

Los Angeles Regional Water Quality Control Board

Steve Dalberg  
Kissel Corporation  
28128 Pacific Coast Highway  
Malibu, CA 90265

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
No. 7008 1140 0002 8671 9271

**MODIFICATION OF WATER QUALITY CERTIFICATION FOR PROPOSED  
PARADISE COVE PIER REPAIR PROJECT (Corps' Project No. SPL-2014-00131-YK),  
PACIFIC OCEAN, CITY OF MALIBU, LOS ANGELES COUNTY (File No. 14-143)**

Dear Mr. Dalberg:

We are in receipt of your notification on April 28, 2015, requesting modification of your Conditional Section 401 Water Quality Certification for the subject project issued on March 9, 2015 (Certification).

Kissel Corporation (Applicant) is requesting to change the number of timber piles replaced in the Certification because, two (2) new piles have been identified as needing replacement. The original Certification project description consisted of repairing ten (10) timber piles.

In response to your request, under Attachment A, Item 7, project description, will read:

7. Project Description: The project consists of replacing 12 timber piles on the existing pier. The piles will be installed through the pile driving process and will be an in-kind replacement. The piles will be attached with cross braces and support beams with bolts. The project is expected to be completed within three to four weeks.

In addition, under Attachment B, Item 17 will read:

17. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed permanent impacts to **0.08 acres** of shoreline within waters of the United States/Federal jurisdictional wetlands by creating or restoring shoreline habitat at a minimum **2:1** area replacement ratio (**0.16 acres**). As an alternative, the Applicant may provide adequate funding to a third party organization for the creation or restoration of a total of **0.16 acres** of shoreline habitat within waters of the United States/Federal jurisdictional wetlands. The mitigation site shall be located within the offshore islands 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.

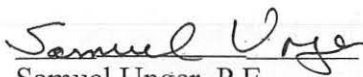
Additionally, a typographical error in Attachment B, Item 19, indicating required reporting on both January 1 and May 1 will be corrected; item 19 will now read:

19. The Applicant shall submit to this Regional Board **Annual Mitigation Monitoring Reports** by **January 1<sup>st</sup>** of each year for a minimum period of **five (5) years** after planting or until mitigation success has been achieved. The report 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. This report shall include as a minimum, the following documentation:

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. 14-143 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 April 28, 2015 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, Section 401 Program, at (213) 576-6759.

Sincerely,

  
Samuel Unger, P.E.  
Executive Officer

June 22, 2015  
Date

Attached: Distribution List

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