

Los Angeles Regional Water Quality Control Board

Mr. Sean Namvar  
Trifish, LLC  
12121 Wilshire Blvd. Suite #601  
Los Angeles, CA 90025

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
No. 7009 2820 0001 6537 7221

**AMENDMENT OF WATER QUALITY CERTIFICATION FOR PROPOSED OLD RANCH ROAD RESIDENTIAL PROJECT (Corps' Project No. SPL-2011-00814), SULLIVAN CANYON CREEK, CITY OF LOS ANGELES, LOS ANGELES COUNTY (FILE No. 13-091)**

Dear Mr. Namvar:

We are in receipt of your notification dated June 2, 2014 requesting an amendment of your Conditional Clean Water Act Section 401 Water Quality Certification for the subject project issued on February 12, 2014 (Certification).

Trifish, LLC (Applicant) is requesting to modify the required mitigation in compliance with a updated Mitigation Plan from the in-lieu fee mitigation provider, Mountains Restoration Trust.

In response to this request, under Attachment A, Items 17 and 18 are now modified as follows (deletions appear as ~~strikeout~~, additions as underlined):

17. Proposed  
Compensatory  
Mitigation:

The applicant proposes purchase of 0.22 acre of credits for streambed restoration ~~the re-establishment of instream wetland~~ and 0.359 acres of credits for ~~the re-establishment of intermittent~~ streambed enhancement via in-lieu fee agreement with an Army Corps-approved mitigation bank or in-lieu fee program (ILFP). The applicant intends to execute such an agreement with the Mountains Restoration Trust ~~Santa Monica Mountains Conservancy~~.

18. Required  
Compensatory  
Mitigation:

The applicant shall mitigate for impacts to 0.13 acres of waters of the U.S., including 0.05 acre of wetlands, by purchase of 0.22 acre of credits for streambed restoration and 0.59 acres of credits for streambed enhancement via in-lieu fee agreement with an Army Corps-approved mitigation bank or in-lieu fee program (ILFP). ~~re-establishment or restoration of 0.2 acres of wetland (a 4:1 ratio) and 0.3 (a 3.75 :1 ratio) acres of streambed.~~ See Attachment B, Conditions of Certifications, Additional Conditions for modifications and additions to the above proposed compensatory mitigation.

Attachment B, Items 21 and 22 are now modified as follows:

21. ~~The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed temporary loss of 0.08 acres waters of the United States by creating or restoring riparian habitat at a minimum 3.75:1 area replacement ratio (0.30 acres).~~ The Applicant shall also provide compensatory mitigation for the proposed permanent impacts to **0.05 acres** of wetlands and 0.08 acres of streambed by restoring 0.22 acres of wetland streambed habitat at a minimum 4:1 area replacement ratio (0.20 acres) and providing enhancement for 0.59 acres of streambed. The mitigation site shall be located within the Santa Monica Bay Watershed unless otherwise approved by this Regional Board. The Applicant shall submit a **Proposed Mitigation Report** which shall include:

- (a) The boundary of the mitigation site shall be clearly identified on a map of suitable resolution and quality and shall also be defined by latitude and longitude.
- (b) The type(s) of mitigation shall be described (e.g., removal of exotics and/or replanting with native species, etc.)
- (c) Success criteria shall be established.

**This information shall be submitted to this Regional Board for approval prior to any project activities which take place within waters of the United States and shall include copies of all agreements made between the Applicant and a third party organization regarding compensatory mitigation efforts.**

22. If the Applicant proposes funding to a third-party organization for the ~~creation or~~ restoration of a total of ~~0.30~~0.22 acres of streambed riparian habitat and enhancement of ~~0.20~~0.59 acres of ~~wetland streambed~~ within waters, then funding shall apply to mitigation acreage only, exclusive of administrative costs. The Applicant shall submit a Proposed Mitigation Report which shall include:

- (a) Documentation from the third party indicating that funds have been used for mitigation acreage only, which do not include administrative costs.
- (b) The boundary of the mitigation site shall be clearly identified on a map of suitable resolution and quality and shall also be defined by latitude and longitude.
- (c) The type(s) of mitigation shall be described (e.g., removal of exotics and/or replanting with native species, etc.)
- (d) Success criteria shall be established.

**This information shall be submitted to this Regional Board for approval prior to any disturbance within waters of the United States and shall include copies of all agreements made between the Applicant and a third party organization regarding compensatory mitigation efforts.**

I have determined that the above-proposed modifications do not constitute a significant change in the nature or scope of the activities described for the project in your original application. Therefore, all of the proposed modifications are hereby incorporated into 401 Certification No. 07-131 and no additional action by this agency pursuant to Section 401 of the Clean Water Act is

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1834 North Old Ranch Road

necessary. This determination is limited to the proposed modifications contained in your notification to this Regional Board dated October 8, 2008 and described herein, and does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

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

Sincerely,

Samuel Unger  
Samuel Unger, P.E.  
Executive Officer

July 28, 2014  
Date

Attached: Distribution List

## DISTRIBUTION LIST

Travis Cullen  
Envicom Corporation  
28328 Agoura Road  
Agoura Hills, CA 91301

Bill Orme  
State Water Resources Control Board  
Division of Water Quality  
P.O. Box 944213  
Sacramento, CA 94244-2130

Daniel Swenson  
U.S. Army Corps of Engineers  
Regulatory Branch, Los Angeles District  
P.O. Box 532711  
Los Angeles, CA 90053-2325

Paul Amato (via electronic copy)  
U.S. Environmental Protection Agency, Region 9  
75 Hawthorne Street  
San Francisco, CA 94105

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Jim Bartel  
U.S. Fish and Wildlife Service  
6010 Hidden Valley Road  
Carlsbad, CA 92011

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