

California Regional Water Quality Control Board  
Santa Ana Region

October 30, 2015

ITEM: 8

SUBJECT: Waste Discharge Requirements for Regent Ramona Creek, LLC, Ramona Creek Development Project, Northeastern Corner of Florida Avenue and Warren Road, City of Hemet, Riverside County – Order No. R8-2015-0032

DISCUSSION:

Regent Ramona Creek, LLC (hereinafter, Discharger) has proposed a long-range plan to construct the Ramona Creek Development Project (Project; Tentative Tract Map No. 31894, APN 448-090-003) in the western portion of the City of Hemet (City). The rectangular 209.21-acre Project site occupies the northeastern corner of Florida Avenue and Warren Road (Exhibit 1). The Project is bounded by the defunct Old Warren Road and a curve of the re-routed Warren Road on the west; by Florida Avenue/SR 74 on the south; by Myers Street on the east; and by Celeste Road on the north. West Devonshire Avenue will be extended across the northern third of the site.

The Project site, currently an agricultural field, will be completely developed to include commercial and retail buildings, as many as 1,077 residences, a linear park, and parking lots. Pursuant to mitigation measures imposed by the City, drainage modifications will be implemented during the first phase of the Project to mimic pre-development runoff conditions. These modifications are described briefly in Attachment 1. The drainage modifications are intended to be a part of, and coordinate with, the future Master Drainage Plan (MDP) for the entire City, particularly areas under development by the City of Hemet. The Master Drainage Plan is being designed, in part, to provide for hydration of vernal pool resources in the Project area, consistent with the City's responsibilities and commitments pursuant to the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) (discussed below) and the 2030 City of Hemet General Plan (vernal pool policy).

To implement the Project, the Discharger proposes to discharge ~3,000 cubic yards (cy) of fill to onsite waters of the state, which include 0.45 acre of a vernal pool complex and 0.59 acre of agricultural channels (1.04 total acres). Approximately 1.8 million cy of fill is proposed at the Project site, consisting of native soil excavated and graded on site.

Pursuant to the California Environmental Quality Act (CEQA), in June 2014, the City: (1) certified a Final Environmental Impact Report (FEIR) for the Project; (2) adopted a Mitigation Monitoring and Reporting Plan (MMRP) for the FEIR; and, (3) approved and adopted Findings of Fact and a Statement of Overriding Considerations (to address significant adverse potential impacts of the Project related to air quality and transportation that could not be mitigated to levels of insignificance). The mitigation measures required by the City (Attachment 2) include measures to address the impacts of the Project to the onsite vernal pool complex and agricultural channels.

The Project site is located within the ~1.26 million acre area covered by the Multiple Species Habitat Conservation Plan (MSHCP)<sup>1</sup>. The City is a party to the MSHCP implementing agreement. Pursuant to a joint powers agreement signed by the City and the other parties, the Western Riverside County Regional Conservation Authority (RCA) assists the parties in implementing the MSHCP.

More specifically, the Project site is located in an MSHCP area with sensitive vernal pool resources (San Jacinto Valley Area Plan, Subunit 4, Hemet Vernal Pool Areas East). A vernal pool is a structured form of seasonal pond or wetland, formed where near-surface bedrock or specific soil types sufficiently resist infiltration. Pools can form as the result of direct precipitation, stormwater runoff or other sources of runoff. These pools often support threatened or endangered species, including endemic species adapted to these soils and drought periods.

The majority of the Project site, including the 0.45 acres of vernal pool habitat and the 0.59 acres of agricultural channels, is highly disturbed. Nevertheless, these waters of the state are recognized as vernal pool and riparian/riverine resource areas under the MSHCP. As one of the MSHCP partners, the City's consideration of approval of development projects must conform to the MSHCP process, which typically includes review and consideration of appropriate mitigation for impacts to biological resources by the U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) (the "wildlife agencies").

Per the requirements of the MSHCP, a draft "Determination of Biologically Equivalent or Superior Preservation (DBESP)" analysis and report was submitted to the wildlife agencies. RCA and Regional Board staff also reviewed this draft report and joined staff of the wildlife agencies in extensive discussions with City and Project representatives concerning the mitigation measures proposed in the DBESP, and in the City's FEIR and MMRP, to address the loss of riparian/riverine and vernal pool resources at the Project site. Board staff and the wildlife agencies expressed particular concern about the assurance of adequate and timely hydration of vernal pool resources southwest of the Project site and of the offsite mitigation site proposed.

The final DBESP Report was completed in July 2015. The mitigation measures identified in the final DBESP Report are intended to address the concerns of Board staff and the

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<sup>1</sup> The MSHCP was adopted to protect 146 native species of plants and animals and to preserve a half million acres of their habitat. The MSHCP resulted from a comprehensive effort (Riverside County Integrated Project (RCIP)) to shape the future of Riverside County, recognizing the challenges of rapid population growth, increased traffic/traffic congestion and the listing of species as threatened or endangered by development. The intent of the RCIP/MSHCP is to provide guidance on development that would accommodate economic growth while protecting the environment and planning for future transportation needs.

The MSHCP was adopted by Riverside County, the City of Hemet, and 14 other cities. The Riverside County Flood Control and Water Conservation District, Riverside County Parks and Open Space District, Riverside County Waste Management Department, Riverside County Transportation Commission, California Department of Transportation, and the California Department of Parks and Recreation participated. All of these entities are considered to be parties to the implementing agreement for the MSHCP. The Western Riverside County Regional Conservation Authority (RCA) was formed to assist with MSHCP implementation. RCA's operations are governed by these parties.

wildlife agencies, and to assure consistency of the Project with the goals and objectives of the MSHCP and the Final EIR and MMRP adopted by the City in response to CEQA<sup>2</sup>.

The mitigation measures identified in the final DBESP include:

1. Impacts to a total of 1.04 acres of onsite vernal pool and riparian/riverine resources will be mitigated at a 2:1 ratio by the conveyance to the RCA, in fee title or by conservation easement, of 2.08 acres of vernal pool habitat in an area southwest of the Project site (APN 465-020-030, within MSHCP Criteria Cell 3684, Cell Group D) (Exhibit 2, Mitigation Site 2). In part, this mitigation area is intended to serve as a buffer between development to the north of the mitigation area and vernal pool resources to the south (Criteria Cell 3792; Exhibit 2).
2. The Project proponent will provide onsite design elements (including the Ramona Creek Corridor, Exhibits 2 and 3, Mitigation Site 1) and \$10.35 million for regional drainage improvements that contribute to the City's Master Drainage Plan (FEIR Mitigation Measure E-5 (Attachment 2) employs the term "Regional Drainage Plan"). The City expects this Plan to contribute to the Regional Drainage Plan and significantly improve the existing hydrology contributing to the sensitive vernal pool resources located southwest of the Project site, including those in Criteria Cell 3792.
3. The Project proponent will provide \$61,950 to the RCA for the creation of the RCA Ramona Creek Project Trust Fund for use in the development of the Master Drainage Plan.

While Board staff believes that these mitigation measures improve those initially identified, there remain the following concerns:

1. The commitment of \$61,950 to the creation of the RCA Ramona Creek Project Trust Fund for unspecified uses in the development of the Master Drainage Plan is not adequate to assure the timely and appropriate mitigation for the loss of vernal pool and riverine/riparian resources on the Project site. While the Master Drainage Plan is now being developed and the City has committed to the design of the Plan to include conveyance of flows downstream of the Project site to hydrate sensitive vernal pool resources, the exact nature and timing of implementation of that Plan is not known at present. Therefore, Board staff believes that the mitigation funds must be directed to specific projects that will contribute directly, and in a timely manner, to the hydration of vernal pool resource areas and thus to the mitigation of the loss of these resources at the Project site. Exhibit 2 refers to three specific projects as site enhancements identified by Board staff, in coordination with the wildlife agencies, and recommended as part of the tentative Order. The site enhancements are numbered according to their respective Mitigation Site; Mitigation Site 1, the Ramona Creek Corridor, does not have an attendant enhancement. The three recommended site enhancements for Mitigation Sites 2, 3, and 4 are described below.

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<sup>2</sup> These mitigation measures include the requirement to comply with applicable permit conditions specified by the Regional Board in waste discharge requirements.

2. The 2.08 acre mitigation site (within MSHCP Criteria Cell 3684; Exhibit 2, Mitigation Site 2) does not contain vernal pools with functioning hydrology at the present time. However, it is believed that a portion of this mitigation site has characteristics that would allow the formation of a pool(s) provided that there is adequate hydration. City staff indicates that providing flows to this area is anticipated as part of the design of the Master Drainage Plan. However, once again, the precise nature and timing of that Plan are not known at the present time.

Board staff recognizes the long-term commitment of the City to the protection of vernal pool resources within the City's jurisdiction. We also recognize the potential benefits of coordinating the design and implementation of drainage modifications at the Project site (and/or in association with the Project) with the Master Drainage Plan. However, in order to assure that the loss of vernal pool and riparian/riverine resources as the result of the Project development is mitigated appropriately and in a timely manner, Board staff believes that in advance of the commencement of grading at the site, the Discharger must demonstrate focused commitment to the implementation of specific drainage modifications to support vernal pool resources.

Accordingly, tentative Order No. R8-2015-0032 requires that the Discharger demonstrate, in advance of grading at the site, that use of the RCA Ramona Creek Project Trust Fund will be sufficient for, and limited to, expenditures necessary to implement the following vernal pool site mitigation enhancement projects (Exhibit 2 for all):

1. Spreading of flows exiting the earthen swale/trapezoidal channel (located along the west side of Warren Road) into the vernal pool complex in the northern part of MSHCP Criteria Cell 3792 (Site 3 Enhancement), via grading or another suitable method.
2. Diversion of flows from the earthen swale along the west side of Warren Road to the area upslope of, or directly into, the 2.08 acre mitigation area in APN-465-020-030, Criteria Cell 3684 (Site 2 Enhancement), via a suitable method.
3. Installation of a diversion system, as part of the planned construction of a vault below the southwest corner of Florida Avenue and Warren Road (Site 4 Enhancement). The diversion system would be designed to convey intermittently water that is stored in or flowing through the vault to the west, along the south side of Florida Avenue to the vernal pool complex in the northwestern portion of MSHCP Criteria Cell 3684 (the "Kaelin property"; Mitigation Site 4). Minor grading may be necessary to eliminate ponding along Florida Avenue and to enable these flows to reach the immediately adjacent vernal pool complex.

The actual implementation of these mitigation site enhancement projects is expected to be a part of, and coordinate with, the implementation of onsite drainage modifications and operational protocols, which, in turn, are expected to be consistent with the Master Drainage Plan now being designed by the City. The purpose of the Trust Fund limitations identified above is to assure that these enhancement projects will be implemented and that the funds are committed only to the above three enhancement projects and not diverted to other purposes. Should funds remain once these projects are implemented, their use would be subject to the discretion of the RCA.

To assure that each of these mitigation measure enhancements is properly designed and engineered to fulfill its purpose, the tentative Order requires field demonstration of their efficacy to the satisfaction of Regional Board staff. Corrective action is required if the efficacy of the enhancements is not demonstrated.

Further, because all three mitigation enhancements will be interrelated through coordination of flows released from the future vault, this Order requires that after installation of the entire drainage system connecting the Ramona Creek Corridor and the mitigation sites (and upon completion of all three enhancement projects), the Discharger will be responsible for conducting a field demonstration of the efficacy of the entire system to deliver water to the mitigation sites (commencing with releases from the Corridor retention basin).

The Discharger submitted a Report of Waste Discharge (ROWD) on August 18, 2014. Board staff has advised the Discharger that there remains an outstanding fee balance of \$10,848. The tentative Order requires that the fee balance be paid prior to the commencement of grading activities at the site.

The U.S. Army Corps of Engineers (USACE) has determined that the waters impacted by the Project are not subject to federal jurisdiction and that a Clean Water Act Section 404 permit is not required for the proposed dredge and fill activities. Therefore, a Section 401 Water Quality Standards Certification (Certification) by the Regional Board is not required. Should that jurisdictional decision be modified in the future in response to changes in federal law or regulation, the proposed Waste Discharge Requirements for the Project, if adopted, would serve as the 401 Certification for the purposes of USACE issuance of a Section 404 permit. With this in mind, the tentative Order includes standard conditions required for all 401 Certifications.

Tentative Order No. R8-2015-0032 specifies requirements adequate to protect beneficial uses and to assure appropriate mitigation of impacts to waters of the state.

#### **RECOMMENDATION:**

Adopt Order No. R8-2015-0032 as presented.

Comments were solicited from the following agencies and parties:

U.S. Fish and Wildlife Service, Palm Springs – Karin Cleary-Rose  
U.S. Army Corps of Engineers, Los Angeles – Crystel L. Doyle, SPL  
State Water Resources Control Board, Office of the Chief Counsel – David Rice  
State Water Resources Control Board, DWQ, Water Quality Certification Unit – Bill Orme  
State Department of Fish and Wildlife, Ontario – Jeff Brandt/ Gabriele Quillman/ Heather Pert  
Western Riverside County Regional Conservation Authority, Riverside – Laurie Dobson Correa  
Riverside County Flood Control & Habitat Conservation Agency – Mark Wills  
City of Hemet Community Development Department – Deanna Elliano/Ron Running  
Glenn Lukos Associates, Lake Forest – Martin Rasnick  
Natural Resources Defense Council - Heather Hoercherl  
Center for Biological Diversity, Idyllwild

## **Attachment 1: Synopsis of Anticipated Drainage Modifications – Ramona Creek Development Project**

The Discharger will invest approximately \$10.35 million to construct the Ramona Creek Corridor (Exhibits 2 and 3), an earthen artificial streambed extending across 22.8 acres of the central Project site. The Project will change most of the existing site's southwesterly drainage patterns to direct flow into the Ramona Creek Corridor from east to west. Offsite flows from the higher watershed to the east will be captured northeast of Myers Street and West Devonshire Avenue and enter the Ramona Creek Corridor. According to the Water Quality Management Plan (WQMP) for the Project, the Corridor would manage the total tributary volume of a 100-year probability, 3-hour duration storm.

The downstream terminus of the Ramona Creek Corridor will be a T-shaped retention basin (Exhibit 3) with at least 300 acre-feet of storage, constructed along the western edge of the Project site along Old Warren Road/Warren Road. Pumped or excess flows would exit the retention basin outlet structure to an existing swale leading south to the intersection of Warren Road and Florida Avenue (intersection); the swale eventually will be converted to a 78-inch pipeline (Line AA).

From a sand filter within the southern section of the retention basin (Exhibit 3), stormwater retained from a 2-year probability, 24-hour storm may be "harvested" for distribution to several uses onsite. Board staff and the wildlife agencies have questioned whether low flows would ever reach the vernal pools. The City will eventually manage this sequence of drainage facilities and indicates that it still must devise protocols to ensure release of enough intermittent volumes for the eventual downstream recharge of vernal pools. The Discharger and the City have agreed with Board staff that intermittent volumes from as low as a 1-year probability rain event may be pumped from the basin outlet at a rate meant to mimic the existing runoff rate from the Project site. Also, approximately half of the volume from a 10-year, 24-hour storm or greater will definitely be released to the intersection.

From much of the southern Project area, low-volume flows will drain to the Ramona Creek Corridor retention basin but higher flows will discharge directly from the Project's frontage onto Florida Avenue. The City will retrofit a 66-inch stormdrain with a 60-inch drain (collectively, Line BB) along Florida Avenue to receive all frontage and upstream flows, and drain them west to the intersection. These flows will consolidate with those of Line AA in a new 84-inch diameter pipe to be constructed beneath the intersection. This pipeline (retrofitted from the existing 18-inch pipeline) will convey flows diagonally and southwest from the Project to a vault to be constructed below or beside the southwest corner of Florida Avenue and Warren Road (Exhibits 2, 3).

From the vault, water will be pumped to an earthen swale that will convey flows south from Florida Avenue along the western side of Warren Road (Exhibit 2, 3). South of the southern boundary of MSHCP Critical Cell 3684, the swale enters a wider earthen trapezoidal channel that curves westerly into the vernal pool complex of Criteria Cell 3792 (Exhibit 2). The trapezoidal channel often has standing water below the elevation of the vernal pool complex, and therefore it must be modified to effectively convey and spread lows to the vernal pools (a situation addressed by the requirements of the tentative Order).

## **Attachment 2: Excerpt of City of Hemet June 2014 Adopted Mitigation Measures for Ramona Creek Development**

### ***Mitigation Measure E-5: Riparian/Riverine/Vernal Pool Resources***

*“To meet the criteria of a biologically equivalent or superior alternative, the applicant shall offset impacts to 0.45 acre of vernal pools and 0.59 acre of agricultural ditches by preserving a minimum of 2.08 acre of vernal pool habitat within Criteria Cell 3684 Cell Group D (APN 465-020-030, Hemet Marketplace) as directed by the RCA, USFWS, CDFW, USACE, and RWQCB. The 2.08 acres of mitigation lands (2:1 ratio) shall be identified, preserved, and conveyed in fee title, or by conservation easement, to the RCA. The proposed mitigation study area within which 2.08 acres will be preserved is located south of Florida Avenue and west of Warren Road in the City of Hemet, California, as illustrated in Figure IV.E-7, Proposed Off-site Mitigation Preservation Study Area. Specifically, the study area is located within the MSHCP San Jacinto Valley Area Plan, Subunit 4: Hemet Vernal Pool Areas East in Cell 3584.”*

*“In addition to preserving lands southwest of the Project site, the Project proponent shall also provide design elements that will contribute to the Regional Drainage Plan. Specifically, the Project shall safely convey the region-wide peak flows (the maximum flow rate associated with a 100-year storm event), as well as the increased surface flows that will result from the development of the site, from the intersection of Myers Street and Devonshire Road to the intersection of Warren Road and Florida Avenue. The watershed runoff shall be discharged into an existing channel system along Warren Road, which then extends south of Florida Avenue and recharges the vernal pool system. Runoff patterns shall be recreated to mimic pre-development conditions.”*

### ***Mitigation Measure E-6: CDFW / RWQCB***

*“Prior to issuance of a grading permit, the Project applicant shall obtain a 1602 SAA from CDFW and a WDR permit issued by the RWQCB pursuant to the California Water Code Section 13260. At a minimum, the Project Applicant shall comply with Mitigation Measure E-5 to mitigate its impacts to CDFW/RWQCB resources, and shall otherwise comply with the applicable permit conditions of the 1602 SAA and WDR permit.”*

### ***Mitigation Measure E-7: Indirect Impacts***

*“Final Project design shall be developed to ensure that best management practices incorporated into the Project address and minimize edge effects associated with the Urban/Wildlands Interface of open space lands proposed with the southwest region of the property (vernal pool- alkaline complex), including the maintenance and conveyance of season clean water flows through the Project site to the MSHCP Criteria Area where alkali vernal plain habitat is located west and southwest of the property (Noncontiguous Habitat Block 7).”*

**EXHIBIT 1 – Order No. R8-2015-0032**  
**Ramona Creek Development Project**  
**Pre-project Vernal Pools and Agricultural Ditches**

0 200 400 800  
 Feet



**LEGEND**

-  CDFW, RWCQB, and MSHCP Riverine Jurisdictional Resources Agricultural Ditches (0.59 acre) Drainages A-C
-  RWQCB, MSHCP Vernal Pool Jurisdictional Resources Vernal Pool - Alkaline Complex (0.45 acre) VP-1, VP-2

APN 448-090-003



**Figure 8 - Jurisdictional Resources Map**  
 Biological Resources Technical Report  
 Ramona Creek

**CADRE**  
 Environmental



Source: ESRI World Street Map

**EXHIBIT 2 – Order No. R8-2015-0032**  
 Ramona Creek Development Project, Hemet

Mitigation Sites and Recommended Site Enhancements for Loss of Vernal Pools/Ag Ditches - Conducted in Adjacent Multiple Species Habitat Conservation Plan (MSHCP) Group D Criteria Cells 3684 and 3792

One Inch = 600 Feet

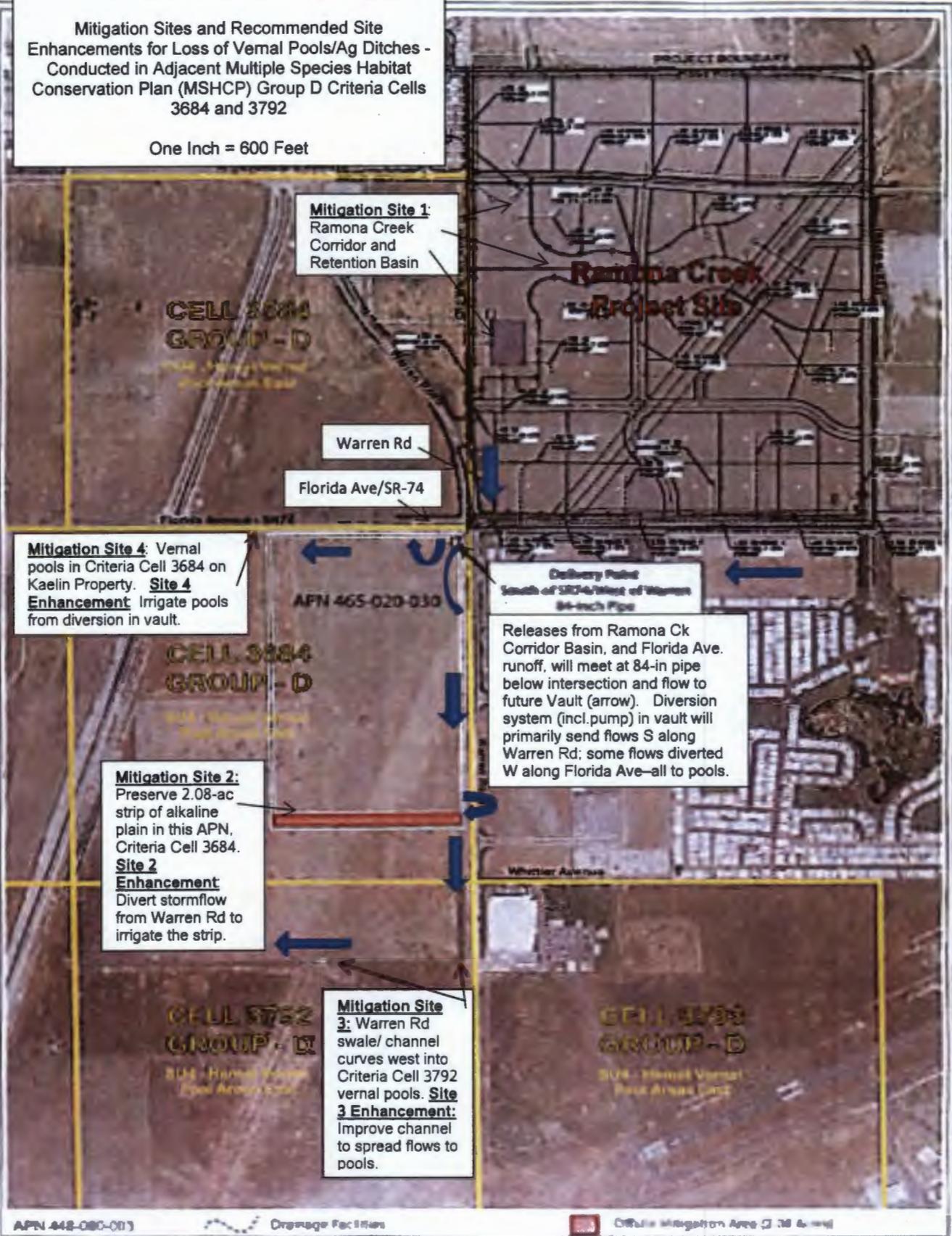
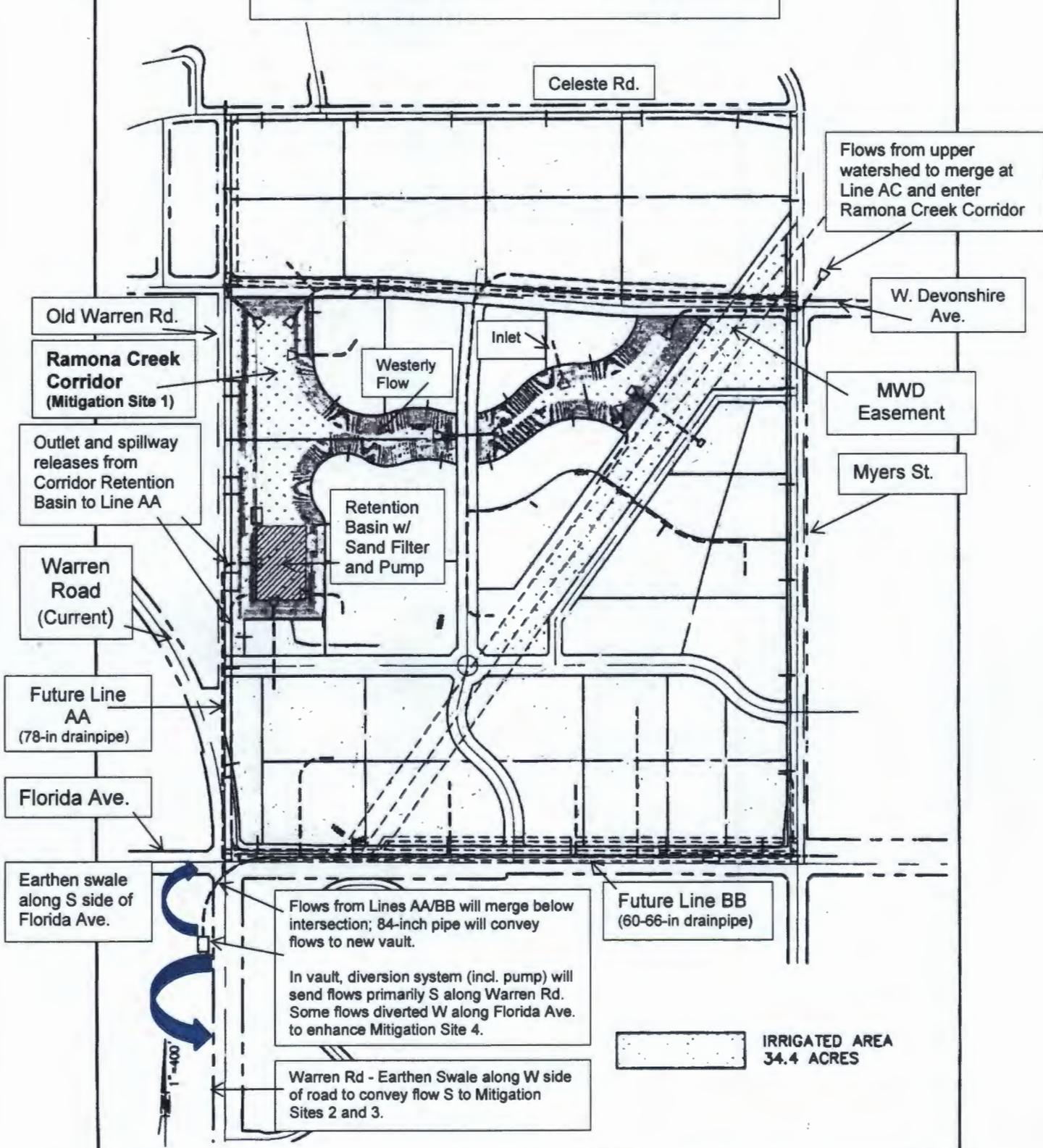


Figure 10 Drainage Delivery Facilities & Off-site Mitigation Area  
 DBCSP and MSHCP Consultancy Analysis  
 Ramona Creek



**EXHIBIT 3 - Order No. R8-2015-0032**  
**Ramona Creek Development Project, Hemet**

**Schematic Drawing of Proposed Drainage Components, Adapted from Hydrology Study**



Adapted from JLC Engineering and Consulting, Inc. Hydrology Study for the Ramona Creek Development Project

**RAMONA CREEK**

One Inch = 400 Feet