

Los Angeles Regional Water Quality Control Board

Mr. Jerry Yeh
Horizon Pacific Diamond Bar, LLC
20770 Greenside Drive
Walnut, CA 91789

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7007 2560 0001 7889 6521

MODIFICATION OF CONDITIONAL CERTIFICATION FOR PROPOSED (TENTATIVE TRACT MAP NO. 53670) PROJECT (Corps' Project No. 2007-00300-PHT), TONNER CANYON CREEK, DIAMOND BAR, LOS ANGELES COUNTY (File No. 07-010)

Dear Mr. Yeh:

We are in receipt of your notification on August 14, 2012, requesting modification of your Conditional Section 401 Water Quality Certification for the subject project issued on September 25, 2008 (Certification).

Horizon Pacific Diamond Bar LLC (Applicant) is requesting to change the impacted acreage to U.S. waters in the Certification because the calculation of impacted acreage needs to be increased 0.007 acres because of the need for realignment of the streambed due to slope considerations. Table 1 below summarizes the project impacts:

Table 1
Summary of Project Impacts

Table with 4 columns: Category, 'Waters of the U.S.' Impacts (acres), Mitigation Ratio, Mitigation (acres). Rows include Currently permitted, Amendment request, and Total.

We understand that mitigation has already been established, as detailed in the June 11, 2009 mitigation plan at the Bluebird Ranch site in Glendora, a property owned by the San Gabriel Mountains Regional Conservancy. This mitigation program provides more than 0.201 acre of mitigation to waters of the state and U.S. Therefore, no additional mitigation is proposed or required for the impacts proposed.

In response to your request, under Attachment A, Item 12, impacts to U.S. Waters, will read:

12. Impacted Waters of the United States: Non-wetland waters (streambed): 0.067 permanent acres (1000 permanent linear feet).

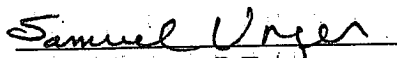
In addition, under Attachment B, Item 24 will read:

24. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed temporal loss of **0.067 acres** of vegetation within the waters of the United States by creating or restoring riparian habitat at a minimum **3:1** area replacement ratio (**0.201 acres**). The mitigation site shall be located within the City of Diamond Bar Watershed unless otherwise approved by this Regional Board. The boundary of the mitigation site shall be clearly identified on a map of suitable quality and shall be defined by latitude and longitude. 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 any 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. 07-010 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 June 11, 2009 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, P.E.
Executive Officer

Oct. 15, 2012
Date

Attached: Distribution List

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