

EXECUTIVE OFFICER SUMMARY REPORT
October 11, 2006

- ITEM: 7
- SUBJECT: Tentative Order No. R9-2006-0104. Waste Discharge Requirements and Clean Water Act Section 401 Water Quality Standards Certification For Rancho Mission Viejo, LLC, Rancho Mission Viejo Ranch Plan Planning Area 1, Orange County (Jeremy Haas).
- PURPOSE: To prescribe waste discharge requirements and issue a Clean Water Act section 401 water quality certification for discharges of fill.
- PUBLIC NOTICE: In accordance with California Water Code Section 13167.5 and Code of Regulation section 3858(a), a public notice of this item was distributed to all known interested persons and posted on the California Regional Water Quality Control Board, San Diego Region, (Regional Board) web site on August 15, 2006.
- DISCUSSION: The proposed project would develop the first of ten planning areas within the approximately 22,815-acre Rancho Mission Viejo (the "Ranch Plan") site located in southeastern Orange County. The Ranch Plan area is one of the last large tracts of undeveloped land in Orange County. Development of the entire Ranch Plan is proposed to occur over a period of approximately 20 to 25 years. Additional waste discharge requirements and/or Section 401 certifications will be required for the development of subsequent Planning Areas.
- As described in the Fact Sheet (Attachment D to Supplemental Document No. 3) Planning Area 1 includes 810 acres that would be converted from agricultural, nursery, and ranching land uses to suburban residential, commercial, and open space land uses. To develop Planning Area 1, the Discharger proposes to place fill material into 6.53 acres (13,663 linear feet) of waters of the State. Of that total, 2.96 acres of permanent discharges, including 0.3 acre (1,214 linear feet) that is considered outside of federal jurisdiction.

The Ranch Plan has been developed as part of an ongoing coordinated public planning process involving local, State, and Federal agencies, with minimal participation from the Regional Board. This process was guided by watershed principles to provide a framework for planning based on biologic, hydrologic, and geomorphic conditions in order to minimize cumulative effects to aquatic resources. For instance, stormwater planning includes treatment, retention, and also locating development in areas to minimize hydromodification. As such Planning Area 1 is best considered in the context of the large-scale Ranch Plan.

The proposed Project would preserve San Juan Creek through the project area and effectively eliminate all other waters of the State and U.S. within the Project's footprint areas. Consistent with a Special Area Management Plan (SAMP) for aquatic resources being developed by the U.S. Army Corps of Engineers (Corps), mitigation for such effects is proposed through the implementation of a comprehensive, long-term habitat management program that would allow aquatic resources within the development footprints to be filled in exchange for large-scale preservation of key areas within the entire Ranch Plan. Permanent loss of wetland habitat and other vegetated waters would be mitigated through dedication of created wetland acreage at the existing Gobernadora Ecological Restoration Area. Compensatory mitigation for permanent loss of non-wetland waters would consist of removal of invasive, exotic vegetation from San Juan Creek in accordance with the Rancho Mission Viejo Invasive Species Control Plan that was developed for the SAMP.

The Discharger has submitted comments (supporting document no. 4), which are being reviewed. Responses to the comments and any subsequent revisions to the tentative requirements will be provided in the supplemental mailing.

KEY ISSUES:

1. This Order is being considered without the level of site-specific detail ordinarily accompanying a 401 certification. The planning principles, conceptual stormwater plans, and tentative requirements of the Order ensure that site development plans will include appropriate consideration for minimizing pollution.

2. A significant amount of effort will be necessary to review submittals over the next few years to evaluate compliance with the Order's requirements because final development of implementation and monitoring plans is proposed to be deferred until specific plans within subareas are prepared.

LEGAL CONCERNS:

In December 2004 the City of Mission Viejo and a coalition of non-governmental organizations each filed separate actions in the Orange County Superior Court challenging the approval of the Ranch Plan's Environmental Impact Report. The parties reached full settlements, and the lawsuits have been dismissed.

SUPPORTING DOCUMENTS:

1. Map of the affected area
2. Transmittal Letter to Discharger
3. Tentative Order No. R9-2006-0104
4. Comments Received

RECOMMENDATION:

Adoption of the Tentative Order is recommended.