



Los Angeles Regional Water Quality Control Board

Mr. John Orme
Forest Lawn Memorial-Park Association
1712 South Glendale Avenue
Glendale, California 91205

VIA CERTIFIED MAIL
RETURN RECEIPT REQUIRED
NO. 7010 3090 0002 1021 9384

WATER QUALITY CERTIFICATION FOR PROPOSED FOREST LAWN MEMORIAL-PARK, HOLLYWOOD HILLS MASTER PLAN PROJECT (Corps' Project No. 2006-01951-DS), SENNETT CREEK WATERSHED, LOS ANGELES RIVER, CITY OF LOS ANGELES, LOS ANGELES COUNTY (File No. 10-146)

Dear Mr. Orme,

Board staff has reviewed your request on behalf of Forest Lawn Memorial-Park Association (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on June 29, 2012.

I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This 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 this Water Quality Certification.

The Applicant shall be liable civilly for any violations of this Certification in accordance with the California Water Code. This Certification 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, Lead, Section 401 Program, at (213) 576-6759.

Samuel Unger
Samuel Unger, P.E.
Executive Officer

Oct. 23, 2012
Date

ATTACHMENT A

Project Information
File No. 10-146

1. Applicant: John Orme
Forest Lawn Memorial-Park Association
1712 South Glendale Avenue
Glendale, California 91205
Phone: (323) 340-4519 Fax: (323) 551-5070
2. Applicant's Agent: Samuel Reed
TeraCor Resource Management
27555 Ynez Road, Suite 207
Temecula, California 92591
Phone: (951) 694-8000 Fax: (951) 694-8035
3. Project Name: Forest Lawn Memorial-Park, Hollywood Hills Master Plan
4. Project Location: City of Los Angeles, Los Angeles County

<u>Latitude</u>	<u>Longitude</u>
34.147141	118.330968
34.147136	118.329432
34.142296	118.326933
34.145409	118.325155
34.144995	118.309619
34.143880	118.322191
34.139803	118.318912
34.138937	118.315000
34.140672	118.309738
34.145289	118.315867

5. Type of Project: Cemetery development/expansion
6. Project Purpose: The purpose of the proposed project is to further develop the existing Forest Lawn Memorial-Park to provide various types of interment spaces and cemetery facilities that accommodate diverse religious, non-religious, ethnic and socio-economic groups to meet existing and future cemetery demands in the Los Angeles area through 2050. The proposed cemetery plans include low-impact development implementation with the integration of newer designs for small rock façade structures to house cremation remains in a low-impact nature path along Sennett Creek.

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total of 194,457 interment spaces.

With this reduced-impact alternative, total impacts within waters have been reduced from 2.48 acres of waters to 1.60 acres of waters. This reduction corresponds to avoidance of drainage areas and decreased impacts within waters. The originally proposed impact decreases from 10,104 linear feet of impact to, in the currently proposed project, 5,359 total linear feet of impact. The remaining 12,560 feet of streambed within the project boundaries will be preserved.

The project includes the construction of approximately 22,500 square feet of floor area for new structures (including a new church and reception-related uses, administrative space, and a crematory). The project will include approximately 1,029,000 square feet of non-occupied floor area (for such uses as burial garden structures, wall crypts and columbaria).

The impact to jurisdictional waters of the U.S. will be 1.60 acres, including 1.40 acres of on-site impacts (to 1.02 acres of non-wetland waters and 0.38 acre of wetland waters) and 0.20 acre of impact to non-wetland waters off-site in connection with the debris basin at the edge of the property boundary with Griffith Park. The project will preserve Sennett Creek (Drainage A), restore and enhance Drainage L, and, in contrast to the originally proposed project, the project will avoid Drainages D, D1, F, F1, and H, which comprise the highest biological value drainage segments on the site in addition to Sennett Creek.

The project will also include construction of a new, soft-bottomed arched culvert crossing over Sennett Creek and the replacement of 2 existing crossings over Drainages D and F. The existing crossing at Drainage D is comprised of a corrugated steel arched, soft-bottomed culvert and 2 headwalls.

The existing crossing at Drainage F is comprised of 2 small diameter ceramic pipes which drain a small basin within Drainage F. Implementation of the project will replace the existing unimproved road and associated crossings over Drainages D and F. The project will replace the existing road crossing over Drainage D with a relatively narrow bridge crossing. Additionally, the replacement crossing over Drainage F will be constructed in a manner that will eliminate the existing basin and pipes in Drainage F with a soft-bottomed arched culvert to improve hydrological and

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unanticipated events to restore existing conditions and flood control functions.

8. Federal Agency/Permit: U.S. Army Corps of Engineers
Individual Permit (Permit No. 2006-1951-DS)
9. Other Required Regulatory Approvals: California Department of Fish and Game
Streambed Alteration Agreement (File No. 1600-2010-0351-R5)

City of Los Angeles Public Benefit Approval/Site Plan Review/Zone Variance/Development Agreement (Case No. CPC-2007-1059)
10. California Environmental Quality Act Compliance: The City of Los Angeles published the project's Final Environmental Impact Report (EIR No. ENV 2007-1060-EIR; SCH No. 2008111048) in January 2012. The EIR was certified in May 2012.
11. Receiving Water: Sennett Creek and unnamed tributary drainages to the Los Angeles River Channel (Hydrologic Unit No. 405.21)
12. Designated Beneficial Uses: MUN*, IND, GWR, REC-1, REC-2, WARM, WILD, WET

*Conditional beneficial use
13. Impacted Waters of the United States: Federal jurisdictional wetlands: 0.38 permanent acres
Non-wetland waters (streambed): 1.02 total permanent acres (5,359 linear feet) and 0.2 streambed in adjacent basin.

Total impact: 1.60 acres.
14. Dredge Volume: None
15. Related Projects Implemented/to be Implemented by the Applicant:
- 2006 Clarification Basin, Mitigation Basin, and Sediment Traps Project (04-042) was completed. Repair/maintain 5 jurisdictional clarification basins and 4 non-jurisdictional upland sediment traps, clear/thin vegetation within Sennett Creek restoration area to facilitate storm flow, replace undersized, degraded crossing over small tributary to Sennett Creek, and install concrete/open graded rip-rap and

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- locations
- Plant propagules and seed shall be from locally derived sources in order to maintain genetic integrity within the mitigation areas. For some common, uniformly distributed species, commercially available sources are acceptable
 - A minimum of 2 pre-construction surveys for nesting birds shall be conducted within the disturbance footprint plus a 100-foot buffer 5 days apart prior to construction during the breeding season for birds. The last survey shall be conducted no more than 3 days prior to the initiation of clearance/construction work
 - If pre-construction surveys indicate that bird nests are not present or are inactive, or if potential habitat is unoccupied, no further mitigation is required
 - If active nests of birds are found during the surveys, a species-specific no-disturbance buffer zone shall be established by a qualified biologist around active nests until a qualified biologist determines that all young have fledged (no longer reliant upon the nest)
 - All vegetation clearance activities will be monitored by a qualified biologist/restoration ecologist

17. Proposed Compensatory Mitigation:

The Applicant has proposed the following:

- a) off-site restoration of 6 acres (including at least 1.6 acres of restoration and/or enhancement of waters of the U.S.) pursuant to an In-Lieu Fee Mitigation Agreement with the Mountains Recreation & Conservation Authority;
- b) off-site preservation of 2.42 acres of waters of the U.S. associated with the preservation of the adjacent 135-acre Cahuenga Highlands Property;
- c) on-site restoration (re-establishment) of 1.4 acres of waters of the U.S. associated with the Sennett Creek/Drainage F restoration area and Lower Cahuenga Creek restoration area;
- d) on-site enhancement and conservation of 41 acres (including 1.07 acres of waters of the U.S.);
- e) on-site creation and planting of 18 acres of graded slopes with mixed scrub, chaparral and woodland; and
- f) on-site creation and planting of 7 acres of graded slopes with woodland.

ATTACHMENT B

Conditions of Certification File No. 10-146

STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This Certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Applicant shall comply with the following additional conditions:

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' (ACOE) Section 404 Permit and the California Department of Fish and Game's (CDFG) Streambed Alteration Agreement. **These documents shall be submitted prior to any discharge to waters of the State.**
2. The Applicant shall adhere to the most stringent conditions indicated with either this Certification, the CDFG's Streambed Alteration Agreement, or the ACOE Section 404 Permit.
3. The Applicant shall comply with all water quality objectives, prohibitions, and policies set forth in the *Water Quality Control Plan, Los Angeles Region (1994)*, as amended.
4. The Avoidance/Minimization activities proposed by the Applicant as described in Attachment A, No. 16, are incorporated as additional conditions herein.
5. The Applicant and all contractors employed by the Applicant shall have copies of this Certification, the approved construction plan and all other regulatory approvals for this project on site at all times and shall be familiar with all conditions set forth.

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Resources Control Board Water Quality Order Nos. 2004-0008-DWQ and 2004-0009-DWQ.

14. The Applicant shall not conduct any construction activities within waters of the State during a rainfall event. The Applicant shall maintain a **five-day (5-day) clear weather forecast** before conducting any operations within waters of the State.
15. If rain is predicted after operations have begun, grading activities must cease immediately and the site must be stabilized to prevent impacts to water quality, and minimize erosion and runoff from the site.
16. The grading, stabilization and re-vegetation will be phased to limit the exposed or working face such that the graded area can be stabilized within 24 hours after the first prediction of rain during the 5-day forecast or within 24 hours after final grading of the phased area.
17. The Applicant shall utilize the services of a qualified biologist with expertise in riparian assessments during any vegetation clearing activities. The biologist shall be available on site during construction activities to ensure that all protected areas are marked properly and ensure that no vegetation outside the specified areas is removed. The biologist shall have the authority to stop the work, as necessary, if instructions are not followed. The biologist shall be available upon request from this Regional Board for consultation within 24 hours of request of consultation.
18. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge (ROWD)** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste.

Sufficient time should be allowed to obtain any such permits (generally 180 days). If groundwater is encountered without the benefit of appropriate permits, the Applicant shall cease all activities in the areas where groundwater is present, file a Report of Waste Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.

19. All project/construction activities not included in this Certification, and which may require a permit, must be reported to the Regional Board for appropriate permitting. Bank stabilization and grading, as well as any other ground disturbances, are subject to restoration and revegetation requirements, and may require additional Certification action.
20. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If jurisdictional surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan (plan)**

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24. The Applicant shall submit to this Regional Board **Annual Mitigation Monitoring Reports** (Annual Reports) by **January 31st** of each year for a minimum period of **five (5) years** following this issuance of 401 Certification or until mitigation success has been achieved and documented. The Annual Reports shall describe in detail all of the project/construction activities performed during the previous year and all restoration and mitigation efforts; including percent survival by plant species and percent cover. The Annual Reports shall describe the status of other agreements (e.g., mitigation banking) or any delays in the mitigation process. At a minimum the Annual Reports shall include the following documentation:
- (a) Color photo documentation of the pre- and post-project and mitigation site conditions;
 - (b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project and mitigation areas;
 - (c) The overall status of project including a detailed schedule of work;
 - (d) Copies of all permits revised as required in Additional Condition 1;
 - (e) Water quality monitoring results for each reach (as required by Condition 22) compiled in an easy to interpret format;
 - (f) A certified Statement of "no net loss" of wetlands associated with this project;
 - (g) Discussion of any monitoring activities and exotic plant control efforts; and
 - (h) A certified Statement from the permittee or his/her representative that all conditions of this Certification have been met.
25. Prior to any subsequent maintenance activities within the subject drainages/basin, including clearing, maintenance by-hand, and/or the application of pesticides, the Applicant shall submit to this Regional Board a NOTIFICATION of any such activity. Notification shall include: (a) the proposed schedule; (b) a description of the drainage's/basin's existing condition/capacity; (c) the area of proposed temporary impact within waters of the State; (d) a description of any existing aquatic resources (e.g., wetland/riparian vegetation); and (e) any proposed compensatory mitigation. Notifications must be submitted a minimum of **three (3) weeks** prior to commencing work activities, however this date may be adjusted if necessary due to weather conditions or man-power.
26. All applications, reports, or information submitted to the Regional Board shall be signed:
- (a) For corporations, by a principal executive officer at least of the level of vice president or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which discharge originates.

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a written agreement between the existing and new Applicants containing a specific date of coverage, responsibility for compliance with this Certification, and liability between them.

32. The Applicant or their agents shall report any noncompliance. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the Applicant becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Applicant becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
33. *Enforcement:*
- (a) In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.
 - (b) In response to a suspected violation of any condition of this Certification, the State Water Resources Control Board (SWRCB) or Regional Water Quality Control Board (RWQCB) may require the holder of any permit or license subject to this Certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
 - (c) In response to any violation of the conditions of this Certification, the SWRCB or RWQCB may add to or modify the conditions of this Certification as appropriate to ensure compliance.
34. This Certification shall expire **five (5) years** from date of this Certification. The Applicant shall submit a complete application prior to termination of this Certification if renewal is requested.