CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD SAN DIEGO REGION

2375 Northside Drive, Suite.100, San Diego, CA 92108 Phone (619) 516-1990 • Fax (619) 516-1994 http://www.waterboards.ca.gov/sandiego/

Clean Water Act Section 401 Water Quality Certification and Waste Discharge Requirements for Discharge of Dredged and/or Fill Materials

PROJECT: Vista Pacific

Certification Number R9-2016-0211

WDID: 9000003114

APPLICANT: Quality Investors 1 2016 LLC

14 Monarch Bay Plaza Suite 288 Monarch Beach, CA 92123

Reg. Meas. ID: 410082 Place ID: 829644 Party ID: 560379 Person ID: 560380

ACTION:

☑ Order for Low Impact Certification	☐ Order for Denial of Certification
☐ Order for Technically-conditioned Certification	☐ Waiver of Waste Discharge Requirements
☑ Enrollment in SWRCB GWDR Order No. 2003-017-DWQ	☐ Enrollment in Isolated Waters Order No. 2004-004-DWQ

PROJECT DESCRIPTION

An application dated November 3, 2016 was submitted by Quality Investors 1 2016 LLC (hereinafter Applicant), for Water Quality Certification pursuant to section 401 of the Clean Water Act (33 U.S.C. § 1341) for the proposed Vista Pacific Project (Project). The Applicant has also applied for Clean Water Act section 404 Nationwide Permit No. 29 from the United States Army Corps of Engineers for the Project (USACE File No. SPL-2017-00039-WSZ).

The Project consists of the construction of 16 detached residential units on a 3.56 acre site in San Diego County at 2420 Rancho Del Oro Drive, Oceanside, California 92054. The Project's center reading is 33°10′ 59″ latitude and -117°18′ 41″ longitude.

The Applicant has paid all required fees for this Certification in the amount of \$42040.00. On November 13, 2017, the San Diego Water Board provided public notice of the Project application pursuant to California Code of Regulations, title 23, section 3858 by posting information describing the Project on the San Diego Water Board's web site and providing a period of twenty-one days for public review and comment. No comments were received.

The Applicant proposes to construct 16 detached residential units on a 3.56 acre site. The project will permanently impact 0.04 acre (519 linear feet) of non-wetland waters of the United States and/or State consisting of ephemeral drainages.. No temporary impacts will occur during the project.

Receiving waters potentially affected by the Project are protected in accordance with water quality standards in the *Water Quality Control Plan for the San Diego Basin (9)* (Basin Plan). This Certification authorizes permanent and temporary impacts to waters of the United States and /or State affected by the Project and requires compensatory mitigation to offset adverse impacts as described in section VI of the Certification. The temporary impacts will be restored by the Applicant to pre-Project conditions and do not include physical loss of aquatic resource area or degradation of ecological conditions. Compensatory mitigation to offset the permanent loss of jurisdictional waters will be achieved through the Applicant's purchase of mitigation bank credits from the San Luis Rey Mitigation Bank (Bank) in advance of Project construction. Mitigation credit parcels, purchased from the Bank to satisfy compensatory mitigation requirements, are required to be protected, monitored and maintained in perpetuity by the Bank pursuant to a federal and State approved bank enabling instrument and a recorded conservation easement. Based on all of these considerations, the Applicant's compliance with the terms and conditions of this Certification will ensure that the water quality standards for all waters of the United States and/or State impacted by the Project are met.

TABLE OF CONTENTS

I.	STANDARD CONDITIONS	4
II.	GENERAL CONDITIONS	4
	PROJECT IMPACTS AND COMPENSATORY MITIGATION	
	MONITORING AND REPORTING REQUIREMENTS	
٧.	NOTIFICATION REQUIREMENTS	11
VI.	CALIFORNIA ENVIRONMENTAL QUALITY ACT COMPLIANCE	12
VII.	SAN DIEGO WATER BOARD CONTACT PERSON	12
VIII.	WATER QUALITY CERTIFICATION	13

Attachments:

- 1. Definitions
- 2. Project Figures and Plans

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 associated compensatory mitigation required to offset impacts attributed to the Project. In accordance with this Certification, the Applicant may proceed with the Project under the following terms and conditions:

I. STANDARD CONDITIONS

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

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

II. GENERAL CONDITIONS

- A. **Term of Certification**. Water Quality Certification No. R9-2016-0211 (Certification) shall expire upon a) the expiration or retraction of the Clean Water Act section 404 (33 U.S.C. §1344) permit issued by the U.S. Army Corps of Engineers for this Project, or b) five (5) years from the date of issuance of this Certification, whichever occurs first.
- B. **Duty to Comply.** The Applicant must comply with all conditions and requirements of this Certification. Any Certification noncompliance constitutes a violation of the Water Code and is grounds for enforcement action or Certification termination, revocation and reissuance, or modification.
- C. **General Waste Discharge Requirements**. The requirements of this Certification are enforceable through Water Quality Order No. 2003-0017-DWQ, *Statewide General Waste Discharge Requirements for Discharges of Dredged or Fill Material that have Received State Water Quality Certification* (Water Quality Order No. 2003-0017-DWQ). This provision shall apply irrespective of whether a) the federal permit for which

the Certification was obtained is subsequently retracted or is expired, or b) the Certification is expired. Water Quality Order No. 2003-0017-DWQ is accessible at:

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

- D. **Project Conformance with Application**. All water quality protection measures and BMPs described in the application and supplemental information for water quality certification are incorporated by reference into this Certification as if fully stated herein. Notwithstanding any more specific conditions in this Certification, the Applicant shall construct, implement and comply with all water quality protection measures and BMPs described in the application and supplemental information. The conditions within this Certification shall supersede conflicting provisions within the application and supplemental information submitted as part of this Certification action.
- E. Project Conformance with Water Quality Control Plans or Policies. Notwithstanding any more specific conditions in this Certification, the Project shall be constructed in a manner consistent with the Basin Plan and any other applicable water quality control plans or policies adopted or approved pursuant to the Porter Cologne Water Quality Act (Division 7, commencing with Water Code Section 13000) or section 303 of the Clean Water Act (33 U.S.C §1313.). The Basin Plan is accessible on-line at:

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

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

Certification No. R9-2016-0211

- 2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Certification;
- Inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Certification; and
- 4. Sample or monitor, at reasonable times, for the purposes of assuring Certification compliance, or as otherwise authorized by the Clean Water Act or Water Code, any substances or parameters at any location.
- I. Enforcement Notification. In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.
- J. **Certification Actions**. This Certification may be modified, revoked and reissued, or terminated for cause including but not limited to the following:
 - 1. Violation of any term or condition of this Certification;
 - Monitoring results indicate that continued Project activities could violate water quality objectives or impair the beneficial uses of the unnamed tributary to Buena Vista Creek or its tributaries;
 - 3. Obtaining this Certification by misrepresentation or failure to disclose fully all relevant facts:
 - 4. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge; and
 - 5. Incorporation of any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the Clean Water Act.

The filing of a request by the Applicant for modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any Certification condition.

K. **Duty to Provide Information**. The Applicant shall furnish to the San Diego Water Board, within a reasonable time, any information which the San Diego Water Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Certification or to determine compliance with this Certification.

Certification No. R9-2016-0211

- L. **Property Rights**. This Certification does not convey any property rights of any sort, or any exclusive privilege.
- M. Petitions. Any person aggrieved by this action of the San Diego Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with the California Code of Regulations, title 23, sections 3867 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Certification. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

III. CONSTRUCTON AND POST CONSTRUCTON BEST MANAGEMENT PRACTICES

- A. Construction Requirements. Prior to start of Project construction, the Applicant must, as applicable, obtain coverage under, and comply with, the requirements of State Water Resources Control Board Water Quality Order No. 2009-0009-DWQ, the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activity (General Construction Storm Water Permit) and any reissuance. If Project construction activities do not require coverage under the General Construction Storm Water Permit, the Applicant must develop and implement a pollution control plan, construction BMP plan, and/or erosion and sediment control plan to prevent the discharge of sediment and other pollutants during construction activities.
- B. **Post Construction Requirements**. The Project must meet all the Post-Construction requirements of the San Diego Water Board Order No. R9-2013-0001, National Pollutant Discharge Elimination Systems Permit and Waste Discharge Requirements for Discharges from the Municipal Separate Storm Sewer Systems (MS4) Draining the Watersheds within the San Diego Region (Regional MS4 Permit).

IV. PROJECT IMPACTS AND COMPENSATORY MITIGATION

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

	Impacts (acres)	Impacts (linear ft.)	Mitigation for Impacts (acres)	Mitigation Ratio (area mitigated :area impacted)	Mitigation for Impacts (linear ft.)	Mitigation Ratio (linear feet mitigated :linear feet impacted)
Permanent Impac	ets					
Stream Channel	0.041	519	0.08 Re-establishment ²	2:1	NA ³	NA ³

-8-

NA - Not applicable

- 1. Permanent impacts associated with fill of ephemeral drainages.
- 2. Permanent stream channel impacts will be mitigated through the purchase of 0.08 acre of re-established river credits from the San Luis Rey Mitigation Bank in Oceanside, CA, or other U.S. Army Corps of Engineers-approved mitigation bank. Mitigation purchased from the San Luis Rey Mitigation Bank is required to be protected and maintained in perpetuity by Wildlands according to the conditions of Water Quality Certification No. R9-2013-0050 and the San Luis Rey Banking Enabling Instrument. The mitigation provided for Project impacts contributes to the net gain of wetlands per the State of California Net Gain Policy (Executive Order W-59-93.) 3. Linear-foot compensatory mitigation is not required for this Project. Compensatory mitigation provided at the San Luis Rey Mitigation Bank (approximately 55.8 acres) is considered to be a large, contiguous restoration area that restores wetland functions, services, and values, as well as a suite of beneficial uses (WARM, WILD, and RARE). Additionally, mitigation credits are not reported in terms of feet of mitigation.
 - B. **Mitigation Credit Purchase.** Prior to the start of construction, the Applicant must provide documentation to the San Diego Water Board verifying the purchase of at least 0.08 acre of credit applicable to the establishment and/or re-establishment of wetland waters of the U.S. and/or State from the San Luis Rey Mitigation Bank. The use of an alternate mitigation bank to provide required compensatory mitigation must be approved by the San Diego Water Board before the credits are secured and is subject to the following conditions:
 - 1. The Applicant must identify the USACE approved mitigation bank and submit documentation demonstrating that:
 - a. The permitted Project impacts are located within the service area of the mitigation bank; and
 - b. The mitigation bank has the appropriate number and resource type of credits available.
 - 2. If San Diego Water Board approval of the use of the alternate mitigation bank is obtained, the Applicant must provide documentation verifying that the appropriate number and resource type of credits have been secured from the mitigation bank prior to the start of construction.
 - C. **Temporary Project Impact Areas.** The Applicant must restore all areas of temporary impacts and all other areas of temporary disturbance which could result in a discharge or a threatened discharge of pollutants to waters of the United States and/or State. Restoration must include grading of disturbed areas to pre-project contours and re-

Quality Investors 1 2016 LLC Vista Pacific Project Certification No. R9-2016-0211

vegetation with native species. The Applicant must implement all necessary BMPs to control erosion and runoff from areas associated with the Project.

V. MONITORING AND REPORTING REQUIREMENTS

- A. **Annual Project Progress Reports.** The Applicant must submit annual Project progress reports describing compliance with all requirements of this Certification to the San Diego Water Board prior to **March 1** of each year following the issuance of this Certification, until the Project has reached completion. The report must include the following information:
 - 1. The names, qualifications, and affiliations of the persons contributing to the report;
 - 2. The status, progress, and anticipated schedule for completion of Project construction activities;
 - 3. A description of Project construction delays encountered or anticipated that may affect the schedule for construction completion; and
 - 4. A description of each incident of noncompliance during the annual monitoring period and its cause, the period of the noncompliance including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
- B. **Final Project Completion Report.** The Applicant must submit a Final Project Completion Report to the San Diego Water Board **within 30 days of completion of the Project.** The final report must include the following information:
 - 1. Date of construction initiation;
 - 2. Date of construction completion;
 - 3. As-built drawings of the Project, no bigger than 11"X17"; and
 - 4. Photo documentation of implemented post-construction BMPs and all areas of permanent and temporary impacts, prior to and after project construction. Photo documentation must be conducted in accordance with guidelines posted at http://www.waterboards.ca.gov/sandiego/water_issues/programs/401_certification/docs/401c/401PhotoDocRB9V713.pdf. In addition, photo documentation must include Global Positioning System (GPS) coordinates for each of the photo points referenced.
- C. Reporting Authority. The submittal of information required under this Certification, or in response to a suspected violation of any condition of this Certification, is required pursuant to Water Code section 13267 and 13383. Civil liability may be administratively imposed by the San Diego Water Board for failure to submit information pursuant to Water Code sections 13268 or 13385.

Certification No. R9-2016-0211

D. **Electronic Document Submittal.** The Applicant must submit all reports and information required under this Certification in electronic format via e-mail to SanDiego@waterboards.ca.gov. Documents over 50 megabytes will not be accepted via e-mail and must be placed on a disc and delivered to:

California Regional Water Quality Control Board San Diego Region Attn: 401 Certification No. R9-2016-0211:829644:ngergans 2375 Northside Drive, Suite 100 San Diego, California 92108

Each electronic document must be submitted as a single file, in Portable Document Format (PDF), and converted to text searchable format using Optical Character Recognition (OCR). All electronic documents must include scanned copies of all signature pages; electronic signatures will not be accepted. Electronic documents submitted to the San Diego Water Board must include the following identification numbers in the header or subject line: Certification No. R9-2016-0211829644:ngergans.

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

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

F. **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."

VI. NOTIFICATION REQUIREMENTS

- A. **Twenty Four Hour Non-Compliance Reporting.** The Applicant shall report any noncompliance which may endanger health or the environment. Any such information shall be provided orally to the San Diego Water Board within **24 hours** from the time the Applicant becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Applicant becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The San Diego Water Board, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
- B. **Anticipated Noncompliance**. The Applicant shall give advance notice to the San Diego Water Board of any planned changes in the Project or the Compensatory Mitigation project which may result in noncompliance with Certification conditions or requirements.
- C. Transfers. This Certification is not transferable in its entirety or in part to any person or organization except after notice to the San Diego Water Board in accordance with the following terms:
 - 1. Transfer of Property Ownership: The Applicant must notify the San Diego Water Board of any change in ownership of the Project area. Notification of change in ownership must include, but not be limited to, a statement that the Applicant has provided the purchaser with a copy of the Section 401 Water Quality Certification and that the purchaser understands and accepts the certification requirements and the obligation to implement them or be subject to liability for failure to do so; the seller and purchaser must sign and date the notification and provide such notification to the San Diego Water Board within 10 days of the transfer of ownership.
 - 2. Transfer of Mitigation Responsibility: Any notification of transfer of responsibilities to satisfy the mitigation requirements set forth in this Certification must include a signed statement from an authorized representative of the new party (transferee) demonstrating acceptance and understanding of the responsibility to comply with and fully satisfy the mitigation conditions and agreement that failure to comply with the mitigation conditions and associated requirements may subject the

transferee to enforcement by the San Diego Water Board under Water Code section 13385, subdivision (a). Notification of transfer of responsibilities meeting the above conditions must be provided to the San Diego Water Board within 10 days of the transfer date.

3. Transfer of Post-Construction BMP Maintenance Responsibility: The Applicant assumes responsibility for the inspection and maintenance of all post-construction structural BMPs until such responsibility is legally transferred to another entity. At the time maintenance responsibility for post-construction BMPs is legally transferred the Applicant must submit to the San Diego Water Board a copy of such documentation and must provide the transferee with a copy of a long-term BMP maintenance plan that complies with manufacturer specifications. The Applicant must provide such notification to the San Diego Water Board within 10 days of the transfer of BMP maintenance responsibility.

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

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

VII. CALIFORNIA ENVIRONMENTAL QUALITY ACT COMPLIANCE

- A. The City of Oceanside is the Lead Agency under the California Environmental Quality Act (CEQA) (Public Resources Code section 21000, et seq.) section 21067, and CEQA Guidelines (California Code of Regulations, title 14, section 15000 et seq.) section 15367, and has filed a Notice of Determination dated March 4, 2009 for a Mitigated Negative Declaration (State Clearing House Number 2008041026). The Lead Agency has determined the Project will have a significant effect on the environment and mitigation measures were made a condition of the Project.
- B. The San Diego Water Board is a Responsible Agency under CEQA (Public Resources Code section 21069; CEQA Guidelines section 15381). The San Diego Water Board has considered the Lead Agency's FEIR/EIS and finds that the Project as proposed will have a significant effect on resources within the San Diego Water Board's purview.
- C. The San Diego Water Board has required mitigation measures as a condition of this Certification to avoid or reduce the environmental effects of the Project to resources within the Board's purview to a less than significant level.
- D. As a Responsible Agency under CEQA, the San Diego Water Board will file a Notice of Determination in accordance with CEQA Guidelines section 15096 subdivision(i).

VIII. SAN DIEGO WATER BOARD CONTACT PERSON

Nicole Gergans, Environmental Scientist California Regional Water Quality Control Board, San Diego Region 2375 Northside Drive, Suite 100 San Diego, California 92108 Telephone: 619-521-3969

Email: Nicole.Gergans@waterboards.ca.gov

IX. WATER QUALITY CERTIFICATION

I hereby certify that the proposed discharge from the **Vista Pacific Project** (Certification No. R9-2016-0211) will comply with the applicable provisions of sections 301 ("Effluent Limitations"), 302 ("Water Quality Related Effluent Limitations"), 303 ("Water Quality Standards and Implementation Plans"), 306 ("National Standards of Performance"), and 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act. This discharge is also regulated under State Water Board Order No. 2003-0017-DWQ, "Statewide General Waste Discharge Requirements for Dredged or Fill Discharges that have Received State Water Quality Certification (General WDRs)," which requires compliance with all conditions of this Water Quality Certification. Please note that enrollment under Order No. 2003-017-DWQ is conditional and, should new information come to our attention that indicates a water quality problem, the San Diego Water Board may issue individual waste discharge requirements at that time.

Except insofar as may be modified by any preceding conditions, all Certification actions are contingent on (a) the discharge being limited to, and all proposed mitigation being completed in strict compliance with, the applicants' Project description and/or the description in this Certification, and (b) compliance with all applicable requirements of the Basin Plan.

I, David W. Gibson, Executive Officer, do hereby certify the forgoing is a full, true, and correct copy of Certification No. R9-2016-0211 issued on March 27, 2018.

for DAVID W. GIBSON

Executive Officer

San Diego Water Board

27 Mar 2018

ATTACHMENT 1

DEFINITIONS

Activity - when used in reference to a permit means any action, undertaking, or project including, but not limited to, construction, operation, maintenance, repair, modification, and restoration which may result in any discharge to waters of the state.

Buffer - means an upland, wetland, and/or riparian area that protects and/or enhances aquatic resource functions associated with wetlands, rivers, streams, lakes, marine, and estuarine systems from disturbances associated with adjacent land uses.

California Rapid Assessment Method (CRAM) - is a wetland assessment method intended to provide a rapid, scientifically-defensible and repeatable assessment methodology to monitor status and trends in the conditions of wetlands for applications throughout the state. It can also be used to assess the performance of compensatory mitigation projects and restoration projects. CRAM provides an assessment of overall ecological condition in terms of four attributes: landscape context and buffer, hydrology, physical structure and biotic structure. CRAM also includes an assessment of key stressors that may be affecting wetland condition and a "field to PC" data management tool (eCRAM) to ensure consistency and quality of data produced with the method.

Compensatory Mitigation Project - means compensatory mitigation implemented by the Applicant as a requirement of this Certification (i.e., applicant -responsible mitigation), or by a mitigation bank or an in-lieu fee program.

Discharge of dredged material – means any addition of dredged material into, including redeposit of dredged material other than incidental fallback within, the waters of the United States and/or State.

Discharge of fill material – means the addition of fill material into waters of the United States and/or State.

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

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

Enhancement – means the manipulation of the physical, chemical, or biological characteristics of an aquatic resource to improve a specific aquatic resource function(s). Enhancement results in the gain of selected aquatic resource function(s), but may also lead to a decline in other aquatic resource function(s). Enhancement does not result in a gain in aquatic resource area.

Establishment – means the manipulation of the physical, chemical, or biological characteristics present to develop an aquatic resource that did not previously exist. Creation results in a gain in aquatic resource area.

Fill material – means any material used for the primary purpose of replacing an aquatic area with dry land or of changing the bottom elevation of a water body.

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

Mitigation Bank – means a site, or suite of sites, where resources (e.g., wetlands, streams, riparian areas) are restored, established, enhanced, and/or preserved for the purpose of providing mitigation for impacts authorized by this Certification.

Preservation - means the removal of a threat to, or preventing the decline of, aquatic resources by an action in or near those aquatic resources. This term includes activities commonly associated with the protection and maintenance of aquatic resources through the implementation of appropriate legal and physical mechanisms. Preservation does not result in a gain of aquatic resource area or functions.

Re-establishment - means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/ historic functions to a former aquatic resource. Re-establishment results in rebuilding a former aquatic resource and results in a gain in aquatic resource area and functions.

Rehabilitation - means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/ historic functions to a degraded aquatic resource. Rehabilitation results in a gain in aquatic resource function, but does not result in a gain in aquatic resource area.

Restoration - means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former or degraded aquatic resource. For the purpose of tracking net gains in aquatic resource area, restoration is divided into two categories: re-establishment and rehabilitation.

Start of Project Construction - For the purpose of this Certification, "start of Project construction" means to engage in a program of on-site construction, including site clearing, grading, dredging, landfilling, changing equipment, substituting equipment, or even moving the location of equipment specifically designed for a stationary source in preparation for the fabrication, erection or installation of the building components of the stationary source within waters of the United States and/or State.

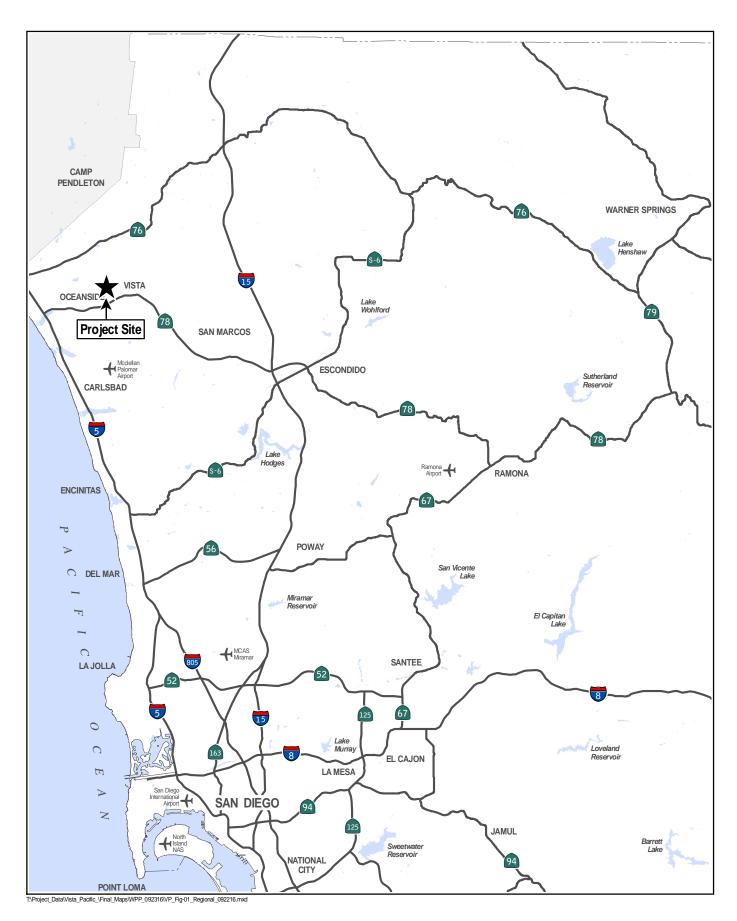
Uplands - means non-wetland areas that lack any field-based indicators of wetlands or other aquatic conditions. Uplands are generally well-drained and occur above (i.e., up-slope) from nearby aquatic areas. Wetlands can, however, be entirely surrounded by uplands. For example, some natural seeps and constructed stock ponds lack aboveground hydrological connection to other aquatic areas. In the watershed context, uplands comprise the landscape matrix in which aquatic areas form. They are the primary sources of sediment, surface runoff, and associated chemicals that are deposited in aquatic areas or transported through them.

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

Quality Investors 1 2016 LLC Vista Pacific Project Certification No. R9-2016-0211

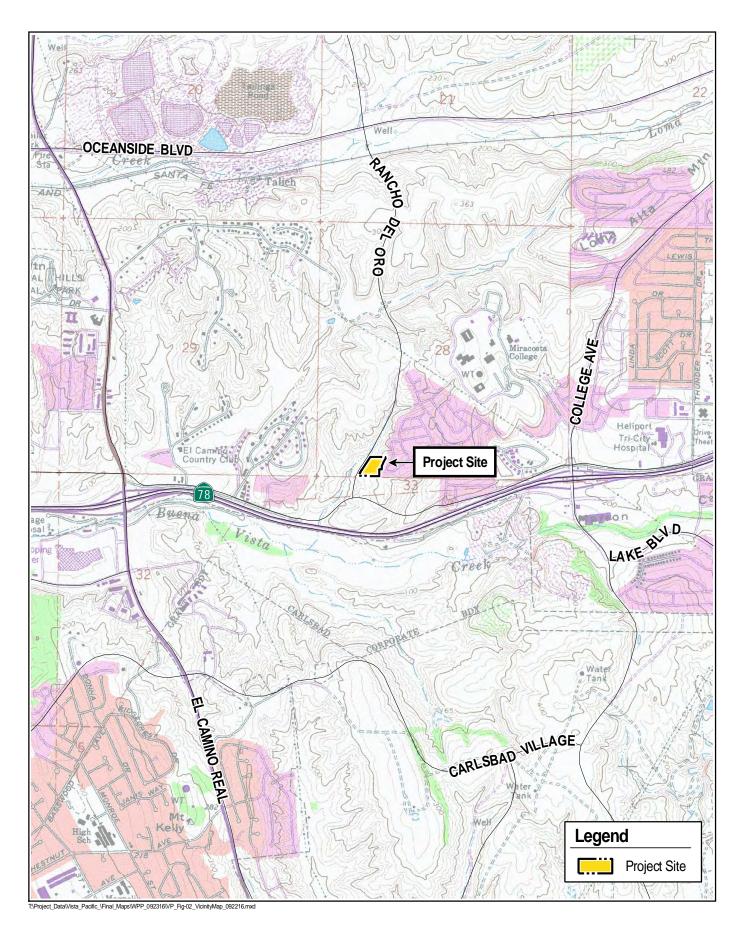
ATTACHMENT 2 PROJECT FIGURES AND PLANS

- 1) Figure 1 Regional Location
- 2) Figure 2 Vicinity Map
- 3) Figure 3 Aerial Photograph
- 4) Figure 4 Proposed Site Plan
- 5) Figure 5 Jurisdictional Map
- 6) Figure 6 Project Impacts
- 7) MMRP









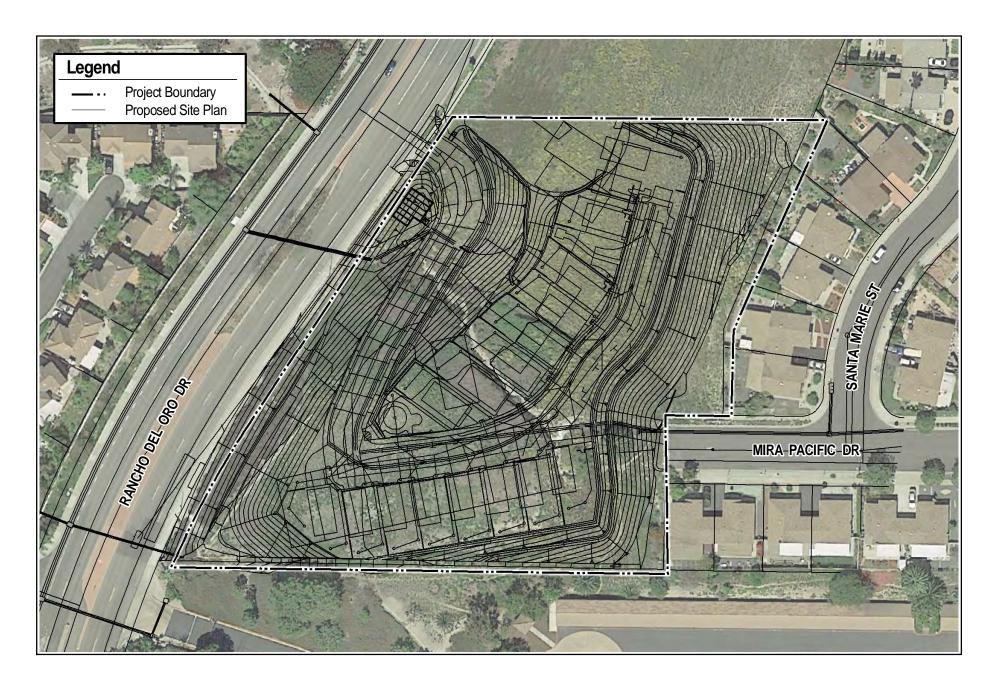










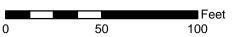


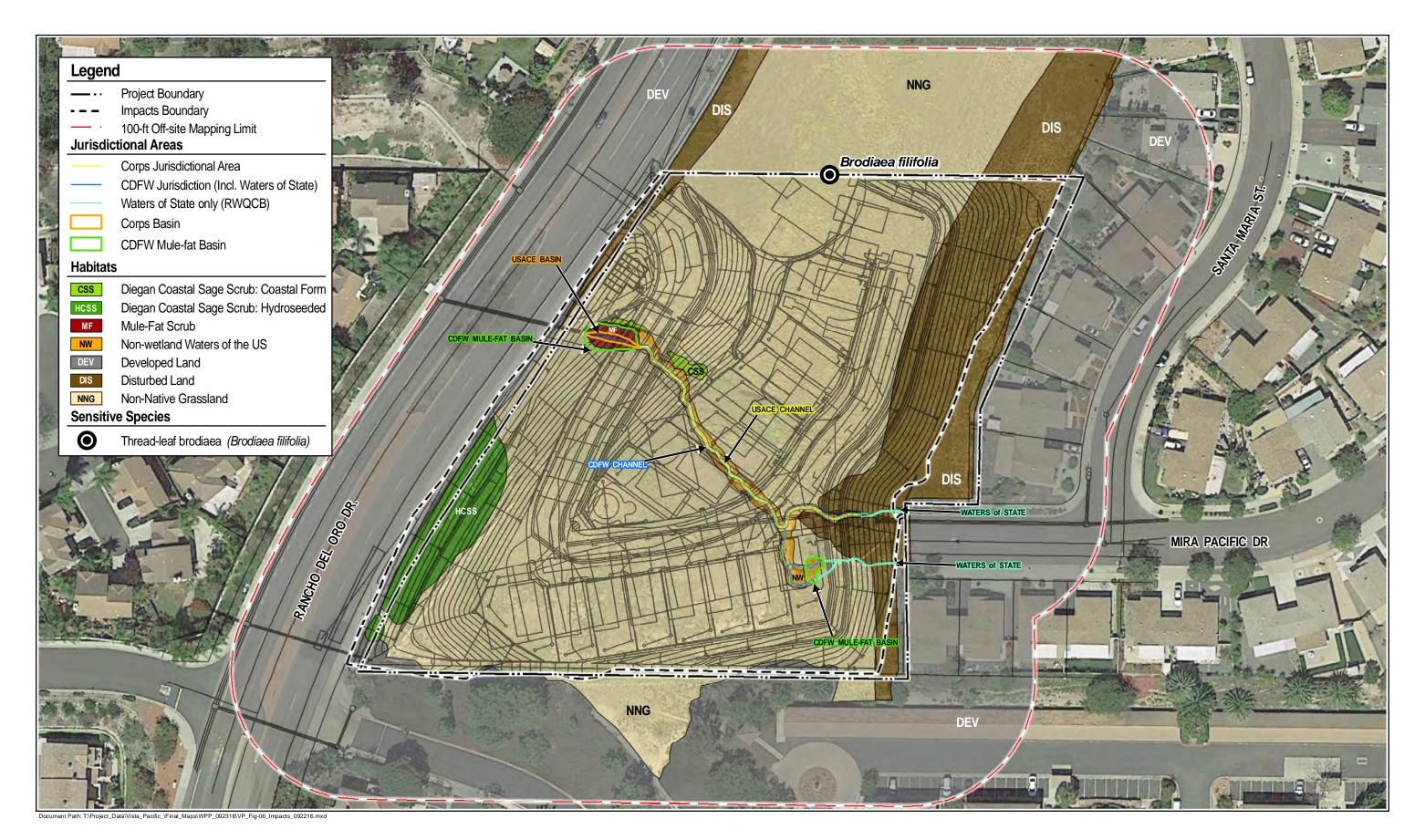












REC Project Impacts

Feet 0 50 100

Table 1
VISTA PACIFIC – MITIGATION MONITORING CHECKLIST

	MITIGATION MEASURE	TYPE*	MONITOR	SCHEDULE
ESTHETICS				
AES #1	Prior to the issuance of a grading permit, show on the Final Landscape Plan, to the satisfaction of the City Engineer, mitigation of an additional tree at a 1:1 ratio.	PC	City Engineer	Prior to the issuance of a grading permit.
AES#2	Prior to issuance of a grading permit, the applicant shall submit Final Landscape Plans to the satisfaction of the City Engineer showing the following project features: Terraced hillside; Landscaped slopes; and, Planted retaining walls.	PC	City Engineer	Prior to the issuance of a grading permit.
AES #3	The project will not install outdoor lighting that directly illuminates neighboring properties.	PC	Building Division	Review final architectural drawings. Implement during building construction.
AES #4	The project will not install outdoor lighting that would cast a direct beam angle towards a potential observer, such as motorists, cyclist or pedestrian.	PC	Applicant	Review final architectural drawings. Implement during building construction.
AES #5	The project will not install outdoor lighting for vertical surfaces such as buildings, landscaping, or signs in a manner that would result in useful light or spill light being cast beyond the boundaries of intended area to be lit.	PC	Building Division	Review final architectural drawings. Implement during building construction.
AES #6	The project will not install any highly reflective surfaces such as glare-producing glass or high-gloss surface color that will be visible along roadways, pedestrian walkways, or in the line of sight of adjacent properties.	PC	Building Division	Review final architectural drawings. Implement during building construction.
AES#7	The project will not contribute to significant cumulative impacts on day or nighttime views because the project conforms to the Light Pollution Regulations (Chapter 39 of Municipal Code) and the Multiple Species Conservation Program (MSCP) Plan, Section 6.3.9 Fencing, Signs, and Lighting. Compliance with the Municipal Code is required prior to issuance of any building permit for any project. Mandatory compliance for all new building permits ensures that this project in combination with all past, present and future projects will not contribute to a cumulatively considerable impact. Moreover, the project's additional outdoor lighting and glare is controlled and limits light pollution to the project site or directly around the light source and will not contribute to a cumulative impact. Therefore, compliance with the Municipal Code, in combination with the outdoor and glare controls listed above, will ensure that significant impacts resulting from new sources of substantial light or glare, which would adversely affect daytime or nighttime views in the area, on a project or cumulative level will be less than significant.	PC	Building Division	Review final architectural drawings. Implement during building construction.

	MITIGATION MEASURE	TYPE*	MONITOR	SCHEDULE
GRICULTU	RAL RESOURCES			
o mitigation n	neasures are necessary.	N/A	N/A	N/A
IR QUALIT	Y			
o mitigation r	neasures are necessary.	N/A	N/A	N/A
IOLOGICAI	L RESOURCES			
BIO #1	The proposed project is located in the Offsite Mitigation Zone I of the Subarea Plan. The Subarea Plan notes that vegetation can be removed in this zone, consistent with plan guidelines, which includes offsite mitigation. Impacts to non-native grassland and coastal sage scrub must be mitigated within the proposed Wildlife Corndor Planning Zone (WCPZ) or within a Pre-Approved Mitigation Area (PAMA) within Zone 1.	PC/CM	City Planner; City Engineer	Prior to project grading.
BIO #2	The required mitigation ratio for the loss of non-native grassland is 0.5:1 and is 3:1 for coastal sage scrub. As such, mitigation of 1.73 acres of non-native grassland and 0.39 acre of coastal sage scrub will be required, either within the WCPZ or PAMA. Mitigation credits may not be available within the jurisdiction of the City of Oceanside. As such, the purchase of mitigation credits from an alternative jurisdiction may be possible with consultation with the U.S. Fish and Wildlife Service and the California Department of Fish and Game during the permitting process. Coastal sage scrub credits may be purchased to mitigate for impacts resulting from the loss of both the non-native grassland habitat and coastal sage scrub habitat if, non-native grassland credits are unavailable. Implementation of these mitigation measures would reduce impacts to non-native and coastal sage scrub habitats to less than significant. The applicant is proposing the purchase of a total of 2.12 acres of coastal sage scrub (mitigation for 1.73 acres of non-native grassland and 0.39 acres of coastal sage scrub) from the Daley Ranch PAMA within the City of Escondido as the PAMA habitat in closest proximity to the development site.	PC/CM	City Planner; City Engineer; Wildlife Agencies; Biological Monitor	Prior to project grading.
BIO #3	In order to mitigate for potential impacts to the cluster of Thread-leaf brodiaea (Brodiaea filifolia) identified on site, the proposed project will be required to provide total avoidance of the Thread-leaf brodiaea (Brodiaea filifolia). It has been determined that a requirement of a 25-foot setback from the Thread-leaf brodiaea (Brodiaea filifolia) would reduce potential impacts to less than significant.	PC/CM	City Planner; City Engineer; Biological Monitor	Ensure compliance during project grading.
BIO #4	Provide the Director of the Development Services Department with a copy of a Streambed Alteration Agreement issued by the California Department of Fish and Game for all project-related disturbances of any streambed or provide evidence satisfactory to the City of Oceanside that such an agreement is not required.	PC	City Planner; City Engineer; California Department of Fish and Game	Prior to issuance of a grading permit.
BIO #5	Provide the Director of the Development Services Department with a copy of a Clean Water Act, Section 401/404 permit issued by the California Regional Water Quality Control Board and the U.S. Army Corps of Engineers for all project-related disturbances of waters of the U.S. and/or associated wetlands or provide evidence satisfactory to the City of Oceanside that such a permit is not required.	PC	City Planner; City Engineer; Regional Water Quality Control Board; US Army Corps of Engineers	Prior to issuance of a grading permit.

	MITIGATION MEASURE	TYPE*	MONITOR	SCHEDULE
BIO #6	Prior to the issuance of a grading permit, show on the Final Landscape Plan, to the satisfaction of the City Engineer, mitigation of the existing Canary Island Palm.	PC	City Planner; City Engineer	Prior to the issuance of a grading permit.
BIO #7	The proposed project is located in the Offsite Mitigation Zone I of the Subarea Plan. The Subarea Plan notes that vegetation can be removed in this zone, consistent with plan guidelines, which includes offsite mitigation. Impacts to non-native grassland and coastal sage scrub must be mitigated within the proposed Wildlife Corridor Planning Zone (WCPZ) or within a Pre-Approved Mitigation Area (PAMA) within Zone 1.	PC	City Planner; City Engineer; Bìological Monitor	Prior to project grading.
BIO #8	The required mitigation ratio for the loss of non-native grassland is 0.5:1 and is 3:1 for coastal sage scrub. As such, mitigation of 1.73 acres of non-native grassland and 0.39 acre of coastal sage scrub will be required, either within the WCPZ or PAMA. Mitigation credits may not be available within the jurisdiction of the City of Oceanside. As such, the purchase of mitigation credits from an alternative jurisdiction may be possible with consultation with the U.S. Fish and Wildlife Service and the California Department of Fish and Game during the permitting process. Furthermore, coastal sage scrub credits may be purchased to mitigate for impacts resulting from the loss of both the non-native grassland habitat and coastal sage scrub habitat if, non-native grassland credits are unavailable. Implementation of these mitigation measures would reduce impacts to non-native and coastal sage scrub habitats to less than significant. The applicant is proposing the purchase of a total of 2.12 acres of coastal sage scrub (mitigation for 1.73 acres of non-native grasslands and 0.39 acres of coastal sage scrub) from the Daley Ranch PAMA within the City of Escondido as the PAMA habitat in closest proximity to the development site.	PC	City Planner; City Engineer; Resource Agencies; Biological Monitor	Prior to project grading.
BIO #9	In order to mitigate for potential impacts to the cluster of Thread-leaf brodiaea (Brodiaea filifolia) identified onsite, the proposed project will be required to provide total avoidance of the Thread-leaf brodiaea (Brodiaea filifolia). It has been determined that a requirement of a 25-foot setback from the Thread-leaf brodiaea (Brodiaea filifolia) would reduce potential impacts to an adopted or draft habitat conservation plan to less than significant.	PC	City Planner; City Engineer; Biological Monitor	Ensure compliance during project grading.
ULTURALI	RESOURCES		1	
CR #1	In the event any subsurface archaeological resources are encountered during grading or construction activities, such activities in the locality of the find shall be halted immediately. An archaeologist, certified by the Society of Professional Archaeologists (SOPA), shall be brought in to determine the significance of the archaeological resources and implement appropriate mitigations prior to recommending earthwork.	CM	City Planner; Qualified Archaeologist; Archaeological Monitor	Periodic verification of compliance throughout grading.
CR #2	A pre-excavation agreement shall be executed between the applicant and the San Luis Rey band of Mission Indians, specifying the disposition of human remains, grave goods, or other culturally sensitive material encountered during grading, trenching, or other ground disturbance in conjunction with implementation of the proposed project.	СМ	Engineer; Qualified Archaeologist; Archaeological Monitor	Prior to issuance of a grading permit.

	MITIGATION MEASURE	TYPE*	MONITOR	SCHEDULE
CR #3	An archaeologist and a Native American monitor shall be on-site during grading and trenching within the project area. The archaeologist and the Native American monitor may determine, in coordination with City staff, that the full-time presence of a monitor is not required, that checking the grading at regular intervals is sufficient.	СМ	Qualified Archaeologist; Archaeological Monitor; Native American Monitor	Periodic verification of compliance throughout grading.
CR #4	The monitors shall have the power to temporarily halt or redirect grading if sensitive cultural material is found.	СМ	Qualified Archaeologist; Native American Monitor	Periodic verification of compliance throughout grading.
CR #5	An archaeologist and a Native American monitor shall be present for a pre-grade meeting to discuss the monitoring program with the grading contractor, City staff and the developer.	СМ	Qualified Archaeologist; Archaeological Monitor; Native American Monitor	Periodic verification of compliance throughout grading.
CR #6	If archaeological materials are encountered, their importance must be evaluated to assess the significance of impacts. If significant cultural resources are encountered mitigation would be accomplished through documentation and excavation of features, cataloging and analysis of cultural materials collected, and preparation of a report detailing the methods and results of the monitoring/ data recovery program.	СМ	Qualified Archaeologist; Archaeological Monitor; Native American Monitor	Periodic verification of compliance throughout grading.
CR #7	Prior to the issuance of grading permits, the applicant shall establish a program with a qualified paleontologist to monitor grading activities. The applicant shall provide the Development Services Department with a copy of the paleontological resource-monitoring program.	PC/CM	Paleontological Monitor	Prior to the issuance of a grading permit.
CR #8	Demonstrate to the satisfaction of the City Engineer that the following notes have been placed on the grading and improvement plans and are mitigation and monitoring measures adopted as conditions of project approval:	PC/CM	City Engineer; Paleontological Monitor	Prior to the issuance of a grading permit.
	If human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98.			
	The County Coroner must be notified of any human remains find immediately.			
	If the remains are determined to be prehistoric, the Coroner will notify the Native American Heritage Commission (NAHC) which will determine and notify a Most Likely Descendant (MLD). With the permission of the landowner the MLD may inspect the site of the discovery, and shall complete the inspection within 24 hours of notification by the NAHC. The MLD will have the opportunity to make recommendations to the NAHC on the disposition of the remains.			

	MITIGATION MEASURE	TYPE*	MONITOR	SCHEDULE
GEOLOGY A	ND SOILS			
GEO #1	A qualified geologist shall be present onsite during grading activities to determine whether adverse soil conditions are present in the final slopes and whether remedial actions are necessary. If any adverse conditions are identified site-specific recommendations will be provided at that time by the qualified geologist present onsite. Implementation of these measures will reduce the project's impacts to less than significant.	СМ	Qualified Geologist	Periodic verification of compliance throughout grading.
GEO #2	The Geotechnical consultants shall review and approve the detailed foundation/grading/sitework plans prior to issuance of any permits. This approval shall be by wet signature which clearly indicates that the Geotechnical Consultants have reviewed the plans prepared by the design engineer and that plans are in conformance with the recommendation contained in their Geotechnical Report.	PC/CM	City Engineer; Qualified Geologist	Prior to issuance of a grading permit.
GEO #3	An "as-built" report prepared by the consultant must be submitted to the City for review. The report must include the results of all compaction tests as well as a map depicting the limits of over-excavation, observed geologic conditions, locations of all density tests, locations and all removal bottoms, and locations and elevation of all retaining wall backdrains and outlets.	СМ	Qualified Geologist	Prior to issuance of a grading permit.
GEO #4	Print the name, address, and phone number of the Project Geotechnical consultant and list all applicable Geotechnical reports on the building grading plans.	PC	City Engineer	Prior to issuance of a grading permit.
GEO #5	The foundation plans and foundation details shall clearly depict the embedment material and minimum depth of embedment for the foundations.	PC	City Engineer; Qualified Geologist	Prior to issuance of a grading permit.
GEO #6	The following note must appear on all foundation plans: "All foundation excavations must be observed and approved by the Project Geotechnical Consultant prior to placement of reinforcing steel."	PC	City Engineer	Prior to issuance of a grading permit.
GEO #7	The final grading, drainage, and foundation plans should be reviewed, signed and wet stamped by the project geotechnical consultants.	PC	City Engineer; Qualified Geologist	Prior to issuance of a grading permit.
GEO #8	A qualified geologist shall be present onsite during grading activities to determine whether adverse soil conditions are present in the final slopes and whether remedial actions are necessary. If any adverse conditions are identified site-specific recommendations will be provided at that time by the qualified geologist present onsite. Implementation of these measures will reduce the project's impacts to less than significant.	СМ	City Engineer; Qualified Geologist	Periodic verification of compliance throughout grading.
GEO #9	The Geotechnical consultants shall review and approve the detailed foundation/grading/sitework plans prior to issuance of any permits. This approval shall be by wet signature which clearly indicates that the Geotechnical Consultants have reviewed the plans prepared by the design engineer and that plans are in conformance with the recommendation contained in their Geotechnical Report.	PC/CM	City Engineer; Qualified Geologist	Prior to issuance of a grading permit.

	MITIGATION MEASURE	TYPE*	MONITOR	SCHEDULE
GEO #10	An "as-built" report prepared by the consultant must be submitted to the City for review. The report must include the results of all compaction tests as well as a map depicting the limits of overexcavation, observed geologic conditions, locations of all density tests, locations and all removal bottoms, and locations and elevation of all retaining wall backdrains and outlets.	СМ	Qualified Geologist	Prior to issuance of a grading permit.
GEO #11	Print the name, address, and phone number of the Project Geotechnical consultant and list all applicable Geotechnical reports on the building grading plans.	PC	City Engineer	Prior to issuance of a grading permit.
GEO #12	The foundation plans and foundation details shall clearly depict the embedment material and minimum depth of embedment for the foundations.	PC/CM	City Engineer; Qualified Geologist	Prior to issuance of a grading permit.
GEO #13	The following note must appear on all foundation plans: "All foundation excavations must be observed and approved by the Project Geotechnical Consultant prior to placement of reinforcing steel."	PC/CM	City Engineer	Prior to issuance of a grading permit.
GEO #14	The final grading, drainage, and foundation plans should be reviewed, signed and wet stamped by the project geotechnical consultants.	PC	City Engineer; Qualified Geologist	Prior to issuance of a grading permit.
GEO #15	A qualified geologist shall be present onsite during grading activities to determine whether adverse soil conditions are present in the final slopes and whether remedial actions are necessary. If any adverse conditions are identified site-specific recommendations will be provided at that time by the qualified geologist present onsite. Implementation of these measures will reduce the project's impacts to less than significant.	СМ	City Engineer; Qualified Geologist	Periodic verification of compliance throughout grading.
GEO #16	The Geotechnical consultants shall review and approve the detailed foundation/grading/sitework plans prior to issuance of any permits. This approval shall be by wet signature which clearly indicates that the Geotechnical Consultants have reviewed the plans prepared by the design engineer and that plans are in conformance with the recommendation contained in their Geotechnical Report.	PC/CM	Qualified Geologist	Prior to issuance of a grading permit.
GEO #17	An "as-built" report prepared by the consultant must be submitted to the City for review. The report must include the results of all compaction tests as well as a map depicting the limits of overexcavation, observed geologic conditions, locations of all density tests, locations and all removal bottoms, and locations and elevation of all retaining wall backdrains and outlets.	СМ	Qualified Geologist	Prior to issuance of a grading permit.
GEO #18	Print the name, address, and phone number of the Project Geotechnical consultant and list all applicable Geotechnical reports on the building grading plans.	PC	City Engineer	Prior to issuance of a grading permit.
GEO #19	The foundation plans and foundation details shall clearly depict the embedment material and minimum depth of embedment for the foundations.	PC/CM	Qualified Geologist	Prior to issuance of a grading permit.
GEO #20	The following note must appear on all foundation plans: "All foundation excavations must be observed and approved by the Project Geotechnical Consultant prior to placement of reinforcing steel."	PC/CM	City Engineer	Prior to issuance of a grading permit.

	MITIGATION MEASURE	TYPE*	MONITOR	SCHEDULE
GEO #21	The final grading, drainage, and foundation plans should be reviewed, signed and wet stamped by the project geotechnical consultants.	PC/CM	City Engineer; Qualified Geologist	Prior to issuance of a grading permit.
IAZARDS A	ND HAZARDOUS MATERIALS			- L <u>'</u>
lo mitigation n	neasures are necessary.	N/A	N/A	N/A
IYDROLOG'	AND WATER QUALITY			
lo mitigation n	neasures are necessary.	N/A	N/A	N/A
AND USE A	ND PLANNING		<u> </u>	
lo mitigation n	neasures are necessary.	N/A	N/A	N/A
MINERAL RE	SOURCES			
lo mitigation n	neasures are necessary.	N/A	N/A	N/A
IOISE				
NOI #1	Use construction methods or equipment that will provide the lowest level of noise impact.	CM	Engineering Division Building Division	Implement during project construction.
NOI #2	Use a noise-attenuating jacket around the jackhammer.	СМ	Engineering Division Building Division	Implement during project construction.
NOI #3	Schedule construction so the absolute minimum number of equipment would be operating at the same time.	СМ	Engineering Division Building Division	Implement during project construction.
NOI #4	Use the latest technology to mitigate construction equipment noise, i.e., engine enclosures, intake and exhaust silencers, etc.	СМ	Engineering Division Building Division	Implement during project construction.
NOI #5	Construct temporary noise walls or sound blankets along the project boundaries if it is determined they are feasible and practical.	СМ	Engineering Division Building Division	Implement during project construction.
NOI #6	All project-related equipment and vehicles would be fitted with effective exhaust silencers and would be maintained in proper working condition. Machines in intermittent use would be shut down or throttled down during periods between use.	СМ	Engineering Division Building Division	Implement during project construction.
NOI #7	Use construction methods or equipment that will provide the lowest level of noise impact.	СМ	Engineering Division Building Division	Implement during project construction.
NOI #8	Use a noise-attenuating jacket around the jackhammer.	СМ	Engineering Division Building Division	Implement during project construction.
NOI #9	Schedule construction so the absolute minimum number of equipment would be operating at the same time.	СМ	Engineering Division Building Division	Implement during project construction.
OPULATIO	N AND HOUSING			_
lo mitigation m	neasures are necessary.	N/A	N/A	N/A

TYPE* MONITOR	SCHEDULE
N/A N/A	N/A
N/A N/A	N/A
N/A N/A	N/A
	L
N/A N/A	N/A
	N/A N/A N/A N/A N/A N/A

^{*} PC - Plan Check review

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CM - Construction-related Monitoring, OM - Operational Monitoring