



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

June 9, 2014

Cynthia Curtis
Environmental Planning Manager
County of San Diego
DPW Environmental Services Unit
5510 Overland Avenue, Suite 410
San Diego, California 92123-1237

DEPARTMENT OF THE ARMY NATIONWIDE PERMIT VERIFICATION

Dear Ms. Curtis:

I am responding to your request (SPL-2010-00894-MBS) for a Department of the Army (DA) permit for your proposed project, San Vicente Road Improvement. The proposed project is located between Warnock Drive and Wildcat Canyon Road, at Township 13 south, Range 1 east, Section 34 of the 7.5-minute Ramona quadrangle map, San Diego County, California (Figure 1).

Because this project would result in a discharge of 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) 14, Linear Transportation Projects. Specifically, and as shown in the enclosed figures, you are authorized to:

Construct improvements to an existing roadway to increase safety for motorists, pedestrians, and bicyclists along approximately 2.25 miles of San Vicente Road between Warnock Drive and just east of Wildcat Canyon Road. The road improvements will result in two, 13-foot travel lanes; two, five-foot bike lanes; three, 14-foot turn lanes at the intersections of San Vicente Road with Warnock Drive, Deviney Lane, and Wildcat Canyon Road; a stabilized disintegrated granite pathway on the west and south side of the roadway; and a native graded parkway on the east and north side of the roadway. The project will temporarily discharge fill material into 0.49 acre of wetland waters and 0.41 acre of non-wetland waters as well as permanently discharge fill material into 0.07 acre of wetland waters and 0.08 acre of non-wetland waters of the U.S. Specific project improvements resulting in the discharge of fill material into waters of the U.S. include the construction of both concrete and earthen drainage ditches on both sides of the roadway and subsurface drains, replacement of nine existing culverts, construction of seven new culverts, riprap energy dissipaters, headwalls, and ten bioretention basins to retain and treat stormwater runoff. Waters of the U.S. include unnamed wetlands and tributaries to Santa Maria and San Vicente Creeks.

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:

Pre-Construction

1. Prior to initiating construction in waters of the U.S., the Permittee shall submit to the U.S. Army Corps of Engineers (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 South Pacific Division Regulatory Program dated August 6, 2012 (<http://www.spd.usace.army.mil/Portals/13/docs/regulatory/standards/map.pdf>). All plan sheets shall be signed, dated, and submitted on paper no larger than 11x17 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.
2. Prior to initiating work in waters of the U.S., the Permittee shall provide written notification to the Corps. The notification shall include the following:
 - a. Corps File Number (SPL-2010-00894-MBS);
 - b. Name of company performing the work and on-site point of contact;
 - c. Size and type of equipment that shall be performing the work in waters; and
 - d. Schedule for beginning and ending work in waters of the U.S.
3. The Permittee shall implement a Permittee/contractor education program to ensure that contractors and all construction personnel are fully informed of the biologically sensitive resources associated with the project site and are aware of the terms and conditions of this authorization. A copy of this authorization with, with Special Conditions, shall be available at the work site at all times during periods of work in and adjacent to waters of the U.S. and must be presented upon request by any Corps personnel with a reasonable reason for making such a request.

Construction

4. 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 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. The Permittee shall comply with the terms and conditions of the amended Clean Water Act

Section 401 Water Quality Certification issued by the San Diego Regional Water Quality Control Board (Certification Number R9-2010-0095) for your project, dated April 29, 2014. You must comply with the conditions specified in this Certification, attached to this permit as Enclosure 2, as special conditions to this permit.

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 (Steve Dibble at 213-452-3849 or John Killeen at 213-452-3861) and Corps Project Manager (Meris Bantilan-Smith at 760-602-4836) within 24 hours. 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.

Mitigation

7. The Permittee shall mitigate for permanent impacts to 0.15 acre waters of the U. S., through rehabilitation of 1.4 acres and enhance 0.30 acre of waters of the U.S. as described in the final, approved mitigation plan: "San Vicente Road Improvement Project Offsite Wetland Mitigation Plan" (WMP; dated December 2011, and prepared by ICF International). The Permittee shall complete site preparation and planting and initiate monitoring as described in the final, approved mitigation plan concurrently with impacts to waters of the U.S. According to the final, approved mitigation plan, the County of San Diego, Department of Public Works is responsible for mitigation implementation, performance, and long-term management. The Permittee retains ultimate legal responsibility for meeting the requirements of the final, approved mitigation plan. Detailed mitigation objectives, performance standards, and monitoring requirements are described in the above final, approved mitigation plan. Any requirements for financial assurances and/or long-term management provisions are also described in the above final, approved mitigation plan. Your responsibility to complete the required compensatory mitigation as set forth in this Special Condition will not be considered fulfilled until you have demonstrated compensatory mitigation project success and have received written verification of that success from the Corps Regulatory Division.
8. The Permittee shall provide long-term protection through a real estate instrument, management plan, or other long-term protection mechanism approved by the Corps for the San Diego River Conservancy Mitigation Site within in the San Diego River to protect and maintain the 1.70-acre mitigation site as natural open space in perpetuity. The site protection mechanism shall preclude establishment of fuel modification zones, paved public trails, drainage facilities, walls, maintenance access roads and/or future easements. Further, to the extent practicable, any such facilities outside the mitigation site shall be sited to minimize indirect impacts on the avoided, created, restored and enhanced wetland and non-wetland waters of the U.S. Prior to its execution and within six months of issuance of this permit, the Permittee shall submit a draft site protection mechanism to the Corps for review. The Permittee shall receive written approval

(by letter or e-mail) from the Corps of this site protection mechanism prior to it being executed. No later than 30 days after receiving Corps approval of the final draft site protection mechanism, the mechanism shall be executed and a final copy furnished to the Corps.

9. **MONITORING:** You shall submit monitoring reports for all compensatory mitigation sites as described in the final, approved mitigation plan by October 1 of each year following the construction of mitigation. To assure compensatory mitigation success, you shall monitor the mitigation area for at least five (5) consecutive growing seasons after construction or until the Corps determines the final performance standards are met (monitoring shall be for a minimum of 5 years unless the Corps agrees earlier that success has been reached and maintained for a sufficient time period, or, if success is not demonstrated to the Corps' satisfaction after the 5th year of monitoring, additional monitoring may be required by the Corps as determined at that time). The monitoring period shall commence upon completion of the construction of the mitigation site. Additionally, you shall demonstrate continued success of the compensatory mitigation site, without human intervention, for at least two consecutive years during which interim and/or final performance standards are met. The compensatory mitigation project will not be deemed successful until this criterion has been met.
10. **GIS DATA:** Within 60 days following permit issuance, you shall provide to this office GIS data (polygons only) depicting the boundaries of all compensatory mitigation sites, as authorized in the above, final mitigation plan. All GIS data and associated metadata shall be provided on a digital medium (CD or DVD) or via file transfer protocol (FTP), preferably using the Environmental Systems Research Institute (ESRI) shapefile format. GIS data for mitigation sites shall conform to the Mitigation_SPD.xlsx data table, as specified in the Final Map and Drawing Standards for the South Pacific Division Regulatory Program dated August 6, 2012 (<http://www.spd.usace.army.mil/Portals/13/docs/regulatory/standards/map.pdf>), and shall include a text file of metadata, including datum, projection, and mapper contact information. Within 60 days following completion of compensatory mitigation construction activities, if any deviations have occurred, you shall submit as-built GIS data (polygons only) accompanied by a narrative description listing and explaining each deviation.
11. Within 45 calendar days of complete installation of all mitigation, the Permittee shall submit to the Corps Regulatory Division a memorandum including the following information:
 - a. Date(s) all mitigation was installed and monitoring was initiated;
 - b. Schedule for future mitigation monitoring and reporting pursuant to final, Corps-approved mitigation plan;
 - c. Color photographs (including map of photopoints) taken at each mitigation site before and after installation such that correct installation per final, Corps-approved mitigation plan can be verified; and
 - d. One copy of "as built" drawings for the entire project, including all mitigation sites. 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 11x17 inches.

12. Your responsibility to complete the required compensatory mitigation at the San Diego River Conservancy Mitigation Site as set forth in the final WMP shall not be considered fulfilled until you have demonstrated compensatory mitigation project success and have received written verification of that success from the Corps. The Permittee retains the ultimate responsibility for meeting the requirements of the final WMP. Detailed mitigation objectives, performance standards, and monitoring requirements are described in the approved final WMP with key Year 5 performance standards outlined below:
- A minimum of 5 years of maintenance and monitoring has been completed;
 - Native woody perennial cover is equal to or greater than 90%;
 - Non-native cover is less than or equal to 5%;
 - Bare ground is less than or equal to 5%;
 - The mitigation site is free from invasive exotic plant species, such as salt cedar;
 - Native plant recruitment is demonstrated;
 - All water supplies used shall be shut off for a minimum of 2 years prior to sign off;
 - A minimum of six species native to the target habitat types must represent 0.5% (each) of the total vegetation composition within the mitigation site, with no single species representing more than 75% composition; and
 - At the end of the 5-year monitoring period, the monitored assessment area shall achieve the following California Rapid Assessment (CRAM) metric scores:

CRAM Attribute	Final Score
Habitat Structural Diversity	0.8
Habitat Coverage and Spatial Diversity	0.8
Percent of Exotic, Invasive Vegetation	1.0
Hydrologic Regime of Riparian Zone	1.0
Characteristics of Flood-prone Area	1.0
Micro and Macro Topographic Complexity	0.8
Biogeochemical Process	0.8

Post-Construction

13. 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.
14. 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:
- Date(s) work within waters of the U.S. was initiated and completed;

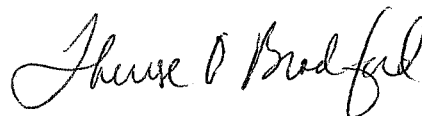
- b. Summary of compliance status with each special condition of this permit (including any noncompliance that previously occurred or is currently occurring and corrective actions taken or proposed to achieve compliance);
- c. Color photographs (including map of photopoints) taken at the project site 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.

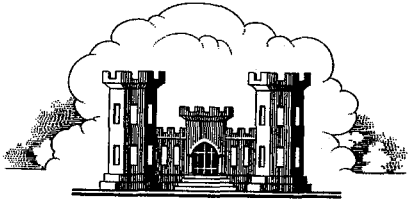
Thank you for participating in the regulatory program. If you have any questions, contact Meris Bantilan-Smith at 760-602-4836 or via e-mail at Meris.Bantilan-Smith@usace.army.mil. Please help me to evaluate and improve the regulatory experience for others by completing the customer survey form at http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey.

Sincerely,



Therese O. Bradford
Chief, South Coast Branch
Regulatory Division

Enclosures



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

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

Permit Number: SPL-2010-00894-MBS

Name of Permittee: Cynthia Curtis
Environmental Planning Manager
DPW Environmental Services Unit

Date of Issuance: June 9, 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

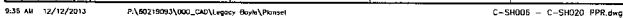
U.S. Army Corps of Engineers
Los Angeles District
ATTN: Regulatory Division SPL-2010-00894-MBS
5900 La Place Court, Suite 100
Carlsbad, California 92008

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(1)(3) to confirm that the appropriate number and resource type of credits have been secured.

Signature of Permittee

Date

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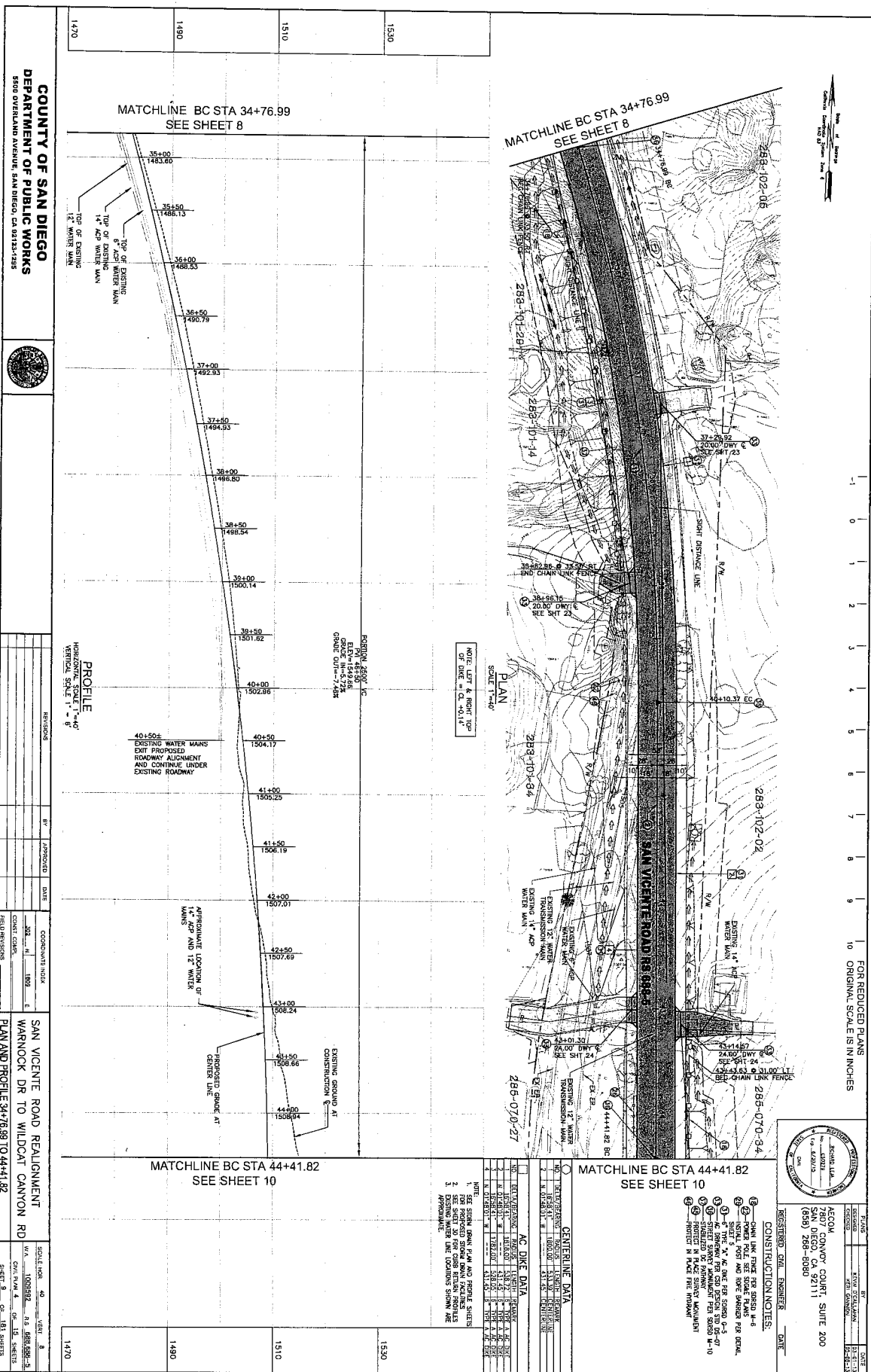
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San Vicente Road Improvement Project

Revised Engineering Design Plans

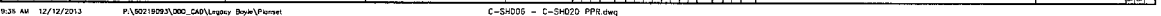
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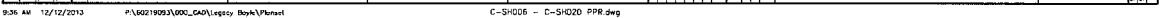
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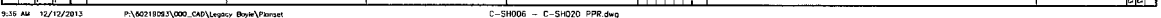
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