

Appendix J



California Regional Water Quality Control Board

San Diego Region



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October 20, 2005

Mr. Peter M. Olah
Ashby USA, LLC
39600 Pourroy Road
Temecula, CA 92591

In reply refer to:
File Number: 18-2001091 quigm

Dear Mr. Olah:

SUBJECT: RORIPAUGH RANCH CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION – MINOR MODIFICATION No. 2

We have received your letter, dated October 18, 2005, requesting a second minor modification to the Clean Water Act Section 401 Water Quality Certification for the Roripaugh Ranch residential development (File No. 01C-091). This certification, dated December 11, 2002, allowed for impacts to 3.38 acres of waters of the U.S. associated with the construction of four street crossings over Santa Gertrudis Creek and Long Valley Wash, as well as the filling of several ephemeral tributaries to these main channels. This letter shall serve as the requested second minor modification to the certification (File No. 01C-091).

Your proposal will result in additional impacts associated with the originally-certified Butterfield Stage Road/North Loop Road bridge design over Santa Gertrudis Creek and the South Loop Road bridge over Long Valley Wash. Changes to the original plans include the conversion from Armorflex (a concrete block revetment system) in Santa Gertrudis Creek between the Butterfield Stage Road and North Loop Road bridge structures to a concrete Conspan structure that will connect the two bridges, as well as additional concrete associated with the South Loop Road bridge over Long Valley Wash. A figure and table depicting the modified bridge structures are attached. We understand that the modifications are required by the Riverside County Flood Control and Water Conservation District and City of Temecula for public health and safety reasons. Construction of the bridge structures and associated concrete work is needed as soon as possible to protect downstream property.

We have no objections to your proposal, provided that:

1. Mitigation for impacts to a total of 1.85 acres of Santa Gertrudis Creek and Long Valley Wash associated with the Butterfield Stage Road/North Loop Road and South Loop Road bridge structures will consist of an additional 1.85 acre of created waters of the U.S. added to the originally-required 8.20 acres of mitigation, bringing the current total

required mitigation to 10.26 acres. A revised mitigation plan shall be submitted to this office for approval within 60 days of the date of this letter.

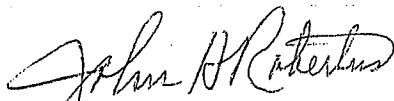
2. Mitigation shall be constructed within 1 year that impacts occur, or additional mitigation acreage may be required.
3. Ashby USA, LLC shall comply with the requirements of State Water Resources Control Board Water Quality Order No. 99-08-DWQ, the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction Activity.

Failure to comply with these conditions would constitute a violation of the subject certification. In the event of any violation or threatened violation of the conditions, 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 the certification. In response to a suspected violation of any condition of the certification, the Regional Board may require you to furnish, under penalty of perjury, any technical or monitoring reports the Regional Board deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. The Regional Board may also add to or modify the conditions of this certification as appropriate to ensure compliance.

If you have questions about this letter, contact Megan Quigley at (858) 268-5363, or mquigley@waterboards.ca.gov.

The heading portion of this letter includes a Regional Board code number noted after "In reply refer to:" In order to assist us in the processing of your correspondence please include this code number in the heading or subject line portion of all correspondence and reports to the Regional Board pertaining to this matter.

Respectfully,



JOHN H. ROBERTUS
Executive Officer

JHR:rwm:mbq

Attachments:

Impact Matrix
Figure of Project Area

cc:

Robert Smith
U.S. Army Corps of Engineers, Regulatory Branch
San Diego Field Office
16885 West Bernardo Drive, Suite 300A
San Diego, CA. 92127

Doreen Statlander
U.S. Fish & Wildlife Service
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City of Temecula
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Temecula, CA 92589-9033

TABLE 1
Impact Matrix (Channel)

Roripaugh Ranch Impacts to Santa Gertrudes Creek & Long Valley Wash

Santa Gertrudis Creek Channel Impacts:

Butterfield Stage Road / North Loop Road Conspan Bridge Structure and Armorflex Impacts to Channel Bottom

	Hard Bottom vs Armorflex Impact				Total AC
	Concrete	Rip Rap	Armor Flex	Total	
Concrete Bottom and Apron at Bridge Structure	49,957 sf	sf	- sf	49,957 sf	1.15
Rip Rap (Westerly exit of BSR Bridge)	- sf	sf	- sf	0 sf	0.00
Armor Flex (Upstream of entering N. Loop Rd Bridge)	- sf	- sf	Permitted	0 sf	0.00
Subtotals	49,957 sf	0 sf	sf	49,957 sf	1.15

Long Valley Wash Impacts:

Long Valley Wash @ South Loop Road Conspan Bridge Structure and Armorflex Impacts to Channel Bottom

	Hard Bottom vs Armorflex Impact				Total AC
	Concrete	Rip Rap	Armor Flex	Total SF	
Bridge Structure @ South Loop Road	12,028 sf	sf	sf	12,028 sf	0.28
Rip Rap (Westerly exit of S. Loop Road Bridge)	- sf	sf	- sf	0 sf	0.00
Armor Flex (Upstream of entering S. Loop Road Bridge)	- sf	- sf	18,524 sf	18,524 sf	0.43
Subtotals	12,028 sf	0 sf	18,524 sf	30,552 sf	0.70

Total Impact 1.85

EXHIBIT 1
Roripaugh Ranch Overall Drainage Modification Plan

F1/F2

E1

A3

E2

A1

B2

B3

B1

E3/E4

A2

C2

C1

Legend

- Revised Basin
- Deleted Basin
- Rip Rap
- Armor Fill
- Concrete Basin