



California Regional Water Quality Control Board

Colorado River Basin Region



Linda S. Adams
Secretary for
Environmental Protection

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Arnold Schwarzenegger
Governor

May 22, 2015

Mr. Michael Kiner
The Kiner Group, Inc.
70-177 Highway 111, Suite 200
Rancho Mirage, CA 92270

SUBJECT: DENIAL WITHOUT PREJUDICE OF THE APPLICATION FOR CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION (WQC) FOR THE PROPOSED THE KINER GROUP, INC. – INDIAN WELLS CROSSING PROJECT, WDID No. 7A333148001

Staff of the California Regional Water Quality Control Board, Colorado River Basin Region (Board) has reviewed the application for a Clean Water Act Section 401 Water Quality Certification (WQC) for the subject proposed Indian Wells Crossing Project (Project). Board staff received the application on February 11, 2015. Pursuant to Title 23, Section 3835 of the California Code of Regulations (CCR), the application for a 401 WQC for the Project was deemed administratively complete on March 24, 2015.

Mr. Ryan Henry, the applicant's representative, described the Project as construction of residential housing and commercial buildings. This is a non-water dependent activity. The overall project purpose is the profitable development of a small-sized, mixed used community along with the associated infrastructure and improvements to serve the western Riverside county area. The proposed project will take place in Indian Wells, Riverside County, California.

On March 24, 2015, Board staff sent an e-mail (attached) to Mr. Henry that a remaining balance of \$59,402 was to be paid before the WQC could be mailed out. On May 5, 2015, Mr. Michael Kiner informed Board staff in an e-mail (attached) that a 60-90 day delay is anticipated due to the need to receive approvals from other agencies prior to commencing construction.

Pursuant to Title 23, Sections 3836(c) and 3837(b)(2) of the CCR, Board staff is denying without prejudice your application for WQC for the Project. The denial without prejudice is being made because Board staff did not receive the remaining fee of \$59,402.

Board staff is retaining the materials received to date for use later if it receives the fee specified, unless the applicant in writing withdraws its request for certification. Any new submittals need not include all of the previously submitted reports, unless the information contained in these reports has changed or is no longer valid. Upon receipt

of the remaining fee, Board staff will resume its consideration of certification for the Project in an expeditious manner.

If you have any questions, please contact Jay Mirpour of my staff at (760) 776-8981 or by email at: jmirpour@waterboards.ca.gov.



ROBERT E. PERDUE
Executive Officer

JJM/

Enc.

cc: Bill Orme, SWRCB, Division of Water Quality, Water Quality Certification Unit
Thomas A. Vandenberg, Office of Chief Counsel, SWRCB
James Mace, U.S. Army Corps of Engineers - Riverside Regulatory Field Office
Elizabeth Goldmann, U.S. Environmental Protection Agency, Region 9

File: The Kiner Group, Inc. - Indian Wells Crossing Project, WDID No. 7A333148001

Mirpour, Jay@Waterboards

From: Mirpour, Jay@Waterboards
Sent: Tuesday, March 24, 2015 4:16 PM
To: 'Ryan Henry'
Cc: Dunn, Kai@Waterboards
Subject: RE: Indian Wells Crossing

Hello Ryan:

I am working on the 401 WQC for the subject project. Please provide:

- 1) Location coordination (see item 6.a of the 401 application. You provided this information:
Longitude/Latitude
Longitude/Latitude 33.7225, Township/Range 116.3169. Please provide complete coordination
Example : Longitude/Latitude: 33.661075, -115.823077, Township/Range: T:6S, R:11E, S:10
San Bernardino Base Meridian
- 2) In your e-mail below, you wrote:

Construction of the proposed project would result in 0.01 acre of direct permanent impacts to ACOE/RWQCB jurisdiction, and 1.71 acres of CDFW jurisdiction. Temporary impacts include 3.20 acres of ACOE/RWQCB jurisdiction, and 5.75 acres of CDFW jurisdiction. No impacts to ACOE/RWQCB or CDFW jurisdictional wetlands would occur.

Please use the calculator in the link below and calculate the fee based on both temporary and permanent impacts (i.e. total of permanent (0.01 + 1.71) + Temporary (3.20 + 5.75 acres) impacts = 10.67 acres

http://www.waterboards.ca.gov/water_issues/programs/index.shtml#wqcert

Once that number is placed in the calculator, we get:=====> = \$60,499

You send a check in the amount of \$1097 with your application, the remaining fee is : \$59,402

Annual post discharge monitoring fee = \$300

Annual active Discharge Fee: \$600

Please provide the remaining fee of \$59,402. The 401 Certification will be mailed to you as soon as our office receives the above requests.

Thank you

Jay Mirpour

From: Ryan Henry [<mailto:rhenry@dudek.com>]
Sent: Monday, February 16, 2015 11:14 AM

Mirpour, Jay@Waterboards

From: Michael Kiner <michael@thekinergroup.com>
Sent: Tuesday, May 05, 2015 4:44 PM
To: Mirpour, Jay@Waterboards
Cc: Ryan Henry
Subject: Indian Wells Crossing

Jay,

Thanks for speaking with me this afternoon regarding our project in Indian Wells.

As we discussed I am pleased that our 401 WQC is ready for permitting subject to some minor coordinate information from Ryan Henry, our consultant at Dudek. In your email today, you also requested the balance of our fees be paid in order to issue the permit.

As you are aware, we have to receive approvals from other agencies prior to commencing construction. We have every intention of moving forward with our project on the Whitewater River, however I'd like to make sure that there are no other outstanding items with the other agencies before we make a \$59,402 payment for our 401 WQC permit. We have previously made a payment of \$1,097 when our application was initially submitted.

Would you please let me know how much time we have to obtain our 401 WQC permit before the current application expires and we forfeit our initial payment? I anticipate that we'll have all of our other approvals within 60-90 days.

Please contact me if you have any questions.

Regards,

Michael Kiner