



California Regional Water Quality Control Board

Santa Ana Region



Matthew Rodriguez
Secretary for
Environmental Protection

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Edmund G. Brown Jr.
Governor

August 25, 2011

Dennis Fitzpatrick, Partner
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AMENDMENT OF CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS CERTIFICATION FOR COMMERCE POINTE INDUSTRIAL PARK, MENIFEE, RIVERSIDE COUNTY (Our File No. 33-2008-33)

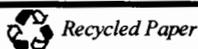
Dear Mr. Fitzpatrick:

This is in reply to your July 12, 2011, request to amend the July 22, 2009, Clean Water Act Section 401 water quality standards certification (401 Certification) for Commerce Pointe Industrial Park. Your recent request is for an extension of the project deadline for Condition No. 2 of the 401 Certification. Condition No. 2 required a conservation easement, or other appropriate legal instrument(s), over a mitigation area to be fully executed prior to sale or transfer of any portion of the proposed project or within 24 months of the date of the Certification. The conservation easement is to be placed over the proposed mitigation channel to ensure that the design hydrology is maintained. You have requested an extension of the 24 month deadline for Condition No. 2 to 48 months to be able to fully execute the legal instrument. You cite current adverse economic conditions as the basis for further delays of this project and the reason you are requesting a project deadline extension.

Condition No. 2 of the July 22, 2009 water quality standards certification for Commerce Pointe Industrial Park is hereby amended as follows:

2. A conservation easement, or other appropriate legal instrument(s), must be placed over the proposed mitigation channel, to include the flow splitter structure(s), which assures the permanence and quality of the channel over the life of the project. The legal instrument(s) must include language that requires that the design hydrology for the mitigation channel is maintained as a condition of any modification of the storm drain system. The instrument(s) and accompanying language must be readily discoverable during the normal course of due diligence exercised as part of the development of the properties that are tributary to the storm drain system. The instrument(s) must be fully executed prior to the sale or transfer of any portion of the proposed project or within **48 months** of the date of this 401 Certification, whichever occurs first. The

California Environmental Protection Agency

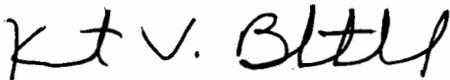


instrument(s) must be submitted to the Executive Officer within 14 days of their execution.

This amendment applies only to the project deadline associated with Condition No. 2. All other terms and conditions of the subject 401 Certification remain in effect.

If you have any questions, please contact Marc Brown at mbrown@waterboards.ca.gov or (951) 321-4584 or Mark Adelson at madelson@waterboards.ca.gov or (951) 782-3234.

Sincerely,



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

cc: (via electronic mail)

U.S. Army Corps of Engineers, Los Angeles Office - Shannon Pankratz
State Water Resources Control Board, Office of Chief Counsel - David Rice
State Water Resources Control Board DWQ - Water Quality Certification Unit
TERACOR Resource Management - Samuel Reed