

**REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

**EXECUTIVE OFFICER SUMMARY REPORT
DECEMBER 8, 2021**

ITEM 6

SUBJECT

Waste Discharge Requirements: Waste Discharge Requirements for Temecula West Village LLC/Western Bypass and Altair Project, Riverside County (Tentative Order No. R9-2021-0177). (Darren Bradford)

STAFF RECOMMENDATION

Adoption of Tentative Order No. R9-2021-0177 (Tentative Order) is recommended.

KEY ISSUE

The Tentative Order (Supporting Document No. 1) authorizes permanent impacts to 0.923 acres (14,126 linear feet) of ephemeral streambed surface waters of the State, 0.005 acres (160 linear feet) of wetland surface waters of the State, and 0.023 acres (589 linear feet) of riparian surface waters of the State attributed to the Western Bypass and Altair Project (Project). Compensatory mitigation to offset permitted Project impacts will be achieved through 4.11 acres of wetland mitigation that consists of establishment (3.44 acres, 2,877 linear feet), rehabilitation (0.12 acre), and enhancement (0.55 acre). In addition, the Project will provide funding of \$100,000 to the Western Riverside County Regional Conservation Authority (RCA) or other entity as approved by the San Diego Water Board to provide for ongoing removal of salt cedar (*Tamarisk* sp.) and other non-natives over two acres of existing disturbed riparian habitat immediately upstream of the proposed mitigation site currently owned by RCA.

PRACTICAL VISION

The Tentative Order implements the San Diego Water Board's Practical Vision, entitled *Healthy Waters, People and Communities*,¹ by requiring mitigation and monitoring for impacts sufficient to offset unavoidable adverse impacts to aquatic resources from the Project. The waste discharge requirements employ the best practicable treatment and control of discharges to ensure and verify that the highest level of water quality is maintained consistent with the maximum benefit to the people of the State of California (State). The compensatory mitigation required in the Tentative Order implements the goal of the Recover Stream, Wetland and Riparian Areas chapter of the Practical Vision to attain no overall net loss and a long-term net gain in the quantity, quality and sustainability of aquatic resources.

DISCUSSION

The Project is located on the west of and adjacent to Old Town, within the City of Temecula, Riverside County, CA, west of Interstate 15, south of Rancho California Road, California, Riverside County (**Supporting Document No. 2**). The Project proposes to implement a mixed-use land plan consisting of residential units, a small commercial component in the center of the Project overlooking a central park on axis with Main Street;

¹ Practical Vision: https://www.waterboards.ca.gov/sandiego/water_issues/programs/practical_vision/

and the revised alignment completing the Western Bypass Corridor. Housing types will include detached housing; multi-plex; rowhouse; live/work; multifamily walk-up; multifamily podium; micro-unit; and mixed-use. These building types are assigned to seven neighborhood "villages" which, in turn, are overlaid with one of three proposed residential zones (Residential Zone, Mixed-Use/Residential, or Mixed-Use), in combination with an active open space zone. All residential uses will allow a small amount of accessory commercial use to support the neighborhood. A range of 1,200-1,750 residential units will be constructed. In addition, the Project will realign the Western Bypass farther to the east within the Project boundary to maximize the wildlife corridor to the west and to tie in at Vincent Moraga Avenue. A portion of the South Parcel may be used for placement of excess fill from the Project. These areas will be restored to native sage scrub vegetation following placement of fill.

The Project will impact up to 183.3 acres and conserve 88.7 acres. The 88.7 acres of conservation will be given in fee to the Western Riverside County Regional Conservation Authority (RCA) and the RCA will manage these lands consistent with the Multiple Species Habitat Conservation Plan (MSHCP). The Project also includes off-site conservation of the 66-acre Omdahl parcel which includes four drainages that total a minimum of 3,100 linear feet of streambed waters of the State, and conservation of the 8.97-acre Foley parcel which abuts the west-central boundary of the Altair parcel and includes two drainages of approximately 800 linear feet. In addition, a Wildlife Community Facilities District (WCFD) will be created that will collect annual fees from homeowners for use in acquiring an additional 100 acres of conservation lands, and is expected to include conservation of additional waters of the State.

Post-construction best management practices (BMPs) to manage and control the effects of resulting runoff increases will be designed, constructed, and maintained to comply with the most current Standard Storm Water Mitigation and Hydromodification Plans for the City of Temecula.

Proposed Discharge Impacts

The Discharger submitted a Report of Waste Discharge (ROWD), in application for waste discharge requirements (WDRs) to construct the Project, on July 19, 2016. The Discharger proposes to discharge permanent fill material associated with Project construction activities to 0.923 acres (14,126 linear feet) of ephemeral streambed surface waters of the State, 0.005 acres (160 linear feet) of wetland surface waters of the State, and 0.023 acres (589 linear feet) of riparian surface waters.

Compensatory Mitigation

Compensatory mitigation for permanent impacts to ephemeral streambed, wetland, and riparian waters of the State will be achieved through 4.11 acres of wetland mitigation that consists of establishment (3.44 acres, 2,877 linear feet), rehabilitation (0.12 acre), and enhancement (0.55 acre), at a minimum compensation ratio of 4.32:1 (area mitigated:area impacted). In addition, the Project will provide funding of \$100,000 to the Western Riverside County Regional Conservation Authority (RCA) or other entity as approved by the San Diego Water Board to provide for ongoing removal of salt cedar (*Tamarisk* sp.) and other non-natives over two acres of existing disturbed riparian habitat immediately upstream of the proposed mitigation site currently owned by RCA. Funding will be provided in four \$25,000 annual payments with the first payment occurring prior to initiation of Project impacts.

Tentative Order

Tentative Order No. R9-2021-0177 will, if adopted, serve as WDRs² for the discharge of fill material to waters of the State attributable to the Project. The Tentative Order allows reasonable use of private property for residential and commercial services, and associated infrastructure development, and growth of the economy, while offsetting the adverse Project impacts to waters of the State. The Tentative Order authorizes unavoidable direct adverse impacts to an isolated ephemeral streambed, wetland, and riparian waters of the State attributed to the Project and requires the Discharger to implement compensatory mitigation sufficient to offset the permitted Project impacts.

The San Diego Water Board typically relies upon its authority under Clean Water Act (CWA) section 401 to regulate discharges of dredged or fill material to waters of the United States and/or State through the issuance of water quality certifications. The San Diego Water Board has delegated this function to the Executive Officer and the issuance of water quality certifications is not typically scheduled for consideration by the Board unless the project is very large or controversial. However, the United States Army Corp of Engineers has determined that no waters of United States are present within the Project's impact area. Therefore, the Project discharges are to waters of the State outside of CWA jurisdiction and the water quality certification regulatory process does not apply. The San Diego Water Board is relying upon its authority under the Porter-Cologne Water Quality Control Act to regulate Project discharges under WDRs and Board action is required to adopt the Tentative Order.

PUBLIC NOTICE

The Tentative Order was provided to the Discharger and other interested parties and released for public review³ and comment on August 11, 2021 (**Supporting Document No. 3**). The Notice of Opportunity to Comment and Public Hearing (Notice) and Tentative Order were posted on the San Diego Water Board website on August 11, 2021, for a period of 30 days. The Notice deadline for submission of written comments regarding the Tentative Order was September 10, 2021. A copy of the Notice is provided in the attachment of **Supporting Document No. 3**.

The San Diego Water Board received one public comment letter from Sweetwater Biologists, Inc., on behalf of the Discharger, requesting minor changes to the Tentative Order. The Tentative Order (**Supporting Document No. 1**) was revised to address the comments and displays the changes made in red-underline for added text and red strikeout for deleted text.

A notice of rescheduled public hearing was posted on the San Diego Water Board website on November 3, 2021 (**Supporting Document No. 3**). The notice announced that the public hearing to consider the adoption of Tentative Order No. R9-2021-0177 was rescheduled and will occur at the December 8, 2021 San Diego Water Board meeting. Notice was also provided in the Meeting Notice and Agenda for the December 8, 2021 Board meeting and posted on the San Diego Water Board website.

² Pursuant to Water Code section 13260 et. seq.

³ Pursuant to Water Code section 13167.5.

SUPPORTING DOCUMENTS

1. Tentative Order No. R9-2021-0177
2. Project Site/Location Map
3. Revised Public Notice issued November 3, 2021