

State of California
California Regional Water Quality Control Board
Santa Ana Region

September 17, 2021

STAFF REPORT

ITEM: *

SUBJECT: Mitigation Amendment (Order No. R8-2021-0045) for Pacific Summit-Foothill, LLC, Sycamore Heights Residential Development Project, City of Rancho Cucamonga, San Bernardino County, Order No. R8-2021-0016

DISCUSSION:

Previously, Waste Discharge Requirements, as adopted under Order No. R8-2021-0016 by the Santa Ana Regional Water Quality Control Board (Santa Ana Water Board), were issued to Pacific Summit-Foothill, LLC (discharger) for proposed dredge and fill activities to waters of the State from construction activities associated with the Sycamore Heights Residential Development. Order No. R8-2021-0045 is proposed to amend the mitigation requirement in Order No. R8-2021-0016.

VCS Environmental, on behalf of the discharger, requested on July 19, 2021 to modify the mitigation in Order No. R8-2021-0016. The discharger requested to purchase 0.62 acre of rehabilitation credits from the Riverpark Mitigation Bank, in lieu of 0.62 acre of stream restoration credits from the Soquel Canyon Mitigation Bank because the latter currently does not have such credits available. Also, the rehabilitation credits available from the Riverpark Mitigation Bank are commensurate with the stream restoration credits from the Soquel Canyon Mitigation Bank, so the mitigation value will remain the same as initially intended.

The discharger still commits to purchasing 0.62 acre of re-establishment credits from the Riverpark Mitigation Bank as identified in Order No. R8-2021-0016. The total mitigation purchase of 1.24 acres of credit would continue to represent a 2:1 mitigation to impact ratio and would offset Project impacts to 0.62 acre of waters of the State, which includes 0.10 acre of waters of the United States. No further changes are proposed.

For further information on the proposed Project, please contact Santa Ana Water Board staff Kyle Fructuoso at Kyle.Fructuoso@waterboards.ca.gov or Claudia Tenorio at Claudia.Tenorio@waterboards.ca.gov.

RECOMMENDATION:

Adopt Order No. R8-2021-0045 as presented.

Comments were solicited from the following:

U.S. Environmental Protection Agency (R9cwa401@epa.gov)
James E. Mace, U.S. Army Corps of Engineers, Los Angeles District
(James.E.Mace@usace.army.mil)
California Department of Fish and Wildlife, Region 6 (R6LSA@wildlife.ca.gov)
(LSA No. 1600-2018-0093-R6)
David Lancaster, State Water Board, Office of the Chief Counsel
(David.Lancaster@waterboards.ca.gov)
State Water Board, Division of Water Quality – Water Quality Certification Unit
(Stateboard401@waterboards.ca.gov)
Chad Stadnicki, Pacific Summit-Foothill, LLC (chad@rypropertiesinc.com)
Molly Burdick-Whipp, VCS Environmental (mburdick-whipp@vcsenvironmental.com)
Wade Caffrey, VCS Environmental (wcaffrey@vcsenvironmental.com)
Julie Beeman, VCS Environmental (jbeeman@vcsenvironmental.com)

State of California
California Regional Water Quality Control Board
Santa Ana Region

Order No. R8-2021-0045

Amendment of Waste Discharge Requirements
Order No. R8-2021-0016
for
Pacific Summit-Foothill, LLC
Sycamore Heights Residential Development Project
City of Rancho Cucamonga, San Bernardino County

The California Regional Water Quality Control Board, Santa Ana Region (hereinafter, Santa Ana Water Board) finds that:

1. This Order amends existing Santa Ana Water Board Waste Discharge Requirements (WDRs), Order No R8-2021-0016, to recognize a modification to the agreed upon mitigation.
2. VCS Environmental, on behalf of the Pacific Summit-Foothill, LLC (discharger), requested on July 19, 2021 to modify the mitigation. The discharger requested to purchase 0.62 acre of rehabilitation credits from the Riverpark Mitigation Bank, in lieu of 0.62 acre of stream restoration credits from the Soquel Canyon Mitigation Bank because the latter currently does not have such credits available. The rehabilitation credits available from the Riverpark Mitigation Bank also are commensurate with the stream restoration credits from the Soquel Canyon Mitigation Bank, so the mitigation value will remain the same as initially intended. Furthermore, the discharger would still purchase 0.62 acre of re-establishment credits from the Riverpark Mitigation Bank.
3. The total mitigation purchase of 1.24 acres of credit would continue to represent a 2:1 mitigation to impact ratio and would offset Project impacts to 0.62 acre of waters of the State, which includes 0.10 acre of waters of the United States.
4. The Project consists of the construction of 452 single-family residences, associated roadways, and infrastructure on 150.8 acres (Santa Ana Water Board WDID No. 332007-21).
5. The Project is located north of Foothill Boulevard, south of the Red Hill Country Club, west of Cucamonga Creek, and east of Grove Avenue, in the City of Rancho Cucamonga in San Bernardino County. The Project coordinates are 34.1060° N, -117.6202° W.

6. The Santa Ana Water Board notified the discharger and other interested parties of its intent to amend Order No. R8-2021-0016 with this Order to modify the agreed upon mitigation.

IT IS HEREBY ORDERED that the WDR Order No. R8-2021-0016 be amended by Order No. R8-2021-0045 as follows:

1. Revise Finding 13:

The discharger would provide compensatory mitigation for the permanent physical loss of 0.62 acres of WOTS with the purchase of 0.62 acres of ~~Stream Restoration~~ rehabilitation credits at the ~~Sequel Canyon Mitigation Bank~~ and 0.62 acres of re-establishment credits at the Riverpark Mitigation Bank. The mitigation purchase represents a 2:1 mitigation to impact ratio and would offset Project impacts to WOTS.

2. Revise Provision 1:

Prior to the start of Project grading activities, the discharger shall submit to the Santa Ana Water Board the receipt of the purchase of 0.62 acre of ~~Stream Restoration~~ rehabilitation credits from the ~~Sequel Canyon Mitigation Bank~~ and 0.62 acre of re-establishment credits from the Riverpark Mitigation Bank.

I, Jayne Joy, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an order adopted by the California Regional Water Quality Control Board, Santa Ana Region, on September 17, 2021.

JAYNE JOY, P.E.
Executive Officer