



Los Angeles Regional Water Quality Control Board

Mr. Fred Culbertson  
Indian Canyon Land Corporation  
827 Hollywood Way #285  
Burbank, CA 91505

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
No. 7009 2820 0001 6537 7382

**TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION FOR PROPOSED INDIAN CANYON BRIDGE PROJECT (Corps' Project No. 2014-00223-GS), INDIAN CANYON, KAGEL CANYON, LOS ANGELES COUNTY (File No. 14-035)**

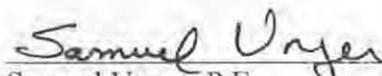
Dear Mr. Culbertson:

Board staff has reviewed your request on behalf of Indian Canyon Land Corporation (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete May 21, 2015.

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.

**Please read this entire document carefully.** 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 Dana Cole, Section 401 Program, at (213) 576-5733.

  
\_\_\_\_\_  
Samuel Unger, P.E.  
Executive Officer

June 18, 2015  
Date

## DISTRIBUTION LIST

Fred Culbertson  
Indian Canyon Land Corporation  
827 Hollywood Way #285  
Burbank, CA 91505

Bill Orme (via electronic copy)  
State Water Resources Control Board  
Division of Water Quality  
P.O. Box 944213  
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Jeff Humble  
(via electronic copy)  
California Department of Fish and Wildlife  
Streambed Alteration Team  
3883 Ruffin Rd Suite A  
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Geraldo Salas  
U.S. Army Corps of Engineers  
Regulatory Branch, Los Angeles District  
915 Wilshire Blvd., Suite 1101  
Los Angeles, CA 90017

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

**ATTACHMENT A**

**Project Information  
File No. 14-035**

1. Applicant: Mr. Fred Culbertson  
Indian Canyon Land Corporation  
827 Hollywood Way #285  
Burbank, CA 91505  
Phone: (818) 406-7745 Fax: (818) 768-1495

2. Project Name: Indian Canyon Bridge Project

3. Project Location: Kagel Canyon, Los Angeles County

<u>Latitude</u>	<u>Longitude</u>
34.299578	118.393539
34.299597	118.393586
34.299564	118.393597
34.299544	118.393594
34.299592	118.393472

4. Type of Project: Bridge replacement

5. Project Purpose: The proposed project (Project) will install a pre-fabricated heavy duty bridge across a dry arroyo to insure access for firefighting equipment.

6. Project Description: The bridge crossing is located at Baily Road approximately 0.5 miles northeast of the intersection of Baily and Lopez Canyon Roads. The unnamed tributary to Lopez Canyon Creek is ephemeral.

The channel flows southwesterly across the project area and is dominated by non-native disturbed habitat. The channel is dominated by mulefat series vegetation immediately east of the project area and California sage series vegetation immediately west of the project area.

The project area is approximately 0.02 acres (160 linear feet) of streambed. The channel is a tributary to Lopez Canyon Creek, a tributary to Hansen Lake and the Los Angeles River.

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The Project includes removal of the existing bridge crossing. A new pre-fabricated 60-foot long single lane H-20 heavy-duty equipment bridge will be installed. The existing Baily Road will be re-aligned and the new bridge will span the channel just southeast of the existing bridge location.

The portion of the channel disturbed by the demolition of the existing bridge will be re-graded to mimic the existing channel conditions. Bridge abutments for the new bridge will be located outside of the existing channel. Rip rap will be placed along the channel slopes for reinforcement.

The proposed construction activities to occur within the unnamed tributary to Lopez Canyon Creek, including demolition of the existing bridge, grading, rip rap installation, and bridge construction, will result in impacts to a total of approximately 0.009 acres of waters of the United States, including approximately 0.003 acre of temporary impacts related to bridge demolition and grading activities.

- |   |   |
|---|---|
| 7. Federal Agency/Permit:                                 | U.S. Army Corps of Engineers<br>Non-Notifying NWP No. 14 (Permit No. 2014-00223-GS)                                       |
| 8. Other Required<br>Regulatory Approvals:                | California Department of Fish and Wildlife<br>Streambed Alteration Agreement  |
| 9. California<br>Environmental Quality<br>Act Compliance: | The proposed project is Categorical Exempt from CEQA pursuant to the CEQA Guidelines, Section 15001, Existing Facilities. |
| 10. Receiving Water:                                      | Tributary to Lopez Canyon Creek (Hydrologic Unit Code: 180701050105)  |
| 11. Designated Beneficial<br>Uses:                        | MUN*, GWR, REC-1, REC-2, WARM, WILD<br><br>*Conditional beneficial use  |
| 12. Impacted Waters of the                                | Non-wetland waters (streambed): 0.003 temporary acres (83 linear  |

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United States: feet) and 0.006 permanent acres (35 linear feet)

13. Related Projects  
Implemented/to be  
Implemented by the  
Applicant:

The Applicant has not identified any related projects carried out in the last 5 years or planned for implementation in the next 5 years.

14. Avoidance/  
Minimization  
Activities:

The Applicant has proposed to implement several best management practices (BMPs) including, but not limited to:

- To minimize the amount of new disturbance, the anticipated impact zones, including staging areas, storage areas, equipment access, and disposal or temporary placement of spoils, will be restricted to designated areas, specifically existing disturbed areas (access roads and graded areas), to the extent possible. These areas will be clearly flagged or marked prior to construction to avoid natural resources where possible.
- Every effort will be made to eliminate the discharge of non-stormwater from the project site at all times.
- Eroded sediments and other pollutants will be retained on-site and will not be transported from the site via sheet flow, swales, area drains, natural drainage courses or wind.
- Stockpiles of earth, construction related materials, and storage containers will be protected from being transported from the site by wind or water.
- Fuels, oils, solvents and other toxic materials will be stored in accordance with their approved use.
- Spills will be cleaned up immediately and disposed of in a proper manner.
- Spills will not be washed into the drainage system.
- Excess or waste concrete will not be washed into the public way or any other drainage system. Provisions will be made to retain concrete wastes on-site until they are disposed of as solid waste.
- Trash and construction related solid wastes will be deposited into

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a covered receptacle to prevent contamination of rainwater and dispersal by wind.

- Sediments and other materials will not be tracked from the site by vehicle traffic.
- The construction entrance roadways will be stabilized so as to inhibit sediments from being deposited into the public way.
- Any slopes with disturbed soils or denuded of vegetation will be stabilized so as to inhibit erosion by wind or rain.
- Removal of any trees, shrubs or any other potential nesting habitat will be conducted outside of the breeding bird season (February 15 to September 15).
- Precautions will be taken to avoid damage to vegetation by people or equipment during the breeding season.
- A biological monitor will be on-site during the demolition phase as well as the initial grading activities.
- A biologist will survey the entirety of the project area for nesting birds, prior to commencing project activities (including construction and site preparation) to prevent any potential violation of the federal Migratory Bird Treaty Act (MBTA), the federal Endangered Species Act of 1973, as amended (ESA), or California Endangered Species Act (CESA).
- The biologist shall conduct nesting bird surveys at appropriate time(s) of day during the period of March 15 through September 15 and no more than three days prior to commencement of project activities (including construction and/or site preparation).
- If an active bird nest is located during any of the pre-construction surveys, the nest site shall be fenced a minimum of 200 feet in all directions, and this area shall not be disturbed until September 15 and until the nest becomes inactive, the young have fledged, the young are no longer being fed by the parents, the young have left the area, or the young will no longer be impacted by the activities.
- The biologist will inform construction personnel regarding the location of active nest(s) and required avoidance measures.

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- If a sensitive species or raptor active bird nest is located during any of the pre-construction surveys, the nest site shall be fenced a minimum of 500 feet in all directions, and this area shall not be disturbed during the breeding season (March 15 through September 15) to avoid direct or indirect (noise) take of listed species.
- Cleared or trimmed vegetation and woody debris will be taken to a legal point of disposal.
- All unnecessary lights will be turned off at night to avoid impacts to wildlife.
- If any wildlife is encountered during the course of project activities, wildlife will be allowed to freely leave the area unharmed.
- Wildlife will not be disturbed, captured, harassed, or handled. Animal nests, burrows and dens will not be disturbed without prior survey from a qualified biologist.
- Active nests (nests with chicks or eggs) cannot be removed or disturbed, but nests can be removed or disturbed if not active.
- To avoid impacts to wildlife, all contractors, subcontractors, and employees will comply with all litter and pollution laws and will institute a litter control program during the course of the construction activities.
- Trash and food items will be stored properly and inaccessible to scavengers including raccoons [*Procyon lotor*], Virginia opossums [*Didelphis virginiana*], American crows [*Corvus brachyrhynchos*] and common ravens [*Corvus corax*]. Trash removal will reduce the attractiveness of the area to opportunistic scavengers.

#### 15. Proposed Compensatory Mitigation:

The Applicant proposes to “[restore 0.006 acres]... of the channel disturbed by the demolition of the existing bridge would be re-graded to mimic the existing channel conditions. Rip rap will be placed along the channel slopes for reinforcement.”

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16. Required  
Compensatory  
Mitigation:

The Applicant shall restore 0.021 acres of streambed habitat within the Los Angeles River Watershed. See *Attachment B, Conditions of Certifications, Additional Conditions* for modifications and additions to the above proposed compensatory mitigation.

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### Conditions of Certification File No. 14-035

#### 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 notification for Streambed Alteration Agreement to the California Department of Fish and Wildlife. **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 notification for Streambed Alteration Agreement to the California Department of Fish and Wildlife, 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. **14**, are incorporated as additional conditions herein.
5. The Applicant and all contractors employed by the Applicant shall have copies of this Certification, 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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6. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the State. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the State.
7. All excavation, construction, or maintenance activities shall follow best management practices to minimize impacts to water quality and beneficial uses. Dust control activities shall be conducted in such a manner that will not produce downstream runoff.
8. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the State. Designated spoil and waste areas shall be visually marked prior to any excavation and/or construction activity, and storage of the materials shall be confined to these areas.
9. All waste or dredged material removed shall be relocated to a legal point of disposal if applicable. A legal point of disposal is defined as one for which Waste Discharge Requirements have been established by a California Regional Water Quality Control Board, and is in full compliance therewith.
10. The Applicant shall implement all necessary control measures to prevent the degradation of water quality from the proposed project in order to maintain compliance with the Basin Plan. The discharge shall meet all effluent limitations and toxic and effluent standards established to comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act. This Certification does not authorize the discharge by the applicant for any other activity than specifically described in the 404 Permit.
11. The discharge shall not: a) degrade surface water communities and populations including vertebrate, invertebrate, and plant species; b) promote the breeding of mosquitoes, gnats, black flies, midges, or other pests; c) alter the color, create visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters; d) cause formation of sludge deposits; or e) adversely affect any designated beneficial uses.
12. The Applicant shall allow the Regional Board and its authorized representative entry to the premises, including all mitigation sites, to inspect and undertake any activity to determine compliance with this Certification, or as otherwise authorized by the California Water Code.
13. 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.

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14. 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.
15. 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.
16. 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.

17. All project or 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.
18. 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 surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan** (plan) to this Regional Board. The plan shall include the proposed method and duration of diversion activities, structure configuration, construction materials, equipment, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. Contingency measures shall be a part of this plan to address various flow discharge rates. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for the following shall be implemented:
  - pH
  - temperature
  - dissolved oxygen
  - turbidity
  - total suspended solids(TSS)

Analyses must be performed using approved US Environmental Protection Agency methods, where applicable. These constituents shall be measured at least once prior to diversion and then monitored for on a daily basis during the first week of diversion and/or

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dewatering activities, and then on a weekly basis, thereafter, until the in-stream work is complete.

Results of the analyses shall be submitted to this Regional Board by the 15th day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Downstream TSS shall be maintained at ambient levels. Where natural turbidity is between 0 and 50 Nephelometric Turbidity Units (NTU), increases shall not exceed 20%. Where natural turbidity is greater than 50 NTU, increases shall not exceed 10%. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.

19. The Applicant shall restore **0.003 acres** of TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the State. Restoration shall include grading of disturbed areas to pre-project contours and revegetation with native species. Restored areas shall be monitored and maintained with native species as necessary for five years.
20. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed temporary loss of **0.003 acres** waters of the United States by creating or restoring riparian habitat at a minimum **1:1** area replacement ratio (**0.003 acres**). The Applicant shall also provide compensatory mitigation for the proposed permanent impacts to **0.006 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 **3:1** area replacement ratio (**0.018 acres**). If the Applicant proposes funding to a third-party organization for the creation or restoration of a total or in combination for **0.021 acres** of mitigation for vegetated streambed riparian habitat within waters of the United States, then funding shall apply to mitigation acreage only, exclusive of administrative costs. 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) 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.

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21. The Applicant shall submit to this Regional Board **Annual Monitoring Reports** (Annual Reports) by **January 1<sup>st</sup>** of each year for a minimum period of **five (5) years** following this issuance of 401 Certification or until mitigation success and project completion has been achieved and documented. The Annual Reports shall describe in detail all of the project and 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 whether or not work has begun on the Project and a detailed schedule;
  - (d) Copies of all permits revised as required in Additional Condition 1;
  - (e) Water quality monitoring results for each reach (as required) compiled in a spreadsheet 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.
22. 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.
  - (b) For a partnership, by a general partner.
  - (c) For a sole proprietorship, by the proprietor.
  - (d) For a municipal, State, or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.

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23. Each and any report submitted in accordance with this Certification shall contain the following completed declaration:

"I declare under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who managed the system or those directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Executed on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_  
(Signature)  
(Title)"

24. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **14-035** Submittals shall be sent to the attention of the 401 Certification Unit.
25. Any modifications of the proposed project may require submittal of a new Clean Water Act Section 401 Water Quality Certification application and appropriate filing fee.
26. The project shall comply with all requirements of the National Pollutant Discharge Elimination System (NPDES) **General Permit** for Storm Water Discharges Associated with Construction Activity, Order No. 2012-0011-DWQ. All stormwater treatment systems shall be located outside of any water of the State and shall not be used as a wetland or riparian mitigation credit.
27. Coverage under this Certification may be transferred to the extent the underlying federal permit may legally be transferred and further provided that the Applicant notifies the Executive Officer at least 30 days before the proposed transfer date, and the notice includes 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.
28. 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

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an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

29. *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.

30. This Certification shall expire **five (5) years** from date of this Certification. The Applicant shall submit a complete application at least 90 days prior to termination of this Certification if renewal is requested.

