

---

**Los Angeles Regional Water Quality Control Board**

Mr. Bo Wang  
3080 Cardillo Ave  
Hacienda Heights, CA 91745

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
No. 7009 2820 0001 6537 7320

**DENIAL WITHOUT PREJUDICE OF WATER QUALITY CERTIFICATION FOR PROPOSED 3080 CARDILLO AVENUE STREAM DRAINAGE PROJECT (Corps' Project No. 2014-00632-PKK), UNNAMED STREAM TRIBUTARY TO SAN GABRIEL RIVER, HACIENDA HEIGHTS, LOS ANGELES COUNTY (FILE NO. 14-094)**

Dear Mr. Wang:

Board staff has reviewed your request (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project to fill a streambed that drains to the San Gabriel River. I hereby deny your application without prejudice pursuant to §3859(d) of Title 23 of the California Code of Regulations (23 CCR) because it is inadequate.

We are unable to certify your project, because we cannot conclude that impacts to waters of the United States have been appropriately avoided or minimized. Your application submitted to the Los Angeles Regional Water Quality Control Board (Regional Board) states the purpose of the project is to "...grade property to make the land useful." Because there are many ways that land can be useful, i.e. housing, commercial developments, parks and recreational areas, and wildlife habitat, without a more specific use, we cannot determine if impacts have been appropriately avoided or minimized.

Your proposed project would underground (permanently remove) 0.053 acres (159 linear feet) of vegetated stream. There is no evidence that other alternatives were considered which would avoid or avoid to some extent, sections of the drainages within the project area. The advantages of a design in which natural drainages, or minimally modified drainages, are retained through the property, are multifold and may include enhanced property values, improved habitat, aesthetic amenities, and improved quality of life and in some cases economic benefits, including reducing cost of stormwater management.

The California Environmental Quality Act (CEQA) requires environmental review of any project. The environmental review will identify a project's potential impacts, develop ways to reduce those impacts, and report the results of the analysis to the public. It is our understanding no public agency has undertaken environmental review under CEQA. If your project proceeds, and no other public agency, such as an agency with general governmental powers such as the County of Los Angeles, takes the lead for environmental review under CEQA, this Regional Board could be the lead agency and conduct the CEQA review with your assistance. It does not

---

CHARLES STRINGER, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

320 West 4th St., Suite 200, Los Angeles, CA 90013 | [www.waterboards.ca.gov/losangeles](http://www.waterboards.ca.gov/losangeles)

appear as if your project would be exempt from CEQA. The project purpose must also be identified for an appropriate environmental review under CEQA.

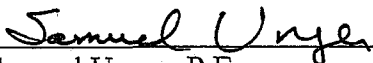
Additionally, when a project results in the permanent loss of waters, as your proposed project would, then compensatory mitigation must be completed which will replace those lost waters and its habitat. Several types of mitigation can compensate for loss; additional waters can be created on-site or elsewhere in the watershed nearby; or degraded waterways can be restored or enhanced such that habitat function is improved. Your application includes no proposed compensatory mitigation which would achieve "no net loss" by creating additional waters or improving existing waters in habitat function.

Before the 401 Certification can be issued for the proposed project, you must identify the project purpose, demonstrate that appropriate alternatives have been considered, comply with the requirements of CEQA, and propose adequate compensatory mitigation.

You may choose to revise your project or submit a report specifically regarding project alternatives and additional issues to be addressed, in order to complete your application in the future. Additional fees may be required, pursuant to 23 CCR §3833(4), if the revised application is not filed within twelve months of the date of this action or the project has changed significantly in scope or its potential for adverse impact.

We look forward to working with you. Should you have questions concerning this Certification action, please contact Dana Cole, Section 401 Program, at (213) 576-5733, [danacole@waterboards.ca.gov](mailto:danacole@waterboards.ca.gov) or Dr. LB Nye (213) 576-6785, [lnye@waterboards.ca.gov](mailto:lnye@waterboards.ca.gov).

Sincerely,

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

June 19, 2015  
Date

Distribution List

**Distribution List**  
**File No. 14-094**

Mike Letko  
3723 Mears Avenue  
Riverside, CA 92509

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

Sarah Rains (via electronic copy)  
California Department of Fish and Game  
Streambed Alteration Team  
4949 View Ridge Avenue  
San Diego, CA 92123

Daniel Swenson (via electronic copy)  
U.S. Army Corps of Engineers  
Regulatory Branch, Los Angeles District  
P.O. Box 532711  
Los Angeles, CA 90053-2325

Paul Amato (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

