

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

**EXECUTIVE OFFICER SUMMARY REPORT
MAY 13, 2026**

ITEM 4

SUBJECT

Consideration of Tentative Order No. R9-2026-0012, *Waste Discharge Requirements for CR Questhaven, LLC, Questhaven Tentative Map Project, San Diego County* (Tentative Order No. R9-2026-0012). (Alan Monji)

STAFF RECOMMENDATION

Staff recommend adoption of Tentative Order No. R9-2026-0012 (**Supporting Document 1**).

KEY ISSUES

1. Tentative Order No. R9-2026-0012 establishes waste discharge requirements (WDRs) for CR Questhaven, LLC, (Discharger) to develop the 89.23-acre site with 76 single family residential homes (69 market rate homes and seven low income affordable homes). The Questhaven Tentative Map Project (Project) design includes one private park, four private roads, and seven open space lots for fire buffer areas. The Project is designed to cluster development in the northern portion of the site supporting residential uses while providing biological open space (53.13 acres) in the southern portion of the site.
2. Tentative Order No. R9-2026-0012 authorizes the permanent discharge of fill material to a total of 0.01 acre of ephemeral non-wetland waters of the State of California (State) in Copper Creek of the Carlsbad Watershed (**Supporting Document 2**).
3. Tentative Order No. R9-2026-0012 furthers the California Wetlands Conservation Policy (Executive Order W-59-93).¹ Commonly known as the “No Net Loss Policy” for wetlands, the Executive Order requires state agencies to “ensure no overall net loss [of wetlands] and achieve a long-term net gain in the quantity, quality, and permanence of wetlands acreage and values in California in a manner that fosters creativity, stewardship and respect for private property.” The compensatory mitigation required in Tentative Order No. R9-2026-0012 ensures that the 0.01 acre of permanent impacts are replaced.
4. Due to a recent United States (U.S.) Supreme Court decision in *Sackett v. U.S. EPA*, the extent of waters of the U.S. has been redefined and reduced. Therefore, the aquatic resources at this Project are waters of the State only and the proposed dredge/fill activities require WDRs adopted by the San Diego Water Board. Prior to the U.S. Supreme Court decision, this Project would have been permitted through a Clean Water Act section 401 Water Quality Certification issued by the San Diego Water Board’s Executive Officer for both waters of the U.S. and/or State.

¹ California Wetlands Conservation Policy, [Executive Order W-59-93](#).

PRACTICAL VISION

Adoption of Tentative Order No. R9-2026-0012 is consistent with the goals of the *Recover Stream, Wetland, and Riparian Areas* chapter of the *San Diego Water Board Practical Vision (Practical Vision)*² to achieve a meaningful net gain of wetlands, efficiently exercise regulatory discretion over proposed projects to dredge, fill or alter wetlands, stream, and riparian areas. San Diego Water Board regulation of activities that impact these habitats is critical to the recovery of wetland, stream, and riparian systems since these activities can have severe, long-term effects if not properly regulated and mitigated. This Tentative Order establishes requirements the Discharger must meet to avoid, minimize, and mitigate the Project's impacts on ephemeral non-wetland waters in Copper Creek.

DISCUSSION

The purpose of this item is to provide the San Diego Water Board with information to assist in its consideration of adopting Tentative Order No. R9-2026-0012. The Project consists of 76 single family residential homes (69 market rate homes and seven low income affordable homes). The Project design includes one private park, four private roads, and seven open space lots for fire buffer areas. The Project will add impervious areas and has the potential to discharge pollutants in stormwater runoff. To address these impacts, the Project must comply with the San Diego Water Board Regional Municipal Stormwater Permit.³ A Water Quality Management Plan has been developed for the Project to ensure that onsite runoff will be treated with biofiltration units.

Tentative Order R9-2026-0012 authorizes the permanent discharge of fill material to 0.01 acre of ephemeral non-wetland stream channel. Compensatory mitigation for the permanent impacts to 0.01 acre of waters of the State will be achieved at an overall 2 to 1 mitigation ratio⁴ through on-site mitigation and full and complete implementation of the *Habitat Mitigation and Monitoring Plan for the Questhaven Tentative Map Project*, dated August 8, 2025. Mitigation will consist of the re-establishment of 0.02 acre streambed habitat. The mitigation is part of a larger habitat restoration of coastal sage scrub and transitional riparian habitat of Copper Creek.

PUBLIC NOTICE

San Diego Water Board staff sent notification of this action to the Discharger and known interested parties on March 18, 2026. Additionally, San Diego Water Board staff posted Tentative Order No. R9-2026-0012 and Notice of Written Public Comment Period (**Supporting Document 3**) on the San Diego Water Board website on March 18, 2026. These actions satisfy the 30-day public notification and comment requirements of Water Code section 13167.5. San Diego Water Board staff did not receive any comments during the public comment period.

² San Diego Water Board [Practical Vision: Healthy Waters, People, and Communities](#).

³ San Diego [Regional MS4 Permit](#) for Phase I Municipal Separate Storm Sewer Systems (MS4)

⁴ Mitigation ratio is the ratio of area mitigated to area impacted.

SUPPORTING DOCUMENTS

1. Tentative Order No. R9-2026-0012
2. Regional Vicinity Map
3. Notice of Written Public Comment Period