



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

California Regional Water Quality Control Board, San Diego Region

July 30, 2015

Certified Mail – Return Receipt Requested

Article Number: 7009 1410 0002 2347 3520

Ms. Jarnne Valdez
Lennar Homes of California, Inc.
980 Montecito Drive, Suite 302
Corona, CA 92879

In reply/refer to:
R9-2015-0028:812536:dbradford

Subject: Clean Water Act Section 401 Water Quality Certification No. R9-2015-0028 for the Briarwood Community (TTM 36497) Project

Ms. Jarnne Valdez:

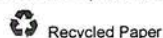
Enclosed find Clean Water Act Section 401 Water Quality Certification No. R9-2015-0028 (Certification) issued by the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) in response to the application submitted by Lennar Homes of California, Inc. for the Briarwood Community (TTM 36497) Project (Project). A description of the Project and Project location can be found in the Certification and site maps which are included as attachments to the Certification.

Lennar Homes of California, Inc. is enrolled under State Water Resources Control Board Order No. 2003-017-DWQ as a condition of the Certification and is required to implement and comply with all terms and conditions of the Certification in order to ensure that water quality standards are met for the protection of wetlands and other aquatic resources. Failure to comply with this Certification may subject Lennar Homes of California, Inc. to enforcement actions by the San Diego Water Board including administrative enforcement orders requiring Lennar Homes of California, Inc. to cease and desist from violations or to clean up waste and abate existing or threatened conditions of pollution or nuisance; administrative civil liability in amounts of up to \$10,000 per day per violation; referral to the State Attorney General for injunctive relief; and, referral to the District Attorney for criminal prosecution.

Please 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 the San Diego Water Board, 2375 Northside Drive, San Diego, CA 92108. Each electronic document must be submitted as a single file, in Portable Document Format (PDF) format, 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. R9-2015-0028:812536:dbradford

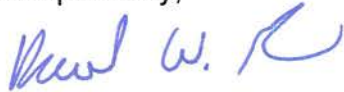
HENRY ABARBANEL, CHAIR | DAVID GIBSON, EXECUTIVE OFFICER

2375 Northside Drive, Suite 100, San Diego, CA 92108 | (619) 516-1900 | www.waterboards.ca.gov/sandiego



For questions or comments regarding the Certification, please contact Darren Bradford by telephone at (619) 521-3356 or by email at darren.bradford@waterboards.ca.gov.

Respectfully,



DAVID W. GIBSON
Executive Officer
San Diego Water Board

Enclosure:

Clean Water Act Section 401 Water Quality Certification No. R9-2015-0028 for the Briarwood Community (TTM 36497) Project

DWG:jgs:eb:dlb

cc:

U.S. Army Corps of Engineers, Regulatory Branch
San Diego Field Office
Ms. Peggy Bartels
Peggy.J.Bartels@usace.army.mil

California Department of Fish and Game
South Coast Region
Habitat Conservation Planning – South
Ms. Kim Freeburn
Kim.Freeburn@wildlife.ca.gov

U.S. EPA, OWOW, Region 9
R9-WTR8-Mailbox@epa.gov

State Water Resources Control Board, Division of Water Quality
401 Water Quality Certification and Wetlands Unit
Stateboard401@waterboards.ca.gov

Mr. Eric Becker
San Diego Water Board
Eric.Becker@waterboards.ca.gov

Tech Staff Info & Use	
Certification No.	R9-2015-0028
Party ID	548929
File No.	R9-2015-0028
WDID	9000002808
Regulatory ID	399618
Place ID	812536
Person ID	523928

Ms. Jarnne Valdez
Lennar Homes of California, Inc.
Certification No. R9-2015-0028

- 3 -

July 30, 2015

Mr. David Barker
San Diego Water Board
David.Barker@waterboards.ca.gov

Mr. Martin Rasnick
Glenn Lukos Associates
mrasnick@wetlandpermitting.com

**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: Briarwood Community (TTM 36497)
Certification Number R9-2015-0028
WDID: 9000002808**

Reg. Meas. ID: 399618
Place ID: 812536
Party ID: 548929
Person ID: 523928

**APPLICANT: Lennar Homes of California, Inc.
980 Montecito Drive, Suite 302
Corona, CA 92879**

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 January 26, 2015 was submitted by Lennar Homes of California, Inc. (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 Briarwood Community (TTM 36497) Project (Project). The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) deemed the application to be complete on June 30, 2015. 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 for the Project (USACE File No. SPL-2015-00061-PJB).

The Project is located within the City of Wildomar, Riverside County, California at the southwest corner of Elizabeth Lane and Prielipp Road. The Project center reading is located at latitude 33.58844 and longitude -117.22939. The Applicant has paid all required application fees for this Certification in the amount of \$8,775.00. On an annual basis, the Applicant shall also pay all active discharge fees and post discharge monitoring fees, as appropriate¹. On

¹ The Applicant shall pay an annual active discharge fee each fiscal year or portion of a fiscal year during which discharges occur until the regional board or the State Board issues a Notice of Completion of Discharges Letter to the discharger. Dischargers shall pay an annual post-discharge monitoring fee each fiscal year or portion of a fiscal year commencing with the first fiscal year following the fiscal year in which the regional board or State Board issued a Notice of Completion of Discharges Letter to the discharger, but continued water quality monitoring or compensatory mitigation monitoring is required. Dischargers shall pay the annual post-discharge monitoring fee each fiscal year until the regional board or the State Board issues a Notice
(footnote continued on next page)

July 1, 2015, 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 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 construct a residential development of 67 single-family homes, with lot sizes ranging from 5,184 square feet to 19,198 square feet on 24.0-acres. The Project also includes a 0.64-acre park; 1.09-acre parcel for stormwater detention and water quality basin facilities; and 5.57-acres will remain as open space. Approximately 130,800 cubic yards of soil will be graded in order to create roadways and residential building pads. Grading of the site will not result in the need to import or export soil.

The Project will convert approximately 5.8 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 a sand filter basin and vegetative buffers. These BMPs will be designed, constructed, and maintained to meet Riverside County'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).

The Project has completely avoided the major stream corridor on the site, including riparian and buffer. However, the Project construction will permanently impact 0.06 acre (650 linear feet) of streambed waters of the United States and/or 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 0.06 acre of jurisdictional waters will be achieved through the purchase of 0.11-acre of re-established river credits and 0.31-acre of rehabilitated river credits from the San Luis Rey Mitigation Bank. Mitigation purchased from the San Luis Rey Mitigation Bank is required to be protected and maintained in perpetuity by Wildlands according to the conditions of Water Quality Certification No. R9-2013-0050. By purchasing credits: the Performance Standards; Mitigation Site Design; Long Term Management, Maintenance, and Monitoring; and Mitigation Site Preservation

(footnote continued from previous page)

of Project Complete Letter to the discharger. Additional information regarding fees can be found electronically at the following location: http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/dredgefillcalculator.xlsx

Mechanism for the Project will be implemented by Wildlands through San Luis Rey Mitigation Bank according to the conditions of Water Quality Certification No. R9-2013-0050. Compensatory mitigation options within the watershed were deemed inadequate. The out of watershed mitigation is reflected in the higher mitigation ratio for impacts. Mitigation for discharges of fill material to waters of the United States and/or State will be completed by the Applicant at the San Luis Rey Mitigation Bank located in the Mission hydrologic sub-area (HSA 903.11) at a minimum compensation ratio of 7:1 (area mitigated:area impacted).

Additional Project details are provided in Attachments 1 through 5 of this Certification.

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Attachments:

- 1. Definitions**
- 2. Project Location Maps**
- 3. Project Site Plans**
- 4. Mitigation Credit Document**
- 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. R9-2015-0028 (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 Murrieta Creek or its tributaries;
 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 Murrieta Creek or its tributaries. 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 most current Standard Storm Water Mitigation and Hydromodification Plans for Riverside County. Post-construction BMPs are described in the *Project Specific Final Water Quality Management Plan For: Briarwood* (SWMP).
- D. **Post-Construction BMP Implementation.** All post-construction BMPs must be constructed, functional, and implemented prior to completion of Project construction, occupancy, and/or planned use, and maintained in perpetuity. The post construction BMPs must include those described in the SWMP, dated February 3, 2014 (Revised July 17, 2014), prepared on behalf of the Applicant by SB&O Inc.; or any subsequent version of the SWMP approved by the City of Wildomar.

- E. 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.
- F. Bridge, Crossing, and Culvert Design.** Bridges, culverts, dip crossings, or other stream crossing structures shall be designed and installed so they will not cause scouring of the stream bed and/or erosion of the banks in the vicinity of the Project. Storm drain lines/culverts and other stream crossing structures shall be designed and maintained to accommodate at least a 100-year, 24-hour storm event, including associated bedload and debris, with a similar average velocity as upstream and downstream sections. Bottoms of temporary culverts shall be placed at stream channel grade and bottoms of permanent culverts shall be open bottom or embedded and backfilled below the grade of the stream greater than or equal to a depth of 1 foot.

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 Murrieta Creek and its unnamed tributaries within the Santa Margarita 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						
Streambed	0.06	650	0.11 Re-establishment ¹ 0.31 Re-habilitation ¹	7:1	N/A ²	N/A ²
Temporary Impacts³	None					

1. Permanent impacts will be mitigated through the purchase of 0.11-acre of re-established river credits and 0.31-acre of rehabilitated river credits from the San Luis Rey Mitigation Bank. Mitigation purchased from the San Luis Rey Mitigation Bank is required to be protected and maintained in perpetuity by Wildlands according to the conditions of Water Quality Certification No. R9-2013-0050. The mitigation provided for Project impacts contributes to the net gain of wetlands per the State of California Net Gain Policy (Executive Order W-59-93.)
2. The amount of mitigation credits purchased is not reported in terms of linear feet of mitigation.
3. No waters of the United States and/or State shall receive temporary discharges of fill associated with the Project.

C. **Mitigation Credit Purchase.** The Applicant must provide the San Diego Water Board proof of mitigation credit purchase from the San Luis Rey Mitigation Bank prior to the start of construction.

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. **Discharge Commencement Notification.** The Applicant must notify the San Diego Water Board in writing **at least 5 days prior to** the start of Project construction.
- 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.
- G. **Annual Project Progress Reports.** The Applicant must submit annual Project progress reports describing status of BMP implementation and compliance with all requirements of this Certification to the San Diego Water Board prior to **March 1** of each year following the issuance of this Certification, until the Project has reached completion. 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 January 1st through December 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.

H. **Final Project Completion Report.** The Applicant must submit a Final Project Completion Report to the San Diego Water Board **within 30 days of completion of the Project.** 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/StreamPhotoDocSOP.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. R9-2015-0028:812536:dbradford
2375 Northside Drive, Suite 100
San Diego, California 92108

Each electronic document must be submitted as a single file, in Portable Document Format (PDF) format, 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. R9-2015-0028: 812536:dbradford

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 for a discharge which is in compliance with this Certification, 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 Riverside, 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 for a discharge which is in compliance with this Certification, 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. 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 this Certification in the event that a transferee fails to comply.

VIII. CALIFORNIA ENVIRONMENTAL QUALITY ACT COMPLIANCE

- A. The City of Wildomar 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 September 11, 2014, for the Initial Study/Mitigated Negative Declaration (IS/MND) titled *Initial Study for the Lennar Residential Project Tentative Tract Map 36497* (State Clearing House Number 2013111061). 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 IS/MND 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 IS/MND 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 IS/MND, 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

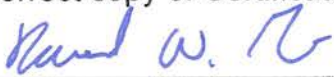
Darren Bradford, Environmental Scientist
Telephone: (760) 994-9109
Email: darren.bradford@waterboards.ca.gov

X. WATER QUALITY CERTIFICATION

I hereby certify that the proposed discharge from the **Briarwood Community (TTM 36497)** (Certification No. R9-2015-0028) 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. R9-2015-0028 issued on July 30, 2015.



DAVID W. GIBSON
Executive Officer
San Diego Water Board

30 July 2015
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.

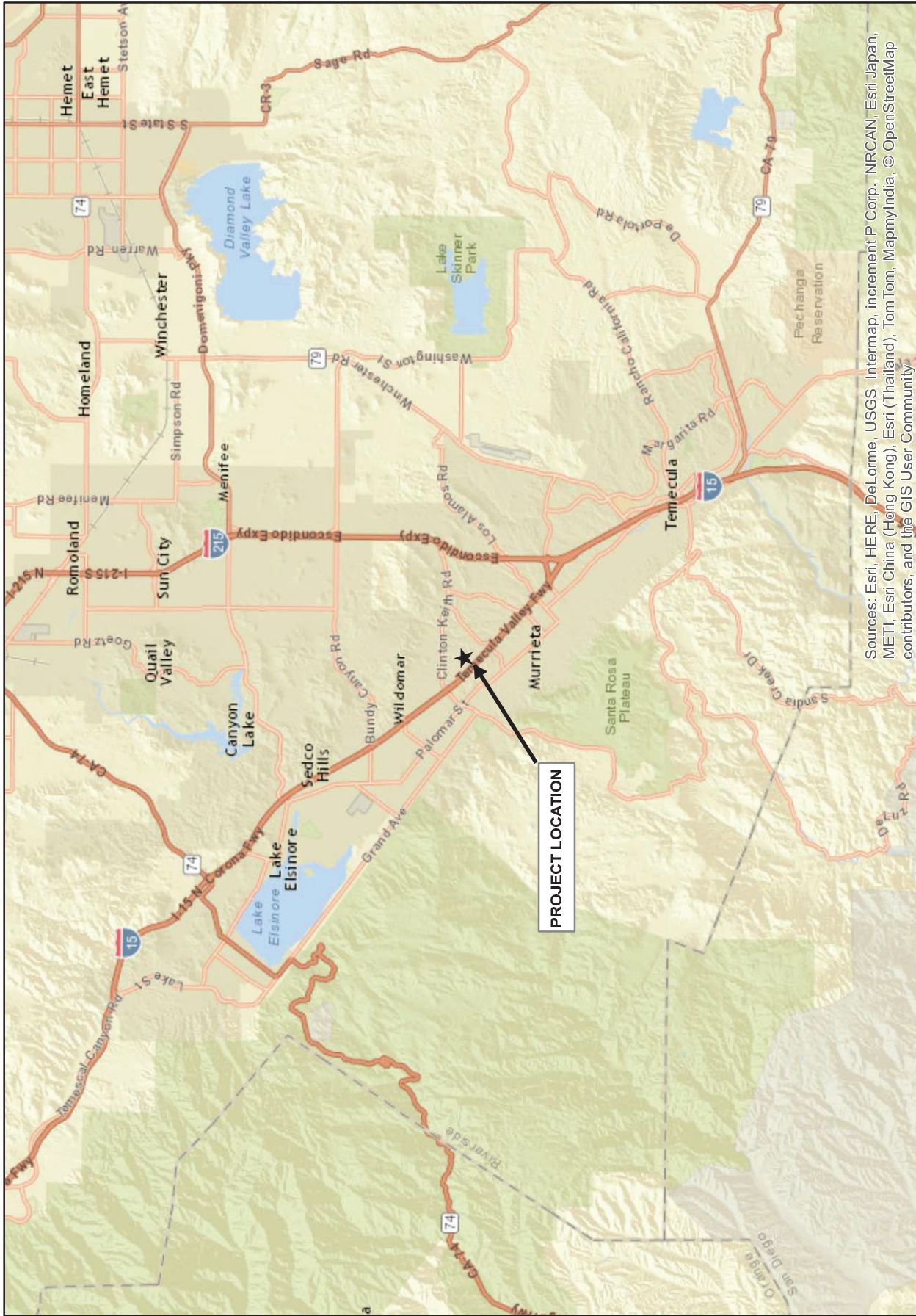
Water quality objectives and other appropriate requirements of state law – means the water quality objectives and beneficial uses as specified in the appropriate water quality control plan(s); the applicable provisions of sections 301, 302, 303, 306, and 307 of the Clean Water Act; and any other appropriate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

Lennar Homes of California, Inc.
Briarwood Community (TTM 36497)
Certification No. R9-2015-0028

ATTACHMENT 2
PROJECT LOCATION MAPS

Project Figures:

- Figure 1: Exhibit 1, Regional Map
- Figure 2: Exhibit 2, Vicinity Map
- Figure 3: Exhibit 3, Local Vicinity Map
- Figure 4: Exhibit 4. Watershed/Drainage Map



Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), TomTom, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community



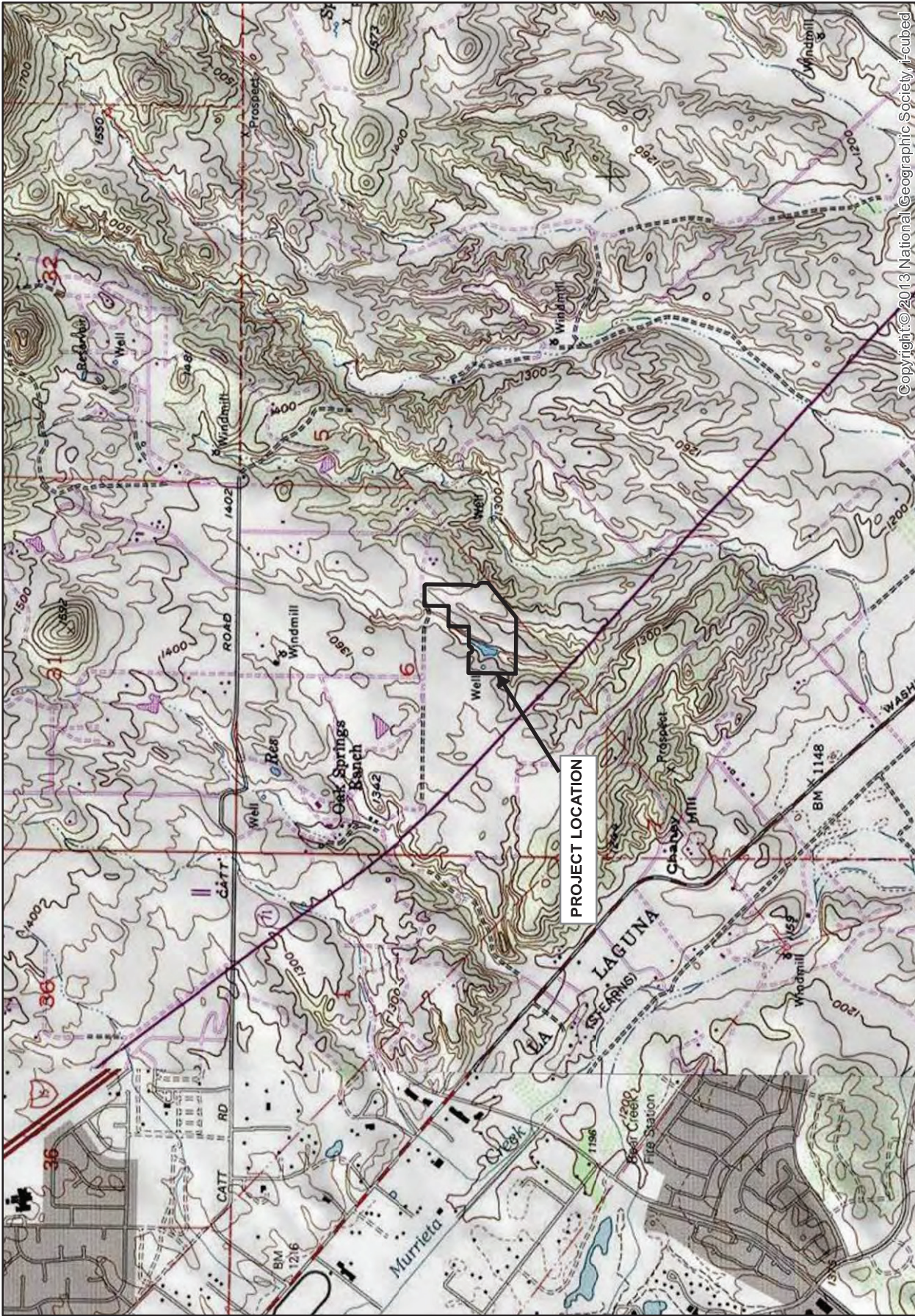
GLENN LUKOS ASSOCIATES

Exhibit 1

BRIARWOOD PROJECT
Regional Map

Source: ESRI World Street Map





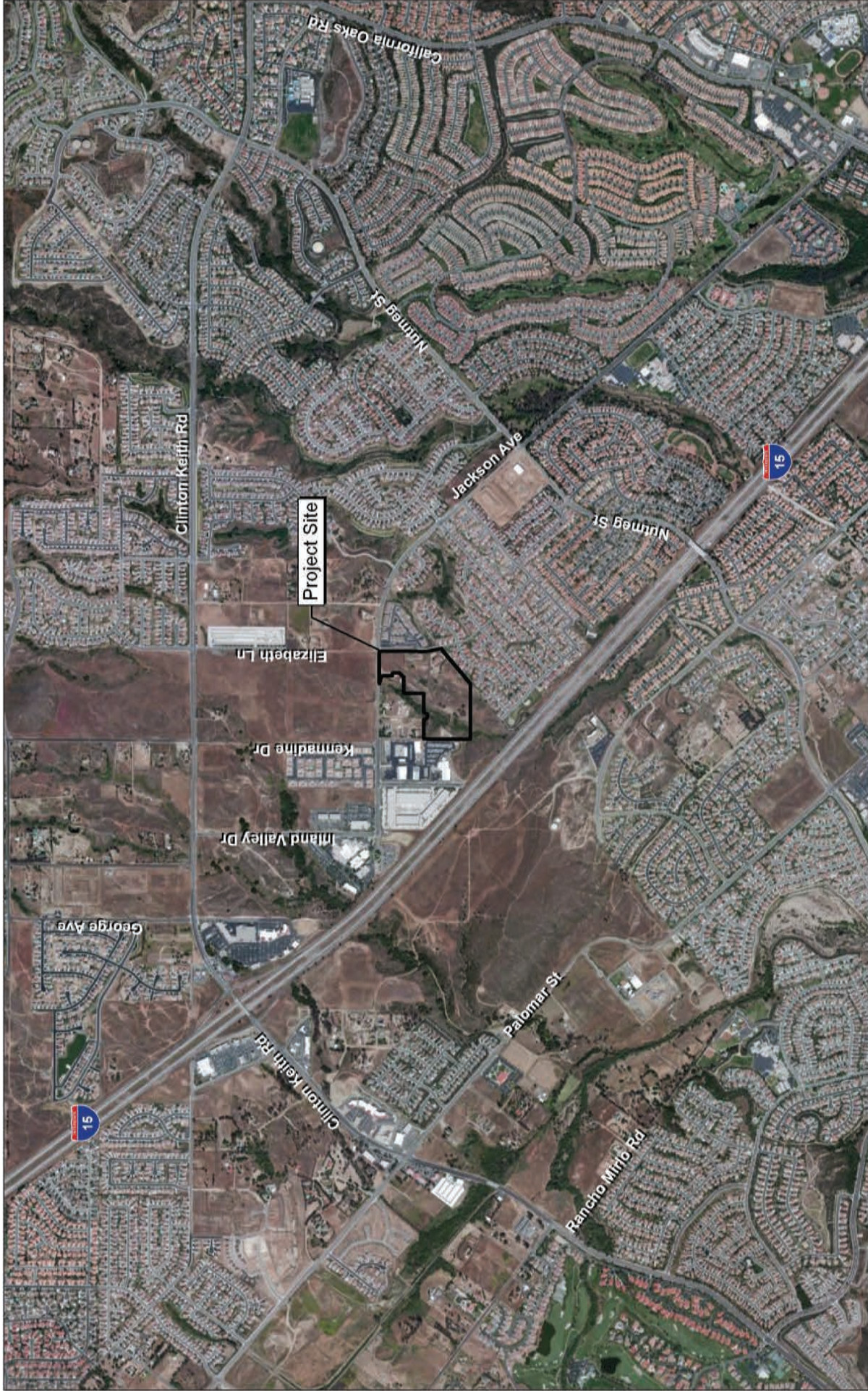
GLENN LUKOS ASSOCIATES

Exhibit 2

BRIARWOOD PROJECT
 Vicinity Map

Adapted from USGS Murrieta, CA quadrangle

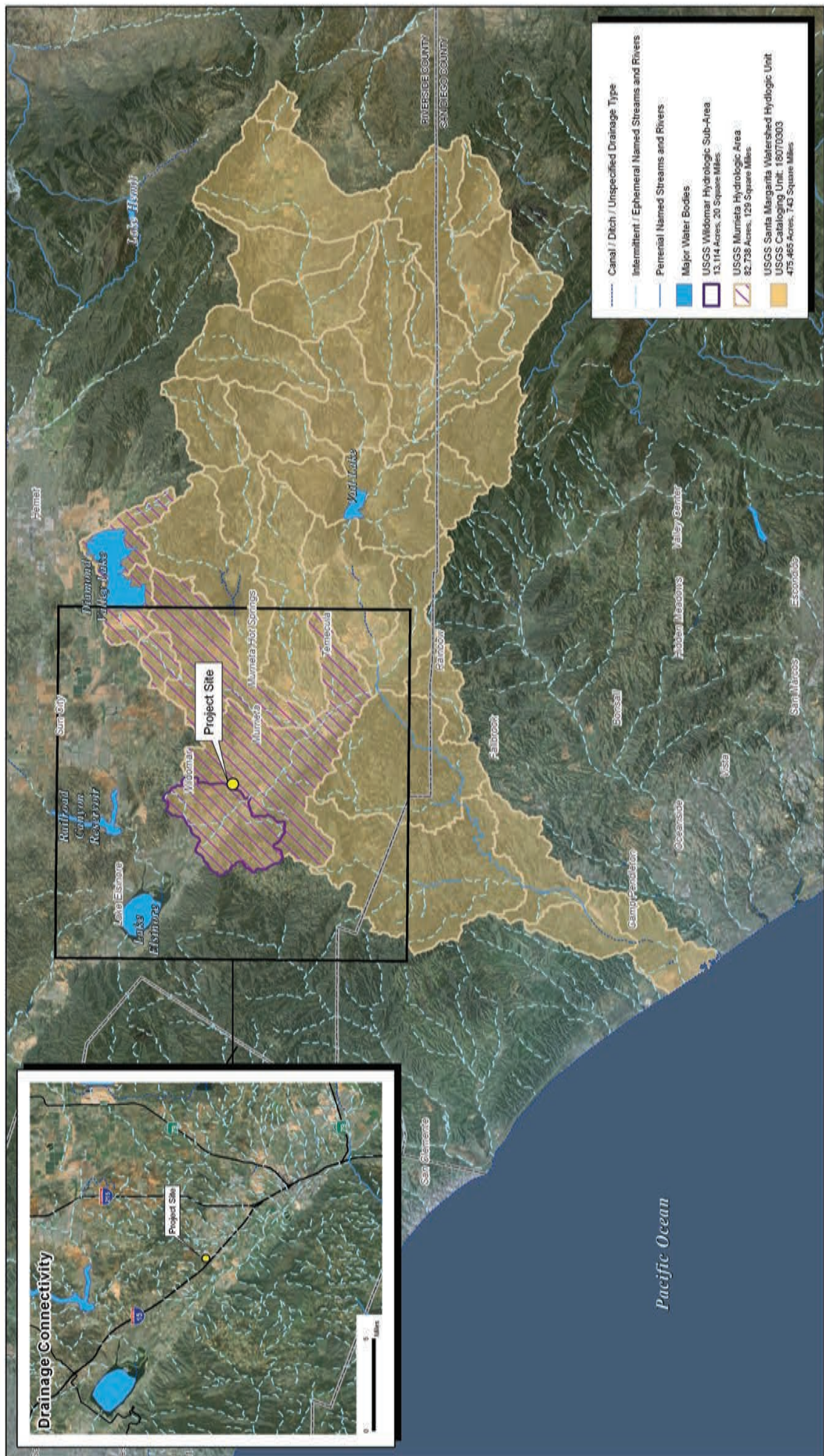




Source: ESRI Aerial Imagery



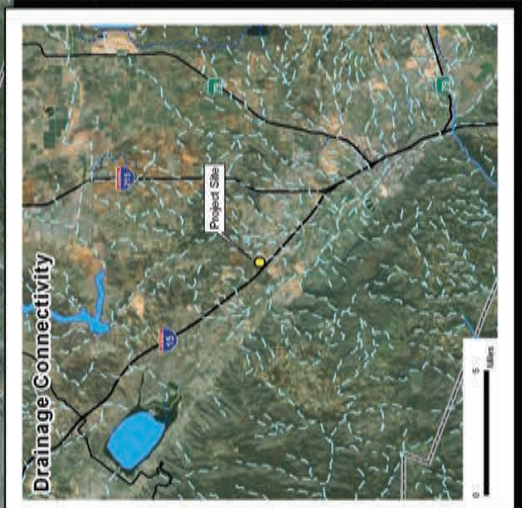
Exhibit 3 Local Vicinity Map Aerial Base



- Canal / Ditch / Unspecified Drainage Type**
- Intermittent / Ephemeral / Named Streams and Rivers
 - Perennial Named Streams and Rivers
 - Major Water Bodies
 - USGS Wildomar Hydrologic Sub-Area
13,114 Acres, 20 Square Miles
 - USGS Murietta Hydrologic Area
82,738 Acres, 129 Square Miles
 - USGS Santa Margarita Watershed Hydrologic Unit
USGS Cataloging Unit: 18070303
475,485 Acres, 1.43 Square Miles

Exhibit 4
Watershed / Drainage Map

LENNAR HOMES, INC. • BRIARWOOD PROJECT
PRELIMINARY JURISDICTIONAL DELINEATION



Source: ESRI World Imagery, ESRI (2006).



FirstCarbon SOLUTIONS

21560074 -01/2015 | 4_Watershed_Drainage.mxd

Lennar Homes of California, Inc.
Briarwood Community (TTM 36497)
Certification No. R9-2015-0028

**ATTACHMENT 3
PROJECT SITE PLANS**

Figure 1: Figure 3a, Tentative Map

Figure 2: Figure 3b, Tentative Map

Figure 3: Exhibit 5, USACE/RWQCB Jurisdictional Areas/Impacts

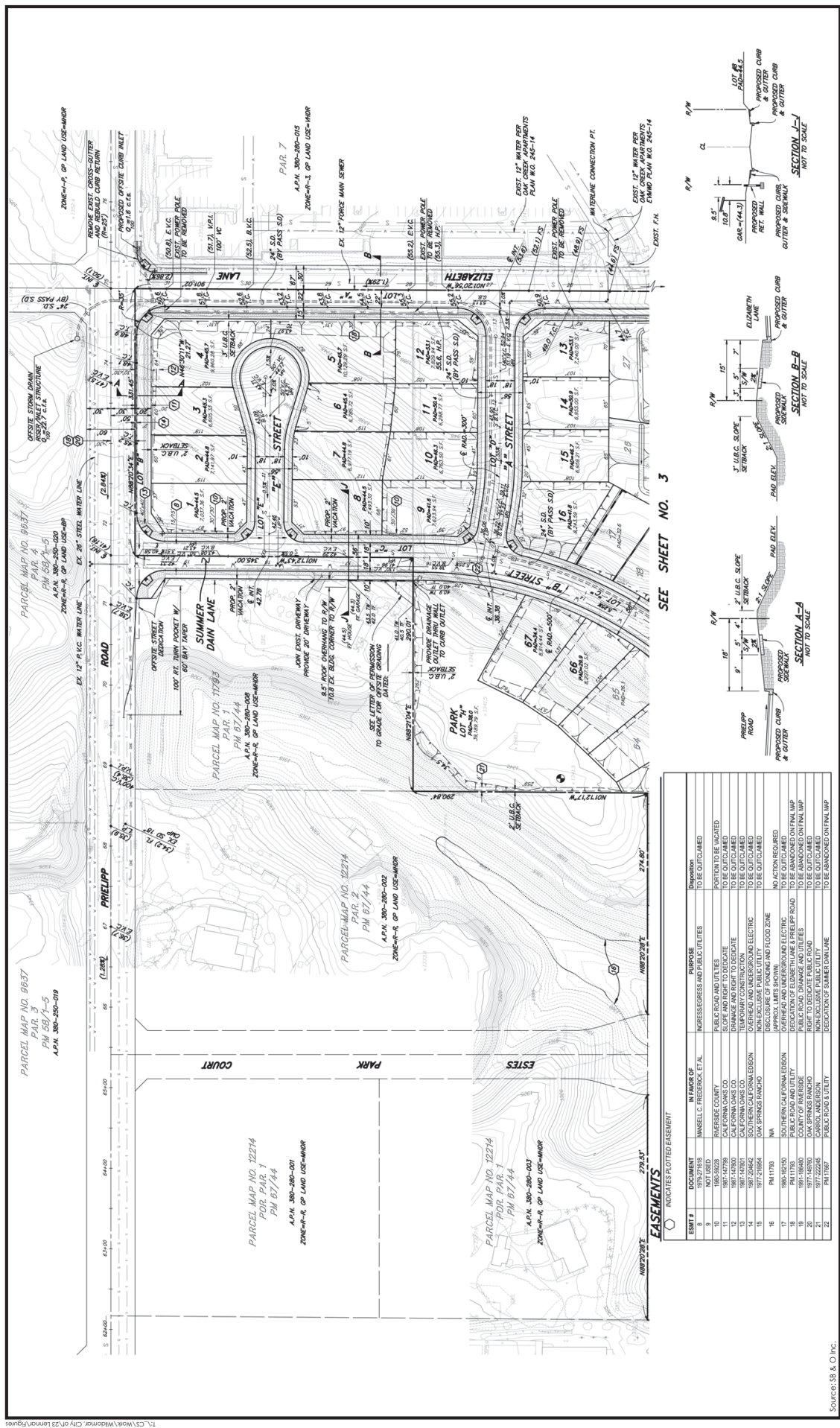
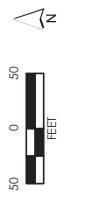
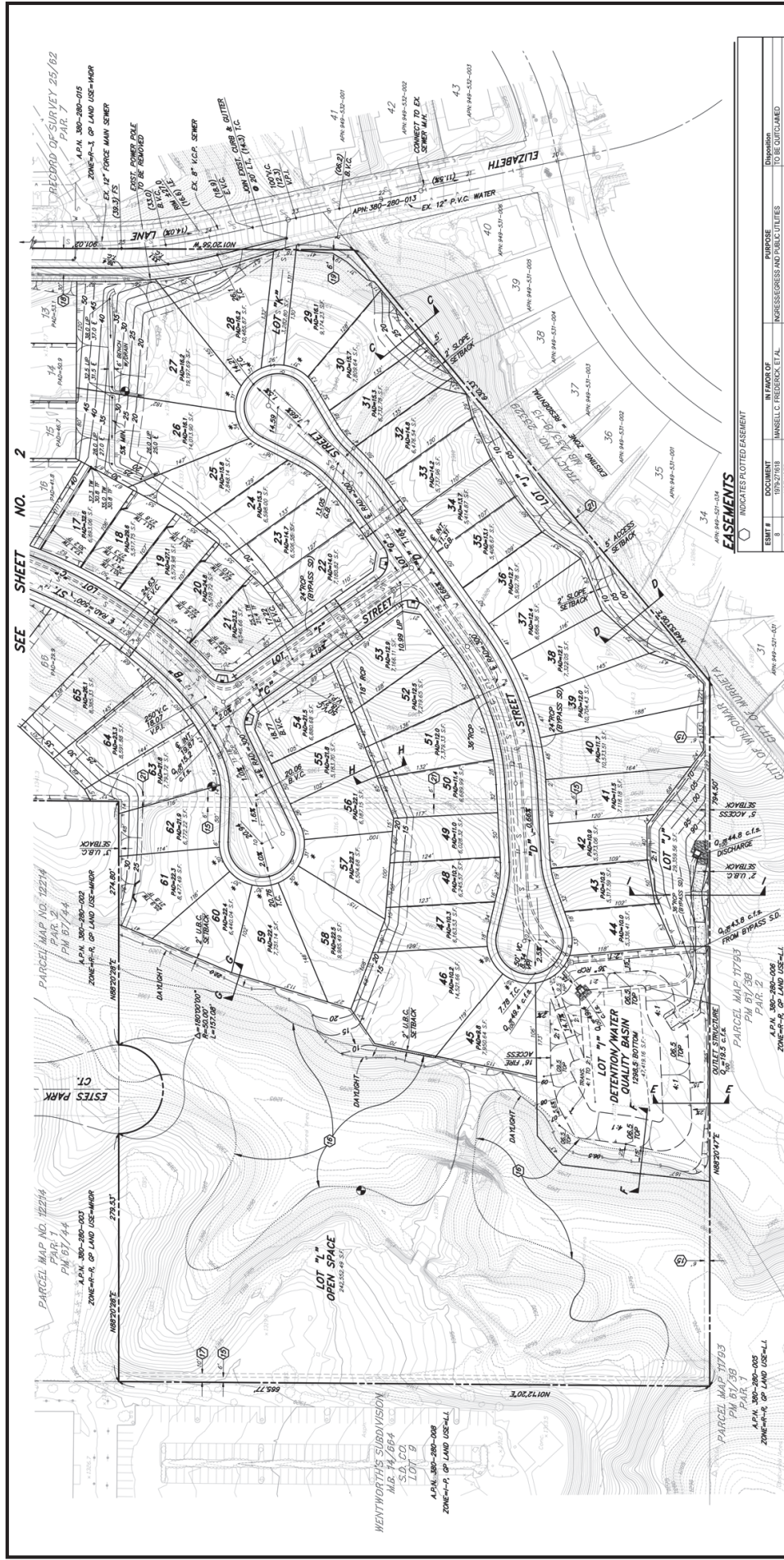


Figure 3a
Tentative Map



Source: SB & O Inc.



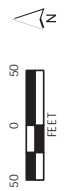


EASEMENTS
INDICATES PLOTTED EASEMENT

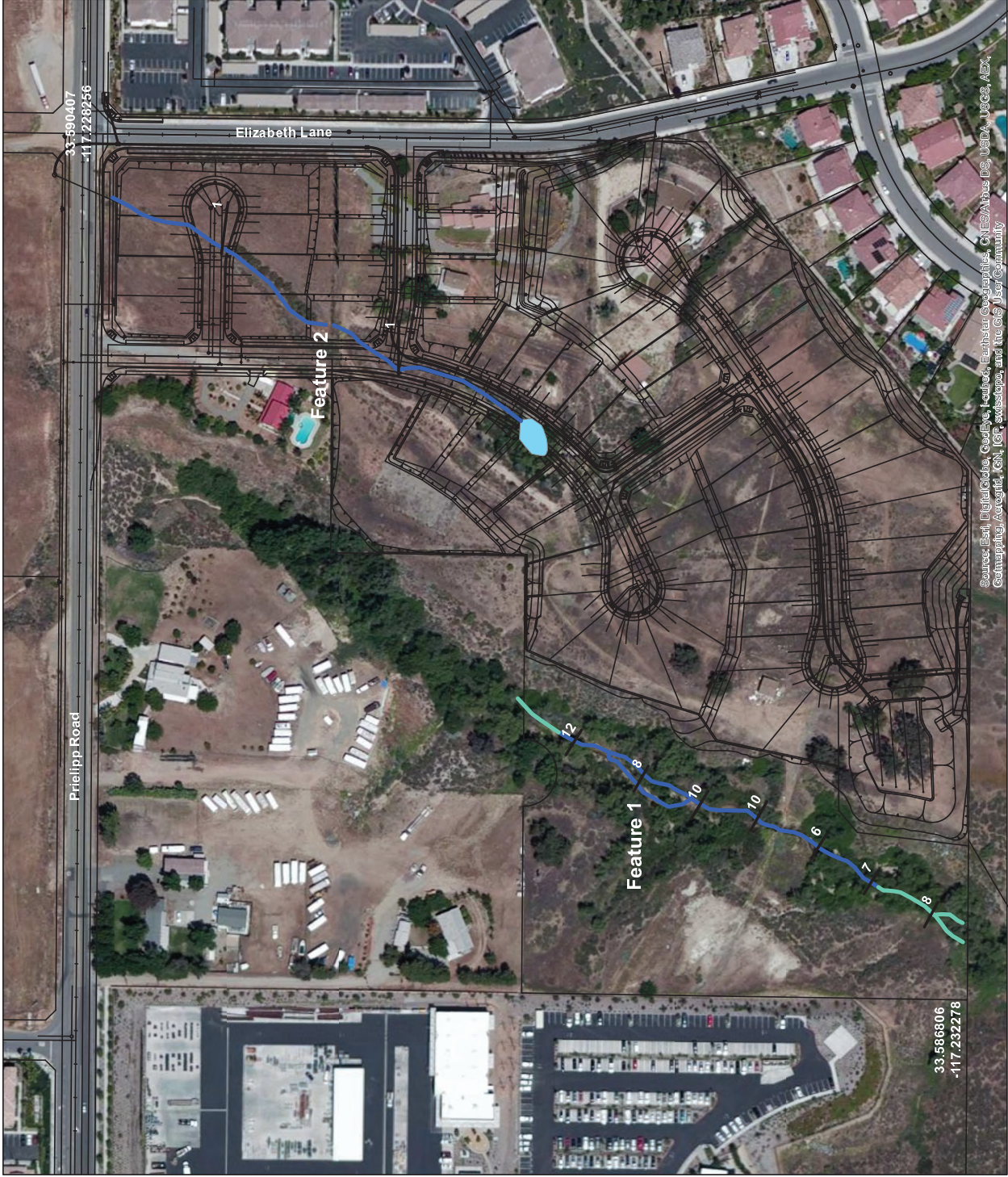
EASEMENT #	DOCUMENT	IN FAVOR OF	FOR	TO BE OBTAINED
9	NOT USED	WASSILL C. REEBECK ET AL.	INGRESS/EGRESS AND PUBLIC UTILITIES	TO BE OBTAINED
10	1984 0628	PIERCE COUNTY	PUBLIC ROAD AND UTILITIES	PORTION TO BE OBTAINED
11	1987 14780	CALIFORNIA GAS CO.	DRAINAGE AND RIGHT TO DEDICATE	TO BE OBTAINED
12	1987 14780	CALIFORNIA GAS CO.	TEMPORARY CONSTRUCTION	TO BE OBTAINED
13	1987 14780	CALIFORNIA GAS CO.	NON-EXCLUSIVE PUBLIC UTILITY	TO BE OBTAINED
14	1977 28542	DAK SPRINGS BRANCH	DISCLOSURE OF FLOODING AND FLOOD ZONE	TO BE OBTAINED
15	PM 1790	MA	APPROX. LIMITS SHOWN	NO ACTION REQUIRED
16	1984 0628	SOUTHERN CALIFORNIA EDISON	PUBLIC ROAD AND UTILITY	TO BE OBTAINED ON FINAL MAP
17	1991 06400	COUNTY OF INVERSE	PUBLIC ROAD, DRAINAGE AND UTILITIES	TO BE OBTAINED ON FINAL MAP
18	1991 06400	COUNTY OF INVERSE	PUBLIC ROAD, DRAINAGE AND UTILITIES	TO BE OBTAINED ON FINAL MAP
19	1977 22245	CAROL ANDERSON	NON-EXCLUSIVE PUBLIC UTILITY	TO BE OBTAINED
20	1977 22245	CAROL ANDERSON	NON-EXCLUSIVE PUBLIC UTILITY	TO BE OBTAINED
21	PM 1787	PUBLIC ROAD & UTILITY	DEDICATION OF SHAMBER DRAINAGE	TO BE OBTAINED ON FINAL MAP
22	PM 1787	PUBLIC ROAD & UTILITY	DEDICATION OF SHAMBER DRAINAGE	TO BE OBTAINED ON FINAL MAP

NOTE:
DENOTES FROM ZONING DESIGN GUIDELINES
REQUESTED PER NOTE # ON THIS SHEET.






Figure 3b
Tentative Map
PMC



Source: SB & O Inc.



Legend

-  Development Footprint
-  Drainage Width (in feet)
-  USACE/RWQCB Jurisdictional Waters
-  USACE/RWQCB Jurisdictional Wetlands
-  Man-made Pond



1 inch = 150 feet

Aerial Photo: ESRI Basemaps
 Reference Elevation Datum: State Plane 6 NAD 83
 Map Prepared by: C. Lukos, GLA
 Date Prepared: December 30, 2014

BRIARWOOD PROJECT
 USACE/RWQCB Jurisdictional Areas/Impacts



GLENN LUKOS ASSOCIATES

Exhibit 5

X:\00 - USACE\00577\01\00577-FL GIS\Impacts\0577-FLC01\mapfile\map02.mxd

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroX, Getmapping, Aerogrid, IGN, IGP, Swisstopo, and the GIS User Community
 Source: ESRI Aerial Imagery, First Carbon Field Survey and GIS Data, 2012.

Lennar Homes of California, Inc.
Briarwood Community (TTM 36497)
Certification No. R9-2015-0028

ATTACHMENT 4

MITIGATION CREDIT DOCUMENT

Figure1: San Luis Rey Mitigation Bank, Agreement for Sale of
Mitigation Credits, May 27, 2015.



TRANSMITTAL

TO:	Jarnne Valdez, Senior Project Manager	FROM:	Julie Maddox
COMPANY:	Lennar Homes of California, Inc.	VIA:	U.S. Mail
ADDRESS:	980 Montecito Drive, Suite 302 Corona, CA 92879	PROJECT :	Briarwood Development Project
RE:	Agreement for Sale of Mitigation Credits (San Luis Rey)	DATE:	May 27, 2015

URGENT FOR REVIEW FOR YOUR USE PLEASE REPLY ACTION REQUIRED

Enclosed for your records please find one fully executed Agreement for Sale of Mitigation Credits [at] San Luis Rey Mitigation Bank, including the original signed Bill of Sale (Exhibit "B") for the purchase of 0.42 wetland waters of the U.S. credits.

A complete copy will also be provided to the U.S. Army Corps of Engineers and California Department of Fish and Wildlife for their records.

Thank you for your business; it has been a pleasure serving you. Please let me know if there are any questions, or if there is anything else you need.

Thank you,

Julie Maddox
WILDLANDS

Enclosure

cc: Cynthia Ramirez, Lennar Homes (via Electronic Mail)
Martin Rasnick, Glenn Lukos Associates (via Electronic Mail)

**AGREEMENT FOR SALE OF MITIGATION CREDITS
SAN LUIS REY MITIGATION BANK**

RWQCB Certification No. _____
USACE File No. _____
CDFW SAA No. _____

This Agreement is made and entered into this 21st day of May, 2015 by and between WILDLANDS SLR HOLDINGS I, LLC ("Bank Sponsor") and LENNAR HOMES OF CALIFORNIA, INC. ("Project Proponent") as follows:

RECITALS

A. Bank Sponsor has developed the San Luis Rey Mitigation Bank ("Bank") located in San Diego County, California; and

B. The Bank has been developed pursuant to a Bank Enabling Instrument entered into by and between Bank Sponsor, United States Army Corps of Engineers ("USACE"), and California Department of Fish and Wildlife ("CDFW"); and

C. Bank Sponsor has received the approval of the USACE and CDFW to operate the Bank as a mitigation bank with wetland waters of the United States/State credits, waters of the United States/State credits and buffer credits for sale as compensation for the loss of waters of the United States, waters of the State and/or State jurisdictional habitats; and

D. Project Proponent is seeking to implement the project described on Exhibit "A" attached hereto ("Project"), which would unavoidably and adversely impact waters of the United States and/or waters of the State thereon, and seeks to compensate for the such impacts by purchasing wetland waters of the United States/State credits from Bank Sponsor; and

E. Project Proponent anticipates authorization by the California Regional Water Quality Control Board ("RWQCB"), USACE and CDFW to purchase 0.42 acre of compensatory credits from the Bank Sponsor to compensate for impacts to waters of the United States and/or waters of the State as a result of Project activities; and

F. Project Proponent desires to purchase from Bank Sponsor and Bank Sponsor desires to sell to Project Proponent 0.11 acre of wetland waters of the United States/State (re-established river) credits and 0.31 acre of wetland waters of the United States/State (rehabilitated river) credits.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. Purchase and Sale. Bank Sponsor hereby agrees to sell to Project Proponent and Project Proponent hereby agrees to purchase from Bank Sponsor 0.11 acre of wetland waters of the United States/State (re-established river) credits and 0.31 acre of wetland waters of the United States/State (rehabilitated river) credits (collectively, the "Wetland Credits") for the

purchase price of \$231,000.00 ("**Purchase Price**"). The Purchase Price for said Wetland Credits shall be paid by wire transfer of funds according to written instructions by Bank Sponsor to Project Proponent, or by check payable to "Wildlands SLR Holdings I, LLC." Upon receipt of the Purchase Price, Bank Sponsor will deliver to Project Proponent an executed Bill of Sale in the form attached hereto as Exhibit "B."

2. No Interest in Real Property. The sale and transfer herein is not intended as a sale or transfer to Project Proponent of a security, license, lease, easement, or possessory or non-possessory interest in real property, nor the granting of any interest of the foregoing.

3. Limitation on Obligations. Project Proponent shall have no obligation whatsoever by reason of the purchase of the Wetland Credits, to support, pay for, monitor, report on, sustain, continue in perpetuity, or otherwise be obligated or liable for the success or continued expense or maintenance in perpetuity of the Wetland Credits sold, or the Bank. As required by law, Bank Sponsor shall monitor and make reports to the appropriate agency or agencies on the status of any Wetland Credits sold to Project Proponent. Bank Sponsor shall be fully and completely responsible for satisfying any and all conditions placed on the Bank or the Wetland Credits, by all state or federal jurisdictional agencies.

4. Assignment of Agreement. Except as otherwise provided in this Section 4, Project Proponent shall not assign this Agreement, voluntarily or by operation of law, without the prior written consent of Bank Sponsor, which may be given or withheld in Bank Sponsor's sole and absolute discretion.

a. Assignment to Successor Project Developer. Subject to the provisions of this Section 4, Project Proponent shall have the right to assign this Agreement to any successor in and to the Project (the "**Successor Project Developer**"). In order for such assignment to be valid, (i) any such assignment shall be in writing, (ii) the Successor Project Developer shall have agreed in such written assignment to assume all of the obligations of Project Proponent hereunder, (iii) any such assignment shall be an assignment of all of Project Proponent's rights and obligations under this Agreement, (iv) a copy of the written assignment shall be delivered to Bank Sponsor promptly following its execution, and (v) the written assignment shall contain the name, address, telephone number, facsimile number and contact person for the Successor Project Developer. Any attempted assignment in violation of the foregoing provision shall be void. Absent a written agreement between the parties hereto to the contrary, no assignment of any of the rights or obligations under this Agreement shall result in a novation or in any other manner release Project Proponent from its obligations under this Agreement.

5. Transfer of Wetland Credits. Except as otherwise provided in this Section 5, the Wetland Credits sold and transferred to Project Proponent hereunder shall be nontransferable and non-assignable, and shall not be used as compensatory mitigation for any project or purpose other than the Project. Project Proponent acknowledges that, except as provided herein, Bank Sponsor is not willing to sell Wetland Credits which could be resold in competition with Bank Sponsor's remaining Wetland Credits. In the event that Project Proponent elects at any time after the closing to not proceed with its development of the Project such that it no longer needs all or any portion of the Wetland Credits (the "**Excess Credits**"), Project Proponent shall have the following rights:

a. Assignment to Successor Project Developer. Project Proponent shall have the right to transfer and assign the Excess Credits to any Successor Project Developer, provided that Project Proponent gives Bank Sponsor at least ten (10) days' prior written notice of such transfer and assignment. The assignment and transfer restrictions set forth in this Section 5 shall apply to any subsequent transfer by the Successor Project Developer.

b. Bank Sponsor's Repurchase Option. If Project Proponent desires to sell, transfer or assign the Excess Credits other than pursuant to a transfer to a Successor Project Developer, then Bank Sponsor shall have the exclusive and preemptory right to repurchase the Excess Credits in accordance with the following terms:

i. Project Proponent shall give Bank Sponsor written notice ("**Excess Credits Notice**") of amount of Excess Credits, and the purchase price therefore, which the Parties agree shall be the same price per Wetland Credit paid by Project Proponent to Bank Sponsor for each Excess Credit.

ii. Bank Sponsor shall have thirty (30) days after the date on which it receives the Excess Credits Notice in which to exercise its right to repurchase all or any portion of the Excess Credits by giving Project Proponent written notice ("**Exercise Notice**") that Bank Sponsor has elected to exercise its right to repurchase all or a portion of the Excess Credits for the same per Wetland Credit price paid by Project Proponent to Bank Sponsor for each Excess Credit. In the event that Bank Sponsor delivers an Exercise Notice to Project Proponent, Bank Sponsor shall pay the repurchase amount in full, in cash or its equivalent, within sixty (60) days after the date of the Exercise Notice.

c. Remarketing of Excess Credits. If Project Proponent desires to sell, transfer or assign the Excess Credits other than pursuant to a transfer to a Successor Project Developer, and provided that Bank Sponsor has not exercised its right to repurchase such Excess Credits pursuant to Section 5.b above, then, upon Project Proponent's written request, Bank Sponsor shall use its commercially reasonable efforts to actively re-market the Excess Credits for the same per Wetland Credit price paid by Project Proponent to Bank Sponsor for the Excess Credits or such other price that is mutually agreed upon by Project Proponent and Bank Sponsor. Bank Sponsor makes no representation or warranty concerning whether it will be successful in procuring a buyer to purchase the Excess Credits. Project Proponent may simultaneously remarket the Wetland Credits on its own behalf and Project Proponent may procure a third-party buyer through its own remarketing efforts. In the event that either Bank Sponsor or Project Proponent is successful in procuring a buyer to purchase the Excess Credits, the terms and conditions of the agreement for the purchase and sale of the Excess Credits shall be agreed upon by Bank Sponsor, Project Proponent and the third-party buyer, each in their sole and absolute discretion. In the event that the total purchase price paid by the third-party buyer for the Excess Credits exceeds the total purchase price paid by Project Proponent to Bank Sponsor for such Excess Credits, then the excess amount shall be equally shared by such Bank Sponsor and Project Proponent. Bank Sponsor shall also be entitled to a remarketing fee in an amount equal to ten percent (10%) of the purchase price paid by the third-party buyer for the Excess Credits, and such amount shall be disbursed to Bank Sponsor directly from the purchase price paid by the third-party buyer.


d. Survival. The provisions of this Section 5 shall survive the closing.

6. Delivery of Purchase Price. Project Proponent must deliver the Purchase Price to Bank Sponsor within 30 days of the date of this Agreement. After the 30-day period this Agreement will be considered null and void and Bank Sponsor shall have no further obligations hereunder.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written.

BANK SPONSOR

WILDLANDS SLR HOLDINGS I, LLC.

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

PROJECT PROPONENT

LENNAR HOMES OF CALIFORNIA, INC.

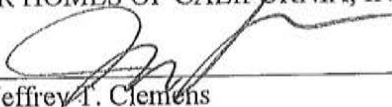
By: 
Name: Jeffrey I. Clemens
Its: Vice President

Exhibit "A"

**DESCRIPTION OF PROJECT
TO BE
MITIGATED**

The proposed Briarwood Development Project is generally located at latitude 33.588456 and longitude -117.229894 within Section 6, Township 7 South, and Range 3 West in the City of Wildomar, Riverside County, California. The Project site comprises approximately 24.0 acres and is bounded by Prielipp Road to the north, the I-15 Freeway to the south, Elizabeth Lane to the east, and Estes Park Court to the west (as depicted on the U.S. Geological Survey (USGS) topographic map Murrieta, California (dated 1953, photorevised in 1979).

The Project site is contained in Assessor's Parcel Numbers (APN): 380-280-004, 380-280-009, 380-280-010, 380-280-011, and 380-280-012.

The Project purpose is to construct a residential development to partially meet the City of Wildomar's housing needs as documented in the General Plan and General Plan Housing Element. The proposed Project includes a request to rezone the Project area from its current zoning designation of Rural Residential (R-R) to Planned Residential (R-4). The proposed zone change will allow for a reduction in the required minimum lot size of the Project area. The R-R zone requires a minimum lot size of one-half acre with a minimum average width of 80 feet, while the R-4 zone requires that residential uses have a minimum lot area of 3,500 square feet with a minimum lot width of 40 feet and a minimum depth of 80 feet. The proposed zone change will also allow the Project site to be consistent with the current General Plan land use designation of Medium High Density Residential (MHDR). The MHDR designation includes a building intensity range of 5 to 8 dwelling units per acre for single-family attached and detached residences on lot sizes ranging from 4,000 to 6,500 square feet.

Exhibit "B"

BILL OF SALE

Contract # SLR-15-12
RWQCB Certification No. _____
USACE File No. _____
CDFW SAA No. _____

In consideration of \$231,000.00, receipt of which is hereby acknowledged, WILDLANDS SLR HOLDINGS I, LLC ("**Bank Sponsor**") does hereby bargain, sell and transfer to LENNAR HOMES OF CALIFORNIA, INC. 0.11 acre of wetland waters of the United States/State (re-established river) credits and 0.31 acre of wetland waters of the United States/State (rehabilitated river) credits ("**Wetland Credits**") for the Briarwood Development Project, in the San Luis Rey Mitigation Bank in San Diego County, California, developed and approved under the authority of the United States Army Corps of Engineers and California Department of Fish and Wildlife.

Bank Sponsor represents and warrants that it has good title to the Wetland Credits, has good right to sell the same, and that they are free and clear of all claims, liens, or encumbrances.

Bank Sponsor covenants and agrees with the buyer to warrant and defend the sale of the Wetland Credits hereinbefore described against all and every person and persons whomsoever lawfully claiming or to claim the same.

DATED: May 27, 2015

WILDLANDS SLR HOLDINGS I, LLC

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

Lennar Homes of California, Inc.
Briarwood Community (TTM 36497)
Certification No. R9-2015-0028

ATTACHMENT 5
CEQA MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Timing	Monitoring Responsibility	Verification (Date and Initials)
3.1 Aesthetics			
AES-1 Per Section 8.64.090 of the Wildomar Municipal Code, all exterior lighting must be fully shielded if feasible and partially shielded in all other cases, and must be focused to minimize spill of light into the night sky and onto adjacent properties.	Upon submittal of development plans for the proposed project	City of Wildomar Planning and Public Works Department	
3.2 Agricultural Resources – none required			
	N/A	N/A	N/A
3.3 Air Quality – none required			
	N/A	N/A	N/A
3.4 Biological Resources			
BIO-1 The project applicant shall conduct construction and clearing activities outside of the avian nesting season (January 15–August 31), where feasible. If clearing and/or construction activities occur during the nesting season, preconstruction surveys for nesting raptors, migratory birds, and special-status resident birds (e.g., coastal California gnatcatcher) shall be conducted by a qualified biologist, up to 14 days before initiation of construction activities. The qualified biologist shall survey the construction zone and a 250-foot radius surrounding the construction zone to determine whether the activities taking place have the potential to disturb or otherwise harm nesting birds.	The project applicant shall incorporate requirements into all rough and/or precise grading plan documents. The project applicant's construction inspector shall monitor to ensure that measures are implemented during construction.	City of Wildomar Planning and Public Works Departments	
In the event that project grading is approved prior to completion of focused surveys for the Least Bell's Vireo (LBV), a 250 – 300 foot buffer shall be placed around any identified suitable habitat sites within the project site. No construction-related activities will occur within this buffer area during nesting season (January 15 – August 31). If construction activities occur during the nesting season, a biological monitor shall be required to be present at the project site until a focused survey has been completed. If the focused survey is completed with negative findings, then no further monitoring will be required. If LBV is			

Mitigation Measure	Timing	Monitoring Responsibility	Verification (Date and Initials)
<p>observed during the focused survey, then a biological monitor shall be required to be present at the project site until all construction activities have been completed.</p> <p>If an active nest is located within 100 feet (250 feet for raptors) of construction activities, the project applicant shall establish an exclusion zone (no ingress of personnel or equipment at a minimum radius of 100 feet or 250 feet, as appropriate, around the nest). Alternative exclusion zones may be established through consultation with the CDFW and the USFWS. The exclusion zones shall remain in force until all young have fledged.</p> <p>Reference to this requirement and to the Migratory Bird Treaty Act shall be included in the construction specifications.</p> <p>if construction activities or tree removal are proposed to occur during the non-breeding season (September 1–January 14), a survey is not required, no further studies are necessary, and no mitigation is required.</p>			
<p>BIO-2 Per MSHCP Species-Specific Objective 6, preconstruction presence/absence surveys for burrowing owl within the survey area, where suitable habitat is present, will be conducted for all covered activities through the life of the building permit. Surveys will be conducted 30 days prior to disturbance. Take of active nests will be avoided. Passive relocation (use of one-way doors and collapse of burrows) will occur when owls are present outside the nesting season.</p> <p>The breeding period for burrowing owls is February 1 through August 31, with the peak being April 15 to July 15, the recommended survey window. Winter surveys may be conducted between September 1 and January 31. If construction is delayed or suspended for more than 30 days after the survey, the area shall be resurveyed.</p> <p>Surveys shall be completed for occupied burrowing owl</p>	<p>Thirty days prior to any vegetation removal or ground-disturbing activities</p>	<p>City of Wildomar Planning and Public Works Departments</p>	

Mitigation Measure	Timing	Monitoring Responsibility	Verification (Date and Initials)
<p>burrows within all construction areas and within 150 meters (500 feet) of the project work areas (where possible and appropriate based on habitat). All occupied burrows will be mapped on an aerial photo.</p> <p>BIO-3 If burrowing owls are identified during the survey period, the City shall require the project applicant to take the following actions to offset impacts prior to ground disturbance:</p> <p>Active nests within the areas scheduled for disturbance or degradation shall be avoided from February 1 through August 31, and a minimum 75-meter (250-foot) buffer shall be provided until fledging has occurred. Following fledging, owls may be passively relocated by a qualified biologist.</p> <p>If impacts on occupied burrows in the non-nesting period are unavoidable, on-site passive relocation techniques may be used if approved by the CDFW to encourage owls to move to alternative burrows outside of the impact area. However, no occupied burrows shall be disturbed during the nesting season unless a qualified biologist verifies through noninvasive methods that the burrow is no longer occupied. Foraging habitat for relocated pairs shall be provided in accordance with guidelines provided by the CDFG (2012).</p> <p>If relocation of the owls is approved for the site by the CDFW, the City shall require the developer to hire a qualified biologist to prepare a plan for relocating the owls to a suitable site. The relocation plan must include all of the following:</p> <ul style="list-style-type: none"> • The location of the nest and owls proposed for relocation. • The location of the proposed relocation site. • The number of owls involved and the time of year when the relocation is proposed to take place. • The name and credentials of the biologist who will be 	<p>Prior to any vegetation removal or ground-disturbing activities</p>	<p>City of Wildomar Planning and Public Works Departments</p>	

Mitigation Measure	Timing	Monitoring Responsibility	Verification (Date and Initials)
<p>retained to supervise the relocation.</p> <ul style="list-style-type: none"> • The proposed method of capture and transport for the owls to the new site. • A description of site preparation at the relocation site (e.g., enhancement of existing burrows, creation of artificial burrows, one-time or long-term vegetation control). • A description of efforts and funding support proposed to monitor the relocation. <p>If paired owls are present within 50 meters (160 feet) of a temporary project disturbance (e.g., parking areas), active burrows shall be protected with fencing/cones/flagging and monitored by a qualified biologist throughout construction to identify losses from nest abandonment and/or loss of reproductive effort.</p>			
<p>BIO-4 The project applicant shall ensure there is no loss of the 1.88 acres of riparian habitat supported by the drainage feature identified by this document as Feature 1 (shown as Lot L on Figures 3a and 3b). The required conservation of the 1.88 acres of cottonwood-willow riparian forest plus the conservation of the 3.69 acres of adjacent upland habitat, will be accomplished by including a deed restriction on the combined 5.57 acre parcel itself, as well as by placing a deed restriction for all properties adjacent to the area of Feature 1 informing property owners of the status of the area as preserved lands.</p>	<p>Prior to project vegetation removal or ground-disturbing activities</p>	<p>City of Wildomar Planning and Public Works Departments</p>	
<p>BIO-5 A homeowners association of the project, or another entity designated by the project applicant and approved by the City, shall preserve and manage the conservation area required by BIO-4 in accordance with MSHCP requirements, as well as the applicable regulatory requirements of the CDFW, the USACE, and/or the State Water Resources Control Board. The preservation and</p>	<p>Prior to any clearing and/or construction activity.</p>	<p>City of Wildomar Planning and Public Works Departments</p>	

Mitigation Measure	Timing	Monitoring Responsibility	Verification (Date and Initials)
<p>management of the conservation area shall be subject to a Habitat Management Plan (HMP) prepared by a qualified biologist. In addition, the Habitat Management Plan shall be funded, developed and implemented by the applicant and/or the Home Owners Association ("HOA") of the completed project, and that Plan shall be submitted to the City for review and approval prior to any clearing and/or construction activity. The Plan's preservation and management of the area shall include, but is not limited to the following:</p> <ul style="list-style-type: none"> • Toxics: Land uses proposed in proximity to the MSHCP Conservation Area that use chemicals or generate bioproducts, such as manure, that are potentially toxic or may adversely affect wildlife species, habitat, or water quality shall incorporate measures to ensure that application of such chemicals does not result in discharge to the MSHCP Conservation Area. The greatest risk is from landscaping fertilization overspray and runoff. • Lighting: Night lighting shall be directed away from the MSHCP Conservation Area to protect species within the MSHCP Conservation Area from direct night lighting. Shielding shall be incorporated into project designs to ensure ambient lighting in the MSHCP Conservation Area is not increased. • Noise: Proposed noise-generating land uses affecting the MSHCP Conservation Area shall incorporate setbacks, berms, or walls to minimize the effects of noise on MSHCP Conservation Area resources pursuant to applicable rules, regulations, and guidelines related to land use noise standards. • Invasives: Consider the invasive, non-native plant species listed in Table 6-2 of the MSHCP in approving landscape plans to avoid the use of invasive species for the portions of development that are adjacent to the MSHCP Conservation Area. Considerations in 			

Mitigation Measure	Timing	Monitoring Responsibility	Verification (Date and Initials)
<p>reviewing the applicability of this list shall include proximity of planting areas to the MSHCP Conservation Areas, species considered in the planting plans, resources being protected within the MSHCP Conservation Area and their relative sensitivity to invasion, and barriers to plant and seed dispersal, such as walls, topography, and other features. MSHCP Table 6-2 has been included in Appendix E for reference purposes.</p> <ul style="list-style-type: none"> • Barriers: Proposed land uses adjacent to the MSHCP Conservation Area shall incorporate barriers, where appropriate, in individual project designs to minimize unauthorized public access, domestic animal predation, illegal trespass, or dumping into the MSHCP Conservation Areas. • Drainage: Incorporate measures to control the quantity and quality of runoff from the site entering the MSHCP Conservation Area. In particular, measures shall be put in place to avoid discharge of untreated surface runoff from developed and paved areas into the MSHCP Conservation Area. <ol style="list-style-type: none"> a. A qualified biologist shall meet with the landscape crew that will be responsible for the maintenance of the riparian area to discuss the plants that require removal. b. A qualified biologist will monitor the first two years of maintenance activities to ensure enhancement and maintenance activities are adequate. c. A preconstruction nesting bird survey will be required prior to vegetation removal or ground-disturbing activities within 250 feet of the riparian vegetation. d. Trash, debris, and previous construction elements will be removed from the riparian area. e. In order to meet the DBESP requirement of an equivalent or superior preservation, the main drainage feature's riparian habitat will be enhanced. This enhancement area 			

Mitigation Measure	Timing	Monitoring Responsibility	Verification (Date and Initials)
<p>shall be contained within the entire 1.88 acres of riparian habitat on-site. Habitat enhancement will require the removal of non-native invasive species such as pampas grass (<i>Cortaderia selloana</i>), broadleaf cattail (<i>Typha latifolia</i>), and Mediterranean tamarisk (<i>Tamarix ramosissima</i>).</p> <p>f. Once construction of the project has been completed and the mechanism for maintaining the riparian area has been completed, the first year of habitat management will begin.</p> <p>g. The riparian area will be visited on four separate occasions throughout the first year to remove all non-native weedy species. Many weedy species emerge during different times of the year. Multiple site visits will ensure that all invasive plant species will be targeted. An annual monitoring survey and report shall be prepared to qualitatively assess the main drainage feature and estimate the amount of remaining non-native species. Following the first year of maintenance, non-native invasive plants should not exceed 5 percent vegetative cover.</p> <p>h. The second year of habitat management will require two separate site visits. Once the majority of the non-native invasive species have been removed, the likelihood of reoccurrence will be minimized and therefore, the number of necessary surveys is reduced. A second annual monitoring survey will be conducted in a similar fashion to the first year, documenting the estimated percentage of non-native invasive species coverage. Following the first year of maintenance, non-native invasive plants should not exceed 2 percent vegetative cover.</p> <p>i. An annual report of findings will be established to document the performance of the applicant and/or the HOA in managing the open space area and will be sent to the City for review. The report will assess the project based on the performance standards as well as a qualitative</p>			

Mitigation Measure	Timing	Monitoring Responsibility	Verification (Date and Initials)
assessment of the drainage feature with regard to improving existing site conditions			
<p>BIO-6 The project applicant shall comply with the applicable requirements, if any, of CDFW, the USACE, and/or the State Water Resources Control Board with respect to both Feature 1 and Feature 2, and ensure that the project will result in no net loss of potential waters of the State and waters of the United States through impact avoidance. Evidence of compliance with this mitigation measure shall be provided prior to ground-disturbing or grading activities for the proposed project.</p>	Prior to any vegetation removal or ground-disturbing activities	City of Wildomar Planning and Public Works Departments	
<p>BIO-7 Because the project will directly impact the 0.159 acre pond and swales that comprise Feature 2, the owner, developer, or successor in interest shall purchase mitigation credits in the amount of 0.419 acre. The purchase is anticipated from the Elsinore-Murrieta-Anza Resource Conservation District, but may be purchased from any other entity acceptable to the Regional Conservation Authority and the City of Wildomar. The purchased credits shall be for willow riparian habitat and shall be associated with land within the Murrieta Creek watershed.</p>	Prior to any vegetation removal or ground-disturbing activities	City of Wildomar Planning and Public Works Departments	
<p>BIO-8 The project applicant shall submit fees to the City in accordance with the requirements of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) Mitigation Fee Areas, including the MSHCP Mitigation Fee Area and the Stephens' Kangaroo Rat Mitigation Fee Area, as applicable. MSHCP mitigation fees are used to purchase off-site occupied habitat within the designated conservation areas to ensure the long-term conservation of coastal California gnatcatcher. Similarly, the Stephens Kangaroo Rat Mitigation Fee is also designed to generate funds to purchase off-site occupied</p>	Prior to any vegetation removal or ground-disturbing activities	City of Wildomar Planning Department	

Mitigation Measure	Timing	Monitoring Responsibility	Verification (Date and Initials)
<p>habitat for Stephens' kangaroo rats in core conservation areas.</p>			
<p>3.5 Cultural Resources</p>			
<p>CUL-1 Prior to development approval on the project site and issuance of any grading, building, or other permit authorizing ground-disturbing activity, the project applicant(s) shall include the following wording in all construction contract documentation:</p> <p>If during grading or construction activities cultural resources are discovered on the project site, work shall be halted immediately within 50 feet of the discovery and the resources shall be evaluated by a qualified archeologist and the Pechanga Tribe (Tribe). Any unanticipated cultural resources that are discovered shall be evaluated and a final report prepared by the qualified archeologist. The report shall include a list of the resources discovered, documentation of each site/locality, and interpretation of the resources identified, and the method of preservation and/or recovery for identified resources. In the event the significant resources are recovered and if the qualified archaeologist and the Tribe determines the resources to be historic or unique, avoidance and/or mitigation would be required pursuant to and consistent with CEQA Guidelines Sections 15064.5 and 15126.4 and Public Resources Code Section 21083.2 and the Cultural Resources Treatment and Monitoring Agreement required by mitigation measure CUL-2.</p>	<p>As a condition of future development approval, and implemented during ground-disturbing construction activities</p>	<p>City of Wildomar Building & Safety and Planning Departments</p>	
<p>CUL-2 At least 30 days prior to seeking a grading permit, the project applicant(s) shall contact Pechanga Tribe to notify the Tribe of grading, excavation, and the monitoring program and to coordinate with the City of Wildomar and the Tribe to develop a Cultural Resources Treatment and Monitoring Agreement. The agreement shall include, but not be limited to, outlining provisions and requirements for addressing the treatment of cultural resources; project</p>	<p>Prior to the issuance of a grading permit</p>	<p>City of Wildomar Public Works and Planning Departments</p>	

Mitigation Measure	Timing	Monitoring Responsibility	Verification (Date and Initials)
<p>CUL-12 A final monitoring and mitigation report of findings and significance shall be prepared, including lists of all fossils recovered and necessary maps and graphics to accurately record their original location. The report, when submitted to and accepted by the City of Wildomar, shall signify satisfactory completion of the project program to mitigate impacts to any potential nonrenewable paleontological resources (i.e., fossils) that might have been lost or otherwise adversely affected without such a program in place.</p>	<p>Following ground-disturbing activities, and implemented prior to the issuance of a building permit</p>	<p>City of Wildomar Public Works and Planning Departments</p>	
<p>3.6 Geology and Soils</p>			
<p>GEO-1 Prior to the issuance of a grading permit, the developer shall submit a geotechnical soils reports to the City Engineer for review and approval. All grading shall be in conformance with the recommendations of the geotechnical/soils reports as approved by the City of Wildomar.</p>	<p>Prior to the issuance of a grading permit</p>	<p>City of Wildomar Public Works and Planning Departments</p>	
<p>GEO-2 All grading shall conform to Chapter 15.12, Building Code, of the Wildomar Municipal Code, and all other relevant laws, rules, and regulations governing grading in Wildomar. Prior to commencing any grading that includes 50 or more cubic yards, the developer shall obtain a grading permit from the Building Department.</p>	<p>Prior to the issuance of a grading permit</p>	<p>City of Wildomar Public Works and Planning Departments</p>	
<p>GEO-3 Erosion control-landscape plans, required for manufactured slopes greater than 3 feet in vertical height, are to be signed by a registered landscape architect and bonded per the requirements of Chapter 15.12 of the Wildomar Municipal Code. Planting shall occur within 30 days of meeting final grades to minimize erosion and to ensure slope coverage prior to the rainy season. The developer shall plant and irrigate all manufactured slopes steeper than a 4:1 (horizontal to vertical) ratio and 3 feet or greater in vertical height with grass or ground cover; slopes 15 feet or greater in vertical height shall be planted with</p>	<p>The project applicant shall incorporate requirements into all rough and/or precise grading plan documents. The project applicant's construction inspector shall monitor to ensure that measures are implemented during construction.</p>	<p>City of Wildomar Public Works and Planning Departments</p>	

Mitigation Measure	Timing	Monitoring Responsibility	Verification (Date and Initials)
<p>additional shrubs or trees or as approved by the City Engineer.</p>			
<p>GEO-4 The project applicant shall retain a qualified corrosive soils engineer. The qualified corrosive soils engineer shall investigate the project site for corrosive soils, review all grading and construction/building plans and recommend mitigation measures which shall be implemented to minimize any potential impacts associated with the site's corrosive soils, including but not limited installation of sacrificial steel, an appropriate cementitious material cover (e.g., grout), surface coatings (e.g., epoxy, zinc, etc.), grout filled corrugated plastic sheath encapsulation, use of stainless steel or a combination of these or similar factors. Prior to issuance of the project's first building permit, the City Engineer shall review and approve the corrosive soils report, and if required, the project applicant shall modify the foundation design of the project's structures to take into account the recommendations in the corrosive soils report, with such revised foundation designs to be approved by the City Engineer.</p>	<p>Prior to the issuance of a grading permit</p>	<p>City of Wildomar Planning and Building and Safety Departments</p>	
<p>3.7 Greenhouse Gas Emissions – none required</p>			
<p>3.8 Hazards and Hazardous Materials</p>			
<p>HAZ-1 In accordance with the defensible space program included in Appendix 8a, two defensible space zones shall be created and maintained by the Homeowner's Association (HOA) of the completed project. The Homeowner's Association's Conditions, Covenants, and Restrictions (CC&Rs) shall contain language requiring homeowners to be aware of, and to observe the management of, the two zones.</p>	<p>As a condition of occupancy, and implemented prior to occupancy</p>	<p>City of Wildomar Building and Planning Departments</p>	<p>N/A</p>

Mitigation Measure	Timing	Monitoring Responsibility	Verification (Date and Initials)
<p>The zones will include an Irrigated Zone "A" and a No/Low Fuel/Thinning Zone "B"</p> <p>Zone A will be located between the structures and Zone B. The formal Zone A will start at the end of the private lots and will be contained within a lettered lot under the control of the HOA. Zone A shall be cleared of all natural vegetation and replanted with only approved plants listed on the approved plans (Appendix 8a) and in accordance with the spacing requirements of the same appendix. HOA CC&R documents will have language prohibiting the construction of combustible structures within Zone A. Home buyers shall be required to sign a disclosure indicating they are aware of the defensible space zone. Zone A area will be irrigated to keep the vegetation in a state of high fuel moisture year round.</p> <p>Zone B will start at the end of Zone A and move outward away from the structures towards the native vegetation. Zone B shall be developed and maintained in one of three methods:</p> <ol style="list-style-type: none"> 1. Cleared, permanently and replaced with a noncombustible cover such as a boulder blanket or rock outcropping to prevent erosion. Any vegetation that establishes in this area would be removed. 2. Vegetation replaced with surface covering such as wood chips, base or gravel. This area would be maintained free of vegetation. 3. Selective thinning of natural vegetation to ground coverage of 50% or less with all of the dead and downed materials removed annually. All seasonal grasses will be cut to a height of no greater than four inches (4") prior to the start of fire season but in no case could the height exceed eighteen inches (18") even when the plants are growing and still not capable of burning. No highly combustible plants will be permitted. Any highly combustible plants will be 			

Mitigation Measure	Timing	Monitoring Responsibility	Verification (Date and Initials)
<p>removed from the zone during the regular maintenance activities before they seed into the area. Native shrubs shall be maintained at a height no greater than twenty four inches (24") in height.</p>			
<p>HAZ-2 Homebuyers shall be required to sign a disclosure indicating that they have knowledge of and will comply with the defensible space zone within the proposed project.</p>	<p>As a condition of occupancy, and implemented prior to occupancy</p>	<p>City of Wildomar Building and Planning Departments</p>	
<p>HAZ-3 As recommended by the Fire Behavior Report created for the proposed project (Appendix 8a), a perimeter block wall/radiant heat wall shall be constructed when a fuel modification zone is not possible without offsite improvements.</p>	<p>As a condition of occupancy, and implemented prior to occupancy</p>	<p>City of Wildomar Building and Planning Departments</p>	
<p>3.9 Hydrology and Water Quality</p>			
<p>HYD-1 Prior to the approval of the grading permit, the project applicant shall be required to prepare a stormwater pollution prevention plan (SWPPP) consistent with the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2010-0014-DWQ), which is to be administered through all phases of grading and project construction. The SWPPP shall incorporate best management practices (BMPs) to ensure that potential off-site water quality impacts during construction phases are minimized. The SWPPP shall be submitted for review to the Regional Water Quality Control Board and to the City of Wildomar. A copy of the SWPPP must be kept accessible on the project site at all times. In addition, the project applicant will be required to submit, and obtain City Engineering approval of, a Water Quality Management Plan prior to the issuance of any building or grading permit in order to comply with the Areawide Urban Runoff Management Program. The project shall implement site design BMPs, source control BMPs,</p>	<p>Prior to issuance of grading permit</p>	<p>City of Wildomar Public Works and Planning Department</p>	

Mitigation Measure	Timing	Monitoring Responsibility	Verification (Date and Initials)
<p>and treatment control BMPs as identified in the Water Quality Management Plan. Site design BMPs shall include, but are not limited to, landscape buffer areas, on-site ponding areas, roof and paved area runoff directed to vegetated areas, and vegetated swales. Source control BMPs shall include, but are not limited to, education, landscape maintenance, litter control, parking lot sweeping, irrigation design to prevent overspray, and covered trash storage. Treatment control BMPs shall include vegetated swales and a detention basin, or an infiltration device.</p>			
<p>3.10 Land Use and Planning – none required</p>	N/A	N/A	N/A
<p>3.11 Mineral Resources – none required</p>	N/A	N/A	N/A
<p>3.12 Noise</p>			
<p>NOI-1 Development on the project site shall implement the following construction noise mitigation measures to reduce potential construction noise impacts:</p> <ul style="list-style-type: none"> • Construction equipment staging and storage areas shall be located as far from the residential land uses as possible. • All construction equipment shall be properly maintained with operating mufflers and air intake silencers as effective as those installed by the original manufacturer. • Residents living up to 1,000 feet from the property line shall be provided with a construction schedule and contact information to file a complaint. Timely notification shall accompany any major changes to this schedule. • A temporary noise barrier shall be erected along the project boundaries during all construction activities. 	During construction activities	City of Wildomar Building and Planning Departments	
<p>NOI-2 To meet the City exterior noise standard of 65 dBA CNEL, permanent noise control barriers with a height of 6 feet are</p>	Prior to the issuance of occupancy permits and during project	City of Wildomar Building and	