California Regional Water Quality Control Board
Santa Ana Region

October 30, 2015

ITEM: *7

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. 36510, 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)[1]. 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

[1] 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[2].

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.

[2] 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/RWWCB 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)."

California Regional Water Quality Control Board
Santa Ana Region

Order No. R8-2015-0032

Waste Discharge Requirements
for
Regent Ramona Creek, LLC
Ramona Creek Development Project

TTM No. 31894, Northeast of Florida Avenue and Warren Road
City of Hemet, Riverside County

The California Regional Water Quality Control Board, Santa Ana Region (hereinafter Board), finds that:

1. Regent Ramona Creek, LLC (hereinafter, Discharger) proposes to construct the "Ramona Creek Development" (Project; Tentative Tract Map (TTM) No. 31894, APN 448-090-003) in the western portion of the City of Hemet (the City). The rectangular 209.21-acre Project site occupies the northeastern corner of Florida Avenue and Warren Road. 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.

2. The Project site will be completely developed to include commercial and retail buildings, as many as 1,077 residences, a linear park, and parking lots. Drainage modifications for the Project will include a 22.8-acre earthen streambed (Ramona Creek Corridor), trending east-west across the center of the site, for consolidation of most onsite and subwatershed flows. Drainage components associated with the Project will be implemented during the first phase of the Project and are intended to be a part of, and coordinate with, the future Master Drainage Plan (MDP) under development by the City.

3. To implement the Project, approximately 1.8 million cubic yards (cy) of native soil will be excavated onsite and re-graded as fill. Of this, the Discharger proposes to discharge ~3,000 cubic yards (cy) of fill to onsite waters of the state.

4. This Order prescribes waste discharge requirements (WDRs) for the discharge of fill to a total of 1.04 acres of onsite waters of the state (0.45 acre of onsite vernal pool complex (structured seasonal wetlands) and 0.59 acre of agricultural channels[1] (considered riparian/riverine resources under the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP)). The three agricultural channels (7,731 total linear feet) are located along the peripheral western, southern, and eastern sides

[1] Drainage A -- 2,820 linear feet along Warren Road, 0.19 acre

Drainage B -- 2,395 linear feet along Florida Avenue, 0.11 acre

Drainage C -- 2,516 linear feet along Myers Street, 0.29 acre

of the site. These WDRs address mitigation for the impacts of the Project on these waters of the State.

5. The City is the lead agency under the California Environmental Quality Act (CEQA). On June 10, 2014, the City certified a Final Environmental Impact Report (FEIR) for the Project. On June 12, 2014, the City adopted a Mitigation Monitoring and Reporting Plan (MMRP) for the FEIR and 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.

6. The Board is a responsible agency under CEQA. A responsible agency complies with CEQA by considering the FEIR prepared by the lead agency and by reaching its own conclusions on whether and how to approve the project involved. The Board has independently considered the FEIR and makes the following findings.

7. The FEIR identified potentially significant environmental effects of the Project related to the following areas that are germane to the Board's authority and responsibility: biological resources, hydrology, and water quality.

8. As to the effects on biological resources, hydrology and water quality, the FEIR and MMRP include three Mitigation Measures ("E-5", "E-6", and "E-7") prescribing (in summary) the preservation of 2.08 acres of vernal pool habitat in order to compensate for the 1.04 acres of onsite water bodies to be filled and the conveyance of flows from the Project site to recharge the MSHCP vernal pool system located southwest of the intersection of Florida Avenue and Warren Road. Mitigation Measures E-5 and E-7 require that this conveyance of flows "*shall*" be conducted, in addition to the requirement that the Project provide design elements that will contribute to the Regional Drainage Plan. Mitigation Measure E-5 requires further that runoff patterns be recreated to mimic pre-development conditions. Mitigation Measure E-6 includes the requirement to comply with applicable permit conditions specified by the Regional Board in waste discharge requirements issued to assure the protection of water quality.

9. The Master Drainage Plan is expected to be designed, in part, to provide for hydration of vernal pool resources in the Project area, consistent with the City's responsibilities as a party to the MSHCP implementing agreement. The MSHCP was adopted to protect 146 species of native plants and animals and to preserve a half million acres of their habitat. The Western Riverside County Regional Conservation Authority (RCA) assists MSHCP implementation.

10. MSHCP focus areas for saving habitat are designated "criteria cells," which are mapped and cataloged. Although the Project site is not designated an MSHCP criteria cell, it lies adjacent to criteria cells to the immediate west and southwest. Specifically, the vacant alkaline plain southwest of the intersection of Warren Road and Florida Avenue, and diagonally southwest of the Project site, is designated Criteria Cell 3684. A rectangular subset of Criteria Cell 3684 located immediately southwest of the intersection is APN 465-020-030, within which Mitigation Measure E-5 prescribes the 2.08 acres of vernal pool habitat preservation is to take place (Finding 10.a.[2]). Directly

[2] The locations of the Project's four mitigation sites and three mitigation site enhancements are shown in Attachment 1 to this Order.

south of Criteria Cell 3684 is Criteria Cell 3792, which contains an extensive vernal pool complex.

11. Pursuant to established MSHCP protocols, potential impacts to the onsite vernal pool and riparian/riverine resources, and proposed mitigation for those impacts, are subject to review by the U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) (wildlife agencies). Accordingly, the City submitted to the wildlife agencies a draft "Determination of Biologically Equivalent or Superior Preservation" (DBESP) report, analyzing adequacy of Project-proposed mitigation. Staff of the USFWS and CDFW, Regional Board, RCA, City, and Project representatives met during 2015 for extensive discussions concerning the adequacy of mitigation measures proposed in the DBESP and in the City's Mitigation Measures (FEIR and MMRP). The final DBESP report was completed in July 2015.

12. The mitigation measures identified in the final DBESP report include:

    a) 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, MSHCP Criteria Cell 3684, Cell Group D). 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).

    b) The Project proponent will provide onsite design elements, including the Ramona Creek Corridor, and $10.35 million for drainage improvements that will contribute to the City's Master Drainage Plan (FEIR Mitigation Measure E-5 employs the term "Regional Drainage Plan"). This measure is consistent with the City-adopted mitigation measures that require conveyance of captured flows from the Ramona Creek Corridor to recharge vernal pools southwest of the intersection of Florida Avenue and Warren Road (MSHCP Criteria Cells 3684 and 3792).

    c) 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.

13. The mitigation measures identified in Finding 12 do not, by themselves, assure timely and adequate mitigation for the loss of vernal pool and riparian/riverine resources at the Project site, since the exact nature and timing of drainage modifications necessary to hydrate the mitigation areas is not yet known.

14. 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, this Order 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 mitigation site enhancement projects:

a) 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, via grading or another suitable method.

b) Diversion of flows from the earthern 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, via a suitable method.

c) Installation of a diversion system, as part of the planned construction of a vault below the southwest corner of Florida Avenue and Warren Road. 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.

15. To assure that each of these enhancements is properly designed and engineered to fulfill its purpose, this 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. 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.

16. The mitigation measure enhancements identified in Finding 14 have been coordinated with and agreed to by the USFWS and CDFW.

17. Based on the above additional mitigation enhancements as reflected in this Order, and Mitigation Measures E-5, E-6, and E-7 contained in the FEIR, as to the effects on biological resources, changes or alterations have been required in, or incorporated into, the Project which avoid or substantially reduce to less than significant the environmental effect as identified in the FEIR.

18. As to the effects on hydrology, changes or alterations have been required in, or incorporated into, the Project which avoid or substantially reduce to less than significant the environmental effect as identified in the FEIR.

19. As to the effects on water quality, changes or alterations have been required in, or incorporated into, the Project which avoid or substantially reduce to less than significant the environmental effect as identified in the FEIR.

20. The FEIR also identified potentially significant environmental effects of the Project related to aesthetics, air quality, cultural resources, geology and soils, hazards and hazardous materials, noise, public services, transportation, and utility and service systems. The FEIR included mitigation measures to mitigate impacts to the above-listed resource categories to less than significant levels. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not within the

jurisdiction of the Board. Such changes have been adopted by the relevant agency or can and should be adopted by such other agency.

21. As to the Project's effects on air quality and transportation, the City adopted a statement of overriding considerations, finding that the impacts are an acceptable consequence of the Project because of the benefits it will provide, and no feasible mitigation measures or alternatives have been identified to reduce the Project's significant unavoidable impacts.

22. The Discharger submitted a Report of Waste Discharge (ROWD) on August 18, 2014, but Board staff has not considered it to be complete. Board staff has advised the Discharger that there remains an outstanding fee balance of $10,848 (from the $11,945 fee calculated and required for the Project pursuant to CCR, Title 23, Section 2200(a)(3) and CWC Section 13260). Grading activities and other construction on the site may not commence until the outstanding fee balance of $10,848 is paid. The Discharger remains subject to subsequent annual fees during the life of this Order.

23. 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, these Waste Discharge Requirements for the Project will serve as the 401 Certification for the purposes of USACE issuance of a Section 404 Permit. This Order includes standard conditions required for all 401 Certifications.

24. The requirements contained in this Order are necessary to implement the Water Quality Control Plan for the Santa Ana River Basin (Basin Plan) and are consistent with the Basin Plan. The vernal pools and riparian/riverine resources, though disturbed, support or have the potential to support some or all of the following beneficial uses:

    a. Warm Freshwater Habitat (WARM);
    b. Wildlife Habitat (WILD); and
    c. Rare, Threatened, or Endangered Species Habitat (RARE).

25. This Order is necessary to meet the goals of the California Wetlands Conservation Policy (Executive Order W-59-93) ensuring "no overall loss" and achieving a "…long-term net gain in the quantity, quality, and permanence of wetland acreage and values…" This Order is consistent with State Senate Concurrent Resolution No. 28, which states that "[i]t is the intent of the legislature to preserve, protect, restore, and enhance California's wetlands and the multiple resources which depend on them for benefit of the people of the State." The Project, as proposed, will provide a net increase in isolated wetland (vernal pool) acreage and functionality.

26. The City has imposed Mitigation Measure E-7, which requires that Best Management Practices (BMPs) be used to ensure clean water quality for flows from the Project to the vernal pool sites ("alkali vernal plain habitat"). To satisfy this mitigation measure, numerous structural and non-structural BMPs will be implemented onsite, in addition

to the Ramona Creek Corridor, its associated retention basin, and a protocol for harvest and reuse of captured wet- and dry-weather flows. Further, the Discharger will address the Mitigation Measure E-7 requirement that the external impacts of edge effects be minimized for the "vernal pool-alkaline complex," by preserving 2.08 acres of vernal pool habitat in APN 465-020-030, MSHCP Criteria Cell 3684, Cell Group D.) This area is intended, in part, as a buffer to MSHCP Criteria Cell 3792.

27. On September 2, 2009, the State Water Resources Control Board (State Board) adopted Water Quality Order (WQO) No. 2009-0009-DWQ, amended by WQO No. 2010-0014-DWQ, NPDES Permit No. CAS000002, "*Waste Discharge Requirements for Discharges of Storm Water Associated with Construction and Land Disturbance Activities*" (Construction General Permit). This General Permit requires that construction discharges of stormwater runoff be addressed, using BMPs, by a Storm Water Pollution Prevention Plan (SWPPP), prepared by the applicant and available on site during construction. This General Permit implements the Final Regulations (Title 40 CFR 122, 123, and 124) for storm water runoff published on November 16, 1990 by EPA, in compliance with Sections 301 and 402(p) of the Clean Water Act (CWA). The Discharger is required to obtain authorization under this General Permit and to comply with its terms and conditions.

28. On January 19, 2010, the Regional Board adopted Order No. RB8-2010-0033, NPDES Permit No. CAS618033, "*Waste Discharge Requirements for the Riverside County Flood Control and Water Conservation District, the County of Riverside, and the Incorporated Cites of Riverside County within the Santa Ana Region, Area-Wide Urban Runoff Management Program,*" or "Riverside County municipal separate storm sewer system (MS4) permit." The City of Hemet must require the Discharger to comply with applicable provisions of the MS4 permit by implementing a variety of structural and non-structural BMPs controlling pollutants from point and non-point sources. All development must conform to the Water Quality Management Plan (WQMP) requirements of the MS4 permit, and each site must implement a project WQMP prepared according to a model WQMP.

29. This Order includes Provisions that require the Discharger to implement the mitigation measures, their enhancements, and other requirements described above. These mitigation measures and enhancements are sufficient to assure appropriate mitigation of impacts to waters of the state and to protect beneficial uses.

30. This Order requires the Discharger to comply with Monitoring and Reporting Program (M&RP) R8-2015-0032.

31. The Regional Board has considered antidegradation pursuant to 40 CFR 131.12 and State Board Resolution No. 68-16 and finds that the discharge is consistent with those provisions.

32. The Board has notified the discharger and other interested agencies and persons of its intent to prescribe waste discharge requirements for the discharge and has provided them with an opportunity for public hearing and opportunity to submit their written views and recommendations.

33. The Board, in a public meeting, heard and considered all comments pertaining to the discharge.

IT IS HEREBY ORDERED that the discharger, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, shall comply with the following:

A. DISCHARGE SPECIFICATIONS:

1. No activities associated with the Project shall cause or threaten to cause a nuisance or pollution as defined in Section 13050 of the California Water Code.

2. The discharge of fill materials shall be limited to the placement of native fill and inert materials, as defined in Section 20230, Division 2, Title 27 of the California Code of Regulations. The discharge of fill material other than this shall be only with the prior approval of the Executive Officer.

3. The discharge of any substance in concentrations toxic to animal or plant life is prohibited.

4. The groundwater in the vicinity of the project shall not be degraded as a result of the project activities or placement of fill for the project.

5. All first flush[3] and dry-weather runoff flows shall be treated by passing through and directed to a retention basin or appropriate BMPs in compliance with the Riverside County MS4 Permit.

B. DISCHARGE PROHIBITIONS:

1. The direct discharge of wastes, including rubbish, refuse, bark, sawdust, or other solid or liquid wastes into channels, surface waters, or any place where they would contact or would be eventually transported to surface waters, is prohibited.

2. The discharge of oil or other floating materials from any activity in quantities sufficient to cause deleterious bottom deposits, turbidity, or discoloration in surface waters is prohibited.
3. The discharge of silt, sand, clay, or other earthen materials from any activity in quantities sufficient to cause deleterious bottom deposits, turbidity, or discoloration in surface waters is prohibited.

4. Discharges to surface waters of wastes or pollutants which are not otherwise regulated by a separate National Pollutant Elimination System (NPDES) permit, is prohibited.

5. During the grading and filling operation, there shall be no onsite fueling, lubrication, changing of oil or other equipment fluids and their filters, or any other maintenance or

[3] The volume of runoff produced from the 85th percentile 24-hour runoff event, based on historical records.

storage of construction equipment within, or next to, drainage areas or other surface runoff conveyances.

C. PROVISIONS:

1. The Discharger shall implement the following mitigation measures:

   a) Impacts to a total of 1.04 acres of onsite vernal pool and riparian/riverine resources shall 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 (alkaline plain representing potential vernal pool habitat) that is located southwest of the Project site within APN 465-020-030 (within MSHCP Criteria Cell 3684, Cell Group D). (Mitigation Site 2).

   b) The Discharger shall provide onsite design elements (including construction of the Ramona Creek Corridor, Mitigation Site 1), as part of $10.35 million for drainage improvements that will contribute to the City's Master Drainage Plan ("Regional Drainage Plan," FEIR Mitigation Measure E-5). This measure will be consistent with the City-adopted mitigation measures (E-5 and E-7) that require conveyance of captured flows from the Ramona Creek Corridor to recharge vernal pools southwest of the intersection of Florida Avenue and Warren Road (MSHCP Criteria Cells 3684 and 3792).

   c) The Discharger shall provide $61,950 to the RCA for the creation of the RCA Ramona Creek Project Trust Fund.

2. The Discharger shall implement the following enhancements to the mitigation measures listed in Provision C.1., above:

   a) Diversion of flows from the earthern 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 (Mitigation Site 2; Site 2 Enhancement), via a suitable method.

   b) Spreading of flows exiting the earthen swale/trapezoidal channel (west side of Warren Road) into the vernal pool complex in the northern part of MSHCP Criteria Cell 3792 (Mitigation Site 3; Site 3 Enhancement), via grading or another suitable method.

   c) Installation of a diversion system, as part of the planned construction of a vault below the southwest corner of Warren Road and Florida Avenue (Site 4 Enhancement). The diversion system shall 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 shall be conducted as necessary to eliminate ponding along Florida Avenue and to enable these flows to reach the immediately adjacent vernal pool complex.

   d) The Discharger shall 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 above three vernal pool site mitigation enhancement projects. Should funds remain once these projects are implemented, their use shall be subject to the discretion of the RCA.

3. To assure that each of the above mitigation site enhancements is properly designed and engineered to fulfill its purpose, the Discharger shall conduct field demonstration(s) of their efficacy to the satisfaction of Regional Board staff. Corrective action shall be implemented if the efficacy of the enhancements is not demonstrated. 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 shall conduct 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 efficacy of this entire connected drainage system represents the success criteria for this Order.

4. The Discharger shall coordinate with the City on design of the drainage system components and protocols for their operation, including:

   a) Determination of instances, flow volumes, and rates at which water is released from the Corridor retention basin to vernal pool recharge downstream, with determination of protocols for the enhancement diversions. This Order does not require the reporting of the finalized numerical volumes, rates, or other protocols, nor as-built drawings of the drainage system components, but a system of such protocols shall be put into place;

   b) The protocols shall provide for the majority of available flow volume to be sent southward along Warren Road to hydrate Mitigation Sites 2 and 3, then to Mitigation Site 4.

5. The Discharger shall comply with Monitoring and Reporting Program (M&RP) No. R8-2015-0032, which is a part of this Order. Any changes to this M&RP during the term of this Order shall be implemented only with prior approval from the Executive Officer of the Regional Board.

6. These Waste Discharge Requirements act as a Clean Water Act Section 401 Water Quality Standards Certification (Certification; pursuant to CCR Title 23, Division 3, Chapter 28, Article 4, Sections 3857 and 3860), in the event one is required by a federal agency, and requires the same mitigation measures as would a Certification. Pursuant to Section 3860, the following standard conditions shall be included here 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.

7. The Discharger is required to comply with applicable conditions of any 404 permit that may be issued for the project**.**

8. Grading activities and other construction on the site shall not commence until the outstanding fee balance of $10,848 is paid. The Discharger remains subject to subsequent annual fees during the life of this Order.

9. The Discharger shall ensure that the Project complies with State Water Resources Control Board (SWRCB) Water Quality Order No. 99-08-DWQ, (as amended by Order No. 2010-0014-DWQ), National Pollutant Discharge Elimination System (NPDES) Permit No. CAS000002, and with the Regional Board's MS4 permit for Riverside County, Order No. RB8-2010-0033, NPDES Permit No. CAS618033. A Storm Water Pollution Prevention Plan (SWPPP) must be prepared by the applicant, in order to ensure the quality of water eventually discharged in vernal pool habitat. The SWPPP must be available on site during construction.

10. In conformance with the Riverside County MS4 permit, the discharger must prepare and implement a final Project Water Quality Management Plan (WQMP) for the City, according to a model WQMP, implementing structural and non-structural BMPs to control pollutants from both point and non-point sources to the level specified in the permit. The Discharger shall ensure that Project runoff, including any portion not collected by the Ramona Creek Corridor such as the frontage area on Florida Avenue, complies with the Riverside County MS4 permit.

11. The Discharger must comply with all of the requirements of this Order. Any violation of this Order constitutes a violation of the California Water Code (CWC) and may constitute a violation of the CWC and its regulations, and is grounds for enforcement action, termination of this Order, revocation and re-issuance of this Order, denial of an application for re-issuance of this Order; or a combination thereof.

12. The Discharger shall maintain a copy of this Order at the site so that it is available to site operating personnel at all times. Key operating personnel shall be familiar with its content.

13. The Discharger shall remove from the construction site and mitigation sites any waste or fill material found to contain substances that may have a deleterious effect on water quality, and dispose of unacceptable wastes in a manner acceptable to the Executive Officer.

14. The Discharger shall take all reasonable steps to minimize or prevent any discharge that has a reasonable likelihood of adversely affecting human health or the environment.

15. The provisions of this Order are severable, and if any provision of this Order, or the application of any provisions 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.

16. The filing of a request by the discharger for modification, revocation and re-issuance, or termination of this Order or a notification of planned changes or anticipated noncompliance does not stay any requirements of this Order.

17. The requirements prescribed herein do not authorize the commission of any act causing injury to the property of another, nor protect the discharger from liabilities under federal, state, or local laws, nor guarantee the discharger a capacity right in the receiving waters.

18. This Order does not convey any property rights of any sort, or any exclusive privilege.

19. This Order is not transferable to any person except after notice to, and approval by the Executive Officer. The Regional Board may require modification or revocation and re-issuance of this Order to change the name of the discharger.

20. In the event of any change in control or ownership of land presently owned or controlled by the discharger, the discharger shall notify the succeeding owner or operator of the existence of this Order by letter, a copy of which shall be forwarded to the Regional Board.

21. The Regional Board and other authorized representatives shall be allowed:

    a. Entry upon premises where a regulated facility or activity is located or conducted, or where records are kept under the requirements of this Order;

    b. Access to copy any records that are kept under the requirements of this Order;

    c. To inspect any facility, equipment, practices, operations, drainage system component, or vernal pool mitigation site or enhancement regulated or required under this Order; and

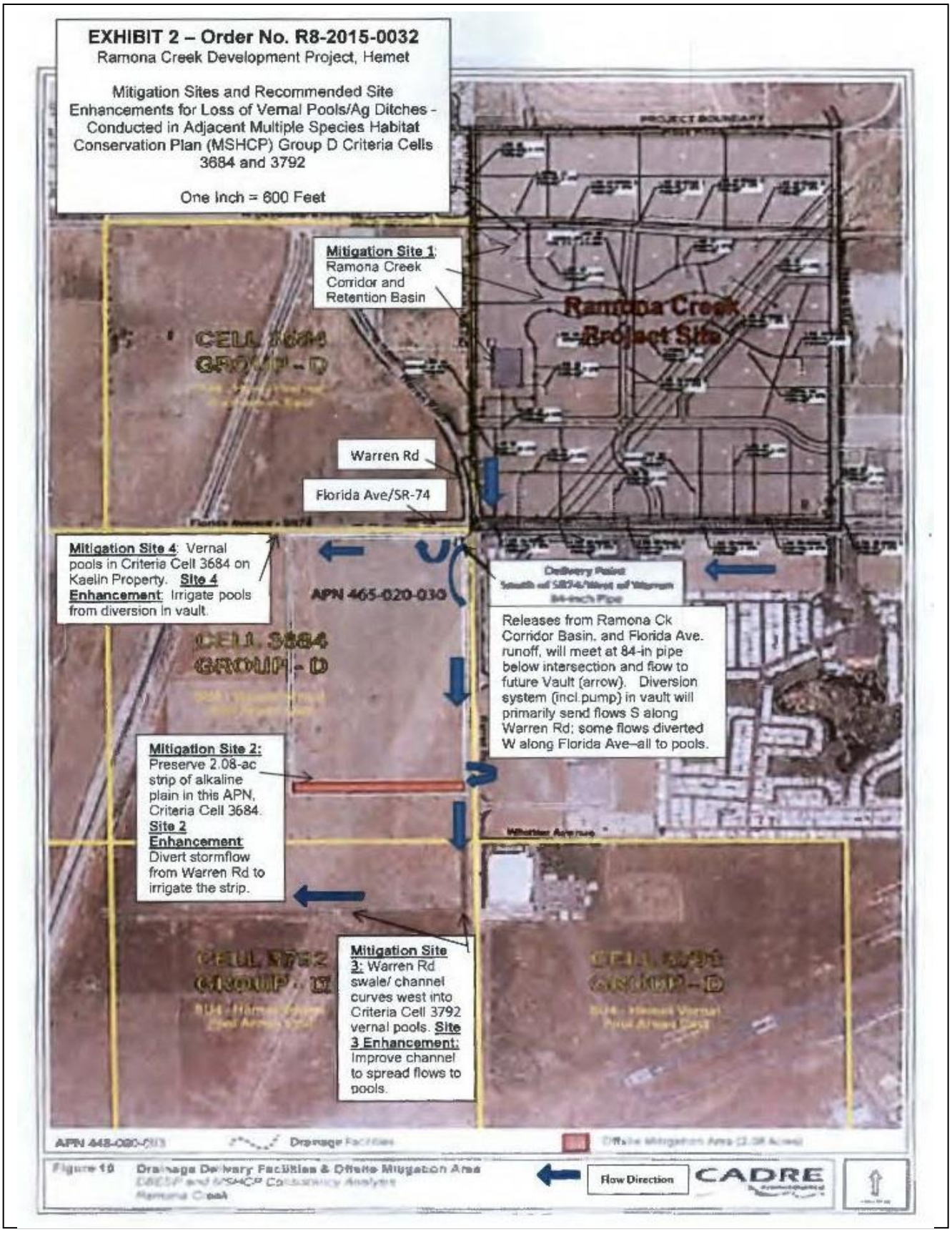
    d. To photograph, sample, and monitor for the purpose of assuring compliance with this Order.

I, Kurt V. Berchtold, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Santa Ana Region, on October 30, 2015.

_____

Kurt V. Berchtold
Executive Officer

Order Attachment 1– Key to Mitigation Sites and Site Enhancements
(Adapted from Staff Report Exhibit 2)



California Regional Water Quality Control Board
Santa Ana Region

Monitoring and Reporting Program No. R8-2015-0032
for
Regent Ramona Creek, LLC
Ramona Creek Development Project

City of Hemet
Riverside County

TENTATIVE

A. GENERAL MONITORING REQUIREMENTS:

1. The Discharger shall monitor and document the implementation of the mitigation measures and enhancement projects specified in the Provisions of this Order, including:

   a. Construction of the Ramona Creek Corridor (Mitigation Site 1, Order Attachment 1; Provision C.1.b. of the Order), associated drainage improvements to convey Project area runoff to the three vernal pool mitigation sites (2, 3, and 4), and the three vernal pool mitigation site enhancements (Provision C.2.a., 2.b., and 2.c. of the Order), all shown on Order Attachment 1. Records shall include:

      1) Digital, photographic, and other images of Project activities related to mitigation site and enhancement project implementation.

      2) In advance of grading at the site, documentation of:

         a) The conveyance in fee title (or conservation easement) from the Discharger to the RCA of the 2.08-acre portion of APN 465-020-030 described in Provision C.1.a.of the Order , with a finalized site map of the preserved land dedication;

         b) The Discharger's provision of $61,950 to the RCA for the RCA's creation of the "RCA Ramona Creek Project Trust Fund";

         c) That the RCA Ramona Creek Project Trust Fund will be sufficient for and limited to expenditures necessary to implement the three mitigation site enhancement projects listed in Provision C.2.a., b., and c., of the Order; and,

         d) Documentation of payment(s) by the RCA, for construction and related costs of stages of completion of each of the mitigation site enhancement projects required by Provision C.2.a., b., and c. of the Order, verifying committed use of the RCA Ramona Creek Project Trust Fund for this purpose.

field demonstration of the entire drainage system is to be conducted. Field demonstrations necessary to comply with the terms of the Order shall be conducted with Board staff present. In each case, photographic documentation of the demonstration shall be provided.

B. REPORTING:

1. Monitoring reports shall be submitted semi-annually, by December 1 and June 1 of each year, with information collected for the previous six months in compliance with A. General Monitoring Requirements, above, including:

   a. A summary of the status and stages of completion of the mitigation site measures and enhancements specified above. The summary shall include images of Project activities related to mitigation measure construction and an updated schedule for remaining work to implement the mitigation measures.

   b. Copies of the documentation required by A.1.a.2) a), b), c), and d) above.

   c. Results, images, and other documentation of field demonstrations of the efficacy of conveyance of water by the three individual mitigation site enhancements, and the efficacy of the entire drainage system from the Ramona Creek Corridor to the mitigation sites (Provision C.3. of the Order), after Board staff has witnessed the field demonstrations.

2. This monitoring and reporting program may be modified by the Executive Officer at any time during the term of this Order to include an increase or reduction in the number of parameters to be monitored, and the frequency of the monitoring and reporting.

3. For every item where the requirements of the Order and this monitoring and reporting program are not met, the Discharger shall submit a statement of the actions undertaken or proposed that will bring the discharge into full compliance with requirements at the earliest time and submit a timetable for correction.

4. All reports shall be signed by a responsible officer or duly authorized representative of the discharger and shall be submitted under penalty of perjury.

Ordered by _____

Kurt V. Berchtold
Executive Officer
October 30, 2015

Figure 8 - Jurisdictional Resources Map

Biological Resources Technical Report
Ramona Creek

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

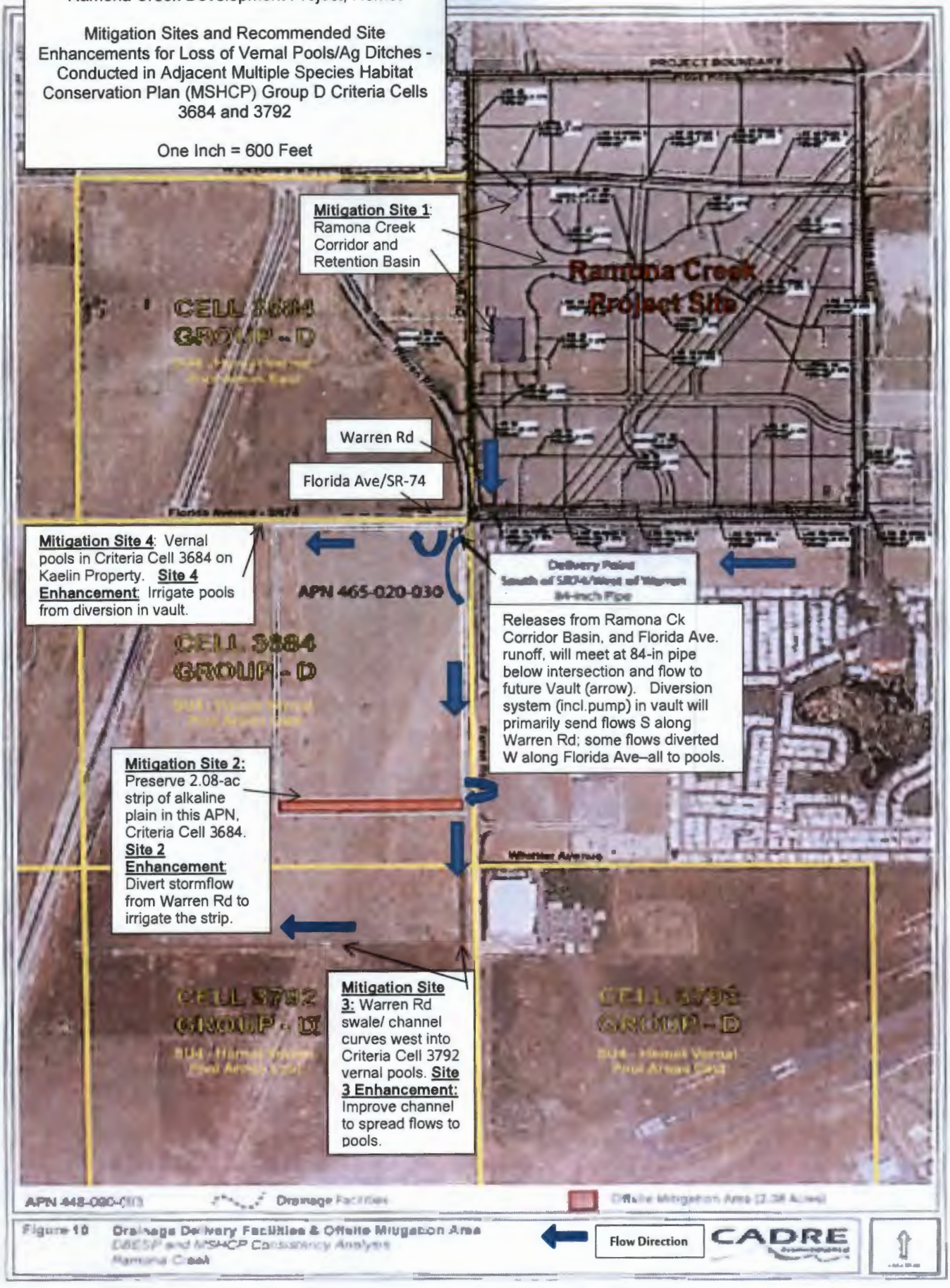
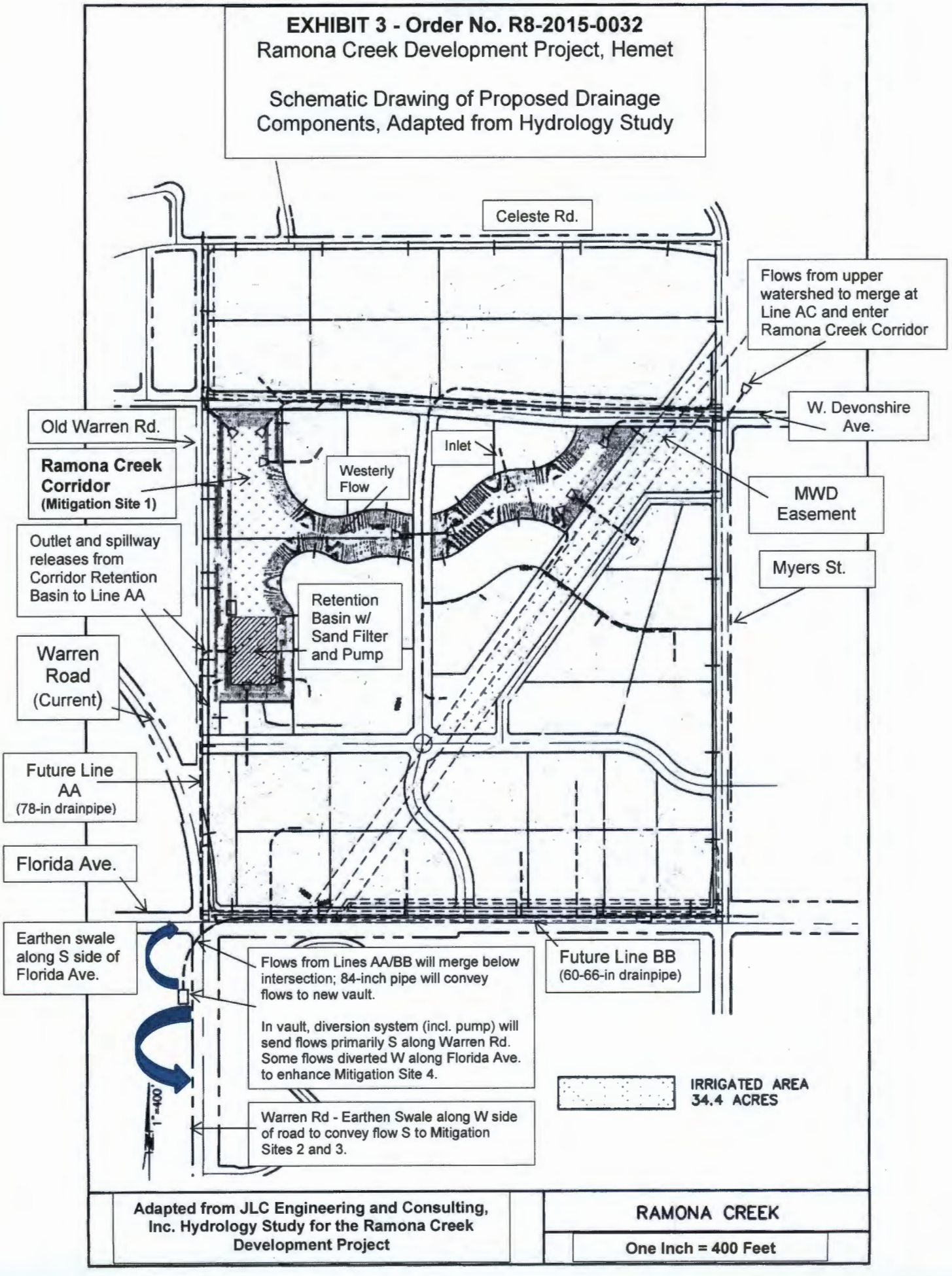


Figure 10 Drainage Delivery Facilities & Offsite Mitigation Area
DBESP and MSHCP Consistency Analysis
Ramona Creek

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