

STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

STAFF SUMMARY REPORT - Elizabeth Morrison
MEETING DATE: June 16, 2004

ITEM: 7

SUBJECT: **Orinda Gateway LLC, Montanera Project, Orinda, Contra Costa County** -
Issuance of Waste Discharge Requirements and Water Quality Certification

CHRONOLOGY: December 2003 - Workshop and Public Hearing on Discharger's Application.

September 1999 - Status report to Board on a previous water quality certification application for the Montanera Project. Discharger withdrew application later that September.

September 1998 - Board recommended denial of a previous water quality certification application for the Project. State Board's Executive Director subsequently denied the application for the Project in October 1998.

July 1998 - Board members toured the Montanera project site.

DISCUSSION: As indicated in the chronology above, Orinda Gateway, LLC (hereinafter Discharger), has been working to gain approval of its Montanera Project for many years. After a lengthy review process with Board and other agency staff, the Project as now proposed appears to minimize impacts to the waters of the Gateway Valley, while still allowing the Discharger to implement a project with approximately the same number of residential units it initially contemplated. As such, it has submitted a revised application to the Board for a Section 401 water quality certification for the Project.

The Project site is within the City of Orinda, at its western edge, south of the Gateway Boulevard interchange on State Route 24. The Project includes: 1) a 978-acre parcel commonly known as "Gateway Valley;" and 2) approximately 205 acres of land (the "Indian Valley" site) immediately contiguous with the southern and eastern borders of Gateway Valley that will be placed under a permanent conservation easement in perpetuity for preservation and mitigation purposes.

The Project has gone through numerous revisions in response to comments by various agencies and the public. The Discharger has removed a proposed 18-hole championship golf course and pulled the development down from the valley ridges, reduced the development footprint and significantly reduced the Project's potential impacts. The Discharger has also improved design components, such as creek setback and stormwater runoff control, and increased mitigation for its impacts.

The Project as currently proposed would construct approximately 245 homes on a 216-acre development envelope within Gateway Valley. In so doing, it would impact 4.03 acres of waters of the U.S., which includes 1.37 acres (14,524 linear feet) of impacts along creek channels and 2.66 acres of seasonal wetlands, ponds, and seeps.

At the December 2003 workshop, the issue of elimination of cattle grazing was discussed. East Bay Regional Park District (EBRPD) staff expressed concerns over the removal of cattle grazing. On the contrary, several members of the public supported the removal of cattle and the potential benefit to the watershed. Since the workshop, staff has held numerous meetings with the Discharger and other agency staff, including EBRPD and East Bay Municipal Utility District (EBMUD), and resolved the grazing issue. Cattle grazing will continue in open-space areas; however, measures to protect the watershed such as restriction to dry season grazing, fencing of streams and wetlands, and installation of water troughs, will be implemented.

Since the workshop, EBMUD has expressed interest in managing a portion of the open-space areas, specifically the watershed that drains to its Upper San Leandro Reservoir, a drinking water source. EBRPD has also stated its lack of interest in managing certain detached portions of the open-space areas. Several meetings were held with the Discharger, agency staff, EBMUD, EBRPD, and City staff where agreement was reached that each district would manage a portion of the open-space, with the remaining portions dedicated to the City's Geologic Hazard Abatement District for management.

Comments on the Tentative Order circulated for public comment were received from the City of Orinda's representative, EBMUD, and two members of the public (Appendix B). The majority of the comments were incorporated into the Revised Tentative Order (Appendix A). Comments primarily concerned: clarification of creation of separate endowment funds for each of the conservation entities; clarification that multiple conservation easements will be required for the six management areas within the open-space parcel; artificial turf and its potential stormwater runoff pollutants; and concern over the created wetlands success. Staff has responded to all the comments received (Appendix C).

RECOMMEN- Adoption of Revised Tentative Order
DATION:
File No. 2118.03 and 2119.1242 (ECM)

Appendix A: Revised Tentative Order
Appendix B: Comment Letters
Appendix C: Response to Comments
Appendix D: Staff Report