



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY

Los Angeles District Corps of Engineers
Ventura Field Office
2151 Alessandro Drive, Suite 110
Ventura, California 93001

June 8, 2012

Regulatory Division

Lisa Schicker
Department of Transportation
District 5
50 Higuera Street
San Luis Obispo, California 93401

DEPARTMENT OF THE ARMY NATIONWIDE PERMIT VERIFICATION

Dear Ms. Schicker:

I am responding to your March 15, 2012 request (SPL-2009-00499-TS) for a Department of the Army permit reauthorization under the 2012 Nationwide Permit Program.

Your project, the Santa Maria River Bridge Widening, would result in a discharge of dredged and/or 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 at on U.S. 101 in the City of Santa Maria in Santa Barbara and San Luis Obispo counties, California.

I have determined the project complies with Nationwide Permit (NWP) No. 14 Linear Transportation Projects.

Specifically, you are authorized to conduct the following regulated activities:

1. Permanently impact 0.16 acre of waters of the United States for the purpose of widening the existing U.S. Highway 101 bridges across the Santa Maria River. Permanent impacts are associated with extension of the concrete bridge piers to support the widened bridge decks.
2. Temporarily impact approximately 13.95 acres of waters of the United States during construction activities associated with item one above.
3. Provide 1.082 acres of compensatory mitigation for permanent impacts to waters of the United States. Compensatory mitigation would occur within the bed of the Santa Maria River and would be installed immediately following completion of construction activities. Compensatory mitigation would be installed and monitored for five (5) years in accordance with the Mitigation and Monitoring Plan (MMP) dated December 3, 2009.
4. Provide 16.16 acres of site restoration for temporary impacts to waters of the United States. Site restoration in the form of revegetation with native seed and weed control would occur within the bed of the Santa Maria River and would be

installed immediately following completion of construction activities. Revegetation/seeding in temporarily impacted areas would be installed and monitored for five (5) years in accordance with the Mitigation and Monitoring Plan (MMP) dated December 3, 2009.

For this NWP 14 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. The Permittee shall provide a copy of this permit to all Caltrans field staff, contractors, subcontractors, and equipment operators. Copies of this permit shall be readily available at the work site at all times during periods of active work, and shall be presented to any Corps personnel upon request.
2. The Permittee shall notify the Corps Regulatory Division project manager (Theresa Stevens, 805-585-2146-phone, 805-585-2154-fax; or Theresa.Stevens@usace.army.mil) at least 5 days in advance of work in waters of the United States. Notification in the form of electronic mail, telephone, facsimile or other direct communication is recommended.
3. Prior to initiation of construction in waters of the United States, the Permittee shall clearly mark the limits of the workspace with flagging or similar means to ensure mechanized equipment does not enter preserved waters of the U.S. and riparian wetland/habitat areas shown on the enclosed exhibits. 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.
4. 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 memo indicating the date authorized impacts to waters of the U.S. ceased.
5. Within 45 calendar days of complete installation of all mitigation, the Permittee shall submit to the Corps Regulatory Division two copies of a memo indicating the following:
 - A) Date(s) all mitigation was installed and monitoring was initiated;
 - B) Schedule for future mitigation monitoring, implementation and reporting pursuant to final, Corps-approved MMP;
 - C) Summary of compliance status with each special condition of this permit (including any noncompliance previously occurred or currently occurring and corrective actions taken to achieve compliance);
 - D) Color photographs taken at the project site before and after construction for those aspects directly associated with impacts to waters of the U.S.; and
 - E) One copy of "as built" drawings for the entire project, including all mitigation sites (all sheets must be signed, dated, to-scale, and no larger than 11 x 17 inches).

6. This Corps permit does not authorize you to take any threatened or endangered species, in particular the California red legged frog (*Rana aurora draytonii*) and southern steelhead (*Oncorhynchus mykiss*), or adversely modify 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 U.S. Fish and Wildlife Service BO (FWS File No. 1-8-06-F-23, dated August 23, 2006) 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.
7. Pursuant to 36 C.F.R. section 800.13, in the event of any discoveries during construction of either human remains, archeological deposits, or any other type of historic property, the Permittee shall notify the Corps' Regulatory and Archeology Staff within 24 hours (Regulatory: Theresa Stevens at 805-585-2146; Archaeology: Steve Dibble at 213-452-3849 or John Killeen at 213-452-3861). The Permittee shall immediately suspend all work in any area(s) where potential cultural resources are discovered. The Permittee shall not resume construction in the area surrounding the potential cultural resources until the Corps Regulatory Division re-authorizes project construction, per 36 C.F.R. Section 800.13.

Your verification is valid through March 18, 2017. **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 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.

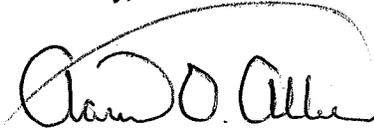
A NWP does not grant any property rights or exclusive privileges. Additionally, it does not authorize any injury to the property, rights of others, nor does it authorize interference with any existing or proposed Federal project. Furthermore, it does not obviate the need to obtain other Federal, state,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

Thank you for participating in our regulatory program. If you have any questions, please contact Theresa Stevens, Ph.D. at 805-585-2146 or via e-mail at theresa.stevens@usace.army.mil.

Please be advised that 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>.

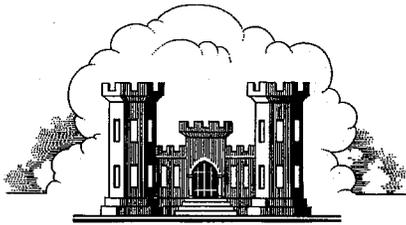
“Building Strong and Taking Care of People!”

Sincerely,

A handwritten signature in black ink, appearing to read "Aaron O. Allen". The signature is written in a cursive style with a large, sweeping flourish over the top of the letters.

Aaron O. Allen, Ph.D.
Chief, North coast Branch
Regulatory Division

Enclosure(s) Nationwide Permit General Conditions



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

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

Permit Number: *SPL-2009-00499-TS*

Name of Permittee: *Department of Transportation, District 5*

Date of Issuance: *June 8, 2012*

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-2009-00499-TS
2151 Alessandro Drive, Suite 110
Ventura, CA 93001

Please note that 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 that 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).

Signature of Permittee

Date