

Los Angeles Regional Water Quality Control Board

Mr. Mark Gates
Gate-King Properties, LLC
700 Emerson Street
Palo Alto, CA 94301

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 7016 2070 0000 9794 7489

AMENDMENT OF CONDITIONAL WATER QUALITY CERTIFICATION FOR PROPOSED GATE-KING INDUSTRIAL PARK TRACT 50283 PROJECT (Corps' Project No. 2002-00107-AOA), NEWHALL CREEK AND SANTA CLARA RIVER, CITY OF SANTA CLARITA, LOS ANGELES COUNTY (File No. 11-123)

Dear Mr. Gates:

The Los Angeles Regional Water Quality Control Board (Regional Board) is in receipt of your notification on January 25, 2017, requesting modification of your Conditional Clean Water Act Section 401 Water Quality Certification for the subject project issued on December 17, 2012 (Certification).

Gate-King Properties, LLC (Applicant) is requesting to modify the mitigation requirements to utilize an off-site mitigation location and clarify the mitigation acreages.

In response to your request, the Certification is modified as shown below. Deleted text is shown in ~~strike out~~ and additional text is shown underlined.

Under Attachment A, Item 2: Applicant's Agent will read:

2. Applicant's Agent: Lennie Rae Cooke Sean Noonan
VCS Environmental
30900 Rancho Viejo Road, Suite 100
San Juan Capistrano, CA 92675
snoonan@vcsenvironmental.com
Phone: (949) 489-2700

Under 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 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 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 ~~5.42~~ 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 ~~1.06~~ 1.95 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 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.

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

- 13. Impacted Waters of the United States: Ephemeral waters (streambed): ~~4.04~~ 0.15 temporary and 2.33 permanent acres (~~780 200~~ total temporary linear feet and up to 19,690 permanent linear feet)

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

- 17. Proposed Compensatory Mitigation: ~~Total mitigation proposed includes 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. The Applicant shall provide compensatory mitigation to offset the proposed 2.33 acres of permanent impacts to jurisdictional waters by purchasing 2.91 acres of wetland rehabilitation credits from the Petersen Ranch Mitigation Bank. The Applicant shall also purchase 3.61 acres of upland Swainson's Hawk foraging credits from the Petersen Ranch Mitigation Bank, which will further mitigate the project's impacts by preserving upland areas which drain to jurisdictional waters, thereby improving their function and value. In addition, the Applicant shall enhance 6.68 acres of jurisdictional waters within the project site in Drainages DD and FF by removing non-native invasive species and trash from these areas prior to the completion of construction within each drainage and by completing planting activities as described in more detail below. The Applicant shall also plant oak trees within 1.30 acres of jurisdictional waters within Drainage DD, Drainage FF, and/or the adjacent open space area that has been deeded to the City of Santa Clarita.~~

Under Attachment A, Item 18: Required Compensatory Mitigation will read:

- 18. Required Compensatory Mitigation: The Regional Board will require the Applicant to provide compensatory mitigation as specified above ~~(minimum of 2.8:1 ratio for permanent impacts). The mitigation credits will be purchased from Petersen Ranch Mitigation Bank, and made up of 2.91 acres of wetlands credits at a ratio of 1.25:1 and 3.61 acres of Swainson's Hawk foraging credits as additional buffer.~~

See Attachment B, Conditions of Certifications, Additional Conditions for modifications and additions to the above proposed compensatory mitigation.

Under Attachment B, Item 21 will read:

Condition 21 of
Attachment B

21. The Applicant shall restore all areas 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 seeding with native species, 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. Photos will be taken after seeding and sent to the Regional Board to document completion.

Under Attachment B, Item 22 will read:

Condition 22 of
Attachment B

22. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed permanent impacts to 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 (6.99 acres)~~ (6.52 acres) by purchasing high-quality wetlands credits at a 1.25:1 ratio (2.91 acres) and Swainson's Hawk foraging credits (3.61 acres) from Petersen Ranch Mitigation Bank. ~~The mitigation site shall be located within the project areas, unless otherwise approved by this Regional Board.~~

In addition, the project avoids a total of ~~4.53~~ 5.42 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 A receipt for the purchase of 2.91 acres of wetlands credits and 3.61 acres of Swainson's Hawk foraging credits from the Petersen Ranch Mitigation Bank 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.

Proof of purchase for compensatory mitigation credits from Petersen Ranch Mitigation Bank 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, 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 August 17, 2016 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, P.G., Lead, Section 401 Program, at (213) 576-6759.

Sincerely,



Samuel Unger, P.E.
Executive Officer

3-6-17

Date

DISTRIBUTION LIST

Sean Noonan (via electronic copy)
VCS Environmental
30900 Rancho Viejo Road, Suite 100
San Juan Capistrano, CA 92675

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

Brock Warmuth (via electronic copy)
California Department of Fish and Game
P.O. Box 1179
Ventura, CA 93002
Phone: (805) 962-4698

Bonnie Rogers (via electronic copy)
U.S. Army Corps of Engineers
915 Wilshire Blvd, 11th Floor
Los Angeles, CA 90017

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

Diane Noda, Field Supervisor
U.S. Fish and Wildlife Service
2493 Portola Road, Suite B
Ventura, CA 93003

Peter Brand (via electronic copy)
Coastal Conservancy
1330 Broadway, Suite 1100
Oakland, CA 94612