
Los Angeles Regional Water Quality Control Board

Ms. Linda Thomas
California Whitebird Inc.
201 Main Street, Suite 1555
Fort Worth, TX 76102

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 7008 1140 0002 8671 9509

MODIFICATION OF CONDITIONAL CERTIFICATION FOR PROPOSED CANYON HILLS PROJECT (Corps' Project No. 2004-00354-KW), TRIBUTARY TO TUNA CANYON CREEK, CITY OF LOS ANGELES, LOS ANGELES COUNTY (File No. 14-057)

Dear Ms. Thomas:

We are in receipt of your notification on December 31, 2014, requesting modification of your Conditional Clean Water Act Section 401 Water Quality Certification for the subject project issued on December 9, 2014 (Certification).

Water Quality Certification File No. 06-049 was issued by the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) on April 25, 2009; however, the project was not initiated. On December 9, 2014, Water Quality Certification File No. 14-057 was issued by the Los Angeles Water Board for the same project.

Whitebird Inc. is requesting to change the required onsite compensatory mitigation acreage to reflect a change in the accounting of compensatory mitigation. The original Water Quality Certification (File No. 06-049, issued June 25, 2009), required 6.36 acres of compensatory mitigation, of which 2.14 acres would be in the form of seven Water Quality Basins required per the project Final Environmental Impact Report. In Whitebird Inc.'s request for a new Water Quality Certification, Whitebird proposed compensatory mitigation of 4.22 acres of onsite mitigation not inclusive of the Water Quality Basins (which will still be installed, but are generally not accepted by the Regional Water Quality Control Board as compensatory mitigation); however, the subsequent Certification (File No. 14-057, issued December 9, 2014) included a requirement of 5.31 acres of compensatory mitigation (not inclusive of the Water Quality Basins).

Proposed project impacts total 1.97 acre of non-wetland ephemeral and intermittent drainages, and proposed compensatory mitigation consists of enhancement and restoration of high functioning areas including La Tuna Canyon Wash at a 2.4:1 ratio. As such, the mitigation requirement in the Certification is revised to the onsite mitigation approved in the original Water Quality Certification File No. 06-049 totaling 4.22 acres not inclusive of the Water Quality Basins.

In response to your request, under Attachment A, Item 18, Required Compensatory Mitigation will read:

18. Required
Compensatory
Mitigation:

The Regional Board will require the Applicant to fulfill the requirements for compensatory mitigation by creating and/or restoring/enhancing at a minimum ratio of 2.4:1 for all impacts to jurisdictional waters of the US. A total of 4.22 acres of compensatory mitigation will be required for impacts to waters of the US. The mitigation will be implemented in accordance with the Canyon Hills Project Mitigation and Monitoring Plan.

In addition, under Attachment B, Item 22 will read:

22. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed permanent impacts to **1.77 acres** of vegetation within waters of the United States/Federal jurisdictional wetlands by creating or restoring riparian habitat/Federal jurisdictional wetland habitat at a minimum **2.4:1** area replacement ratio (**4.22**). The mitigation site shall be located within the Los Angeles River 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.

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. 14-057 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

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California Whitebird Incorporation

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notification to this Regional Board dated December 31, 2014 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 Valerie Carrillo Zara, Lead, Section 401 Program, at (213) 576-6759.

Sincerely,



Samuel Unger
Executive Officer

12-1-15
Date

Attached: Distribution List

DISTRIBUTION LIST

Lexi Kessans (via electronic copy)
Glenn Lukos Associates
29 Orchard
Lake Forest, CA 92630

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

Daniel Swenson (via electronic copy)
U.S. Army Corps of Engineers
Regulatory Branch, Los Angeles District
911 Wilshire Blvd., Suite 1101
Los Angeles, CA 90017

Sarah Rains (via electronic copy)
California Department of Fish and Wildlife
Streambed Alteration Team
3883 Ruffin Rd. Suite A
San Diego, CA. 92123-4813

Melissa Scianni
Elizabeth Goldmann
(via electronic copy)
U.S. Environmental Protection Agency, Region 9
WRT-2-4
75 Hawthorne Street
San Francisco, CA 94105

G. Mendel Stewart
Johnathan Snyder
U.S. Fish and Wildlife Service
2177 Salk Ave. Carlsbad CA, 92008