

**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: Persea
Certification Number R9-2017-0170
WDID: 9000003223

Reg. Meas. ID: 416749
Place ID: 840948
Party ID: 569126
Person ID: 569128

APPLICANT: LLJ Orion Pacific Vista, LLC
4425 Bayard Street, Suite 122
San Diego, CA 92109

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 October 13, 2017 was submitted by LLJ Orion Pacific Vista, LLC (hereinafter Applicant), for Water Quality Certification pursuant to section 401 of the Clean Water Act (United States Code (USC) Title 33, section 1341) for the proposed **Persea Project** (Project). The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) deemed the application to be complete on April 11, 2018. 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-2016-00573-WSZ).

The Project is located within the City of Vista, San Diego County, California at 1309 N. Santa Fe Avenue. The Project center reading is located at latitude 33.21871 and longitude -117.24306. The Applicant has paid all required application fees for this Certification in the amount of \$3,848.00. On an annual basis, the Applicant must also pay all active discharge fees and post discharge monitoring fees, as appropriate.¹ On April 11, 2018, the San Diego

¹ This Certification is conditioned upon total payment of any fee required under California Code of Regulations title 23, division 3, chapter 9, article 1 commencing with section 2200. Additional information regarding Water Quality Fees, Waste Discharge Requirement Fees, and the Water Quality Certification Dredge and Fill Application Fee Calculator can be found electronically on the State Water Resources Control Board web site at:
http://www.waterboards.ca.gov/resources/fees/water_quality/#wqfees (as of April 16, 2018)

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 with three residential areas consisting of 10 buildings with a total of 305 multi-family residences, recreation facilities, common space, parking spaces, and two parks on approximately 10.4 acres. Offsite improvements include the construction of an additional driveway on Cananea Street and full curb, gutter, and sidewalk along Santa Fe Avenue.

The Project will convert approximately 8.9 acres of pervious ground cover to impervious area. Runoff leaving the developed Project area will 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 minimizing impervious surfaces by the use of landscaping and planters and the capture of storm water into seven biofiltration basins connected to underground storage vaults. These BMPs will be designed, constructed, and maintained to meet City of Vista LID Capture Volume and hydromodification treatment requirements

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

Project construction will permanently impact 0.29 acre (742 linear feet) of ephemeral 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 0.29 acres of jurisdictional waters will be achieved through the purchase of establishment and/or re-establishment mitigation credits from an Army Corps of Engineers approved mitigation bank and offsite enhancement of streambed waters of the United States and/or State. A minimum of 0.29 acres of mitigation credits will be purchased by the Applicant from the San Luis Rey Mitigation Bank or the Brook Forest Mitigation Bank, both located in the San Luis Rey Hydrologic watershed, in advance of Project construction. Additionally, the Applicant will implement offsite riparian habitat enhancement at San Marcos Creek in the Rancho La Costa Habitat Conservation area, San Diego County, CA, located in the Batiquitos hydrologic sub-area (HSA 904.51). The enhancement area will consist of removal of invasive exotic species on two parcels of land owned by the Center for Natural Lands Management. All waters of the United States and/or State receiving temporary discharges of fill material will be restored upon

removal of the fill. Mitigation for discharges of fill material to waters of the United States and/or State will be completed by the Applicant through the purchase of at least 0.29 acre establishment and/or re-establishment wetland credits and offsite enhancement of 0.29 acres at a minimum compensation ratio of 2:1 (area mitigated:area impacted) for permanent impacts.

Mitigation credit parcels, purchased from the Bank to satisfy compensatory mitigation requirements, are required to be protected, monitored, and maintained in perpetuity by the Bank pursuant to a federal and State approved bank enabling instrument and a recorded conservation easement.

Detailed written specifications and work descriptions for the compensatory mitigation project including, but not limited to, the geographic boundaries of the project, timing, sequence, monitoring, maintenance, ecological success performance standards and provisions for long-term management and protection of the mitigation areas are described in the *Riparian Habitat Enhancement Plan at San Marcos Creek for the Persea Project* (Mitigation Plan), dated May 2018. San Diego Water Board acceptance of the Mitigation Plan applies only to the Project described in this Certification and must not be construed as approval for other current or future projects that are planning to use additional acreage at the site for mitigation. The Mitigation Plan is incorporated in this Certification by reference as if set forth herein. The Mitigation Plan provides for implementation of compensatory mitigation which offsets adverse water quality impacts attributed to the Project in a manner that protects and restores the abundance, types and conditions of aquatic resources and supports their beneficial uses. Implementation of the Mitigation Plan will reduce significant environmental impacts to resources within the San Diego Water Board's purview to a less than significant level. Based on all of these considerations, the Mitigation Plan will adequately compensate for the loss of beneficial uses and habitat within waters of the United States and/or State attributable to the Project.

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

TABLE OF CONTENTS

I. STANDARD CONDITIONS..... 5

II. GENERAL CONDITIONS 5

III. CONSTRUCTION BEST MANAGEMENT PRACTICES 8

IV. POST-CONSTRUCTION BEST MANAGEMENT PRACTICES 10

V. PROJECT IMPACTS AND COMPENSATORY MITIGATION 11

VI. MONITORING AND REPORTING REQUIREMENTS 14

VII. NOTIFICATION REQUIREMENTS 19

VIII. CALIFORNIA ENVIRONMENTAL QUALITY ACT COMPLIANCE 21

IX. SAN DIEGO WATER BOARD CONTACT PERSON 21

X. WATER QUALITY CERTIFICATION 21

Attachments:

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

I. STANDARD CONDITIONS

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

- A. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to section 13330 of the Water Code and chapter 28, article 6 (commencing with title 23, section 3867), of the California Code of Regulations.
- B. This Certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to California Code of Regulations title 23, section 3855 subdivision (b), and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
- C. This Certification action is conditioned upon total payment of any fee required under title 23, chapter 28 (commencing with section 3830) of California Code of Regulations and owed by the applicant.

II. GENERAL CONDITIONS

- A. **Term of Certification.** Water Quality Certification No. R9-2017-0170 (Certification) shall expire upon a) the expiration or retraction of the Clean Water Act section 404 (33 USC Title 33, section 1344) permit issued by the U.S. Army Corps of Engineers for this Project, or b) five (5) years from the date of issuance of this Certification, whichever occurs first.
- B. **Duty to Comply.** The Applicant must comply with all conditions and requirements of this Certification. Any Certification noncompliance constitutes a violation of the Water Code and is grounds for enforcement action or Certification termination, revocation and reissuance, or modification.
- C. **General Waste Discharge Requirements.** The requirements of this Certification are enforceable through Water Quality Order No. 2003-0017-DWQ, *Statewide General Waste Discharge Requirements for Discharges of Dredged or Fill Material that have Received State Water Quality Certification* (Water Quality Order No. 2003-0017-DWQ). This provision shall apply irrespective of whether a) the federal permit for which the Certification was obtained is subsequently retracted or is expired, or b) the Certification is expired. Water Quality Order No. 2003-0017-DWQ is accessible at:

http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/generalorders/gowdr401regulated_projects.pdf
- D. **Project Conformance with Application.** All water quality protection measures and BMPs described in the application and supplemental information for water quality certification are incorporated by reference into this Certification as if fully stated herein.

Notwithstanding any more specific conditions in this Certification, the Applicant shall construct, implement and comply with all water quality protection measures and BMPs described in the application and supplemental information. The conditions within this Certification shall supersede conflicting provisions within the application and supplemental information submitted as part of this Certification action.

- E. Project Conformance with Water Quality Control Plans or Policies.** Notwithstanding any more specific conditions in this Certification, the Project shall be constructed in a manner consistent with the Basin Plan and any other applicable water quality control plans or policies adopted or approved pursuant to the Porter Cologne Water Quality Act (Division 7, commencing with Water Code Section 13000) or section 303 of the Clean Water Act (33 USC section 1313). The Basin Plan is accessible at:

http://www.waterboards.ca.gov/sandiego/water_issues/programs/basin_plan/index.shtml

- F. Project Modification.** The Applicant must submit any changes to the Project, including Project operation, which would have a significant or material effect on the findings, conclusions, or conditions of this Certification, to the San Diego Water Board for prior review and written approval. If the San Diego Water Board is not notified of a significant change to the Project, it will be considered a violation of this Certification.
- G. Certification Distribution Posting.** During Project construction, the Applicant must maintain a copy of this Certification at the Project site. This Certification must be available at all times to site personnel and agencies. A copy of this Certification shall also be provided to any contractor or subcontractor performing construction work, and the copy shall remain in their possession at the Project site.
- H. Inspection and Entry.** The Applicant must allow the San Diego Water Board or the State Water Resources Control Board, and/or their authorized representative(s) (including an authorized contractor acting as their representative), upon the presentation of credentials and other documents as may be required under law, to:
1. Enter upon the Project or Compensatory Mitigation site(s) premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Certification;
 2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Certification;
 3. Inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Certification; and
 4. Sample or monitor, at reasonable times, for the purposes of assuring Certification compliance, or as otherwise authorized by the Clean Water Act or Water Code, any substances or parameters at any location.

- I. **Enforcement Notification.** In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.
- J. **Certification Actions.** This Certification may be modified, revoked and reissued, or terminated for cause including but not limited to the following:
1. Violation of any term or condition of this Certification;
 2. Monitoring results indicate that continued Project activities could violate water quality objectives or impair the beneficial uses of the unnamed tributary to Buena Vista Creek;
 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 to the unnamed tributary to Buena Vista Creek. 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.
- Q. Groundwater Dewatering.** If groundwater dewatering is required for the Project, the Applicants shall enroll in and comply with the requirements of San Diego Water Board Order No. R9-2015-0013, NPDES No. CAG919002, *General Waste Discharge Requirements For Groundwater Extraction Waste Discharges in the San Diego Region* or its successor permit.

IV. POST-CONSTRUCTION BEST MANAGEMENT PRACTICES

- A. Post-Construction Discharges.** The Applicant shall not allow post-construction discharges from the Project site to cause or contribute to on-site or off-site erosion or damage to properties or stream habitats.
- B. Storm Drain Inlets.** All storm drain inlet structures within the Project boundaries must be stamped or stenciled (or equivalent) with appropriate language prohibiting non-storm water discharges.
- C. Post-Construction BMP Design.** The Project must be designed to comply with the requirements for priority development projects in section E.3 of the Regional MS4 Permit Order R9-2013-0001, *National Pollutant Discharge Elimination Systems Permit and Waste Discharge Requirements for Discharges of Urban Runoff from the MS4s Draining the Watersheds within the San Diego Region* (Regional MS4 Permit) as well as the most current Standard Storm Water Mitigation and Hydromodification Plans for the City of Carlsbad. Where conflict exists between the referenced documents the most stringent requirements shall apply.

- 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 be approved by City of Vista.
- 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.

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 the tributary of Buena Vista Creek within the Carlsbad Watershed must not exceed the type and magnitude of impacts described in the table below. At a minimum, compensatory mitigation required to offset unavoidable temporary and permanent Project impacts to waters of the United States and/or State must be achieved as described in the table below:

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

	Impacts (acres)	Impacts (linear ft.)	Mitigation for Impacts (acres)	Mitigation Ratio (area mitigated :area impacted)	Mitigation for Impacts (linear ft.)	Mitigation Ratio (linear feet mitigated :linear feet impacted)
Permanent Impacts						
Stream Channel	0.29	742	0.29 Establishment and/or Re-Establishment ¹	1:1	NA ²	NA
Stream Channel			0.29 Enhancement ^{3,4}	1:1	712	0.96:1

1. Stream channel Establishment/Re-Establishment project mitigation re-establishment credits purchased from the San Luis Rey Mitigation Bank, Oceanside, CA or the Brook Forest Mitigation Bank, Valley Center, CA.
2. Compensatory mitigation is being provided in a contiguous area at the Mitigation Bank therefore, compensatory mitigation for linear feet is not being calculated on a project by project basis.
3. Stream channel Enhancement offsite in San Marcos Creek, San Marcos, CA.
4. Offsite enhancement is a 1.35 acre site in the Rancho La Costa Preserve (San Marcos, CA) owned by the Center for Natural Lands Management with 0.75 acres enhancement proposed for California Department of Fish and Wildlife (CDFW) mitigation. The 0.29 acres of mitigation is part of the 0.75 acres of enhancement for the Project.

C. Mitigation Credits. Prior to the start of construction, the Applicant must provide documentation to the San Diego Water Board verifying the purchase of at least 0.29 acres of establishment and/or re-establishment credits from the San Luis Rey Mitigation Bank or the Brook Forest Mitigation Bank.

The use of an alternative mitigation bank to provide required compensatory mitigation must be approved by the San Diego Water Board before the credits are secured and is subject to the following conditions:

1. The Applicant must identify the USACE approved mitigation bank and submit documentation demonstrating that:
 - a. The permitted Project impacts are located within the service area of the mitigation bank; and
 - b. The mitigation bank has the appropriate number and resource type of credits available.
2. If San Diego Water Board approval of the alternative mitigation bank is obtained, the Applicant must provide documentation verifying that the appropriate number and resource type of credits have been secured from the mitigation bank prior to the start of construction.

- D. Compensatory Mitigation Plan Implementation.** The Applicant must fully and completely implement the Mitigation Plan; any deviations from, or revisions to, the Mitigation Plan must be pre-approved by the San Diego Water Board.
- E. Performance Standards.** Compensatory mitigation required under this Certification shall be considered achieved once it has met the ecological success performance standards contained in the Mitigation Plan (Performance Standards, Section 6, pg 27) to the satisfaction of the San Diego Water Board.
- F. Compensatory Mitigation Site Design.** The compensatory mitigation site(s) shall be designed to be self-sustaining once performance standards have been achieved. This includes minimization of active engineering features (e.g., pumps) and appropriate siting to ensure that natural hydrology and landscape context support long-term sustainability in conformance with the following conditions:
1. Most of the channels through the mitigation sites shall be characterized by equilibrium conditions, with no evidence of severe aggradation or degradation;
 2. As viewed along cross-sections, the channel and buffer area(s) shall have a variety of slopes, or elevations, that are characterized by different moisture gradients. Each sub-slope shall contain physical patch types or features that contribute to irregularity in height, edges, or surface and to complex topography overall; and
 3. The mitigation sites shall have a well-developed plant community characterized by a high degree of horizontal and vertical interspersions among plant zones and layers.
- G. Temporary Project Impact Areas.** The Applicant must restore all areas of temporary impacts and all other areas of temporary disturbance which could result in a discharge or a threatened discharge of pollutants to waters of the United States and/or State. Restoration must include grading of disturbed areas to pre-project contours and re-vegetation with native species. The Applicant must implement all necessary BMPs to control erosion and runoff from areas associated with the Project.
- H. Long-Term Management and Maintenance.** The compensatory mitigation site(s) must be managed, protected, and maintained, in perpetuity, in conformance with the long-term management plan and the final ecological success performance standards identified in the Mitigation Plan. The aquatic habitats, riparian areas, buffers and uplands that comprise the mitigation site(s) must be protected in perpetuity from land-use and maintenance activities that may threaten water quality or beneficial uses within the mitigation area(s) in a manner consistent with the following requirements:
1. Any maintenance activities on the mitigation site(s) that do not contribute to the success of the mitigation site(s) and enhancement of beneficial uses and ecological functions and services are prohibited;
 2. Maintenance activities must be limited to the removal of trash and debris, removal of exotic plant species, replacement of dead native plant species, and remedial

measures deemed necessary for the success of the compensatory mitigation project;

3. The Mitigation site(s) must be maintained, in perpetuity, free of perennial exotic plant species including, but not limited to, pampas grass, giant reed, tamarisk, sweet fennel, tree tobacco, castor bean, and pepper tree. Annual exotic plant species must not occupy more than 5 percent of the mitigation site(s); and
 4. If at any time a catastrophic natural event (e.g., fire, flood) causes damage(s) to the mitigation site(s) or other deficiencies in the compensatory mitigation project, the Applicant must take prompt and appropriate action to repair the damage(s) including replanting the affected area(s) and address any other deficiencies. The San Diego Water Board may require additional monitoring by the Applicant to assess how the compensatory mitigation site(s) or project is responding to a catastrophic natural event.
- I. **Timing of Mitigation Site Construction.** The construction of proposed mitigation must be concurrent with project grading and completed no later than 9 months following the start of Project construction. Delays in implementing mitigation must be compensated for by an increased mitigation implementation of 10% of the cumulative compensatory mitigation for each month of delay.
 - J. **Mitigation Site(s) Preservation Mechanism.** **Within 90 days from the issuance of this Certification**, the Applicant must provide the San Diego Water Board with a draft preservation mechanism (e.g. deed restriction, conservation easement, etc.) that will protect all mitigation areas and their buffers in perpetuity. **Within 5 years of the start of Project construction**, the Applicant must submit proof of a completed final preservation mechanism that will protect all mitigation areas and their buffers in perpetuity. The conservation easement, deed restriction, or other legal limitation on the mitigation properties must be adequate to demonstrate that the sites will be maintained without future development or encroachment on the sites which could otherwise reduce the functions and values of the sites for the variety of beneficial uses of waters of the United States and/ or State that it supports. The legal limitation must prohibit, without exception, all residential, commercial, industrial, institutional, and transportation development, and any other infrastructure development that would not maintain or enhance the wetland and streambed functions and values of the sites. The preservation mechanism must clearly prohibit activities that would result in soil disturbance or vegetation removal, other than the removal of non-native vegetation. Other infrastructure development to be prohibited includes, but is not limited to, additional utility lines, maintenance roads, and areas of maintained landscaping for recreation.

VI. MONITORING AND REPORTING REQUIREMENTS

- A. **Representative Monitoring.** Samples and measurements taken for the purpose of monitoring under this Certification shall be representative of the monitored activity.
- B. **Monitoring Reports.** Monitoring results shall be reported to the San Diego Water Board at the intervals specified in section VI of this Certification.

- C. **Monitoring and Reporting Revisions.** The San Diego Water Board may make revisions to the monitoring program at any time during the term of this Certification and may reduce or increase the number of parameters to be monitored, locations monitored, the frequency of monitoring, or the number and size of samples collected.
- D. **Records of Monitoring Information.** Records of monitoring information shall include:
1. The date, exact place, and time of sampling or measurements;
 2. The individual(s) who performed the sampling or measurements;
 3. The date(s) analyses were performed;
 4. The individual(s) who performed the analyses;
 5. The analytical techniques or methods used; and
 6. The results of such analyses.
- E. **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, compensatory mitigation, 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. The Annual Project Progress Reports must contain compensatory mitigation monitoring information sufficient to demonstrate how the compensatory mitigation project is progressing towards accomplishing its objectives and meeting its performance standards. Annual Project Progress Reports must be submitted even if Project construction has not begun. The monitoring period for each Annual Project Progress Report shall be 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.
2. **Compensatory Mitigation Monitoring Reporting.** Mitigation monitoring information must be submitted as part of the Annual Project Progress Report for a period of not less than five years, sufficient to demonstrate that the compensatory mitigation project has accomplished its objectives and met ecological success performance standards contained in the Mitigation Plan. Following Project implementation the San Diego Water Board may reduce or waive compensatory mitigation monitoring requirements upon a determination that performance standards have been achieved. Conversely the San Diego Water Board may extend the monitoring period beyond five years upon a determination that the performance standards have not been met or the compensatory mitigation project is not on track to meet them. The Annual Project Progress Report must include the following compensatory mitigation monitoring information:
- a. Names, qualifications, and affiliations of the persons contributing to the report;
 - b. An evaluation, interpretation, and tabulation of the parameters being monitored, including the results of the Mitigation Plan monitoring program, and all quantitative and qualitative data collected in the field;
 - c. A description of the following mitigation site(s) characteristics:
 - i. Detritus cover;
 - ii. General topographic complexity;
 - iii. General upstream and downstream habitat and hydrologic connectivity; and
 - iv. Source of hydrology
 - d. Monitoring data interpretations and conclusions as to how the compensatory mitigation project(s) is progressing towards meeting performance standards and whether the performance standards have been met;
 - e. A description of the progress toward implementing a plan to manage the compensatory mitigation project after performance standards have been achieved to ensure the long term sustainability of the resource in perpetuity, including a discussion of long term financing mechanisms, the party responsible

for long term management, and a timetable for future steps;

- f. Qualitative and quantitative comparisons of current mitigation conditions with pre-construction conditions and previous mitigation monitoring results;
- g. Stream photo documentation, including all areas of permanent and temporary impact, prior to and after mitigation site construction. Photo documentation must be conducted in accordance with guidelines posted at http://www.waterboards.ca.gov/sandiego/water_issues/programs/401_certification/docs/401c/401PhotoDocRB9V713.pdf. In addition, photo documentation must include Geographic Positioning System (GPS) coordinates for each of the photo points referenced;
- h. As-built drawings of the compensatory mitigation project site(s), no bigger than 11"X17"; and
- i. A survey report documenting boundaries of the compensatory mitigation site(s).

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";
- 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; and

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. R9-2017-0170:840948:amonji
2375 Northside Drive, Suite 100
San Diego, California 92108

Each electronic document must be submitted as a single file, in Portable Document Format (PDF), converted to text searchable format using Optical Character Recognition (OCR), and not be password protected. All electronic documents must include scanned copies of all signature pages; electronic signatures will not be accepted. Please direct questions about large document submittal procedures to Mission Support Services staff at (619) 516-1990. Electronic documents submitted to the San Diego Water Board must include the following identification numbers in the header or subject line: Certification No. R9-2017-0170:840948:amonji.

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

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

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

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

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

VII. NOTIFICATION REQUIREMENTS

- A. **Twenty Four Hour Non-Compliance Reporting.** The Applicant shall report any noncompliance which may endanger health or the environment. Any such information shall be provided orally to the San Diego Water Board within **24 hours** from the time the Applicant becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Applicant becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The San Diego Water Board, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
- B. **Hazardous Substance Discharge.** Except as provided in Water Code section 13271(b), any person who, without regard to intent or negligence, causes or permits any hazardous substance or sewage to be discharged in or on any waters of the State, shall as soon as (a) that person has knowledge of the discharge, (b) notification is possible, and (c) notification can be provided without substantially impeding cleanup or other emergency measures, immediately notify the County of San Diego, in accordance with California Health and Safety Code section 5411.5 and the California Office of Emergency Services of the discharge in accordance with the spill reporting provision of the State toxic disaster contingency plan adopted pursuant to Government Code Title 2, Division 1, Chapter 7, Article 3.7 (commencing with section 8574.17), and immediately notify the State Water Board or the San Diego Water Board of the discharge. This provision does not require reporting of any discharge of less than a reportable quantity as provided for under subdivisions (f) and (g) of section 13271 of the Water Code unless the Applicant is in violation of a Basin Plan prohibition.
- C. **Oil or Petroleum Product Discharge.** Except as provided in Water Code section 13272(b), any person who without regard to intent or negligence, causes or permits any oil or petroleum product to be discharged in or on any waters of the State, or discharged or deposited where it is, or probably will be, discharged in or on any waters of the State, shall, as soon as (a) such person has knowledge of the discharge, (b) notification is possible, and (c) notification can be provided without substantially impeding cleanup or other emergency measures, immediately notify the California Office of Emergency Services of the discharge in accordance with the spill reporting provision of the State oil spill contingency plan adopted pursuant to Government Code Title 2, Division 1, Chapter 7, Article 3.7 (commencing with section 8574.1). This requirement does not require reporting of any discharge of less than 42 gallons unless the discharge is also required to be reported pursuant to Clean Water Act section 311, or the discharge is in

violation of a Basin Plan prohibition.

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

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

VIII. CALIFORNIA ENVIRONMENTAL QUALITY ACT COMPLIANCE

- A. The City of Vista 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 June 18, 2018 for the Environmental Impact Report (EIR) titled Persea (State Clearing House Number 2017071056). The Lead Agency has determined the Project will not 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 final EIR 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 EIR 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 EIR, 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

Alan Monji, Environmental Scientist
Telephone: (619) 521-3968
Email: Alan.Monji@waterboards.ca.gov

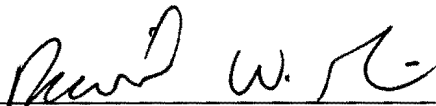
X. WATER QUALITY CERTIFICATION

I hereby certify that the proposed discharge from the **Persea** Project (Certification No. R9-2017-0170) 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. R9-2017-0170 issued on July 25, 2018.



DAVID W. GIBSON
Executive Officer
San Diego Water Board

25 July 2018
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.

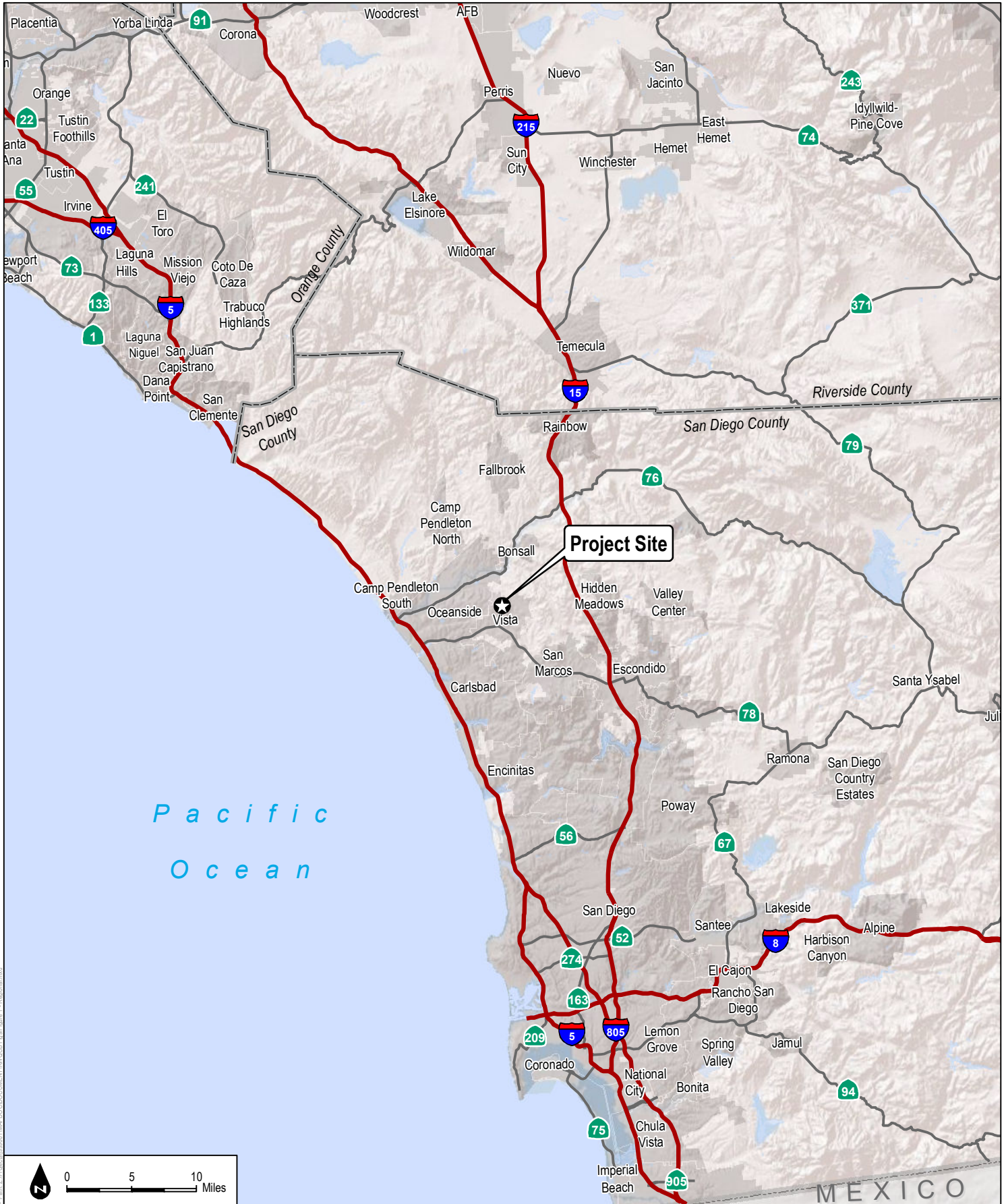
Uplands - means non-wetland areas that lack any field-based indicators of wetlands or other aquatic conditions. Uplands are generally well-drained and occur above (i.e., up-slope) from nearby aquatic areas. Wetlands can, however, be entirely surrounded by uplands. For example, some natural seeps and 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.

ATTACHMENT 2

LOCATION MAPS

1. Dudek, Persea Project, Regional Map, Figure 1
2. Dudek, Persea Project, Vicinity Map, Figure 2



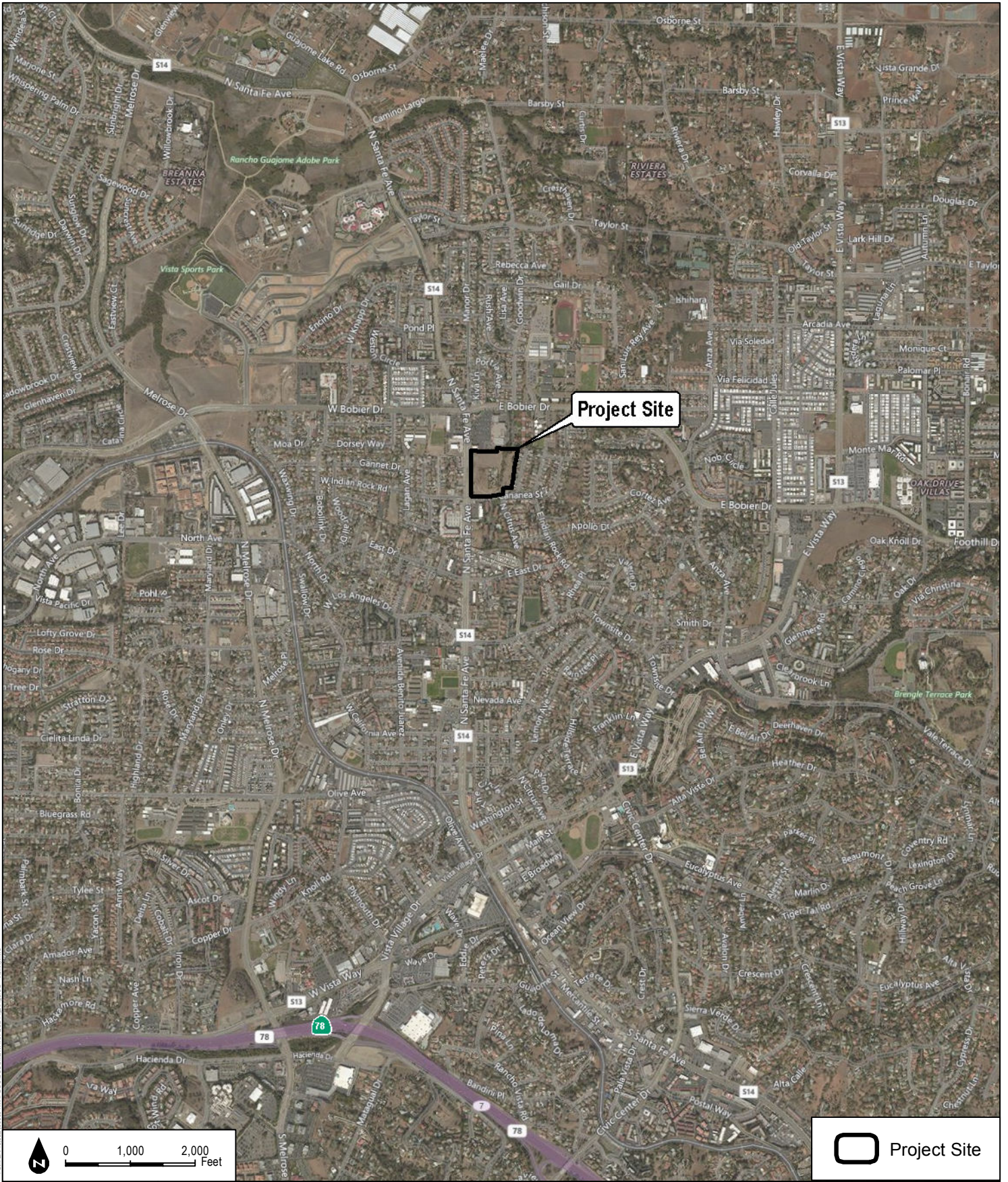
Date: 6/15/2017 11:58:00 AM Project: RWQCB 401 Water Quality Certification Application for the Persea Project, City of Vista, California



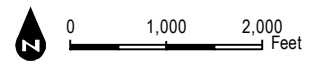
SOURCE: ArcGIS Online Basemap

RWQCB 401 Water Quality Certification Application for the Persea Project, City of Vista, California

FIGURE 1
Regional Map



Map data © 2023, Imagery © 2023, Bing Maps. Photo: 2023, Persea Project, 10/10/2023, 10:10:00 AM, 33.978, -117.248, 20m. Photo: 2023, Persea Project, 10/10/2023, 10:10:00 AM, 33.978, -117.248, 20m.



 Project Site

DUDEK

AERIAL SOURCE: BING MAPPING SERVICE

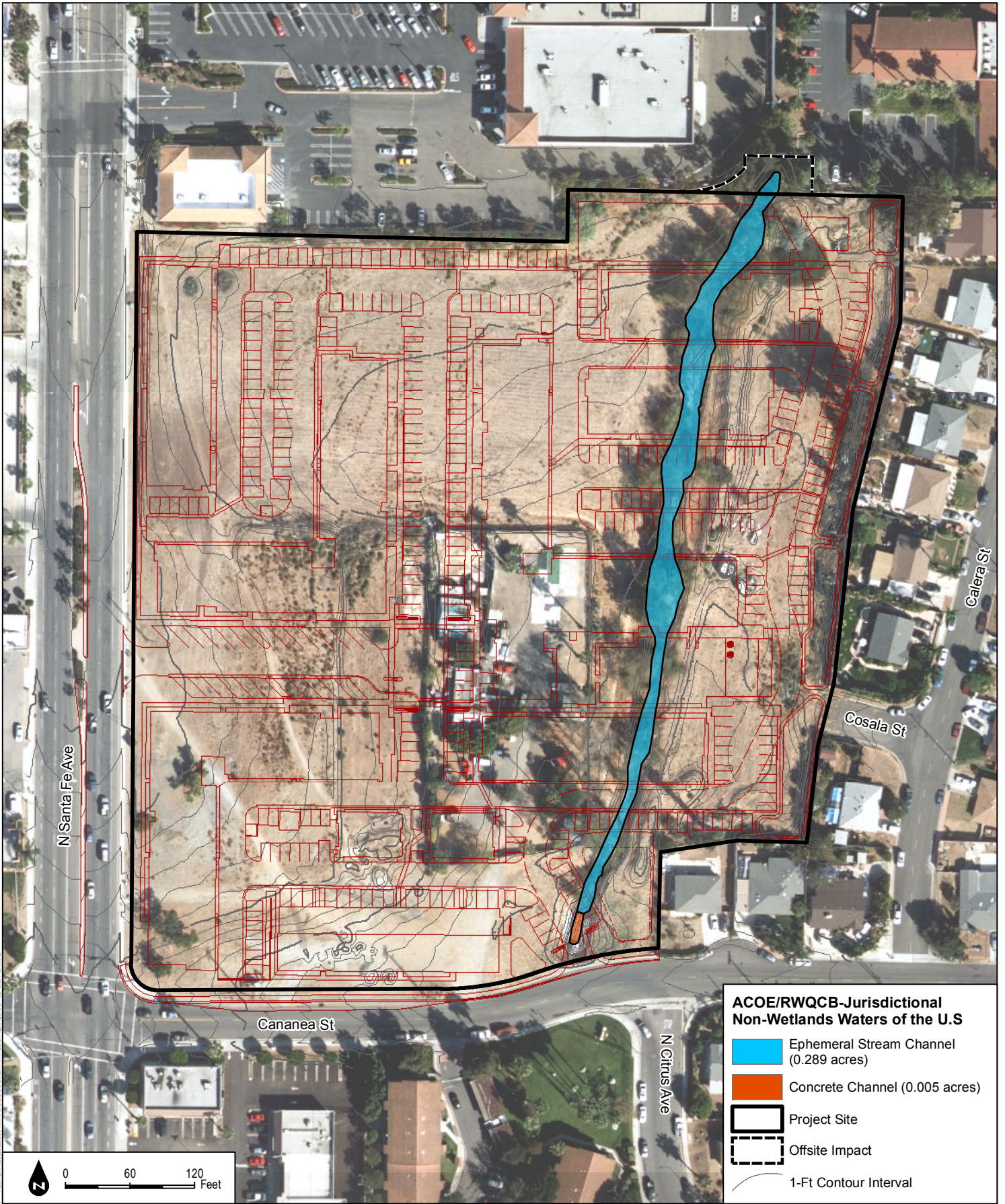
RWQCB 401 Water Quality Certification Application for the Persea Project, City of Vista, California

FIGURE 2
Vicinity Map

ATTACHMENT 3

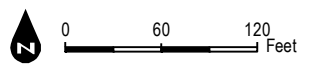
PROJECT SITE PLANS

1. Dudek, Persea Project, Plan View of Site Plan and Jurisdictional Delineation, Figure 5.
2. Fuscoe Engineering, Orion Vista, BMP Exhibit Site Plan, January 2017.



**ACOE/RWQCB-Jurisdictional
Non-Wetlands Waters of the U.S**

- Ephemeral Stream Channel (0.289 acres)
- Concrete Channel (0.005 acres)
- Project Site
- Offsite Impact
- 1-Ft Contour Interval



SOURCE: AERIAL-SANDAG IMAGERY 2014
SITE PLAN-FUSCOE, JANUARY 2017

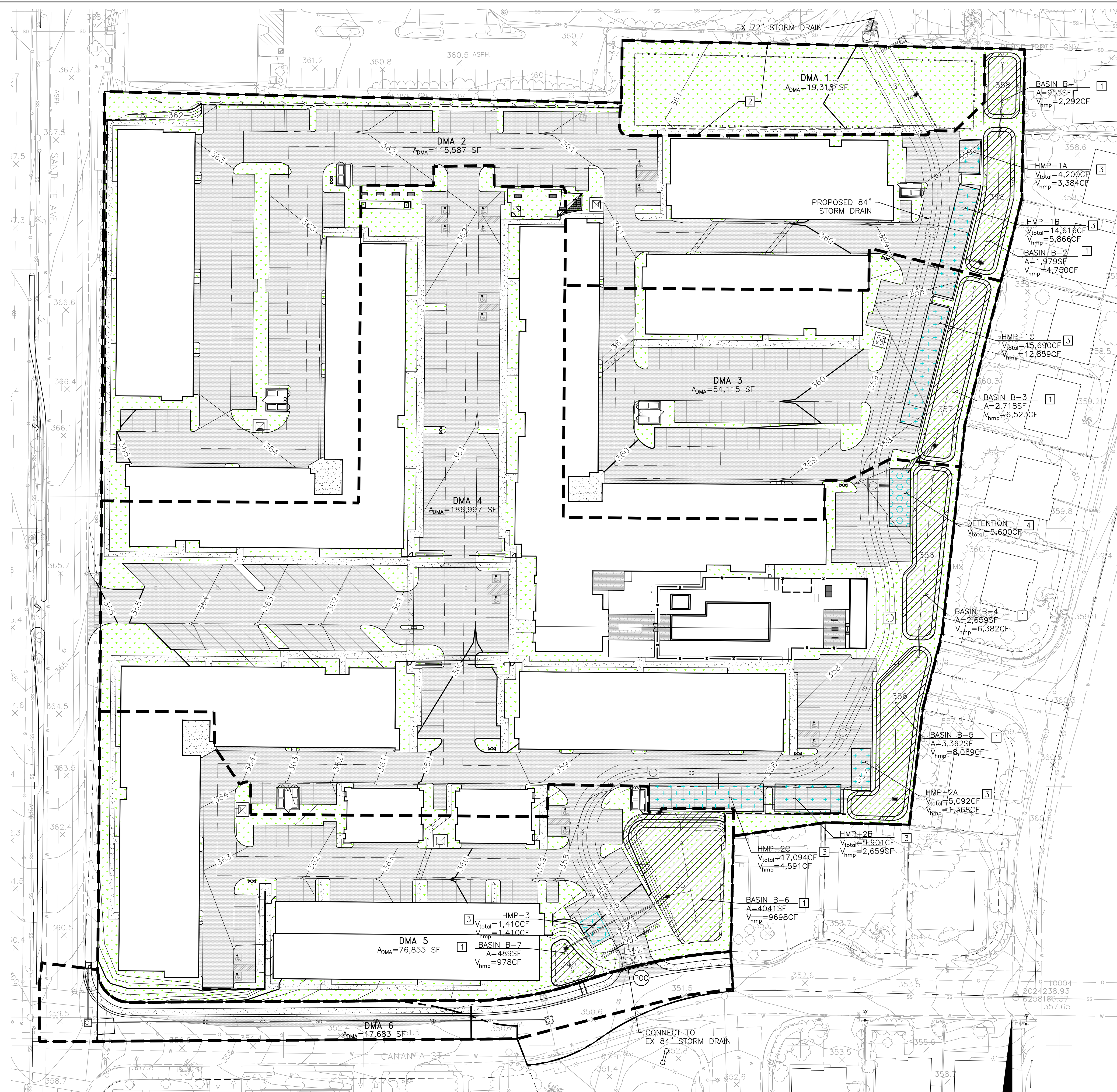
FIGURE 5

Plan View of Site Plan and Jurisdictional Delineation



RWQCB 401 Water Quality Certification Application for the Persea Project, City of Vista, California

Date: 01/12/2017 - User: sandag - Path: Z:\Projects\99999\MAPDOCUMENTS\FUSCOE-Fig 5.dwg - Job: Site Plan.dwg



MINIMUM POST-CONSTRUCTION MAINTENANCE PLAN

AT THE COMPLETION OF THE WORK SHOWN, THE FOLLOWING PLAN SHALL BE FOLLOWED TO ENSURE WATER QUALITY CONTROL IS MAINTAINED FOR THE LIFE OF THE PROJECT:

- STABILIZATION: ALL PLANTED AREAS AND OTHER VEGETATED AREAS SHALL BE INSPECTED PRIOR TO OCTOBER 1 OF EACH YEAR AND AFTER MAJOR RAINFALL EVENTS (MORE THAN 1/2 INCH) AND REPAIRED AND REPLANTED AS NEEDED UNTIL A NOTICE OF TERMINATION (NOT) IS FILED.
- STRUCTURAL PRACTICES: DESILTING BASINS, DIVERSION DITCHES, DOWNDRAINS, INLETS, OUTLET PROTECTION MEASURES, AND OTHER PERMANENT WATER QUALITY AND SEDIMENT AND EROSION CONTROLS SHALL BE INSPECTED PRIOR TO OCTOBER 1ST OF EACH YEAR AND AFTER MAJOR RAINFALL EVENTS (MORE THAN 1/2 INCH). REPAIRS AND REPLACEMENTS SHALL BE MADE AS NEEDED AND RECORDED IN THE MAINTENANCE LOG IN PERPETUITY.
- OPERATION AND MAINTENANCE, FUNDING: POST-CONSTRUCTION MANAGEMENT MEASURES ARE THE RESPONSIBILITY OF THE DEVELOPER UNTIL THE TRANSFER OF RESPECTIVE SITES TO HOME BUILDERS, INDIVIDUAL OWNERS, HOMEOWNERS ASSOCIATIONS, SCHOOL DISTRICTS, OR LOCAL AGENCIES AND/OR GOVERNMENTS. AT THAT TIME, THE NEW OWNERS SHALL ASSUME RESPONSIBILITY FOR THEIR RESPECTIVE PORTIONS OF THE DEVELOPMENT.

PROJECT SITE INFO

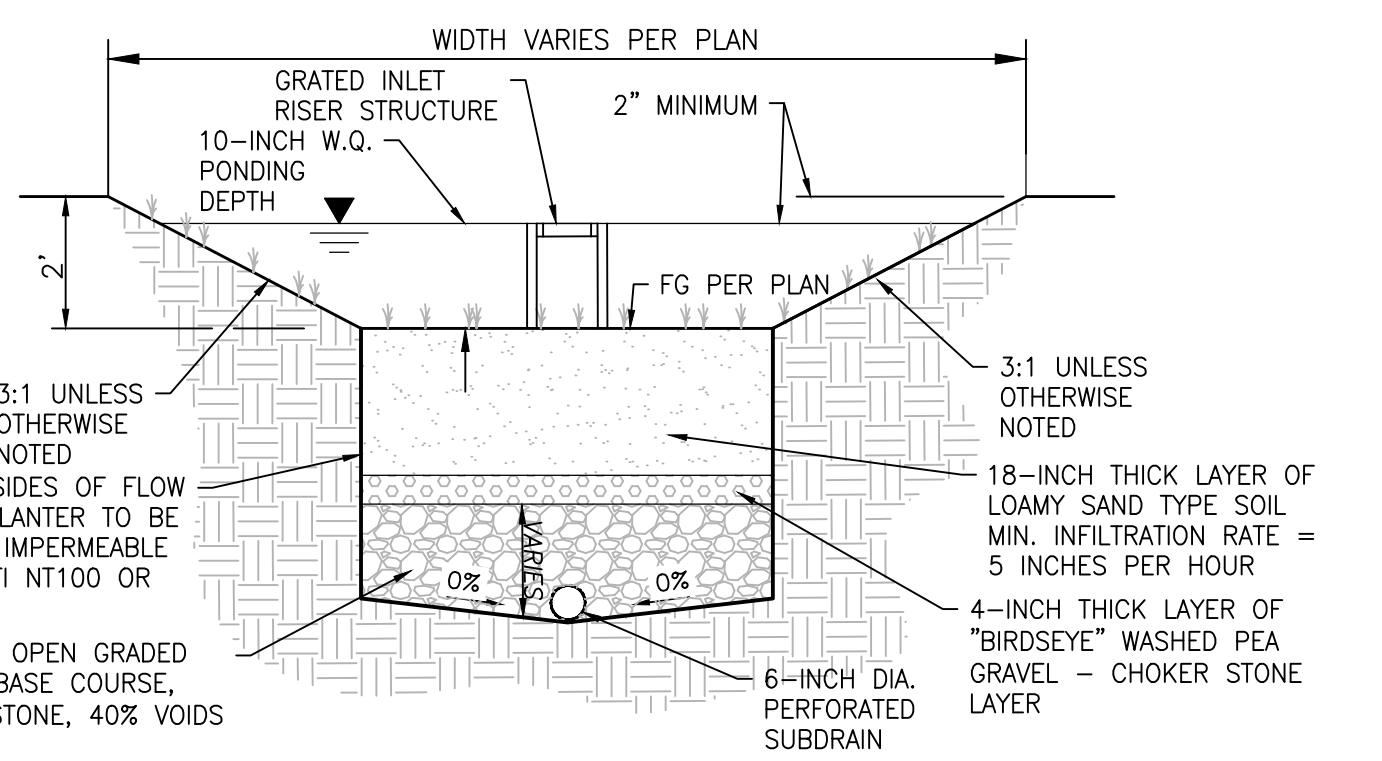
UNDERLYING HYDROLOGIC SOIL: D
 APPROXIMATE DEPTH TO GROUNDWATER: > 7 FT
 EXISTING NATURAL HYDROLOGIC FEATURES: NONE
 CRITICAL COARSE SEDIMENT YIELD AREAS TO BE PROTECTED: NONE
 EXISTING IMPERVIOUS AREA: 46,040 SF
 PROPOSED IMPERVIOUS AREA: 385,610 SF

PERMANENT POST-CONSTRUCTION BMP NOTES

- OPERATION AND MAINTENANCE SHALL BE SECURED BY AN EXECUTED AND RECORDED STORM WATER MANAGEMENT AND DISCHARGE CONTROL MAINTENANCE AGREEMENT (SWM/CMA) OR ANOTHER MECHANISM APPROVED BY THE CITY ENGINEER, THAT ASSURES ALL PERMANENT BMP'S WILL BE MAINTAINED IN PERPETUITY, PER THE LAND DEVELOPMENT MANUAL, STORM WATER STANDARDS.
- ANY MODIFICATION(S) TO THE PERMANENT POST CONSTRUCTION BMP DEVICES/STRUCTURES SHOWN ON PLAN REQUIRES A CONSTRUCTION CHANGE TO BE PROCESSED AND APPROVED THROUGH DEVELOPMENT SERVICES DEPARTMENT BY THE ENGINEER OF WORK. APPROVAL OF THE CONSTRUCTION CHANGE IS REQUIRED PRIOR TO CONSTRUCTION OF THE PERMANENT BMP.

LEGEND

- PROPERTY LINE/PROPERTY BOUNDARY
- CENTERLINE
- WATER QUALITY DMA LIMITS
- PERVIOUS LANDSCAPING
- CONCRETE
- ASPHALT PAVEMENT
- BMP LOCATION
- HMP LOCATION
- FOR 100-YR DETENTION ONLY
- FLOW DIRECTION
- PROPOSED STORM DRAIN



BIOFILTRATION BASIN

DMA SUMMARY TABLE

DMA	DMA SURFACE TYPE	DMA AREA (SF)	PERVIOUS AREA	IMPERVIOUS AREA	DMA TYPE	STRUCTURAL BMP ID	PROPOSED STRUCTURAL BMP TYPE	STRUCTURAL BMP SIZE
1	PERVIOUS	19,313	17,382	1,931	SELF-MITIGATING	-	-	-
2	MIXED	115,587	11,559	104,028	DRAINS TO BMP	B-1	BIOFILTRATION	955 SF
3	MIXED	54,115	5,412	48,703	DRAINS TO BMP	B-3	BIOFILTRATION	2718 SF
4	MIXED	186,997	18,700	168,297	DRAINS TO BMP	B-4	BIOFILTRATION	2659 SF
5	MIXED	76,855	7,685	69,170	DRAINS TO BMP	B-6	BIOFILTRATION	4041 SF
6	STREET	17,683	0	17,683	DRAINS TO BMP	B-7	BIOFILTRATION	489 SF

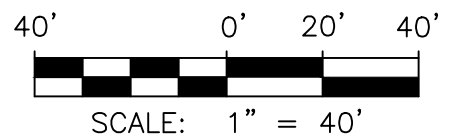
POST-CONSTRUCTION PERMANENT BMP OPERATION & MAINTENANCE PROCEDURE DETAILS

STORM WATER MANAGEMENT AND DISCHARGE CONTROL MAINTENANCE AGREEMENT APPROVAL NO.: XXXXXX
 O&M RESPONSIBLE PARTY DESIGNEE: PROPERTY OWNER

BMP DESCRIPTION	INSPECTION FREQUENCY	MAINTENANCE FREQUENCY	MAINTENANCE METHOD	QUANTITY	GRADING SHEET NUMBER(S)
LOW IMPACT DESIGN (LID)					
MINIMIZE IMPERVIOUS FOOTPRINT	ANNUALLY	AS DETERMINED BY INSPECTION	THE SITE IS TO BE MAINTAINED AND MONITORED TO ENSURE IMPERVIOUS AREAS ARE NOT EXPANDED OR DEVELOPED AT THE EXPENSE OF PERVIOUS AREAS.	N/A	N/A
MINIMIZE DIRECTLY CONNECTED IMPERVIOUS AREAS	MONTHLY	AS DETERMINED BY INSPECTION	PERIODIC MONITORING OF LANDSCAPED AREAS TO ENSURE PROPER DRAINAGE AND UPKEEP.	N/A	N/A
MINIMIZE SOIL COMPACTION	MONTHLY	AS DETERMINED BY INSPECTION	ANY REPLANTING OF LANDSCAPED AREAS SHALL BE DONE WITH MINIMAL COMPACTION OF THE SURROUNDING SOILS.	N/A	N/A
SOIL AMENDMENTS	MONTHLY	AS DETERMINED BY INSPECTION	ANY REPLANTING OF LANDSCAPED AREAS SHALL BE DONE IN ACCORDANCE WITH CITY OF SAN DIEGO LANDSCAPE REGULATIONS IN ORDER TO MAINTAIN PLANT AND LAWN HEALTH, AS WELL AS IMPROVE THE SOIL'S CAPACITY TO RETAIN MOISTURE, REDUCE RUNOFF AND IMPROVE WATER QUALITY.	N/A	N/A
MAXIMIZE RETENTION AND DETENTION	MONTHLY	MONTHLY	ALL PLANTERS AND LANDSCAPE AREAS ARE TO HAVE A MINIMUM COVERAGE OF 80% - RE-SEED OR RE-PLANT. REMOVE SILT AND DEBRIS.	N/A	N/A
SITE LANDSCAPE/PERVIOUS AREAS	WEEKLY	WEEKLY	IN CONJUNCTION WITH NORMAL LANDSCAPE MAINTENANCE	N/A	N/A
CANOPY INTERCEPTION	WEEKLY	WEEKLY	IN CONJUNCTION WITH NORMAL LANDSCAPE MAINTENANCE	N/A	N/A
TREATMENT CONTROL					
BIOFILTRATION BASINS	EVERY 6 MONTHS	EVERY 6 MONTHS	MAINTAIN VEGETATION. REMOVE TRASH, DEBRIS, AND SEDIMENT.	6 EA	N/A
SOURCE CONTROL					
MATERIAL STORAGE	DAILY	WEEKLY	REMOVE TRASH AND DEBRIS TO KEEP TRASH- AND SILT-FREE	N/A	N/A
TRASH ENCLOSURES	DAILY	WEEKLY	REMOVE TRASH AND DEBRIS TO KEEP TRASH- AND SILT-FREE	N/A	N/A
INTEGRATED PEST MANAGEMENT PRINCIPLES	MONTHLY	AS NECESSARY	REDUCE THE NEED OF PESTICIDES TO A MINIMUM SHOULD PESTS OR VECTORS BECOME AN ISSUE.	N/A	N/A
EFFICIENT IRRIGATION SYSTEMS AND LANDSCAPE DESIGN	WEEKLY	MONTHLY	ADJUST IRRIGATION SYSTEM TO WORK EFFICIENTLY AND TO NOT IRRIGATE HARDSCAPE.	N/A	N/A
IMPRINTING	ANNUALLY	AS DETERMINED BY INSPECTION	PRIOR TO OCTOBER 1 OF EACH YEAR, INSPECT INLET IMPRINTING TO ENSURE THAT IMPRINT IS LEGIBLE. IF NOT, RE-STENCIL AS SOON AS POSSIBLE.	N/A	N/A
FIRE SPRINKLER SYSTEMS	AS REQUIRED	AS REQUIRED	AS REQUIRED FOR FIRE SPRINKLER MAINTENANCE	N/A	N/A
SWEEEPING	MONTHLY	ANNUALLY	STREET SWEEPING WITHIN THE PARKING LOT SHALL BE CONDUCTED PRIOR TO THE START OF THE RAINY SEASON.	N/A	N/A
HYDROMODIFICATION CONTROL					
UNDERGROUND CISTERN	EVERY 6 MONTHS	AS DETERMINED BY INSPECTION	PERIODIC MONITORING OF VAULTS TO ENSURE PROPER DRAINAGE, STORAGE, AND OUTLET CONTROL. REMOVE TRASH AND DEBRIS	4 EA	N/A

PERMANENT STORM WATER BMP NOTES

- BIOFILTRATION BASIN (BF-1)
- SELF-MITIGATING
- HYDROMODIFICATION (HMP)
- 100-YR DETENTION ONLY



BMP EXHIBIT SITE PLAN

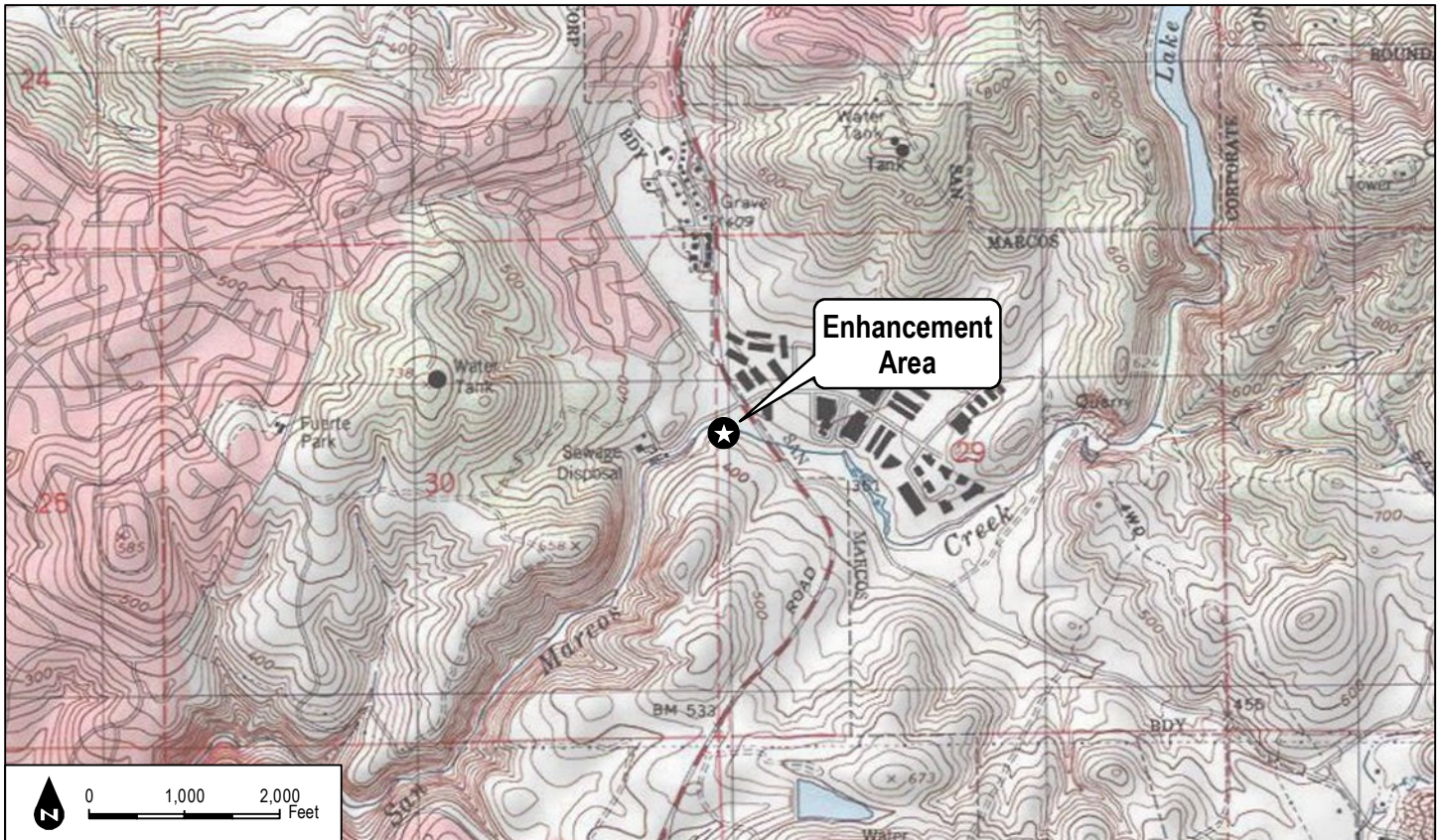
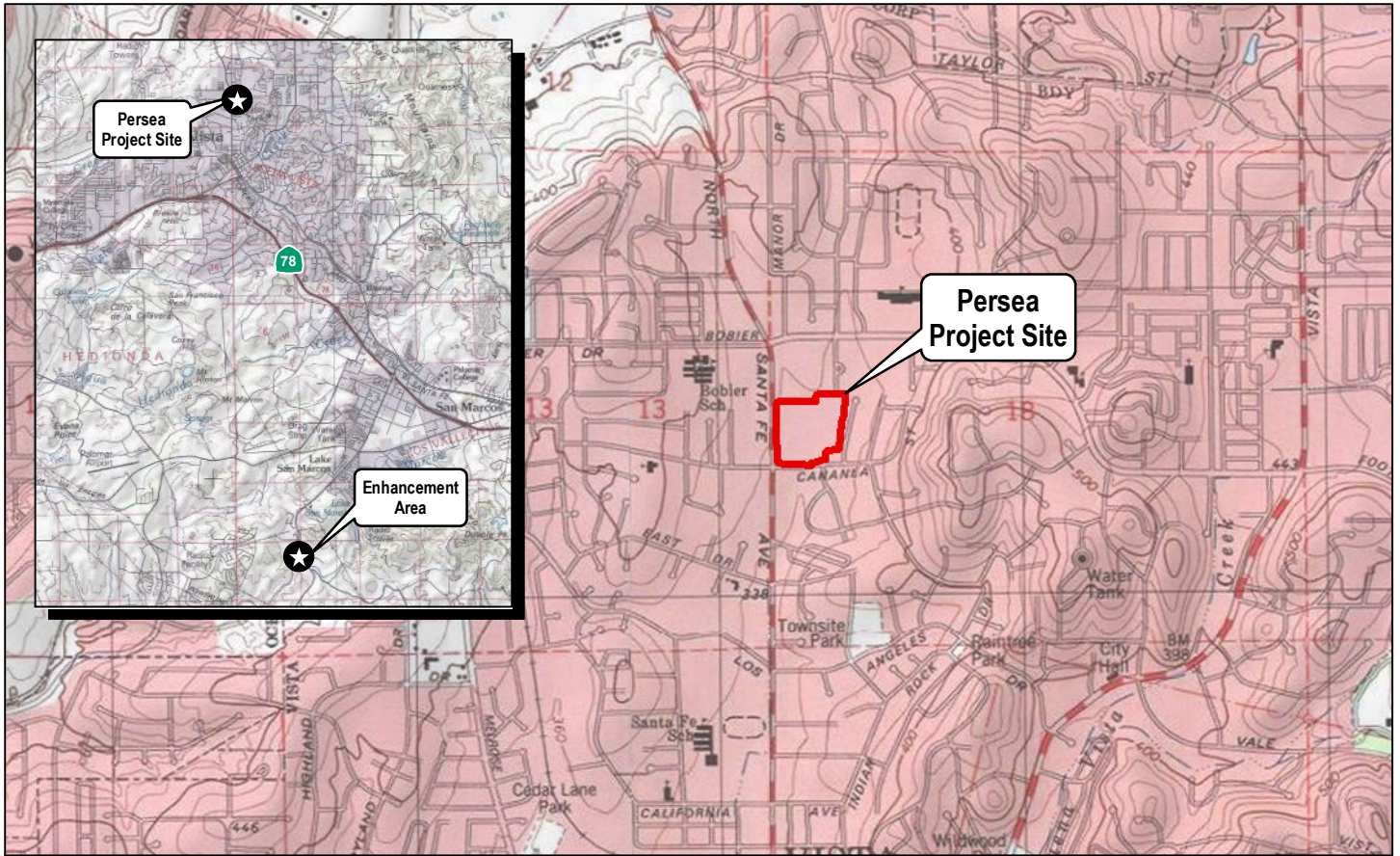
ORION VISTA
 VISTA, CA
 DATE: JANUARY 2017



ATTACHMENT 4

MITIGATION DESIGN PLANS

1. Dudek, Riparian Habitat Enhancement Plan at San Marcos Creek for the Persea Project (Revised Draft), Vicinity Map, Figure 2, May 2018.
2. Dudek, Riparian Habitat Enhancement Plan at San Marcos Creek for the Persea Project (Revised Draft), Proposed Impacts to Biological Resources, Figure 3, May 2018.
3. Dudek, Riparian Habitat Enhancement Plan at San Marcos Creek for the Persea Project (Revised Draft), Riparian Habitat Enhancement Plan, Figure 4, May 2018.



AERIAL SOURCE: SANDAG IMAGERY 2014

DUDEK

FIGURE 2
Vicinity Map

Riparian Habitat Enhancement Plan at San Marcos Creek for the Persea Project



AERIAL SOURCE: SANDAG IMAGERY 2014

DUDEK

Figure 3
Proposed Impacts to Biological Resources

Riparian Habitat Enhancement Plan at San Marcos Creek for the Persea Project

ATTACHMENT 5

MITIGATION MONITORING AND REPORTING PROGRAM

1. City of Vista, Mitigation and Monitoring Reporting Program for Persea, May 2018, pages 1-5.

**CITY OF VISTA
MITIGATION MONITORING AND REPORTING PROGRAM FOR
Persea**

May 2018

PROJECT NAME: Persea

DESCRIPTION: The applicant seeks approval of applications for a Site Development Plan, Tentative Subdivision Plan, Condominium Housing Permit, and Conceptual Landscape Plan for development and construction of 305 multi-family residential units on a 10.4-acre site.

LOCATION: The subject property is comprised of twelve parcels (173-080-39, 24, 38, 04, 37, 06, 07, 18, 17, 20, 22, 36), and is located at 1309 N. Santa Fe Avenue, on the east side of N. Santa Fe Drive and south of E. Bobier Avenue.

The following Mitigation Measures have been incorporated into the project design, or are to be implemented before, during, or after construction (but prior to occupancy), in accordance with the Conditions of Project Approval, thereby reducing all identified potentially significant impacts to a less than significant level.

MITIGATION MEASURES	STAFF MONITOR	TIMING OF COMPLIANCE	DATE OF COMPLIANCE
<p>BIO-1 Special-status Plants. Impacts to 2,871 mapped thread-leaved brodiaea individuals are considered significant and require mitigation. Mitigation for these impacts shall consist of a survey prior to construction/translocation to confirm the number of thread-leaved brodiaea individuals. Once confirmed, the establishment of a dedicated biological preserve established on site that supports the entire translocated population and shall be managed in perpetuity.</p> <p>The project biologist shall prepare a salvage and translocation plan approved by the City, and reviewed and approved by CDFW as a component of the ITP process, for the thread-leaved brodiaea, including (i) soil block salvage, which consists of transferring the corms and associated soils and biomass to the preserved location intact in contiguous blocks, limiting disturbance to the underground thread-leaved brodiaea corms; and a 7-year maintenance and monitoring program shall be conducted to document the establishment and persistence of the translocated plants.</p> <p>The entire preserve would be fenced for protection, would not be open to public use, and a habitat management plan would be prepared that outlines specific long-term preserve management guidelines. Management of the habitat within the preserve area would consist of maintenance and monitoring to document the establishment and persistence of the translocated plants and associated habitat. The first seven years of the maintenance and monitoring program would be performance based, with specific goals to control weeds, remove trash, and prevent unauthorized encroachment or other disturbance. A habitat management plan shall be prepared that provides the tasks and requirements for the preserve area. The preserve area shall be fenced to protect the area from disturbance, and a conservation easement or other site protection instrument shall be provided to ensure protection of the plant population in perpetuity. A non-wasting endowment shall be provided for a qualified land manager in order to ensure monitoring and maintenance of the site in perpetuity after translocation has occurred. The project applicant shall establish a non-wasting endowment before the end of 7-year maintenance and monitoring period under the salvage and relocation plan to fund the monitoring and maintenance of the site in accordance with the habitat management plan in perpetuity by a qualified land manager in order to ensure the thread-leaved brodiaea habitat will improve conditions for the species compared to the currently unmanaged and degraded condition. Funding would be provided by the project applicant that ensures the biological preserve is managed in perpetuity, consistent with the habitat management plan.</p>	<p>City Planner</p>	<p>Prior to and throughout construction</p>	

MITIGATION MEASURES	STAFF MONITOR	TIMING OF COMPLIANCE	DATE OF COMPLIANCE
<p>BIO-2 Nesting Birds. Direct and indirect impacts to nesting bird species potentially resulting from construction activity during the breeding season (i.e., January through September) are considered significant.</p> <p>Mitigation for these impacts shall include a one-time biological survey for nesting bird species that shall be conducted within the proposed impact area and within off-site habitat adjacent to the project site that may support nesting 72 hours before construction. If any active nests are detected, the area shall be flagged and mapped on the construction plans along with a minimum 25-foot buffer for nesting species such as western bluebird and California horned lark and up to a maximum of 300 feet for raptors (e.g., Cooper’s hawk), as determined by the project biologist, and shall be avoided until the nesting cycle is complete.</p>	<p>City Planner</p>	<p>Prior to and throughout construction</p>	
<p>BIO-3 Vegetation Communities and Jurisdictional Resources. Permanent impacts to non-native grassland (6.54 acres including rock outcropping) is considered significant under the Multiple Habitat Conservation Program (MHCP) (SANDAG 2003). A mitigation ratio of 0.5 to 1 shall be used to mitigate impacts to non-native grassland. Therefore, 3.27 acres of mitigation credit are required. To reduce these impacts to less than significant, mitigation credits shall be purchased from a mitigation bank acceptable to the City of Vista.</p> <p>The proposed project would result in permanent impacts to 0.75 acre of southern willow scrub (black willow thicket) and 0.01 acre of developed-concrete channel regulated by the CDFW, of which 0.29 acre of southern willow scrub (black willow thicket) and 0.01 acre of developed-concrete channel are regulated by the ACOE and RWQCB.</p> <p>Mitigation shall consist of a combination of purchasing credits from a mitigation bank at a ratio of 1:1, and off-site enhancement of riparian habitat at a ratio of 1:1 at a conserved location along San Marcos Creek (for a combined 2:1 mitigation ratio). The mitigation bank shall include habitat that is or will develop into a structurally and species diverse woodland and riparian scrub with a mixture of tree and herbaceous groundcover species and shall be approved by ACOE, RWQCB, and CDFW and is in the process of establishing high-function wetlands and riparian habitat. The project site is within the service area of the Brook Forest and Daley Ranch Mitigation banks that have the appropriate habitats and adequate credits available for mitigating impacts at this site.</p>	<p>City Planner</p>		

MITIGATION MEASURES	STAFF MONITOR	TIMING OF COMPLIANCE	DATE OF COMPLIANCE
<p>Permanent impacts to <0.01 acre (0.007 acre) of freshwater marsh is considered significant under the MHCP (SANDAG 2003). However, the freshwater marsh is not under the jurisdiction of ACOE, RWQCB, or CDFW, and therefore is not included as mitigation for these agencies. Mitigation for impacts to 0.007 acre of freshwater marsh shall consist of purchasing credits at a 1:1 ratio from an approved mitigation bank similar to that outlined for the mitigation for the impacts to southern willow scrub.</p>			
<p>BIO-4 The following Standard BMPs would be implemented as part of the project:</p> <ul style="list-style-type: none"> • A qualified biologist shall conduct a training session for all project personnel prior to proposed activities. At a minimum, the training shall include a description of the target species of concern and its habitats, the general provisions of the ITP and the MHCP, the need to adhere to the provisions of the ITP enforced by CDFW, and the MHCP, the penalties associated with violating the provisions of the ITP, and the access routes to and project site boundaries. The project activities must be accomplished. • A water pollution and erosion control plan shall be developed that describes sediment and hazardous materials control, dewatering or diversion structures, fueling and equipment management practices, and other factors deemed necessary by reviewing agencies. Erosion control measures shall be monitored on a regularly scheduled basis, particularly during times of heavy rainfall. Corrective measures would be implemented in the event erosion control strategies are inadequate. Sediment/erosion control measures would be continued at the project site until such time as the revegetation efforts are successful at soil stabilization. • Equipment storage, fueling, and staging areas shall be located on upland sites with minimal risks of direct drainage into riparian areas or other sensitive habitats. These designated areas shall be located in such a manner as to prevent any runoff from entering sensitive habitat. All necessary precautions shall be taken to prevent the release of cement or other toxic substances into surface waters. All project related spills of hazardous materials shall be reported to appropriate entities including but not limited to applicable jurisdictional city, CDFW, State Water Resources Control Board and shall be cleaned up immediately and contaminated soils removed to approved disposal areas. 	<p>City Planner</p>		

MITIGATION MEASURES	STAFF MONITOR	TIMING OF COMPLIANCE	DATE OF COMPLIANCE
<ul style="list-style-type: none"> • The qualified project biologist shall monitor construction activities throughout the duration of the project to ensure that all practicable measures are being employed to avoid incidental disturbance of habitat and any target species of concern outside the project footprint. Construction monitoring reports shall be completed and provided to the jurisdictional City, and the CDFW summarizing how the project is in compliance with applicable conditions. The project biologist should be empowered to halt work activity if necessary and to confer with staff from the applicable city and CDFW to ensure the proper implementation of species and habitat protection measures. • Construction employees shall strictly limit their activities, vehicles, equipment, and construction materials to the proposed project footprint and designated staging areas and routes of travel. The construction area(s) shall be the minimal area necessary to complete the project and shall be specified in the construction plans. Construction limits would be fenced with temporary construction fencing. Exclusion fencing should be maintained until the completion of all construction activities. All employees shall be instructed that their activities are restricted to the construction areas. • If dead or injured listed species are located, initial notification must be made within three working days to CDFW and to the applicable jurisdiction. • The City shall have the right to access and inspect any sites of approved projects including any restoration/enhancement area for compliance with project approval conditions including these BMPs. The CDFW may accompany City representatives on this inspection. • Any planting stock to be brought onto the site for landscaping or ecological restoration shall first be inspected by a qualified biologist to ensure it is free of pest species that could invade natural areas, including but not limited to Argentine ants (<i>Linepithema humile</i>), fire ants (<i>Solenopsis</i> sp.), and other insect pests. Any planting stock found to be infested with such pests shall not be allowed on the project site or within 300 feet of natural habitats. The stock shall be quarantined, treated, or disposed of according to best management principles by qualified experts in a manner that precludes invasions into natural habitats. • All mitigation sites shall be conserved through fee title acquisition or conservation easement, and proof of recordation shall be provided to the jurisdictional city prior to land disturbance. 			