

San Joaquin Hills
Transportation
Corridor Agency

Chairman:
Rush Hill
Newport Beach



Transportation Corridor Agencies™

Foothill/Eastern
Transportation
Corridor Agency

Chairwoman:
Lisa A. Bartlett
Dana Point

February 25, 2013

Mr. Darren Bradford
Environmental Scientist
California Regional Water Quality Control Board
San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

Subject: Response to ESA PWA (PWA) Letter Dated February 15, 2013

Dear Mr. Bradford:

This provides the response of the Foothill/Eastern Transportation Corridor Agency (F/ETCA) to the letter of ESA PWA (PWA) dated February 15, 2013.

THE PROJECT WILL COMPLY WITH THE APPLICABLE HYDROMODIFICATION STANDARD.

The Tesoro Extension Project will comply with the requirements of the recently adopted Caltrans permit (Order No. 2012-0011-DWQ and NPDES No. CAS 000003), and TCA has proposed a change in the Tentative Order to reflect such compliance. The Caltrans permit requirements for water quality and hydromodification are functionally equivalent to those of the South Orange County Hydromodification Plan (HMP); however, the Caltrans Permit has been developed specifically for state highways and specifies analysis and mitigation that is compatible with state highway projects. The Draft HMP does not apply to the Project because the Project is being regulated under and will comply with the Caltrans permit.

THE PWA FIGURE 2 AREA IS WITHIN THE RMV RANCH PLAN DEVELOPMENT AREA

The PWA letter references several headwater channels and illustrates those on Figure 2 attached to the PWA letter. The entire area depicted on PWA's Figure 2 is within the RMV Ranch Plan development area known as PA 2. This is illustrated on Figure 1 attached to this letter. The Project will be constructed within an area approved for development by the County of Orange as part of the Rancho Mission Viejo Ranch Plan. The County of Orange is presently reviewing final development plans for PA 2, and Rancho Mission Viejo has indicated that land sales and development will begin in 2013. The cumulative impacts of development of the

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Rancho Mission Viejo, including the construction of transportation infrastructure, were evaluated in the Ranch Plan Final EIR certified by the County of Orange on November 8, 2004. Endangered Habitats League (EHL) on behalf of whom PWA filed its letter, filed litigation challenging the Ranch Plan EIR. On August 16, 2005 EHL entered into a settlement agreement with the County of Orange and the Rancho Mission Viejo Company¹ which settled the litigation and agreed to the development of 14,000 homes, 5 million square feet of commercial development and transportation and other improvements to service the approved development. Having filed and settled litigation regarding the Ranch Plan EIR, it cannot now claim that hillsides within PA 2 cannot be graded in a manner consistent with adopted standards.

MITIGATION IN CHIQUITA CANYON IS CONSISTENT WITH THE PROJECT LOCATION

Mitigation within Chiquita Canyon is appropriate for two reasons: (1) as shown in Figure 2, 36 percent of the Project is within the Ranch Plan PA 2, an area which has been approved for development and is expected to be developed this year, independently of the Project; grading within PA 2, including grading for infrastructure has already been addressed in the Ranch Plan EIR, and (2) as shown in Figure 2, 48 percent of the Project is located within the Canada Chiquita Watershed; only 16 percent of the Project is within Canada Gobernadora Watershed. In summary, given that outside of PA 2, which has been addressed through the Ranch Plan, the Project is planned largely within the Canada Chiquita Watershed, mitigation within Chiquita Canyon is appropriate.

Should you require any additional information on this Project, please feel free to contact me directly at (949) 754-3475.

Sincerely,

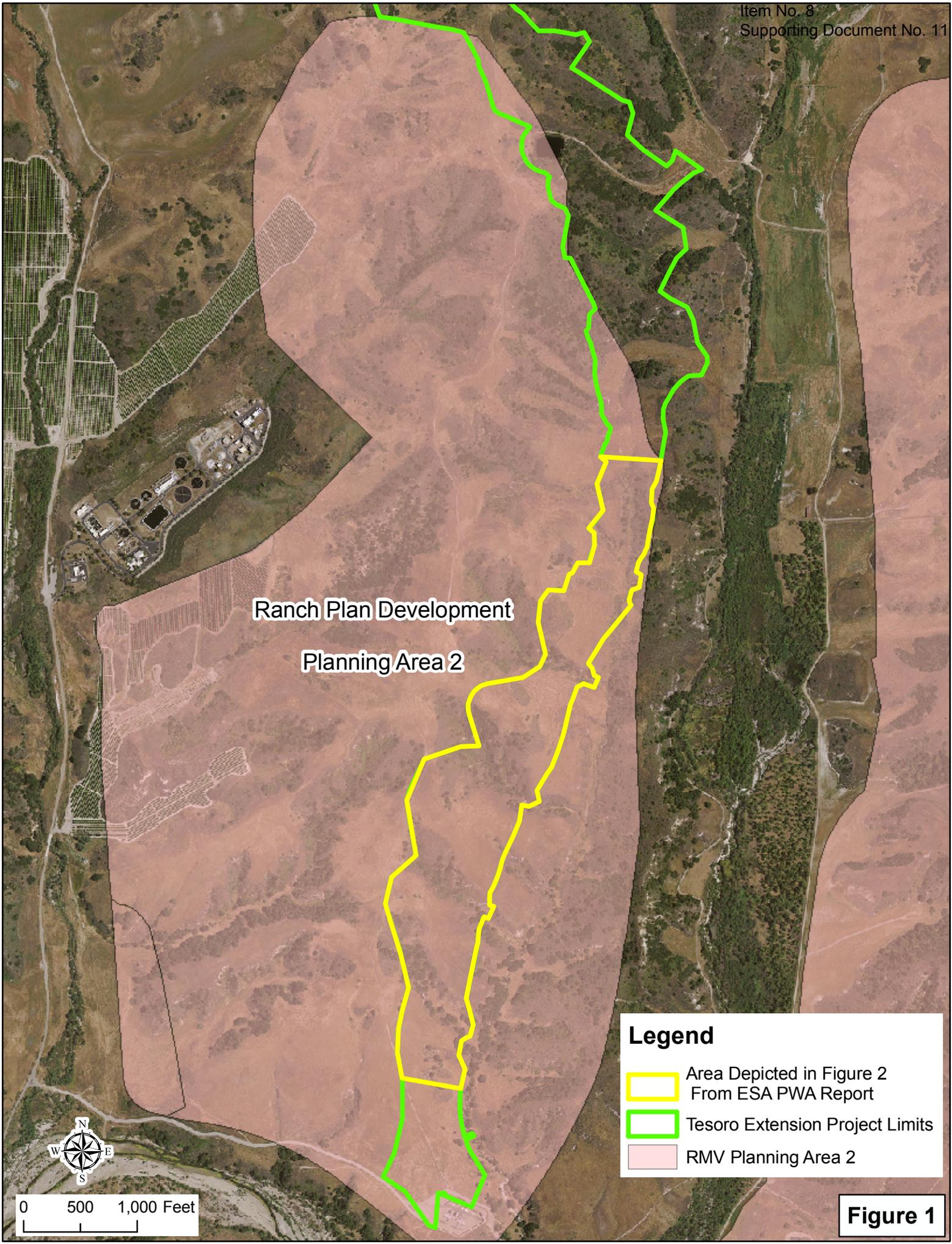


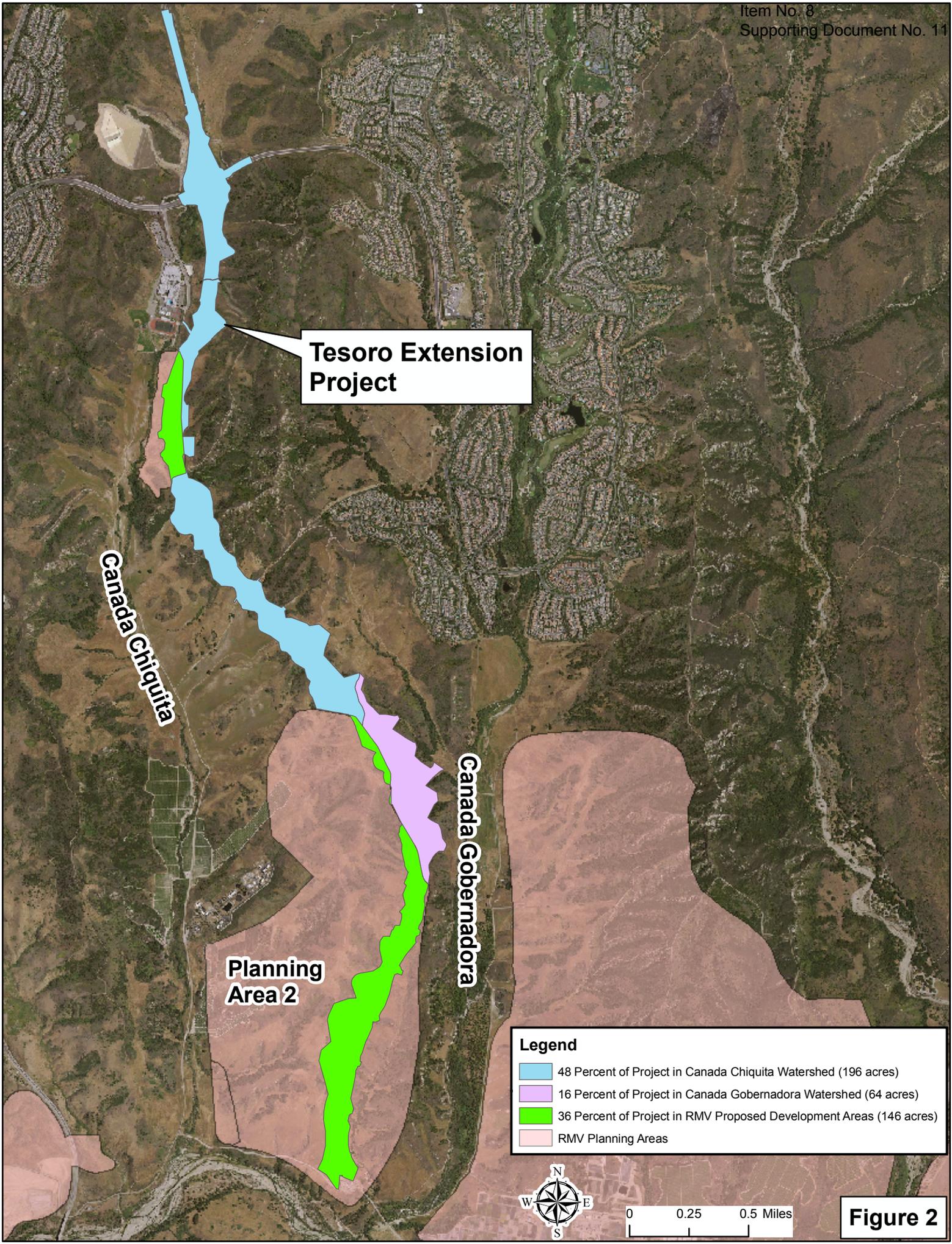
Valarie McFall, Director
Environmental Services

Attachments

cc: Mr. David Gibson, SDRWQCB
Ms. Ms. Kelly Dorsey, SDRWQCB
Ms. Catherine Hagan, Staff Counsel, SDRWQCB
Mr. Robert Thornton, Nossaman

¹ See Attachment C to TCA's February 20, 2013 letter responding to Shute, Mihaly & Weinberger February 6, 2013 letter.





Tesoro Extension Project

Canada Chiquita

Canada Gobernadora

Planning Area 2

- Legend**
- 48 Percent of Project in Canada Chiquita Watershed (196 acres)
 - 16 Percent of Project in Canada Gobernadora Watershed (64 acres)
 - 36 Percent of Project in RMV Proposed Development Areas (146 acres)
 - RMV Planning Areas



0 0.25 0.5 Miles

Figure 2