



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY

Los Angeles District Corps of Engineers
P.O. Box 532711
Los Angeles, CA 90017-3401

June 28, 2012

Regulatory Division

Scott Quinnell, Senior Environmental Planner
California Department of Transportation, District 8
464 West 4th Street, 6th Floor
San Bernardino, California 92401-1400

DEPARTMENT OF THE ARMY NATIONWIDE PERMIT AUTHORIZATION

Dear Mr. Quinnell:

This correspondence is in reply to your application (File No. SPL-2012-00252-VCC), dated April 6, 2012, for a Department of the Army Permit. Your proposed project, Caltrans State Route (SR)-138 Culvert Replacement Project, would result in discharges of permanent fill into approximately 0.03 acre of non-wetland waters of the U.S. and temporary fill material into approximately 0.08 acre of non-wetland waters of the U.S. Therefore, pursuant to section 404 of the Clean Water Act (33 U.S.C. 1344; 33 C.F.R. parts 323 and 330), your proposed project requires a Department of the Army permit. The proposed work would take place at unnamed tributaries to Silverwood Lake within the city of Crestline, San Bernardino County, California.

I have determined construction of Caltrans SR-138 Culvert Replacement Project complies with Nationwide Permit (NWP) No. 14 Linear Transportation Projects, if conducted as described in your application.

Specifically, you are authorized to:

1. Discharge permanent fill material into approximately 390 square feet (13 linear feet) of non-wetland waters of the U.S. to maintain the culvert at Post Mile 27.45 and place rip rap at the outlet and discharge temporarily placed dredged and fill material into approximately 2,324 square feet and for construction equipment access and temporary water diversion, if necessary.
2. Discharge permanent fill material into approximately 749 square feet (18 linear feet) of non-wetland waters of the U.S. to replace the culvert at Post Mile 28.46 and place rip rap at the outlet and discharge temporarily placed dredged and fill material into approximately 955 square feet and for construction equipment access and temporary water diversion, if necessary.

For this NWP No. 14 verification letter to be valid, you must comply with all of the terms and conditions in Enclosure 1. Furthermore, you must comply with the following non-discretionary Special Conditions listed below:

1. The Permittee shall abide by the terms and conditions of the Clean Water Act (CWA) section 401 Water Quality Standards Certification, dated June 27, 2012.

2. 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 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 Los Angeles District Regulatory Division dated September 21, 2009 (http://www.spl.usace.army.mil/regulatory/pn/SPL-RG_map-drawing-standard_final_w-fig.pdf). All plan sheets shall be signed, dated, and submitted on paper no larger than 8.5x 11 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.
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. areas shown in the attached figures. Adverse impacts to waters of the U.S. beyond the Corps Regulatory Division-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. Upon project completion, temporary fills shall be removed and the stream shall be re-contoured to pre-construction conditions. In addition, the Permittee shall hydroseed or revegetate, where possible, the disturbed portions of the earthen stream banks with native, non-invasive plant species common to the area, as appropriate, to reduce the potential for erosion. The Permittee shall submit the proposed planting palette for review and approval by the Corps Regulatory Division prior to initiation of construction. The Permittee shall ensure the restored areas are maintained and monitored for a period of two years after completing the seeding/planting activities, such that less than 10 percent of the areas disturbed by the project are vegetated by non-natives and invasive plant species.
5. Within 45 calendar days of completing authorized work in waters of the U.S., the Permittee shall submit to the Corps Regulatory Division a memo including the following:
 - 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 completed or being taken to achieve compliance);
 - C) Color photographs taken at the project site before and after construction for those aspects directly associated with impacts to waters of the U.S.; and
 - D) One copy of as-built drawings for the entire project, including all on-site re-contoured and hydroseeded sites (all sheets must be signed, dated, to-scale, and no larger than 8.5 x 11 inches).
 - E) Signed Certification of Compliance.

Cultural Resources:

6. 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 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 June 28, 2014. All nationwide permits will expire on March 18, 2017. It is incumbent upon you to remain informed of changes to the nationwide permits. A public notice of the change(s) will be issued when any of the NWP's are modified, reissued, or revoked. Furthermore, if you commence or are under contract to commence this activity before the date on which the relevant NWP is reissued, modified, or revoked, you will have twelve (12) months from the date of the reissuance, modification, or revocation of the NWP to complete the activity under the present terms and conditions of the relevant NWP.

A preliminary jurisdictional determination (PJD) has been conducted to determine the extent of U.S. Army Corps of Engineers (Corps) geographic jurisdiction, upon which this NWP verification is based. A preliminary JD is advisory in nature and is a written indication that Corps geographic jurisdiction may be present on a particular site, but is not appealable. Please refer to the enclosed Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form for more information

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

Thank you for participating in our regulatory program. If you have any questions, please contact Veronica Chan at 213-452-3292 or via e-mail at Veronica.C.Chan@usace.army.mil.

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

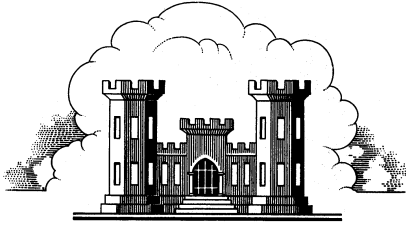
"Building Strong and Taking Care of People!"

Sincerely,



Mark D. Cohen
Deputy Chief, Regulatory Division

Enclosure(s)



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

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

Permit Number: *SPL-2012-00252-VCC*

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

Date of Issuance: *June 28, 2012*

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

U.S. Army Corps of Engineers, Los Angeles District
Regulatory Division
ATTN: CESPL-RG-SPL-2012-00252-VCC
P.O. Box 532711
Los Angeles, CA 90017-3401

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

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

Signature of Permittee

Date