



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY

Los Angeles District Corps of Engineers
P.O. Box 532711
Los Angeles, California 90053

December 17, 2012

Regulatory Division

Mr. Matthew Cugini, Branch Chief, P.E.,
California Department of Transportation, District 12
Attn: Shannon Crossen
3347 Michelson Drive, Suite 100,
Irvine, California 92612

DEPARTMENT OF THE ARMY NATIONWIDE PERMIT VERIFICATION

Dear Mr. Cugini:

I am responding to your request/application, dated September 15, 2012 (SPL-2012-01198-SCH), for a Department of the Army permit. Your proposed project, State Route (SR) 91 Westbound Widening Project between the State Route 55 and the State Route 91 connector to the Tustin Avenue Off-Ramp, would result in a 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. parts 320 and 332), your proposed project requires a Department of the Army permit. The project limits on SR-91 are from post mile (PM) 7.9 to PM 9.5, and the total length of the project is 1.6 miles within the City of Anaheim, Orange County (33.84889°N, -117.83433 °W).

I have determined construction of State Route (SR) 91 Westbound Widening Project between the State Route 55 and the State Route 91 connector to the Tustin Avenue Off-Ramp complies with Nationwide Permit (NWP) No. 14 Linear Transportation Projects, if conducted as described in your application.

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

1. permanently impact 0.134 acre (788 linear feet) of deepwater aquatic non-wetland waters of the U.S. associated with widening of a bridge footing
2. temporarily impact 2.11 acre (868 linear feet) of deepwater aquatic non-wetland waters of the U.S. associated with water diversion/water displacement activities, and
3. temporarily impact 0.24 acre (2,879 linear feet) of non-wetland waters of the U.S. associated with covering open concrete channels.

For this NWP 14 verification letter to be valid, you must comply with all of the terms and conditions in Enclosure 1. Furthermore, you must comply with the following non-discretionary Special Conditions listed below:

1. The Permittee shall abide by the terms and conditions of the project's section 401 Water Quality Certification, dated December 3, 2012.
2. Prior to initiating construction in waters of the U.S., and to mitigate at a 2:1 ratio (0.268 acre) for permanent impacts to 0.134 acre of impacts to deepwater aquatic non-wetland waters of the U.S., the Permittee shall provide documentation verifying purchase of credits for enhancement (invasive species

removal) of riverine habitat within the Santa Ana River Watershed from a Corps Regulatory Division-approved mitigation bank or in-lieu fee program (ILFP). The Permittee shall not initiate work in waters of the U.S. until receiving written confirmation (by letter or e-mail) from the Corps Regulatory Division as to compliance with this special condition. The permittee retains responsibility for providing the compensatory mitigation until the number and resource type of credits described above have been secured from a sponsor and the Corps Regulatory Division has received documentation that confirms that the sponsor has accepted the responsibility for providing the required compensatory mitigation. This documentation may consist of a letter or form signed by the sponsor, with the permit number and a statement indicating the number and resource type of credits that have been secured from the sponsor.

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 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. 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 Corps jurisdictional waters 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 this 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 threatened or endangered species. In order to legally take a listed species, you must have separate authorization under the Endangered Species Act (ESA) from the U.S. Fish and Wildlife Service.

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 12/17/2014. 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 preliminary jurisdictional determination (JD) 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. An approved JD is an official Corps determination of the precisely identified limits of Corps geographic jurisdiction on a particular site, and is appealable. Should you wish to appeal an approved JD, you may request an administrative appeal under Corps regulations at 33 C.F.R. part 331. 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 Sophia Huynh 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>.

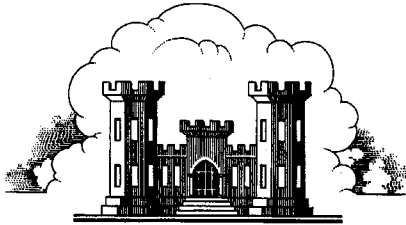
"Building Strong and Taking Care of People!"

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-2011-01198-SCH*

Name of Permittee: *California Department of Transportation District 12, Matthew Cugini*

Date of Issuance: *December 17, 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:

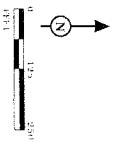
U.S. Army Corps of Engineers, Los Angeles District
Regulatory Division
ATTN: CESPL-RG-SPL-2011-01198-SCH
P.O. Box 532711
Los Angeles, California 90053

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 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



- Legend
- Presumed Wetland
 - Temporary Construction Easement
 - Maximum Construction Limit
 - ACOE Jurisdiction
 - CDFG Jurisdiction
 - BSA

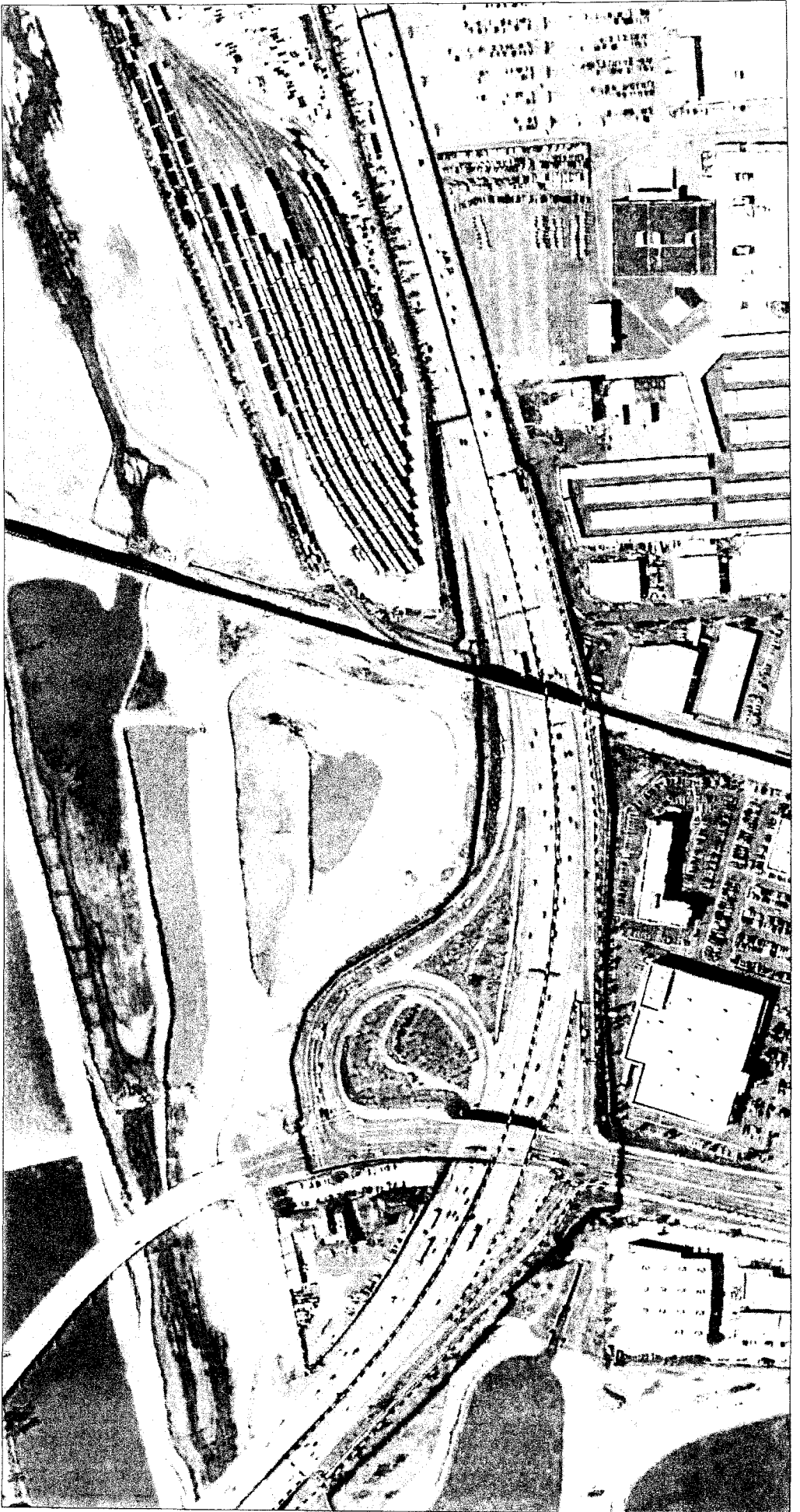


FIGURE 2.15-2
(Page 1 of 3)

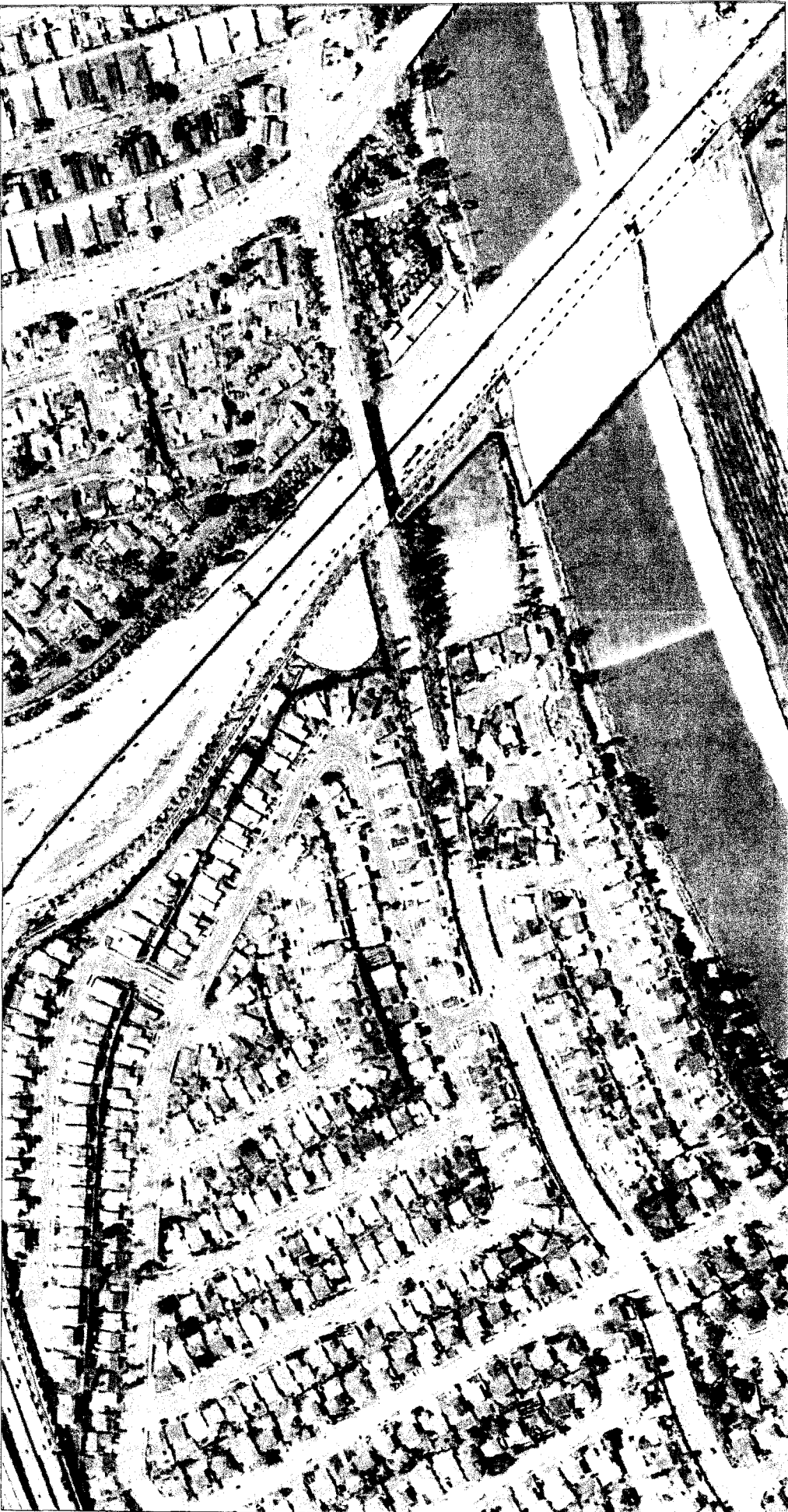
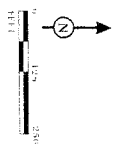


FIGURE 2.15-2
(Page 2 of 11)



- Legend
- Presumed Wetland
 - Temporary Construction Easement
 - Maximum Construction Limit
 - NCOE Jurisdiction
 - CDFG Jurisdiction
 - BSA



FIGURE 2.15-2
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