

STATE OF CALIFORNIA – CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
SAN FRANCISCO BAY REGIONAL WATER QUALITY CONTROL BOARD

1515 CLAY STREET, SUITE 1400
 OAKLAND, CALIFORNIA 94612

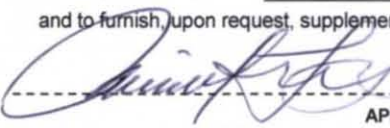
**APPLICATION FOR 401 WATER QUALITY CERTIFICATION
 AND/OR REPORT OF WASTE DISCHARGE**

(FORM R2C502-E)

1. APPLICANT'S NAME Richard T. Loewke	4. AUTHORIZED AGENT'S NAME AND TITLE (an agent is not required) Hope Kingma
2. APPLICANT'S ADDRESS 547 Wycombe Court San Ramon, California 94583	5. AGENT'S ADDRESS 1136 Saranap Avenue, Suite Q Walnut Creek, California 94595
3. APPLICANT'S PHONE & FAX NOS. (email optional) (925) 804-6225	6. AGENT'S PHONE & FAX NOS. (email optional) (925) 947-4867 Ext. 212

7. STATEMENT OF AUTHORIZATION

I hereby authorize Monk & Associates, Inc. to act on my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.

 _____
 APPLICANT'S SIGNATURE
 (This must be signed by the Applicant, not the authorized agent)

2/01/16

 DATE

PROJECT OR ACTIVITY INFORMATION

8. PROJECT NAME OR TITLE (See Instructions.)
 Canyon Estates Project

9. NAME OF AFFECTED WATERBODY(IES) (See instructions.)
 Tributaries Of Newell Creeks

10. PROJECT STREET ADDRESS (if applicable)

11. LOCATION OF PROJECT

<u>Napa</u>	<u>American Canyon</u>	<u>Region 2 – San Francisco Bay</u>
COUNTY	CITY/TOWN (or unincorporated)	REGIONAL WATER BOARD REGION

12. OTHER LOCATION DESCRIPTIONS (watershed, latitude & longitude, river mile, etc. Attach map. See instructions.)
 38°10'39.494"N, 122°14'13.968"W. See also Figures 1 and 2 attached.

13. DIRECTIONS TO THE SITE
 The project site is accessed from the east side of Newell Drive in the City of American Canyon (Figures 1 and 2)

14. PROJECT PURPOSE (Describe the reason or purpose for the overall project. See instructions.)
 The applicant is proposing to construct a low density executive housing community on the southwestern 37.3 acres of the 108.68-acre project site.

15. DESCRIPTION OF ACTIVITY AND ENVIRONMENTAL IMPACTS (Provide a full, technically accurate description of the entire activity and associated environmental impacts. See instructions.)
 The project would result in minor impacts to waters of the U.S. associated with the construction of an rock spillway/outfall structure, re-alignment of the City of Vallejo's water lines, extension of the culvert in the ephemeral drainage, and installation of utility lines across the ephemeral tributary under the soft bottom arch crossing.

16. AVOIDANCE OF IMPACTS (Describe efforts to avoid and minimize impacts to waters of the State. See instructions.)

All work will be completed when the tributaries are not flowing. All necessary erosion and siltation controls will be in place during excavation of fill. A full erosion control plan consistent with best management practices (BMPs) will be in place during the project to ensure that activities will not result in de minimus fill falling into the drainage downstream.

17. ENVIRONMENTAL DOCUMENTS (list any non-CEQA environmental documents that have been prepared for the project and/or the project site. Provide the date of the document and the name of the individual, firm, or agency that prepared it. Provide a copy of delineations and endangered species surveys. See instructions.)

The Mitigated Negative Declaration for the Canyon Estates Project was approved and adopted by the City of American Canyon in November of 2014 (State Clearinghouse # 2014082050). The Notice of Determination dated February 4, 2015

DREDGE & FILL INFORMATION

18. The following items must be completed for each action where fill or other material will be temporarily (T) or permanently (P) discharged to a wetland or other waterbody, and where material will be dredged from a waterway (add additional pages as necessary). Provide a map showing the location of each action (See instructions):

Map Location Number	LOCATION (show on plan & indicate waterbody)	REASON FOR ACTION (See instructions)	AMOUNT AND TYPE OF MATERIAL (in cubic yards, see instructions)	SURFACE AREA OF FILL (in acres and/or linear feet; specify (T) or (P); see instructions)
	Other Waters	Construction of low density executive housing.	58.5 cubic yards of fill (soil, concrete, pipe) material and 5.4 cubic yards of riprap	0.003 Acres (P)

MITIGATION

19. MITIGATION (Describe the size, type, and functions, and values of the proposed mitigation. Describe success criteria, monitoring, and long-term funding, management, and protection of the mitigation site. Attach a Mitigation Plan if needed. See instructions and contact Regional Board staff for additional assistance.)

The applicant proposes to mitigate for project-related impacts to the ephemeral drainage via planting of riparian vegetation along Newell Creek. The proposed 0.46 acre Riparian Restoration Area is illustrated in Exhibit F. A complete Riparian Restoration Plan will be prepared that, when implemented, would compensate for impacts to Corps jurisdiction. The Riparian Restoration Plan would provide an outline of the goals and success criteria for the riparian restoration, and a list of the proposed monitoring and reporting requirements.

In addition, the applicant proposes to preserve 67.18 acres of the project site as an Open Space Preserve, and this area will be permanently protected via recordation of a conservation easement over this mitigation land. A total of 1.39 acres of wetlands and other waters will be preserved within the 67.18 acres of the Open Space Preserve (Exhibit A and Attachment A)..

CEQA

20. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) Documents: Indicate the status of CEQA documents prepared for the project (see instructions).

TYPE OF DOCUMENT	STATUS	DATE COMPLETED (or expected to be complete)	TYPE OF DOCUMENT	STATUS	DATE COMPLETED (or expected to be complete)
Initial Study	Complete		Notice of Preparation	-Choose One-	
Draft Environmental Impact Report	-Choose One-		Final Environmental Impact Report	-Choose One-	
Negative Declaration	-Choose One-		Mitigated Negative Declaration	Complete	1/20/15

Notice of Categorical Exemption Exemption Number:	-Choose One-		Notice of Statutory Exemption Exemption Number:	-Choose One-	
Other (describe)	-Choose One-				
Notice of Determination*	Complete	2/4/15	*Note: A Notice of Determination or Notice of Exemption from the Lead Agency is required before a certification or waiver can be issued.		
Lead Agency: City of American Canyon		Contact: Brent Cooper		Telephone: (707) 647-4335	
State Clearing House Number: 2014082050					

ADDITIONAL INFORMATION

21. HAS ANY PORTION OF THE WORK BEEN INITIATED? YES NO

IF YES, DESCRIBE THE INITIATED WORK, and explain why it was initiated prior to obtaining a permit. Indicate whether any enforcement action has been taken against the project.

22. HAS A FEDERAL AGENCY OR THE APPLICANT PROVIDED PUBLIC NOTICE OF THIS APPLICATION FOR WATER QUALITY CERTIFICATION?

Federal Agency: YES NO Date: Type of Notification: Agency Name and Contact:

Applicant: YES NO Date: Type of Notification: Media Name and Contact:

IF PUBLIC NOTICE HAS NOT BEEN MADE, provide the name, address, and phone number (if available) of adjacent property owners, lessees, etc., and any other parties known to be interested in the project:

23. OTHER PERMITS (List other local, state or federal licenses, permits, and agreements that will be required for any construction, operation, maintenance, or other actions associated with the project. Attach copies of all draft or final documents. See instructions.)

AGENCY	CONTACT (with phone number)	TYPE OF APPROVAL	PERMIT OR ID NUMBER	DATE AP- PLIED	STATUS	DATE OF ACTION
US Corps of Engrs.	Mr. Daniel Breen	NWP		1/11/16	In Review	
Ca Dept Fish Game					-Choose One-	
US Fish Wildlife					-Choose One-	
-Choose One-					-Choose One-	
-Choose One-					-Choose One-	
Other or Local Agency					-Choose One-	
Other or Local Agency					-Choose One-	
Other or Local Agency					-Choose One-	
Other or Local Agency					-Choose One-	

24. OTHER PROJECTS (List and describe other projects implemented or planned that are related to the proposed project, or that may impact the same waterbody. See instructions. Add additional sheets if necessary.)

PROJECT NAME	DESCRIPTION	WATERBODY AND WATERSHED	DATE IMPLEMENT- ED/PLANNED

25. Application is hereby made for a permit or permits to authorize the work described in this application. I certify, under penalty of perjury, that this application is complete and accurate to the best of my knowledge. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.


2/01/16

 SIGNATURE OF APPLICANT DATE

 SIGNATURE OF AGENT DATE

The application must be signed by the person who desires to undertake the proposed activity (Applicant) or a duly authorized agent if the statement in Block 7 has been filled out and signed.

Attach fee deposit (see Instructions page 7) and any additional documents and submit this application to:

SFBRWQCB
Attention: 401 Water Quality Certification
1515 Clay Street, Suite 1400
Oakland, CA 94612

Note: This form, FORM R2C502-E, was designed for electronic use as a Microsoft Word document or template.
For assistance using this form or to relay suggestions on how it may be improved, please call 510-622-2330.
If you would like a standard, non-electronic form, please call 510-622-2300 and request
401 Application FORM R2C502 – Non-electronic version.

**REQUEST FOR WATER QUALITY CERTIFICATION
CANYON ESTATES PROJECT
CITY OF AMERICAN CANYON, CALIFORNIA**

January 27, 2016

Prepared on Behalf of:

Loewke Planning Associates
547 Wycombe Court
San Ramon, California 94583
Attention: Mr. Richard T. Loewke, AICP

Application Prepared by:

Monk & Associates, Inc.
1136 Saranap Avenue, Suite Q
Walnut Creek, California 94595
Attention: Ms. Hope Kingma

**REQUEST FOR WATER QUALITY CERTIFICATION
CANYON ESTATES PROJECT
AMERICAN CANYON, NAPA COUNTY, CALIFORNIA**

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**FIGURES & SHEETS
(At Back of Report)**

Figure 1. Canyon Estates Project Site Regional Map.

Figure 2. Canyon Estates Project Site Location Map.

Figure 3. Aerial Photograph & Parcel Map of the Canyon Estates Project Site.

**EXHIBITS
(At Back of Report)**

Exhibit A. Preserve Area, Canyon Estates, prepared by Bellecci & Associates, Inc. December 2015.

Exhibit B. Soft Bottom Arch Crossing Detail, prepared by Bellecci & Associates, Inc. December 2015.

Exhibit C. Outfall Structure, prepared by Bellecci & Associates, Inc. December 2015.

Exhibit D. City of Valley Water Line Re-Alignment, prepared by Bellecci & Associates, Inc. December 2015.

Exhibit E. Culvert Expansion for 25' Access Road, prepared by Bellecci & Associates, Inc. December 2015.

Exhibit F. Riparian Restoration Area, prepared by Bellecci & Associates, Inc. December 2015.

**ATTACHMENTS
(Attached at End of Report)**

Attachment A. RWQCB Fee Calculator.

Attachment B. Sheet 1. Confirmed Wetland Delineation Map of the Canyon Estates Project Site, April 14, 2015.

Attachment C. Notice of Determination, City of American Canyon, dated February 4, 2015.

Attachment D. U.S. Army Corps of Engineers Permit, dated January 13, 2015.

Attachment E: Biological Assessment (as a separate report)

1. INTRODUCTION

On behalf of Loewke Planning Associates (herein referred to as the applicant), Monk & Associates, Inc. (M&A) is submitting this request for water quality certification and waste discharge requirements to comply with Section 401 of the Clean Water Act for the proposed Canyon Estates Project, located in the City of American Canyon, Napa County, California (Figures 1 and 2). The applicant is proposing the construction of a low density executive housing community within a portion of the southwestern 37.30 acres of the 108.68-acre project site located in the City of American Canyon (Exhibit A). The southwestern 37.30 acres of the project site is within the City of American Canyon Urban Limit while the balance of the project site is outside of the Urban Limit and is proposed to be preserved in perpetuity as open space..

The proposed project includes a clear span/soft bottom arch crossing over an ephemeral tributary on the project site (Exhibit B). As this crossing will “span” the *ordinary high water marks* of the ephemeral drainage it will remain outside of Clean Water Act jurisdiction. The project would result in minor impacts to waters of the U.S./State associated with the construction of an rock spillway/outfall structure into an ephemeral drainage on the project site (Exhibit C), re-alignment of the City of Vallejo’s water line across an ephemeral drainage on the project site (Exhibit D), an extension of an existing culvert in an ephemeral drainage on the project site for purposes of widening and improving an existing unimproved road (Exhibit E), and installation of utility lines across the ephemeral tributary under the soft bottom arch crossing (Exhibit B).

A *Storm Water Management Plan* will be submitted to the City of American Canyon for their review to verify compliance with MS4 requirements. The *Storm Water Management Plan* will provide an analysis of post-construction stormwater controls incorporating both hydromodification and treatment analyses, and Best Management Practices (BMPs) will be constructed to reduce storm water pollution. The BMPs will ensure that the proposed project does not result in degradation of receiving waters and that it otherwise remains in compliance with the Porter-Cologne Water Quality Control Act/ MS4 requirements. The City of American Canyon’s NPDES compliance manager will review the Storm Water Control Plan, and determine if it is sufficient to meet the project’s detention, hydromodification, and water quality requirements.

We believe that this application and the attached application materials provide all information necessary for the RWQCB to process water quality certification and to issue Waste Discharge Requirements (WDRs) for the proposed project.

2. RWQCB FEE CALCULATOR

According to the RWQCB Fee Calculator (Attachment A), the fee required by the RWQCB to process a permit application for impacts to waters of the State will be \$ 2,144.00.

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3. APPLICANT AND APPLICANT'S AGENT

3.1 Applicant

Loewke Planning Associates
547 Wycombe Court
San Ramon, California 94583
(925) 804-6225
Attention: Mr. Richard T. Loewke, AICP

3.2 Applicant's Agent

Please copy Ms. Hope Kingma on all correspondence with the applicant.

Monk & Associates, Inc.
1136 Saranap Ave. Suite Q
Walnut Creek, California 94595
(925) 947-4867
Attention: Ms. Hope Kingma

4. PROJECT SITE LOCATION AND SITE DESCRIPTION

The project site is accessed from the east side of Newell Drive in the City of American Canyon (Figures 1 and 2). Approximately 37.30 acres of the 108.68 acre project site are within the Urban Limit of the City of American Canyon. The majority of the site is characterized by grazed, non-native annual grassland, with gently sloping to steep topography. Elevations range from approximately 100 feet to 500 feet (Figure 2). Newell Creek, an intermittent creek borders the project site along its northwestern boundary. Two ephemeral tributaries traverse the project site draining westward to Newell Creek (Figure 3).

The area surrounding the project site is rapidly transitioning from agricultural use to residential development. Newell Drive and the Standard Pacific Homes Vintage Ranch Residential Development occur immediately west of the project site. The Jack & Bernice Newell Wilderness Preserve (Newell Preserve) is located immediately to the northeast of the project site. Land owned by the Napa Valley Unified School District (NVUSD) that has been designated as a California red-legged frog preserve is located on the eastern project site boundary. The Newell Property lies to the south, with NVUSD high school and American Canyon Road further to the south. Figure 3 provides an aerial photograph of the project site that shows the project site and the surrounding land uses.

5. PROJECT DESCRIPTION

The applicant is proposing to construct a low density executive housing community within the 37.30 acre portion of the project site located in boundaries of the City of American Canyon (Exhibit A). The southwestern 37.30 acres of the 108.68-acre project site were annexed into the City of American Canyon and American Canyon Fire District in June of 2015. The proposed specialty housing project would accommodate up to 35 single-family estate homes, and would include multiple common areas within the subdivision boundary.

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The applicant will dedicate a conservation easement over the remaining approximate 67.18 acres of the project site as an Open Space Preserve (the Preserve) to mitigate for indirect impacts to federally listed species that could result from development of the project site. The acreage of the Preserve does not include a Public Access Trail that is routed through the western limits of the Preserve, or the other existing superior easements located within the Preserve Area. The City of American Canyon owns and maintains a 3.20 acre parcel (east of the Urban Limit Line) that is located outside the boundaries of the proposed 67.18 acre Preserve. Also, within the Preserve a short segment of road is proposed to be constructed off the existing non-potable water tank road to provide access to a potable water tank that has been fully approved for construction on land owned by the City of American Canyon east of the project site (Exhibit A).

6. WATERS OF THE U.S. AND STATE – JURISDICTIONAL DETERMINATION

M&A biologists Mr. Geoff Thomas and Ms. Hope Kingma conducted a wetland delineation on the project site in 2007. The Corps issued a jurisdictional determination letter and confirmed the jurisdictional map on August 15, 2008. This jurisdictional map remained valid until August 15, 2013. On August 20, 2014, M&A biologists Ms. Kingma and Mr. Tim O'Donnell conducted a wetland delineation to re-verify Corps' jurisdiction on the project site. Mapped features on the project site were determined to meet jurisdictional criteria presented in the Corps' 1987 *Wetlands Delineation Manual* (Corps 1987) and the Corps' regional supplement for the Arid West Region (Corps 2008). M&A submitted a Request for Re-Verification of Jurisdictional Determination to the Corps on November 18, 2014. On February 25, 2015, Mr. Bryan Matsumoto and Mr. Daniel Breen of the Corps visited the project site to field-verify the wetland delineation map and confirm the extent of the Corps' jurisdiction on the project pursuant to the Clean Water Act. On April 14, 2015 the Corps confirmed jurisdiction over 1.51 acres of waters of the U.S. on the project site (Corps File No. 400759N). The Confirmed Preliminary Jurisdictional Determination Map and the Corps preliminary jurisdictional determination letter are provided as Attachment B.

7. AVOIDANCE AND PRESERVATION OF WATERS OF THE U.S./STATE

An ephemeral drainage that bisects the project site will be preserved within the development (Exhibit A). A total of 0.10 acre of wetlands and other waters will be preserved within the 37.30 acres of proposed development project area (Exhibit A and Attachment B). A clear span/soft bottom arch crossing will be constructed over the southern ephemeral tributary to Newell Creek to connect the northern and southern portions of the Canyon Estates Project. Exhibit B shows the proposed clear span/soft bottom arch crossing details. The proposed clear span/soft bottom arch crossing would be approximately 55 feet wide. The clear span/soft bottom arch crossing will have abutments approximately 18 feet apart, on either side of the ephemeral drainage, and therefore will remain outside of Clean Water Act jurisdiction. *Thus, there would be no impacts to "waters of the U.S./State" associated with the construction of the clear span/soft bottom arch crossing for this project.*

In addition, the applicant proposes to preserve 67.18 acres of the project site as an Open Space Preserve, and this area will be permanently protected via recordation of a conservation easement over this mitigation land. A total of 1.39 acres of wetlands and other waters will be preserved within the Open Space Preserve (Exhibit A and Attachment B).

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8. PROPOSED IMPACTS TO OTHER WATERS

8.1 Outfall Structure

The proposed project includes the construction of a single stormwater outfall structure in an ephemeral tributary to Newell Creek (Exhibit C). To minimize the impacts from the construction of the outfall structure to the maximum extent possible, the outfall structure has been carefully designed to receive hydromodified (i.e., reduced peak flows) stormwater discharges from a water quality detention basin that will be constructed at the south end of the project site (See Exhibit A and Exhibit C).

The stormwater outfall will require the placement of riprap on the banks of the ephemeral tributary down into the bottom of the tributary. In total, there would be 146 square feet of riprap used to construct the outfall structure (5.4 cubic yards of riprap). That stated, the outfall structure would only result in permanent impacts (fill) to 28 square feet (0.0006 acre) (1 cubic yard of riprap) below the Ordinary High Water Marks (OHWM) of the ephemeral drainage, as illustrated on Exhibit C. The riprap would not be concreted, but would be back-filled with native soils and hydroseeded to better blend the structure into the existing bed and banks.

All construction work in Corps/RWQCB jurisdiction associated with the outfall structure will be scheduled for the dry season (April 15 through October 15) and when there is no flow in the ephemeral tributary. Construction equipment will work from above the top-of-bank. There will be no vehicle passage, vehicle parking, or materials storage below the top of bank.

8.2 Re-alignment of the City of Vallejo's Water Line

The proposed project is required to relocate two existing potable water lines owned by the City of Vallejo that bisect the proposed subdivision. These pipelines will be relocated downslope from their existing locations within the proposed subdivision to provide access to these pipelines, if needed. The new alignment will be across Open Space Lot "A" along the western project site boundary (Exhibit D). The waterline pipes will be installed across an ephemeral drainage on the project site via a 20-foot wide open cut trench. Impacts associated with the open cut trench will be 20 square feet (0.0005 acre) below the OHWMs of the ephemeral tributary as illustrated in Exhibit D.

8.3 Culvert Expansion

The proposed project will require improvements to an existing road on the project site. This road currently is used by the City of American Canyon to access their non-potable water tank. As illustrated in Exhibit E, an existing 18-inch culvert in the ephemeral drainage on the project site will be replaced and expanded to facilitate a Fire District-required connection between Circle "D" and Circle "E" (Exhibit E). Total impacts associated with the replacement and extension of the culvert at this location will be 53 square feet (0.0012 acre) below the OHWMs of the ephemeral tributary as illustrated in Exhibit E.

8.4 Utilities Crossing

Exhibit B shows the proposed clear span/soft bottom arch crossing and the utilities that will be installed under this crossing across the ephemeral drainage via a 43-foot wide open cut trench. A

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24-inch joint trench (gas, cable and electrical service lines) will be installed within the arch culverted crossing, while the remaining utility lines will be installed in an open cut trench through the ephemeral tributary under the clear span/soft bottom arch crossing. The utilities to be installed across this drainage include a 12-inch stormdrain pipe, an 8-inch sanitary sewer pipe, an 8-inch reclaimed water line, and an 8-inch potable water line. Impacts to waters of the U.S./State associated with the open cut trench for these utilities will be 43 square feet (0.001 acre) below the OHWMs of the ephemeral tributary as illustrated in Exhibit B. The original contours of the ephemeral tributary will be restored to conform to the banks of the ephemeral tributary up and downstream of the arch crossing.

9. WATERS OF THE STATE - MITIGATION PROPOSAL

All impacts to waters of the U.S./State from the proposed project would be to “other waters” characterized by seasonal stormwater scours. No wetlands would be impacted by the proposed project. As such the applicant proposes to mitigate for project-related impacts to 0.003-acre of other waters via the implementation of a riparian vegetation restoration planning plan along Newell Creek. The proposed 0.46 acre Riparian Restoration Area is illustrated in Exhibit F. A complete Riparian Restoration Plan will be prepared that, when implemented, would compensate for impacts to Corps/RWQCB jurisdiction. The Riparian Restoration Plan would provide an outline of the goals and success criteria for the riparian restoration, and a list of the proposed monitoring and reporting requirements. The riparian restoration area would be permanently protected via recordation of a perpetual Deed Restriction over the restoration area (Exhibit F).

In addition, the applicant proposes to preserve 67.18 acres of the project site as an Open Space Preserve that will benefit the California red-legged frog and the Callippe silverspot butterfly, both federal listed species known from the vicinity of the project site. This Open Space Preserve will be permanently protected via recordation of a perpetual conservation easement. A total of 1.39 acres of wetlands and other waters will be preserved within the 67.18 acres of the Open Space Preserve (Exhibit A and Attachment B).

10. CALIFORNIA ENVIRONMENTAL QUALITY ACT REVIEW

The Mitigated Negative Declaration for the Canyon Estates Project was approved and adopted by the City of American Canyon on “January 20, 2015 (City Council Resolution 2015-05) (State Clearinghouse # 2014082050). The Notice of Determination dated February 4, 2015 is included as Attachment C.

11. AGENCY APPROVALS

11.1 U.S. Army Corps of Engineers

The applicant submitted an application to the U.S. Army Corps of Engineers in January of 2016 (see Attachment D). The project qualifies to use Nationwide Permit 29 (Residential Developments) as administered by the Corps pursuant to Section 404 of the Clean Water Act.

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11.2 California Department of Fish and Wildlife

It is likely the Department would take jurisdiction over the bed, bank, and channel of the ephemeral drainage feature on the project site. The applicant will apply to the California Department of Fish and Wildlife (CDFW) for a 1602 Lake or Streambed Alteration Agreement.

12. STATE AND FEDERALLY LISTED SPECIES

M&A has prepared a Biological Assessment (BA) (Attachment E) for the proposed Canyon Estates project to facilitate FESA Section 7 consultation by and between the Corps and the USFWS. The proposed development project and associated infrastructure will impact habitat that provides potential migration habitat for California red-legged frog. As detailed in the attached BA (Attachment E), the applicant proposes to preserve 67.18 acres as offsite mitigation land to mitigate for impacts to the federally listed California red-legged frog. For further details, please refer to the Biological Assessment in Attachment E.

No state listed plant species will be impacted by the proposed project. Swainson's hawk is a state listed species that could conceivably nest on or near the project site. No Swainson's hawks have been detected nesting on or adjacent to the project site during project site surveys. Regardless, prior to construction, nesting surveys will be conducted that confirm or negate this species' presence as a nesting bird on the project site or within the "area of influence" (generally considered to be approximately 1,000 feet) of the proposed development project to ensure that construction-related activities do not result in impacts to nesting Swainson's hawks. If this hawk were to be found nesting on or within a zone of influence of the project, the applicant would be required to obtain an Incidental Take Permit from the Department pursuant to Section 2081 of the Fish and Game Code.

13. CLOSING

We believe that this application, the attached reports, and the attached application materials provide all information necessary for the RWQCB to process water quality certification and to issue Waste Discharge Requirements (WDRs) for the Canyon Estates Project.