



DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT CORPS OF ENGINEERS
P.O. BOX 532711
LOS ANGELES, CALIFORNIA 90053-2325

May 30, 2012

REPLY TO
ATTENTION OF:

Office of the Chief
Regulatory Division

DEPARTMENT OF THE ARMY NATIONWIDE PERMIT AUTHORIZATION

Ed Hajj, Project Manager
California Department of Transportation, District 11
Attention: Robert A. James
4050 Taylor Street, MS-242
San Diego, California 92110

Dear Mr. Hajj:

I am responding to your request, dated March 26, 2012, (File No. SPL-2011-00702-SCH), for a Department of the Army Permit. Your proposed project, Repair and Rehabilitation to Culvert 5, would result in discharge of fill material into waters of the United States. Therefore, pursuant to section 404 of the Clean Water Act 33 U.S.C. 1344; 33 C.F.R. part 232 and 330), your proposed project requires a Department of the Army permit. The Repair and Rehabilitation to Culvert 5 is located along Interstate 8 (I-8) at postmile 10.62 (32.773164°N, -117.02894°W), within the city of La Mesa, San Diego County, California, (as shown on the attached drawing(s)/map(s)).

I have determined construction of the Repair and Rehabilitation to Culvert 5 project complies with Nationwide Permit (NWP) No. 3 Maintenance, if conducted as described in your application.

Specifically, you have requested authorization to repair an existing culvert which includes sealing transverse cracks with flexible sealant or epoxy, cleaning out and repairing exposed re-bar with mortar and joint filler, and stream dewatering. The proposed project will temporarily impact 0.01 acre (31 linear feet) of non-wetland waters of the U.S. (see attached figures).

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

1. The permittee shall abide by the terms and conditions of the project's 401 Water Quality Certification, dated January 18, 2012.

2. At the conclusion of the project, all temporary fill shall be removed and the area shall be restored to pre-construction conditions to the maximum extent practicable.
3. The Permittee shall clearly mark the limits of the workspace with flagging or similar means to ensure mechanized equipment does not enter avoided 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, civil or criminal penalties, and/or substantial, additional, compensatory mitigation requirements.
4. Within 45 calendar days of completion of authorized work in waters of the U.S., the Permittee shall submit to the Corps Regulatory Division a post-project implementation memo indicating the date authorized impacts to waters of the U.S. ceased.
5. The permittee shall employ all best management practices (BMPs) to ensure that no debris, soil, silt, sand, rubbish, cement or concrete washings thereof, oil or petroleum can be washed by rainfall or runoff into waterways. When project operations are completed, any and all excess construction material, debris, and or other associated excess project materials shall be removed and if not recycled or reused, disposed of at an appropriate off-site location outside of any jurisdictional water of the U.S. Similarly, the permittee shall ensure that all vehicle maintenance, staging, storage, and dispensing of fuel occurs in designated upland areas. The permittee shall ensure that these designated upland areas are located in such a manner to prevent any runoff from entering waters of the U.S.
6. A copy of the permit shall be on the job site at all times during construction. The permittee shall provide a copy of this permit to all contractors, subcontractors, and forepersons. The permittee shall require that all contractors, subcontractors, and forepersons read this authorization in its entirety and acknowledge they understand its contents and their responsibility to ensure compliance with all general and special conditions contained herein.

Endangered Species Act:

7. This Corps permit does not authorize you to take any federally listed (or proposed) threatened or endangered species or critical habitat. In order to legally take a federally 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).

Cultural Resources:

8. Pursuant to 36 C.F.R. section 800.13, in the event of any discoveries during construction of either human remains, archeological deposits, or any other type of historic property, the

Permittee shall notify the Corps' Regulatory Division staff and 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 within 100 feet of any area(s) where potential cultural resources are discovered. The Permittee shall not resume construction in the area surrounding the potential cultural resources until the Corps Regulatory Division re-authorizes project construction, per 36 C.F.R. section 800.13.

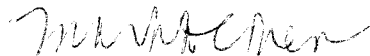
Your verification is valid through May 30, 2014. All of the existing NWP's will expire on March 18, 2012. It is incumbent upon you to remain informed of changes to the NWP's. We will issue a public notice when the NWP's are reissued. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant nationwide permit is modified or revoked, you will have twelve (12) months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this nationwide permit.

A nationwide permit does not grant any property rights or exclusive privileges. Also, it does not authorize any injury to the property or rights of others or 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 Sophia Huynh of my staff at 213-452-3357 or via e-mail at Sophia.C.Huynh@usace.army.mil.

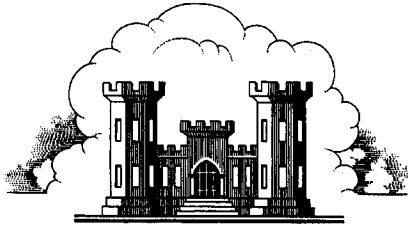
Please be advised that you can now comment on your experience with Regulatory Division by accessing the Corps web-based customer survey form at: <http://per2.nwp.usace.army.mil/survey.html>.

Sincerely,



Mark D. Cohen
Deputy Chief, Regulatory Division

Enclosures



LOS ANGELES DISTRICT
U.S. ARMY CORPS OF ENGINEERS

CERTIFICATION OF COMPLIANCE WITH
DEPARTMENT OF THE ARMY NATIONWIDE PERMIT

Permit Number: *SPL-2011-00702-SCH*

Name of Permittee: *California Department of Transportation, District 11, Ed Hajj*

Date of Issuance: *May 30, 2012*

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

U.S Army Corps of Engineers
Regulatory Division
ATTN: CESPL-RG-SPL-2011-00702-SCH
P.O. Box 532711
Los Angeles, California 90053

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

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

Signature of Permittee

Date

CALIFORNIA DEPARTMENT OF TRANSPORTATION, PROJECT ID 1100000248 / EA 270801
11-SD-8, PM 10.62, ALVARADO CREEK
USGS LA MESA QUADRANGLE 7.5 MINUTE SERIES, T 16S, R 1W

