



Santa Ana Regional Water Quality Control Board

February 9, 2015

Stephen Cameron
Forestar Toscana, LLC
4590 MacArthur Blvd., Suite 600
Newport Beach, CA 92660

CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS
CERTIFICATION FOR THE TOSCANA SPECIFIC PLAN NO. 327, AMENDMENT
NO. 1 PROJECT, UNINCORPORATED RIVERSIDE COUNTY (ACOE CORPS FILE
NO. SPL-2014-00201-JEM) (SARWQCB PROJECT NO. 332014-02)

Dear Mr. Cameron,

On February 11, 2014, we received an application for Clean Water Act Section 401 Water Quality Standards Certification ("Certification") from Forestar Toscana, LLC for a residential development project in an unincorporated area of Riverside County, south of Corona. The approximately 961-acre Toscana Project proposes to develop 416.9 acres with medium to high density residential units and associated infrastructure, as well as improvements to and the widening of Temescal Canyon Road along the length of the project's frontage. The project also proposes to stabilize Temescal Wash to control active and ongoing down-cutting of the wash along the project's frontage. The applicant has submitted a filing fee of \$944.00 to the Regional Water Quality Control Board, which provided a portion of the \$75,071.00 State Water Resources Control Board (SWRCB) fee for consideration of 401 Certification of this project. On February 6, 2015 a check was received by this office for \$74,127.00, which satisfies the remainder of the fees calculated for the project. This fee amount was determined using the Dredge and Fill Fee Calculator on the SWRCB web site, which is based on the iteration of California Code of Regulations, Division 3, Chapter 9, Article 1, section 2200 (a) (3) in effect when the application was submitted. 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 Toscana Project proposes to develop 416.9 acres as follows: 1,443 medium to high density residential units (300.9 acres); associated fuel modification zones (66.9 acres); park land (21.4 acres); and, associated infrastructure. Within the project boundaries, the project would preserve 544.3 acres as open space.

In addition, as stated above, the proposed project will include the improvement of Temescal Canyon Road along the length of the project's frontage, while stabilizing Temescal Wash to control active and ongoing down-cutting of the wash along the project's frontage. Two permanent road crossings are proposed over Temescal Wash (for access from Temescal Canyon Road), and two additional ephemeral drainage crossings are proposed within the development.

The work will take place within Section 36 of Township 4 South, Range 6 West, and Sections 1 and 12 of Township 5 South, Range 6 West of the U.S. Geological Survey *Lake Mathews* 7.5 minute topographic quadrangle maps (at lat: 33.7674N; long -117.4592W).

Receiving water: Temescal Creek Reach 1 and 2, Santa Ana River Reach 3, and the Prado Basin which have present or potential beneficial uses including: agricultural supply (AGR), groundwater recharge (GWR), rare/threatened/endangered species (RARE), water contact recreation (REC1), non-contact water recreation (REC2), spawning reproduction (SPWN), limited warm freshwater habitat (LWARM), warm freshwater habitat (WARM), and wildlife habitat (WILD).

Fill area:

Permanent impacts to various riparian forest, woodland, and scrub communities, herbaceous riparian, disturbed riparian wetland, seasonal pond, and ephemeral streambed habitat.	2.86 acres	30,151 linear feet
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Dredge/Fill volume: N/A

Federal permit: U.S. Army Corps of Engineers Permit No. SPL-2014-00201-JEM

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.
- The applicant has proposed to mitigate for permanent impacts to 2.86 acres of jurisdictional waters and temporary impacts to 1.21 acres of jurisdictional waters with 8.61 acres of mitigation. A detailed description of the mitigation is provided in the Toscana Property Mitigation Plan prepared by HELIX Environmental Planning, Inc. and dated December 15, 2014.

Offsite Water Quality Standards Mitigation Proposed:

- A total of 8.04 reestablishment, rehabilitation, or conservation credits will be acquired through the Riverside-Corona Resource Conservation District's In Lieu Fee program.

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.

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 conditions contained in any other permit or approval for this project issued by the State of California, or any subdivision thereof, may result in appropriate enforcement action, including imposition of administrative civil liability.

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 Environmental Impact Report (EIR, SCH #2001121105) and subsequent addendum approved for the proposed project and filed with the Riverside County on November 27, 2014, and information provided subsequently in the applicant's application, in approving this Certification. More specifically, the Regional Board has considered those sections of the EIR relating to water quality. Based on the mitigation proposed in the EIR, 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. Thus, the Regional Board independently finds that changes or alterations have been required in, or incorporated into the project, which 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) 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.
- 3) Proposed mitigation shall be timely implemented. In Lieu Fee credits shall be purchased, and confirmation of purchase of fee credits shall be provided prior to initiating impacts to jurisdictional waters on site.
- 4) On-site mitigation shall be implemented consistent with the Toscana Property Mitigation Plan prepared by HELIX Environmental Planning, Inc. and dated December 15, 2014.
- 5) 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.
- 6) 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.
- 7) 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.

- 8) 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.
- 9) 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.
- 10) 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 Stormwater Pollution Prevention Plan (SWPPP), Water Quality Management Plan (WQMP) and/or Toscana Property Mitigation Plan prepared by HELIX Environmental Planning, Inc. and dated December 15, 2014.
- 11) Best management practices to stabilize disturbed soils must include the use of native plant species whenever feasible.
- 12) 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.
- 13) 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/

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 certify 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.

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

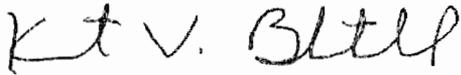
Stephen Cameron
Forestar Toscana, LLC
RWQB #: 332014-02 CIWQS #: 804357

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February 9, 2015

Should there be any questions, please contact Marc Brown at (951) 321-4584 or Jason Bill at (951) 782-3295.

Sincerely,



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

cc (via electronic mail):

HELIX Environmental Planning, Inc. – Barry Jones – barryj@helixepi.com
U. S. Army Corps of Engineers, Los Angeles Office – James Mace
CA Department of Fish and Wildlife – Kimberly Freeburn-Marquez
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