



DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, US ARMY CORPS OF ENGINEERS
5900 LA PLACE COURT, SUITE 100
CARLSBAD, CALIFORNIA 92008

February 26, 2014

Thomas Duffy
San Diego County
County of San Diego
Department of Public Works
5510 Overland Avenue, Suite 410 (MS-O385)
San Diego, California 92123

DEPARTMENT OF THE ARMY NATIONWIDE PERMIT VERIFICATION

Dear Mr. Duffy:

I am responding to your request (SPL-2013-00873-MBS) for a Department of the Army (DA) permit for your proposed project, Alpine Creek Drainage Improvements Project. The proposed project is located in the unincorporated community of Alpine, San Diego County, California (Latitude N: 32.83574, Longitude W: -116.773916).

Because this project would result in a discharge of dredged and/or fill material into waters of the U.S., a DA permit is required pursuant to Section 404 of the Clean Water Act (33 USC 1344; 33 CFR parts 323 and 330).

I have determined construction of your proposed project, if constructed as described in your application, would comply with Nationwide Permit (NWP) 43, Stormwater Management Facilities. Specifically, and as shown in the enclosed figures, you are authorized to excavate two cubic yards (CY) of sediment and discharge five CY of two-ton ungrouted riprap into Alpine Creek for the installation of a new headwall and energy dissipater. The installation of the new head wall and energy dissipater will result in the permanent impact to 0.005 acre and temporary impact to 0.004 acre of non-wetland waters of the U.S. The installation of the headwall and energy dissipater is one component of the larger project that involves construction of a catch basin underneath Alpine Timbers Condominiums and a parallel storm drain along Arnold Way to supplement the existing undersized storm drain. The catch basin will be designed to split flows between the existing storm drain and the new storm drain in order to accommodate 100-year flows and reduce downstream velocities and erosion.

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. This permit is contingent upon the issuance of a section 401 Water Quality Certification (WQC). The Permittee shall abide by the terms and conditions of the Clean Water Act

section 401 WQC. The Permittee shall submit the section 401 WQC to the Corps Regulatory Division (preferably via email) within two weeks of receipt from the issuing state agency. The Permittee shall not proceed with construction until receiving an e-mail or other written notification from Corps Regulatory Division acknowledging the Clean Water Act 401 WQC has been received, reviewed, and determined to be acceptable. If the Regional Water Quality Control Board (RWQCB) fails to act on a valid request for certification within two months after receipt of a complete application, please notify the Corps so we may consider whether a waiver of water quality certification has been obtained.

2. 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 shown on Figure 2. Adverse impacts to waters of the U.S. beyond the Army Corps of Engineers (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.
3. The Permittee shall ensure that all construction materials and staging, storage, dispensing, fueling, and maintenance activities are located in upland areas outside of Corps jurisdiction, and that adequate measures are taken to prevent any potential runoff from entering waters of the U.S.
4. The Permittee shall ensure that water quality is maintained within the unnamed streams, at and downstream of the project site, by incorporating appropriate design elements into the project as approved by the Corps and the RWQCB.
5. 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 Project Manager (Meris Bantilan-Smith at 760-602-4836) and 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.
6. 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.

7. 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).

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 I may request the use of discretionary authority in accordance with procedures in 33 CFR § 330.4(e) and 33 CFR § 330.5(c) or (d) to modify, suspend, or revoke this specific verification at an earlier date. Additionally, at the national level the Chief of Engineers, any time prior to March 18, 2017, may chose to modify, suspend, or revoke the nationwide use of a NWP after following procedures set forth in 33 CFR § 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, contact Meris Bantilan-Smith at 760-602-4836 or via e-mail at Meris.Bantilan-Smith@usace.army.mil.

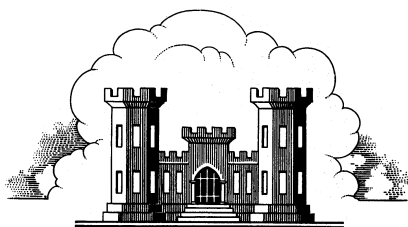
- 4 -

Please help me to evaluate and improve the regulatory experience for others by completing the customer survey form at http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey.

Sincerely,

Corice Farrar
Chief, Orange and Riverside Counties Section

Enclosures



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

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

Permit Number: *SPL-2013-00873-MBS*

Name of Permittee: *Thomas Duffy, San Diego County*

Date of Issuance: *February 26, 2014*

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 Meris.Bantilan-Smith@usace.army.mil
- OR**
- 2) Mail the signed certificate to

DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS
ATTN: REGULATORY DIVISION SPL-2013-00873-MBS
5900 LA PLACE COURT, SUITE 100
CARLSBAD, CALIFORNIA 92008

I hereby certify that 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(l)(3) to confirm that the appropriate number and resource type of credits have been secured.

Signature of Permittee

Date