



**DEPARTMENT OF THE ARMY**  
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS  
5900 LA PLACE COURT, SUITE 100  
CARLSBAD, CALIFORNIA 92008

August 27, 2014

Megan Hamilton  
County of San Diego Parks & Recreation  
5500 Overland Avenue, Suite 410  
San Diego, California 92123

**DEPARTMENT OF THE ARMY NATIONWIDE PERMIT VERIFICATION**

Dear Ms. Hamilton:

I am responding to your request (SPL-2014-00154-MBS) for a Department of the Army (DA) permit for your proposed project, Sweetwater Phase III Trail Project. The proposed project is located in Sweetwater Regional Park between the Western Staging Area and just east of the Willow Street Bridge in the unincorporated community of Bonita, San Diego County, California (Figure 2).

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

I have determined construction of your proposed project, if constructed as described in your application, would comply with Nationwide Permit (NWP) 42, Recreational Facilities. Specifically, and as shown in the enclosed figures, you are authorized to:

- Discharge a total of 396 cubic yards of imported fill material, consisting of 3-inch diameter rock base, Class II aggregate base, and stabilized decomposed granite surfacing, into waters of the U.S. to stabilize the eastern portion and stabilize and widen the western portion of the Sweetwater Regional Park Trail (Figure 3). In total, the trail improvements would result in permanent impact to 0.145 acre of waters of the U.S., composed of 0.002 acre of non-wetland waters and 0.143 acre of wetland waters, as well as temporary impacts to 0.034 acre of waters of the U.S., composed of 0.011 acre of non-wetland waters and 0.023 of wetland waters.
- Replace the existing steel footbridge crossing in the eastern segment of the trail with a low-profile boardwalk bridge. The replacement bridge will have six 21-inch diameter concrete footings, two footings outside of the river on each channel bank and two footings in the middle of the stream channel (Figure 5). Minor grading, approximately 36 square-feet on the south and 40 square-feet on the north end of the bridge, will occur to allow for a smooth bank-to-stream bottom transition within the bridge footprint.

- Install one new culvert and replace two existing corrugated metal culverts along the western portion of the trail. Each culvert will be 12 feet in length by 22 inches in width (for placement of an 18-inch diameter pipe). In addition, riprap energy dissipaters will be constructed for 12 inches upstream of the culverts and 24 inches downstream of the culverts consisting of a total of 30 cubic yards of 10-inch diameter ungrouted riprap (Figure 6).
- Finally, as part of the trail improvements approximately 0.54 acre of waters of the U.S. will be restored and enhanced as segments of the trail will be narrowed from 8-10 feet to 5 feet and rouge trails will be closed. All restoration and enhancement activities will be completed as outlined in the "Restoration and Enhancement Plan for the Sweetwater Phase III Trails Project, San Diego County, California" dated February 2014 and prepared by the County of San Diego Department of Parks and Recreation.

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 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 the U.S. Army Corps of Engineers (Corps) Regulatory Division acknowledging the section 401 WQC has been received, reviewed, and determined to be acceptable. If the Regional Water Quality Control Board 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 WQC 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 4a-f. 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.
3. In order to avoid impacts to least Bell's vireo (*Vireo bellii pusillus*), all work shall occur between September 15 and April 15, outside of the least Bell's vireo nesting season.
4. Cultural Resources: Pursuant to 36 CFR § 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 CFR § 800.13.

5. 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).

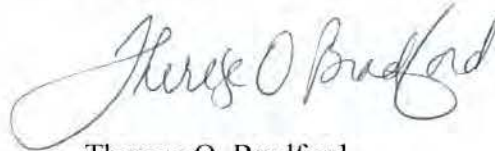
This verification is valid through March 18, 2017. If on March 18, 2017 you have commenced or are under contract to commence the permitted activity you will have an additional twelve (12) months to complete the activity under the present NWP terms and conditions. However, if I discover noncompliance 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 choose 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, please contact Meris Bantilan-Smith at 760-602-4836 or via e-mail at Meris.Bantilan-Smith@usace.army.mil. 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](http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey).

Sincerely,

A handwritten signature in cursive script, reading "Therese O. Bradford". The signature is written in dark ink and is positioned above the printed name and title.

Therese O. Bradford  
Chief, South Coast Branch

Enclosures



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

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

**Permit Number:** *SPL-2014-00154-MBS*

**Name of Permittee:** *Megan Hamilton, County of San Diego Parks & Recreation*

**Date of Issuance:** *August 27, 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](mailto:Meris.Bantilan-Smith@usace.army.mil)

**OR**

2) Mail the signed certificate to  
U.S. Army Corps of Engineers  
Los Angeles District  
ATTN: Regulatory Division SPL-2014-00154-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.

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Signature of Permittee

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Date