

Los Angeles Regional Water Quality Control Board

Mr. Mark Gates  
Gate-King Properties, LLC  
700 Emerson Street  
Palo Alto, CA

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
No. 7009 0820 0001 6812 5214

**MODIFICATION OF CONDITIONAL CERTIFICATION FOR PROPOSED (GATE KING PROPERTIES, LLC) PROJECT (CORPS' PROJECT NO. SPL-2011-01067 BEM), NEWHALL CREEK AND SANTA CLARITA RIVER, CITY OF SANTA CLARITA, LOS ANGELES COUNTY (FILE NO. 11-123)**

Dear Mr. Gates:

We are in receipt of your notification on January 23, 2013, requesting modification of your Conditional Clean Water Act Section 401 Water Quality Certification for the subject project issued to Gate King Properties, LLC on December 17, 2012 (File No. 11-123) (WQC 11-123).

The requested changes correct errors in WQC 11-123 or provide updated contact information. The WQC 11-123 is hereby modified as follows. Additions are in underline and deletions in strikeout:

Attachment A , Items 1 and 2 will read:

Attachment A Item Number	Contact Information
1. Applicant	<p>Gate King Properties, LLC 700 Emerson Street Palo Alto, CA 94301</p> <p><u>additional property owners:</u> <u>Henry Arklin</u> <u>26000 Springbrook Avenue #215</u> <u>Saugus, CA 91350</u></p> <p><u>SCI California Funeral Services, Inc.</u> <u>Dann Narveson, Director of Real Estate</u> <u>1929 Allen Parkway</u> <u>Houston, TX 77019</u></p>
2. Applicant's Agent	<p>Lennie Rae Cooke Vandermost Consulting Services, Inc. 27312 Callee Arroyo <del>San Juan Capistrano, CA 92675</del> 30900 Rancho Viejo Road, Suite 100</p>

	San Juan Capistrano, CA 92675 <a href="mailto:lrcooke@vesenvironmental.com">lrcooke@vesenvironmental.com</a>  Phone: (949) 489- <del>2077</del> <u>2700</u> Fax: (949) 489-0309
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Attachment A, Item 7, Project Description will read:

7. Project Description: The Gate King property was purchased by the Gates Family in 1957. Since then, a considerable portion of the property has been dedicated to the City of Santa Clarita. In addition, an easement for the Metropolitan Water ~~Company~~ District exists for the previous development of a tunnel for the California Water Project. An additional parcel was sold for the Eternal Valley Memorial Park (cemetery) and a portion was sold to the State of California for State Route 14 (SR-14).

This Certification is for the development of approximately 184 acres, within the 584-acre site. Within the property, there are ~~39~~ 38 ephemeral drainages. Of these drainages, 19 will not be impacted. The total linear feet of jurisdictional drainages on the property is 47,225 feet. Of the total 7.90 acres of jurisdictional waters on-site, the project avoids 4.89 acres (19,690 permanent linear feet and 780 temporary linear feet). Approximately 3.47 acres of the avoided jurisdictional areas are within the City-dedicated wilderness open space, and an additional ~~1.42~~ 1.06 acres occur within the project limits. Specific impacts within project drainages are as follows:

- Drainage A: 310 feet (150-foot permanent linear impact)
- Drainage B: 250 feet (250-foot permanent linear impact)
- Drainage C: 1,030 feet (350-foot permanent linear impact)
- Drainage D: 3,340 feet (3,340-foot permanent linear impact)
- Drainage E: 3,250 feet (3,250-foot permanent linear impact)
- Drainage F: 300 feet (300-foot permanent linear impact)
- Drainage G: 575 feet (575-foot permanent linear impact)
- Drainage H: 530 feet (530-foot permanent linear impact)
- Drainage I: 600 feet (600-foot permanent linear impact)
- Drainage J: 450 feet (No impact)
- Drainage K: 700 feet (No impact)
- Drainage L: 500 feet (500-foot permanent linear impact)
- Drainage M: 1,750 feet (250-foot permanent linear impact)
- Drainage N: 350 feet (No impact)

Drainage O: 350 feet (No impact)  
Drainage P: 550 feet (No impact)  
Drainage Q: 300 feet (No impact)  
Drainage R: Intentionally left out  
Drainage S: 2,105 feet (No impact)  
Drainage T: 440 feet (440-foot permanent linear impact)  
Drainage U: 5,840 feet (5,840-foot permanent linear impact)  
Drainage V: 200 feet (200-foot permanent linear impact)  
Drainage W: 3,505 feet (3,505-foot permanent linear impact)  
Drainage X: 4,180 feet (4,180-foot permanent linear impact)  
Drainage Y: 190 feet (No impact)  
Drainage Z: 2,320 feet (1,620-foot permanent linear impact)  
Drainage AA: 350 feet (No impact)  
Drainage BB: 850 feet (No impact)  
Drainage CC: 2,650 feet (No impact)  
Drainage DD: 2,750 feet (825-foot permanent linear impact)  
Drainage EE: 350 feet (50-foot permanent linear impact)  
Drainage FF: 1,300 feet (No impact)  
Drainage GG: 280 feet (No impact)  
Drainage HH: 90 feet (No impact)  
Drainage II: 270 feet (No impact)  
Drainage JJ: 270 feet (No impact)  
Drainage KK: 1,300 feet (No impact)  
Drainage LL: 1,450 feet (No impact)  
Drainage MM: 150 feet (No impact)

Grading of the project site will occur in phases to ensure that prompt re-vegetation or construction will limit impacts due to erosion. The industrial commercial development is planned to occur in three (3) or four (4) phases over an approximate 5-year time period.

Per City of Santa Clarita requirements, no excavation or earth disturbance shall be permitted prior to the issuance of appropriate grading and/or other applicable permits.

The goal of the overall development is to provide the following benefits:

- Provide recreational and open space facilities for the public.
- Protection of sensitive resources by providing open space and wildlife corridors.
- Preserving approximately 330 acres of on-site and

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- adjacent open space in perpetuity.
- Retaining major open areas which shall act as regional ecological preserves and migration corridors.
  - Providing an employment center in proximity to alternative transportation modes, such as Metrolink rail service.

Attachment A, Item 13, Impacted Waters of the United States will read:

13. Impacted Waters of the United States: Ephemeral waters (streambed): ~~0.55~~ 1.04 temporary and ~~2.46~~ 2.33 permanent acres (780 total temporary linear feet and 19,690 permanent linear feet)

Attachment A, Item 17, Proposed Compensatory Mitigation will read:

17. Proposed Compensatory Mitigation: Total mitigation proposed includes ~~creation and enhancement of approximately 6.85 acres on site and the preservation of 2.67 acres of waters of the US and 16.40 acres of CDFG jurisdiction.~~ Drainage DD and FF, consisting of 9.83 acres, which will be deeded to the City of Santa Clarita, placed under a deed restriction, and conserved in perpetuity. The form and content of the dedication shall be approved by the Regional Board prior to its execution.

In addition, Attachment B, Item 22 will read:

22. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed permanent impacts to ~~2.46~~ 2.33 acres of vegetation within waters of the United States by creating or restoring riparian habitat at a minimum 2.8:1 area replacement ratio (~~6.85~~ 6.99 acres). The mitigation site shall be located within the project areas, unless otherwise approved by this Regional Board. ~~In addition, the Applicant will provide preservation of 2.67 acres of waters (Corps jurisdiction) and 16.40 acres of CDFG jurisdiction within an area of open space (approximately 330 acres).~~ In addition, the project avoids a total of 4.53 acres of Waters of the United States (3.47 of which is found in the open space) and avoids a total of 22.26 acres of Waters of the State (3.16 acres of which is found in the open space). 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.

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. 11-123 and 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 January 23, 2013 and described herein, and does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and permits.

Should you have questions concerning this certification action, please contact Valerie Carrillo, Lead, Section 401 Program, at (213) 576-6759.

Sincerely,

Samuel Unger  
Samuel Unger, P.E.  
Executive Officer

May 7, 2013  
Date

Attached: Distribution List

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