



REPLY TO  
ATTENTION OF

## DEPARTMENT OF THE ARMY

Los Angeles District Corps of Engineers  
LOS ANGELES DISTRICT CORPS OF ENGINEERS  
P.O. BOX 532711  
LOS ANGELES, CALIFORNIA 90053-2325

March 4, 2013

Regulatory Division

Erma Hurse  
San Bernardino County Department of Public Works  
Environmental Management Division  
825 East Third Street, Room 127  
San Bernardino, California 92415

### DEPARTMENT OF THE ARMY NATIONWIDE PERMIT VERIFICATION

Dear Ms. Hurse:

I am responding to your request (SPL-2007-00128-SLP) for a Department of the Army permit. Your proposed project, the Alabama Street Arch Culvert project, would result in a discharge of fill material into waters of the United States. Therefore, pursuant to section 404 of the Clean Water Act (33 U.S.C. 1344; 33 C.F.R. parts 323 and 330), your proposed project requires a Department of the Army permit. The project is located within the city of Highland, San Bernardino County, California (as shown on the attached figures).

I have determined construction of Alabama Street Arch Culvert Project complies with Nationwide Permit (NWP) No. 14: *Linear Transportation Projects*, if conducted as described in your application.

Specifically, and as shown on the attached figures, you are authorized to conduct the following regulated activities:

1. Permanently impact up to 0.25 acre of non-wetland waters of the U.S. for the installation of grouted riprap immediately upstream and downstream of the Alabama Street crossing (as depicted on the enclosed Jurisdictional Delineation Impacts Figure);
2. Temporarily impact up to 0.67 acre of non-wetland waters of the U.S. for the grading areas immediately upstream and downstream of the Alabama Street crossing (as depicted on the enclosed Jurisdictional Delineation Impacts Figure).

For this NWP verification letter to be valid, you must comply with all of the terms and conditions in Enclosure 1. Furthermore, you must comply with the following non-discretionary Special Conditions listed below:

1. Prior to initiating construction in waters of the U.S., and to mitigate for impacts to 0.25 acre of non-wetland waters of the U.S., the Permittee shall provide documentation verifying purchase of 0.25 acre credits for the enhancement of the Santa Ana River from a Corps-approved mitigation

bank or in-lieu fee program (ILFP). The Permittee shall not initiate work in waters of the U.S. prior to receiving written confirmation (by letter or e-mail) from the Corps Regulatory Division as to compliance with this special condition. The permittee retains responsibility for providing the compensatory mitigation until the number and resource type of credits described above have been secured from a sponsor and the district engineer has received documentation that confirms that the sponsor has accepted the responsibility for providing the required compensatory mitigation. This documentation may consist of a letter or form signed by the sponsor, with the permit number and a statement indicating the number and resource type of credits that have been secured from the sponsor.

2. The Permittee shall clearly mark the limits of the workspace with flagging or similar means to ensure mechanized equipment does not enter waters of the U.S. and habitat areas beyond the impact areas shown on the enclosed Jurisdictional Delineation Impacts Figure. Adverse impacts to waters of the U.S. beyond the Corps-approved construction footprint are not authorized. Such impacts could result in permit suspension and revocation, administrative, civil or criminal penalties, and/or substantial, additional, compensatory mitigation requirements

3. Within 45 calendar days of completion of authorized work in waters of the U.S., the Permittee shall submit to the Corps Regulatory Division a post-project implementation memorandum including the following information:

- A) Date(s) work within waters of the U.S. was initiated and completed;
- B) Summary of compliance status with each special condition of this permit (including any noncompliance that previously occurred or is currently occurring and corrective actions taken or proposed to achieve compliance);
- C) Color photographs (including map of photopoints) taken at the project site before and after construction for those aspects directly associated with permanent impacts to waters of the U.S. such that the extent of authorized fills can be verified;
- D) One copy of "as built" drawings for the entire project. Electronic submittal (Adobe PDF format) is preferred. All sheets must be signed, dated, and to-scale. If submitting paper copies, sheets must be no larger than 11 x 17 inches; and
- E) Signed Certification of Compliance (attached as part of this permit package).

4. No later than one month following completion of authorized work in waters of the U.S., the permittee shall ensure all sites within waters of the U.S. subject to authorized, temporary impacts are restored to pre-project alignments, elevation contours, and conditions to the maximum extent practicable to ensure expeditious resumption of aquatic resource functions. No later than 45 calendar days following completion of authorized work in waters of the U.S., the permittee shall submit a memorandum documenting compliance with this special condition.

5. This Corps permit does not authorize you to take any threatened or endangered species, in particular the San Bernardino kangaroo rat (*Dipodomys merriami parvus*) or adversely modify its designated critical habitat. In order to legally take a listed species, you must have separate authorization under the Endangered Species Act (ESA) (e.g. ESA Section 10 permit, or a Biological Opinion (BO) under ESA Section 7, with "incidental take" provisions with which you must comply). The enclosed FWS BO (FWS-SB-08B0093-08F0083) and email correspondence (dated 5/21/2012) contains mandatory terms and conditions to implement the reasonable and prudent

measures that are associated with "incidental take" that is also specified in the BO. Your authorization under this Corps permit is conditional upon your compliance with all of the mandatory terms and conditions associated with incidental take of the attached BO, which terms and conditions are incorporated by reference in this permit. Failure to comply with the terms and conditions associated with incidental take of the BO, where a take of the listed species occurs, would constitute an unauthorized take, and it would also constitute non-compliance with your Corps permit.

Your verification is valid through March 4, 2015. All NWP's will expire on March 18, 2017. It is incumbent upon you to remain informed of changes to the NWP's. A public notice of the change(s) will be issued when any of the NWP's are modified, reissued, or revoked. Furthermore, if you commence or are under contract to commence this activity before the date on which the relevant NWP is reissued, modified, or revoked, you will have twelve (12) months from the date of the reissuance, modification, or revocation of the NWP to complete the activity under the present terms and conditions of the relevant NWP.

A preliminary jurisdictional determination (JD) has been conducted to determine the extent of U.S. Army Corps of Engineers (Corps) geographic jurisdiction, upon which this NWP verification is based. A preliminary JD is advisory in nature and is a written indication Corps geographic jurisdiction may be present on a particular site, but is not appealable. An approved JD is an official Corps determination of the precisely identified limits of Corps geographic jurisdiction on a particular site, and is appealable. Should you wish to appeal an approved JD, you may request an administrative appeal under Corps regulations at 33 C.F.R. Part 331. Please refer to the enclosed Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form for more information.

A NWP does not grant any property rights or exclusive privileges. Additionally, it does not authorize any injury to the property, rights of others, nor does it authorize interference with any existing or proposed Federal project. Furthermore, it does not obviate the need to obtain other Federal, state, or local authorizations required by law.

Thank you for participating in our regulatory program. If you have any questions, please contact Shannon Pankratz at 213-452-3412 or via e-mail at [Shannon.L.Pankratz@usace.army.mil](mailto:Shannon.L.Pankratz@usace.army.mil).

Please be advised you can now comment on your experience with Regulatory Division by accessing the Corps web-based customer survey form at:  
<http://per2.nwp.usace.army.mil/survey.html>.

*“Building Strong and Taking Care of People!”*

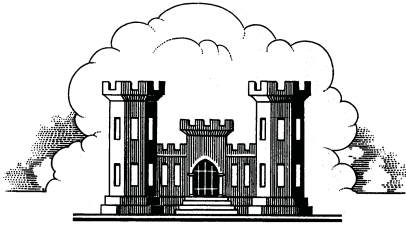
Sincerely,

SWENSON.DANIEL.  
PATTERSON.10813  
48363

Digitally signed by  
SWENSON.DANIEL.PATTERSON.1081348363  
DN: c=US, o=U.S. Government, ou=DoD,  
ou=PKI, ou=USA,  
cn=SWENSON.DANIEL.PATTERSON.10813483  
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Daniel P. Swenson, D. Env  
Chief, L.A. & San Bernardino Section  
North Coast Branch  
Regulatory Division

Enclosures



**LOS ANGELES DISTRICT  
U.S. ARMY CORPS OF ENGINEERS**

**CERTIFICATE OF COMPLIANCE WITH  
DEPARTMENT OF THE ARMY NATIONWIDE PERMIT**

**Permit Number:** *SPL-2007-00128-SLP*

**Name of Permittee:** *Erma Hurse, San Bernardino County Department of Public Works*

**Date of Issuance:** *March 4, 2013*

Upon completion of the activity authorized by this permit and the mitigation required by this permit, sign this certificate, and return it to the following address:

U.S. Army Corps of Engineers, Los Angeles District  
Regulatory Division  
ATTN: CESPL-RG-SPL-2007-00128-SLP  
LOS ANGELES DISTRICT CORPS OF ENGINEERS  
P.O. BOX 532711  
LOS ANGELES, CALIFORNIA 90053-2325

Please note your permitted activity is subject to a compliance inspection by an Army Corps of Engineers representative. If you fail to comply with this Nationwide Permit, you may be subject to permit suspension, modification, or revocation procedures as contained in 33 C.F.R. § 330.5 or enforcement procedures such as those contained in 33 C.F.R. §§ 326.4 and 326.5.

I hereby certify the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit condition(s).

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Signature of Permittee

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Date