



REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY  
US ARMY CORPS OF ENGINEERS  
P.O. BOX 532711  
LOS ANGELES, CA 90053-2325**

December 18, 2013

Regulatory Division

Scott Quinnell  
California Department of Transportation, District 8  
Senior Environmental Planner 464 West 4th Street  
San Bernardino, California 92401-1400

**DEPARTMENT OF THE ARMY NATIONWIDE PERMIT VERIFICATION**

Dear Mr. Quinnell:

I am responding to your request (SPL-2009-00607) for a Department of the Army permit. Your proposed project, the State Route 138 Widening Project Phase I, is located within San Bernardino and Los Angeles Counties, California.

This project 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.

I have determined construction of your proposed project would comply with Nationwide Permit (NWP) No. 14 Linear Transportation Projects, if constructed as described in your application.

Specifically, and as shown on the attached drawing(s)/map(s), you are authorized to conduct the following regulated activities:

1. To discharge fill, as described in item no. 2 below, in association with widening the existing SR-138 facility to a 4-lane highway, including a 4-foot median buffer and 8-foot outside shoulders beginning from the I-15 to approximately 0.6 mile west of the SR-138 and Phelan Road intersection (Phase I).
2. To permanently discharge fill into a total of 1.49 acres of waters of the U.S. including Cajon Creek and at crossings 1-57 and temporarily discharge fill into 0.2 acres of waters of the U.S. at the Cajon Creek crossing, as described in Table 2 and Figures 1 through 3B of the revised delineation report dated October 1, 2013, prepared by AMEC Environment & Infrastructure, Inc.

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 non-discretionary Special Conditions listed below:

1. Prior to initiating construction in waters of the U.S., the Permittee shall submit to the Corps Regulatory Division a complete set of final detailed grading/construction plans (in PDF format) showing all work and structures in waters of the U.S. All plans shall be in compliance with the Final Map and Drawing Standards for the South Pacific Division Regulatory Program dated August 6, 2012

(<http://www.spd.usace.army.mil/Portals/13/docs/regulatory/standards/map.pdf>). All plan sheets shall be signed, dated, and submitted on paper no larger than 11x 17 inches. No work in waters of the U.S. is authorized until the Permittee receives, in writing (by letter or e-mail), Corps Regulatory Division approval of the final detailed grading/construction plans. The Permittee shall ensure that the project is built in accordance with the Corps-approved plans.

2. 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).

3. This Corps permit does not authorize you to take any threatened or endangered species, in particular the Least Bell's vireo (*Vireo bellii pusillus* "LBV"), southwestern willow flycatcher (*Empidonax traillii extimus*), arroyo toad (*Anaxyrus californicus* (*Bufo microscaphus* c.)), Santa Ana River woolly-star (*Eriastrum densifolium* ssp. *sanctorum*), slender-homed spineflower (*Dodecahema leptoceras* (*Centrostegia* l.)), and the federally threatened desert tortoise (*Gopherus agassizii*), or adversely modify any of their 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). Pursuant to the FWS correspondence dated June 28, 2012, including the required, referenced avoidance and minimization measures, the Corps Regulatory Division has determined and the FWS has concurred your activity is not likely to adversely affect the above species. Your authorization under this Corps permit is conditional upon your compliance with all of the required avoidance and minimization measures, which are incorporated by reference in this permit. Failure to comply with the required avoidance and minimization measures would constitute non-compliance with your Corps permit.

4. This permit is contingent upon the issuance of a section 401 Water Quality Certification (WQC). The Permittee shall abide by the terms and conditions of the Clean Water Act section 401 WQC. The Permittee shall submit the section 401 WQC to the Corps Regulatory Division (preferably via email) within two weeks of receipt from the issuing state agency. The Permittee shall not proceed with construction until receiving an e-mail or other written notification from Corps Regulatory Division acknowledging the Clean Water Act 401 WQC has been received, reviewed, and determined to be acceptable. If the RWQCB fails to act on a valid request for certification within two months after receipt of a complete application, please notify the Corps so we may consider whether a waiver of water quality certification has been obtained.

This verification is valid through March 18, 2017. If on March 18, 2017 you have commenced or are under contract to commence the permitted activity you will have an additional twelve (12) months to complete the activity under the present NWP terms and conditions. However, if I discover noncompliance or unauthorized activities associated with the permitted activity we can exercise discretionary authority and thereby modify, suspend, or revoke this specific verification at an earlier date in accordance with procedures in 33 C.F.R. § 330.4(e) and 33 C.F.R. § 330.5(c) or (d). At the national level the Chief of Engineers at any time prior to the expiration of a NWP may choose to modify, suspend, or revoke the nationwide use of a NWP after following procedures set forth in 33 C.F.R. § 330.5. It is incumbent upon you to comply with all of the terms and conditions of this NWP verification and to remain informed of any change to the NWPs.

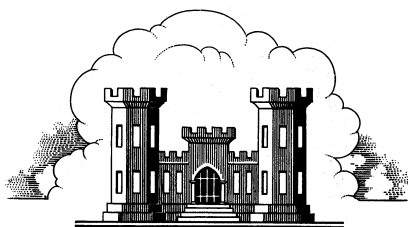
A NWP does not grant any property rights or exclusive privileges. Additionally, it does not authorize any injury to the property, rights of others, nor does it authorize interference with any existing or proposed Federal project. Furthermore, it does not obviate the need to obtain other Federal, state,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

Thank you for participating in the regulatory program. If you have any questions, please contact Daniel Swenson at 213-452-3414 or via e-mail at [Daniel.P.Swenson@usace.army.mil](mailto:Daniel.P.Swenson@usace.army.mil). Please complete the customer survey form at <http://per2.nwp.usace.army.mil/survey.html>, which would help me to evaluate and improve the regulatory experience for others.

Sincerely,

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

Enclosure(s)



**LOS ANGELES DISTRICT  
US ARMY CORPS OF ENGINEERS**

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

**Permit Number:** *SPL-2009-00607*

**Name of Permittee:** *Scott Quinnell, California Department of Transportation, District 8*

**Date of Issuance:** *December 18, 2013*

Upon completion of the activity authorized by this permit and the mitigation required by this permit, sign this certificate, and return it by **ONE** of the following methods;

1) Email a digital scan of the signed certificate to Daniel.P.Swenson@usace.army.mil  
**OR**

2) Mail the signed certificate to  
US Army Corps of Engineers  
ATTN: Regulatory Division SPL-2009-00607-VCC  
P.O. Box 532711  
Los Angeles, CA 90053-2325

I hereby certify the authorized work and any required compensatory mitigation has been completed in accordance with the NWP authorization, including all general, regional, or activity-specific conditions. Furthermore, if credits from a mitigation bank or in-lieu fee program were used to satisfy compensatory mitigation requirements I have attached the documentation required by 33 CFR 332.3(l)(3) to confirm the appropriate number and resource type of credits have been secured.

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Signature of Permittee

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Date

## **Enclosure 1: NATIONWIDE PERMIT NUMBER(S) NWP 14 Linear Transportation Projects. TERMS AND CONDITIONS**

### **1. Nationwide Permit(s) NWP 14 Linear Transportation Projects. Terms:**

Your activity is authorized under Nationwide Permit Number(s) NWP 14 Linear Transportation Projects. subject to the following terms:

14. Linear Transportation Projects. Activities required for the construction, expansion, modification, or improvement of linear transportation projects (e.g., roads, highways, railways, trails, airport runways, and taxiways) in waters of the United States. For linear transportation projects in non-tidal waters, the discharge cannot cause the loss of greater than 1/2-acre of waters of the United States. For linear transportation projects in tidal waters, the discharge cannot cause the loss of greater than 1/3-acre of waters of the United States. Any stream channel modification, including bank stabilization, is limited to the minimum necessary to construct or protect the linear transportation project; such modifications must be in the immediate vicinity of the project. This NWP also authorizes temporary structures, fills, and work necessary to construct the linear transportation project. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate. This NWP cannot be used to authorize non-linear features commonly associated with transportation projects, such as vehicle maintenance or storage buildings, parking lots, train stations, or aircraft hangars. Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if: (1) the loss of waters of the United States exceeds 1/10 acre; or (2) there is a discharge in a special aquatic site, including wetlands. (See general condition 27.) (Sections 10 and 404) Note: Some discharges for the construction of farm roads or forest roads, or temporary roads for moving mining equipment, may qualify for an exemption under Section 404(f) of the Clean Water Act (see 33 CFR 323.4).

Note: To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as appropriate, in addition to any regional or case-specific conditions imposed by the division engineer or district engineer. Prospective permittees should contact the appropriate Corps district office to determine if regional conditions have been imposed on an NWP. Prospective permittees should also contact the appropriate Corps district office to determine the status of Clean Water Act Section 401 water quality certification and/or Coastal Zone Management Act consistency for an NWP.

**2. Nationwide Permit General Conditions:** The following general conditions must be followed in order for any authorization by an NWP to be valid:

1. 1. Navigation. (a) No activity may cause more than a minimal adverse effect on navigation.  
(b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.  
(c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of

the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

2. Aquatic Life Movements. No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species.
3. Spawning Areas. Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.
4. Migratory Bird Breeding Areas. Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.
5. Shellfish Beds. No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWP 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.
6. Suitable Material. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).
7. Water Supply Intakes. No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.
8. Adverse Effects From Impoundments. If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.
9. Management of Water Flows. To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization and storm water management activities, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).
10. Fills Within 100-Year Floodplains. The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

11. Equipment. Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.
12. Soil Erosion and Sediment Controls. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow.
13. Removal of Temporary Fills. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.
14. Proper Maintenance. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions added by the district engineer to an NWP authorization.
15. Single and Complete Project. The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.
16. Wild and Scenic Rivers. No activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service).
17. Tribal Rights. No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.
18. Endangered Species. (a) No activity is authorized under any NWP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized under any NWP which “may affect” a listed species or critical habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed.  
(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will review the documentation and determine whether it is sufficient to address ESA compliance for the NWP activity, or whether additional ESA consultation is necessary.  
(c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the

project is located in designated critical habitat, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species or designated critical habitat, the pre-construction notification must include the name(s) of the endangered or threatened species that might be affected by the proposed work or that utilize the designated critical habitat that might be affected by the proposed work. The district engineer will determine whether the proposed activity “may affect” or will have “no effect” to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps’ determination within 45 days of receipt of a complete pre-construction notification. In cases where the non-Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the project, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification the proposed activities will have “no effect” on listed species or critical habitat, or until Section 7 consultation has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(d) As a result of formal or informal consultation with the FWS or NMFS the district engineer may add species-specific regional endangered species conditions to the NWP.

(e) Authorization of an activity by a NWP does not authorize the “take” of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with “incidental take” provisions, etc.) from the U.S. FWS or the NMFS, The Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where “take” means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word “harm” in the definition of “take” means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

(f) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the U.S. FWS and NMFS or their world wide web pages at <http://www.fws.gov/> or <http://www.fws.gov/ipac> and <http://www.noaa.gov/fisheries.html> respectively.

19. Migratory Birds and Bald and Golden Eagles. The permittee is responsible for obtaining any “take” permits required under the U.S. Fish and Wildlife Service’s regulations governing compliance with the Migratory Bird Treaty Act or the Bald and Golden Eagle Protection Act. The permittee should contact the appropriate local office of the U.S. Fish and Wildlife Service to determine if such “take” permits are required for a particular activity.

20. Historic Properties. (a) In cases where the district engineer determines that the activity may affect properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

(b) Federal permittees should follow their own procedures for complying with the requirements of Section 106 of the National Historic Preservation Act. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will review the documentation and determine whether it is sufficient to address section 106 compliance for the NWP activity, or whether additional section 106 consultation is necessary.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the authorized activity may have the potential to cause effects to any historic properties listed on,



determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties may be affected by the proposed work or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of or potential for the presence of historic resources can be sought from the State Historic Preservation Officer or Tribal Historic Preservation Officer, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of Section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. Based on the information submitted and these efforts, the district engineer shall determine whether the proposed activity has the potential to cause an effect on the historic properties. Where the non-Federal applicant has identified historic properties on which the activity may have the potential to cause effects and so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects or that consultation under Section 106 of the NHPA has been completed.

(d) The district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA Section 106 consultation is required. Section 106 consultation is not required when the Corps determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR §800.3(a)). If NHPA section 106 consultation is required and will occur, the district engineer will notify the non-Federal applicant that he or she cannot begin work until Section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(e) Prospective permittees should be aware that section 110k of the NHPA (16 U.S.C. 470h-2(k)) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of Section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

21. Discovery of Previously Unknown Remains and Artifacts. If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the district engineer of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

22. Designated Critical Resource Waters. Critical resource waters include, NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment, additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment.
- (a) Discharges of dredged or fill material into waters of the United States are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, and 52 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.
  - (b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, and 38, notification is required in accordance with general condition 31, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after it is determined that the impacts to the critical resource waters will be no more than minimal.
23. Mitigation. The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that adverse effects on the aquatic environment are minimal:
- (a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).
  - (b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the adverse effects to the aquatic environment are minimal.
  - (c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse effects of the proposed activity are minimal, and provides a project-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in minimal adverse effects on the aquatic environment. Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.
    - (1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in minimal adverse effects on the aquatic environment.
    - (2) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, wetland restoration should be the first compensatory mitigation option considered.
    - (3) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) – (14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)).

(4) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan only needs to address the baseline conditions at the impact site and the number of credits to be provided.

(5) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan.

(d) For losses of streams or other open waters that require pre-construction notification, the district engineer may require compensatory mitigation, such as stream rehabilitation, enhancement, or preservation, to ensure that the activity results in minimal adverse effects on the aquatic environment.

(e) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any project resulting in the loss of greater than 1/2-acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that a project already meeting the established acreage limits also satisfies the minimal impact requirement associated with the NWPs.

(f) Compensatory mitigation plans for projects in or near streams or other open waters will normally include a requirement for the restoration or establishment, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, riparian areas may be the only compensatory mitigation required. Riparian areas should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to establish a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or establishing a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(g) Permittees may propose the use of mitigation banks, in-lieu fee programs, or separate permittee-responsible mitigation. For activities resulting in the loss of marine or estuarine resources, permittee-responsible compensatory mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee-responsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management.

(h) Where certain functions and services of waters of the United States are permanently adversely affected, such as the conversion of a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse effects of the project to the minimal level.

24. Safety of Impoundment Structures. To ensure that all impoundment structures are safely designed, the district engineer may require non-Federal applicants to demonstrate that the structures comply with established state dam safety criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

25. Water Quality. Where States and authorized Tribes, or EPA where applicable, have not previously certified compliance of an NWP with CWA Section 401, individual 401 Water Quality Certification must be obtained or waived (see 33 CFR 330.4(c)). The district engineer or State or Tribe may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.
26. Coastal Zone Management. In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). The district engineer or a State may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.
27. Regional and Case-By-Case Conditions. The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.
28. Use of Multiple Nationwide Permits. The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.
29. Transfer of Nationwide Permit Verifications. If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature:

“When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.”

---

(Transferee)

---

(Date)

30. Compliance Certification. Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and any required

compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include:

- (a) A statement that the authorized work was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions;
- (b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(l)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and
- (c) The signature of the permittee certifying the completion of the work and mitigation.

31. Pre-Construction Notification. (a) Timing. Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the additional information necessary to make the PCN complete. The request must specify the information needed to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

(1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or

(2) 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer.

However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species or critical habitat might be affected or in the vicinity of the project, or to notify the Corps pursuant to general condition 20 that the activity may have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or Section 106 of the National Historic Preservation (see 33 CFR 330.4(g)) has been completed. Also, work cannot begin under NWPs 21, 49, or 50 until the permittee has received written approval from the Corps. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) Contents of Pre-Construction Notification: The PCN must be in writing and include the following information:

- (1) Name, address and telephone numbers of the prospective permittee;

(2) Location of the proposed project;

(3) A description of the proposed project; the project's purpose; direct and indirect adverse environmental effects the project would cause, including the anticipated amount of loss of water of the United States expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity. The description should be sufficiently detailed to allow the district engineer to determine that the adverse effects of the project will be minimal and to determine the need for compensatory mitigation.

Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the project and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans);

(4) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site.

Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many waters of the United States. Furthermore, the 45 day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate;

(5) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse effects are minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

(6) If any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, for non-Federal applicants the PCN must include the name(s) of those endangered or threatened species that might be affected by the proposed work or utilize the designated critical habitat that may be affected by the proposed work. Federal applicants must provide documentation demonstrating compliance with the Endangered Species Act; and

(7) For an activity that may affect a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, for non-Federal applicants the PCN must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property. Federal applicants must provide documentation demonstrating compliance with Section 106 of the National Historic Preservation Act.

(c) Form of Pre-Construction Notification: The standard individual permit application form (Form ENG 4345) may be used, but the completed application form must clearly indicate that it is a PCN and must include all of the information required in paragraphs (b)(1) through (7) of this general condition. A letter containing the required information may also be used.

(d) Agency Coordination: (1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the project's adverse environmental effects to a minimal level.

(2) For all NWP activities that require pre-construction notification and result in the loss of greater than 1/2-acre of waters of the United States, for NWP 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52 activities that require pre-construction notification and will result in the loss of greater than 300

linear feet of intermittent and ephemeral stream bed, and for all NWP 48 activities that require pre-construction notification, the district engineer will immediately provide (e.g., via e-mail, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (U.S. FWS, state natural resource or water quality agency, EPA, State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Office (THPO), and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days from the date the material is transmitted to telephone or fax the district engineer notice that they intend to provide substantive, site-specific comments. The comments must explain why the agency believes the adverse effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the pre-construction notification. The district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity's compliance with the terms and conditions of the NWPs, including the need for mitigation to ensure the net adverse environmental effects to the aquatic environment of the proposed activity are minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

(3) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by Section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

(4) Applicants are encouraged to provide the Corps with either electronic files or multiple copies of pre-construction notifications to expedite agency coordination.

### **3. Regional Conditions for the Los Angeles District:**

In accordance with General Condition Number 27, "Regional and Case-by-Case Conditions," the following Regional Conditions, as added by the Division Engineer, must be met in order for an authorization by any Nationwide to be valid:

1. For all activities in waters of the U.S. that are suitable habitat for federally listed fish species, the permittee shall design all road crossings to ensure that the passage and/or spawning of fish is not hindered. In these areas, the permittee shall employ bridge designs that span the stream or river, including pier- or pile-supported spans, or designs that use a bottomless arch culvert with a natural stream bed, unless determined to be impracticable by the Corps.
2. Nationwide Permits (NWP) 3, 7, 12-15, 17-19, 21, 23, 25, 29, 35, 36, or 39-46, 48-52 cannot be used to authorize structures, work, and/or the discharge of dredged or fill material that would result in the "loss" of wetlands, mudflats, vegetated shallows or riffle and pool complexes as defined at 40 CFR Part 230.40-45. The definition of "loss" for this regional condition is the same as the definition of "loss of waters of the United States" used for the Nationwide Permit Program. Furthermore, this regional condition applies only within the State of Arizona and within the Mojave and Sonoran (Colorado) desert

regions of California. The desert regions in California are limited to four USGS Hydrologic Unit Code (HUC) accounting units (Lower Colorado -150301, Northern Mojave-180902, Southern Mojave-181001, and Salton Sea-181002).

3. When a pre-construction notification (PCN) is required, the appropriate U.S. Army Corps of Engineers (Corps) District shall be notified in accordance with General Condition 31 using either the South Pacific Division PCN Checklist or a signed application form (ENG Form 4345) with an attachment providing information on compliance with all of the General and Regional Conditions. The PCN Checklist and application form are available at: <http://www.spl.usace.army.mil/regulatory>. In addition, the PCN shall include:
  - a. A written statement describing how the activity has been designed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States;
  - b. Drawings, including plan and cross-section views, clearly depicting the location, size and dimensions of the proposed activity as well as the location of delineated waters of the U.S. on the site. The drawings shall contain a title block, legend and scale, amount (in cubic yards) and area (in acres) of fill in Corps jurisdiction, including both permanent and temporary fills/structures. The ordinary high water mark or, if tidal waters, the mean high water mark and high tide line, should be shown (in feet), based on National Geodetic Vertical Datum (NGVD) or other appropriate referenced elevation. All drawings for projects located within the boundaries of the Los Angeles District shall comply with the most current version of the *Map and Drawing Standards for the Los Angeles District Regulatory Division* (available on the Los Angeles District Regulatory Division website at: [www.spl.usace.army.mil/regulatory/](http://www.spl.usace.army.mil/regulatory/)); and
  - c. Numbered and dated pre-project color photographs showing a representative sample of waters proposed to be impacted on the project site, and all waters proposed to be avoided on and immediately adjacent to the project site. The compass angle and position of each photograph shall be documented on the plan-view drawing required in subpart b of this regional condition.
4. Submission of a PCN pursuant to General Condition 31 and Regional Condition 3 shall be required for all regulated activities in the following locations:
  - a. All perennial waterbodies and special aquatic sites within the State of Arizona and within the Mojave and Sonoran (Colorado) desert regions of California, excluding the Colorado River in Arizona from Davis Dam to River Mile 261 (northern boundary of the Fort Mojave Indian Tribe Reservation). The desert region in California is limited to four USGS HUC accounting units (Lower Colorado -150301, Northern Mojave-180902, Southern Mojave-181001, and Salton Sea-181002).
  - b. All areas designated as Essential Fish Habitat (EFH) by the Pacific Fishery Management Council (i.e., all tidally influenced areas - Federal Register dated March 12, 2007 (72 FR 11092)), in which case the PCN shall include an EFH assessment and extent of proposed impacts to EFH. Examples of EFH habitat assessments can be found at: <http://www.swr.noaa.gov/efh.htm>.
  - c. All watersheds in the Santa Monica Mountains in Los Angeles and Ventura counties bounded by Calleguas Creek on the west, by Highway 101 on the north and east, and by Sunset Boulevard and Pacific Ocean on the south.
  - d. The Santa Clara River watershed in Los Angeles and Ventura counties, including but not limited to Aliso Canyon, Agua Dulce Canyon, Sand Canyon, Bouquet Canyon, Mint Canyon, South Fork of the Santa Clara River, San Francisquito Canyon, Castaic Creek, Piru Creek, Sespe Creek and the main-stem of the Santa Clara River.



5. Individual Permits shall be required for all discharges of fill material in jurisdictional vernal pools, with the exception that discharges for the purpose of restoration, enhancement, management or scientific study of vernal pools may be authorized under NWP 5, 6, and 27 with the submission of a PCN in accordance with General Condition 31 and Regional Condition 3.
6. Individual Permits shall be required in Murrieta Creek and Temecula Creek watersheds in Riverside County for new permanent fills in perennial and intermittent watercourses otherwise authorized under NWP 29, 39, 42 and 43, and in ephemeral watercourses for these NWP 14 for projects that impact greater than 0.1 acre of waters of the United States. In addition, when NWP 14 is used in conjunction with residential, commercial, or industrial developments the 0.1 acre limit would also apply.
7. Individual Permits (Standard Individual Permit or 404 Letter of Permission) shall be required in San Luis Obispo Creek and Santa Rosa Creek in San Luis Obispo County for bank stabilization projects, and in Gaviota Creek, Mission Creek and Carpinteria Creek in Santa Barbara County for bank stabilization projects and grade control structures.
8. In conjunction with the Los Angeles District's Special Area Management Plans (SAMPs) for the San Diego Creek Watershed and San Juan Creek/Western San Mateo Creek Watersheds in Orange County, California, the Corps' Division Engineer, through his discretionary authority has revoked the use of the following 26 selected NWP within these SAMP watersheds: 03, 07, 12, 13, 14, 16, 17, 18, 19, 21, 25, 27, 29, 31, 33, 39, 40, 41, 42, 43, 44, 46, 49, and 50. Consequently, these NWP are no longer available in those watersheds to authorize impacts to waters of the United States from discharges of dredged or fill material under the Corps' Clean Water Act section 404 authority.
9. Any requests to waive the 300 linear foot limitation for intermittent and ephemeral streams for NWP 29, 39, 40 and 42, 43, 44, 51 and 52 or to waive the 500 linear foot limitation along the bank for NWP 13, must include the following:
  - a. A narrative description of the stream. This should include known information on: volume and duration of flow; the approximate length, width, and depth of the waterbody and characters observed associated with an Ordinary High Water Mark (e.g. bed and bank, wrack line, or scour marks); a description of the adjacent vegetation community and a statement regarding the wetland status of the associated vegetation community (i.e. wetland, non-wetland); surrounding land use; water quality; issues related to cumulative impacts in the watershed, and; any other relevant information.
  - b. An analysis of the proposed impacts to the waterbody in accordance with General Condition 31 and Regional Condition 3;
  - c. Measures taken to avoid and minimize losses, including other methods of constructing the proposed project; and
  - d. A compensatory mitigation plan describing how the unavoidable losses are proposed to be compensated, in accordance with 33 CFR Part 332.
10. The permittee shall complete the construction of any compensatory mitigation required by special condition(s) of the NWP verification before or concurrent with commencement of construction of the authorized activity, except when specifically determined to be impracticable by the Corps. When mitigation involves use of a mitigation bank or in-lieu fee program, the permittee shall submit proof of payment to the Corps prior to commencement of construction of the authorized activity.

**4. Further information:**

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:
  - ( ) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
  - (x ) Section 404 of the Clean Water Act (33 U.S.C. 1344).
  - ( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
2. Limits of this authorization.
  - (a) This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
  - (b) This permit does not grant any property rights or exclusive privileges.
  - (c) This permit does not authorize any injury to the property or rights of others.
  - (d) This permit does not authorize interference with any existing or proposed Federal project.
3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
  - (a) Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
  - (b) Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
  - (c) Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
  - (d) Design or construction deficiencies associated with the permitted work.
  - (e) Damage claims associated with any future modification, suspension, or revocation of this permit.
4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
  - (a) You fail to comply with the terms and conditions of this permit.
  - (b) The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
  - (c) Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 330.5 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measure ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. This letter of verification is valid for a period not to exceed two years unless the nationwide permit is modified, reissued, revoked, or expires before that time.
7. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition H below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
8. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished with the terms and conditions of your permit.

01 October 2013

Adam Compton  
Environmental Planner and Biologist  
Biological Studies and Permits Branch  
California Department of Transportation, District 8  
464 West 4<sup>th</sup> Street, 6<sup>th</sup> Floor, MS 822  
San Bernardino, California 92401

**Re: Revised Supplemental Jurisdictional Delineation Report for the State Route 138  
Widening Project (Task Order 14)**

The California Department of Transportation (Caltrans), District 8, proposes to widen the existing State Route 138 (SR-138) from Interstate 15 (I-15) to Highway 18 (HW-18) in San Bernardino and Los Angeles Counties, California. Caltrans retained AMEC Environment & Infrastructure, Inc. (AMEC) to determine the potential for impacts to jurisdictional waters.

A jurisdictional delineation of the proposed project site was conducted by ECORP Consulting, Inc. (ECORP) in 2009 (ECORP, 2009). Due to changes in the development plan, a revised jurisdictional delineation report was prepared by AMEC in 2012 (AMEC, 2012). Due to additional project scope changes, the project required ground proving the existing jurisdictional delineation and adding locations that were outside of the previous study area. This delineation letter report documents and quantifies the extent of jurisdictional areas and impacts to jurisdictional areas on the project site; however, ancillary information, such as soils and vegetation descriptions, is contained in the ECORP report.

## **1.0 PROJECT DESCRIPTION**

The proposed project consists of the widening of SR-138 from two lanes to four lanes with a median left turn lane and realignment of portions of the mainline to improve traffic operation and safety. The project will occur in two phases. Phase 1 of the project occurs along SR-138 from the I-15 to approximately 0.6 mile west of the SR-138 and Phelan Road intersection. Phase 2 continues west to the SR-138 and HW-18 intersection.

## **2.0 PROJECT LOCATION**

The proposed project is located along SR-138 from the I-15/SR-138 interchange in San Bernardino County to the SR-138/HW-18 interchange in Los Angeles County. Phase 1 of the project is approximately 13 miles long and extends from Post Mile (PM) 15.2 to PM 2.2 in San Bernardino County. Phase 2 is approximately 7.8 miles long and extends from PM 2.2 to PM 0.0 in San Bernardino County and from PM 75.0 to PM 69.4 in Los Angeles County (Figure 1).

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### **3.0 RESULTS**

The survey area contains 113 jurisdictional drainages identified as Drainages 1 through 110, Cajon Creek, Sheep Creek and Mescale Creek. The Jurisdictional Delineation Maps (Figures 2A through 2I) identify all on-site jurisdictional drainages. Table 1 portrays the jurisdictional area within each drainage.

### **4.0 IMPACTS TO JURISDICTIONAL AREAS**

The proposed development plan was overlaid on the jurisdictional areas to determine the extent of impacts. Table 2 portrays the impacted United States Army Corp of Engineers (USACE) jurisdiction and California Department of Fish and Wildlife (CDFW) jurisdiction within each drainage. Table 3 portrays the impacts to waters of the state and Table 4 portrays the impacts separated by project phase. Generally, the permanent impact boundary was determined by the cut and fill line provided by Caltrans. The survey boundary coincides with the permanent impact boundary with the exception of the area around Cajon Creek and Sheep Creek, which extended to the Caltrans right-of-way in order to accommodate design modifications. Permanent impacts included the addition of pavement, culvert and bridge extensions, rip-rap, and bridge pilings. Temporary impacts will only occur in Cajon Creek and Sheep Creek, and will result from temporary construction access.

### **5.0 STATEMENT OF QUALIFICATIONS**

The field work and preparation of this report was led by Scot Chandler, a senior biologist and regulatory specialist at AMEC with over 10 years of experience delineating Waters of the United States, Waters of the State of California and California Department of Fish and Wildlife streambeds throughout Southern California. Mr. Chandler holds a Bachelor of Science degree in Applied Ecology from the University of California, Irvine.

If you have any questions or concerns regarding this report, please contact Scot Chandler at 951-369-8060 or by email at [scot.chandler@amec.com](mailto:scot.chandler@amec.com).

Respectfully submitted,

**AMEC Environment & Infrastructure, Inc.**



Scot Chandler  
Senior Biologist/Regulatory Specialist

## **6.0 REFERENCES**

AMEC, 2012. Supplemental Jurisdictional Delineation Report, State Route 138 Widening Project. Prepared for Caltrans District 8.

ECORP Consulting, Inc, 2009. Jurisdictional Delineation Report, State Route 138 Widening Project. Prepared for Caltrans District 8.

## **ATTACHMENT A**

### **TABLES**

**Table 1**  
**Summary of Jurisdictional Areas**

Drainage ID	Waters of the US (acres)	Waters of the State (acres)	CDFW Jurisdiction (acres)	Waters of the US/State Length (feet)	Waters of the US/State Width (feet)	CDFW Width (feet)	Watershed
1	0.0043	0.0043	0.0098	87	2	5	Santa Ana
1a	0.0320	0.0320	0.0795	730	2	5	Santa Ana
1b	0	0	0.0336	0	0	12	Santa Ana
2	0.0074	0.0074	0.0153	40	8	15	Santa Ana
3	0.0238	0.0238	0.0595	310	2-10	5-26	Santa Ana
4	0.0157	0.0157	0.0463	681	1	3	Santa Ana
5	0.0345	0.0345	0.0807	134	8-14	20-30	Santa Ana
6	0.0296	0.0296	0.0692	574	2-4	5-8	Santa Ana
7	0.0183	0.0183	0.0482	400	2	5	Santa Ana
8	0.0286	0.0286	0.1256	418	2-6	3-22	Santa Ana
9	0.0327	0.0327	0.0847	343	4	8	Santa Ana
10	0.0508	0.0508	0.0940	167	12-14	20-26	Santa Ana
11	0.0597	0.0597	0.1033	168	12-18	26	Santa Ana
12	0.0744	0.0744	0.1603	520	2-16	8-26	Santa Ana
13	0.0312	0.0312	0.0450	176	8-9	12	Santa Ana
14	0.0937	0.0937	0.1437	246	18	25	Santa Ana
15	0.0030	0.0030	0.0081	88	1.5	4	Santa Ana
16	0.0503	0.0503	0.0818	270	8	12-15	Santa Ana
17	0.1079	0.1079	0.2570	305	12-20	36	Santa Ana
18	0.0025	0.0025	0.0042	36	3	5	Santa Ana
19	0.0254	0.0254	0.0738	1046	1	3	Santa Ana
20	0.0176	0.0176	0.0477	572	1-4	3-8	Santa Ana
21	0.0853	0.0853	0.1491	1093	1-5	1-8	Santa Ana
22	0.0038	0.0038	0.0077	166	1	4	Santa Ana
23	0.0056	0.0056	0.0113	99	1-3	4-5	Santa Ana
24	0.0690	0.0690	0.1243	201	18	28	Santa Ana
25	0.0079	0.0079	0.0239	348	1	3	Santa Ana
26	0.0032	0.0032	0.0097	140	1	3	Santa Ana
27	0.0034	0.0034	0.0103	151	1	3	Santa Ana
28	0.0034	0.0034	0.0092	94	1-2	3-5	Santa Ana
29	0.0008	0.0008	0.0025	35	1	3	Santa Ana
30	0.0025	0.0025	0.0063	55	2	5	Santa Ana
31	0.0009	0.0009	0.0026	38	1	3	Santa Ana
32	0.0008	0.0008	0.0024	34	1	3	Santa Ana
32a	0.0008	0.0008	0.0024	35	1	3	Santa Ana
32b	0.0086	0.0086	0.0129	90	4	6	Santa Ana
32c	0.0012	0.0012	0.0035	50	1	3	Santa Ana
33	0.0031	0.0031	0.0095	138	1	3	Santa Ana
33a	0.0009	0.0009	0.0039	42	1	4	Santa Ana
33b	0.0016	0.0016	0.0064	69	1	4	Santa Ana
34	0.00560	0.00560	0.0045	48	3-6	5-11	Santa Ana
34a	0.0027	0.0027	0.0108	38	3	5	Santa Ana



Drainage ID	Waters of the US (acres)	Waters of the State (acres)	CDFW Jurisdiction (acres)	Waters of the US/State Length (feet)	Waters of the US/State Width (feet)	CDFW Width (feet)	Watershed
35	0.0081	0.0081	0.0167	70	5	10	Santa Ana
36	0.0151	0.0151	0.0461	162	4	12	Santa Ana
37	0.0017	0.0017	0.0051	73	1	3	Santa Ana
38	0.0039	0.0039	0.0098	84	2	5	Santa Ana
39	0.0016	0.0016	0.0048	68	1	3	Santa Ana
40	0.0062	0.0062	0.0129	89	3	6	Santa Ana
41	0.0060	0.0060	0.0170	130	2	6	Santa Ana
41a	0.0090	0.0090	0.0127	46	8	9	Mojave
41b	0.0100	0.0100	0.0161	69	2-8	5-12	Mojave
41c	0.0275	0.0275	0.0510	233	5	9	El Mirage
41d	0.0086	0.0086	0.0198	170	2-3	5	El Mirage
42	0.0087	0.0087	0.0239	82	4-5	6-14	El Mirage
43	0.0292	0.0292	0.0767	279	3-5	8-13	El Mirage
44	0.1258	0.1258	0.2901	1194	3-5	5-12	El Mirage
45	0.0445	0.0445	0.1094	431	3-8	8-18	El Mirage
46	0.0136	0.0136	0.0517	220	1-6	3-12	El Mirage
47	0.0393	0.0393	0.0495	550	1-5	3-6	El Mirage
48	0.0271	0.0271	0.0126	178	4	8	El Mirage
49	0.0073	0.0073	0.0129	108	1-3	3-5	El Mirage
50	0.0111	0.0111	0.0227	159	3	6	El Mirage
51	0.0086	0.0086	0.0145	124	3	5	El Mirage
52	0.0179	0.0179	0.0446	155	5	12	El Mirage
53	0.0131	0.0131	0.0272	123	4	8	El Mirage
54	0.0192	0.0192	0.0435	170	4-6	8-14	El Mirage
55	0.0183	0.0183	0.0355	213	3-4	5-8	El Mirage
56	0.0264	0.0264	0.0443	251	4-5	10-12	El Mirage
57	0.0181	0.0181	0.0657	197	4	9	El Mirage
58	0.0086	0.0086	0.0420	285	1-2	3-5	Rosamond/Rogers
59	0.0036	0.0036	0.0240	31	5	12	Rosamond/Rogers
59a	0.0069	0.0069	0.0089	301	1	3	Rosamond/Rogers
59b	0.0158	0.0158	0.0208	300	2-4	8-12	Rosamond/Rogers
60	0.0105	0.0105	0.0281	169	2-3	6-8	Rosamond/Rogers
61	0.0010	0.0010	0.0033	15	3	8	Rosamond/Rogers
62	0.0109	0.0109	0.0313	182	2-3	6-8	Rosamond/Rogers
63	0.006	0.006	0.014	62	4	8-12	Rosamond/Rogers
64	0.005	0.005	0.016	51	4	12	Rosamond/Rogers
65	0.018	0.018	0.037	191	3-5	8-10	Rosamond/Rogers
66	0.007	0.007	0.019	92	3-6	6-20	Rosamond/Rogers
67	0.005	0.005	0.013	38	5-6	12-13	Rosamond/Rogers
68	0.005	0.005	0.012	22	10	20	Rosamond/Rogers
69	0.009	0.009	0.021	62	6-8	13-16	Rosamond/Rogers
70	0.013	0.013	0.028	293	1-2	4-6	Rosamond/Rogers
71	0.004	0.004	0.011	56	3	8	Rosamond/Rogers
72	0.013	0.013	0.036	370	1-8	3-15	Rosamond/Rogers

Drainage ID	Waters of the US (acres)	Waters of the State (acres)	CDFW Jurisdiction (acres)	Waters of the US/State Length (feet)	Waters of the US/State Width (feet)	CDFW Width (feet)	Watershed
73	0.006	0.006	0.013	47	4-6	10-12	Rosamond/Rogers
74	0.004	0.004	0.015	47	4	12	Rosamond/Rogers
75	0.001	0.001	0.004	17	3	8	Rosamond/Rogers
76	0.020	0.020	0.064	839	1-5	3-15	Rosamond/Rogers
77	0.001	0.001	0.003	44	1	3	Rosamond/Rogers
78	0.006	0.006	0.012	48	5	10	Rosamond/Rogers
79	0.001	0.001	0.004	23	2	7	Rosamond/Rogers
80	0.005	0.005	0.013	59	3-5	5-20	Rosamond/Rogers
81	0.006	0.006	0.020	69	4	12	Rosamond/Rogers
82	0.023	0.023	0.040	115	8-10	12-20	Rosamond/Rogers
83	0.002	0.002	0.005	66	1	3	Rosamond/Rogers
84	0.012	0.012	0.054	97	5	15-28	Rosamond/Rogers
85	0.020	0.020	0.044	111	8-9	15-20	Rosamond/Rogers
86	0.018	0.018	0.035	130	6	10-12	Rosamond/Rogers
87	0.012	0.012	0.028	105	4-6	10-12	Rosamond/Rogers
88	0.020	0.020	0.068	149	5-8	18-24	Rosamond/Rogers
89	0.023	0.023	0.064	208	4-10	9-12	Rosamond/Rogers
90	0.006	0.006	0.026	117	2-3	8-10	Rosamond/Rogers
91	0.012	0.012	0.053	136	4	15-20	Rosamond/Rogers
92	0.030	0.030	0.041	110	10-16	12-26	Rosamond/Rogers
93	0.019	0.019	0.060	106	6-12	20-30	Rosamond/Rogers
94	0.003	0.003	0.010	142	1	3	Rosamond/Rogers
95	0.018	0.018	0.074	153	5	18-23	Rosamond/Rogers
96	0.008	0.008	0.013	137	2	4	Rosamond/Rogers
97	0.008	0.008	0.020	170	2	5	Rosamond/Rogers
98	0.015	0.015	0.030	125	5	10	Rosamond/Rogers
99	0.018	0.018	0.076	117	5-8	14-40	Rosamond/Rogers
100	0.024	0.024	0.085	131	8	28	Rosamond/Rogers
101	0.003	0.003	0.009	65	2	6	Rosamond/Rogers
102	0.002	0.002	0.007	75	1	4	Rosamond/Rogers
103	0.002	0.002	0.005	76	1	3	Rosamond/Rogers
104	0.010	0.010	0.028	122	3-4	8-12	Rosamond/Rogers
105	0.008	0.008	0.035	116	1-6	4-30	Rosamond/Rogers
106	0.004	0.004	0.009	62	2-3	5-6	Rosamond/Rogers
107	0.006	0.006	0.027	87	2.5-4	6-24	Rosamond/Rogers
108	0.004	0.004	0.012	43	4	8-18	Rosamond/Rogers
109	0.009	0.009	0.021	54	3-14	12-18	Rosamond/Rogers
110	0.003	0.003	0.006	37	2-3	5-6	Rosamond/Rogers
Cajon Creek	1.043	1.043	5.7696	2580	2-75	134-477	Santa Ana
Mescal Creek	0.057	0.057	0.1577	156	16	40	Rosamond/Rogers
Sheep Creek	0.971	0.971	1.2512	367	120	155	El Mirage
<b>Total</b>	<b>4.09</b>	<b>4.09</b>	<b>11.95</b>	<b>25,881</b>	<b>-</b>	<b>-</b>	<b>-</b>

**Table 2**  
**Summary of Impacts to Waters of the US and CDFW Jurisdiction**

Drainage ID	Temporary Impacts to Waters of the US (acres)	Permanent Impacts to Waters of the US (acres)	Temporary Impacts to CDFW Jurisdiction (acres)	Permanent Impacts to CDFW Jurisdiction (acres)	Permanent Impact Length to Waters of the US (feet)	Project Phase
1	0	0.0043	0	0.0098	87	1
1a	0	0.032	0	0.080	730	1
1b	0	0	0	0.034	0	1
2	0	0.007	0	0.015	40	1
3	0	0.0238	0	0.0595	310	1
4	0	0.0157	0	0.0463	681	1
5	0	0.0345	0	0.0807	134	1
6	0	0.0296	0	0.0692	574	1
7	0	0.0183	0	0.0482	400	1
8	0	0.0286	0	0.1256	418	1
9	0	0.0327	0	0.0847	343	1
10	0	0.0508	0	0.0940	167	1
11	0	0.0597	0	0.1033	168	1
12	0	0.0744	0	0.1603	520	1
13	0	0.0312	0	0.0450	176	1
14	0	0.0937	0	0.1437	246	1
15	0	0.0030	0	0.0081	88	1
16	0	0.0503	0	0.0818	270	1
17	0	0.1079	0	0.2570	305	1
18	0	0.0025	0	0.0042	36	1
19	0	0.0254	0	0.0738	1046	1
20	0	0.0176	0	0.0477	572	1
21	0	0.0853	0	0.1491	1093	1
22	0	0.0038	0	0.0077	166	1
23	0	0.0056	0	0.0113	99	1
24	0	0.0690	0	0.1243	201	1
25	0	0.0079	0	0.0239	348	1
26	0	0.0032	0	0.0097	140	1
27	0	0.0034	0	0.0103	151	1
28	0	0.0034	0	0.0092	94	1
29	0	0.0008	0	0.0025	35	1
30	0	0.0025	0	0.0063	55	1
31	0	0.0009	0	0.0026	38	1
32	0	0.0008	0	0.0024	34	1
32a	0	0.0008	0	0.0024	35	1
32b	0	0.0086	0	0.0129	90	1
32c	0	0.0012	0	0.0035	50	1
33	0	0.0031	0	0.0095	138	1
33a	0	0.0009	0	0.0039	42	1
33b	0	0.0016	0	0.0064	69	1

Drainage ID	Temporary Impacts to Waters of the US (acres)	Permanent Impacts to Waters of the US (acres)	Temporary Impacts to CDFW Jurisdiction (acres)	Permanent Impacts to CDFW Jurisdiction (acres)	Permanent Impact Length to Waters of the US (feet)	Project Phase
34	0	0.00560	0	0.0108	48	1
34a	0	0.0027	0	0.00450	38	1
35	0	0.0081	0	0.0167	70	1
36	0	0.0151	0	0.0461	162	1
37	0	0.0017	0	0.0051	73	1
38	0	0.0039	0	0.0098	84	1
39	0	0.0016	0	0.0048	68	1
40	0	0.0062	0	0.0129	89	1
41	0	0.0060	0	0.0170	130	1
41a	0	0.0090	0	0.0127	46	1
41b	0	0.0100	0	0.0161	69	1
41c	0	0.0275	0	0.0510	233	1
41d	0	0.0086	0	0.0198	170	1
42	0	0.0087	0	0.0239	82	1
43	0	0.0292	0	0.0767	279	1
44	0	0.1258	0	0.2901	1194	1
45	0	0.0445	0	0.1094	431	1
46	0	0.0136	0	0.0517	220	1
47	0	0.0393	0	0.0495	550	1
48	0	0.0271	0	0.0126	178	1
49	0	0.0073	0	0.0129	108	1
50	0	0.0111	0	0.0227	159	1
51	0	0.0086	0	0.0145	124	1
52	0	0.0179	0	0.0446	155	1
53	0	0.0131	0	0.0272	123	1
54	0	0.0192	0	0.0435	170	1
55	0	0.0183	0	0.0355	213	1
56	0	0.0264	0	0.0443	251	1
57	0	0.0181	0	0.0657	197	1
58	0	0.0086	0	0.0420	285	1
59	0	0.0036	0	0.0240	31	1
59a	0	0.0069	0	0.0089	301	1
59b	0	0.0158	0	0.0208	300	1
60	0	0.0105	0	0.0281	169	1
61	0	0.0010	0	0.0033	15	1
62	0	0.0109	0	0.0313	182	1
63	0	0.006	0	0.014	62	2
64	0	0.005	0	0.016	51	2
65	0	0.018	0	0.037	191	2
66	0	0.007	0	0.019	92	2
67	0	0.005	0	0.013	38	2
68	0	0.005	0	0.012	22	2
69	0	0.009	0	0.021	62	2

Drainage ID	Temporary Impacts to Waters of the US (acres)	Permanent Impacts to Waters of the US (acres)	Temporary Impacts to CDFW Jurisdiction (acres)	Permanent Impacts to CDFW Jurisdiction (acres)	Permanent Impact Length to Waters of the US (feet)	Project Phase
70	0	0.013	0	0.028	293	2
71	0	0.004	0	0.011	56	2
72	0	0.013	0	0.036	370	2
73	0	0.006	0	0.013	47	2
74	0	0.004	0	0.015	47	2
75	0	0.001	0	0.004	17	2
76	0	0.020	0	0.064	839	2
77	0	0.001	0	0.003	44	2
78	0	0.006	0	0.012	48	2
79	0	0.001	0	0.004	23	2
80	0	0.005	0	0.013	59	2
81	0	0.006	0	0.020	69	2
82	0	0.023	0	0.040	115	2
83	0	0.002	0	0.005	66	2
84	0	0.012	0	0.054	97	2
85	0	0.020	0	0.044	111	2
86	0	0.018	0	0.035	130	2
87	0	0.012	0	0.028	105	2
88	0	0.020	0	0.068	149	2
89	0	0.023	0	0.064	208	2
90	0	0.006	0	0.026	117	2
91	0	0.012	0	0.053	136	2
92	0	0.030	0	0.041	110	2
93	0	0.019	0	0.060	106	2
94	0	0.003	0	0.010	142	2
95	0	0.018	0	0.074	153	2
96	0	0.008	0	0.013	137	2
97	0	0.008	0	0.020	170	2
98	0	0.015	0	0.030	125	2
99	0	0.018	0	0.076	117	2
100	0	0.024	0	0.085	131	2
101	0	0.003	0	0.009	65	2
102	0	0.002	0	0.007	75	2
103	0	0.002	0	0.005	76	2
104	0	0.010	0	0.028	122	2
105	0	0.008	0	0.035	116	2
106	0	0.004	0	0.009	62	2
107	0	0.006	0	0.027	87	2
108	0	0.004	0	0.012	43	2
109	0	0.009	0	0.021	54	2
110	0	0.003	0	0.006	37	2
Cajon Creek	0.200	0.006	0.661	0.016	48	1

Drainage ID	Temporary Impacts to Waters of the US (acres)	Permanent Impacts to Waters of the US (acres)	Temporary Impacts to CDFW Jurisdiction (acres)	Permanent Impacts to CDFW Jurisdiction (acres)	Permanent Impact Length to Waters of the US (feet)	Project Phase
Mescal Creek	0	0.057	0	0.158	156	2
Sheep Creek	0.538	0.026	0.720	0.026	48	1
<b>Total</b>	<b>0.738</b>	<b>2.103</b>	<b>1.381</b>	<b>4.920</b>	<b>23,030</b>	-

**Table 3**  
**Summary of Impacts to Waters of the State**

Drainage ID	Temporary Impacts to Waters of the State (acres)	Permanent Impacts to Waters of the State (acres)	Temporary Impact Length to Waters of the State (feet)	Permanent Impact Length to Waters of the State (feet)	Watershed	Project Phase
1	0	0.0043	0	87	Santa Ana	1
1a	0	0.032	0	730	Santa Ana	1
1b	0	0	0	0	Santa Ana	1
2	0	0.007	0	40	Santa Ana	1
3	0	0.0238	0	310	Santa Ana	1
4	0	0.0157	0	681	Santa Ana	1
5	0	0.0345	0	134	Santa Ana	1
6	0	0.0296	0	574	Santa Ana	1
7	0	0.0183	0	400	Santa Ana	1
8	0	0.0286	0	418	Santa Ana	1
9	0	0.0327	0	343	Santa Ana	1
10	0	0.0508	0	167	Santa Ana	1
11	0	0.0597	0	168	Santa Ana	1
12	0	0.0744	0	520	Santa Ana	1
13	0	0.0312	0	176	Santa Ana	1
14	0	0.0937	0	246	Santa Ana	1
15	0	0.0030	0	88	Santa Ana	1
16	0	0.0503	0	270	Santa Ana	1
17	0	0.1079	0	305	Santa Ana	1
18	0	0.0025	0	36	Santa Ana	1
19	0	0.0254	0	1046	Santa Ana	1
20	0	0.0176	0	572	Santa Ana	1
21	0	0.0853	0	1093	Santa Ana	1
22	0	0.0038	0	166	Santa Ana	1
23	0	0.0056	0	99	Santa Ana	1
24	0	0.0690	0	201	Santa Ana	1
25	0	0.0079	0	348	Santa Ana	1
26	0	0.0032	0	140	Santa Ana	1

Drainage ID	Temporary Impacts to Waters of the State (acres)	Permanent Impacts to Waters of the State (acres)	Temporary Impact Length to Waters of the State (feet)	Permanent Impact Length to Waters of the State (feet)	Watershed	Project Phase
27	0	0.0034	0	151	Santa Ana	1
28	0	0.0034	0	94	Santa Ana	1
29	0	0.0008	0	35	Santa Ana	1
30	0	0.0025	0	55	Santa Ana	1
31	0	0.0009	0	38	Santa Ana	1
32	0	0.0008	0	34	Santa Ana	1
32a	0	0.0008	0	35	Santa Ana	1
32b	0	0.0086	0	90	Santa Ana	1
32c	0	0.0012	0	50	Santa Ana	1
33	0	0.0031	0	138	Santa Ana	1
33a	0	0.0009	0	42	Santa Ana	1
33b	0	0.0016	0	69	Santa Ana	1
34	0	0.00560	0	48	Santa Ana	1
34a	0	0.0027	0	38	Santa Ana	1
35	0	0.0081	0	70	Santa Ana	1
36	0	0.0151	0	162	Santa Ana	1
37	0	0.0017	0	73	Santa Ana	1
38	0	0.0039	0	84	Santa Ana	1
39	0	0.0016	0	68	Santa Ana	1
40	0	0.0062	0	89	Santa Ana	1
41	0	0.0060	0	130	Santa Ana	1
41a	0	0.0090	0	46	Mojave	1
41b	0	0.0100	0	69	Mojave	1
41c	0	0.0275	0	233	El Mirage	1
41d	0	0.0086	0	170	El Mirage	1
42	0	0.0087	0	82	El Mirage	1
43	0	0.0292	0	279	El Mirage	1
44	0	0.1258	0	1194	El Mirage	1
45	0	0.0445	0	431	El Mirage	1
46	0	0.0136	0	220	El Mirage	1
47	0	0.0393	0	550	El Mirage	1
48	0	0.0271	0	178	El Mirage	1
49	0	0.0073	0	108	El Mirage	1
50	0	0.0111	0	159	El Mirage	1
51	0	0.0086	0	124	El Mirage	1
52	0	0.0179	0	155	El Mirage	1
53	0	0.0131	0	123	El Mirage	1
54	0	0.0192	0	170	El Mirage	1
55	0	0.0183	0	213	El Mirage	1
56	0	0.0264	0	251	El Mirage	1
57	0	0.0181	0	197	El Mirage	1
58	0	0.0086	0	285	Rosamond/Rogers	1
59	0	0.0036	0	31	Rosamond/Rogers	1

Drainage ID	Temporary Impacts to Waters of the State (acres)	Permanent Impacts to Waters of the State (acres)	Temporary Impact Length to Waters of the State (feet)	Permanent Impact Length to Waters of the State (feet)	Watershed	Project Phase
59a	0	0.0069	0	301	Rosamond/Rogers	1
59b	0	0.0158	0	300	Rosamond/Rogers	1
60	0	0.0105	0	169	Rosamond/Rogers	1
61	0	0.0010	0	15	Rosamond/Rogers	1
62	0	0.0109	0	182	Rosamond/Rogers	1
63	0	0.006	0	62	Rosamond/Rogers	2
64	0	0.005	0	51	Rosamond/Rogers	2
65	0	0.018	0	191	Rosamond/Rogers	2
66	0	0.007	0	92	Rosamond/Rogers	2
67	0	0.005	0	38	Rosamond/Rogers	2
68	0	0.005	0	22	Rosamond/Rogers	2
69	0	0.009	0	62	Rosamond/Rogers	2
70	0	0.013	0	293	Rosamond/Rogers	2
71	0	0.004	0	56	Rosamond/Rogers	2
72	0	0.013	0	370	Rosamond/Rogers	2
73	0	0.006	0	47	Rosamond/Rogers	2
74	0	0.004	0	47	Rosamond/Rogers	2
75	0	0.001	0	17	Rosamond/Rogers	2
76	0	0.020	0	839	Rosamond/Rogers	2
77	0	0.001	0	44	Rosamond/Rogers	2
78	0	0.006	0	48	Rosamond/Rogers	2
79	0	0.001	0	23	Rosamond/Rogers	2
80	0	0.005	0	59	Rosamond/Rogers	2
81	0	0.006	0	69	Rosamond/Rogers	2
82	0	0.023	0	115	Rosamond/Rogers	2
83	0	0.002	0	66	Rosamond/Rogers	2
84	0	0.012	0	97	Rosamond/Rogers	2
85	0	0.020	0	111	Rosamond/Rogers	2
86	0	0.018	0	130	Rosamond/Rogers	2
87	0	0.012	0	105	Rosamond/Rogers	2
88	0	0.020	0	149	Rosamond/Rogers	2
89	0	0.023	0	208	Rosamond/Rogers	2
90	0	0.006	0	117	Rosamond/Rogers	2
91	0	0.012	0	136	Rosamond/Rogers	2
92	0	0.030	0	110	Rosamond/Rogers	2
93	0	0.019	0	106	Rosamond/Rogers	2
94	0	0.003	0	142	Rosamond/Rogers	2
95	0	0.018	0	153	Rosamond/Rogers	2
96	0	0.008	0	137	Rosamond/Rogers	2
97	0	0.008	0	170	Rosamond/Rogers	2
98	0	0.015	0	125	Rosamond/Rogers	2
99	0	0.018	0	117	Rosamond/Rogers	2
100	0	0.024	0	131	Rosamond/Rogers	2



Drainage ID	Temporary Impacts to Waters of the State (acres)	Permanent Impacts to Waters of the State (acres)	Temporary Impact Length to Waters of the State (feet)	Permanent Impact Length to Waters of the State (feet)	Watershed	Project Phase
101	0	0.003	0	65	Rosamond/Rogers	2
102	0	0.002	0	75	Rosamond/Rogers	2
103	0	0.002	0	76	Rosamond/Rogers	2
104	0	0.010	0	122	Rosamond/Rogers	2
105	0	0.008	0	116	Rosamond/Rogers	2
106	0	0.004	0	62	Rosamond/Rogers	2
107	0	0.006	0	87	Rosamond/Rogers	2
108	0	0.004	0	43	Rosamond/Rogers	2
109	0	0.009	0	54	Rosamond/Rogers	2
110	0	0.003	0	37	Rosamond/Rogers	2
Cajon Creek	0.200	0.006	307	48	Santa Ana	1
Mescal Creek	0	0.057	0	156	Rosamond/Rogers	2
Sheep Creek	0.538	0.026	217	48	El Mirage	1
<b>Total</b>	<b>0.738</b>	<b>2.103</b>	<b>524</b>	<b>23,030</b>	-	-

**Table 4**  
**Summary of Impacts by Project Phase**

Project Phase	Temporary Impacts to Waters of the US (acres)	Permanent Impacts to Waters of the US (acres)	Temporary Impacts to Waters of the State (acres)	Permanent Impacts to Waters of the State (acres)	Temporary Impacts to CDFW Jurisdiction (acres)	Permanent Impacts to CDFW Jurisdiction (acres)
1	0.738	1.569	0.738	1.569	1.381	3.422
2	0	0.534	0	0.534	0	1.498

## **ATTACHMENT B**

### **FIGURES**



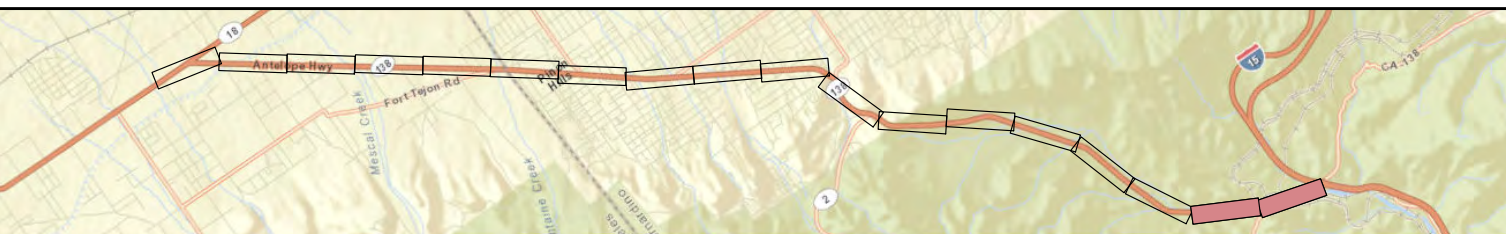
Regional Location  
 SR-138 Widening Project  
 California Department of Transportation

**FIGURE**  
**1**





Date: 9/27/2013



MAP NOTES  
 Aerial Image - Bing maps (2009)  
 Survey Area - AMEC (2011)  
 Projection: NAD\_1983\_StatePlane\_California\_V\_FIPS\_0405\_Feet 0  
 Limit of Pavement - Caltrans  
 (D-LAYOUT\_4ENVIR\_Rev\_new.DGN & LA.dgn & 3401U D-cut-fill)

1 inch = 417 feet  
 250 500 1,000  
 Feet

**Jurisdictional Delineation Map**  
**SR-138 Widening Project**  
**California Department of Transportation**

Survey Area

WUS/WSC

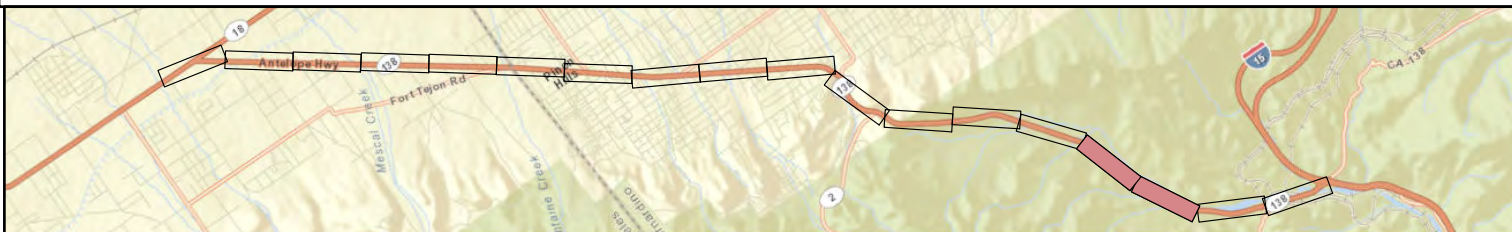
CDFW Jurisdiction

**FIGURE**  
**2A**





Date: 9/27/2013



MAP NOTES  
 Aerial Image - Bing maps (2009)  
 Survey Area - AMEC (2011)  
 Projection: NAD\_1983\_StatePlane\_California\_V\_FIPS\_0405\_Feet 0  
 Limit of Pavement - Caltrans  
 (D-LAYOUT\_4ENVIR\_Rev\_new.DGN & LA.dgn & 3401U D-cut-fill)

1 inch = 417 feet  
 250 500 1,000  
 Feet

**Jurisdictional Delineation Map**  
**SR-138 Widening Project**  
**California Department of Transportation**

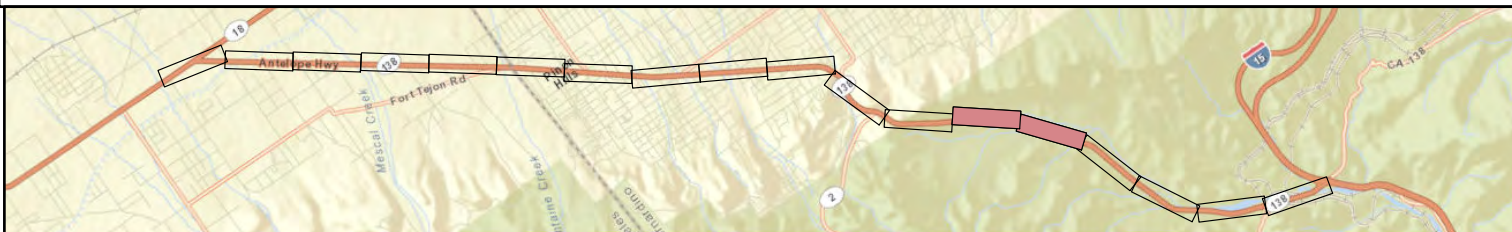
Survey Area WUS/WSC  
 CDFW Jurisdiction

**FIGURE**  
**2 B**





Date: 9/27/2013



MAP NOTES  
 Aerial Image - Bing maps (2009)  
 Survey Area - AMEC (2011)  
 Projection: NAD\_1983\_StatePlane\_California\_V\_FIPS\_0405\_Feet 0  
 Limit of Pavement - Caltrans  
 (D-LAYOUT\_4ENVIR\_Rev\_new.DGN & LA.dgn & 3401U D-cut-fill)

1 inch = 417 feet  
 250 500 1,000  
 Feet

Survey Area WUS/WSC  
 CDFW Jurisdiction

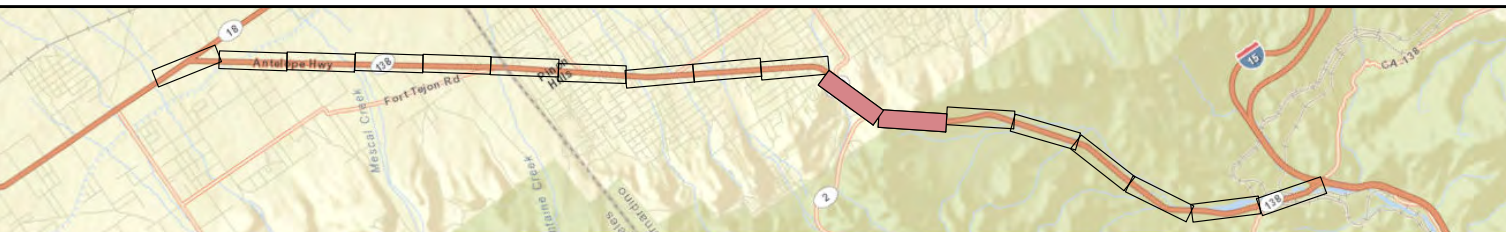
**Jurisdictional Delineation Map  
 SR-138 Widening Project  
 California Department of Transportation**

**FIGURE  
 2 C**





Date: 9/27/2013



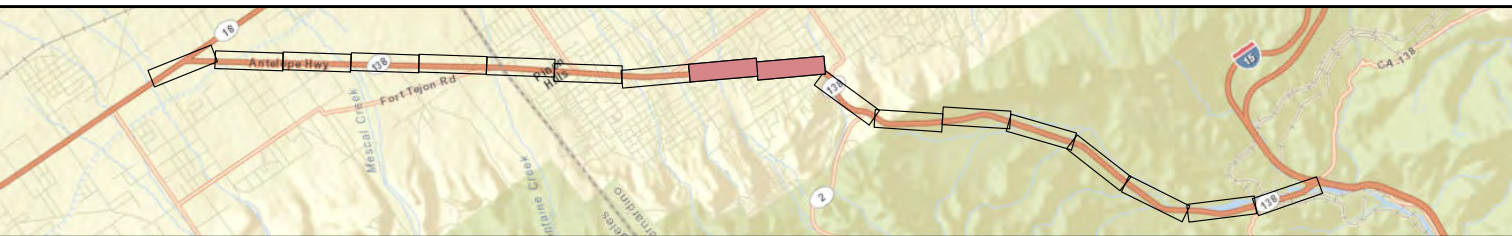
MAP NOTES  
 Aerial Image - Bing maps (2009)  
 Survey Area - AMEC (2011)  
 Projection: NAD\_1983\_StatePlane\_California\_V\_FIPS\_0405\_Feet 0  
 Limit of Pavement - Caltrans  
 (D-LAYOUT\_4ENVIR\_Rev\_new.DGN & LA.dgn & 3401U D-cut-fill)

1 inch = 417 feet  
 250 500 1,000  
 Feet

**Jurisdictional Delineation Map**  
**SR-138 Widening Project**  
**California Department of Transportation**

Survey Area	WUS/WSC	<p><b>FIGURE</b> <b>2 D</b></p>
CDFW Jurisdiction		





**Jurisdictional Delineation Map  
SR-138 Widening Project  
California Department of Transportation**

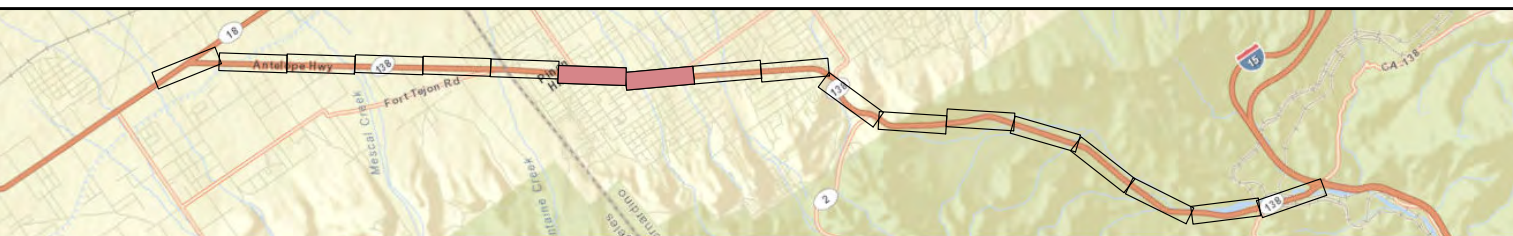
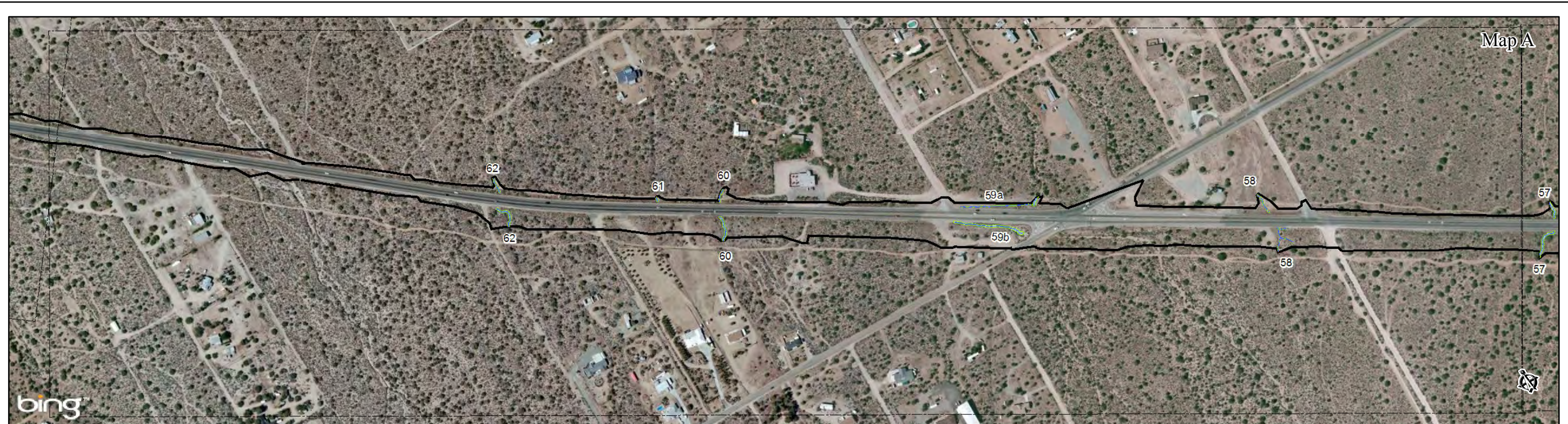
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 Survey Area - AMEC (2011)  
 Projection: NAD\_1983\_StatePlane\_California\_V\_FIPS\_0405\_Feet 0  
 Limit of Pavement - Caltrans  
 (D-LAYOUT\_4ENVIR\_Rev\_new.DGN & LA.dgn & 3401U D-cut-fill)

1 inch = 417 feet  
 250 500 1,000 Feet

Survey Area	WUS/WSC
CDFW Jurisdiction	

**FIGURE  
2 E**





MAP NOTES  
 Aerial Image - Bing maps (2009)  
 Survey Area - AMEC (2011)  
 Projection: NAD\_1983\_StatePlane\_California\_V\_FIPS\_0405\_Feet 0  
 Limit of Pavement - Caltrans  
 (D-LAYOUT\_4ENVIR\_Rev\_new.DGN & LA.dgn & 3401U D-cut-fill)

1 inch = 417 feet  
 250 500 1,000  
 Feet

Survey Area  
 WUS/WSC  
 CDFW Jurisdiction

**Jurisdictional Delineation Map**  
**SR-138 Widening Project**  
**California Department of Transportation**

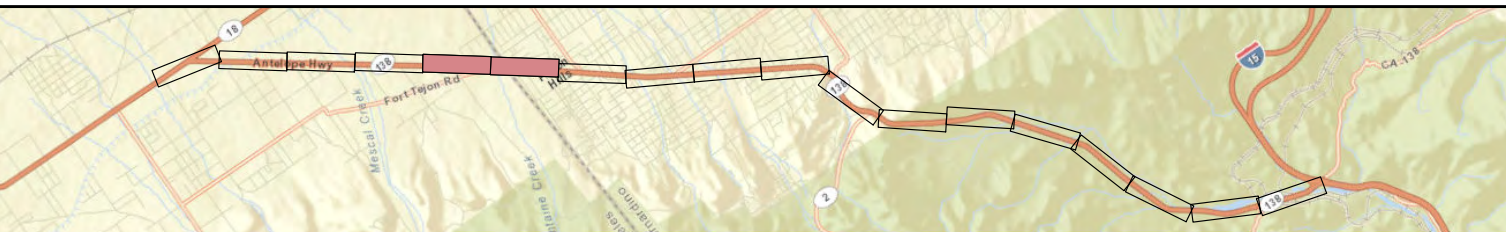
**FIGURE**  
**2 F**

Date: 9/27/2013





Date: 9/27/2013



MAP NOTES  
 Aerial Image - Bing maps (2009)  
 Survey Area - AMEC (2011)  
 Projection: NAD\_1983\_StatePlane\_California\_V\_FIPS\_0405\_Feet 0  
 Limit of Pavement - Caltrans  
 (D-LAYOUT\_4ENVIR\_Rev\_new.DGN & LA.dgn & 3401U D-cut-fill)

1 inch = 417 feet  
 250 500 1,000  
 Feet

Survey Area WUSWSC  
 CDFW Jurisdiction

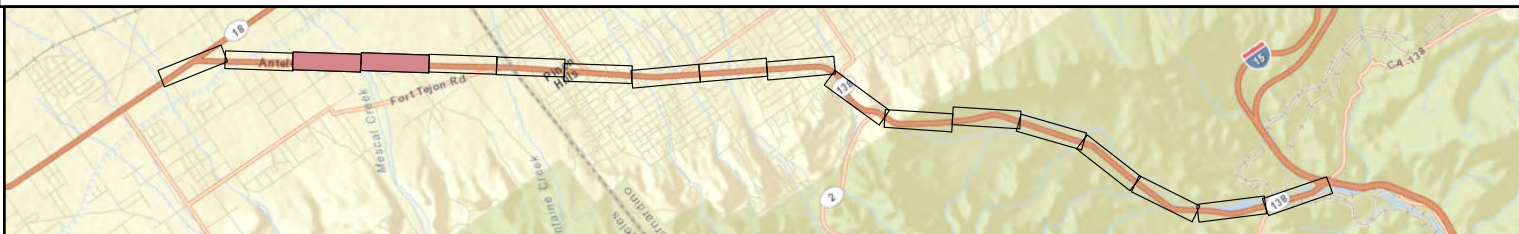
**Jurisdictional Delineation Map**  
**SR-138 Widening Project**  
**California Department of Transportation**

**FIGURE**  
**2 G**





Date: 9/27/2013



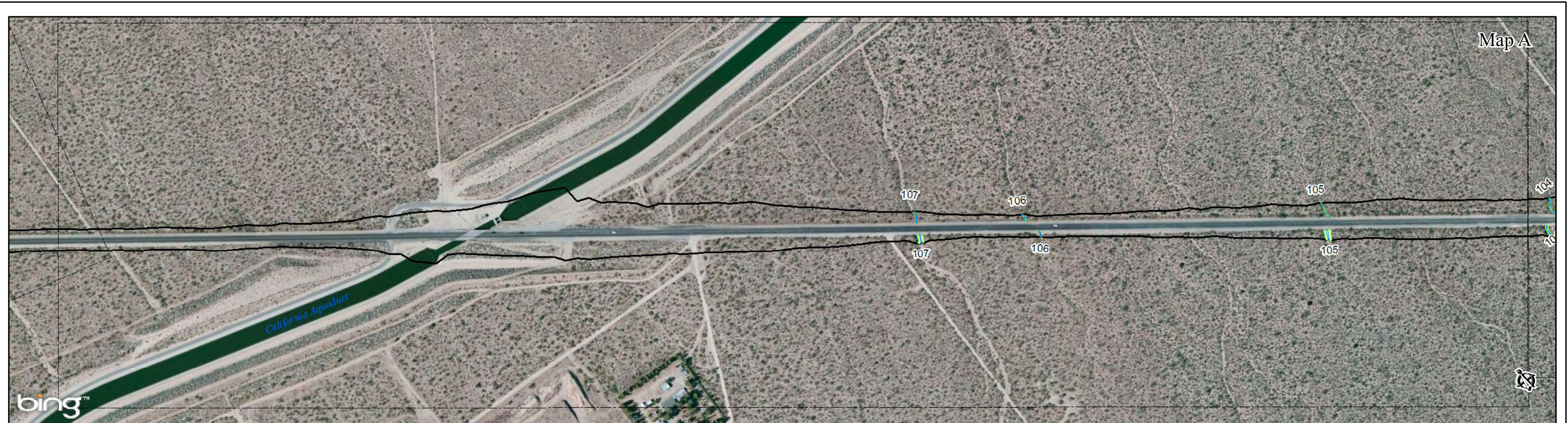
MAP NOTES  
 Aerial Image - Bing maps (2009)  
 Survey Area - AMEC (2011)  
 Projection: NAD\_1983\_StatePlane\_California\_V\_FIPS\_0405\_Feet 0  
 Limit of Pavement - Caltrans  
 (D-LAYOUT\_4ENVIR\_Rev\_new.DGN & LA.dgn & 3401U D-cut-fill)

1 inch = 417 feet  
 250 500 1,000  
 Feet

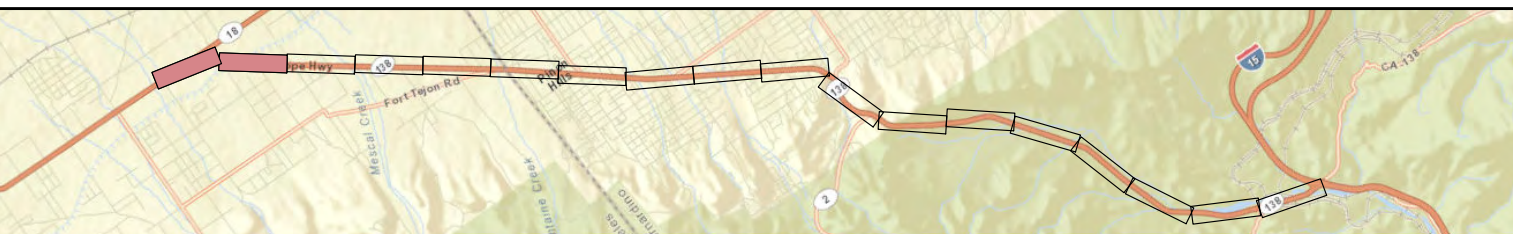
**Jurisdictional Delineation Map**  
**SR-138 Widening Project**  
**California Department of Transportation**

Survey Area	WUS/WSC	<p><b>FIGURE</b> <b>2 H</b></p>
CDFW Jurisdiction		





Date: 9/27/2013



**Jurisdictional Delineation Map**  
**SR-138 Widening Project**  
**California Department of Transportation**

**MAP NOTES**  
 Aerial Image - Bing maps (2009)  
 Survey Area - AMEC (2011)  
 Projection: NAD\_1983\_StatePlane\_California\_V\_FIPS\_0405\_Feet 0  
 Limit of Pavement - Caltrans  
 (D-LAYOUT\_4ENVIR\_Rev\_new.DGN & LA.dgn & 3401U D-cut-fill)

1 inch = 417 feet  
 250 500 1,000  
 Feet

Survey Area

WUS/WSC

CDFW Jurisdiction

**FIGURE**  
**2I**





S:\active projects\Caltrans Projects\2010 - 08A1820 - District 8\Task Orders\Task Order No. 20 SR-138 Widening\graphics\map

02/09/12

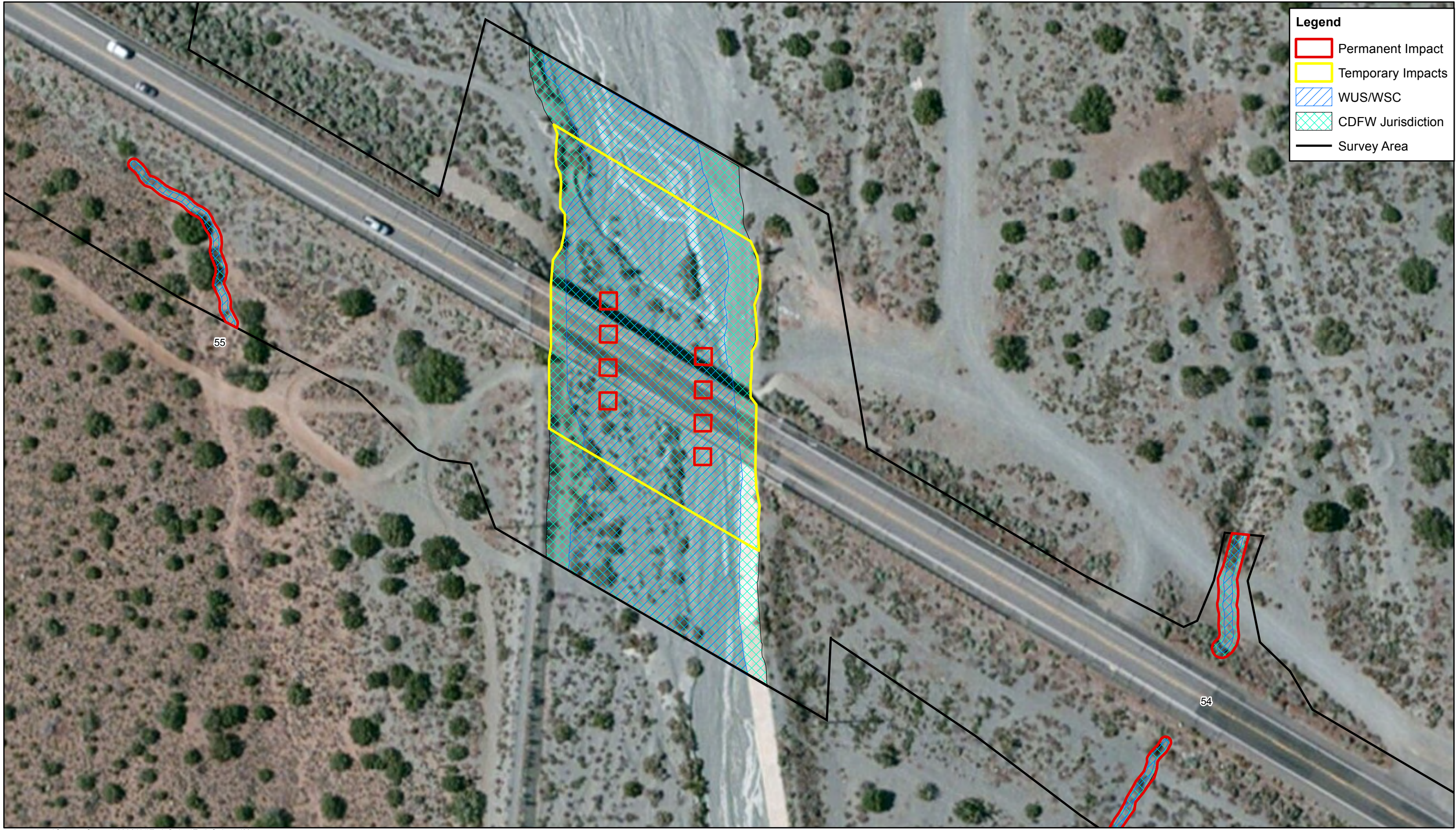
**Map Notes**  
 Aerial Image - Bing Map  
 Survey Area - AMEC (2011)  
 Limit of Impact - Caltrans(54-0561-e-fdpl-Cajon Creek-ed-v3.dgn)

0 12.5 25 50  
 Feet  
 1 inch = 58 feet

**Impact Assessment Map-Cajon Creek  
 SR-138 Widening Project  
 California Department of Transportation**

**FIGURE**  
**3 A**





active projects\Caltrans Contract 08A2191\Task Orders\Task Order 14\Maps

09/27/13

**Map Notes**  
 Aerial Image - Bing Map  
 Survey Area - AMEC (2011)  
 Limit of Impact - Caltrans(3401U D-cut-fill.DGN)

0 12.5 25 50  
 Feet

1 inch = 67 feet



**Impact Assessment Map-Cajon Creek  
 SR-138 Widening Project  
 California Department of Transportation**

**FIGURE**

**3 B**



# PRELIMINARY JURISDICTIONAL DETERMINATION FORM

This preliminary JD finds that there “*may be*” waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

District Office  File/ORM #  PJD Date:

State <input type="text" value="CA"/>	City/County <input type="text" value="San Bernardino County"/>	Name/ Address of Person Requesting PJD  <input type="text" value="SCOTT QUINNELL, Caltrans"/> <input type="text" value="464 West 4th Street, San Bernardino, CA 92401"/>
Nearest Waterbody: <input type="text" value="Santa Ana and Mojave Rivers"/>		
Location: TRS, LatLong or UTM: <input type="text" value="See attached table (Cajon Creek and drainages 1-57)."/>		

Identify (Estimate) Amount of Waters in the Review Area:	Name of Any Water Bodies on the Site Identified as	Tidal: <input type="text"/>
Non-Wetland Waters:	Section 10 Waters:	Non-Tidal: <input type="text"/>
<input type="text"/> linear ft <input type="text"/> width <input type="text" value="2.53"/> acres <input type="text" value="Ephemeral"/>		
Wetlands: <input type="text" value="0"/> acre(s) Cowardin Class: <input type="text"/>	<input type="checkbox"/> Office (Desk) Determination <input type="checkbox"/> Field Determination:	Date of Field Trip: <input type="text"/>

**SUPPORTING DATA: Data reviewed for preliminary JD (check all that apply - checked items should be included in case file and, where checked and requested, appropriately reference sources below):**

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:
- ☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
  - ☒ Office concurs with data sheets/delineation report.
  - ☐ Office does not concur with data sheets/delineation report.
- ☐ Data sheets prepared by the Corps
- ☐ Corps navigable waters' study:
- ☐ U.S. Geological Survey Hydrologic Atlas:
  - ☐ USGS NHD data.
  - ☐ USGS 8 and 12 digit HUC maps.
- ☐ U.S. Geological Survey map(s). Cite quad name:
- ☐ USDA Natural Resources Conservation Service Soil Survey. Citation:
- ☐ National wetlands inventory map(s). Cite name:
- ☐ State/Local wetland inventory map(s):
- ☐ FEMA/FIRM maps:
- ☐ 100-year Floodplain Elevation is:
- ☒ Photographs: ☐ Aerial (Name & Date):   
☒ Other (Name & Date):
- ☐ Previous determination(s). File no. and date of response letter:
- ☐ Other information (please specify):

**IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.**

SWENSON.DANIEL.PATTERSON.1081348363

Digitally signed by SWENSON.DANIEL.PATTERSON.1081348363  
DN: c=US, o=U.S. Government, ou=DoD, ou=PKI, ou=USA,  
cn=SWENSON.DANIEL.PATTERSON.1081348363  
Date: 2013.12.13 17:08:20 -08'00'

Signature and Date of Regulatory Project Manager  
(REQUIRED)

Signature and Date of Person Requesting Preliminary JD  
(REQUIRED, unless obtaining the signature is impracticable)

## EXPLANATION OF PRELIMINARY AND APPROVED JURISDICTIONAL DETERMINATIONS:

1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring “preconstruction notification” (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable.

# PRELIMINARY JURISDICTIONAL DETERMINATION FORM

This preliminary JD finds that there *"may be"* waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

## Appendix A - Sites

District Office  File/ORM #  PJD Date:

State  City/County  Person Requesting PJD

Site Number	Latitude	Longitude	Cowardin Class	Est. Amount of Aquatic Resource in Review Area	Class of Aquatic Resource
1-41	Attached	Attached		Attached	Non-Section 10 non-wetland

### Notes:

See table 1 (Cajon Creek and drainages 1-57) within attached delineation report dated October 1, 2013 prepared by AMEC Environment & Infrastructure, Inc.



## NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Scott Quinnell, CA DOT, District 8		File Number: 2009-607	Date: 20131218
Attached is:			See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
	PERMIT DENIAL	C	
	APPROVED JURISDICTIONAL DETERMINATION	D	
X	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

**SECTION I -** The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at [http://www.usace.army.mil/cecw/pages/reg\\_materials.aspx](http://www.usace.army.mil/cecw/pages/reg_materials.aspx) or Corps regulations at 33 CFR Part 331.

**A: INITIAL PROFFERED PERMIT:** You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

**B: PROFFERED PERMIT:** You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**C: PERMIT DENIAL:** You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**D: APPROVED JURISDICTIONAL DETERMINATION:** You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**E: PRELIMINARY JURISDICTIONAL DETERMINATION:** You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

**SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT**

**REASONS FOR APPEAL OR OBJECTIONS:** (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

**ADDITIONAL INFORMATION:** The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

**POINT OF CONTACT FOR QUESTIONS OR INFORMATION:**

If you have questions regarding this decision and/or the appeal process you may contact:

Daniel P. Swenson, D.Env.  
Chief, LA & San Bernardino Counties Section  
U.S. Army Corps of Engineers  
Attn: Regulatory Division  
915 Wilshire Blvd.  
Los Angeles, CA 90017  
213-452-3414

If you only have questions regarding the appeal process you may also contact:

Thomas J. Cavanaugh  
Administrative Appeal Review Officer,  
U.S. Army Corps of Engineers  
South Pacific Division  
1455 Market Street, 2052B  
San Francisco, California 94103-1399  
Phone: (415) 503-6574 Fax: (415) 503-6646  
Email: [thomas.j.cavanaugh@usace.army.mil](mailto:thomas.j.cavanaugh@usace.army.mil)

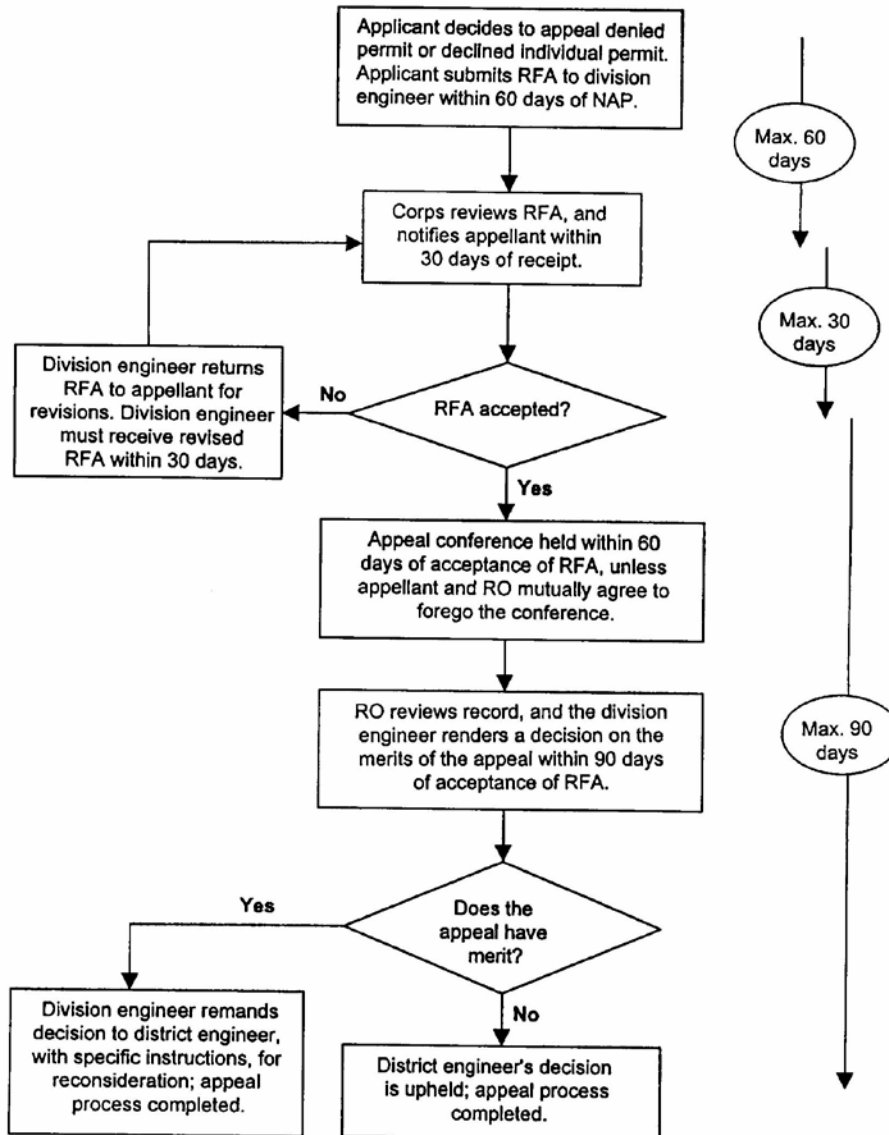
**RIGHT OF ENTRY:** Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

\_\_\_\_\_  
Signature of appellant or agent.

Date:

Telephone number:

### Administrative Appeal Process



Appendix A