

Santa Ana Regional Water Quality Control Board

March 17, 2015

David Hardy
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dhardy@kbhome.com

**AMENDED CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS
CERTIFICATION FOR ALICANTE SUBDIVISION (FORMERLY PROPOSED TRACT 30011),
COUNTY OF RIVERSIDE, CA ACOE REFERENCE NOT AVAILABLE, SARWQCB
PROJECT NUMBER 332002-7)**

Dear Mr. Hardy,

On June 19, 2002, we issued a Clean Water Act Section 401 Water Quality Standards Certification ("Certification") to EPAC (the original applicant), for the construction of the Alicante Residential Subdivision then named "Tentative Tract 30011". In October of 2005, KB Homes assumed responsibility for compliance with the terms of this Certification. The certification authorized fills to waters of the United States and the State of California for the construction of a residential housing development. The housing development was constructed in Mockingbird Canyon, an unincorporated area of central Riverside County.

On January 13, 2015, we received KB Home's request to amend the Certification to allow for a modification to the mitigation previously approved, in order to offset the projects impacts to Waters of the United States (WOUS). The initial project had the following impacts to WOUS on site:

Permanent Impact to wetland/perennial habitat	0.018 acre
Permanent Impact to ephemeral streambed	0.070 acre
Permanent Impact to riparian habitat	1.091 acre
Temporary Impact to streambed	0.10 acre
Temporary Impact to riparian habitat	0.40 acre

The mitigation for the project included

- 1) Permanent impacts to wetlands and streambed were mitigated on a 2:1 ratio and consisted of the creation of 0.176 acres of wetlands on-site.
- 2) Preservation of three acres of on-site existing drainage through fencing of the drainage areas and the creation of a conservation easement over the area.

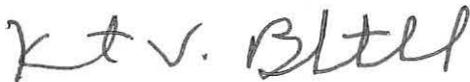
The project mitigation was installed in December of 2008 and was maintained and monitored for a period of five years. At the end of the five years of monitoring, the restoration was deemed to be successful. Portions of 25 separate parcels within the residential development are within the mitigation area. As asserted in the project amendment request, the project proponent had the legal right to place a conservation easement over the parcels of the original homeowners, but that right did not transfer over to the subsequent property owners. Therefore, as indicated in your January 23, 2015 certification amendment request, the long-term viability of the on-site mitigation habitat could not be guaranteed in perpetuity. Thus, you requested a modification to the mitigation in the June 2002 Certification.

To mitigate for the impacts to WOUS that were incurred in the construction of the Alicante Residential Development, 1.1 acres of wetland credits from the Riverside-Corona Conservation District (RCRCD) will be purchased by KB Homes. Additionally, KB Homes will fund an ongoing educational program for the owners of the parcels that contain the original mitigation habitat. This program will be administered by RCRCD and the funding level for the program will be \$155,000. The intent of the program is to help the owners realize the value of and protect the habitat. The June 19, 2002 Certification is hereby amended to incorporate this mitigation.

It should be noted that this modification to the Water Quality Standards Certification does not authorize any modification to the three acres of habitat that exist on-site of the 25 parcels. Any dredge or fill projects that may be proposed in the original mitigation area will require separate consideration of Water Quality Standards Certifications to be legal.

Should there be any questions, please contact Jason Bill at (951) 782-3295 or Jason.Bill@waterboards.ca.gov.

Sincerely,



Kurt V. Berchtold
Executive Officer

cc (via electronic mail):

Helix Environmental Planning – Barry L. Jones– BarryJ@helixepi.com

Helix Environmental Planning – Larry Sward– LarryS@helixepi.com

U. S. Army Corps of Engineers, Los Angeles Office - James Mace

CA Department of Fish and Wildlife – Kim Freeburn-Marquez

State Water Resources Control Board, Office of Chief Counsel-David Rice

State Water Resources Control Board DWQ -Water Quality Certification Unit

U.S. EPA -Supervisor of the Wetlands Regulatory Office WTR-8