

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

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**Amendment No. 3 to Clean Water Act Section 401
Water Quality Certification No. R9-2013-0113**

**PROJECT: Portola Center
Certification Number R9-2013-0113**

**APPLICANT: USA Portola Properties, LLC
610 West Ash Street, Suite 1500
San Diego, CA 92101**

Reg. Meas. ID: 391014
Place ID: 795519
Party ID: 251069
Person ID: 534961
WDID: 9000002616

On July 3, 2014, Clean Water Act Section 401 Water Quality Certification No. R9-2013-0113 (Certification) was issued to USA Portola Properties, LLC (Applicant) for the Portola Center Project (Project). On January 16, 2015, Clean Water Act Section 401 Water Quality Certification No. R9-2013-0113 (Certification) was amended to allow more time to complete a preservation mechanism that will protect the mitigation areas and change the due dates of the Annual Project Progress Reports and Annual Compensatory Mitigation Monitoring Reports (Annual Reports). On July 7, 2016, Clean Water Act Section 401 Water Quality Certification No. R9-2013-0113 (Certification) was amended a second time to allow an additional 6 months to complete a preservation mechanism that will protect the mitigation areas.

By email dated April 26, 2017, J. Whalen Associates, Inc, on behalf of the Applicant, requested the Certification be amended a third time to complete a preservation mechanism that will protect the mitigation areas.

Based on the Applicant's request, the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) is amending the Certification to allow additional time to complete a preservation mechanism that will protect the mitigation areas. Except as modified or superseded by the Certification modifications set forth below, all of the findings, provisions and other requirements of Certification No. R9-2013-0113, as amended, remain in full force and effect. The following changes are made to Certification No. R9-2013-0113 and are shown in underline/strikeout format to indicate added and removed language:

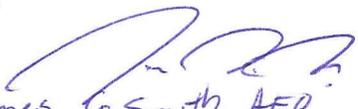
Page 14, PROJECT IMPACTS AND COMPENSATORY MITIGATION condition V.I is modified as follows:

Mitigation Site(s) Preservation Mechanism. Within 60 days from the start of Project construction, the Applicant must provide the San Diego Water Board a draft preservation mechanism (e.g. deed restriction, conservation easement, etc.) that will protect all mitigation areas and their buffers in perpetuity. ~~Within eighteen (18) months~~ five (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.

Notification: 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 Amendment. 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.

I, David W. Gibson, Executive Officer, do hereby certify the forgoing is a full, true, and correct copy of Amendment No. 3 to Certification No. R9-2013-0113 issued on June 2, 2017.

for 

DAVID W. GIBSON
Executive Officer
San Diego Water Board

2 June 2017

Date