



# California Regional Water Quality Control Board

## Santa Ana Region



Linda S. Adams  
Secretary for  
Environmental Protection

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Arnold Schwarzenegger  
Governor

November 18, 2010

Dennis Chapman  
Sutter Mitland 01  
1522 Brookhollow Drive, Suite 1  
Santa Ana, CA 92705

**AMENDMENT TO CLEAN WATER ACT SECTION 401 WATER QUALITY  
STANDARDS CERTIFICATION FOR AUDIE MURPHY RANCH, RIVERSIDE  
COUNTY (ACOE REFERENCE NO. 200301532-DPS)  
OUR FILE NO. 332003-31**

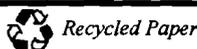
Dear Mr. Chapman:

On March 4, 2005, we issued a Clean Water Act Section 401 Water Quality Standards Certification (Certification) for Brookfield Homes' Audie Murphy Ranch project. The Audie Murphy Ranch project consists of the development of approximately 2,137 residential homes on 655 acres of a 1,113-acre site located upstream of Canyon Lake along Salt Creek and Newport Road in Menifee, Riverside County. This Certification was amended on November 2, 2007, in part to change the party responsible for compliance with the Certification to A. Murphy Ranch LLC. On June 23, 2010, we received a letter request from your representative, PCR Services Corporation (PCR), to amend the March 2005 Certification to recognize additional temporary impacts to waters of the U.S. On August 8, 2010, we received another request from PCR to amend the March 2005 Certification to include permanent impacts to a newly established drainage on the northern part of the project area, where no work on the project has occurred to date. The August 8, 2010, amendment request was submitted by email. This new drainage has become established since issuance of the March 2005 Certification and the November 2007 amendment.

The requested amendments are intended to address:

- 1) Additional temporary impacts associated with the proposed Goetz Road bridge over Salt Creek (the footprint of which is covered under the original 401 Certification) that were not recognized in the original 401 Certification submittal. The additional temporary impacts associated with the Goetz Road bridge involve removal of the culverts beneath and west of Goetz Road. The need to remove these culverts was not considered in the original project analysis. This culvert removal would yield a 0.007 acre net increase in temporary impacts to wetland "waters of the U.S."
- 2) Additional permanent impacts to a new drainage on the northern portion of the Audie Murphy Ranch development project site that has been created as a result of discharges

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from a storm drain outlet constructed by the development north of the Audie Murphy Ranch proposed development. You have reported that the discharge from this storm drain has formed a swale on the Audie Murphy Ranch property in an area originally slated for grading and development, where no watercourse previously existed. Implementation of the approved Audie Murphy Ranch residential development will obliterate this drainage and result in an additional net permanent loss of 0.02 acre of wetland "waters of the U.S." and 0.02 acre non-wetland "waters of the U.S." that are associated with it.

Regional Board staff regards these proposed temporary and permanent impacts as new impacts. The 2002 Environmental Impact Report for the project comprehensively addressed environmental impacts of the project that were known at that time. Due to the minor nature of these new impacts, Board staff believes that they are subject to categorical exemption from the CEQA reporting requirements (CEQA Guidelines section 15301 "Existing Facilities," section 15302 "Replacement and Reconstruction" and section 15304 "Minor Alterations to Land"), and no additional environmental analysis is required of them.

You have proposed that the entire area from which culverts are to be removed, including the new area of temporary impacts, will be revegetated by hydroseeding with an appropriate seed mix consisting of representative dominant native species found in the adjacent vegetation. Riverside County Transportation Department, which has accepted responsibility to have the bridge built, also has accepted responsibility to carry out this mitigation.

On September 9, 2010, at the request of the U.S. Army Corps of Engineers, a jurisdictional delineation of the new drainage feature was conducted by PCR. In addition, a re-delineation of the ungraded, northern part of the project (north of Normandy Road) was done to determine if any other additional drainages had also become established since the original 2001 jurisdictional study of the site. It was observed that a few of the previously delineated drainage features no longer exhibit evidence of flows, an apparent result of changes to local hydrology caused by the new residential development to the north of the Audie Murphy Ranch project site. The 2010 delineation concluded that the total area now identified as "waters of the U.S." has decreased when compared to the 2001 delineation. Nevertheless, you have indicated that the same mitigation and acreage of restoration that was proposed in the project's Habitat Mitigation and Monitoring Plan/Water Quality Management Plan (HMMP/WQMP) dated February 2005 (revised April 2005) will continue to be implemented.

Regional Board staff recognizes that the new impacts to beneficial uses associated with the loss of the new drainage feature will be sufficiently mitigated under the approved HMMP/WQMP, since the total project impacts to jurisdictional waters (after accounting for the additional impacts identified) are now less than previously identified. Therefore, no additional mitigation for this permanent impact is required.

This Certification amendment authorizes discharges associated with the following activities subject to CWA Section 404 permits from the U.S. Army Corps of Engineers:

- 1) Discharges of fill associated with removing the culverts in Salt Creek west of Goetz Road (temporary impact 0.007 acre).
- 2) Discharges of fill associated with the Audie Murphy Ranch residential development into the recently created jurisdictional drainage feature (permanent impact 0.04 acre).

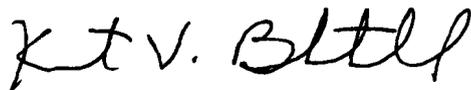
On April 19, 2010, this office received a request from PCR on behalf of Sutter Mitland 01, LLC, to transfer responsibility for compliance with the Certification, as amended, for this project from Brookfield Homes and A. Murphy Ranch, LLC, to Sutter Mitland LLC. This request is granted and it is acknowledged that the Certification, as amended, is hereby transferred to Sutter Mitland 01, LLC.

The Certification for this project, and its amendments, is subject to the acquisition of all local, regional, state, and federal permits and approvals as required by law. Failure to meet any conditions contained therein or any the conditions contained in any other permit or approval issued by the State of California or any subdivision thereof may result in the revocation of this Certification and civil or criminal liability.

All other terms and conditions of the March 4, 2005, Certification for this project, as previously amended, remain in effect.

Should there be any questions, please contact Mark Adelson at (951) 783-3234 or [madelson@waterboards.ca.gov](mailto:madelson@waterboards.ca.gov) or Marc Brown at (951) 321-4584 or [mbrown@waterboards.ca.gov](mailto:mbrown@waterboards.ca.gov)

Sincerely,



Kurt V. Berchtold  
Executive Officer

cc (via electronic mail):

U.S. Army Corps of Engineers, Los Angeles District – Crystel Doyle  
State Water Resources Control Board, OCC – David Rice  
State Water Resources Control Board, DWQ-Water Quality Certification Unit – Bill Orme  
California Department of Fish and Game, Ontario Office – Michael Flores  
U.S. Environmental Protection Agency WTR-8 – Eric Raffini  
Riverside County Transportation Department – Mary Zambon