
Santa Ana Regional Water Quality Control Board

August 19, 2013

Stephen Cameron
Forestar Corona, LLC
2151 Michelson Dr., Ste 250
Irvine, CA 92612

**CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS
CERTIFICATION FOR THE SIERRA BELLA PROJECT, COUNTY OF RIVERSIDE,
CALIFORNIA (ACOE REFERENCE NO. NOT AVAILABLE) (SARWQCB PROJECT
NO. 332013-06)**

Dear Mr. Cameron,

On March 19, 2013, we received an application for Clean Water Act Section 401 Water Quality Standards Certification ("Certification") from Forestar Corona, LLC for a project in the city of Corona, to develop and construct a residential housing project on previously undeveloped uplands, west of the city of Corona. The application information reflects that a predecessor project (Tract 32023) was issued a Certification on December 12, 2005. However, the project went through several design modifications, which required the project to pursue re-certification. This letter responds to your request for certification that the proposed project, described in your application and summarized below, will comply with State water quality standards outlined in the Water Quality Control Plan for the Santa Ana River Basin (1995) (Basin Plan) and subsequent Basin Plan amendments:

Project Description: The proposed project is a 321 acre land development, which includes a 237 unit residential development on 130 acres (reduced from the original project's 175 acres, a 26 percent reduction), and 191 acres of on-site open space (increased from the original project's 144 to 191 acres, a 35.5 percent increase). Additional revisions to the project include proposed construction of two extended detention basins for water quality treatment and peak discharge attenuation. The work will take place within Section 33 of Township 3 South, Range 7 West, of the "Corona South" and "Black Star Canyon" U.S. Geological Survey quadrangle map (33° 51' 2.840"N/ -117° 37' 32.880" W).

Receiving water:

Unnamed ephemeral drainage and Wardlow Wash, tributary to Temescal Creek and the Santa Ana River

Fill area:

Permanent impact to Wetland Habitat	0.03 acre	71 linear feet
Permanent impact to Streambed Habitat	0.29 acre	8,727 linear feet

Dredge/Fill volume:

N/A

Federal permit: U.S. Army Corps of Engineers Nationwide Permit No. 29

You have proposed to mitigate water quality impacts as described in your Certification application. The proposed mitigation is summarized below:

Onsite Water Quality Standards Mitigation Proposed:

- Standard water quality related best management practices (BMPs) will be employed during construction activities.

Offsite Water Quality Standards Mitigation Proposed:

- Mitigation for impacts to federal jurisdictional wetland waters, and for state jurisdictional riparian habitats is proposed at a 3:1 ratio, and mitigation for impacts to federal non-wetland waters and state unvegetated drainages and streambed is proposed at a 1:1 ratio. Thus, required mitigation for impacts to federal jurisdictional waters totals 0.38 acres (see Table 1, below). Required mitigation for impacts to California Dept. of Fish and Wildlife jurisdictional waters and riparian habitat totals 2.99 acres (see Table 2, below). Mitigation would be accomplished through acquisition of 2.99 acres of credits from the Riverside-Corona Resource Conservation District In Lieu Fee Program (ILFP), which provides significant creation and enhancement of riparian and wetland resources within the ILFP service area. This ILFP supports species targeted for conservation in Section 6.1.2 of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) and operates within the MSHCP Conservation Area. The riparian habitat restored through the ILFP would be equal to or of higher quality than the habitat being affected, and will contribute to the long-term conservation goals of the MSHCP.

TABLE 1. USACE REQUIRED MITIGATION (acres)			
HABITAT	IMPACTS	MITIGATION	
		Ratio	Required
Wetland Waters			
Disturbed wetland	0.03	3:1	0.09
Non-Wetland Waters			
Drainage	0.29	1:1	0.29
TOTAL	0.32	--	0.38

TABLE 2. CDFW REQUIRED MITIGATION (acres)			
HABITAT	IMPACTS	MITIGATION	
		Ratio	Required
Vegetated Waters/Riparian Habitat			
Riparian woodland	0.03	3:1	0.09
Coast live oak woodland	0.24	3:1	0.72
Mule fat scrub	0.62	3:1	1.86
Disturbed wetland (USACE)	0.03	3:1	0.09
Subtotal	0.92	--	2.76
Unvegetated Waters			
Ephemeral drainage	0.29	1:1	0.29
TOTAL	1.21	--	3.05

Should the proposed project impact state- or federally-listed endangered species or their habitat, implementation of measures identified in consultation with U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife will ensure those impacts are mitigated to an acceptable level. Appropriate BMPs will be implemented to reduce construction-related impacts to Waters of the State.

Pursuant to California Code of Regulations, Title 14, Chapter 3, Section 15096, as a responsible agency, the Regional Board is required to consider an EIR or Negative Declaration prepared by the lead agency in determining whether to approve a project. A responsible agency has responsibility for mitigating and avoiding only the direct and indirect environmental effects of those parts of the project which it decides to carry out, finance, or approve. Further, the responsible agency must make findings as required by

Sections 15091 and, if necessary, 15093, for each and every significant impact of the project.

As required by Section 15096, the Regional Board has considered the August 17, 2005, EIR prepared for the proposed project and information provided subsequently in the application, in approving this Certification.

In the issuance of this Certification, the Executive Officer has considered those sections of the applicant's Environmental Impact Report and its Addendum that relate to water quality. Based on the mitigation proposed and the conditions set forth in this Certification, impacts to water quality will be reduced to a less than significant level and beneficial uses will be protected. The Regional Board independently finds that changes or alterations have been required or incorporated into the project that avoid or mitigate impacts to water quality to a less than significant level.

This 401 Certification is contingent upon the execution of the following conditions:

- 1) The applicant must comply with the requirements of the applicable Clean Water Act section 404 permit.
- 2) Proposed mitigation shall be timely implemented. Materials documenting the purchase of necessary mitigation credits shall be provided to this office prior to the discharge of fill to, or the dredging or excavation of material from, waters of the state.
- 3) All materials generated from construction activities associated with this project shall be managed appropriately. This shall include identifying all potential pollution sources within the scope of work of this project, and incorporating all necessary pollution prevention BMPs as they relate to each potential pollution source identified.
- 4) The project proponent shall utilize BMPs during project construction to minimize the controllable discharges of sediment and other wastes to drainage systems or other waters of the state and of the United States.
- 5) Substances resulting from project-related activities that could be harmful to aquatic life, including, but not limited to, petroleum lubricants and fuels, cured and uncured cements, epoxies, paints and other protective coating materials, portland cement concrete or asphalt concrete, and washings and cuttings thereof, shall not be discharged to soils or waters of the state. All waste concrete shall be removed.

- 6) Motorized equipment shall not be maintained or parked within or near any stream crossing, channel or lake margin in such a manner that petroleum products or other pollutants from the equipment may enter these areas under any flow conditions. Vehicles shall not be driven or equipment operated in waters of the state on-site, except as necessary to complete the proposed project. No equipment shall be operated in areas of flowing water.
- 7) This Water Quality Certification 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 herein 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.
- 8) A copy of this Certification and any subsequent amendments must be maintained on site for the duration of work as a denoted element of any project SWPPP or WQMP.
- 9) Best management practices to stabilize disturbed soils must include the use of native plant species whenever feasible.
- 10) Applicant shall ensure all procedures and policies specified within the project's WQMP, shall adequately address any hydraulic conditions of concern generated during and as a result of this project.
- 11) Construction de-watering discharges, including temporary stream diversions necessary for project construction may be regulated under Regional Board Order No. R8-2009-0003, General Waste Discharge Requirements for Discharges to Surface Waters that Pose an Insignificant (De Minimus) Threat to Water Quality. For more information, please review Order No. R8-2009-0003 at www.waterboards.ca.gov/santaana/
- 12) Applicant shall ensure that all fees associated with this project shall be paid to each respective agency prior to conducting any on-site construction activities.
- 13) Prior to any grading for the project in wetlands, riparian habitats or drainage courses that are slated to be impacted, functional assessments of these areas and their riparian mitigation sites shall be conducted using the California Rapid Assessment Method, February 2012. Mitigation site assessments shall be conducted in the period between October through December, until success criteria are met for consecutive years. This information shall be reported to <http://www.californiawetlands.net/tracker/>

Under California Water Code, Section 1058, and Pursuant to 23 CCR §3860, the following shall be included as conditions of all water quality certification actions:

- (a) Every certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section §13330 of the Water Code and Article 6 (commencing with Section 3867) of this Chapter.
- (b) Certification is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a FERC license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to Subsection §3855(b) of this Chapter and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
- (c) Certification is conditioned upon total payment of any fee required under this Chapter and owed by the applicant.

If the above stated conditions are changed, any of the criteria or conditions as previously described are not met, or new information becomes available that indicates a water quality problem, the Regional Board may require the applicant to submit a report of waste discharge and obtain Waste Discharge Requirements.

In the event of any violation or threatened violation of the conditions of this certification, the holder of any permit or license subject to this certification shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification. Violations of the conditions of this certification may subject the applicant to civil liability pursuant to Water Code section 13350 and/or 13385.

This letter constitutes a Water Quality Standards Certification issued pursuant to Clean Water Act Section 401. I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of Sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law.

Stephen Cameron
Forestar Corona, LLC
401 Certification No 332013-06

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This discharge is also regulated under State Water Resources Control Board Order No. 2003-0017-DWQ (Order No. 2003-0017-DWQ), "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received Water Quality Certification" which requires compliance with all conditions of this Water Quality Standards Certification. Order No. 2003-0017-DWQ is available at:
www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo_2003-0017.pdf

Should there be any questions, please contact Marc Brown at (951) 321-4584, or Mark Adelson at (951) 782-3234.

Sincerely,



Kurt V. Berchtold
Executive Officer
Santa Ana Regional Water Quality Control Board

cc (via electronic mail):

HELIX Environmental Planning – Barry Jones, barryj@helixepi.com
U. S. Army Corps of Engineers, Los Angeles Office -Jason Lambert
CA Department of Fish and Wildlife - Juan J. Lopez-Torres
State Water Resources Control Board, Office of Chief Counsel-David Rice
State Water Resources Control Board DWQ -Water Quality Certification Unit
U.S. EPA -Supervisor of the Wetlands Regulatory Office WTR-8