



REPLY TO
ATTENTION OF

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

October 15, 2013

Regulatory Division

Annesley Ignatius
San Bernardino County Department of Public Works
Environmental Management Division 825 East Third Street
San Bernardino, California 92415

DEPARTMENT OF THE ARMY NATIONWIDE PERMIT VERIFICATION

Dear Mr. Ignatius:

I am responding to your request (SPL-2013-00683-SLP) for a Department of the Army permit. Your proposed project, the Geotech Activities for Upper Cactus Basins (No. 3-5) Flood Control System Project, is located within the city of Rialto, San Bernardino County, California (maps enclosed).

This project 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 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. 6: *Survey Activities*, if constructed as described in your application.

Specifically, and as shown on the attached Figure 1, you are authorized to conduct the following regulated activities: Temporarily impact up to 0.46 acre of non-wetland waters of the U.S. to conduct geotechnical investigations within two exploratory trenches.

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. The Permittee shall have a qualified biological monitor inspect the access routes and two staked trench areas before the initiation of any daily project activities for any signs of presence of the San Bernardino kangaroo rat (SBKR)(*Dipodomys merriami parvus*). If any presence of SBKR is observed, no project activities shall proceed and the Corps Regulatory Project Manager shall be immediately contacted.
2. The Permittee shall have a qualified biologist present onsite during all construction activities to avoid and prevent any disturbance to suitable SBKR habitat areas, and to ensure all holes/trenches are covered when work is not occurring.

3. 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).

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 habitat areas shown on Figure 1. 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.

5. No later than one month following completion of authorized work in waters of the U.S., the permittee shall ensure all sites within waters of the U.S. subject to authorized, temporary impacts are restored to pre-project alignments, elevation contours, and conditions to the maximum extent practicable to ensure expeditious resumption of aquatic resource functions. No later than 45 calendar days following completion of authorized work in waters of the U.S., the permittee shall submit a memorandum documenting compliance with this special condition.

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' Archeology Staff within 24 hours (Steve Dibble at 213-452-3849 or John Killeen at 213-452-3861). 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-authorizes project construction, per 36 C.F.R. Section 800.13.

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 chose 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 Shannon Pankratz at 213-452-3412 or via e-mail at Shannon.L.Pankratz@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.

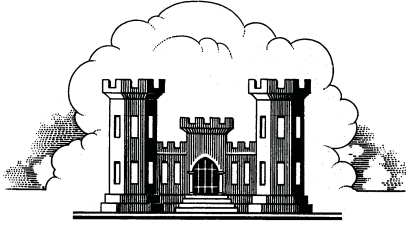
Sincerely,

SWENSON.DANIEL.
PATTERSON.10813
48363

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: 2013.10.15 10:33:11 -07'00'

Daniel P. Swenson, D. Env
Chief, L.A. & San Bernardino Section
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-2013-00683-SLP*

Name of Permittee: *Annesley Ignatius, San Bernardino County Department of Public Works*

Date of Issuance: *October 15, 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 Shannon.L.Pankratz@usace.army.mil
OR

2) Mail the signed certificate to
US Army Corps of Engineers
ATTN: Regulatory Division SPL-2013-00683-SLP
LOS ANGELES DISTRICT CORPS OF ENGINEERS
P.O. BOX 532711
LOS ANGELES, CALIFORNIA 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(1)(3) to confirm the appropriate number and resource type of credits have been secured.

Signature of Permittee

Date