



# California Regional Water Quality Control Board

## Los Angeles Region



Linda S. Adams  
Agency Secretary

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Arnold Schwarzenegger  
Governor

August 31, 2010

Dan Coleman  
Shapell-Monteverde Partnership  
8383 Wilshire Boulevard, Suite 700  
Beverly Hills, CA 90211

**MODIFICATION OF CONDITIONAL WATER QUALITY CERTIFICATION FOR PROPOSED PLUM CANYON PHASE 1C PROJECT (Corps' Project No. 2001-00414-AOA), PLUM CANYON AND UNNAMED TRIBUTARIES TO BOUQUET CANYON CREEK, CITY OF SANTA CLARITA, LOS ANGELES COUNTY (File No. 01-004)**

Dear Mr. Coleman:

We are in receipt of the letter sent on your behalf from Glenn Lukos Associates, Inc. of June 10, 2010, requesting modification of your Clean Water Act Section 401 Water Quality Certification (WQC) for the subject project, issued on June 27, 2007. As we understand, Shapell-Monteverde requests the recordation of a restrictive covenant in lieu of a conservation easement to satisfy the *Additional Condition No. 9* of the WQC. The Restrictive Covenant is acceptable to the U.S. Army Corps of Engineers for this mitigation, and will ensure preservation of the 100-acre mitigation site in perpetuity.

In response to the request, the final sentence of *Additional Condition No. 9* on WQC 01-004 is hereby modified as follows. The underlined text is added.

The entire 100-acre mitigation area shall be placed within a conservation easement or restrictive covenant to ensure preservation in perpetuity.

I have determined that the proposed modification does not constitute a significant change in the nature or scope of the activities described for the project in your original application. Therefore, no additional action by this agency pursuant to Section 401 of the Clean Water Act is necessary. This determination is limited to the proposed modifications contained in your notification to this Regional Board dated June 10, 2010 and described herein, and does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

*California Environmental Protection Agency*



*Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.*

Should you have questions concerning this Certification action, please contact LB Nye at (213) 576-6785, Section 401 Program.

Sincerely,



Samuel Unger  
Interim Executive Officer

cc: Thienan Ly Pfeiffer, Glen Lukos Associates, Inc.  
Craig C. Birker, Sandler and Rosen, LLP  
Bill Orme, State Water Resources Control Board  
Antal Szijj, U.S. Army Corps of Engineers

