



REPLY TO  
ATTENTION OF

## DEPARTMENT OF THE ARMY

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

June 14, 2012

Regulatory Division

Sarah Baker  
California Department of Transportation, District 7  
100 South Main Street, MS16A,  
Los Angeles, California 90012

### DEPARTMENT OF THE ARMY NATIONWIDE PERMIT VERIFICATION

Dear Ms. Baker:

I am responding to your request of June 11, 2012 to reauthorize Department of the Army permit SPL-2011-00528-TS under the 2012 Nationwide Permit (NWP) program. You requested reauthorization because work on the VEN 1 Seawall project has not been initiated and work in waters of the U.S. is expected to be necessary beyond March 18, 2013.

Your proposed project, the VEN 1 Seawall project between post miles 22.54 and 22.9 near Solimar State Beach in Ventura County, California, would result in a discharge of dredged and/or fill material into waters of the United States and would place structures or consist of work in or affecting navigable 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) and section 10 of the Rivers and Harbors Act (33 U.S.C. 403), your proposed project requires a Department of the Army permit.

I have determined construction of the VEN 1 Seawall project complies with NWP 3 (*Maintenance*), if conducted as described in your application.

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

1. Demolish and reconstruct approximately 1,800 linear feet of existing seawall between post miles 22.54 and 22.9, and include an access ramp and stairs for public access in the reconstructed seawall.

For this NWP 3 verification letter to be valid, you must comply with all of the terms and conditions in Enclosure 1.

Furthermore, you must comply with the following non-discretionary Special Conditions listed below:

1. The permittee shall notify the Corps Regulatory Division of the date of commencement of operations not less than 14 calendar days prior to commencing work, and shall notify the Corps of the date of completion of operations at least five calendar days prior to such completion.
2. Copies of this permit shall be given to all Caltrans staff, contractors and subcontractors. A copy of this permit shall be maintained on the construction site for the duration of construction activities and shall be furnished to Corps personnel upon request.
3. Use of construction equipment on the beach is not authorized by this permit.
4. The Permittee shall clearly mark the limits of the workspace with flagging or similar means to ensure mechanized equipment does not enter preserved waters of the U.S. and riparian wetland/habitat areas. Adverse impacts to waters of the U.S. beyond the Corps-approved construction footprint are not authorized. Such impacts could result in permit suspension and revocation, administrative penalties, and/or substantial additional. Compensatory mitigation requirements.
5. Within 45 calendar days of completion of authorized work in waters of the U.S., the Permittee shall submit to the Corps Regulatory Division a post-project implementation memo indicating the date authorized impacts to waters of the U.S. ceased.
6. The permitted activity shall not interfere with the right of the public to free navigation on all navigable waters of the United States as defined by 33 C.F.R. Part 329.
7. The Permittee shall discharge only clean construction material suitable for use in the oceanic environment. The Permittee shall ensure no debris, soil, silt, sand, sawdust, rubbish, cement or concrete washings thereof, oil or petroleum products, from construction shall be allowed to enter into or placed where it may be washed by rainfall or runoff into waters of the United States. Upon completion of the project authorized herein, any and all excess material or debris shall be completely removed from the work area and disposed of in an appropriate upland site.
8. This Corps permit does not authorize you to take any threatened or endangered species, or adversely modify designated critical habitat. In order to legally take a listed species, you must have separate authorization under the Endangered Species Act (ESA) (e.g., ESA Section 10 permit, or a Biological Opinion (BO) under ESA Section 7, with "incidental take" provisions with which you must comply.
9. Pursuant to 36 CFR section 800.13, in the event of any discoveries during construction of either human remains, archeological deposits, or any other type of historic property, the Permittee shall notify the Corps' Regulatory Division staff (Theresa Stevens, Ph.D. at 805-585-2146) and Corps' Archeology staff (Steve Dibble at 213-452-3849 or John

Killeen at 213-452-3861) within 24 hours. The Permittee shall immediately suspend all work in any area(s) where potential cultural resources are discovered. The Permittee shall not resume construction in the area surrounding the potential cultural resources until the Corps Regulatory Division re-authorized project construction, per 36 CFR section 800.13.

10. 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 Regulatory Division 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.

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


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

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

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

***"Building Strong and Taking Care of People!"***

Sincerely,



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

Enclosure      Nationwide Permit General Conditions