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GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

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## Los Angeles Regional Water Quality Control Board

October 29, 2014

Mr. Sam Shakib  
Sullivan Equity Partners, LLC  
16461 Sherman Way, Suite 140  
Van Nuys, CA 94106

Via Certified Mail  
Return Receipt Requested  
No. 7012 3460 0001 6366 0182

### **CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION ASSOCIATED WITH THE OLD RANCH ROAD RESIDENTIAL PROJECT, SULLIVAN CANYON CREEK, CITY OF LOS ANGELES, LOS ANGELES COUNTY, CALIFORNIA (File No. 13-091)**

Dear Mr. Shakib:

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) is the public agency with primary responsibility for the protection of ground and surface water quality for all beneficial uses within major portions of Los Angeles and Ventura Counties.

The Old Ranch Residential Project (Site), located at 1834 Old Ranch Road, is adjacent to Sullivan Canyon Creek. Sullivan Canyon Creek is a water of the State of California and a water of the U.S.

A Clean Water Act Section 401 Water Quality Certification (File No. 13-091) (Section 401 Certification) was issued to Mr. Sean Namvar for the subject project by the Regional Board on February 12, 2014. On July 7, 2014, responsibility and liability for compliance with the Section 401 Certification were transferred to Mr. Sam Shakib, identified as the new owner. An amendment to the Certification was issued by this Regional Board on July 28, 2014 to modify requirements for compensatory mitigation.

The Section 401 Certification discharge is also regulated under State Water Resources Control Board Order No. 2003 - 0017 - DWQ, "*General Waste Discharge Requirements for Dredge and Fill Discharges that have received State Water Quality Certification*" which requires compliance with all conditions of the Section 401 Certification. Order No. 2003-0017-DWQ is issued to all persons proposing to discharge dredged or fill material to waters of the United States where such discharge is also subject to the water quality certification requirements of CWA section 401 of the federal Clean Water Act, and such certification has been issued by the applicable RWQCB. Such persons include both the operator of the project resulting in the discharge of dredged or fill material, and the owner of the property where the discharge is proposed to occur.

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CHARLES STRINGER, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

320 West 4th St., Suite 200, Los Angeles, CA 90013 | [www.waterboards.ca.gov/losangeles](http://www.waterboards.ca.gov/losangeles)

On October 8, 2014, Regional Board staff and California Department of Fish and Wildlife staff inspected the Site in regards to the project scope of work. In respect to that inspection, Regional Board staff further reviewed the Section 401 Certification, the Section 401 Certification application, and materials submitted in support of the Section 401 Certification application. Based on the inspection and review, the planned project will have impacts to waters of the State and United States that are not described in the application materials for the Section 401 Certification or permitted by the Section 401 Certification.

We have determined that there are additional drainage areas within the 12-acre parcel, which are not included within the jurisdictional delineation submitted in support of the Section 401 application. These additional drainage areas would be impacted by grading and/or slope stabilization and other project activities associated with the subject project. In addition, we understand that this project does not currently have a valid Streambed Alteration Agreement (SAA), and that the California Department of Fish & Wildlife is requesting a revised delineation to include a vegetation communities map as well as a delineation of riparian areas and a full description of the project scope which will include all impacted trees (as distinguished from only 'protected' trees).

In order to complete the project as currently proposed, the Section 401 Certification must be amended. To accurately amend the Section 401 Certification, the Regional Board requires the following information be submitted along with the request for amendment and appropriate fees:

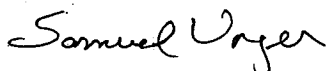
- A revised jurisdictional delineation of all jurisdictional waters onsite, including wetlands and non-wetland areas and any ephemeral drainages, to be approved by the Regional Board. The current delineation does not delineate all waters and wetlands located within the project area, and requires a comprehensive update with respect to dimensions and widths of all waters and wetlands on the property. The delineation should be performed in accordance with the Army Corps' of Engineers Wetland Delineation Manual Regional Supplement for the Arid West Region. More specifically, the delineation needs to ensure that **all** wetland and non-wetland jurisdictional water areas are delineated accurately and that consideration should be made for Difficult Wetland Situations in the Arid West (Chapter 5), as we are currently in a drought and these areas may not show evidence of all indicators. Regional Board staff can be readily available to confirm the delineation processes in the field. As a general practice, regulatory staff often collaborate in the field with the Applicant and/or any consultants to ensure a precise and accurate delineation.
  - Historical aerial photographs of the site and vicinity of Sullivan Canyon and Old Ranch Road, from approximately 1960 to 1930, which represent a span of time (pre-development) which would assist in the proper delineation of this major intermittent tributary of Sullivan Canyon Creek, its tributaries, and its associated floodplain.
  - Historical topographic map of the project site and adjacent parcels, prior to the Old Ranch Road development.

- A revised project description to include any impacts, including associated grading impacts, which extend into jurisdictional areas which were not identified in the original application. The revised delineation will likely increase the calculation of impacts to jurisdictional lengths and acreages. Any increased impacts may necessitate additional fees, and compensatory mitigation.
- Documentation of ownership of the 12-acre property (including both Assessor Parcel Numbers (APN) 4432-010-012 and APN 4492-012-024) and operator liability for the proposed project. Both owners of property where discharges occur, and operators of projects resulting in discharges, including dredge and fill discharges, are subject to requirements of the Clean Water Act and California Water Code. Both owners and operators should be named in the Section 401 Certification to be covered by the Section 401 Certification. Any appropriate documentation, such as the property deed, is required to confirm actual ownership of the proposed project area and liability with respect to the issuance of the Section 401 Certification.
- Documentation of any changes to the Mitigated Negative Declaration (MND). Approval of an amended Section 401 Certification will require documentation of compliance with the California Environmental Quality Act (CEQA) and consideration of environmental impacts from the project as it is currently proposed. The documentation prepared to comply with CEQA must be provided and considered in preparation of a Section 401 Certification. Any changes or amendments to the MND must be provided which may require further amendment of the Section 401 Certification.

Upon submittal of the appropriate documentation and fees, the Regional Board will review of the revised project description for consideration of an amendment for the Section 401 Certification (File No. 13-091).

If you have any questions please call Dr. L.B. Nye at (213) 576-6785 or Ms. Valerie C. Zara, P.G. at (213) 576-6759 regarding this matter.

Sincerely,



Samuel Unger  
Executive Officer

cc:

Nicole Kuenzi, State Water Resources Control Board, Office of Chief Counsel  
Mayumi Okamoto, State Water Resources Control Board, Office of Enforcement

Bill Orme, Division of Water Quality, State Water Resources Control Board

Erin Ragazzi, Division of Water Rights, State Water Resources Control Board

Daniel P. Swenson, U.S. Army Corps of Engineers

Erinn Wilson, California Department of Fish and Game, Streambed Alteration Team

Brock Warmuth, California Department of Fish and Game, Streambed Alteration Team

Paul Amato, U.S. Environmental Protection Agency, Region 9

Sergio Valenzuela, City of Los Angeles, Building Department

Luke Zamerini, City of Los Angeles, Building Department

Sean Namvar, Trifish, LLC.

Travis Cullen, Envicom