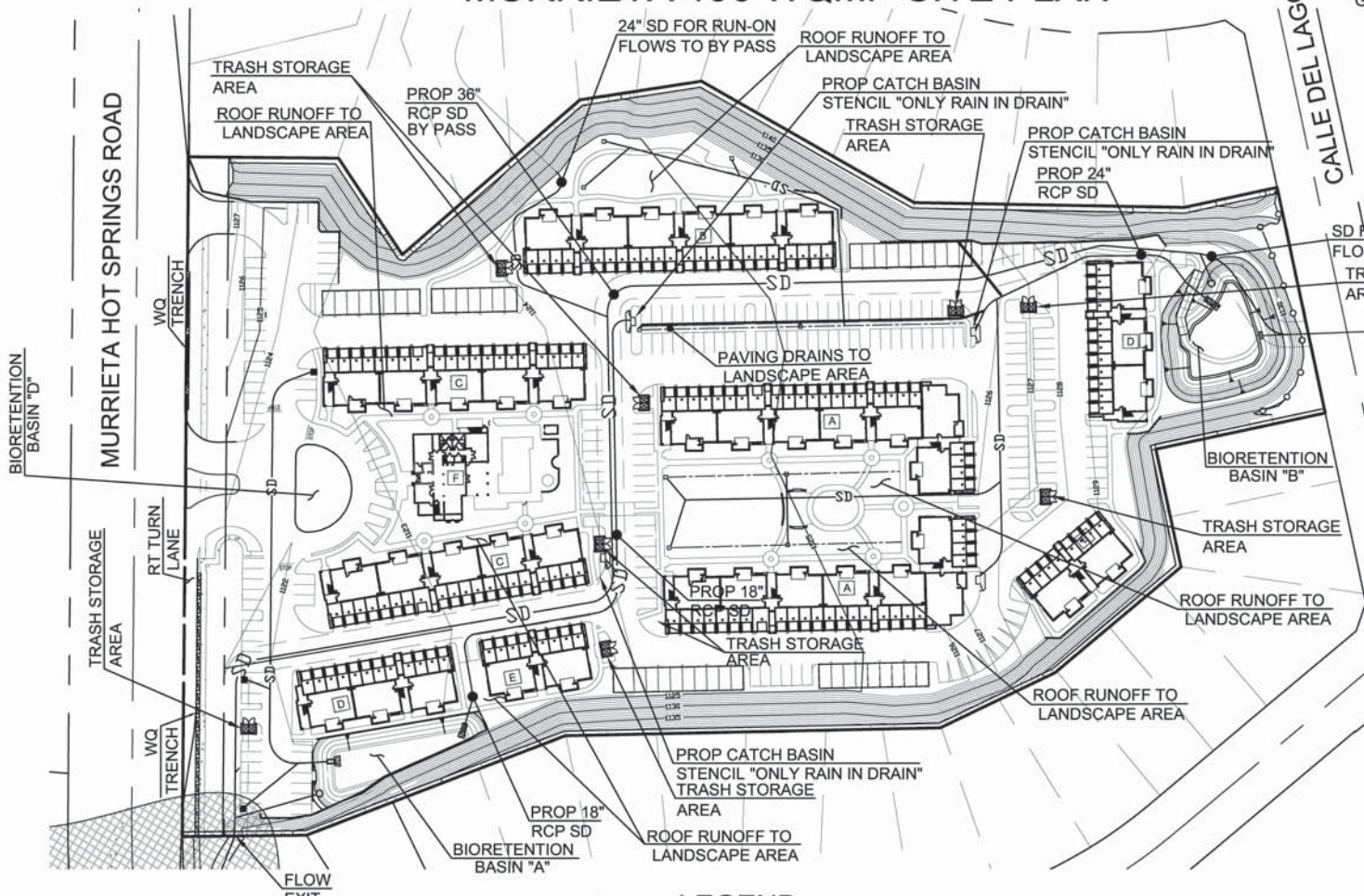
10.91 ACRE PROPERTY - BEL AIR MURRIETTA LLC

Bel Air Murrieta, LLC
Bel Air Apartment Homes (Murrieta 196) Project
Order No. R9-2019-0011

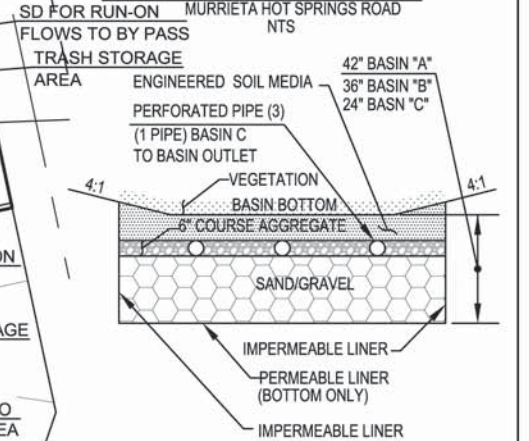
ATTACHMENT E
POST-CONSTRUCTION BEST MANAGEMENT PRACTICES

Murrieta 196 WQMP Site Plan
Receiving Waters Map

MURRIETA 196 WQMP SITE PLAN



WATER QUALITY TRENCH DETAIL

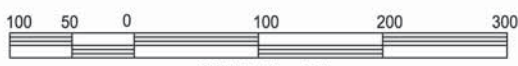


BIORETENTION BASIN TYPICAL SECTION (BASINS A/B/D) N.T.S.

- NOTES:**
1. LANDSCAPE AREA WILL BE PLANTED WITH DROUGHT TOLERANT TREES AND SHRUBS
 2. ALL SLOPES WILL BE PLANTED WITH DROUGHT TOLERANT VEGETATION
 3. TRASH CANS WILL BE KEPT IN TRASH ENCLOSURES W/LIDS CLOSED
 4. STENCIL ALL CATCH BASINS: "ONLY RAIN IN THE DRAIN"
 5. ALL ONSITE STORM DRAINS TO BE PRIVATELY MAINTAINED
 6. ROOF RUNOFF TO BE DIRECTED TO LANDSCAPE AREAS
 7. KIRSTAR OR EQUIVALENT CB INSERT TO BE INSTALLED TO PRE-TREAT FLOWS TO BIORETENTION BASIN

LEGEND

SITE PLAN



MURRIETA 196 WQMP SITE PLAN

LOVE ENGINEERING
 PLANNING - ENGINEERING - SURVEYING
 31915 Rancho California Road, Suite 200-166, Temecula, CA 92591
 TEL (951) 440 - 8149 / FAX (951) 303 - 6701

RECEIVING WATERS MAP

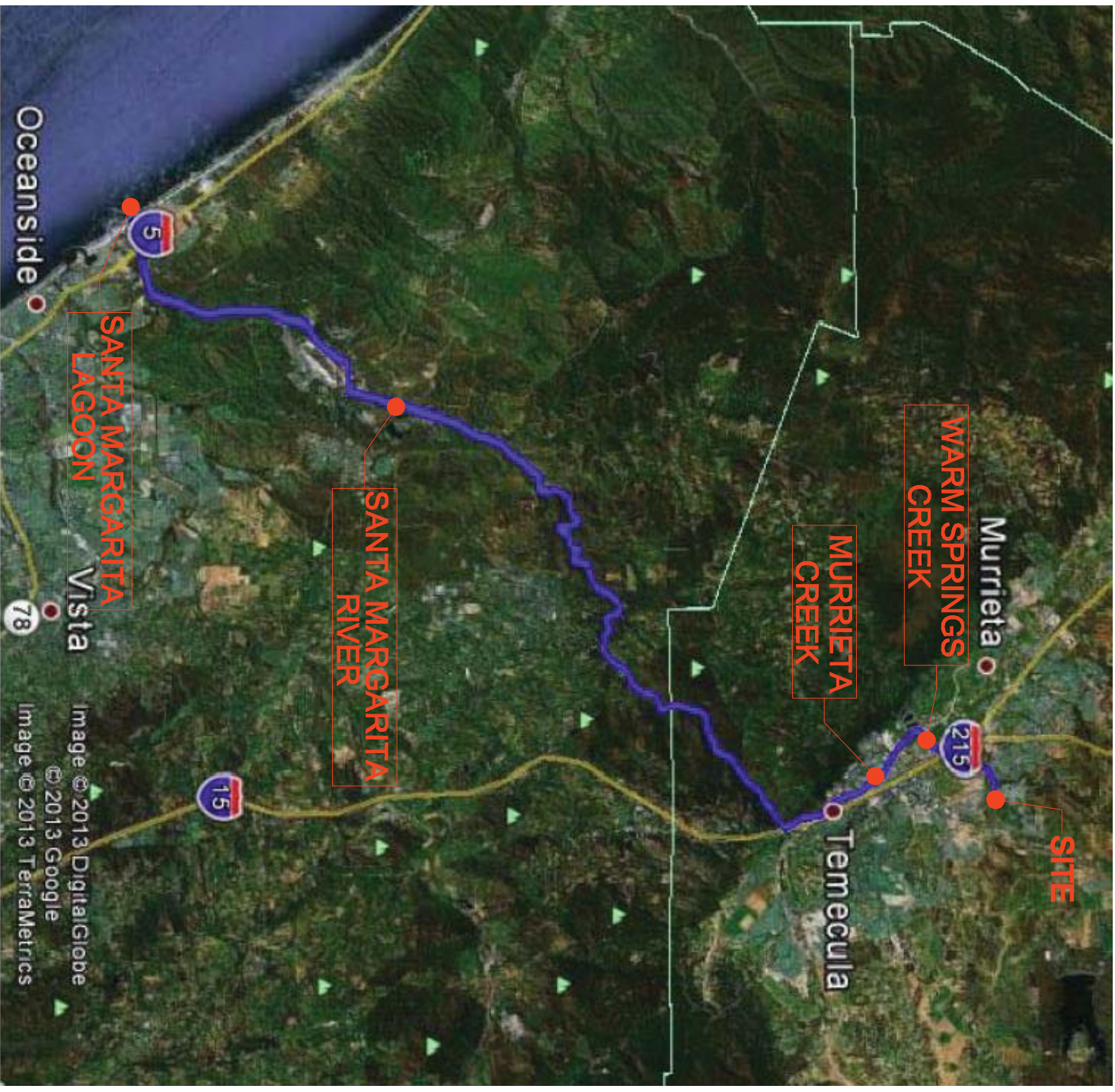


Image © 2013 DigitalGlobe
© 2013 Google
Image © 2013 TerraMetrics

LEGEND

— Watercourse

LOVE ENGINEERING
31915 RANCHO CALIFORNIA RD
SUITE 200-166
TEMECULA, CA 92591
(951) 440-8149

Bel Air Murrieta, LLC
Bel Air Apartment Homes (Murrieta 196) Project
Order No. R9-2019-0011

ATTACHMENT F
CEQA MITIGATION MONITORING AND REPORTING PROGRAM

**Table 4-1
Mitigation Monitoring and Reporting Program**

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Date of Completion
<i>Aesthetics</i>			
None required.			
<i>Air Quality</i>			
None required.			
<i>Biological Resources</i>			
MM-BIO-1 The year prior to initiation of construction activities for each construction phase, a focused least Bell's vireo survey shall be conducted in accordance with U.S. Fish and Wildlife Service (USFWS 2001) protocol. If focused surveys are negative, no additional mitigation is required. If focused surveys are positive, an incidental take permit (ITP) shall be obtained from the USFWS and CDFW. Occupied habitat shall be mitigated at a minimum 1:1 ratio or as specified in the ITP. Avoidance and minimization measures shall be implemented in accordance with provisions of the ITP. A biological monitor shall monitor construction activities to document compliance with conditions of the ITP.	Prior to any permit issuance or land disturbance	City of Murrieta Engineering or Planning Department	
MM-BIO-2 The year prior to initiation of construction activities for each construction phase, a focused southwestern willow flycatcher survey shall be conducted in accordance with <i>A Natural History and Survey Protocol for the Southwestern Willow Flycatcher</i> (Sogge et al. 2010). If focused surveys are negative, no additional mitigation is required. If focused surveys are positive, an ITP shall be obtained from the USFWS and CDFW. Occupied habitat shall be mitigated at a minimum 1:1 ratio or as specified in the ITP. A biological monitor shall monitor construction activities to document compliance with conditions of the ITP.	Prior to any permit issuance or land disturbance	City of Murrieta Engineering or Planning Department	

**Table 4-1
Mitigation Monitoring and Reporting Program**

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Date of Completion
<p>MM-BIO-3 To avoid potential direct impacts to burrowing owl, a burrowing owl preconstruction survey shall be conducted by a qualified biologist no more than 30 days prior to ground-disturbing project activities. If burrowing owls are present, occupied burrows shall be avoided. The pre-construction survey, avoidance and any relocation of burrowing owls, if present, shall be conducted in accordance with current Western Riverside MSHCP survey guidelines and protocols.</p>	<p>Prior to any permit issuance or land disturbance</p>	<p>City of Murrieta Engineering or Planning Department</p>	
<p>MM-BIO-4 Ground-disturbing activities shall be avoided during nesting bird season, from approximately February 1 through August 31. If ground-disturbing activities cannot be completed outside the nesting bird season, the following measures shall be implemented:</p> <ul style="list-style-type: none"> • Surveys shall be conducted within 300 feet of disturbance areas (500 feet for raptors) no earlier than 3 days prior to the commencement of disturbance. If ground-disturbing activities are delayed, then additional pre-disturbance surveys shall be conducted such that no more than 3 days will have elapsed between the survey and ground-disturbing activities. • If a nest is found to be occupied by a breeding pair of birds with eggs or young, then an appropriate avoidance buffer around the nest shall be established by a qualified biologist. Clearing and construction shall be postponed or halted until the nest is vacated and juveniles have fledged, as determined by the qualified biologist. The size of the avoidance buffer shall be based on site factors including the species, nest location, site conditions, and the proposed construction activities near the active nest. • The avoidance buffer shall be clearly demarcated in the field with highly visible construction fencing or flagging, and construction personnel shall be instructed on the sensitivity of nest areas. • A qualified biologist shall serve as a construction monitor 	<p>Prior to and during construction</p>	<p>City of Murrieta Engineering or Planning Department</p>	

**Table 4-1
Mitigation Monitoring and Reporting Program**

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Date of Completion
<p>during those periods when construction activities will occur near occupied nests until it is determined that the construction activities would not result in adverse effects to the nesting birds. The results of the surveys, including graphics showing the locations of any occupied nests detected, and documentation of any avoidance measures taken, shall be submitted to the City to document compliance with applicable state and federal laws pertaining to the protection of native birds.</p>			
<p>MM-BIO-5 Best management practices shall be implemented to minimize indirect impacts to special-status species as follows:</p> <ol style="list-style-type: none"> 1. Avoid Toxic Substances on Road Surfaces. Soil bonding and weighting agents used on unpaved surfaces shall be non-toxic to wildlife and plants. 2. Avoid Wildlife Entrapment. <ol style="list-style-type: none"> a. Backfill trenches. At the end of each workday, check that all potential wildlife pitfalls (trenches, bores, and other excavations) have been backfilled, covered, or sloped to allow wildlife to escape. Should wildlife become trapped, a qualified biologist shall remove and relocate it. b. Avoid entrapment of nesting or migratory birds. All pipes or other construction materials or supplies will be covered or capped in storage or laydown areas at the end of each workday. No pipes or tubing of sizes or inside diameters ranging from 1 to 10 inches will be left open either temporarily or permanently. 3. Minimize Spills of Hazardous Materials. All vehicles and equipment shall be maintained in proper condition to minimize the potential for fugitive emissions of motor oil, antifreeze, hydraulic fluid, grease, or other hazardous materials. Hazardous spills shall be immediately cleaned 	<p>During construction</p>	<p>City of Murrieta Engineering or Planning Department</p>	

**Table 4-1
Mitigation Monitoring and Reporting Program**

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Date of Completion
<p>up and the contaminated soil shall be properly handled or disposed of at a licensed facility. Servicing of construction equipment shall take place only at a designated staging area.</p> <p>4. Worker Guidelines. All trash and food-related waste shall be placed in self-closing containers and removed regularly from the site to prevent overflow. Workers shall not feed wildlife or bring pets to the project site.</p>			
<p>MM-BIO-6 Impacts to state waters under the jurisdiction of the Regional Water Quality Control Board (RWQCB) and California Department of Fish and Wildlife (CDFW) shall be mitigated at a ratio of 1:1 through restoration, enhancement, and/or creation at an off-site mitigation site or through purchase of a resource agency approved mitigation bank. Prior to project grading or construction, a Waste Discharge Requirement shall be obtained from the RWQCB and a 1602 Streambed Alteration Agreement will be obtained from the CDFW for impacts to state waters. All mitigation measures and conditions contained within the permits shall be implemented. At a minimum, the following shall be completed for mitigation for impacts to waters of the State:</p> <ol style="list-style-type: none"> 1. Compensation for Permanent Impacts. Permanent impacts to waters of the State shall be offset by compensation at a minimum 1:1 ratio, or as otherwise required by the respective permits. 2. Prepare and Implement Mitigation Monitoring Plan. A Mitigation Monitoring Plan that describes the location and preservation of compensation land, and site-specific enhancement measures for jurisdictional waters on compensation lands if relevant shall be prepared and implemented. The Mitigation Monitoring Plan shall be approved by the agencies (RWQCB, and CDFW) prior to implementation. 	<p>Prior to any permit issuance or land disturbance. Clearance from Agency required.</p>	<p>City of Murrieta Engineering or Planning Department</p>	

**Table 4-1
Mitigation Monitoring and Reporting Program**

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Date of Completion
<p>3. Best Management Practices. Best Management Practices shall be implemented to avoid indirect impacts to off-site jurisdictional waters, including:</p> <ul style="list-style-type: none"> a. Vehicles and equipment will not be operated in ponded or flowing water except as described in the permits. b. Water containing mud, silt, or other pollutants from grading or other activities will not be allowed to enter jurisdictional waters or be placed in locations that may be subjected to high storm flows. c. Spoil sites will not be located within 30 feet from the boundaries of jurisdictional waters or in locations that may be subject to high storm flows, where spoils might be washed back into drainages. d. Raw cement/concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances that could be hazardous to vegetation or wildlife resources, resulting from project-related activities, will be prevented from contaminating the soil and/or entering avoided jurisdictional waters. <p>4. No equipment maintenance will occur within 150 feet of jurisdictional waters and no petroleum products or other pollutants from the equipment will be allowed to enter these areas or enter any off-site state-jurisdictional waters under any flow.</p>			
<p>MM-BIO-7 Impacts to 3.57-acres of riverine riparian resources will be mitigated through the enhancement of approximately 2.0-acres of vernal pool complex and wetland meadow within an 11.31-acre off-site property, referred to as the “Moore Property,” as described in the project’s Determination of Biologically Equivalent or Superior Preservation (DBESP) (Dudek 2015a). The DBESP includes creation of a 25-foot</p>	<p>Prior to any permit issuance or land disturbance.</p>	<p>City of Murrieta Engineering or Planning Department</p>	

**Table 4-1
Mitigation Monitoring and Reporting Program**

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Date of Completion
<p>wide native grassland buffer (approximately 1.8 acres) around the vernal pool complex to reduce the potential for invasion of the pools by non-native plant species. The Moore Property is currently owned and managed as reserve lands by the Western Riverside County Regional Conservation Authority. The Moore Property provides an ideal opportunity for enhancement and establishment of vernal pool and wet meadow habitats, due to the existing natural resources on site and directly adjacent to the property, including Santa Rosa Plateau Ecological Reserve. Additionally, the applicant shall provide the purchase price for 3.57-acres of the Moore Property to the RCA OR purchase a total of 1.4-acres of creation or re-establishment credits from a mitigation bank or in-lieu fee program within the MSHCP boundaries. The mitigation bank or in-lieu fee program that the credits are purchased from is subject to approval by the RCA, CDFW, USFWS, and the RWQCB.</p>			
<i>Cultural Resources</i>			
<p>MM-CUL-1 A culturally affiliated Native American monitor shall monitor the initial phase of ground disturbing activities and grading for the project. At least 30 days prior to beginning project construction, the Project Applicant shall contact a culturally affiliated Tribe to notify the Tribe of grading, excavation, and the monitoring program and to coordinate with the City of Murrieta and the Tribe to develop a Cultural Resources Treatment and Monitoring Agreement. The Agreement shall address the treatment of known cultural resources, the designation, responsibilities, and participation of Native Tribal monitors during grading, excavation, and ground disturbing activities; project grading and development scheduling; terms of compensation; and treatment and final disposition of any cultural resources, sacred sites, and human remains discovered on site.</p>	<p>Prior to any permit issuance or land disturbance.</p>	<p>City of Murrieta Engineering or Planning Department</p>	

**Table 4-1
Mitigation Monitoring and Reporting Program**

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Date of Completion
<p>MM-CUL-2 In the event that archaeological resources (sites, features, or artifacts) are exposed during construction activities for the proposed project, all construction work occurring within 100 feet of the find shall immediately stop until a qualified archaeologist can evaluate the significance of the find and determine whether or not additional study is warranted. Depending upon the significance of the find under the California Environmental Quality Act (CEQA; 14 CCR 15064.5(f); Public Resources Code Section 21082), the archaeologist may simply record the find and allow work to continue. If the discovery proves significant under CEQA, additional work such as preparation of an archaeological testing or data recovery may be warranted.</p>	During construction	City of Murrieta Engineering or Planning Department	
<p>MM-CUL-3 In the event that paleontological resources are discovered during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist. The paleontologist shall notify the appropriate agencies to determine procedures that should be followed before construction is allowed to resume at the location of the find. If the lead agency determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the proposed project on the qualities that make the resource important. The plan shall be submitted to the City for review and approval prior to implementation.</p>	During construction	City of Murrieta Engineering or Planning Department	
<p>MM-CUL-4 In the event of accidental discovery of any human remains during construction of the proposed project, the City is responsible for the discovery and shall contact the county coroner immediately and construction activities shall be halted in accordance with Section 15064.4(e)(1) of the CEQA Guidelines and Section 7050.5 of the California Health and Safety Code. If the remains are found to be Native American, Health and Safety Code Section 7050.5, Subdivision (c), and</p>	During construction	City of Murrieta Engineering or Planning Department	

**Table 4-1
Mitigation Monitoring and Reporting Program**

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Date of Completion
<p>Public Resources Code Section 5097.98 (as amended by Assembly Bill 2641) shall be followed by the appropriate agency. Furthermore, as requested by the Pechanga Band of Luiseño Indians, a culturally affiliated Tribe will be contacted (in concurrence with a qualified archaeologist) should cultural material or human remains be encountered by project personnel during earth-moving activities.</p>			
<i>Geology and Soils</i>			
None required.			
<i>Greenhouse Gas Emissions</i>			
None required.			
<i>Hazards and Hazardous Materials</i>			
<p>MM-HAZ-1 In order to reduce the risk of accidental release of hazardous materials during construction activities at the site, the developer shall prepare and implement during all construction activities a hazardous substance management, handling, storage, disposal, and emergency response plan. A hazardous materials spill kit should be maintained on site for small spills. Additionally, the developer should monitor all contractors for compliance with applicable regulations, including regulations regarding hazardous materials and hazardous wastes, including disposal. Hazardous materials should not be disposed of or released on the ground, in the underlying groundwater, or any surface water. Totally enclosed containment should be provided for all trash. All construction waste, including trash and litter, garbage, other solid waste, petroleum products, and other potentially hazardous materials, should be removed to a waste facility permitted to treat, store, or dispose of such materials.</p>	<p>Prior and during construction</p>	<p>City of Murrieta Engineering or Planning Department</p>	

**Table 4-1
Mitigation Monitoring and Reporting Program**

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Date of Completion
MM-HAZ-2 Prior to the issuance of grading permits, the project applicant shall obtain written clearance from the County of Riverside Department of Environmental Health, Environmental Cleanup Programs.	Prior to construction	City of Murrieta Engineering or Planning Department	
<i>Hydrology and Water Quality</i>			
None required.			
<i>Noise</i>			
MM-NOI-1 During construction, vehicle staging areas and stockpiling shall be located as far as is practicable from existing nearby noise sensitive uses.	During construction	City of Murrieta Engineering or Planning Department	
MM-NOI-2 The applicant shall establish a noise complaint response program and shall respond to any noise complaints received for this project by measuring noise levels at the affected receptor site. If the noise level exceeds an day–night average noise level (L_{dn}) of 65 A-weighted decibels (dBA) exterior or an L_{dn} of 45 dBA interior at the receptor, the applicant will implement adequate measures (which may include portable sound attenuation walls, use of quieter equipment, shift of construction schedule to avoid the presence of sensitive receptors, etc.) to reduce noise levels to the greatest extent feasible.	Prior to grading permit issuance provide Program to City.	City of Murrieta Engineering or Planning Department	
MM-NOI-3 The City shall require that all construction equipment be operated with mandated noise control equipment (mufflers or silencers). Enforcement shall be accomplished by random field inspections by City personnel during construction activities.	During construction	City of Murrieta Engineering or Planning Department	
MM-NOI-4 The applicant shall employ and erect temporary noise reduction measures when construction is immediately adjacent to existing sensitive receptors. Said methods may include temporary fences, mats, or other methods to reduce construction noise impacts to the acceptable City threshold.	Prior to any construction provide noise reduction details to City.	City of Murrieta Engineering or Planning Department	

**Table 4-1
Mitigation Monitoring and Reporting Program**

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Date of Completion
MM-NOI-5 To ensure compliance with the City's interior noise standard (45 dB CNEL), the units at the northern sides of Buildings 1, 7, and 9 (i.e., closest to Murrieta Hot Springs Road) shall require installation of air conditioning or mechanical ventilation. Additionally, an interior noise analysis detailing compliance with the City's interior noise standard shall be required upon completion of detailed floor plans and prior to issuance of building permits.	Prior to issuance of building permits	City of Murrieta Engineering or Planning Department	
MM-NOI-6 To ensure compliance with the City's Municipal Code (Section 16.30.130 I) standard for heating, ventilation, and air conditioning (HVAC) systems, each of the rooftop HVAC units shall not exceed a sound power level of 77 dBA.	Prior to the issuance of building permits	City of Murrieta Engineering or Planning Department	
MM-NOI-7 Prior to the issuance of building permits, the project applicant shall obtain written clearance from the County of Riverside Department of Environmental Health, Office of Industrial Hygiene.	Prior to the issuance of building permits	City of Murrieta Engineering, Planning Department or Building and Safety Department	
<i>Population and Housing</i>			
None required.			
<i>Public Services</i>			
None required.			
<i>Transportation and Traffic</i>			
None required.			
<i>Utilities and Service Systems</i>			
None required.			