

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

2375 Northside Drive, Suite.100, San Diego, CA 92108
Phone (619) 516-1990 • Fax (619) 516-1994
<http://www.waterboards.ca.gov/sandiego/>

Clean Water Act Section 401 Water Quality Certification
and Waste Discharge Requirements
for Discharge of Dredged and/or Fill Materials

**PROJECT: Otay Crossings Commerce Park
Certification Number 09C-019
WDID: 9 000001903**

Reg. Meas. ID: 362746 Place ID: 735215 Party ID: 502212 Person ID: 317826
--

**APPLICANT: Kearny PCCP Otay 311, LLC
655 West Broadway, Suite 1600
San Diego, CA 92101**

ACTION:

<input type="checkbox"/> Order for Low Impact Certification	<input type="checkbox"/> Order for Denial of Certification
<input checked="" type="checkbox"/> Order for Technically-conditioned Certification	<input type="checkbox"/> Enrollment in Isolated Waters Order No. 2004-004-DWQ
<input checked="" type="checkbox"/> Enrollment in SWRCB GWDR Order No. 2003-017-DWQ	

PROJECT DESCRIPTION

An application dated March 4, 2009 was submitted by Kearny PCCP Otay 311, LLC (hereinafter Applicant), for Water Quality Certification pursuant to section 401 of the Clean Water Act (United States Code (USC) Title 33, section 1341) for the proposed Otay Crossings Commerce Park Project (Project). The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) deemed the application to be complete on April 17, 2009. The Applicant proposes to discharge dredged or fill material to waters of the United States and/or State associated with construction activity at the Project site. The Applicant has also applied for a Clean Water Act section 404 permit from the United States Army Corps of Engineers (USACE) for the Project (USACE File No. SPL-2009-00232-SAS; NWP-39).

The Project is located in the unincorporated community of East Otay Mesa, San Diego County, California, southeast of the Alta Road and Otay Mesa Road intersection in the Tijuana Hydrologic Unit (hydrologic subarea 911.12). The Project center reading is located at latitude 32.560278 and longitude -116.91. The Applicant has paid all required application fees for this Certification in the amount of \$44,906. On an annual basis, the Applicant must also pay all active discharge fees and post discharge monitoring fees, as appropriate.¹ On March 23, 2009, the San Diego Water Board provided public notice of the Project application pursuant to California Code of Regulations, title 23, section 3858 by posting information describing the

¹ Additional information regarding fees can be found electronically on the State Water Resources Control Board web site at the following location: <http://www.waterboards.ca.gov/resources/fees/>

Project on the San Diego Water Board's web site and providing a period of twenty-one days for public review and comment. No comments were received.

The Applicant proposes to develop a 311.5-acre industrial park subdivision and include on-site and off-site public road and utility improvements to support the project site development (see Attachment 3). The proposed lots will be rough graded for future development. Three (3) lots of steep slopes and sensitive hillsides, totaling 25.1 acres, will be preserved as open space via a conservation easement (see Attachment 4, Figure 3).

The Project will convert approximately 8 acres of pervious ground cover to impervious surfaces. Runoff leaving the developed Project area would be significantly greater in volume, velocity, peak flow rate, and duration than pre-development runoff from the same area without mitigation. Post-construction best management practices (BMPs) to manage and control the effects of these runoff increases will consist of source control BMPs, site design BMPs, and extended detention basins. These BMPs will be designed, constructed, and maintained to meet County of San Diego's Low Impact Development (LID) Capture Volume and hydromodification treatment requirements.

The Project application includes a description of the design objective, operation, and degree of treatment expected to be attained from equipment, facilities, or activities (including construction and post-construction BMPs) to treat waste and reduce runoff or other effluents which may be discharged. Compliance with the Certification conditions will help ensure that construction and post-construction discharges from the Project will not cause on-site or off-site downstream erosion, damage to downstream properties, or otherwise damage stream habitats in violation of water quality standards in the *Water Quality Control Plan for the San Diego Basin (9)* (Basin Plan).

Project construction will permanently impact 0.54 acre (5,392 linear feet) of stream channel waters of the United States and/or State and 0.21 acre (152 linear feet) of wetland waters of the State. The Applicant reports that the Project purpose cannot be practically accomplished in a manner which would avoid or result in less adverse impacts to aquatic resources considering all potential practicable alternatives, such as the potential for alternate available locations, designs, reductions in size, configuration or density.

The Applicant reports that compensatory mitigation for the permanent loss of 0.75 acre of jurisdictional waters will be achieved through the establishment, re-establishment, and enhancement of an overall 2.54 acres of waters of the United States and/or State. All waters of the United States and/or State receiving temporary discharges of fill material will be restored upon removal of the fill. Compensatory mitigation to offset the permanent loss of jurisdictional waters of the U.S. and/or State will be achieved through the Applicant's purchase of establishment and enhancement mitigation bank credits from the Rancho Jamul Mitigation Bank (Bank) and through permittee responsible mitigation of vernal pool re-establishment at the Lonestar Ridge Site (east of SR-125). The Applicant has purchased mitigation bank credits from the Bank which is located in the Jamul hydrologic sub-area (HSA 910.33) in the amount of 1.01 acres of freshwater wetland creation credits and 1.01 acres of enhancement credits. Mitigation credit parcels, which are purchased from the Bank to satisfy compensatory mitigation requirements, are required to be protected, monitored, and maintained in perpetuity by the Bank pursuant to its federal and State-approved bank enabling instrument and a

recorded conservation easement. The Applicant will complete permittee responsible mitigation for discharges of fill material to waters of the United States and/or State at the Lonestar Ridge Site parcel located in the Water Tanks hydrologic sub-area (HSA 911.12). The compensatory mitigation is being provided at a minimum compensation ratio of 2:1 (area mitigated:area impacted) for stream channel impacts and 3:1 for wetland impacts.

Detailed written specifications and work descriptions for the permittee responsible compensatory mitigation project including, but not limited to, the geographic boundaries of the project, timing, sequence, monitoring, maintenance, ecological success performance standards and provisions for long-term management and protection of the mitigation areas are described in the *Otay Crossings Commerce Park Mitigation Plan* (Mitigation Plan), dated September 12, 2017, and the *Otay Crossings Commerce Park Off-Site Biological Open Space at Lonestar Ridge Resource Management Plan (Long-Term Management Plan)*, dated August 23, 2017. San Diego Water Board acceptance of the Mitigation Plan and Long-Term Management Plan applies only to the Project described in this Certification and must not be construed as approval for other current or future projects that are planning to use additional acreage at the site for mitigation. The Mitigation Plan and Long-Term Management Plan are incorporated in this Certification by reference as if set forth herein. The Mitigation Plan and Long-Term Management Plan provide for implementation of compensatory mitigation, which offsets adverse water quality impacts attributed to the Project in a manner that protects and restores the abundance, types and conditions of aquatic resources and supports their beneficial uses. Implementation of the Mitigation Plan and Long-Term Management Plan will reduce significant environmental impacts to resources within the San Diego Water Board's purview to a less than significant level. Based on all of these considerations, the Mitigation Plan and Long-Term Management Plan will adequately compensate for the loss of beneficial uses and habitat within waters of the United States and/or State attributable to the Project.

Additional Project details are provided in Attachments 2 through 5 of this Certification.

TABLE OF CONTENTS

I.	STANDARD CONDITIONS	5
II.	GENERAL CONDITIONS.....	5
III.	CONSTRUCTION BEST MANAGEMENT PRACTICES.....	8
IV.	POST-CONSTRUCTION BEST MANAGEMENT PRACTICES.....	10
V.	PROJECT IMPACTS AND COMPENSATORY MITIGATION	11
VI.	MONITORING AND REPORTING REQUIREMENTS.....	15
VII.	NOTIFICATION REQUIREMENTS	20
VIII.	CALIFORNIA ENVIRONMENTAL QUALITY ACT COMPLIANCE	22
IX.	SAN DIEGO WATER BOARD CONTACT PERSON.....	23
X.	WATER QUALITY CERTIFICATION	23

Attachments:

- 1. Definitions**
- 2. Project Location Maps**
- 3. Project Site Plans**
- 4. Mitigation Figures**
- 5. CEQA Mitigation Monitoring and Reporting Program**

I. STANDARD CONDITIONS

Pursuant to section 3860 of title 23 of the California Code of Regulations, the following three standard conditions apply to all water quality certification actions:

- A. This 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 chapter 28, article 6 (commencing with title 23, section 3867), of the California Code of Regulations.
- B. This Certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to California Code of Regulations title 23, section 3855 subdivision (b), and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
- C. This Certification action is conditioned upon total payment of any fee required under title 23, chapter 28 (commencing with section 3830) of California Code of Regulations and owed by the applicant.

II. GENERAL CONDITIONS

- A. **Term of Certification.** Water Quality Certification No. 09C-019 (Certification) shall expire upon a) the expiration or retraction of the Clean Water Act section 404 (33 USC Title 33, section 1344) permit issued by the U.S. Army Corps of Engineers for this Project, or b) five (5) years from the date of issuance of this Certification, whichever occurs first.
- B. **Duty to Comply.** The Applicant must comply with all conditions and requirements of this Certification. Any Certification noncompliance constitutes a violation of the Water Code and is grounds for enforcement action or Certification termination, revocation and reissuance, or modification.
- C. **General Waste Discharge Requirements.** The requirements of this Certification are enforceable through Water Quality Order No. 2003-0017-DWQ, *Statewide General Waste Discharge Requirements for Discharges of Dredged or Fill Material that have Received State Water Quality Certification* (Water Quality Order No. 2003-0017-DWQ). This provision shall apply irrespective of whether a) the federal permit for which the Certification was obtained is subsequently retracted or is expired, or b) the Certification is expired. Water Quality Order No. 2003-0017-DWQ is accessible at:

http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/generalorders/gowdr401regulated_projects.pdf.

- D. Project Conformance with Application.** All water quality protection measures and BMPs described in the application and supplemental information for water quality certification are incorporated by reference into this Certification as if fully stated herein. Notwithstanding any more specific conditions in this Certification, the Applicant shall construct, implement and comply with all water quality protection measures and BMPs described in the application and supplemental information. The conditions within this Certification shall supersede conflicting provisions within the application and supplemental information submitted as part of this Certification action.
- E. Project Conformance with Water Quality Control Plans or Policies.** Notwithstanding any more specific conditions in this Certification, the Project shall be constructed in a manner consistent with the Basin Plan and any other applicable water quality control plans or policies adopted or approved pursuant to the Porter Cologne Water Quality Act (Division 7, commencing with Water Code Section 13000) or section 303 of the Clean Water Act (33 USC section 1313). The Basin Plan is accessible at:
- http://www.waterboards.ca.gov/sandiego/water_issues/programs/basin_plan/index.shtml
- F. Project Modification.** The Applicant must submit any changes to the Project, including Project operation, which would have a significant or material effect on the findings, conclusions, or conditions of this Certification, to the San Diego Water Board for prior review and written approval. If the San Diego Water Board is not notified of a significant change to the Project, it will be considered a violation of this Certification.
- G. Certification Distribution Posting.** During Project construction, the Applicant must maintain a copy of this Certification at the Project site. This Certification must be available at all times to site personnel and agencies. A copy of this Certification shall also be provided to any contractor or subcontractor performing construction work, and the copy shall remain in their possession at the Project site.
- H. Inspection and Entry.** The Applicant must allow the San Diego Water Board or the State Water Resources Control Board, and/or their authorized representative(s) (including an authorized contractor acting as their representative), upon the presentation of credentials and other documents as may be required under law, to:
1. Enter upon the Project or Compensatory Mitigation site(s) premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Certification;
 2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Certification;
 3. Inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Certification; and

4. Sample or monitor, at reasonable times, for the purposes of assuring Certification compliance, or as otherwise authorized by the Clean Water Act or Water Code, any substances or parameters at any location.

I. **Enforcement Notification.** In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation 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.

J. **Certification Actions.** This Certification may be modified, revoked and reissued, or terminated for cause including but not limited to the following:

1. Violation of any term or condition of this Certification;
2. Monitoring results indicate that continued Project activities could violate water quality objectives or impair the beneficial uses of the unnamed tributaries to the Tijuana River;
3. Obtaining this Certification by misrepresentation or failure to disclose fully all relevant facts;
4. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge; and
5. Incorporation of any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the Clean Water Act.

The filing of a request by the Applicant for modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any Certification condition.

K. **Duty to Provide Information.** The Applicant shall furnish to the San Diego Water Board, within a reasonable time, any information which the San Diego Water Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Certification or to determine compliance with this Certification.

L. **Property Rights.** This Certification does not convey any property rights of any sort, or any exclusive privilege.

M. **Petitions.** Any person aggrieved by this action of the San Diego Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with the California Code of Regulations, title 23, sections 3867 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Certification. Copies of the law and regulations applicable to filing

petitions may be found on the Internet at:
http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

III. CONSTRUCTION BEST MANAGEMENT PRACTICES

- A. **Approvals to Commence Construction.** The Applicant shall not commence Project construction until all necessary federal, State, and local approvals are obtained.
- B. **Personnel Education.** Prior to the start of the Project, and annually thereafter, the Applicant must educate all personnel on the requirements in this Certification, pollution prevention measures, spill response measures, and BMP implementation and maintenance measures.
- C. **Spill Containment Materials.** The Applicant must, at all times, maintain appropriate types and sufficient quantities of materials on-site to contain any spill or inadvertent release of materials that may cause a condition of pollution or nuisance if the materials reach waters of the United States and/or State.
- D. **General Construction Storm Water Permit.** Prior to start of Project construction, the Applicant must, as applicable, obtain coverage under, and comply with, the requirements of State Water Resources Control Board Water Quality Order No. 2009-0009-DWQ, the *General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activity*, (General Construction Storm Water Permit) and any reissuance. If Project construction activities do not require coverage under the General Construction Storm Water Permit, the Applicant must develop and implement a runoff management plan (or equivalent construction BMP plan) to prevent the discharge of sediment and other pollutants during construction activities.
- E. **Waste Management.** The Applicant must properly manage, store, treat, and dispose of wastes in accordance with applicable federal, state, and local laws and regulations. Waste management shall be implemented to avoid or minimize exposure of wastes to precipitation or storm water runoff. The storage, handling, treatment, or disposal of waste shall not create conditions of pollution, contamination or nuisance as defined in Water Code section 13050. Upon Project completion, all Project generated debris, building materials, excess material, waste, and trash shall be removed from the Project site(s) for disposal at an authorized landfill or other disposal site in compliance with federal, state and local laws and regulations.
- F. **Waste Management.** Except for a discharge permitted under this Certification, the dumping, deposition, or discharge of trash, rubbish, unset cement or asphalt, concrete, grout, damaged concrete or asphalt, concrete or asphalt spoils, wash water, organic or earthen material, steel, sawdust or other construction debris waste from Project activities directly into waters of the United States and or State, or adjacent to such waters in any manner which may permit its being transported into the waters, is prohibited.

- G. **Downstream Erosion.** Discharges of concentrated flow during construction or after Project completion must not cause downstream erosion or damage to properties or stream habitat.
- H. **Construction Equipment.** All equipment must be washed prior to transport to the Project site and must be free of sediment, debris, and foreign matter. All equipment used in direct contact with surface water shall be steam cleaned prior to use. All equipment using gas, oil, hydraulic fluid, or other petroleum products shall be inspected for leaks prior to use and shall be monitored for leakage. Stationary equipment (e.g., motors, pumps, generator, etc.) shall be positioned over drip pans or other types of containment.
- I. **Process Water.** Water containing mud, silt, or other pollutants from equipment washing or other activities, must not be discharged to waters of the United States and/or State or placed in locations that may be subjected to storm water runoff flows. Pollutants discharged to areas within a stream diversion must be removed at the end of each work day or sooner if rain is predicted.
- J. **Surface Water Diversion.** All surface waters, including ponded waters, must be diverted away from areas of active grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. Diversion activities must not result in the degradation of beneficial uses or exceedance of the receiving water quality objectives. Any temporary dam or other artificial obstruction constructed must only be built from materials such as clean gravel which will cause little or no siltation. Normal flows must be restored to the affected stream immediately upon completion of work at that location.
- K. **Re-vegetation and Stabilization.** All areas that have 14 or more days of inactivity must be stabilized within 14 days of the last activity. The Applicant shall implement and maintain BMPs to prevent erosion of the rough graded areas. After completion of grading, all areas must be re-vegetated with native species appropriate for the area. The re-vegetation palette must not contain any plants listed on the California Invasive Plant Council Invasive Plant Inventory, which can be accessed at <http://www.cal-ipc.org/ip/inventory/>.
- L. **Hazardous Materials.** Except as authorized by this Certification, substances hazardous to aquatic life including, but not limited to, petroleum products, unused cement/concrete, asphalt, and coating materials, must be prevented from contaminating the soil and/or entering waters of the United States and/or State. BMPs must be implemented to prevent such discharges during each Project activity involving hazardous materials.
- M. **Vegetation Removal.** Removal of vegetation must occur by hand, mechanically, or through application of United States Environmental Protection Agency (USEPA) approved herbicides deployed using applicable BMPs to minimize adverse effects to beneficial uses of waters of the United States and/or State. Discharges related to the application of aquatic pesticides within waters of the United States must be done in compliance with State Water Resources Control Board Water Quality Order No. 2004-

0009-DWQ, the *Statewide General National Pollution Discharge Elimination System Permit for the Discharge of Aquatic Weed Control in Waters of the United States*, and any subsequent reissuance as applicable.

- N. **Limits of Disturbance.** The Applicant shall clearly define the limits of Project disturbance to waters of the United States and/or State using highly visible markers such as flag markers, construction fencing, or silt barriers prior to commencement of Project construction activities within those areas.
- O. **On-site Qualified Biologist.** The Applicant shall designate an on-site qualified biologist to monitor Project construction activities within or adjacent to waters of the United States and/or State to ensure compliance with the Certification requirements. The biologist shall be given the authority to stop all work on-site if a violation of this Certification occurs or has the potential to occur. Records and field notes of the biologist's activities shall be kept on-site and made available for review upon request by the San Diego Water Board.
- P. **Beneficial Use Protection.** The Applicant must take all necessary measures to protect the beneficial uses of waters of the unnamed tributaries to the Tijuana River. This Certification requires compliance with all applicable requirements of the Basin Plan. If at any time, an unauthorized discharge to surface waters (including rivers or streams) occurs or monitoring indicates that the Project is violating, or threatens to violate, water quality objectives, the associated Project activities shall cease immediately and the San Diego Water Board shall be notified in accordance with Notification Requirement VII.A of this Certification. Associated Project activities may not resume without approval from the San Diego Water Board.

IV. POST-CONSTRUCTION BEST MANAGEMENT PRACTICES

- A. **Post-Construction Discharges.** The Applicant shall not allow post-construction discharges from the Project site to cause or contribute to on-site or off-site erosion or damage to properties or stream habitats.
- B. **Storm Drain Inlets.** All storm drain inlet structures within the Project boundaries must be stamped or stenciled (or equivalent) with appropriate language prohibiting non-storm water discharges.
- C. **Post-Construction BMP Design.** The Project must be designed to comply with the requirements for priority development projects in section E.3 of the Regional MS4 Permit Order No. R9-2013-0001, *National Pollutant Discharge Elimination Systems Permit and Waste Discharge Requirements for Discharges of Urban Runoff from the MS4s Draining the Watersheds within the San Diego Region* (Regional MS4 Permit) as well as the most current BMP Design Manual for the County of San Diego. Where conflict exists between the referenced documents the most stringent requirements shall apply.

D. Post-Construction BMP Maintenance. The post construction BMPs must be designed, constructed, and maintained in accordance with the most recent California Storm Water Quality Association (CASQA)² guidance. The Applicant shall:

1. No less than two times per year, assess the performance of the BMPs to ensure protection of the receiving waters and identify any necessary corrective measures;
2. Perform inspections of BMPs, at the beginning of the wet season no later than October 1 and the end of the wet season no later than April 1, for standing water, slope stability, sediment accumulation, trash and debris, and presence of burrows;
3. Regularly perform preventative maintenance of BMPs, including removal of accumulated trash and debris, as needed to ensure proper functioning of the BMPs;
4. Identify and promptly repair damage to BMPs; and
5. Maintain a log documenting all BMP inspections and maintenance activities. The log shall be made available to the San Diego Water Board upon request.

V. PROJECT IMPACTS AND COMPENSATORY MITIGATION

A. Project Impact Avoidance and Minimization. The Project must avoid and minimize adverse impacts to waters of the United States and/or State to the maximum extent practicable.

B. Project Impacts and Compensatory Mitigation. Unavoidable Project impacts to unnamed tributaries to the Tijuana River within the Tijuana Watershed must not exceed the type and magnitude of impacts described in the table below. At a minimum, compensatory mitigation required to offset unavoidable temporary and permanent Project impacts to waters of the United States and/or State must be achieved as described in the table below:

² California Storm Water Quality Association (*California Storm Water BMP Handbook, New Development and Redevelopment 2003*), available on-line at: <http://www.cabmphandbooks.org/> [Accessed on January 15, 2012]

	Impacts (acres)	Impacts (linear ft.)	Mitigation for Impacts (acres)	Mitigation Ratio (area mitigated :area impacted)	Mitigation for Impacts (linear ft.)	Mitigation Ratio (linear feet mitigated :linear feet impacted)
Permanent Impacts						
Stream Channel	0.403 ¹	2,092 ¹	0.529 Establishment ²	1.3:1	-- ⁵	-- ⁵
			0.277 Re-Establishment ³	1.7:1		
0.670 Enhancement ⁴			0.7:1			
	0.141 ⁶	3,300 ⁶	0.141 Establishment ²	1:1	-- ⁵	-- ⁵
			0.141 Re-Establishment ³	1:1		
Wetland	0.170 ⁷	124 ⁷	0.340 Establishment ²	2:1	NA	NA
			0.340 Enhancement ⁴	2:1		
	0.003 ⁸	5 ⁸	0.009 Re-Establishment ³	3:1	NA	NA
	0.032 ⁹	23 ⁹	0.096 Re-Establishment ³	3:1	NA	NA

NA - Not applicable

1. Permanent fill of 0.140 acre (2,092 linear feet) of non-wetland waters of the U.S. and/or State and 0.263 acres of low flow channel non-wetland waters of the U.S. and/or State and riparian within the active floodplain along 533 linear feet of the non-wetland waters of the U.S. and/or State.
2. Purchase of t of 1.01 acre of Corps-jurisdictional wetland creation credits at the Rancho Jamul Mitigation Bank.
3. Re-establishment of 0.523 acre of vernal pool wetland waters of the State at an approximately 5.3-acre vernal pool area located within a 62-acre biological open space parcel at the Lonestar Ridge Site (east of SR-125).
4. Purchase of 1.01 acre of enhancement credits at the Rancho Jamul Mitigation Bank.

5. Linear feet compensatory mitigation is not required for this Project. The Project's compensatory mitigation will be provided through the purchase of mitigation bank credits and through a large-area restoration project. The restoration project will re-establish vernal pool habitat, a rare aquatic resource, and enhance the physical, hydrological, and biological processes that will preserve and restore multiple beneficial uses (RARE and WILD) on an approximately 6.25-acre area within a 62-acre parcel at Lonestar Ridge Site. The restoration project also includes preservation and enhancement of an additional 20-acre open space parcel containing populations of sensitive plants. These two parcels are immediately adjacent to similar compensatory mitigation projects including Caltrans' Johnson Canyon Restoration Site and the Otay Business Park's Lonestar Mitigation Site Parcels. The compensatory mitigation project design includes re-establishing at least 0.523 acre of vernal pools containing at least 232 square feet of vernal pool area containing Riverside fairy shrimp and restoring approximately 5.7 acres of surrounding upland habitat that will function as the watersheds for the pools and provide habitat for sensitive wildlife. (See Attachment 4, Figure 6). The restoration project will provide high value restoration in a large, open space landscape that includes a variety of habitat for a number of sensitive, threatened, and endangered plant and animal species, thus providing a sufficient off-set for the lack of a 1:1 linear-foot mitigation ratio.
6. Permanent fill of 0.141 acre (3,300 linear feet) of non-wetland waters of the State only.
7. Permanent fill of 0.170 acre (124 linear feet) of herbaceous wetland waters of the State.
8. Permanent fill of 0.003 acre (5 linear feet) of disturbed seasonal depression providing fairy shrimp habitat as waters of the State.
9. Permanent fill of 0.032 acre (23 linear feet) of seasonal pond waters of the State.

C. Compensatory Mitigation Plan Implementation. The Applicant must fully and completely implement the Mitigation Plan; any deviations from, or revisions to, the Mitigation Plan must be pre-approved by the San Diego Water Board.

D. Performance Standards. Compensatory mitigation required under this Certification shall be considered achieved once it has met the ecological success performance standards contained in the Mitigation Plan (Section 8.0, beginning on page 38) and the California Rapid Assessment Method (CRAM) monitoring plan (CRAM Monitoring Plan) to the satisfaction of the San Diego Water Board.

E. Compensatory Mitigation Site Design. The compensatory mitigation site(s) shall be designed to be self-sustaining once performance standards have been achieved. This includes minimization of active engineering features (e.g., pumps) and appropriate siting to ensure that natural hydrology and landscape context support long-term sustainability in conformance with the following conditions:

1. Most of the vernal pools through the mitigation sites shall be characterized by equilibrium conditions, with no evidence of erosion;
2. Each vernal pool shall contain physical patch types or features that contribute to irregularity in height, edges, or surface and to complex topography overall; and
3. The mitigation site(s) shall have a well-developed plant community characterized by a high degree of horizontal interspersion among plant zones.

- F. Temporary Project Impact Areas.** The Applicant must restore all areas of temporary impacts and all other areas of temporary disturbance which could result in a discharge or a threatened discharge of pollutants to waters of the United States and/or State. Restoration must include grading of disturbed areas to pre-project contours and re-vegetation with native species. The Applicant must implement all necessary BMPs to control erosion and runoff from areas associated with the Project.
- G. Long-Term Management and Maintenance.** The compensatory mitigation site(s) must be managed, protected, and maintained, in perpetuity, in conformance with the long-term management plan and the final ecological success performance standards identified in the Mitigation Plan and CRAM Monitoring Plan. The aquatic habitats, riparian areas, buffers and uplands that comprise the mitigation site(s) must be protected in perpetuity from land-use and maintenance activities that may threaten water quality or beneficial uses within the mitigation area(s) in a manner consistent with the following requirements:
1. Any maintenance activities on the mitigation site(s) that do not contribute to the success of the mitigation site(s) and enhancement of beneficial uses and ecological functions and services are prohibited;
 2. Maintenance activities must be limited to the removal of trash and debris, removal of exotic plant species, replacement of dead native plant species, and remedial measures deemed necessary for the success of the compensatory mitigation project;
 3. The Mitigation site(s) must be maintained, in perpetuity, free of perennial exotic plant species including, but not limited to, pampas grass, giant reed, tamarisk, sweet fennel, tree tobacco, castor bean, and pepper tree. Annual exotic plant species must not occupy more than 5 percent of the mitigation site(s); and
 4. If at any time a catastrophic natural event (e.g., fire, flood) causes damage(s) to the mitigation site(s) or other deficiencies in the compensatory mitigation project, the Applicant must take prompt and appropriate action to repair the damage(s) including replanting the affected area(s) and address any other deficiencies. The San Diego Water Board may require additional monitoring by the Applicant to assess how the compensatory mitigation site(s) or project is responding to a catastrophic natural event.
- H. Timing of Mitigation Site Construction.** The construction of proposed mitigation must be concurrent with project grading and completed no later than 9 months following the start of Project construction. Delays in implementing mitigation must be compensated for by an increased mitigation implementation of 10% of the cumulative compensatory mitigation for each month of delay.

- I. **Mitigation Site(s) Preservation Mechanism.** Within 90 days from the issuance of this Certification, the Applicant must provide the San Diego Water Board with a draft preservation mechanism (e.g. deed restriction, conservation easement, etc.) that will protect all mitigation areas and their buffers in perpetuity. Within 5 years of the start of Project construction, the Applicant must submit proof of a completed final preservation mechanism that will protect all mitigation areas and their buffers in perpetuity. The conservation easement, deed restriction, or other legal limitation on the mitigation properties must be adequate to demonstrate that the sites will be maintained without future development or encroachment on the sites which could otherwise reduce the functions and values of the sites for the variety of beneficial uses of waters of the United States and/ or State that it supports. The legal limitation must prohibit, without exception, all residential, commercial, industrial, institutional, and transportation development, and any other infrastructure development that would not maintain or enhance the wetland and streambed functions and values of the sites. The preservation mechanism must clearly prohibit activities that would result in soil disturbance or vegetation removal, other than the removal of non-native vegetation. Other infrastructure development to be prohibited includes, but is not limited to, additional utility lines, maintenance roads, and areas of maintained landscaping for recreation.

VI. MONITORING AND REPORTING REQUIREMENTS

- A. **Representative Monitoring.** Samples and measurements taken for the purpose of monitoring under this Certification shall be representative of the monitored activity.
- B. **Monitoring Reports.** Monitoring results shall be reported to the San Diego Water Board at the intervals specified in section VI of this Certification.
- C. **Monitoring and Reporting Revisions.** The San Diego Water Board may make revisions to the monitoring program at any time during the term of this Certification and may reduce or increase the number of parameters to be monitored, locations monitored, the frequency of monitoring, or the number and size of samples collected.
- D. **Records of Monitoring Information.** Records of monitoring information shall include:
 1. The date, exact place, and time of sampling or measurements;
 2. The individual(s) who performed the sampling or measurements;
 3. The date(s) analyses were performed;
 4. The individual(s) who performed the analyses;
 5. The analytical techniques or methods used; and
 6. The results of such analyses.

E. California Rapid Assessment Method. California Rapid Assessment Method (CRAM)³ monitoring must be performed to assess the current and potential ecological conditions (ecological integrity) of the impact site, proposed compensatory mitigation site(s), and reference site. These conditions reflect the overall level of ecological function of aquatic resources. The Applicant shall conduct a quantitative function-based condition assessment of the aquatic resources (e.g., standard/episodic riverine, depressionnal, and vernal pools, as appropriate) by a trained practitioner to establish pre-project baseline conditions, and assess the mitigation site(s) progress towards and final meeting of CRAM success criteria.

1. **CRAM Monitoring Plan.** Prior to initiating Project construction, the Applicant shall develop and submit a CRAM Monitoring Plan to the San Diego Water Board for review and acceptance. The CRAM Monitoring Plan must identify quantitative performance standards (include CRAM metric goals for all metrics), appropriate reference site(s) location(s), and assessment areas (include a minimum of three pools of individual and vernal pool systems, as appropriate).
2. **Monitoring Frequency.** CRAM monitoring must be conducted prior to the start of the Project construction authorized under this Certification at the impact site and compensatory mitigation site(s) and at years 5 and 7 at the compensatory mitigation site(s) following construction completion for a period of at least 7 years. If the final performance standards are not met at the compensatory mitigation site by year 7, CRAM monitoring will continue on an annual basis until performance standards are met.
3. **Data Storage.** All CRAM assessment data shall be uploaded to the CRAM Wetlands website.⁴
4. **Monitoring Reports.** The CRAM monitoring results shall be submitted with the respective Annual Project Progress Reports. Additionally, an evaluation, interpretation, and tabulation of all CRAM assessment data, including impact site data, compensatory mitigation site(s) data, and reference site data, shall be submitted with the Year 7 Annual Project Progress Report, and any subsequent reports if required.

F. Geographic Information System Data. The Applicant must submit Geographic Information System (GIS) shape files of the Project impact sites within 30 days of the start of project construction and GIS shape files of the Project mitigation sites within 30 days of mitigation installation. All impact and mitigation site shape files must be polygons. Two GPS readings (points) must be taken on each line of the polygon and the polygon must have a minimum of 10 points. GIS metadata must also be submitted.

³ The most recent versions of the California Rapid Assessment Method (CRAM) Field Books for Episodic Riverine, Depressionnal, and Individual Vernal Pool/Vernal Pool Systems and additional information regarding CRAM can be accessed at <http://www.cramwetlands.org/>

⁴ The California Wetlands Monitoring Workgroup maintains EcoAtlas, an interactive publicly available mapping tool that provides wetland condition information. CRAM data can be entered at the following website: <http://www.cramwetlands.org/dataentry>.

G. Annual Project Progress Reports. The Applicant must submit annual Project progress reports describing status of BMP implementation, compensatory mitigation, and compliance with all requirements of this Certification to the San Diego Water Board prior to **July 31st** of each year following the issuance of this Certification, until the Project has reached completion. The Annual Project Progress Reports must contain compensatory mitigation monitoring information sufficient to demonstrate how the compensatory mitigation project is progressing towards accomplishing its objectives and meeting its performance standards. Annual Project Progress Reports must be submitted even if Project construction has not begun. The monitoring period for each Annual Project Progress Report shall be June 1st through May 31st of each year. Annual Project Progress Reports must include, at a minimum, the following:

1. **Project Status and Compliance Reporting.** The Annual Project Progress Report must include the following Project status and compliance information:
 - a. The names, qualifications, and affiliations of the persons contributing to the report;
 - b. The status, progress, and anticipated schedule for completion of Project construction activities including the installation and operational status of best management practices project features for erosion and storm water quality treatment;
 - c. A description of Project construction delays encountered or anticipated that may affect the schedule for construction completion; and
 - d. A description of each incident of noncompliance during the annual monitoring period and its cause, the period of the noncompliance including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
2. **Compensatory Mitigation Monitoring Reporting.** Mitigation monitoring information must be submitted as part of the Annual Project Progress Report for a period of not less than seven years, sufficient to demonstrate that the compensatory mitigation project has accomplished its objectives and met ecological success performance standards contained in the Mitigation Plan. Following Project implementation the San Diego Water Board may reduce or waive compensatory mitigation monitoring requirements upon a determination that performance standards have been achieved. Conversely, the San Diego Water Board may extend the monitoring period beyond seven years upon a determination that the performance standards have not been met or the compensatory mitigation project is not on track to meet them. The Annual Project Progress Report must include the following compensatory mitigation monitoring information:

- a. Names, qualifications, and affiliations of the persons contributing to the report;
- b. Dates of construction initiation and completion of the mitigation site construction activities;
- c. An evaluation, interpretation, and tabulation of the parameters being monitored, including the results of the Mitigation Plan monitoring program, and all quantitative and qualitative data collected in the field;
- d. A description of the following mitigation site(s) characteristics:
 - i. Detritus cover;
 - ii. General topographic complexity;
 - iii. General habitat and hydrologic connectivity with the surrounding area; and
 - iv. Source of hydrology
- e. Monitoring data interpretations and conclusions as to how the compensatory mitigation project(s) is progressing towards meeting performance standards and whether the performance standards have been met, including all California Rapid Assessment Method (CRAM) data collected throughout the term of Project construction and mitigation monitoring in accordance with section VI.E of this Certification.
- f. A description of the progress toward implementing a plan to manage the compensatory mitigation project after performance standards have been achieved to ensure the long-term sustainability of the resource in perpetuity, including a discussion of long term financing mechanisms, the party responsible for long-term management, and a timetable for future steps;
- g. Qualitative and quantitative comparisons of current mitigation conditions with pre-construction conditions and previous mitigation monitoring results;
- h. Photo documentation of the mitigation site before and after the mitigation site construction and to document annual progress of site performance. Photo documentation must be conducted in accordance with guidelines posted at http://www.waterboards.ca.gov/sandiego/water_issues/programs/401_certification/docs/401c/401PhotoDocRB9V713.pdf. In addition, photo documentation must include Geographic Positioning System (GPS) coordinates for each of the photo points referenced;
- i. As-built drawings of the compensatory mitigation project site(s), no bigger than 11"X17"; and
- j. A survey report documenting boundaries of the compensatory mitigation site(s).

- H. **Final Project Construction Completion Report.** The Applicant must submit a Final Project Construction Completion Report to the San Diego Water Board **within 30 days of completion of the Project construction.** The final report must include the following information:
1. Date of construction initiation;
 2. Date of construction completion;
 3. BMP installation and operational status for the Project;
 4. As-built drawings of the Project, no bigger than 11"X17"; and
 5. Photo documentation of implemented post-construction BMPs and all areas of permanent and temporary impacts, prior to and after project construction. Photo documentation must be conducted in accordance with guidelines posted at http://www.waterboards.ca.gov/sandiego/water_issues/programs/401_certification/docs/401c/401PhotoDocRB9V713.pdf. In addition, photo documentation must include Global Positioning System (GPS) coordinates for each of the photo points referenced.
- I. **Reporting Authority.** The submittal of information required under this Certification, or in response to a suspected violation of any condition of this Certification, is required pursuant to Water Code section 13267 and 13383. Civil liability may be administratively imposed by the San Diego Water Board for failure to submit information pursuant to Water Code sections 13268 or 13385.
- J. **Electronic Document Submittal.** The Applicant must submit all reports and information required under this Certification in electronic format via e-mail to SanDiego@waterboards.ca.gov. Documents over 50 megabytes will not be accepted via e-mail and must be placed on a disc and delivered to:

California Regional Water Quality Control Board
San Diego Region
Attn: 401 Certification No. 09C-019:735215:Ihonma
2375 Northside Drive, Suite 100
San Diego, California 92108

Each electronic document must be submitted as a single file, in Portable Document Format (PDF), and converted to text searchable format using Optical Character Recognition (OCR). All electronic documents must include scanned copies of all signature pages; electronic signatures will not be accepted. Electronic documents submitted to the San Diego Water Board must include the following identification numbers in the header or subject line: Certification No. 09C-019:735215:Ihonma.

K. Document Signatory Requirements. All applications, reports, or information submitted to the San Diego Water Board must be signed as follows:

1. For a corporation, by a responsible corporate officer of at least the level of vice president.
2. For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
3. For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.
4. A duly authorized representative may sign applications, reports, or information if:
 - a. The authorization is made in writing by a person described above.
 - b. The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.
 - c. The written authorization is submitted to the San Diego Water Board Executive Officer.

If such authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the Project, a new authorization satisfying the above requirements must be submitted to the San Diego Water Board prior to or together with any reports, information, or applications, to be signed by an authorized representative.

L. Document Certification Requirements. All applications, reports, or information submitted to the San Diego Water Board must be certified as follows:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

VII. NOTIFICATION REQUIREMENTS

A. Twenty Four Hour Non-Compliance Reporting. The Applicant shall report any noncompliance which may endanger health or the environment. Any such information shall be provided orally to the San Diego Water Board within **24 hours** from the time the Applicant becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Applicant becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The

San Diego Water Board, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

- B. Hazardous Substance Discharge.** Except as provided in Water Code section 13271(b), any person who, without regard to intent or negligence, causes or permits any hazardous substance or sewage to be discharged in or on any waters of the State, shall as soon as (a) that person has knowledge of the discharge, (b) notification is possible, and (c) notification can be provided without substantially impeding cleanup or other emergency measures, immediately notify the County of San Diego, in accordance with California Health and Safety Code section 5411.5 and the California Office of Emergency Services of the discharge in accordance with the spill reporting provision of the State toxic disaster contingency plan adopted pursuant to Government Code Title 2, Division 1, Chapter 7, Article 3.7 (commencing with section 8574.17), and immediately notify the State Water Board or the San Diego Water Board of the discharge. This provision does not require reporting of any discharge of less than a reportable quantity as provided for under subdivisions (f) and (g) of section 13271 of the Water Code unless the Applicant is in violation of a Basin Plan prohibition.
- C. Oil or Petroleum Product Discharge.** Except as provided in Water Code section 13272(b), any person who without regard to intent or negligence, causes or permits any oil or petroleum product to be discharged in or on any waters of the State, or discharged or deposited where it is, or probably will be, discharged in or on any waters of the State, shall, as soon as (a) such person has knowledge of the discharge, (b) notification is possible, and (c) notification can be provided without substantially impeding cleanup or other emergency measures, immediately notify the California Office of Emergency Services of the discharge in accordance with the spill reporting provision of the State oil spill contingency plan adopted pursuant to Government Code Title 2, Division 1, Chapter 7, Article 3.7 (commencing with section 8574.1). This requirement does not require reporting of any discharge of less than 42 gallons unless the discharge is also required to be reported pursuant to Clean Water Act section 311, or the discharge is in violation of a Basin Plan prohibition.
- D. Anticipated Noncompliance.** The Applicant shall give advance notice to the San Diego Water Board of any planned changes in the Project or the Compensatory Mitigation project which may result in noncompliance with Certification conditions or requirements.
- E. Commencement of Construction Notification.** The Applicant must notify the San Diego Water Board in writing at least 5 days prior to the start of initial Project construction ground disturbance
- F. Transfers.** This Certification is not transferable in its entirety or in part to any person or organization except after notice to the San Diego Water Board in accordance with the following terms:

1. **Transfer of Property Ownership:** The Applicant must notify the San Diego Water Board of any change in ownership of the Project area. Notification of change in ownership must include, but not be limited to, a statement that the Applicant has provided the purchaser with a copy of the Section 401 Water Quality Certification and that the purchaser understands and accepts the certification requirements and the obligation to implement them or be subject to liability for failure to do so; the seller and purchaser must sign and date the notification and provide such notification to the San Diego Water Board **within 10 days of the transfer of ownership.**
2. **Transfer of Mitigation Responsibility:** Any notification of transfer of responsibilities to satisfy the mitigation requirements set forth in this Certification must include a signed statement from an authorized representative of the new party (transferee) demonstrating acceptance and understanding of the responsibility to comply with and fully satisfy the mitigation conditions and agreement that failure to comply with the mitigation conditions and associated requirements may subject the transferee to enforcement by the San Diego Water Board under Water Code section 13385, subdivision (a). Notification of transfer of responsibilities meeting the above conditions must be provided to the San Diego Water Board **within 10 days of the transfer date.**
3. **Transfer of Post-Construction BMP Maintenance Responsibility:** The Applicant assumes responsibility for the inspection and maintenance of all post-construction structural BMPs until such responsibility is legally transferred to another entity. At the time maintenance responsibility for post-construction BMPs is legally transferred the Applicant must submit to the San Diego Water Board a copy of such documentation and must provide the transferee with a copy of a long-term BMP maintenance plan that complies with manufacturer specifications. The Applicant must provide such notification to the San Diego Water Board **within 10 days** of the transfer of BMP maintenance responsibility.

Upon properly noticed transfers of responsibility, the transferee assumes responsibility for compliance with this Certification and references in this Certification to the Applicant will be interpreted to refer to the transferee as appropriate. Transfer of responsibility does not necessarily relieve the Applicant of responsibility for compliance with this Certification in the event that a transferee fails to comply.

VIII. CALIFORNIA ENVIRONMENTAL QUALITY ACT COMPLIANCE

- A. The County of San Diego is the Lead Agency under the California Environmental Quality Act (CEQA) (Public Resources Code section 21000, et seq.) section 21067, and CEQA Guidelines (California Code of Regulations, title 14, section 15000 et seq.) section 15367, and has filed a Notice of Determination dated May 17, 2013 for the Final Supplemental Environmental Impact Report (FSEIR) titled Otay Crossings Commerce Park (State Clearing House Number 2006041039). The Lead Agency has determined the Project will have a significant effect on the environment and mitigation measures were made a condition of the Project.

- B. The San Diego Water Board is a Responsible Agency under CEQA (Public Resources Code section 21069; CEQA Guidelines section 15381). The San Diego Water Board has considered the Lead Agency's FSEIR and finds that the Project as proposed will have a significant effect on resources within the San Diego Water Board's purview.
- C. The San Diego Water Board has required mitigation measures as a condition of this Certification to avoid or reduce the environmental effects of the Project to resources within the Board's purview to a less than significant level.
- D. The Lead Agency has adopted a mitigation monitoring and reporting program pursuant to Public Resources Code section 21081.6 and CEQA Guidelines section 15097 to ensure that mitigation measures and revisions to the Project identified in the FSEIR are implemented. The Mitigation Monitoring and Reporting Program (MMRP) is included and incorporated by reference in Attachment 5 to this Certification. The Applicant shall implement the Lead Agency's MMRP described in the FSEIR, as it pertains to resources within the San Diego Water Board's purview. The San Diego Water Board has imposed additional MMRP requirements as specified in sections V and VI of this Certification.
- E. As a Responsible Agency under CEQA, the San Diego Water Board will file a Notice of Determination in accordance with CEQA Guidelines section 15096 subdivision (i).

IX. SAN DIEGO WATER BOARD CONTACT PERSON

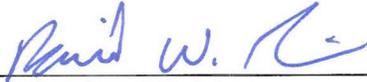
Lisa Honma, Environmental Scientist
Telephone: 619-521-3367
Email: Lisa.Honma@waterboards.ca.gov

X. WATER QUALITY CERTIFICATION

I hereby certify that the proposed discharge from the **Otay Crossings Commerce Park** (Certification No. 09C-019) 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. This discharge is also regulated under State Water Board Order No. 2003-0017-DWQ, "*Statewide General Waste Discharge Requirements for Dredged or Fill Discharges that have Received State Water Quality Certification (General WDRs)*," which requires compliance with all conditions of this Water Quality Certification. Please note that enrollment under Order No. 2003-017-DWQ is conditional and, should new information come to our attention that indicates a water quality problem, the San Diego Water Board may issue individual waste discharge requirements at that time.

Except insofar as may be modified by any preceding conditions, all Certification actions are contingent on (a) the discharge being limited to, and all proposed mitigation being completed in strict compliance with, the applicants' Project description and/or the description in this Certification, and (b) compliance with all applicable requirements of the Basin Plan.

I, David W. Gibson, Executive Officer, do hereby certify the forgoing is a full, true, and correct copy of Certification No. 09C-019 issued on October 18, 2017.



DAVID W. GIBSON
Executive Officer
San Diego Water Board

18 October 2017

Date

ATTACHMENT 1 DEFINITIONS

Activity - when used in reference to a permit means any action, undertaking, or project including, but not limited to, construction, operation, maintenance, repair, modification, and restoration which may result in any discharge to waters of the state.

Buffer - means an upland, wetland, and/or riparian area that protects and/or enhances aquatic resource functions associated with wetlands, rivers, streams, lakes, marine, and estuarine systems from disturbances associated with adjacent land uses.

California Rapid Assessment Method (CRAM) - is a wetland assessment method intended to provide a rapid, scientifically-defensible and repeatable assessment methodology to monitor status and trends in the conditions of wetlands for applications throughout the state. It can also be used to assess the performance of compensatory mitigation projects and restoration projects. CRAM provides an assessment of overall ecological condition in terms of four attributes: landscape context and buffer, hydrology, physical structure and biotic structure. CRAM also includes an assessment of key stressors that may be affecting wetland condition and a "field to PC" data management tool (eCRAM) to ensure consistency and quality of data produced with the method.

Compensatory Mitigation Project - means compensatory mitigation implemented by the Applicant as a requirement of this Certification (i.e., applicant -responsible mitigation), or by a mitigation bank or an in-lieu fee program.

Discharge of dredged material – means any addition of dredged material into, including redeposit of dredged material other than incidental fallback within, the waters of the United States and/or State.

Discharge of fill material – means the addition of fill material into waters of the United States and/or State.

Dredged material – means material that is excavated or dredged from waters of the United States and/or State.

Ecological Success Performance Standards – means observable or measurable physical (including hydrological), chemical, and/or biological attributes that are used to determine if a compensatory mitigation project meets its objectives.

Enhancement – means the manipulation of the physical, chemical, or biological characteristics of an aquatic resource to improve a specific aquatic resource function(s). Enhancement results in the gain of selected aquatic resource function(s), but may also lead to a decline in other aquatic resource function(s). Enhancement does not result in a gain in aquatic resource area.

Establishment – means the manipulation of the physical, chemical, or biological characteristics present to develop an aquatic resource that did not previously exist. Creation results in a gain in aquatic resource area.

Fill material – means any material used for the primary purpose of replacing an aquatic area with dry land or of changing the bottom elevation of a water body.

Isolated wetland – means a wetland with no surface water connection to other aquatic resources.

Mitigation Bank – means a site, or suite of sites, where resources (e.g., wetlands, streams, riparian areas) are restored, established, enhanced, and/or preserved for the purpose of providing mitigation for impacts authorized by this Certification.

Preservation - means the removal of a threat to, or preventing the decline of, aquatic resources by an action in or near those aquatic resources. This term includes activities commonly associated with the protection and maintenance of aquatic resources through the implementation of appropriate legal and physical mechanisms. Preservation does not result in a gain of aquatic resource area or functions.

Re-establishment - means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/ historic functions to a former aquatic resource. Re-establishment results in rebuilding a former aquatic resource and results in a gain in aquatic resource area and functions.

Rehabilitation - means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/ historic functions to a degraded aquatic resource. Rehabilitation results in a gain in aquatic resource function, but does not result in a gain in aquatic resource area.

Restoration - means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former or degraded aquatic resource. For the purpose of tracking net gains in aquatic resource area, restoration is divided into two categories: re-establishment and rehabilitation.

Start of Project Construction - For the purpose of this Certification, "start of Project construction" means to engage in a program of on-site construction, including site clearing, grading, dredging, landfilling, changing equipment, substituting equipment, or even moving the location of equipment specifically designed for a stationary source in preparation for the fabrication, erection or installation of the building components of the stationary source within waters of the United States and/or State.

Uplands - means non-wetland areas that lack any field-based indicators of wetlands or other aquatic conditions. Uplands are generally well-drained and occur above (i.e., up-slope) from nearby aquatic areas. Wetlands can, however, be entirely surrounded by uplands. For example, some natural seeps and constructed stock ponds lack aboveground hydrological connection to other aquatic areas. In the watershed context, uplands comprise the landscape matrix in which aquatic areas form. They are the primary sources of sediment, surface runoff, and associated chemicals that are deposited in aquatic areas or transported through them.

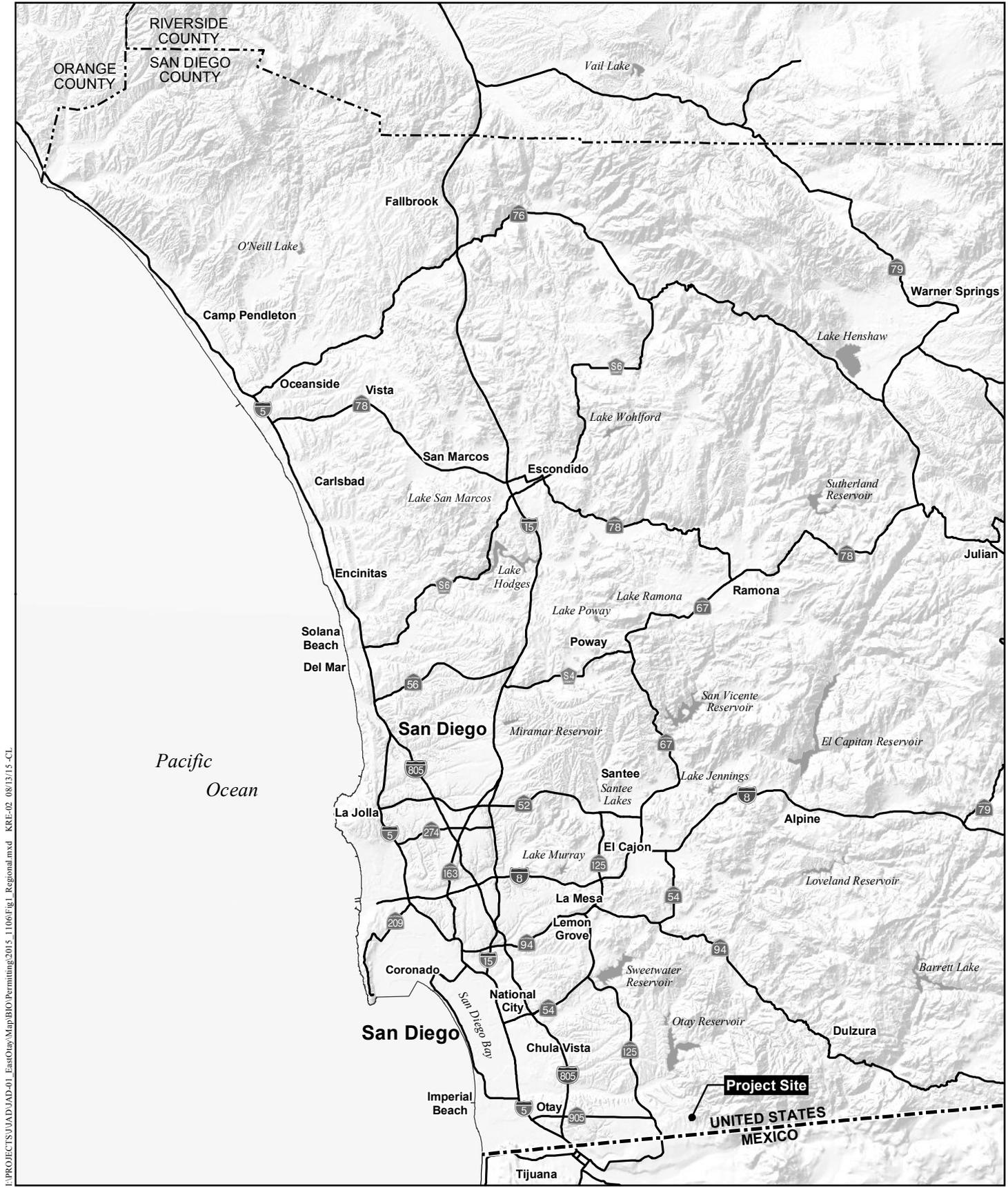
Water quality objectives and other appropriate requirements of state law – means the water quality objectives and beneficial uses as specified in the appropriate water quality control plan(s); the applicable provisions of sections 301, 302, 303, 306, and 307 of the Clean Water Act; and any other appropriate requirement of state law.

Waters of the State - means any surface water or groundwater, including saline waters, within the boundaries of the State. [Water Code section 13050, subd. (e)].

Kearny PCCP Otay 311, LLC
Otay Crossings Commerce Park
Certification No. 09C-019

**ATTACHMENT 2
PROJECT FIGURES AND PLANS**

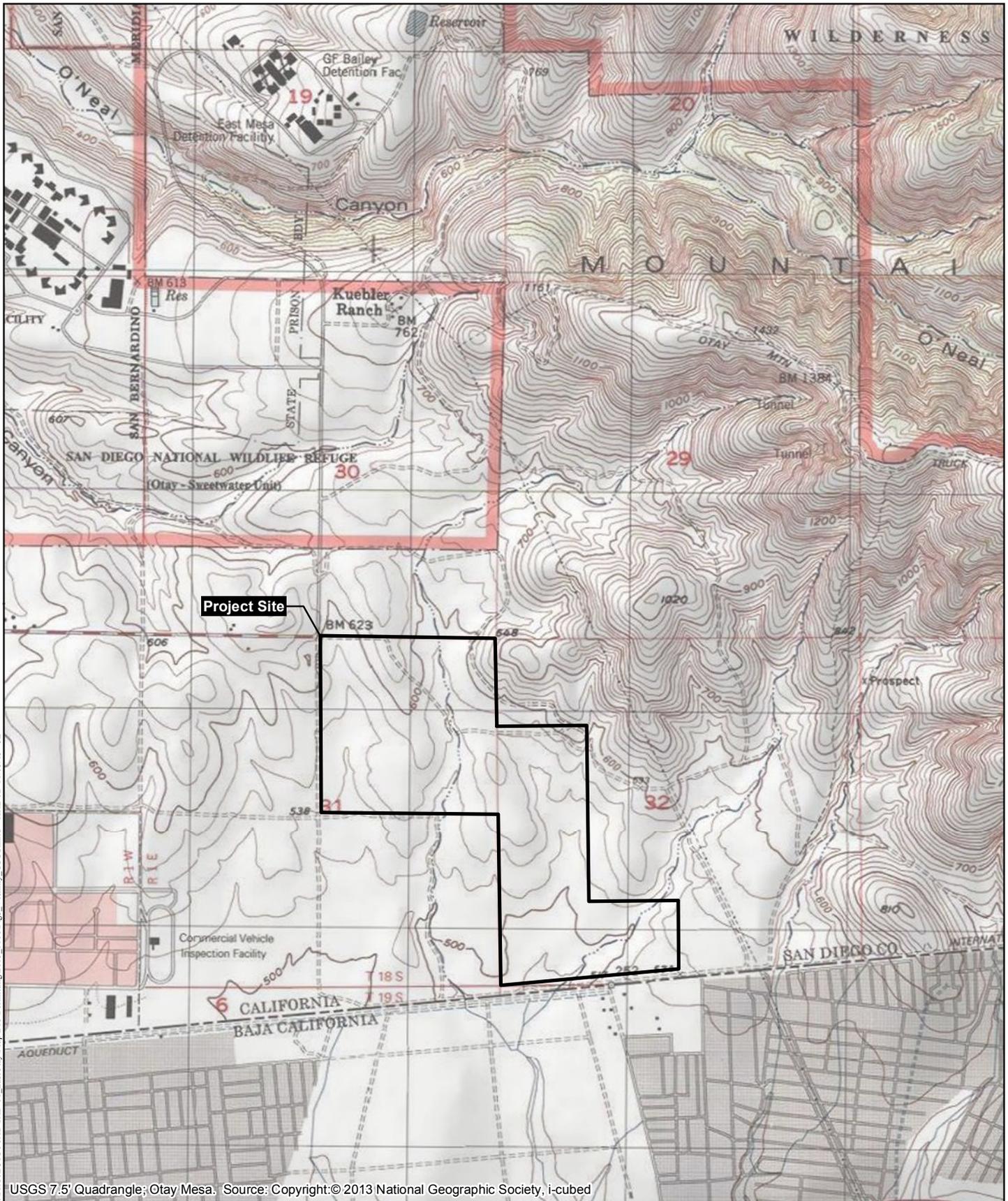
Figure 1 – Regional Location Map
Figure 2 – Project Vicinity Map (Aerial Photograph)
Figure 10 – Regional Context



I:\PROJECTS\UAD\UAD-01_EastOtay\Map\BIO\Permitting\2015_1106\Fig1_Regional.mxd KRE-02_08/13/15-CL

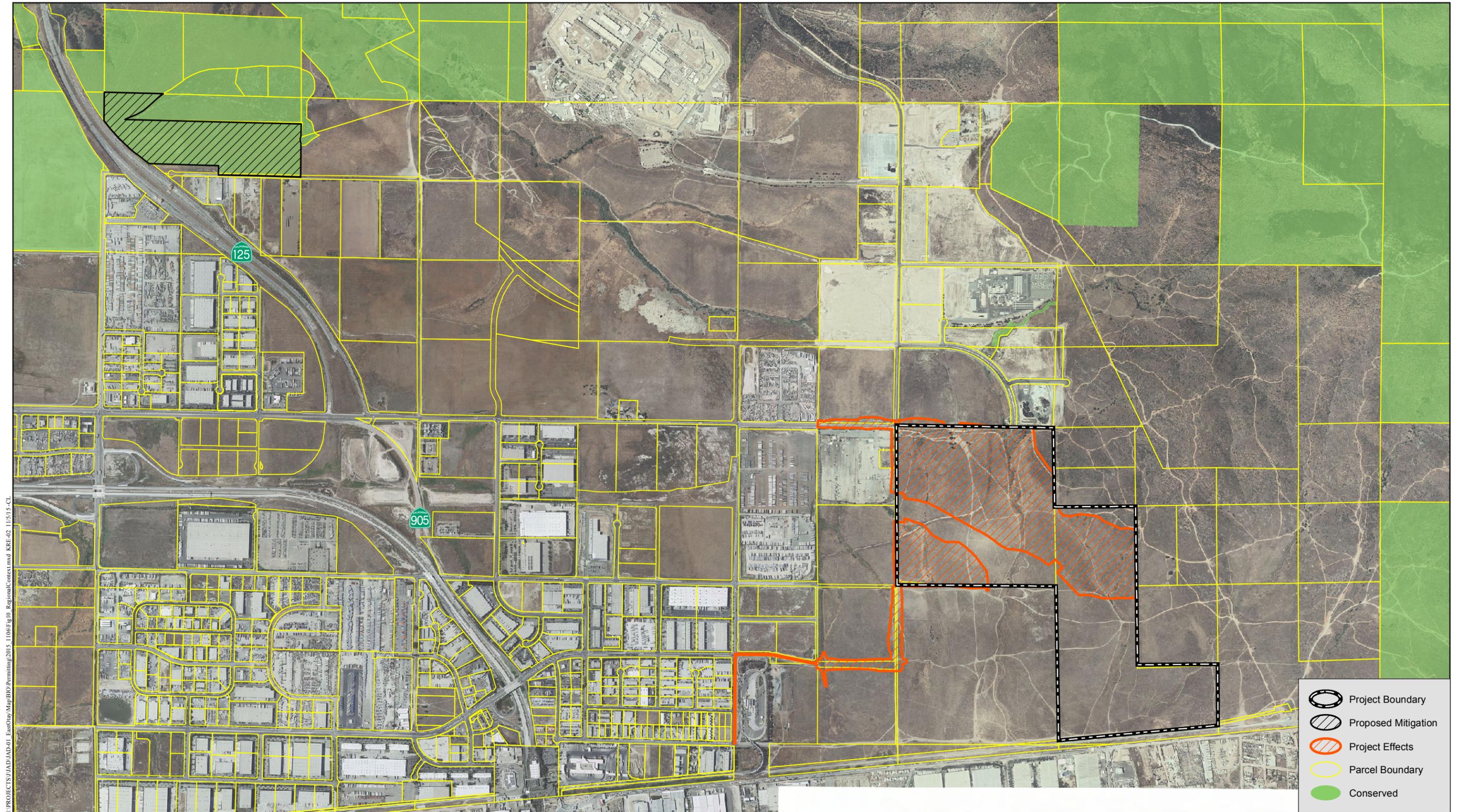
Regional Location Map

OTAY CROSSINGS COMMERCE PARK



Project Vicinity Map (USGS Topography)

OTAY CROSSINGS COMMERCE PARK



L:\PROJECTS\UAD\UAD-01_EastOay_Map\BIO\Permitting\2015_11\06\Fig 10_RegionalContext.mxd KRE-02_11/15/15-CL

-  Project Boundary
-  Proposed Mitigation
-  Project Effects
-  Parcel Boundary
-  Conserved

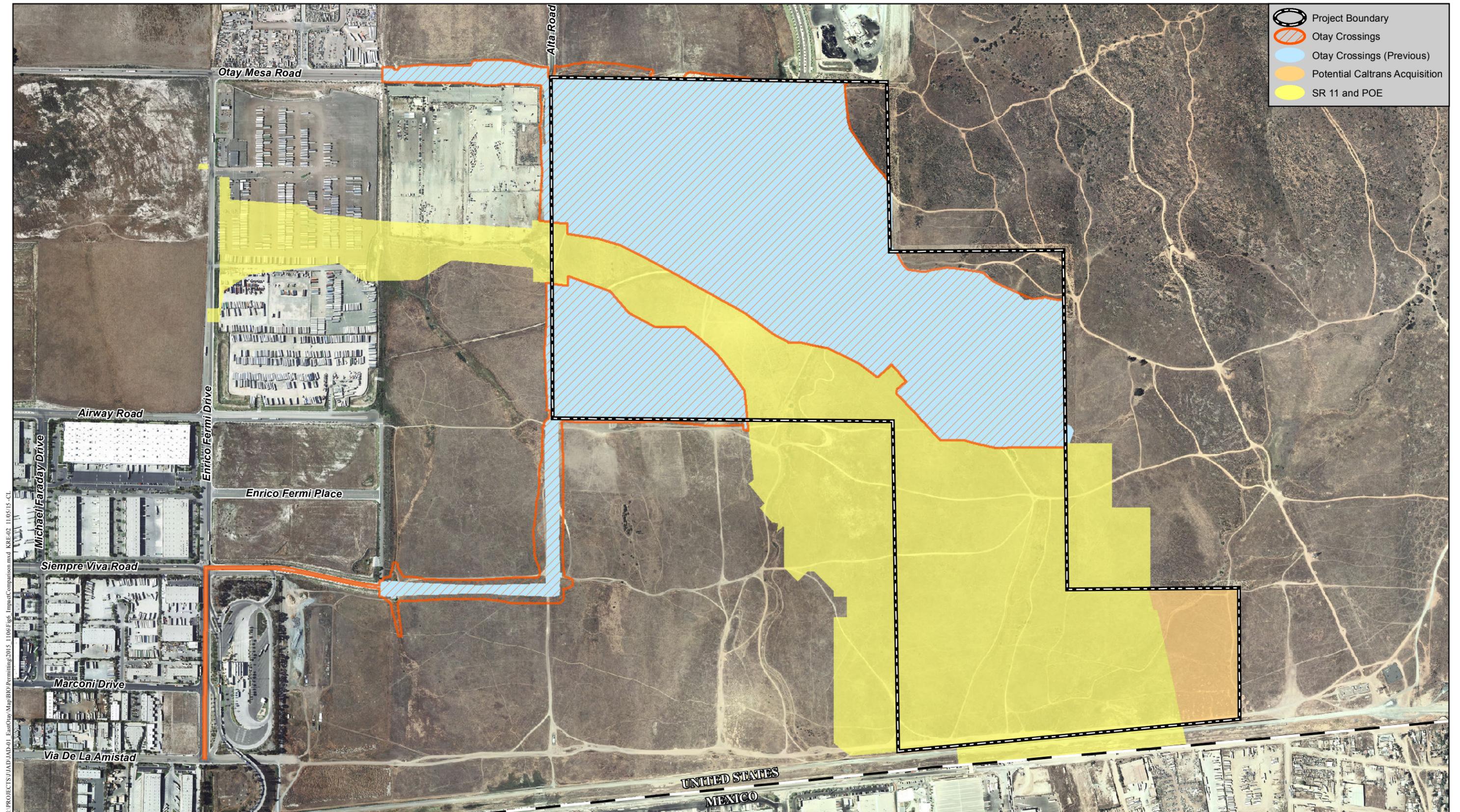
Regional Context

OTAY CROSSINGS COMMERCE PARK

Kearny PCCP Otay 311, LLC
Otay Crossings Commerce Park
Certification No. 09C-019

**ATTACHMENT 3
PROJECT SITE PLANS**

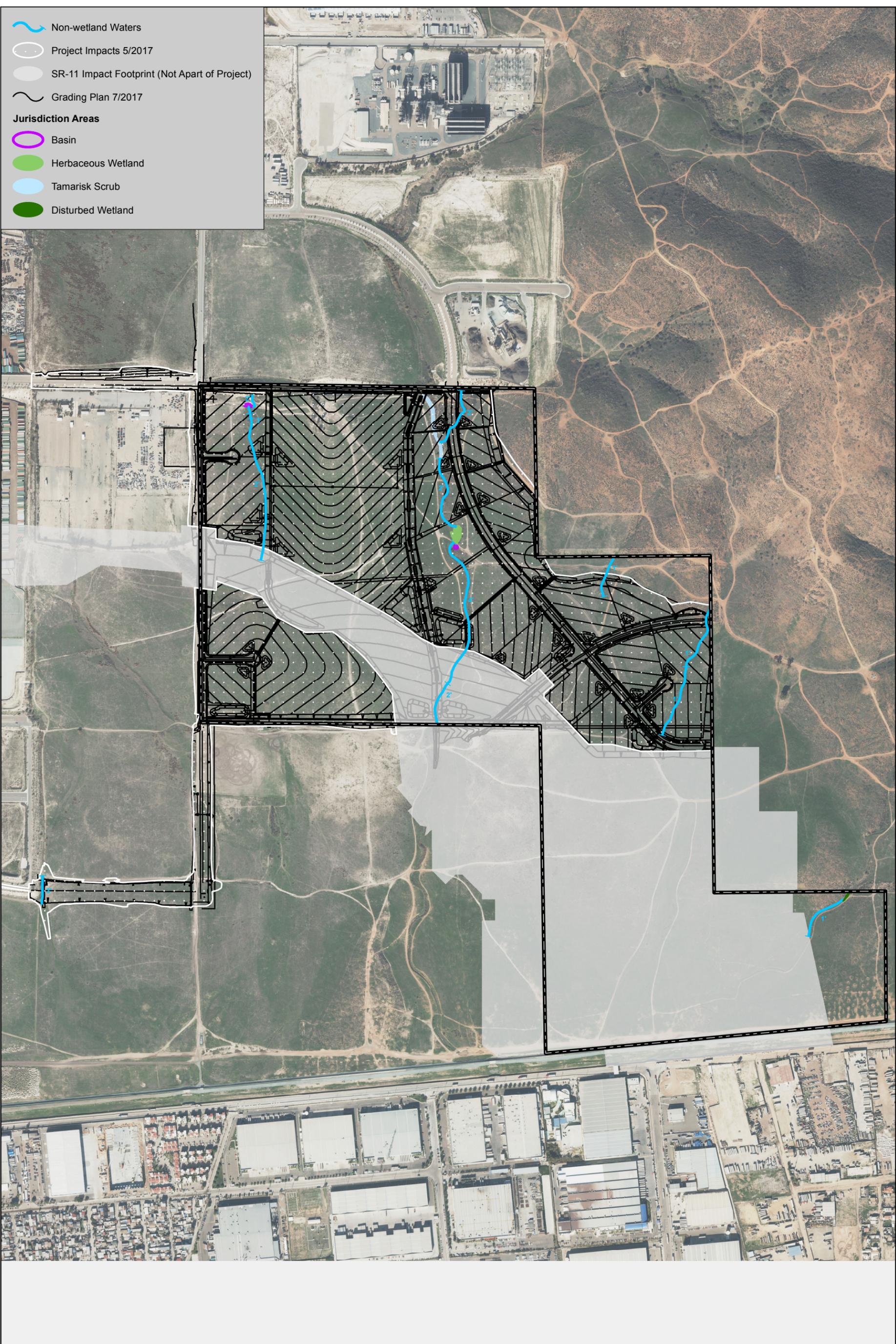
**Figure 6 – Current and Previous Project Effects
RWQCB Jurisdictional Areas Figure
Tentative Map for TM 5405R2, Sheet 1
Preliminary Grading Plan for TM 5405R2, Sheet 3**



Current and Previous Project Effects

OTAY CROSSINGS COMMERCE PARK

-  Non-wetland Waters
-  Project Impacts 5/2017
-  SR-11 Impact Footprint (Not Apart of Project)
-  Grading Plan 7/2017
- Jurisdiction Areas**
-  Basin
-  Herbaceous Wetland
-  Tamarisk Scrub
-  Disturbed Wetland



I:\PROJECTS\UAD\UAD-01_EastDay\Map\BIO\Misc\RWQCB_ID_2017_0717.mxd KRE:02 07/20/17 -EV

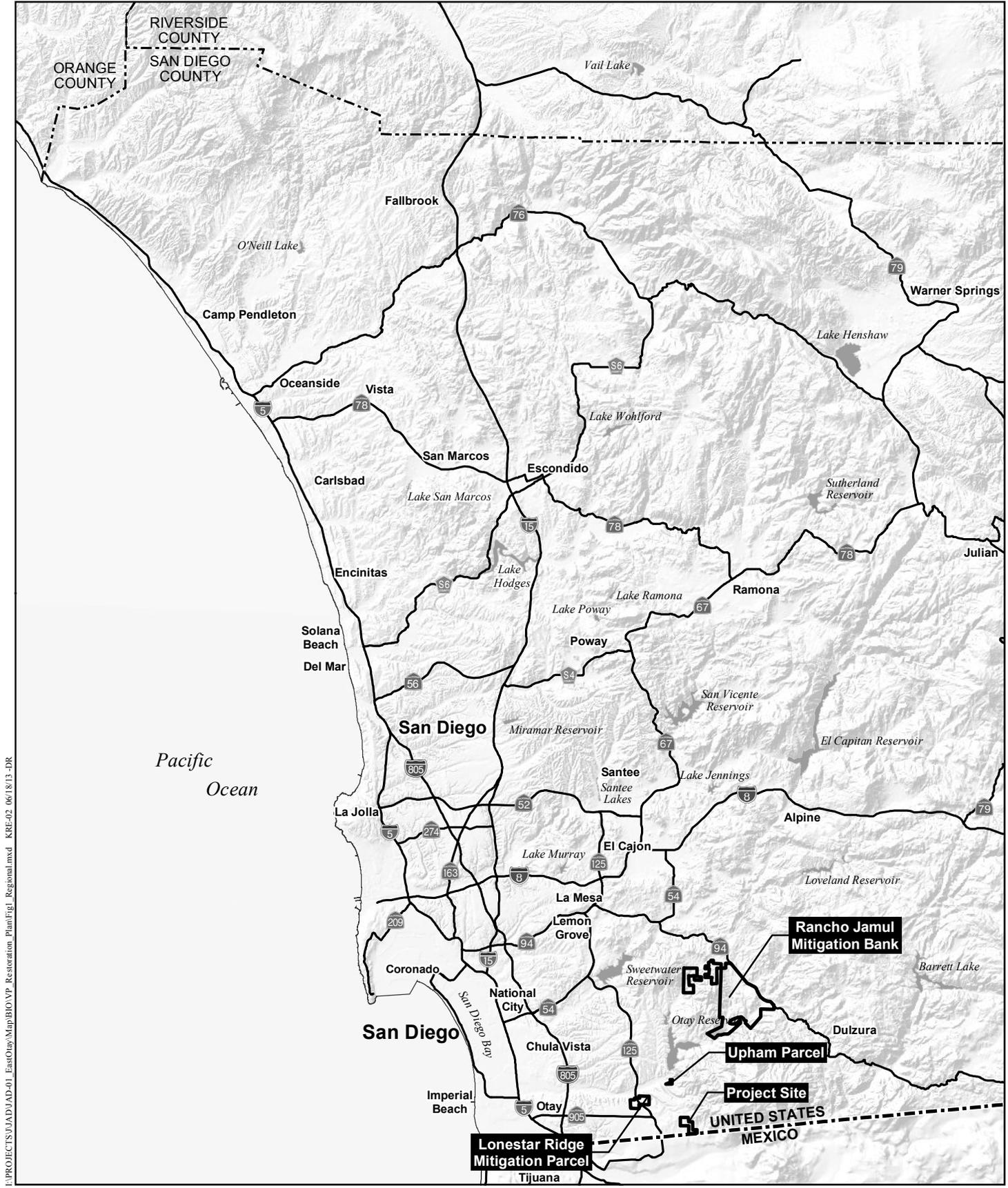
RWQCB Jurisdictional Areas

OTAY CROSSINGS COMMERCE PARK

Kearny PCCP Otay 311, LLC
Otay Crossings Commerce Park
Certification No. 09C-019

**ATTACHMENT 4
MITIGATION FIGURES**

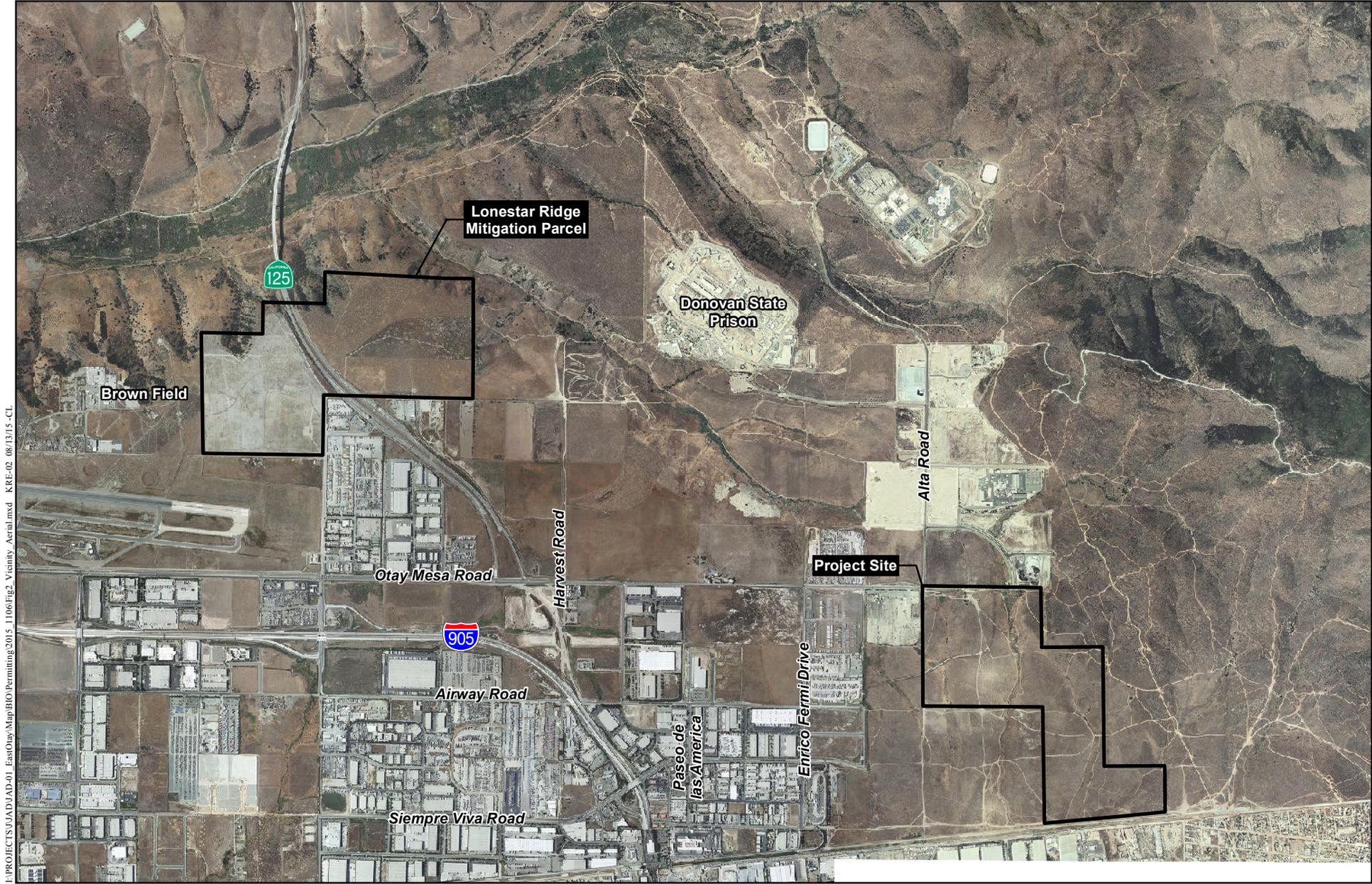
- Figure 1 – Regional Location Map**
- Figure 2 – Project Vicinity Map (Aerial Photograph)**
- Figure 3 – Biological Open Space/Easements**
- Figure 5 – Lonestar Ridge Mitigation Parcel Location Map**
- Figure 6 – Vegetation, Sensitive Resources, Biological Open Space at the
Lonestar Ridge Mitigation Parcel**
- Figure 7 – Vernal Pool Restoration Area**
- Exhibit “B” Bill of Sale, Contract #RJMB-13-64 (creation credits)**
- Exhibit “B” Bill of Sale, Contract #RJMB-13-65 (enhancement credits)**



I:\PROJECTS\DJAD\AD-01_EastOtay\Map\BIO\VP_Restoration_Plan\Fig1_Regional.mxd KRE-02_06/18/13_DR

Regional Location Map

OTAY CROSSINGS COMMERCE PARK MITIGATION PLAN



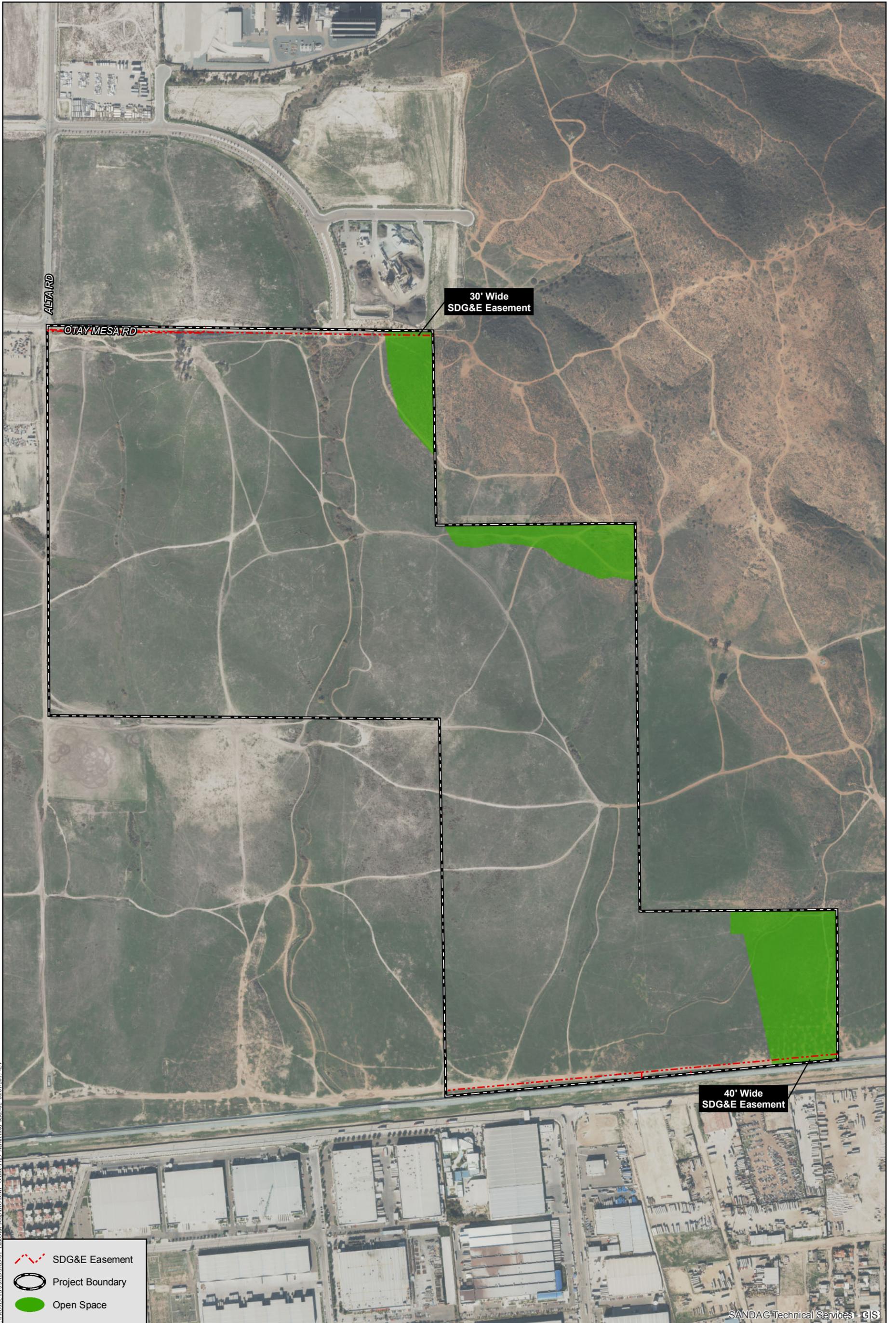
F:\PROJECTS\JAD\AD-01_EastOta/Map/BIO/Permitting/2015_1106/Fig2_Vicinity_Aerial.mxd KRF-02_08/13/15-CL

Project Vicinity Map (Aerial Photograph)

OTAY CROSSINGS COMMERCE PARK

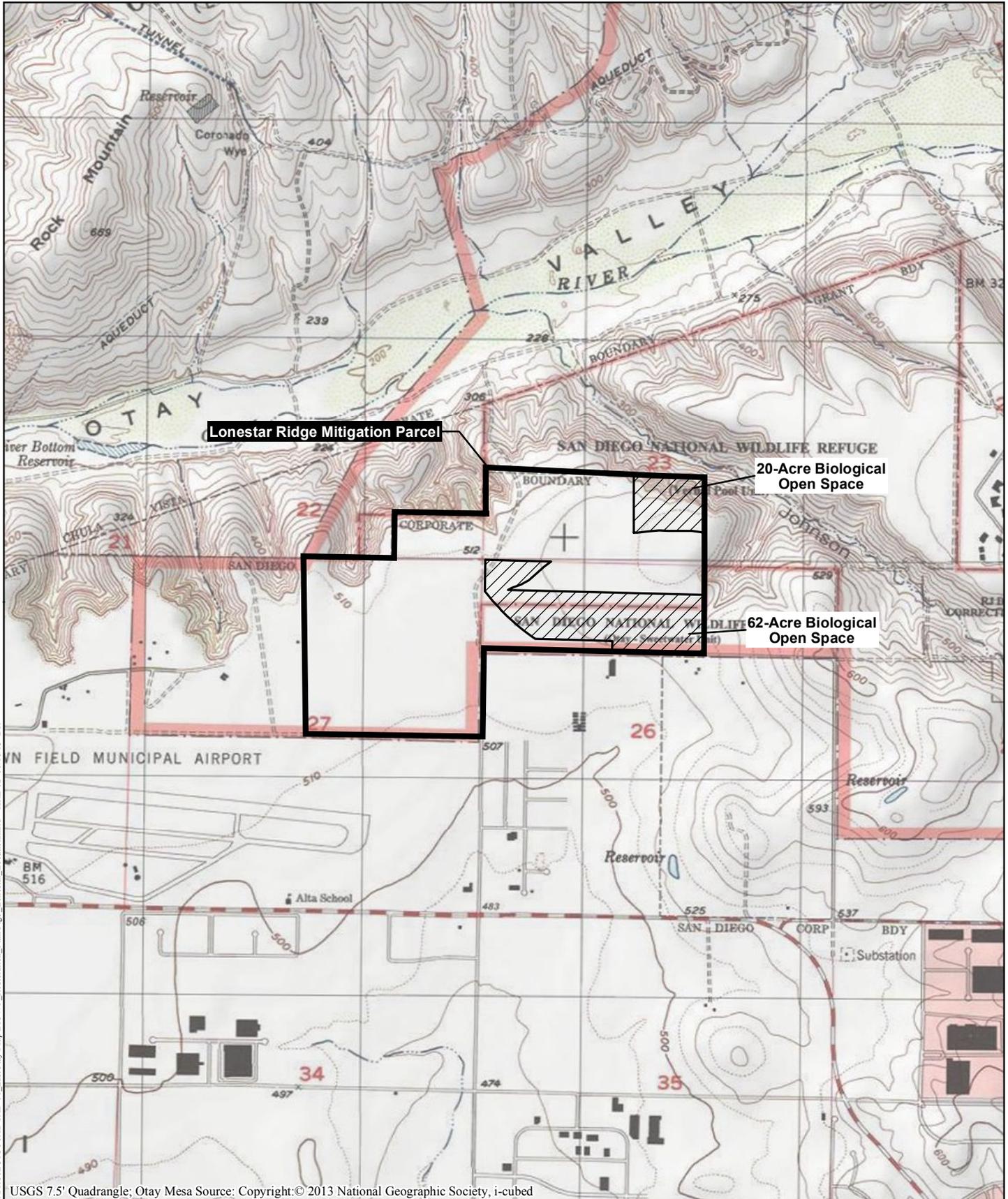


Figure 2



Biological Open Space/Easements

OTAY CROSSINGS COMMERCE PARK

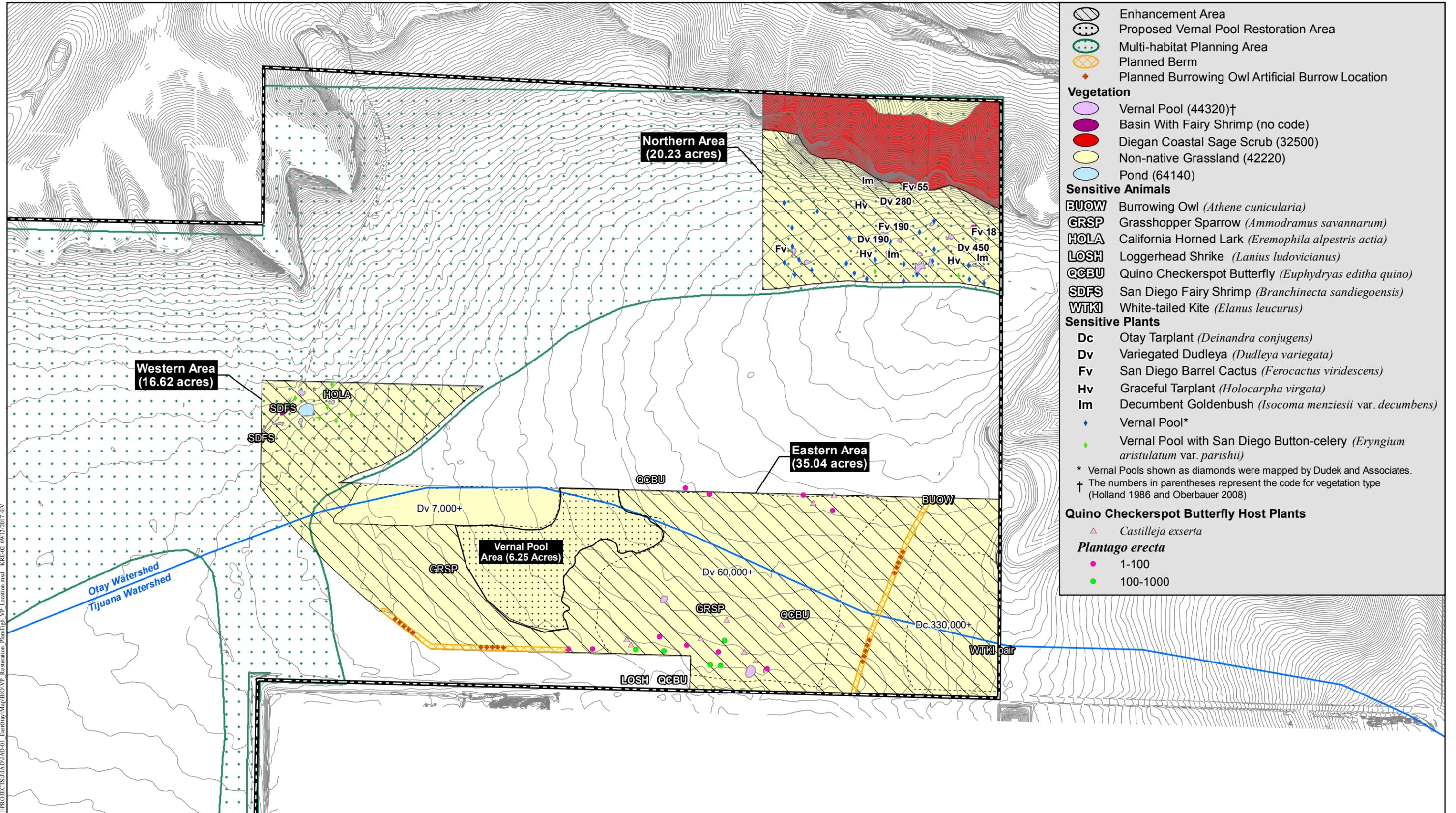


I:\PROJECTS\UAD\UAD-01_EastOta/Map/BIOVP_Restoration_Plan\Fig5_Lonestar_Location.mxd KRE-02 06/18/13-DR

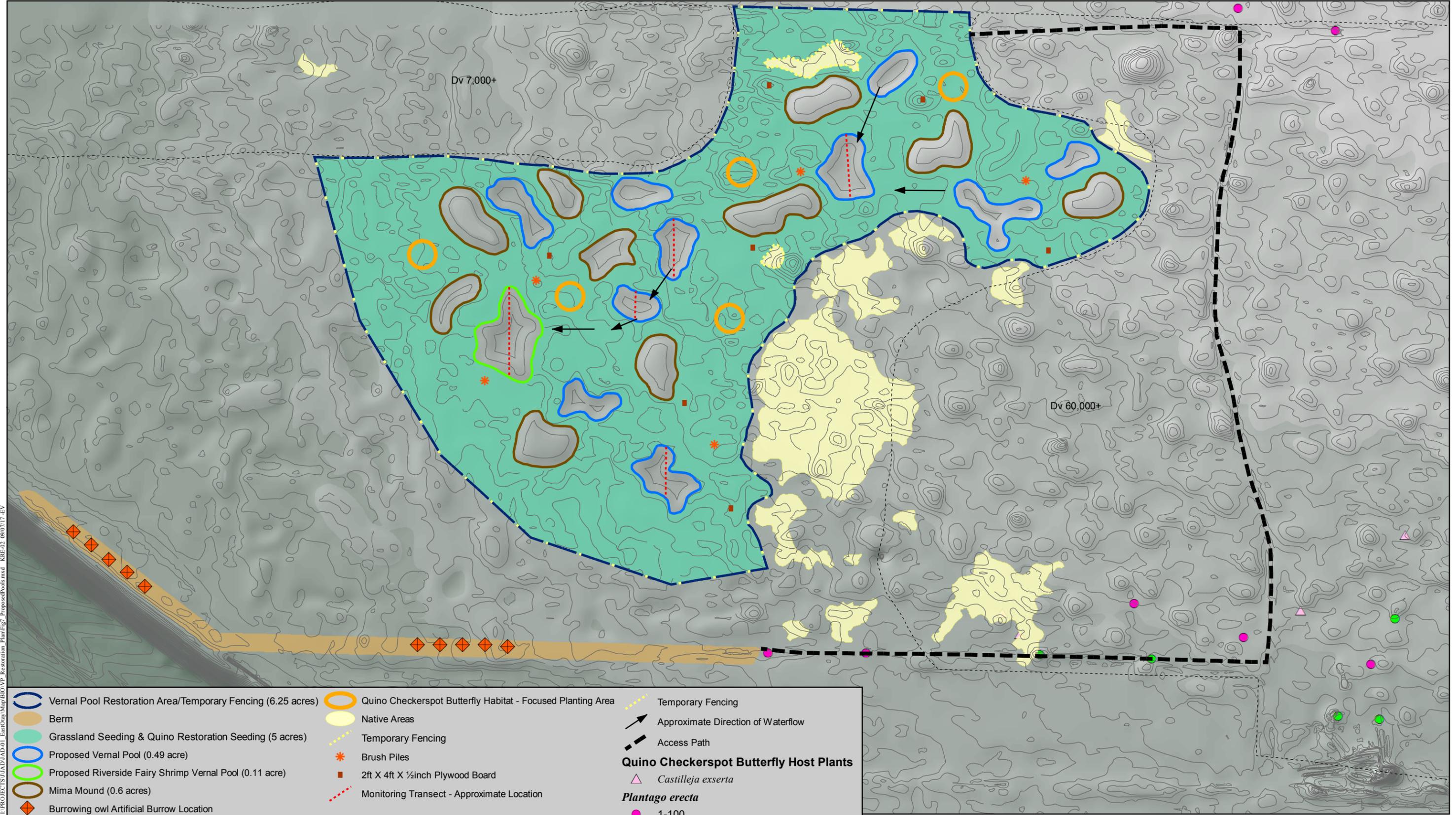
USGS 7.5' Quadrangle; Otay Mesa Source: Copyright: © 2013 National Geographic Society, i-cubed

Lonestar Ridge Mitigation Parcel Location Map

OTAY CROSSINGS COMMERCE PARK MITIGATION PLAN



Vegetation, Sensitive Resources, Biological Open Space at the Lonestar Ridge Mitigation Parcel



I:\PROJECTS\JAD\JAD-01_EastOtayMap\BIO\VP_Restoration_Plan\Fig.7_ProposedPools.mxd KRE-02 09/07/17-ENV

Vernal Pool Restoration Area/Temporary Fencing (6.25 acres)	Quino Checkerspot Butterfly Habitat - Focused Planting Area	Temporary Fencing
Berm	Native Areas	Approximate Direction of Waterflow
Grassland Seeding & Quino Restoration Seeding (5 acres)	Temporary Fencing	Access Path
Proposed Vernal Pool (0.49 acre)	Brush Piles	Quino Checkerspot Butterfly Host Plants
Proposed Riverside Fairy Shrimp Vernal Pool (0.11 acre)	2ft X 4ft X 1/2inch Plywood Board	<i>Castilleja exserta</i>
Mima Mound (0.6 acres)	Monitoring Transect - Approximate Location	<i>Plantago erecta</i>
Burrowing owl Artificial Burrow Location		1-100
		100-1000

Vernal Pool Restoration Area

OTAY CROSSINGS COMMERCE PARK MITIGATION PLAN

Exhibit "B"

BILL OF SALE
Contract #RJMB-13-64

In consideration of \$353,500.00, receipt of which is hereby acknowledged, WILDLANDS, INC., a Delaware corporation, does hereby bargain, sell and transfer to KEARNY PCCP OTAY 311, LLC, a Delaware limited liability company 1.01 acres of Corps-jurisdictional wetland creation habitat credits for the Otay Crossings Commerce Park Project in the Rancho Jamul Mitigation Bank in San Diego County California, developed and approved under the authority of the United States Army Corps of Engineers, California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, and the Environmental Protection Agency.

Wildlands, Inc. represents and warrants that it has good title to the credits, has good right to sell the same, and that they are free and clear of all claims, liens, or encumbrances.

Wildlands, Inc. covenants and agrees with the buyer to warrant and defend the sale of the credits hereinbefore described against all and every person and persons whomsoever lawfully claiming or to claim the same.

DATED: 3-7-2013

WILDLANDS, INC., a Delaware corporation

By: 
Name: **Wildlands, Manager**
Its: **Mark Heintz, Manager**

Exhibit "B"

BILL OF SALE
Contract #RJMB-13-65

In consideration of \$151,500.00, receipt of which is hereby acknowledged, WILDLANDS, INC., a Delaware corporation, does hereby bargain, sell and transfer to KEARNY PCCP OTAY 311, LLC, a Delaware limited liability company 1.01 acres of wetland enhancement habitat credits for the Otay Crossings Commerce Park Project in the Rancho Jamul Mitigation Bank in San Diego County California, developed and approved under the authority of the United States Army Corps of Engineers, California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, and the Environmental Protection Agency.

Wildlands, Inc. represents and warrants that it has good title to the credits, has good right to sell the same, and that they are free and clear of all claims, liens, or encumbrances.

Wildlands, Inc. covenants and agrees with the buyer to warrant and defend the sale of the credits hereinbefore described against all and every person and persons whomsoever lawfully claiming or to claim the same.

DATED: 3-7-2013

WILDLANDS, INC., a Delaware corporation

By:  _____

Name:

Its:

Wildlands, Manager
Mark Heintz, Manager

m:\marketing\agreements\salerJMBOTAY CROSSINGS - ENH (remarket).doc
Revised: 02/20/2013

Kearny PCCP Otay 311, LLC
Otay Crossings Commerce Park
Certification No. 09C-019

ATTACHMENT 5
CEQA MITIGATION MONITORING AND REPORTING PROGRAM

Excerpt of Table S-1, Summary of Significant Effect and Mitigation Measures to Reduce the Effects, Biological Resources, Final Supplemental Environmental Impact Report for the Otay Crossings Commerce Park, certified by the County of San Diego Planning Commission on October 7, 2011.

Table S-1 (cont.) SUMMARY OF SIGNIFICANT EFFECTS AND MITIGATION MEASURES TO REDUCE THE EFFECTS			
SUBCHAPTER/ ISSUE	IMPACT	MITIGATION	SIGNIFICANCE AFTER MITIGATION
SIGNIFICANT AND MITIGABLE IMPACTS (cont.)			
2.1 Transportation/ Circulation (cont.) Cumulative Impacts (cont.)	TI-13. Otay Mesa Road/Vann Centre Boulevard (County)	<p>TM-13. Prior to issuance of building permits for the proposed project, the applicant shall pay the County's TIF towards the improvement of Otay Mesa Road (Old Otay Mesa Road)/Vann Centre Boulevard intersection and modifications to provide the following lane configurations:</p> <ul style="list-style-type: none"> • One eastbound left turn lane; • Two eastbound through lanes; • One westbound through lane; • One westbound shared through-right lane; and • One southbound shared left-right lane. <p>(Refer to TIS Figure 47.)</p>	Less than significant
	TI-15. Airway Road/Paseo de las Americas (County/City)	<p>TM-15. Prior to issuance of building permits, the applicant shall pay the County's TIF towards the signalization and restriping of the Airway Road/Paseo de las Americas intersection to provide the following lane configurations:</p> <ul style="list-style-type: none"> • One eastbound left turn lane; • One eastbound through lane; • One eastbound shared through-right lane; • One westbound left turn lane; • One westbound through lane; • One westbound shared through-right lane; • One northbound shared left-through lane; • One northbound right turn lane; and • One southbound left-through-right turn lane. <p>(See TIS Figure 47.)</p>	Less than significant
3.1 Biological Resources Direct Impacts	<p>Upland Vegetation Communities</p> <p>BI-1. The proposed project would directly impact approximately 1.9 acres of Diegan coastal sage scrub (including disturbed).</p>	<p>BM-1. Direct impacts to 1.9 acres of Diegan coastal sage scrub (including disturbed) shall be mitigated at a 1.5:1 ratio, for a total mitigation requirement of 2.9 acres. This mitigation shall be accomplished through the on-site preservation of 2.9 acres of coastal sage scrub. Because a total of 6.8 acres of Diegan coastal sage scrub would be available for mitigation, the remainder (3.9 acres) would be applied to the mitigation requirement of non-native grassland as described in BM-2. Prior to the on-set of grading, a Resource Management Plan (RMP) shall be prepared for both on- site and off-site open space and shall specify all stewardship measures, such</p>	Less than significant

Table S-1 (cont.) SUMMARY OF SIGNIFICANT EFFECTS AND MITIGATION MEASURES TO REDUCE THE EFFECTS			
SUBCHAPTER/ ISSUE	IMPACT	MITIGATION	SIGNIFICANCE AFTER MITIGATION
SIGNIFICANT AND MITIGABLE IMPACTS (cont.)			
3.1 Biological Resources (cont.) Direct Impacts (cont.)		as upkeep of fencing and signs, restricting trespassing, and removing debris, required to maintain habitat quality for preserved resources. A Property Analysis Record (PAR) and cost estimate will be prepared for long-term management of on-site and off-site open space and incorporated into the RMP. The RMP shall be prepared to the satisfaction of the U.S. Fish and Wildlife Service (USFWS), California Department of Fish and Game (CDFG), and the County.	
	BI-2. The proposed project would directly impact approximately 263.1 acres of non-native grassland. If Sewer Option B-1 is implemented, off site impacts to non-native grassland would increase by 4.5 acres. If Sewer Option B-2 is implemented, off site impacts to non-native grassland would increase by 3.9 acres.	BM-2. Direct impacts to 263.1 acres of non-native grassland shall be mitigated at a 1:1 ratio, for a total mitigation requirement of 263.1 acres. Impacts to 263.1 acres of non-native grassland shall be partially offset with on-site preservation of 34.4 acres of non-native grassland, 6.4 acres of disturbed habitat to be restored as grassland, and the remaining 3.9 acres of Diegan coastal sage scrub, for a total of 44.7 acres. Additional non-native grassland mitigation shall occur through off-site habitat preservation of five parcels totaling 206 acres, consisting of: 1) the 69-acre O'Neal Canyon parcel; 2) the 15-acre O'Neal Canyon parcel; 3) a 62-acre parcel at the Lonestar Ridge site; 4) 20 acres of a 40-acre parcel at the Lonestar Ridge site; and 5) 40 acres of the 63-acre Martz parcel in Ramona. The remaining 12.4 acres of mitigation shall be met through preservation of 9.2 acres of the Otay Business Park (Paragon) open space parcel on the Lonestar Ridge and 3.2 acres at the Martz parcel in Ramona. If the Otay Crossings project goes forward concurrently with the Paragon project, the mitigation requirements will be revised based on Appendix D of the project Biological Technical Report. The RMP referenced in BM-1 shall also include management of both on- and off-site non-native grassland mitigation lands. Impacts to the additional 4.5 acres of non-native grassland associated with Sewer Option B-1 shall be mitigated through preservation of 4.5 additional acres of the Paragon portion of the northern Lonestar Ridge parcel.	Less than significant

Table S-1 (cont.) SUMMARY OF SIGNIFICANT EFFECTS AND MITIGATION MEASURES TO REDUCE THE EFFECTS			
SUBCHAPTER/ ISSUE	IMPACT	MITIGATION	SIGNIFICANCE AFTER MITIGATION
SIGNIFICANT AND MITIGABLE IMPACTS (cont.)			
3.1 Biological Resources (cont.) Direct Impacts (cont.)		Impacts to the additional 3.9 acres of non-native grassland associated with Sewer Option B-2 shall be mitigated through preservation of 3.9 additional acres of the Paragon portion of the northern Lonestar Ridge parcel.	
	BI-3. The proposed project would directly impact approximately 0.1 acre of native grassland.	BM-3. Direct impacts to 0.1 acre of native grassland shall be mitigated at a 2:1 ratio, for a total mitigation requirement of 0.2 acre. This mitigation shall be accomplished through acquisition and management of land on the Lonestar Ridge parcels, of which 0.2 acre would be for impacts to native grassland. The RMP shall include management of off-site native grassland mitigation lands as noted in BM-1.	Less than significant
	BI-4. If Sewer Option B-1 or B-2 is implemented, 0.056 acre of off-site vernal pools would be directly impacted.	BM-4. If Sewer Option B-1 or B-2 is implemented, impacts to 0.056 acre of vernal pools would be mitigated by restoration of vernal pool habitat on the southern off-site Lonestar Ridge parcel at a 3:1 ratio, resulting in restoration of 0.168 acre of vernal pool surface area. The restoration plan should include San Diego button-celery in the seed mix and success criteria. A restoration plan shall be prepared and submitted for approval to the County and Wildlife Agencies prior to initiating impacts.	Less than significant
	Wetland Vegetation Communities/ Jurisdictional Areas B1-5. Direct impacts to jurisdictional areas would result from project development both on and off site. Approximately 0.21 acres of Corps jurisdictional non-wetland Waters of the U.S. would be significantly impacted. Impacts to CDFG jurisdictional areas would total 0.99 acre, including 0.73 acre of tamarisk scrub and 0.24 acre of streambed. If either Sewer Option B-1 or B-2 is implemented, off-site impacts to jurisdictional vernal pools total 0.056 acre, and impacts to Waters of the U.S./CDFG streambed would total 0.012 acre.	BM-5. Impacts to jurisdictional tamarisk scrub shall be mitigated at a 1:1 mitigation ratio through creation of 0.73 acre of riparian or mule fat scrub habitat. Impacts to jurisdictional non-wetland Waters of the U.S./CDFG streambeds shall be mitigated at a 1:1 mitigation ratio. This shall require creation of 0.24 acre of drainages, of which 0.20 acre must be Corps jurisdictional. All wetland mitigation shall occur on site within the open space along existing on-site drainages. Mitigation shall consist of realigning and widening portions of existing non-wetland Waters of the U.S./CDFG streambeds within the impact footprint and seeding/planting with a mix of native grasses and forbs as well as riparian shrubs such as mule fat and San Diego marsh-elder. The widening of the drainages shall satisfy the creation component of the mitigation, and seeding/planting shall partially satisfy the	Less than significant

Table S-1 (cont.) SUMMARY OF SIGNIFICANT EFFECTS AND MITIGATION MEASURES TO REDUCE THE EFFECTS			
SUBCHAPTER/ ISSUE	IMPACT	MITIGATION	SIGNIFICANCE AFTER MITIGATION
SIGNIFICANT AND MITIGABLE IMPACTS (cont.)			
3.1 Biological Resources (cont.) Direct Impacts (cont.)	BI-7. All of the approximately 138 marsh-elder plants would be directly impacted by the proposed project.	BM-7. Direct impacts to 138 San Diego marsh-elder individuals shall be mitigated at a 2:1 ratio through acquisition of habitat supporting at least 276 individuals in Marron Valley Mitigation Bank or through restoration of a minimum of 276 individuals within the off-site mitigation location for Corps and CDFG WUS/streambed as determined through the permitting process.	Less than significant
	BI-8. If Sewer Option B-1 or B-2 is implemented, impacts would result to five San Diego button-celery (<i>Eryngium aristulatum</i> var. <i>parishii</i>) associated with the off-site vernal pool impacts.	BM-8. If Sewer Option B-1 or B-2 is implemented, impacts to San Diego button-celery would be mitigated by restoration of vernal pool habitat on the southern off-site Lonestar Ridge parcel at a 3:1 ratio, resulting in restoration of 0.168 acre of vernal pool surface area. The restoration plan should include San Diego button-celery in the seed mix and success criteria. A San Diego button-celery restoration plan would be prepared and submitted for approval to the County and Wildlife Agencies prior to initiating impacts.	Less than significant
	Sensitive Animals BI-9. Twenty-four of the 31 road pools mapped on site (and one mapped off site) would be directly impacted by the proposed development. None of the impacted road pools support vernal pool indicator species and only one supports San Diego fairy shrimp. The road basin that supports San Diego fairy shrimp, totaling 116 square feet, would be impacted by the proposed project. If Sewer Option B-1 or B-2 is implemented, impacts would result to San Diego fairy shrimp associated with the off-site vernal pools.	BM-9. Direct impacts to 116 square feet (s.f.) of road pool occupied by San Diego and Riverside fairy shrimp would be mitigated by creating 232 s.f. (2:1 ratio) of pool habitat that supports these species. Although it would not be a requirement to create vernal pools, vernal pool plant species should be incorporated into a basin restoration effort. The basin restoration effort would occur in the off-site open space proposed for the southeastern portion of the on the southern Lonestar Ridge parcel. A basin restoration plan shall be prepared and implemented to the satisfaction of the USFWS and County that would modify the micro-topography of the site to provide for appropriate hydrology for pools and associated species. The basin restoration plan shall include restoration of appropriate habitat and hydrology and provide for propagation of San Diego and Riverside fairy shrimp. Management and monitoring specified in the basin restoration plan shall ensure that appropriate success criteria are met.	Less than significant

Table S-1 (cont.) SUMMARY OF SIGNIFICANT EFFECTS AND MITIGATION MEASURES TO REDUCE THE EFFECTS			
SUBCHAPTER/ ISSUE	IMPACT	MITIGATION	SIGNIFICANCE AFTER MITIGATION
SIGNIFICANT AND MITIGABLE IMPACTS (cont.)			
3.1 Biological Resources (cont.) Direct Impacts (cont.)		If Sewer Option B-1 or B-2 is implemented, impacts to 0.056 acre of vernal pools occupied by San Diego fairy shrimp would be mitigated by creating 0.168 acre (3:1 ratio) of vernal pool habitat that supports these species. The basin restoration effort would occur in the off-site open space proposed for the southeastern portion of the site on the southern Lonestar Ridge parcel. A vernal pool restoration plan shall be prepared and implemented to the satisfaction of the USFWS and County that would modify the micro-topography of the site to provide for appropriate hydrology for pools and associated species. The basin restoration plan shall include restoration of appropriate habitat and hydrology and provide for propagation of San Diego fairy shrimp. Management and monitoring specified in the basin restoration plan shall ensure that appropriate success criteria are met.	
	BI-10. The proposed project would directly impact all or portions of the territories of four burrowing owl pairs. If Sewer Option B-1 or B-2 is implemented, impacts would result to one additional burrowing owl pair.	BM-10. Direct impacts to occupied burrowing owl habitat shall be mitigated at a 1:1 ratio with preservation of 263.1 acres of occupied burrowing owl habitat or habitat capable of supporting the burrowing owl. This mitigation would be met by the 44.7 acres of on-site preservation through an open space easement in Lots 57 through 59 and the off-site acquisition of 218.1 acres of occupied burrowing owl habitat or habitat capable of supporting the burrowing owl. The off-site acquisition parcels are identified as non-native grassland mitigation under BM-2 and detailed in the Biological Technical Report for the proposed project. If grading would occur during the burrowing owl breeding season (February 15 through August 31), a pre-construction survey of the known active burrows shall be conducted to avoid filling burrows or injuring the owls by burrow collapse. The survey shall take place 3 to 5 days prior to initiation of construction. Weed removal (by whacking, bush hogging, or mowing) shall be conducted, if necessary, to make all potential burrows in the relevant impact area more easily observed. This weed removal shall be monitored by a qualified biologist to ensure that burrows are not disturbed during the process. Cameras should be used to ensure that burrows are unoccupied by burrowing owls. If owls are present in the burrows during the breeding season, passive relocation or eviction shall not be allowed. No grading will occur during the breeding season for	Less than significant

Table S-1 (cont.) SUMMARY OF SIGNIFICANT EFFECTS AND MITIGATION MEASURES TO REDUCE THE EFFECTS			
SUBCHAPTER/ ISSUE	IMPACT	MITIGATION	SIGNIFICANCE AFTER MITIGATION
SIGNIFICANT AND MITIGABLE IMPACTS (cont.)			
<p>3.1 Biological Resources (cont.)</p> <p>Direct Impacts (cont.)</p>		<p>the burrowing owl without concurrence by the Wildlife Agencies.that owls will not be affected by construction activities. If owls are present outside of the breeding season, passive relocation with the use of one-way doors would be implemented by a qualified biologist in accordance with the CDFG Staff Report on Burrowing Owl Mitigation. Once it is believed that the owls have vacated the burrows (this should take approximately 48 hours after installation of one-way doors), all burrows shall be carefully excavated (to confirm they are empty) and then filled to prevent occupation or reoccupation. The excavation and filling shall also be carried out by a qualified biologist. The Wildlife Agencies shall review and approve any passive relocation or eviction plans prior to implementation. Construction materials (e.g., pipes, rubble piles, etc.) shall be closed off to prevent burrowing owls from reoccupying the site.</p> <p>If Sewer Option B-1 or B-2 is selected, impacts to the additional 3.0 acres of non-native grassland supporting burrowing owls will be mitigated through preservation of 1.5 additional acres at the Paragon portion of the Lonestar Ridge site and 1.5 acres at the Martz parcel.</p>	
	<p>BI-11. The federally listed endangered Quino checkerspot butterfly (Quino) was identified on site in 2000; however, it was not detected on site during protocol surveys in 2005 and 2006. Two of the three locations where the Quino was observed during 2000 would be impacted by the project. The ability to detect this species varies from year to year, so it is assumed that portions of the impacted habitat on site is occupied by the Quino. If Sewer Option B-1 or B-2 is implemented, impacts would result to one additional Quino location by both Sewer Option B-1 and B-2.</p>	<p>BM-11. Direct impacts to the Quino shall be mitigated through on- and off-site preservation of occupied habitat as part of the mitigation for impacts to vegetation communities described above under BM-1 and BM-2. A total of seven Quino-occupied locations shall be included in the preserved habitat. On-site preservation shall conserve one previously recorded Quino location. The County is currently undergoing an MSCP amendment process with the USFWS to gain Quino take authorization for the entire County MSCP Subarea. The proposed MSCP amendment is distinct from the proposed project's MSCP Amendments. If the County's Quino amendment to the MSCP is processed before implementation of the proposed project, the project would be covered by the County's Quino take authority, but this cannot be assumed, so it is expected that the project would have to process an individual take authority for impacts to Quino, via a Section 7 consultation.</p> <p>If Sewer Option B-1 or B-2 is selected, impacts to the additional</p>	<p>Less than significant</p>

Table S-1 (cont.) SUMMARY OF SIGNIFICANT EFFECTS AND MITIGATION MEASURES TO REDUCE THE EFFECTS			
SUBCHAPTER/ ISSUE	IMPACT	MITIGATION	SIGNIFICANCE AFTER MITIGATION
SIGNIFICANT AND MITIGABLE IMPACTS (cont.)			
3.1 Biological Resources (cont.)		3.0 acres of non-native grassland supporting Quino will be mitigated through preservation of 1.5 acres of the Paragon open space parcel on Lonestar Ridge site and 1.5 acres at the Martz parcel.	
Direct Impacts (cont.)	BI-12. The project would impact habitat occupied by the coastal western whiptail, California horned lark, loggerhead shrike, grasshopper sparrow, and northern harrier, which are MSCP covered species. A majority of the site could be used for raptor foraging, including all of the grassland, Diegan coastal sage scrub and disturbed areas that would be impacted by the project.	BM-12. Direct impacts to the coastal western whiptail, California horned lark, northern harrier and raptor foraging habitat shall be mitigated through coastal sage scrub and grassland mitigation requirements outlined in BM-1 through BM-3. Potential direct impacts to bird species covered under the Migratory Bird Treaty Act (MBTA), including State Fully Protected Species (golden eagle and white-tailed kite), shall be avoided by restricting brushing and grading to outside of the breeding season of most bird species (general breeding season is February 15 to September 15). Grubbing, grading, or clearing during the breeding season of MBTA covered species could occur if it is determined via a pre-construction survey that no nesting birds (or birds displaying breeding or nesting behavior) are present immediately prior to grubbing, grading, or clearing, and would require approval of the USFWS, CDFG, and County that no breeding or nesting avian species are present in the vicinity of the grubbing, grading, or clearing.	Less than significant
	Construction Noise BI-13. Noise from such sources as grading, grubbing, and vehicular traffic would be an impact to local wildlife. Noise-related impacts would be considered significant if sensitive species (such as coastal California gnatcatchers or raptors) were displaced from their nests and failed to breed. Birds and other species may be temporarily displaced from the vicinity of the project areas. If grading or construction would occur within 300 feet of nesting coastal California gnatcatchers or tree-nesting raptors, or within 800 feet of ground-nesting raptors and construction equipment has the potential to exceed 60 dB L_{eq} in the coastal	BM-13. All brushing, grading, and clearing of vegetation shall take place outside of the bird-breeding season (February 15 through August 31). If construction activities are proposed to occur during the breeding season within 300 feet of burrowing owl burrows or gnatcatcher nest, within 500 feet for tree-dwelling raptor nests, or within 900 feet of ground dwelling raptor nests, a pre-construction survey shall be conducted to determine if nesting birds (or birds displaying breeding or nesting behavior) are present. No construction activities shall occur within 300 feet of burrowing owl burrows or gnatcatcher nests, or within 500 feet of tree-dwelling raptor nests, or within 900 feet of ground-dwelling raptor nests. No construction activities shall occur within those distances until a qualified biologist determines that they are no longer active or it is determined that noise levels would not exceed 60 (A-weighted decibels) dBA noise equivalent level (L_{eq}) at the nest site.	Less than significant

Table S-1 (cont.) SUMMARY OF SIGNIFICANT EFFECTS AND MITIGATION MEASURES TO REDUCE THE EFFECTS			
SUBCHAPTER/ ISSUE	IMPACT	MITIGATION	SIGNIFICANCE AFTER MITIGATION
SIGNIFICANT AND MITIGABLE IMPACTS (cont.)			
3.1 Biological Resources (cont.) Direct Impacts (cont.)	sage scrub habitat adjacent to Lots 16 through 18 and Lots 24, indirect effects would be significant.	Alternatively, noise minimization measures developed by a County certified noise consultant (such as noise barriers) could be constructed to bring noise levels to below 60 dBA L_{eq} .	
	Operational Noise BI-14. Noise generated by future industrial development on Lots 16, 17, 18 and 24 has the potential to exceed 60 dB during daytime hours and 50 dB during nighttime hours in the sensitive habitat located on those lots.	BM-14. A Noise Protection Easement shall be dedicated and enforced on Lots 16 through 18 and 24. The Noise Protection Easement shall require future noise analysis within subsequent discretionary permits for the lots to ensure that noise levels would not exceed an hourly 60 dBA L_{eq} during the daytime and 50 dBA L_{eq} during the nighttime. Noise protection measures that could be integrated into future industrial site plans could include proper building orientation, selection of quieter equipment, or placement of noise-producing equipment behind buffer zones, noise enclosures or parapet walls.	Less than significant
	BI-15. Breeding birds and mammals may temporarily or permanently leave their nests and territories to avoid construction activity, which could reduce reproductive success and increase mortality.	BM-15. Impacts to animal behavior would be mitigated through implementation of BM-13.	Less than significant
	BI-16. The loss of non-native grassland in the project study area would contribute to a cumulative loss of habitat for raptors and, more specifically, the burrowing owl.	BM-16. The project's contribution to cumulative impacts to non-native grassland and burrowing owl habitat would be mitigated through implementation of BM-2.	Less than significant