San Diego Regional Water Quality Control Board

<u>Tentative</u> Order No. R9-2026-0081
for
Clean Water Act Section 401 Water Quality Certification
and Waste Discharge Requirements Order No. 2003-0017-DWQ

Effective Date	July 31, 2026
Project	Fanita Ranch Project
Program	Fill/Excavation
Project Type	Mixed Use
Discharger	HomeFed Fanita Rancho LLC 1903 Wright Place Suite 220 Carlsbad, CA, 92008
CIWQS Regulatory Measure ID No.	460767
CIWQS Place ID No. (PIN)	900824
CIWQS Party ID No.	650465
CIWQS Person ID No.	541835
WDID	9 000004069
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I. Findings

A. Order

This order for Clean Water Act section 401 water quality certification and Waste Discharge Requirements (Order) is issued at the request of HomeFed Fanita Rancho LLC, hereinafter Discharger, for the Fanita Ranch Project (Project). The Order grants water quality certification with conditions for the Project as described in the application and supplemental material submitted by the Discharger. The application was received by the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) on March 25, 2025, and, following receipt of additional information necessary to supplement the initial application, was deemed complete on June 24, 2026.

The Discharger has also applied for an Individual Permit from the United States Army Corps of Engineers (USACE) for the Project (USACE File No. SPL-2016-00574-SLP). The Individual Permit General Conditions require the authorized activity to comply with any case-specific conditions required by the San Diego Water Board in the Order.

B. Public Notice

On July 1, 2026, 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 30 days for public review and comment and as required by Clean Water Act section 401(a)(1).

C. Project Location

The Project is located within the City of Santee, San Diego County, California near Fanita Parkway. The Project's approximate center readings are latitude 32.884792, longitude -116.983511. A map showing the Project location is found in Attachment 6.

D. Project Description

The purpose of the Project is to develop a mixed-use residential development to provide housing opportunities in the Santee community and western San Diego County. Overall, approximately 2,949 to 3,008 housing units will be constructed with up to 80,000 square feet of area dedicated to commercial uses, parks, open space, and agricultural uses.

The Discharger proposes to mass grade and construct a mixed-use development, including roadways and utility infrastructure. The development will be comprised of three village clusters arranged around a central farm that would include a mix of residential, commercial, mixed-use, agricultural, and recreation land uses, and a large Habitat Preserve of natural open space areas, drainages, and key wildlife corridors. Several parks will provide trail access and serve as primary access points to the trail system in the Habitat Preserve. Manufactured slopes will be constructed around the three village clusters using balanced cut and fill in geologically stable soils. Additionally, road access will be constructed at Fanita Parkway, and road extensions will be constructed at Cuyamaca Street and Magnolia

Avenue. These two access points will create adequate ingress-egress points for emergency personnel and residents.

The total size of the entire area for all Project activities is 2,670.67 acres. Construction is expected to begin as soon as all permits are approved and will continue for 120 months.

The Project will completely or partially fill a majority of wetland and non-wetland features on-site with clean fill material from grading during the construction of manufactured slopes, fire management zones, roads, detention basins, trails, and mixed-use areas. Partially filled non-wetland waters will maintain their hydrologic connectivity through the construction of brow ditches, earthen-bottom ditches, and storm drains that will convey water from these upstream segments to unimpacted downstream features.

Project activities will result in permanent impacts to 4.86 acres of non-wetland waters, 0.80 acre of wetlands, and 0.015 acre of vernal pool and seasonal depressions under the jurisdiction of the San Diego Water Board. These impacts will be mitigated by the establishment, rehabilitation, and enhancement of vernal pools, non-wetland, and wetland waters of the United States and/or State on- and off-site.

The on-site mitigation will consist of 1.08 acres of enhancement and 6.49 acres of preservation of non-wetland waters, 2.55 acres of preservation of wetland waters, and 4.13 acres of establishment and 0.43 acre of rehabilitation of vernal pools across 12 locations of disturbed upland and degraded vernal pool habitat within the Habitat Preserve. The off-site mitigation will consist of 4.02 acres of wetland enhancement, 1.60 acres of wetland rehabilitation, and 1.56 acres of wetland re-establishment. The mitigation is further described in Finding I.I of the Order.

E. **California Environmental Quality Act Compliance**

1. The City of Santee is the lead agency under the California Environmental Quality Act (CEQA) (Public Resources Code sections 21000 et seq.) section 21067, and CEQA Guidelines (California Code of Regulations, title 14, sections 15000 et seq.) section 15367, and has approved a revised environmental impact report (EIR) and filed a Notice of Determination dated September 30, 2020 (Fanita Ranch Project, State Clearinghouse Number 2005061118). The lead agency has determined the Project will have a significant effect on the environment, but the effects will be less than significant because mitigation measures were made a condition of the Project.

2. The lead agency has adopted a mitigation monitoring and reporting program (MMRP) pursuant to Public Resources Code section 21081.6 and CEQA Guidelines section 15097 to ensure that mitigation measures are implemented. The Discharger must implement the MMRP as it pertains to resources within the San Diego Water Board's purview.

3. 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 EIR and independently finds that the Project as proposed will have a significant effect on resources within the San Diego Water Board's purview.

4. The San Diego Water Board has required mitigation measures and monitoring and reporting, as specified in section II of the Order, as conditions of the Order so the Project's environmental impacts on resources within the Board's purview are avoided or reduced to a less than significant level.

5. As a responsible agency under CEQA, the San Diego Water Board will file a Notice of Determination in accordance with CEQA Guidelines section 15096(i).

F. Receiving Waters Impacted by Project

Receiving waters and groundwater potentially impacted by the Project are protected in accordance with the *Water Quality Control Plan for the San Diego Basin (9)* (Basin Plan). The Basin Plan designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives. The San Diego Water Board adopted the Basin Plan on September 8, 1994. Subsequent revisions to the Basin Plan have also been adopted by the San Diego Water Board and approved by the State Water Resources Control Board (State Water Board). The Basin Plan is available at: https://www.waterboards.ca.gov/sandiego/water_issues/programs/basin_plan/

The Order authorizes unavoidable permanent impacts to non-wetland waters, wetland waters, and adjacent vernal pools and seasonal depressions tributary to Sycamore Canyon Creek, non-wetland waters tributary to Clark Canyon Creek, and non-wetland waters tributary to the San Diego River within the San Diego River Watershed of the San Diego Hydrologic Unit (HU **907.00**). Sycamore Canyon Creek, Clark Canyon Creek, the San Diego River, and their unnamed tributaries and/or adjacent aquatic resources have the designated beneficial uses listed below in Table 1. Additionally, Sycamore Canyon Creek and tributaries of the lower San Diego River are identified as impaired, under the Clean Water Act section 303(d) List of Water Quality Limited Segments, where water quality standards are not attained for pollutants listed below in Table 1.

Table 1: Beneficial Uses and Impairments of Receiving Waters

Receiving Waters	Beneficial Uses	303(d) Impairing Pollutants
Tributary Waters and Adjacent Vernal Pools/Depressional Basins to Sycamore Canyon Creek, Tributary Waters to Clark Canyon Creek, and Tributary Waters to San Diego River (Santee Hydrologic Subarea HSA 907.12)	Existing beneficial uses: Agricultural Supply; Industrial Service Supply; Contact Water Recreation; Non-contact Water Recreation; Warm Freshwater Habitat; Wildlife Habitat; Rare. Threatened, or Endangered Species	Listing for Sycamore Canyon Creek: Oxygen, Dissolved Adopted TMDLs for Tributaries in the Lower San Diego River: Indicator Bacteria

G. **Description of Impacts to Receiving Waters of the United States and/or State**

Project activities will not contribute to additional loading of pollutants identified in Table 1 above. The Discharger is implementing water quality control plans that include construction and post-construction best management practices to avoid and minimize impacts to water quality such as erosion control, sediment control, source control, good site management, and water quality treatment control and other low impact development measures. Additionally, the Project's structural and non-structural strategies are aligned with the San Diego River Watershed Water Quality Improvement Plan recommendations developed to address bacteria impairments, which will also address a broad range of other pollutants, including nutrients and organic matter that may contribute to dissolved oxygen depletion.

Total direct impacts to non-wetland waters, wetland waters, and adjacent vernal pools and seasonal depressions tributary to Sycamore Canyon Creek, non-wetland waters tributary to Clark Canyon Creek, and non-wetland waters tributary to the San Diego River attributable to the Project are summarized in Tables 2a, 2b, and 2c below. Maps of the impact location(s) are found in Attachment 6 of the Order.

Table 2a: Project Fill/Excavation Quantity to Stream Channel

Impact Type	Acres	Cubic Yards	Linear Feet
Temporary Impact	N/A	N/A	N/A
Permanent Impact	4.86	N/A	97,960

Table 2b: Project Fill/Excavation Quantity to Wetlands

Impact Type	Acres	Cubic Yards	Linear Feet
Temporary Impact	N/A	N/A	N/A
Permanent Impact	0.80	N/A	1,230

Table 2c: Project Fill/Excavation Quantity to Vernal Pools and Seasonal Depressions

Impact Type	Acres	Cubic Yards	Linear Feet
Temporary Impact	N/A	N/A	N/A
Permanent Impact	0.015	N/A	95

Project activities will result in a physical loss of area, because all aquatic resources within the development footprint will be graded and filled during construction of the development. Project activities may create indirect impacts to waters of the United States and/or State of California (State), but these impacts will be managed through best management practices and the implementation of a stormwater pollution prevention plan.

H. **Avoidance and Minimization**

The Discharger has demonstrated that the Project was designed to first avoid, then minimize, to the maximum extent practicable, impacts to waters of the United States and/or State. Avoidance and minimization measures are also required by the lead agency's EIR/MND and MMRP, as described in Finding I.E of the Order. The Discharger reports that the Project purpose cannot be practically accomplished in a manner which would avoid or result in less adverse impact to aquatic resources considering all potential practicable alternatives.

The Project qualifies as a Tier 3[1] project under the *State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State* (Dredge or Fill Procedures). The Discharger completed an alternatives analysis, USACE reviewed the analysis and determined that the Project is the least environmentally damaging practicable alternative.

The Project will add 500 acres of impervious surfaces. The Discharger will implement Low Impact Development best management practices, such as minimizing the impervious footprint, conserving natural areas, minimizing soil compaction, dispersing impervious areas, collecting runoff, landscaping with native and drought-tolerant species, and using peak flow attenuation strategies. These best management practices will minimize effects of impervious surfaces on waters and adjacent aquatic resources of the western Sycamore Canyon Creek watershed and unnamed tributary watershed to San Diego River.

Project avoidance and minimization measures implemented or planned by the Discharger include avoiding the filling of two stream channel segments and one wetland within the development envelope, using constructed features to maintain hydrologic connectivity between these avoided features and upstream segments, using compact development to minimize the development footprint, and implementing construction and post-construction best management practices to protect water quality. In total, 9.23 acres of non-wetland waters and 3.21 acres of wetland waters will be avoided on site.

I. **Compensatory Mitigation**

To offset adverse impacts to water quality, this Order requires, at a minimum, compensatory mitigation as described below.

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[1] Tier 3 projects include any discharge of dredged or fill material that directly impacts more than 0.2 of an acre or 300 linear feet of waters of the State, rare, threatened or endangered species habitat in waters of the State, wetlands or eel grass beds, or Outstanding National Resource Waters or Areas of Special Biological Significance, and is not a project that inherently cannot be located at an alternate location. Tier 3 projects shall provide an analysis of off-site and on-site alternatives.

Table 3: Required Mitigation for Permanent Impacts

Aquatic Resource Type	Impacts	Mitigation Ratio[2]	Mitigation	Mitigation Method	Mitigation Type
Stream Channel	4.86 acres (97,960 LF)	0.2 : 1 1.3 : 1	1.08 acres 6.49 acres	Stream Channel Enhancement Stream Channel Preservation	Permittee-responsible
Wetland	0.80 acres (1,230 LF)	2.0 : 1 2.0 : 1 5.0 : 1 3.2 : 1	1.56 acres 1.60 acres 4.02 acres 2.55 acres	Wetland Re-establishment Wetland Rehabilitation Wetland Enhancement Wetland Preservation	Permittee-responsible
Vernal Pool & Seasonal Depression	0.015 acre (95 LF)	275 : 1 29 : 1	4.13 acres 0.43 acre	Vernal Pool Establishment Vernal Pool Rehabilitation	Permittee-responsible
Total	5.68 acres	3.8 : 1	21.86 acres	All Mitigation	Permittee-responsible

Permittee-Responsible Compensatory Mitigation. The Discharger proposes on- and off-site permittee-responsible mitigation projects to offset the permanent loss of jurisdictional waters, which will be achieved through full and complete implementation of the *Habitat Mitigation and Monitoring Plan- Fanita Ranch Project Santee, California* (On-Site Mitigation Plan), dated March 2026, and the *Wetland Habitat Mitigation and Monitoring Plan- Fanita Ranch Off-Site Mitigation Project* (Off-Site Mitigation Plan), dated December 2025. The On-Site Mitigation Project site (PIN 906775) is located within a vernal pool complex in the on-

[2] Mitigation ratio is the ratio of area mitigated to area impacted.

site Habitat Preserve and throughout the Project site. The Off-site Mitigation Project site (PIN 906773) is located nearby in Lakeside within a floodplain along the upper San Diego River, east of Highway 67 and north of Vine Street.

The mitigation projects will implement self-sustaining establishment, re-establishment, and rehabilitation of jurisdictional vernal pools, non-wetland, and wetland waters. Jurisdictional non-wetland and wetland waters will also be preserved on-site.

The On-Site Mitigation Plan includes restoration activities at 12 locations of disturbed upland and degraded vernal pool habitat. Activities include reconfiguring and reconstructing mima mounds and basins, expanding the inundation area of degraded vernal pools through excavation, removing weedy vegetation, revegetating the mounds and surrounding upland buffers with upland sage scrub and native grassland species, and inoculating the vernal pools with San Diego fairy shrimp and appropriate vernal pool plant species. These activities will result in the establishment of 4.13 acres of vernal pools and 0.43 acre of rehabilitation of existing vernal pools. Additionally, 1.08 acres of non-wetland swales and ephemeral stream channels will undergo enhancement through the removal and control of invasive species and planting of native plant species. The on-site mitigation also includes preservation of 2.55 acres of wetland waters within the Habitat Preserve and 6.49 acres of non-wetland waters outside of the Habitat Preserve. On-site mitigation areas total 14.68 acres of jurisdictional waters.

The Off-Site Mitigation Plan activities include the restoration of a floodplain along the upper San Diego River to enhance, rehabilitate, and re-establish wetlands in areas disturbed by anthropogenic activities, including mining, borrow pit creation, and mass grading. Additional activities include the removal and control of invasive, non-native plant species, including dense stands of Arundo, and replanting with native riparian scrub species. Elevated constructed berms and disturbed upland areas will be graded down, and the excavated berm soil will be used to fill ponded areas to the elevation of the water table, therefore re-establishing wetland waters. Levelling the floodplain at the off-site mitigation site will restore connectivity in this segment of the San Diego River. Off-site mitigation areas total 7.18 acres of jurisdictional waters.

Although the mitigation plans propose out-of-kind mitigation for permanent impacts, mitigation activities will provide displaced functions and services, including stormwater conveyance and flood abatement, pollutant uptake, groundwater recharge, wildlife habitat, and corridors for wildlife movement. The mitigated areas will also provide vegetation communities that exceed the quality of impacted resources. Ultimately, the proposed mitigation activities will provide functional lift to a portion of the San Diego River Watershed. The ratio of total mitigation acreage (21.86 acres) to total impact acreage (5.68 acres) is 3.8:1.

J. **No Net Loss of Aquatic Resources**

The San Diego Water Board is committed to ensuring no overall net loss and long-term net gain in the quantity, quality, and permanence of wetlands as described in California's

Wetlands Conservation Policy.[3] The Discharger has demonstrated that the proposed compensatory mitigation will offset the unavoidable and permitted Project impacts to vernal pool, wetland and non-wetland habitat and is sufficient to replace the lost aquatic resource functions, thereby achieving the goal of no net loss, and possibly net gain, of aquatic resources. The compensatory mitigation plan is sufficient to provide the San Diego Water Board with a reasonable assurance that replacement of the full range of lost aquatic resources will be provided in perpetuity.

The Discharger has demonstrated that the Project will not contribute to a net loss of the overall abundance, diversity, and condition of aquatic resources in the San Diego River watershed. Based on these considerations, the Discharger's compliance with the terms and conditions of the Order will ensure that the Project meets applicable water quality standards for all waters of the United States and/or State in HSA 907.12.

K. Fees Received

The Discharger has paid all required application fees for the Order in the amount of $369,677.00. The fee amount was determined by California Code of Regulations, title 23, sections 2200(a)(3) and 3833(b)(3) and was calculated as Category A, Fill and Excavation Discharges, using the dredge and fill fee calculator.

II. Conditions

The San Diego Water Board has independently reviewed the record of the Project to analyze the extent and nature of proposed Project impacts to the water quality and beneficial uses of waters of the United States and/or State and any required compensatory mitigation to offset impacts attributed to the Project. A statement explaining why each condition is necessary to ensure that the discharge will comply with water quality requirements is included in Attachment 5. **The Discharger is authorized to proceed with the Project in accordance with the following conditions:**

A. Authorization of Project Impacts to Receiving Waters

The Discharger is authorized to implement the Project described in this Order and must not exceed the quantities of impacts to non-wetland waters, wetland waters, and adjacent vernal pools and seasonal depressions tributary to Sycamore Canyon Creek, non-wetland waters tributary to Clark Canyon Creek, and non-wetland waters tributary to the San Diego River shown in Tables 2a, b, c of this Order. Impacts to waters of the State will be considered unauthorized discharges if they occur prior to the start of construction of proposed mitigation.

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[3] In 1993, by executive order, the State of California adopted a goal of no net loss under the California Wetlands Conservation Policy, along with a goal to "achieve a long-term net gain in the quantity, quality, and permanence of wetlands acreage and values in California in a manner that fosters creativity, stewardship, and respect for private property." This goal is incorporated in the State Water Board-adopted *State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State*.

B. **Project Conformance with Water Quality Control Plans or Policies**

The Discharger must implement the Project in compliance with the following:

1. The Discharger must take all necessary measures to protect the receiving water beneficial uses identified in Finding I.F of the Order from potential Project impacts. All measures taken must be in accordance with water quality standards in the Basin Plan.

2. Notwithstanding any specific conditions in the Order, the Project must 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 (commencing with California Water Code section 13000) or section 303 of the Clean Water Act (33 U.S.C section 1313).

3. If at any time an unauthorized discharge to waters of the State occurs or monitoring indicates that the Project is violating, or threatens to violate, water quality objectives, the associated Project activities must cease immediately, and the San Diego Water Board must be notified in accordance with the standard provisions for reporting in Condition II.G of the Order. Associated Project activities may not resume without approval from the San Diego Water Board.

C. **Compensatory Mitigation Requirements**

1. **Compensatory Mitigation Implementation**. The Discharger must fully and completely implement the compensatory mitigation described above in Finding I.I. of the Order.

2. **Temporary Impacts Restoration**. All impacts are permanent, therefore no restoration of temporary impacts have been proposed.

3. **Mitigation Plan Implementation**. The Discharger must fully and completely implement the On-Site Mitigation Plan and the Off-Site Mitigation Plan. Any deviations from, or revisions to, these mitigation plans must be pre-approved by the San Diego Water Board.

4. **Timing of Mitigation Site Construction**. The construction of proposed mitigation must be concurrent with project construction and completed no later than 9 months following the start of Project construction. Delays in implementing mitigation must be compensated for by an increase in mitigation area of 10 percent of the cumulative compensatory mitigation area for each month of delay.

5. **Mitigation Plan Performance Standards**. Mitigation required under the Order shall be considered achieved once it has met the ecological success performance standards contained in section 5.9 beginning on page 116 of the On-Site Mitigation Plan and in section 9 beginning on page 27 of the Off-Site Mitigation Plan to the satisfaction of the San Diego Water Board.

6. **Preservation Mechanism**. The Discharger has provided the San Diego Water Board with a draft preservation mechanism (e.g., deed restriction, conservation easement,

etc.) that provides protection in perpetuity for aquatic habitats, riparian areas, uplands, and buffers that comprise the overall mitigation site. **Before Project completion**, the Discharger must submit proof of a completed final preservation mechanism in conformance with the following requirements:

a. Long-term protection may be provided through real estate instruments such as conservation easements held by federal, state, or local resource agencies; the transfer of title to such entities; or by restrictive covenants. For government property, long-term protection may be provided through state or federal facility management plans or integrated natural resources management plans.

b. The real estate instrument, management plan, or other mechanism providing long-term protection of mitigation site(s) must, to the maximum extent practicable, prohibit incompatible uses that might jeopardize the objectives of the compensatory mitigation. Where appropriate, multiple instruments recognizing compatible uses (e.g., fishing or grazing rights, recreation) may be used. The preservation mechanism must be adequate to demonstrate that the mitigation site will be maintained without future development or encroachment which could reduce the functions and values of the site 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.

c. The real estate instrument, management plan, or other long-term protection mechanism must contain a provision requiring 60-day advance notification to the San Diego Water Board before any action is taken to void or modify the instrument, management plan, or long-term protection mechanism, including transfer of title to, or establishment of any other legal claims over, the mitigation site.

7. **Mitigation Site Long-Term Management**. 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 On-Site Mitigation Plan and Off-Site 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:

a. 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.

b. The mitigation site(s) must be maintained, in perpetuity, with no more than 10 percent cover of non-native plant species and no species presently rated by the

California Invasive Plant Council as High or Moderate in conformance with the Mitigation Plan.

c. If at any time a catastrophic natural event (e.g., fire, flood) damages the mitigation site(s), the Discharger must take prompt and appropriate action to assess, respond to, and ensure repair of the damage(s) including replanting, allowing natural recovery, and addressing any other deficiencies in the affected area(s). The San Diego Water Board may require additional monitoring by the Discharger to assess how the compensatory mitigation site(s) is responding to a catastrophic natural event.

d. If changes in statute, regulation, or agency needs or mission results in an incompatible use on public lands originally set aside for the mitigation site(s), the Discharger must be responsible for providing alternative compensatory mitigation that is acceptable to the San Diego Water Board for any loss in functions resulting from the incompatible use prior to impacting the mitigation.

D. **Monitoring and Reporting Requirements**

1. **Mitigation Monitoring and Reporting**. The Discharger must implement a minimum of 7 years of maintenance, monitoring, and reporting of on-site mitigation as described in sections 4 and 5 beginning on page 109 of the On-Site Mitigation Plan and 5 years of maintenance, monitoring, and reporting of off-site mitigation as described in section 8 beginning on page 25 and section 10 beginning on page 29 of the Off-Site Mitigation Plan. The Discharger must submit copies of the annual mitigation monitoring reports and other information as required under Condition II.D.6 of this Order. The San Diego Water Board may extend the mitigation maintenance, monitoring, and reporting implementation upon determination that the performance standards required under Condition II.C.5, above, have not been met, the mitigation project is not on track to meet them, or the mitigation project is not achieving the purpose and goals stated in the On-Site Mitigation Plan and/or Off-Site Mitigation Plan.

2. **California Rapid Assessment Method (CRAM)**.[4] The Discharger must conduct CRAM monitoring to assess the current and potential ecological conditions of aquatic resources at the Project site and compensatory mitigation sites consistent with the requirements, below. Monitoring must be conducted by a trained CRAM practitioner.

   a. **CRAM Monitoring Plan for the Project Site**. Prior to initiating Project construction, the Discharger must submit a CRAM monitoring plan to the San Diego Water Board for review and acceptance. The CRAM Monitoring Plan must identify and include quantitative performance standards/success criteria (include goals for all CRAM metrics), appropriate reference sites, and at least three assessment areas that ensure a representative sampling of each aquatic resource type, when appropriate, a monitoring schedule, and an adaptive management process. For the Project site, CRAM monitoring must be conducted

[4] The most recent versions of the California Rapid Assessment Method (CRAM) for Wetlands and additional information regarding CRAM can be accessed at https://www.cramwetlands.org/

prior to the start of Project construction and biennially beginning with year 1 following construction completion over a period of at least 5 years (i.e., years 1, 3, and 5)

b. **CRAM Monitoring Plan for the Mitigation Sites**. For the mitigation sites, CRAM monitoring must occur as described in section 5.7 of the On-Site Mitigation Plan and section 10.4 of the Off-Site Mitigation Plan. The mitigation sites must meet or exceed performance standards/success criteria as determined by the San Diego Water Board. If the final CRAM performance standards/success criteria are not met by the end of the proposed monitoring period, CRAM monitoring shall continue annually until performance standards are met.

c. **Data Storage**. All CRAM assessment data must be uploaded to the EcoAtlas tracking system at https://ptrack.ecoatlas.org. Confirmation of data submittal to EcoAtlas must be submitted with Annual Progress Reports.

d. **Monitoring Reports**. CRAM monitoring reports must tabulate and evaluate the assessment data results, discuss progress towards and/or achievement of meeting performance standards/success criteria contained in the CRAM Monitoring Plan, and report on any adaptive management actions needed and/or taken to address deficiencies, as necessary. The final CRAM monitoring report must include quantitative comparisons of current conditions at the mitigation sites with pre-construction Project site conditions and mitigation sites baseline and annual monitoring results and an evaluation of whether and how the completed compensatory mitigation provides a no net loss of overall abundance, diversity, and conditions of aquatic resources in the affected watershed. CRAM monitoring reports must be submitted with the respective Annual Progress Report.

3. **Bioassessment Monitoring**. The Discharger must conduct bioassessment monitoring to assess the impact of construction activities and the ecological conditions of aquatic resources at the off-site mitigation site. Bioassessment must include the collection and reporting of: (1) benthic macroinvertebrate data, and (2) physical habitat data. Benthic macroinvertebrate data must be collected in wadable streams during the appropriate sampling period based on stream type:

Scenario	Typical sampling period
Nonperennial stream in a typical year	March 1 through May 1
Nonperennial stream in a dry year	February 15 through April 15
Nonperennial stream in a wet year	April 15 through July 15
Perennial stream in a typical year	May 15 through July 15
Perennial stream in a dry year	April 15 through June 15
Perennial or high-elevation stream in wet year (where snow or meltwater is a concern)	June 15 through August 15

Wadable streams must be defined as streams that can be safely waded in order to be sampled for benthic invertebrates during the appropriate index period and baseflow conditions. If there is uncertainty regarding the appropriate sampling period, please contact the San Diego Water Board.

a. **Monitoring Sites**. All monitoring sites must be approved by the San Diego Water Board before sampling is initiated and must meet the following conditions:

   i. **Mitigation Assessment Stations**. Bioassessment monitoring for mitigation areas must be performed concurrently at a minimum of three assessment stations:

      1. A reference station, which must be located upstream of the mitigation site in an area with minimally disturbed conditions,

      2. A station within the mitigation site, and

      3. A station downstream of the mitigation site.

b. **Monitoring Frequency**. For the off-site mitigation site, bioassessment data must be collected before site construction and biennially following construction completion for a period of at least 5 years (i.e., years 1, 3, and 5) until the mitigation site meets success criteria as determined by the San Diego Water Board. If the final success criteria are not met by year 5, bioassessment monitoring must continue annually until performance standards are met.

c. **Field Methods**. Bioassessment monitoring must be performed using the most recent SWAMP field methods specified in *Standard Operating Procedures for the Collection of Field Data for Bioassessment of California Wadeable Streams: Benthic Macroinvertebrates, Algae, and Physical Habitat, SOP 004, May 2016* (SOP SB-2016-0001, Ode et al. 2016)[5] or any updates of these methods. The Discharger must conduct, concurrently with all required benthic macroinvertebrate collections, the "Full" suite of physical habitat characterization measurements as specified in the SOP.

d. **Laboratory Methods**. Benthic macroinvertebrates must be identified using the SWAMP laboratory methods specified in *Standard Operating Procedures for Laboratory Processing and Identification of Benthic Macroinvertebrates in California* (Laboratory SOP, Woodard et al. 2012)[6] or any updates of these methods. Standard Taxonomic Effort (STE) Level II or IIa of the Southwestern Association of Freshwater Invertebrate Taxonomists (SAFIT) is required. Quality control samples are required for 10 percent of the samples each year and Quality Assurance samples must be analyzed by the Aquatic Bioassessment Laboratory of the California Department of Fish and Wildlife.

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[5] The SOP and supplemental guidance for field collection procedures can be found at: https://www.waterboards.ca.gov/water_issues/programs/swamp/bioassessment/sops.html.
[6] The Laboratory SOP can be found at: https://www.waterboards.ca.gov/water_issues/programs/swamp/docs/bmi_lab_sop_final.pdf

e. **Data Analysis**. Analysis of benthic macroinvertebrate data must be conducted using scoring tools including but not limited to the *California Stream Condition Index* (CSCI, Mazor et al., 2017, SWAMP-TM-2015-0004).[7]

f. **Data Storage**. All bioassessment data must be uploaded to the California Environmental Data Exchange Network (CEDEN) at http://www.ceden.org. Confirmation of data submittal to CEDEN must be submitted with Annual Progress Reports.

g. **Monitoring Reports**. Bioassessment data must be submitted with the respective Annual Progress Reports. Additionally, an evaluation, interpretation, and tabulation of all bioassessment data must be submitted with the Final Annual Progress Report and any subsequent reports if required.

4. **Receiving Water Visual Monitoring**. The Discharger must conduct continuous visual/sensory observations monitoring during all Project activities having the potential to discharge to and/or within receiving waters and demonstrate compliance with water quality objectives as described below. The receiving water visual monitoring documentation must be compiled and included in Annual Progress Reports as required in Condition II.D.6 of the Order.

a. **Parameters**. The following parameters[8] and construction best management practice status must be monitored:

i. Floating particulates, suspended materials, and/or surface visible turbidity plume.

ii. Grease, oil, sheen, odor, color, or any other significant discoloration of the water column and/or water surface.

iii. Condition/effectiveness of construction best management practices.

b. **Field Documentation**. All observations must be performed and recorded throughout Project construction activities by a qualified biologist and/or environmental professional (see Attachment 3, Construction Best Management Practices, Bullet O). In addition to the records of monitoring information listed in Attachment 4, Standard Provision 4.e, field documentation of receiving waters visual monitoring must include, at a minimum, observations of the parameters listed above, sensitive biological resources, and weather conditions, such as wind speed/direction, cloud cover, precipitation, etc. Photo documentation must be used in support of visual observations of water quality conditions and be conducted in accordance with guidelines posted at https://www.waterboards.ca.gov/sandiego/water_issues/programs/401_certificatio

[7] Instructions for calculating scores for the *California Stream Condition Index* can be found at: https://www.waterboards.ca.gov/water_issues/programs/swamp/bioassessment/docs/20201220_consolidated_sop.pdf

[8] Chapter 3 of the Basin Plan presents the narrative and/or numerical water quality objectives related to these parameters.

n/docs/401c/401PhotoDocRB9V713.pdf. In addition, photo documentation should include Global Positioning System coordinates for each of the photo points referenced.

c. **Response Actions**. If an exceedance of water quality objectives is observed and is determined to be associated with the Project's construction activity, response action(s) must be taken immediately to correct the situation. Response actions may include, but are not limited to, work stoppage until repair of construction best management practices are completed, implementation of operational modifications, work stoppage due to the presence of sensitive species until area is vacated, work stoppage due to the presence of a sheen/spill until it is cleaned up, and/or implementation of additional best management practices, Response actions include identifying the source of discharge causing such exceedance(s) and abating and/or cleaning up the discharge. Response actions, if needed, must be documented in the monitoring field notes/log.

5. **Aquatic Resource Delineation Reporting**. **By the end of the mitigation maintenance and monitoring period**, the Discharger must perform an aquatic resource delineation survey of the mitigation project site(s) described in the On-Site Mitigation Plan and Off-Site Mitigation Plan for the purpose of demonstrating that the Project has provided the quantity and type of compensatory mitigation in terms of the area and linear feet required under Condition II.C.1 of the Order. Wetland area delineation must be performed in accordance with the wetland delineation provisions of section III of the Dredge or Fill Procedures. Boundaries and/or lateral extent must be identified using methodologies set forth in the *Field Guide to the Identification of the Ordinary High Water Mark (OHWM) in the Arid West Region of the Western United States Delineation Manual.*[9] The Discharger must submit a report of the delineation survey results with the final Annual Progress Report. The Discharger may be required to perform and provide supplemental survey information if the required amount of aquatic resource area(s) is not verified.

6. **Annual Progress Reports**. The Discharger must submit Annual Progress Reports to the San Diego Water Board prior to **March 1 of each year following the issuance of the Order** and continue to provide the reports for each reporting period until the San Diego Water Board accepts the Project Completion Notification submitted by the Discharger. The reporting period for each Annual Progress Report is January 1 through December 31 of each year. Annual Progress Reports must be submitted even if Project activities are not conducted during the reporting period.

   Annual reports must contain the status and anticipated schedule for both the Project and compensatory mitigation site(s). Additional requirements for the contents of Annual Progress Reports are detailed in Attachment 2.

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[9] Lichvar, R.W. and S.M. McColley. 2008. A Field Guide to the Identification of the Ordinary High Water Mark (OHWM) in the Arid West Region of the Western United States: A Delineation Manual. ERDC/CRREL TR-08-12. Hanover, NH: U.S. Army Engineer Research and Development Center, Cold Regions Research and Engineering Laboratory.

7. **Geographic Information System Data**. The Discharger must submit Geographic Information System (GIS) shape files and metadata that depict the boundaries of all Project areas and extent of aquatic resources impacted by the Project with the Discharge Completion Notification required in Condition II.E.2 of the Order. **As part of the final Annual Progress Report,** the Discharger must submit GIS shape files and metadata that depict the boundaries of all mitigation areas, when mitigation is required, including extent and distribution of each aquatic resource and/or buffer area. Metadata should include information such as aquatic resource type, restoration type, areas, lengths, related permit information, and the like. For instructions on submitting GIS files, please contact the San Diego Water Board.

E. **Project Status Notification Requirements**

1. **Discharge Commencement Notification**. The Discharger must notify the San Diego Water Board in writing **at least 5 days prior to the start of Project construction**.

2. **Discharge Completion Notification**. The Discharger must notify the San Diego Water Board in writing **within 30 days of completion of active Project construction activities**, including construction of any required restoration or compensatory mitigation. Submittal of the Notification does not obviate the Discharger's duty to comply with the requirements of the Order, pay any outstanding invoices of permit fees, or submit any outstanding required reports. The Notification must include:

   a. Dates of construction initiation and completion.

   b. Photo documentation of all areas of permanent and temporary impact showing before and after Project construction activities. Photo documentation must be conducted in accordance with guidelines posted at https://www.waterboards.ca.gov/sandiego/water_issues/programs/401_certification/docs/401c/401PhotoDocRB9V713.pdf. In addition, photo documentation must include Global Positioning System coordinates for each of the photo locations referenced.

   c. Status of post-construction best management practice, including photo documentation of implemented post-construction best management practices. Photo documentation must be conducted in accordance with guidelines referenced above and include Global Positioning System coordinates for each of the photo locations referenced.

   d. A copy of as-built drawings of the Project Site(s), no bigger than 11"X17".

   e. A list of all incidents of noncompliance (i.e., water quality standards exceedances, accidental discharge/spills, etc.) occurring during Project implementation, including the dates and times of each period of noncompliance and a summary of the steps taken to correct and resolve the noncompliance.

   f. A statement, signed by the Discharger in accordance with Condition II.H.2 of the Order, that certifies the authorized activity and implementation of any required

compensatory mitigation were conducted and completed in accordance with the Order, including any activity-specific or compensatory mitigation conditions.

3. **Project Completion Notification**. The Discharger must submit a Project Completion Letter when construction activities, post-construction monitoring, and mitigation monitoring (if required) are complete[10] and no further Project activities will occur. This written notification must be submitted to the San Diego Water Board **within 30 days following completion of all Project activities**. Upon approval of the request, the San Diego Water Board will issue an Acceptance of Project Completion to the Discharger which will formally end the monitoring period and associated annual fees.

F. **Construction and Post-Construction Best Management Practices**

The Discharger must implement best management practices, as described in Attachment 3, before, during, and after construction to prevent discharges from the Project causing or contributing to on-site or off-site erosion; creation of a condition of pollution, contamination, or nuisance; re-suspension of sediments; discharge of toxic pollutants; and/or damage to properties or waters of the United States and/or State.

G. **Standard Provisions**

The Discharger must comply with all standard provisions included in Attachment 4.

H. **Document Submittal Requirements**

1. **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."

2. **Document Signatory Requirements**. All applications, reports, or information submitted to the San Diego Water Board must be signed by a legally responsible person (LRP) representing the Discharger (or duly authorized representative, as described below). The LRP eligibility is as follows:

   a. For a corporation, by a responsible corporate officer of at least the level of vice president.

[10] Completion of post-construction and/or mitigation monitoring shall be contingent upon achievement of performance standards as determined by the San Diego Water Board.

b. For a partnership or sole proprietorship, by a general partner or proprietor, respectively.

c. For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official. This includes the chief executive officer of the agency or the senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of the U.S. EPA).

d. A duly authorized representative may sign applications, reports, or information if the requirements for authorization listed below are met. 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.

   i. The authorization is made in writing by the Discharger's LRP.

   ii. The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.

   iii. The written authorization is submitted to the San Diego Water Board Executive Officer.

3. **Electronic Document Submittal**. The Discharger must submit all reports and information required by the Order via e-mail to SanDiego@waterboards.ca.gov with the following information added to the end of the subject line: **"401 Certification No. R9-2026-0081, PIN 900824:lkim2**." Digital documents must not be password protected, and file share site links will not be accepted for purposes of document submittal to the Project's administrative record. Documents over 50 megabytes cannot be accepted via e-mail and must be placed on a flash drive and delivered to:

   San Diego Regional Water Quality Control Board
   Attn: 401 Certification No. R9-2026-0081, PIN 900824:lkim2
   2375 Northside Drive, Suite 100
   San Diego, California 92108

III. Water Quality Certification

I hereby certify that the proposed discharge from the **Fanita Ranch Project** (Order No. R9-2026-0081) 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 the Order. Please note that enrollment under Order No. 2003-0017-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 Order actions are contingent on (a) the discharge being limited to, and all proposed mitigation being completed in strict compliance with, the Discharger's Project description and/or the description in the Order, and (b) compliance with all applicable requirements of the Basin Plan.

I, David W. Gibson, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of Order No. R9-2026-0081 issued on July 31, 2026.

TENTATIVE

DAVID W. GIBSON
Executive Officer
San Diego Water Board

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.

Application – means a written request, including a report of waste discharge or request for water quality certification, for authorization of any activity that may result in the discharge of dredged or fill material and is subject to the Order.

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 – means the restoration (re-establishment or rehabilitation), establishment, enhancement, and/or preservation of aquatic resources for the purposes of offsetting unavoidable adverse impacts which remain after all appropriate and practicable avoidance and minimization has been achieved.

Compensatory mitigation project – means compensatory mitigation implemented by the Discharger as a requirement of the Order (i.e., permittee-responsible mitigation), or by a mitigation bank or an in-lieu fee program.

Condition – means the relative ability of an aquatic resource to support and maintain a community of organisms having a species composition, diversity, and functional organization comparable to reference aquatic resources in the region.

Credit – means a unit of measure (e.g., s functional or areal measure or other suitable metric) representing the accrual or attainment of aquatic functions at a compensatory mitigation site. The measure of aquatic functions is based on the resources restored, established, enhanced, or preserved.

Direct impact – is an impact that occurs within an aquatic resource or its riparian area, and that occurs at the same time as the project. Direct impacts can be either temporary or permanent.

Discharge of dredged or fill material – has the same meanings as they are used in the federal Clean Water Act and Code of Federal Regulations (CFR), title 40, section 232.2, but (1) shall include discharges to waters of the State that are not waters of the U.S. and (2) any

demonstrations described in CFR, title 40, section 232.2(3)(i) shall be made to the permitting authority instead of the USACE or U.S. EPA. Placement of dredged or fill material in a manner that could not affect the quality of waters of the State is not considered a discharge of dredged or fill material.

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

Dredging – means the removal of sediment in deeper water to increase depth, typically to facilitate navigation.

Ecological degradation –is when an impact degrades the condition and function of an aquatic resource. Ecological degradation can occur without physical loss of aquatic resources and have a short- or long-term effect.

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.

Excavation – means the removal of sediment or soils in shallow waters or under no-flow conditions where impacts to beneficial uses are best described by the area of the discharge. It is done for purposes other than navigation.

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.

Functions – means the physical, chemical, and biological processes that occur in ecosystems.

Impact – means an adverse effect on an aquatic resource caused by the discharge of dredged or fill material. Adverse effects may be the physical loss of area, ecological degradation of the aquatic resource, or both.

Indirect impact – is a reasonably foreseeable impact outside of the direct impact area that will have an adverse effect on an aquatic resource. Indirect impacts can be either temporary or permanent.

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

LEDPA – means the least environmentally damaging practicable alternative. The determination of practicable alternatives shall be consistent with the State Supplemental Dredge or Fill Guidelines, section 230.10(a).

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 the Order.

Order – means water quality certification, waste discharge requirements, or waivers of waste discharge requirements.

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

Permanent impact – means a permanent change to an aquatic resource, including changing it to a non-aquatic resource, changing the bottom elevation of an aquatic resource, or by constructing or placing structures within it. Permanent impacts can cause physical loss of area and/or ecological degradation.

Permittee-responsible mitigation – means an aquatic resource restoration, establishment, enhancement, and/or preservation activity undertaken by the permittee (or an authorized agent or contractor to provide compensatory mitigation for which the permittee retains full responsibility.

Physical loss – means the permanent change of an aquatic resource to a non-aquatic habitat type or permanent change of the bottom elevation of the aquatic resource. Physical loss always includes ecological degradation.

Project – means the whole of an action that includes a discharge of dredged or fill material to waters of the U.S. and/or State.

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.

Services – means the benefits that human populations receive from functions that occur in ecosystems.

Start of project construction – For the purpose of the Order, "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.

Temporal loss – means the time lag between the loss of aquatic resource functions caused by the permitted impacts and the replacement of aquatic resource functions at the compensatory mitigation site. Higher compensation ratios may be required to compensate for temporal loss.

Temporary impact – means an impact that is restored to pre-project conditions through natural ecological processes or active restoration. Temporary impacts are therefore not considered a physical loss of area or degradation of ecological condition requiring compensatory mitigation.

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 aquatic areas. In a watershed, uplands comprise the landscape in which aquatic areas form. They are the primary sources of sediment, surface runoff, and associated chemicals that are deposited in aquatic areas or transported through them.

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

Waters of the State – means any surface water or groundwater, including saline waters, within the boundaries of the state.

Watershed – means a land area that drains to a common waterway, such as a stream, lake, estuary, wetland, or ultimately the ocean.

ATTACHMENT 2 – Annual Progress Report Requirements

The reporting period for each Annual Progress Report is January 1 through December 31 of each year. Annual Progress Reports must be submitted even if Project discharge activities have not started or did not occur during the reporting period, in which case only the reason for the delay, if applicable, and the anticipated schedule for Project commencement must be reported. Annual Progress Reports must be submitted even if Project construction is complete and compensatory mitigation site construction or monitoring is ongoing. Annual Progress Reports must include, at a minimum, the following:

1. **Project Status and Compliance**.

    a. A summary description of Project construction activities completed during the reporting period, including the dates of active Project construction.

    b. The status and anticipated schedule for completion of Project construction activities, including the installation and operational status of construction best management practices for water quality protection.

    c. A description of any Project construction delays encountered or anticipated that will affect the schedule for Project completion.

    d. Photo documentation of the Project's construction activities that occurred during the reporting period, including all areas of temporary and permanent impact before, during, and/or after construction, and construction and/or post-construction best management practices implemented at the Project site. Photo documentation must be conducted in accordance with guidelines posted at https://www.waterboards.ca.gov/sandiego/water_issues/programs/401_certification/docs/401c/401PhotoDocRB9V713.pdf. In addition, photo documentation must include Global Positioning System coordinates for each photo location.

    e. A description of each of the following: each incident of noncompliance (i.e., water quality standards exceedances, accidental discharge/spills, etc.) occurring during the annual reporting period and its cause; the period of the noncompliance including exact dates and times; 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. **Records of Monitoring**. Provide the following information in monitoring reports, as relevant:

    a. The names, qualifications, and affiliations of individuals who performed the monitoring, sampling, analyses, and otherwise contributed to the report.

    b. The date, exact place, and time of monitoring.

    c. The analytical techniques and/or methods used.

    d. Confirmation that California Rapid Assessment Method (CRAM) data were submitted to the EcoAtlas tracking system at https://ptrack.ecoatlas.org.

e. Confirmation that benthic macroinvertebrate data and physical habitat data were submitted to the California Environmental Data Exchange Network (CEDEN) at http://www.ceden.org.

3. **Results of Construction Monitoring**. Provide the following reporting:

   a. Receiving water visual monitoring reports. The Discharger must provide a summary of the receiving water monitoring completed and reported in accordance with Condition II.D.4 during the annual reporting period and identify and summarize any incidents of non-compliance, including response actions when implemented.

4. **Compensatory Mitigation Status and Compliance**. Compensatory mitigation project(s) status and monitoring information must be reported for the duration of Project implementation, including for a maintenance and monitoring period of **at least seven years at the on-site mitigation area and at least five years at the off-site mitigation area**. 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 upon a determination that the performance standards have not been met, or the compensatory mitigation project is not on track to meet the performance standards or goals and objectives described in the On-Site Mitigation Plan and Off-Site Mitigation Plan. The compensatory mitigation reporting must include the following information:

   a. A summary description of mitigation activities, including preparation for installation, completed during the reporting period.

   b. The status and anticipated schedule for completion of mitigation installation, maintenance, and monitoring activities, including any implementation of adaptive management actions, if required.

   c. Mitigation maintenance monitoring reports. In accordance with Condition II.D.1 of the Order, the Discharger must submit the mitigation monitoring reports described in the On-Site Mitigation Plan and Off-Site Mitigation Plan. The reports must provide a tabulation and interpretation of all data specified in the On-Site Mitigation Plan and Off-Site Mitigation Plan and include the following:

      i. Qualitative and quantitative comparisons of current conditions with pre-construction conditions and previous mitigation monitoring results.

      ii. Conclusions as to how the mitigation site(s) is/are progressing towards meeting performance standards contained in the On-Site Mitigation Plan and Off-Site Mitigation Plan.

      iii. Photo documentation of mitigation site progress. Photo documentation must be conducted in accordance with guidelines posted at https://www.waterboards.ca.gov/sandiego/water_issues/programs/401_certification/docs/401c/401PhotoDocRB9V713.pdf. In addition, photo documentation must include Global Positioning System coordinates for each photo point.

      iv. CRAM monitoring reports in accordance with Condition II.D.2 of the Order.

v. Bioassessment monitoring reports in accordance with Condition II.D.3 of the Order.

vi. A summary description of adaptive management/remedial measures actions implemented at the mitigation site(s), their status, and need for additional action, when applicable.

d. The final Annual Progress Report must include the following additional information:

i. A description of the following mitigation site(s) characteristics:

1. As-built drawings of the mitigation site(s), no bigger than 11”X17”.

2. A survey report documenting boundaries of the mitigation site(s).

ii. Aquatic resource delineation report verifying the extent of waters of the State established and/or re-established at the mitigation site as required by Condition II.D.5.

iii. GIS shape files and metadata that show mitigation site(s), including extent and distribution of aquatic resources as required by Condition II.D.7 of the Order.

ATTACHMENT 3 – Construction and Post-Construction Best Management Practices

The Discharger must implement the following best management practices.

Construction Best Management Practices

A. **Approval to Commence Construction**. The Discharger must 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 Discharger must educate all personnel on the requirements in the Order, pollution prevention measures, spill response measures, and best management practice implementation and maintenance measures.

C. **Spill Containment Materials**. The Discharger 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 Stormwater Permit**. Prior to start of Project construction, the Discharger must, as applicable, obtain coverage under and comply with the requirements of State Water Board's Water Quality Order No. 2022-0057-DWQ, the *General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activity*, (General Construction Stormwater Permit) and any reissuance. If Project construction activities do not require coverage under the General Construction Stormwater Permit, the Discharger must develop and implement a runoff management plan (or equivalent construction best management practice plan) to prevent the discharge of sediment and other pollutants during construction activities.

E. **Groundwater Dewatering**. If groundwater dewatering is required for the Project, the Discharger must enroll in and comply with the requirements of San Diego Water Board Order No. R9-2015-0013 NPDES No. CAG919003, *General Waste Discharge Requirements for Groundwater Extraction Discharges to Surface Waters within the San Diego Region* or its successor permit.

F. **Waste Management**. Except for discharges permitted under the Order, the Discharger must properly manage, store, treat, and dispose of waste, trash, organic or earthen material, and other construction debris from Project activities in accordance with applicable federal, State, and local laws and regulations. The storage, handling, treatment, or disposal of waste must not create conditions of pollution, contamination, or nuisance as defined in California Water Code section 13050. Waste management must be implemented to avoid or minimize exposure of waste to precipitation or stormwater runoff. Direct discharge of waste 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. Upon Project completion, all Project-generated waste and debris must be removed from the Project site(s) for disposal at an authorized disposal site in compliance with federal, State, and local laws and regulations.

G. **Upstream and Downstream Erosion**. Discharges of concentrated flow during construction or after Project completion must not cause or contribute to upstream or 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 components used in direct contact with surface water must be steam cleaned prior to use. All equipment using gas, oil, hydraulic fluid, or other petroleum products must be inspected for leaks prior to use and must be monitored for leakage. Stationary equipment (e.g., motors, pumps, generator, etc.) must 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 stormwater runoff flows. Pollutants discharged to areas within a stream diversion must be removed at the end of each workday 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 Discharger must implement and maintain best management practices 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 https://www.cal-ipc.org/plants/inventory/.

L. **Hazardous Materials**. Except as authorized by the Order, 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. Best management practices 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 best management practices 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 the State Water Board's Water Quality Order No.

2013-0002--DWQ, the *Statewide General National Pollution Discharge Elimination System (NPDES Permit for Residual Aquatic Discharges to Waters of the United States from Algae and Aquatic Weed Control Applicators as amended,* and any subsequent reissuance as applicable.

N. **Limits of Disturbance**. The Discharger must 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 and/or Environmental Professional**. The Discharger must designate an on-site qualified biologist and/or other qualified environmental professional to monitor Project construction activities within and/or adjacent to waters of the United States and/or State to ensure compliance with the requirements of the Order, including conducting and documenting receiving water visual observations and/or water quality monitoring and appropriate response actions taken, if needed, as required under Condition II.D.4 of the Order. The on-site biologist and/or environmental professional must be given authority to stop all work on site if a violation of the Order occurs or has the potential to occur. All records, field logs, and/or field notes created by the on-site biologist and/or environmental professional for the purpose of documenting observations, water quality measurements, and/or response actions during Project activities must be submitted with the Annual Progress Reports.

Post-Construction Best Management Practices

A. **Post-Construction Discharges**. The Discharger must 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. **Post-Construction Best Management Practices Design**. The Project must be designed to comply with the requirements for priority development projects in section E.3. of the Regional MS4 Permit Order No. R9-2013-0001, *National Pollutant Discharge Elimination Systems Permit and Waste Discharge Requirements for Discharges of Urban Runoff from the MS4s Draining the Watersheds within the San Diego Region* (Regional MS4 Permit), as amended by Order Nos. R9-2015-0001 and R9-2015-0100, as well as the most current Best Management Practice Design Manual for the City of Santee. Where conflict exists between the referenced documents the most stringent requirements must apply.

ATTACHMENT 4 – Standard Provisions

The Discharger must comply with the following standard provisions:

1. Compliance

a. Duty to Comply. The Order is subject to remand, amendment, or vacatur by judicial or administrative adjunction, including review pursuant to California Water Code section 13330 and California Code of Regulations, title 23, section 3867 et seq.

b. Duty to Comply. The Discharger must comply with all conditions and requirements of the Order. Any Order noncompliance constitutes a violation of the California Water Code and is grounds for enforcement action or Order termination, revocation and reissuance, or modification.

c. Property Rights. The Order does not convey any property rights of any sort, or any exclusive privilege.

d. Property or Private Rights. The issuance of the Order does not authorize any injury to persons or property or invasion of other private rights, or any infringement of state or local law or regulations.

e. Project Modification. The Discharger must submit any significant change to the Project to the San Diego Water Board for prior review and written approval. Significant changes would include any change that would have any material effect on the findings, conclusions, or conditions of the Order. Without the San Diego Water Board's review and prior approval of the significant change to the Project, the change will be considered a violation of the Order.

f. Project Conformance with Application. All water quality protection measures and best management practices described in the application and supplemental information for water quality certification are incorporated by reference into the Order as if fully stated herein. Notwithstanding any more specific conditions in the Order, the Discharger must construct, implement, and comply with all water quality protection measures and best management practices described in the application and supplemental information. The conditions within the Order shall supersede conflicting provisions within the application and supplemental information submitted as part of this action.

g. Inspection and Entry. The Discharger must allow the San Diego Water Board or the State Water 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:

i. Enter upon the Project or Compensatory Mitigation premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of the Order.

ii. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the Order.

iii. Inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under the Order.

iv. Sample, monitor, and photograph, at reasonable times, for the purpose of assuring Order compliance, or as otherwise authorized by the Clean Water Act or California Water Code, any substances, or parameters at any location.

2. Permit Administration

a. Term of Order. The Order shall expire ten (10) years from the date of issuance of the Order if Project discharge activities authorized by this Order have not started.

b. Payment of Fees. The Order is conditioned upon total payment of any fee required under California Code of Regulations, title 23, sections 3830 et seq. and owed by the Discharger.

3. Permit Actions

a. Transfers. The Order is not transferable in its entirety or in part to any person or organization except after notice to the San Diego Water Board is provided in accordance with the terms listed below. Upon properly noticed transfers of responsibility, the transferee assumes responsibility for compliance with the Order and references in the Order to the Discharger will be interpreted to refer to the transferee as appropriate. Transfer of responsibility does not necessarily relieve the Discharger of the Order in the event that a transferee fails to comply.

i. Transfer of Property Ownership. The Discharger must notify the San Diego Water Board of any change in Project area ownership. Notification of change in ownership must include, but not be limited to, a statement that the Discharger has provided the purchaser with a copy of the Order and that the purchaser understands and accepts the Order 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.**

ii. Transfer of Mitigation Responsibility. Any notification of transfer of responsibilities to satisfy the mitigation requirements set forth in the Order 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 an 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 California Water Code section 13385(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.**

iii. Transfer of Post-Construction Best Management Practice Maintenance Responsibility. The Discharger assumes responsibility for the inspection and maintenance of all post-construction structural best management practices until

such responsibility is legally transferred to another entity. At the time maintenance responsibility for post-construction best management practices is legally transferred, the Discharger 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 best management practice maintenance plan that complies with manufacturer specifications. The Discharger must provide such notification to the San Diego Water Board **within 10 days of the transfer of best management practice maintenance responsibility.**

b. **Permit Changes.** The Order may be modified, revoked and reissued, or terminated for cause including but not limited to situations that follow, below. The filing of a request by the Discharger for modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any Order condition.

   i. Violation of any term or condition of the Order.

   ii. Monitoring results indicating that continued Project activities could violate water quality objectives or impair the beneficial uses of receiving waters identified in Finding I.F of the Order.

   iii. Obtaining the Order by misrepresentation or failure to disclose fully all relevant facts.

   iv. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

   v. 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.

4. Monitoring

a. **Representative Monitoring.** Samples and measurements taken for the purpose of monitoring under the Order must be representative of the monitored activity.

b. **Monitoring Instruments.** All monitoring instruments and devices, which are used by the Discharger to fulfill the prescribed monitoring program, must be properly maintained and calibrated as necessary to ensure their continued precision and accuracy.

c. **Certified Laboratory.** All laboratory analyses must be performed in a laboratory certified to perform such analyses under the State Water Board's Environmental Laboratory Accreditation Program or a laboratory approved by the San Diego Water Board.

d. **USEPA Test Procedures.** Monitoring must be conducted according to USEPA test procedures approved under Title 40, Code of Federal Regulations (CFR), Part 136, Guidelines Establishing Test Procedures for Analysis of Pollutants Under the Clean Water Act as amended, unless other test procedures have been specified in the Order.

e. **Records of Monitoring Information.** Records of monitoring information must include the following when appropriate:

   i. The date, exact place, and time of sampling or measurements.

   ii. The individual(s) who performed the sampling, measurements, and analyses.

   iii. The analytical techniques or methods used.

   iv. The results of such analyses.

f. **Records Retention.** The Discharger must retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by the Order, and records of all data used to complete the application for the Order. Records must be maintained for a minimum of five years from the date of the sample, measurement, report, or application. This period may be extended during the course of any unresolved litigation regarding this Project or when requested by the San Diego Water Board.

g. **Modifications to Monitoring and Reporting.** The San Diego Water Board may modify the monitoring program at any time during the term of the Order and may reduce or increase the number of parameters to be monitored, the locations monitored, the frequency of monitoring, or the number and size of samples collected.

5. **Reporting**

a. **Duty to Report.** The submittal of information required under the Order, or in response to a suspected violation of any condition of the Order, is required pursuant to California Water Code section 13383. Monitoring and reporting costs are reasonable and necessary to evaluate compliance with the Order and water quality and other impacts. Civil liability may be administratively imposed by the San Diego Water Board for failure to submit information pursuant to California Water Code section 13385.

b. **Duty to Provide Information.** The Discharger must 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 the Order or to determine compliance.

c. **Anticipated Noncompliance.** The Discharger must 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 the Order.

d. **Twenty-Four Hour Non-Compliance Reporting.** The Discharger must report any noncompliance which may endanger human health or the environment. Any such information must be provided orally to the San Diego Water Board **within 24 hours** of the time the Discharger becomes aware of the circumstances. A written submission must also be provided within five days of the time the Discharger becomes aware of the circumstances. The written submission must 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.

6. Notifications to Discharger

a. **General Waste Discharge Requirements.** The requirements of the Order 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 Order was obtained is subsequently retracted or is expired; or (b) the Order is expired. Water Quality Order No. 2003-0017-DWQ is available at:

https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/generalorders/go_wdr401regulated_projects.pdf.

b. **Hydroelectric Facility Exclusion**. The Order is not intended and must 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 Order application was filed pursuant to California Code of Regulations, title 23, section 3855(b), and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

c. **Enforcement Notification.** In the event of any violation or threatened violation of the conditions of the Order, 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 ensure compliance with the water quality standards and other pertinent requirements incorporated into the Order.

d. **Petitions.** Any person aggrieved by this action of the San Diego Water Board may petition the State Water Board to review the action in accordance with the California Code of Regulations, title 23, sections 3867 et seq. The State Water Board must receive the petition no later than 5:00 p.m. 30 days after the effective date of this Order. Copies of the law and regulations applicable to filing petitions may be found at https://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

ATTACHMENT 5 – Compliance with Code of Federal Regulations, Title 40, Section 121.7(d)(3)

The federal Clean Water Act section 401 Water Quality Certification Improvement Rule (401 Certification Rule) found at Code of Federal Regulations (CFR), title 40, section 121.7(d)(3), requires an explanation of why a condition in a water quality certification is necessary to assure that the authorized discharge will comply with water quality requirements. This attachment includes the legal requirements and technical rationale that serve as the basis for the requirements of this Order as required by the 401 Certification Rule.

The following State authorities are generally applicable to all conditions in this Order. Additionally, some are specifically identified and provided where they are most relevant.

First, the conditions in this Order are generally required to comply with the state's Anti-Degradation Policy (State Water Board Resolution No. 68-16), which requires that any "activity which produces or may produce a waste or increased volume or concentration of waste and which discharges or proposes to discharge to existing high quality waters will be required to meet waste discharge requirements which will result in the best practicable treatment or control of the discharge necessary to assure that (a) a pollution or nuisance will not occur and (b) the highest water quality consistent with maximum benefit to the people of the state will be maintained." All Regional Water Board Water Quality Control Plans incorporate the state's Anti-Degradation Policy by reference. The state Anti-Degradation Policy incorporates the federal Anti-Degradation Policy (40 CFR section 131.12 (a)(1)), which requires "[e]xisting instream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected." According to U.S. EPA, dischargers of dredged or fill material comply with the federal Anti-Degradation Policy by complying with U.S. EPA's section 404(b)(1) Guidelines. The State Water Board adopted a modified version of U.S. EPA's section 404(b)(1) Guidelines in the Dredge or Fill Procedures.

Additionally, the Water Quality Control Plan for the San Diego Basin (9) (Basin Plan), adopted on September 8, 1994, as subsequently amended, establishes Waste Discharge Prohibitions pursuant to California Water Code section 13243 applicable to the authorized discharge. The following Waste Discharge Prohibitions provide the basis for conditions in the Order necessary to protect water quality and ensure compliance with water quality standards:

- Prohibition No. 1. The discharge of waste to waters of the state in a manner causing, or threatening to cause a condition of pollution, contamination, or nuisance as defined in California Water Code section 13050, is prohibited.
- Prohibition No. 2. The discharge of waste to land, except as authorized by waste discharge requirements or the terms described in California Water Code section 13264 is prohibited.
- Prohibition No. 3. The discharge of pollutants or dredged or fill material to waters of the United States except as authorized by an NPDES permit or a dredged or fill material permit (subject to the exemption described in California Water Code section 13376) is prohibited.

- Prohibition No. 7. The dumping, deposition, or discharge of waste directly into waters of the State, or adjacent to such waters in any manner which may permit waste being transported into the waters, is prohibited unless authorized by the San Diego Water Board.
- Prohibition No. 14. The discharge of sand, silt, clay, or other earthen materials from any activity, including land grading and construction, in quantities which cause deleterious bottom deposits, turbidity, or discoloration in waters of the State or which unreasonably affect, or threaten to affect, beneficial uses of such waters is prohibited.

Lastly, the following statements provide additional water quality justification and citations for conditions in section II of the Order.

II.A. Authorization for Project Impacts to Receiving Waters

Justification: This condition authorizes the Discharger for the discharge of dredge or fill material as prescribed by the waste discharge requirements in this Order. The requirements implement the relevant water quality control plan adopted for the San Diego Region and take into consideration the beneficial uses to be protected, the water quality objectives reasonably required for that purpose, other waste discharges, and the need to prevent nuisance.

Citation: California Water Code, sections 13263, 13264, and 13377.

II.B. Project Conformance with Water Quality Control Plans or Policies

Justification: This condition is necessary for protection beneficial uses and compliance with water quality standards.

Citation: California Code of Regulations, title 23, section 3860(a).

II.C. Compensatory Mitigation Requirements

Justification: These conditions are necessary to ensure that impacts to water quality functions and services of waters of the United States and/or State are mitigated. Compensatory mitigation replaces functions and services lost during temporary and/or permanent impacts.

Citation: These conditions are necessary to ensure compliance with state and federal anti-degradation policies. Compensatory mitigation requirements are consistent with Dredge or Fill Procedures, section IV.B.1.a (California Code of Regulations title 23, section 3013), which requires that the Water Boards will approve a project only after it has been determined that a sequence of actions has been taken to first avoid, then to minimize, and lastly compensate for adverse impacts that cannot be practicably avoided or minimized. (See also California Code of Regulations, title. 23, section 3856(h) [requiring submittal of proposed mitigation and description of steps taken to avoid, minimize, or compensate].) Compensatory mitigation conditions are consistent with Executive Order W-59-93, commonly referred to as California's "no net loss" policy for wetlands. Compensatory mitigation requirements are also authorized by California Water Code sections 13263 and 13377, which requires the imposition of requirements that implement water quality control plans, takes into consideration the beneficial uses to be protected and the need to prevent nuisance. These conditions related to mitigation requirements are consistent with the Dredged or Fill Procedures, section IV.B.1.a, which requires that the Water Boards will approve a project only after it has been determined that a sequence of actions has been taken to first avoid, then to minimize, and lastly compensate for

adverse impacts that cannot be practicably avoided or minimized. Accordingly, compensatory mitigation is required for projects that would result in permanent impacts.

II.D. Monitoring and Reporting Requirements

Justification: These conditions are necessary to verify that the Project impacts to waters of the United States and/or State do not exceed those authorized under the Order and that any compensatory mitigation and/or restoration is sufficient to protect beneficial uses and water quality objectives. The reports document the progress of the project in replacing the function and services lost during temporary and/or permanent impacts.

Citation: These monitoring and reporting conditions are authorized because the Water Boards have the authority to investigate the quality of any waters of the state within its region under California Water Code sections 13267 and 13383.

II.E. Project Status Notification Requirements

Justification: These conditions are necessary to ensure that the San Diego Water Board knows when impacts to waters of the United States and/or State are occurring. In addition, notifications related to non-compliance are needed to ensure that corrective actions, if any, that are necessary to minimize the impact or clean up such discharges can be taken as soon as possible.

Citation: These notification and reporting conditions are authorized because the San Diego Water Board has the authority to investigate the quality of any waters of the State within its region under California Water Code sections 13267 and 13383.

II.F. Construction and Post-Construction Best Management Practices

Construction Best Management Practices. Justification: These conditions are necessary to prevent the discharge of construction related pollutants into waters of the United States and/or State that impact beneficial uses and exceed compliance with water quality standards.

Citation: Clean Water Act sections 301 and 402, California Water Code sections 13370 and 13260, Basin Plan Prohibition No. 14.

Post-Construction Best Management Practices. Justification: These conditions are necessary to prevent the discharge of pollutants into waters of the United States and/or State that impact beneficial uses and exceed water quality standards.

Citation: Clean Water Act sections 301 and 402, California Water Code sections 13370 and 13260, Basin Plan Prohibition No. 14.

II.G. Standard Provisions

Justification: These are standard conditions that are included as conditions of all water quality certification actions. These standard conditions are necessary for the protection of beneficial uses and compliance with water quality standards.

Citation: California Code of Regulations, title 23, sections 3830, 3855(b), 3860, and 3867; California Water Code section 13330.

Attachment 4, No. 1. Standard Provisions – Compliance

Duty to Comply. Justification: Noncompliance with the Order can be enforced under Water Code sections 13331, 13350, 13385, and 13386.

Project Modification. Justification: California Water Code section 13264 prohibits any discharge that is not specifically authorized in the Order. The Order is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to California Water Code section 13330 and California Code of Regulations, title 23, section 3867.

Project Conformance with Application. Justification: California Water Code section 13264 prohibits any discharge that is not specifically authorized in the Order.

Inspection and Entry. Justification: Conditions related to site access requirements are authorized because they support the Water Boards' authority to investigate the quality of any waters of the state within its region under California Water Code section 13267. California Water Code section 13267(c) provides that "the regional board may inspect the facilities of any person to ascertain whether the purposes of this division are being met, and waste discharge requirements are being complied with."

Citation: California Water Code section 13267(c).

Attachment 4, No. 3. Standard Provisions – Permit Actions

Justification: Conditions regarding transfers are necessary to confirm that a new owner agrees to assume legal responsibility for compliance with the Order. The Order authorizes activities based on the information submitted in the application, including the legally responsible party. If a new owner does not agree to assume legal responsibility, then the original discharger remains responsible for compliance with this Order. Confirmation is also necessary to confirm whether liability for long-term best management practice maintenance is accepted by another entity. If not, the original discharger remains responsible for compliance with this Order.

Citation: California Water Code section 13264 prohibits any discharge that is not specifically authorized in the Order.

Attachment 4, No. 5. Standard Provisions – Reporting

Anticipated Non-compliance and 24-Hour Non-compliance Reporting. Justification: These conditions are necessary to ensure that the San Diego Water Board knows when impacts to waters of the United States and/or State are occurring. In addition, notifications related to non-compliance are needed to ensure that corrective actions, if any, that are necessary to minimize the impact or clean up such discharges can be taken as soon as possible.

Citation: These notification and reporting conditions are authorized because the San Diego Water Board has the authority to investigate the quality of any waters of the State within its region under California Water Code sections 13267 and 13383.

II.H. Document Submittal Requirements

Justification: These conditions are necessary to verify that the Project impacts to waters of the United States and/or State do not exceed those authorized under the Order and that any

compensatory mitigation and/or restoration is sufficient to protect beneficial uses and water quality objectives. The reports document the progress of the project in replacing the function and services lost during temporary and/or permanent impacts.

Citation: These monitoring and reporting conditions are authorized because the Water Boards have the authority to investigate the quality of any waters of the state within its region under California Water Code sections 13267 and 13383.

ATTACHMENT 6 – Project Maps

Figure 5: Impacts to Jurisdictional Aquatic Resources

Figures 3A-3E: RWQCB Vernal Pool and Wetland Mitigation Areas (On-Site Mitigation Plan)

Figure 2: Proposed Restoration Plan (Off-Site Mitigation Plan)

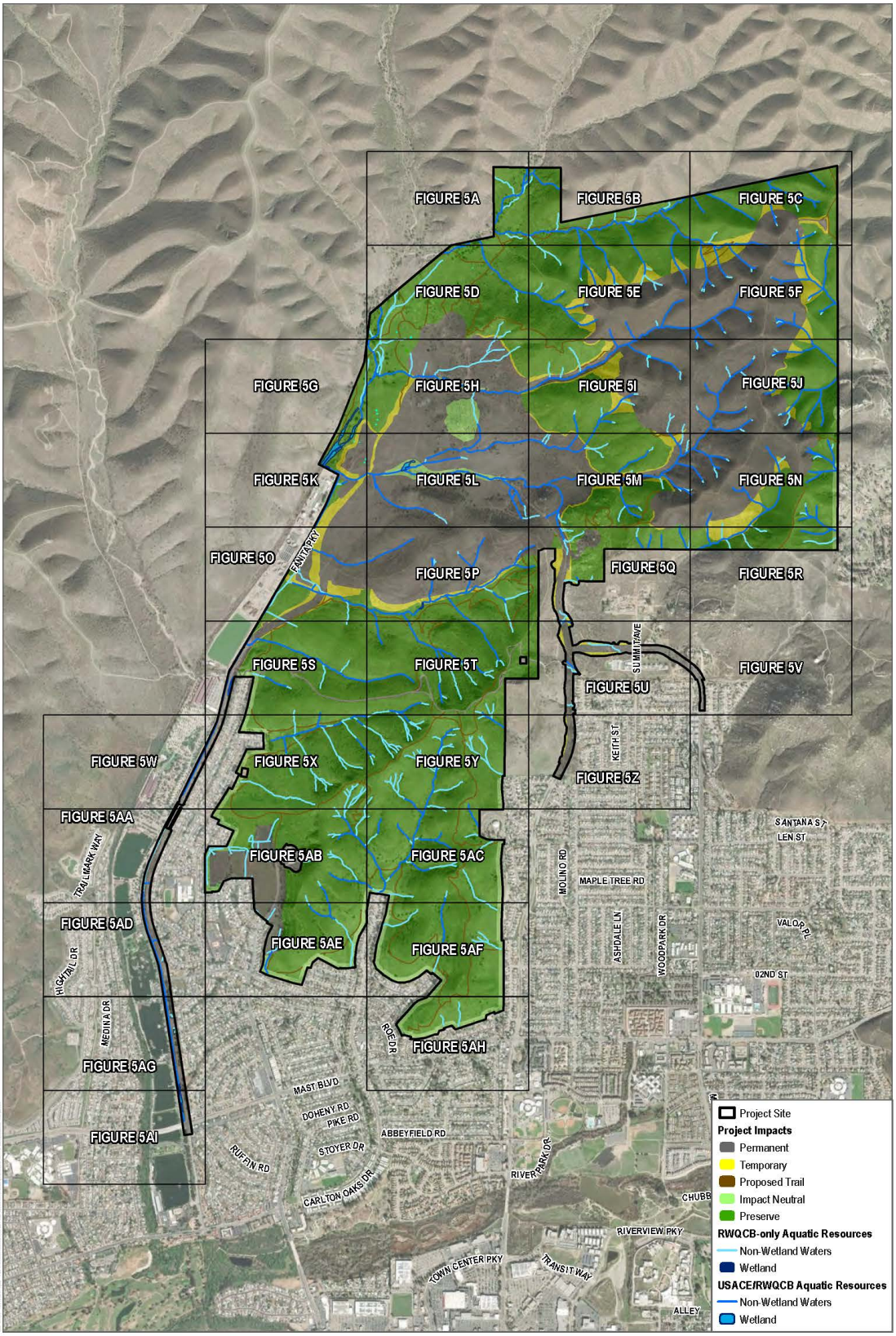
Figure 3: Watershed (Off-Site Mitigation Plan)

Figure 4: Potential Jurisdictional Aquatic Resources (Off-Site Mitigation Plan)

Figure 2B: Restoration Area-Existing Topo (Off-Site Mitigation Plan)

Figure 2C: Proposed Restoration Area Grading (Off-Site Mitigation Plan)

Figure 2D: Restoration Area Cross-Sections (Off-Site Mitigation Plan)



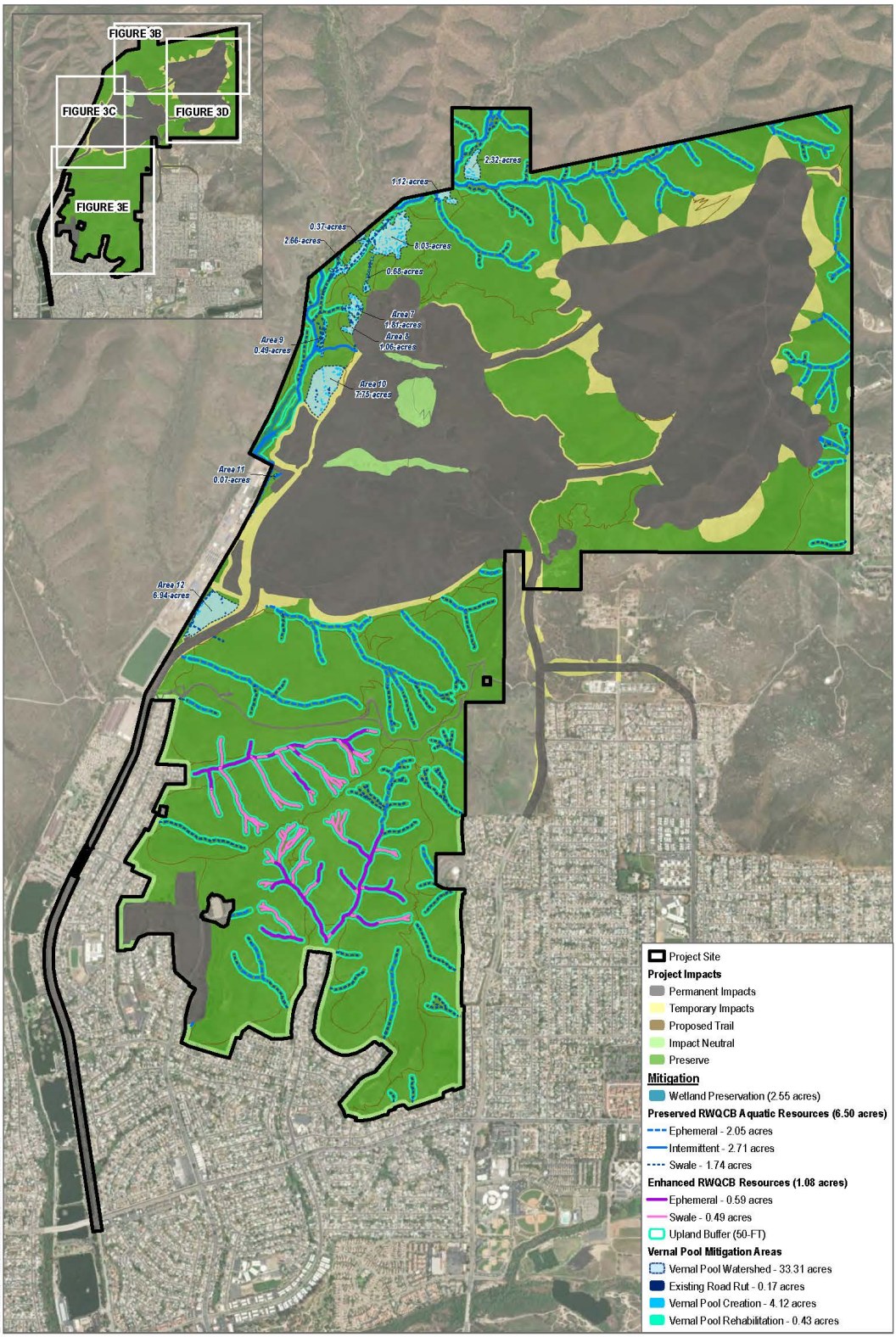
SOURCE: SANGIS 2023, 2025; ESRI World Imagery

DUDEK 0 1,000 2,000 Feet

FIGURE 5

Impacts to Jurisdictional Aquatic Resources Overview

Application for Water Quality Certification for the Fanita Ranch Project



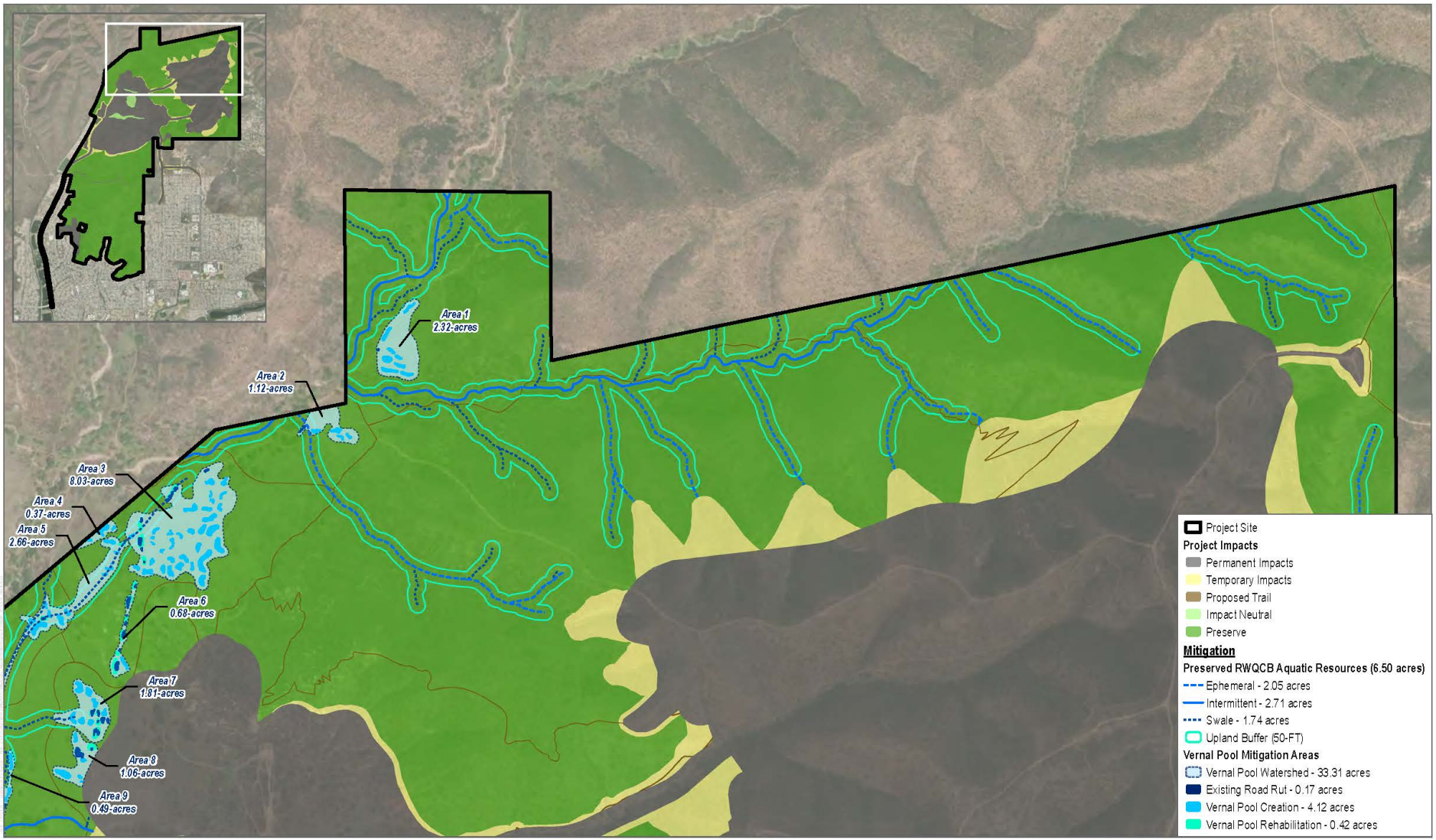
SOURCE: ESRI World Imagery

DUDEK 0 750 1,500 Feet

FIGURE 3A

RWQCB Vernal Pool and Wetland Mitigation Areas

Habitat Mitigation and Monitoring Plan for the Fanita Ranch Project



SOURCE: ESRI World Imagery

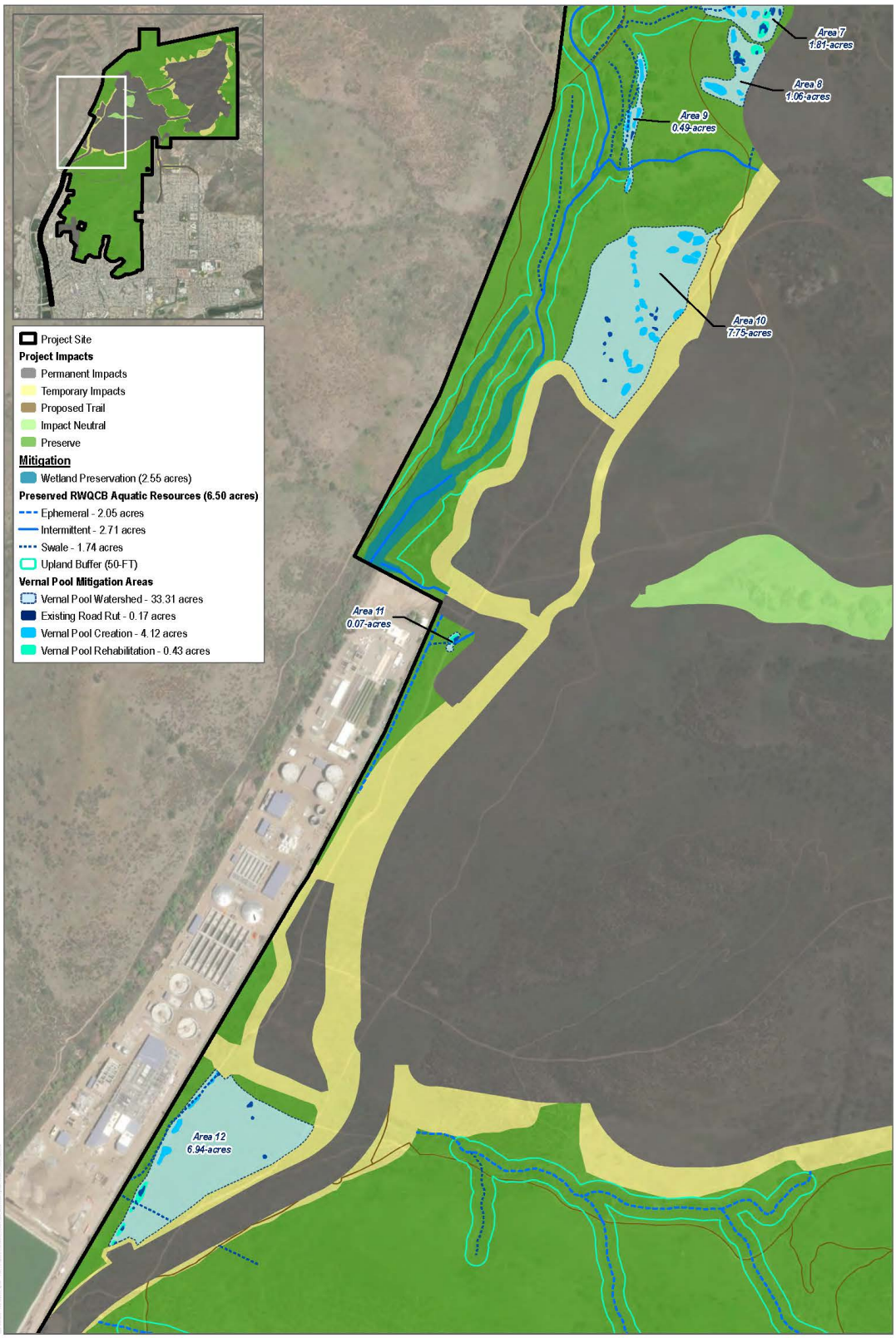
DUDEK

0 290 580 Feet

FIGURE 3B

RWQCB Vernal Pool and Wetland Mitigation Areas

Habitat Mitigation and Monitoring Plan for the Fanita Ranch Project



SOURCE: SANGIS 2017, 2021

DUDEK 0 200 400 Feet

FIGURE 3C

RWQCB Vernal Pool and Wetland Mitigation Areas

Habitat Mitigation and Monitoring Plan for the Fanita Ranch Project

SOURCE: ESRI World Imagery

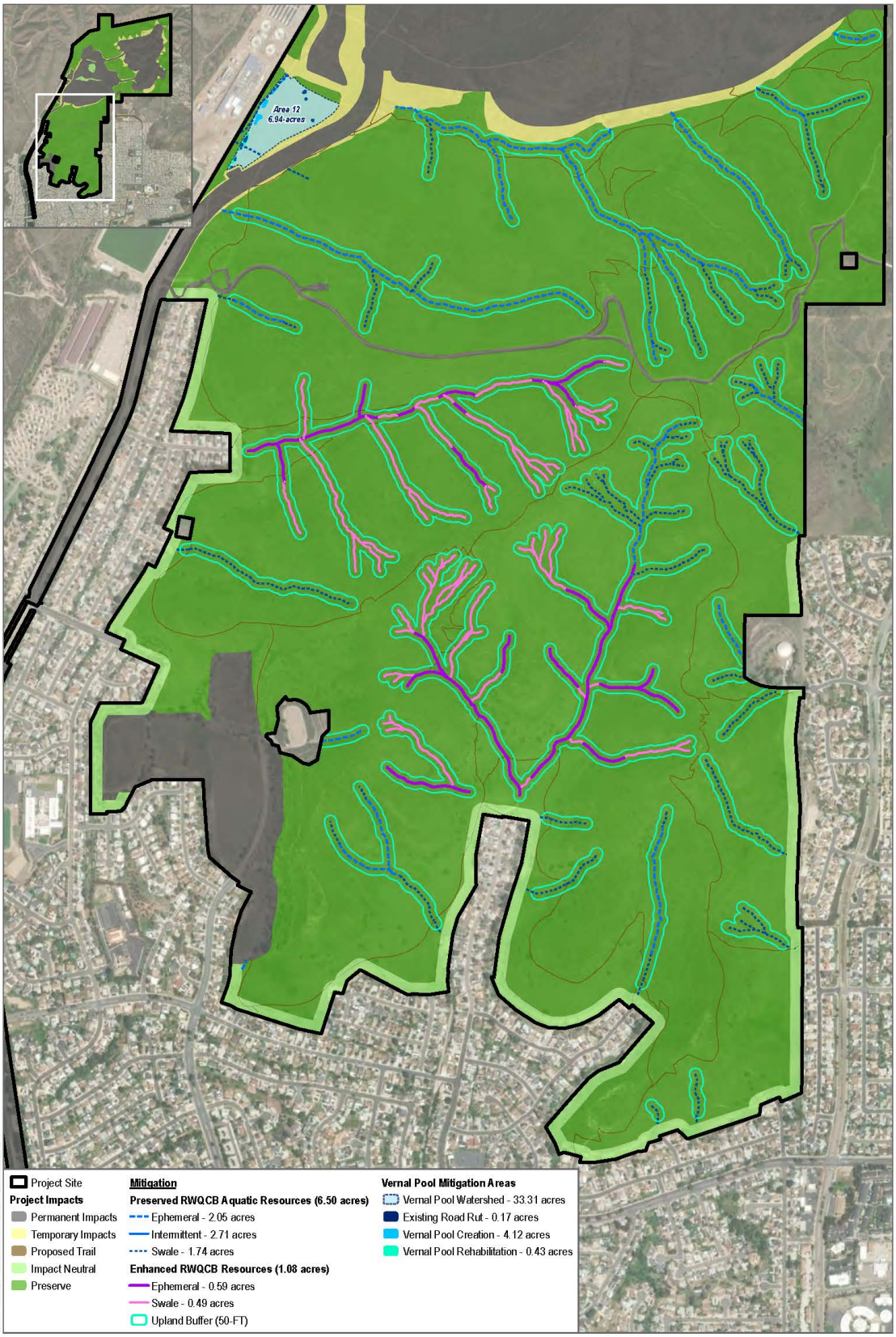
DUDEK

0 250 500 Feet

FIGURE 3D

RWQCB Vernal Pool and Wetland Mitigation Areas

Habitat Mitigation and Monitoring Plan for the Fanita Ranch Project



SOURCE: ESRI World Imagery

DUDEK

0 370 740 Feet

FIGURE 3E

RWQCB Vernal Pool and Wetland Mitigation Areas

Habitat Mitigation and Monitoring Plan for the Fanita Ranch Project

SOURCE: SANGIS 2023, 2025

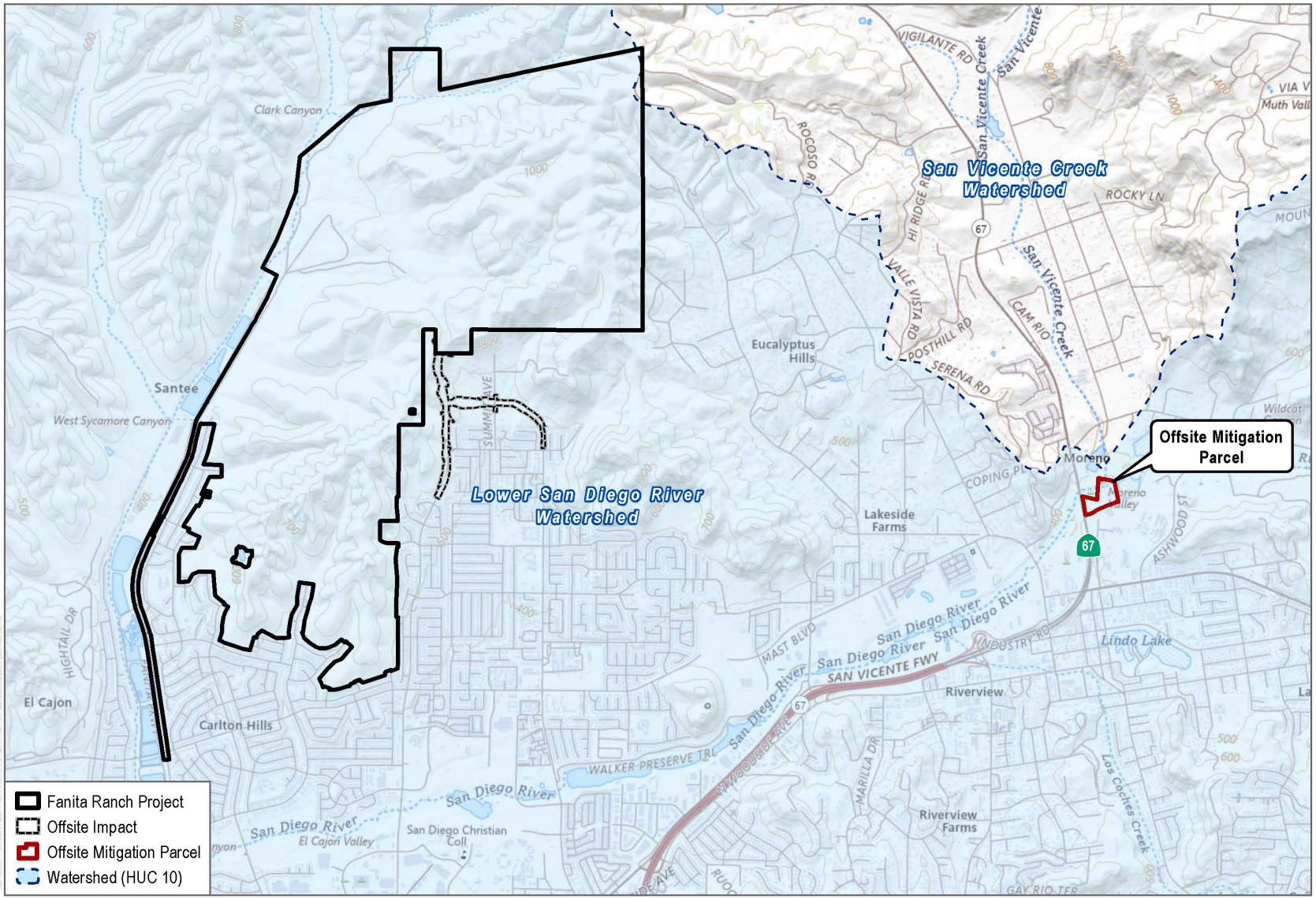
DUDEK

0 100 200 Feet

FIGURE 2

Proposed Restoration Plan

Fanita Ranch



SOURCE: USGS; SANGIS 2025

DUDEK

0 0.5 1 Miles

FIGURE 3

Watershed

Fanita Ranch

SOURCE: SANGIS 2023, 2025

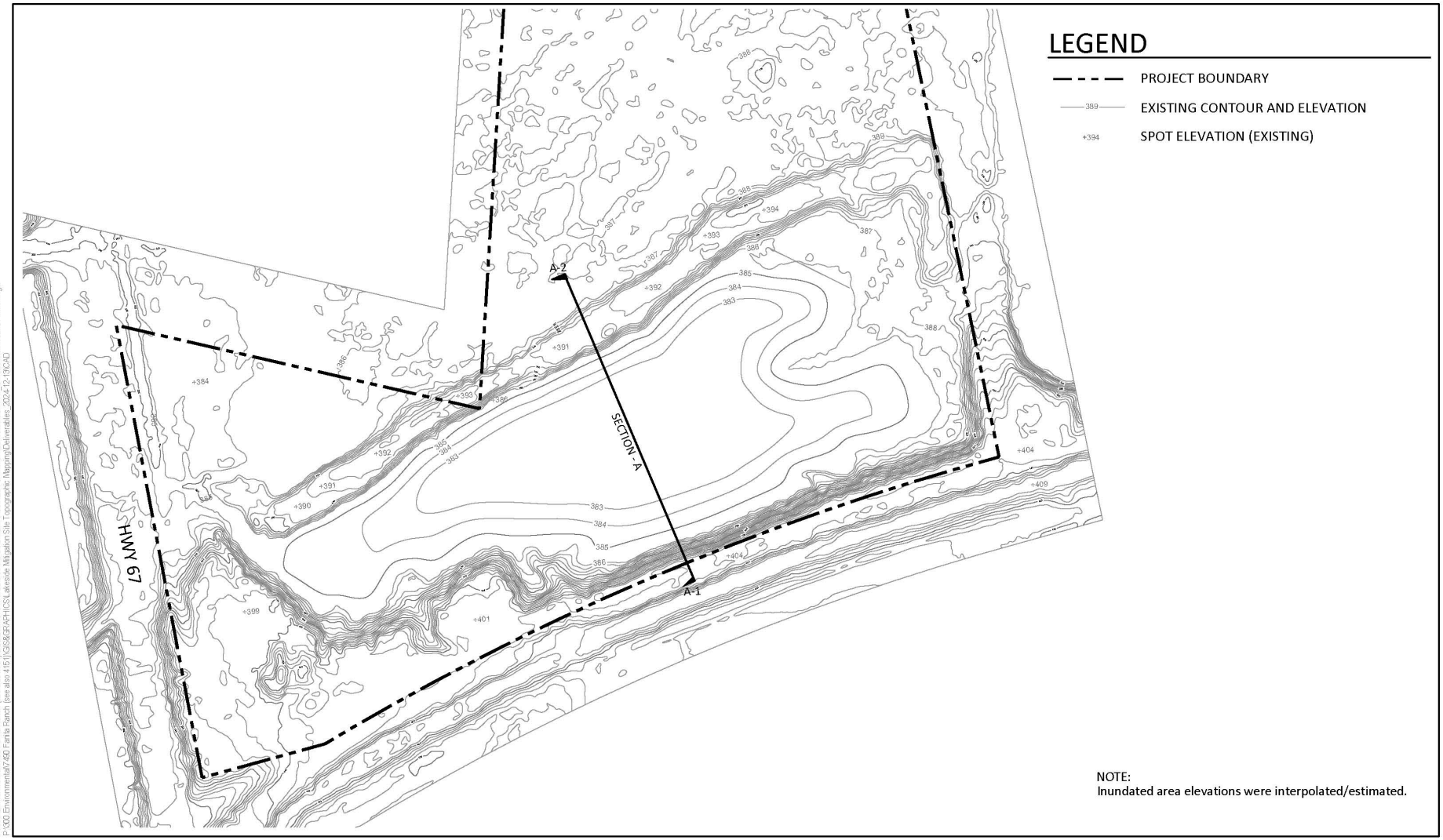
DUDEK

0 100 200 Feet

FIGURE 4

Potential Jurisdictional Aquatic Resources

Fanita Ranch



SOURCE: Aerial SANGIS 2023, 2025; topo Dudek 2025

DUDEK

0 100 200 Feet

FIGURE 2B

Restoration Area-Existing Topo

Fanita Ranch

P:\300 Environmental\7490 Fanita Ranch (see also 4151)\DUDEK WORK PRODUCTS\DOCUMENTS\03 RESTORATION\Lakeside SD River_Off-Site Mit\Wetland HMMP\Figs
P:\300 Environmental\7490 Fanita Ranch (see also 4151)\GIS&GRAPHICS\Lakeside Mitigation Site Topographic Mapping\Deliverables_2024-12-13\CAD

P:\300 Environmental\7490 Fanita Ranch (see also 4151)\DUDEK WORK PRODUCTS\DOCUMENTS\03 RESTORATION\Lakeside SD River_Off-Site Mit\Wetland HMMP\Figs
P:\300 Environmental\7490 Fanita Ranch (see also 4151)\GIS&GRAPHICS\Lakeside Mitigation Site Topographic Mapping\Deliverables_2024-12-13\CAD

SOURCE: Aerial SANGIS 2023, 2025; topo Dudek 2025

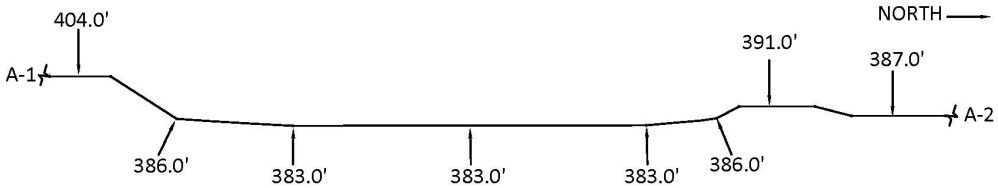
DUDEK

0 100 200 Feet

FIGURE 2C

Proposed Restoration Area Grading

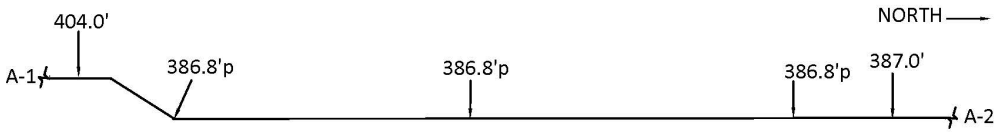
Fanita Ranch



SECTION-EXISTING CONDITION

SCALE: 1"=50'

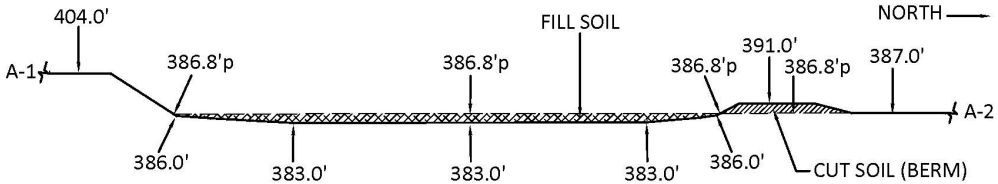
A / E



SECTION-PROPOSED CONDITION

SCALE: 1"=50'

A / P



SECTION-EXISTING & PROPOSED

SCALE: 1"=50'

A / EP

LEGEND

———	EXISTING GRADE
390.0'	EXISTING ELEVATION
— — — —	PROPOSED GRADE
390.0'p	PROPOSED ELEVATION
	CUT SOIL
	FILL SOIL

NOTES

1. THE EXISTING BERM WILL BE REMOVED AND GRADE SET TO MATCH ADJACENT WETLANDS (ON NORTH SIDE OF BERM). THE RESULTANT CUT SOIL WILL BE USED TO FILL THE INUNDATED AREAS SOUTH OF THE BERM.
2. ADDITIONAL FILL SOIL WILL BE NEEDED. IMPORTED FILL SOIL SHALL BE SUITABLE FOR NATIVE RIPARIAN PLANT GROWTH AND SHALL BE FREE OF TRASH, DEBRIS, AND POLLUTANTS/TOXINS.
3. THE TOP 6"-8" SHALL BE LEFT IN A ROUGH GRADE STATE.
4. GRADED AREAS SHALL BE CONTAINER PLANTED AND SEEDED PROMPTLY FOLLOWING COMPLETION OF GRADING. TEMPORARY BMP'S WILL BE INSTALLED AS-NEEDED, PER THE PROJECT SWPPP AND REMOVED ONCE THE GRADED AREAS ARE STABILIZED BY NATIVE PLANT GROWTH.

P:\000 Environmental\7460 Fanita Ranch (see also 4151)\DUDEK WORK PRODUCTS\DOCUMENTS\03 RESTORATION\Lakeside SD River, Off-Site M\Wetland HMMP\Figs
P:\000 Environmental\7460 Fanita Ranch (see also 4151)\GIS&GRAPHICS\Lakeside Mitigation Site Topographic Mapping\Deliverables_2024-12-13\CAD

SOURCE: Aerial SANGIS 2023, 2025; topo Dudek 2025

DUDEK

0 50 100 Feet

FIGURE 2D

Restoration Area Cross-Sections

Fanita Ranch