

FORM APPROVED COUNTY COUNSEL 1/14/15
 DATE
 BY: GREGORY P. PRIAMOS

Departmental Concurrence

**SUBMITTAL TO THE BOARD OF SUPERVISORS
 COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

838A



FROM: TLMA - Transportation Department

SUBMITTAL DATE:
 January 5, 2015

SUBJECT: Agreement between the Riverside-Corona Resource Conservation District and the County of Riverside Regarding Mitigation for the Interstate 215/Newport Road Interchange Project; No Further California Environmental Quality Act Required. District 5 [\$547,400]; 100% Menifee RBBF Funds

RECOMMENDED MOTION: That the Board of Supervisors:

1. **APPROVE** the Agreement Between the Riverside-Corona Resource Conservation District and the County of Riverside Regarding Mitigation for the Interstate 215/Newport Road Interchange Project; and
2. **AUTHORIZE** the Chairman of the Board to execute said Agreement.

Patricia Romo

Patricia Romo
 Assistant Director of Transportation
 for Juan C. Perez
 Director of Transportation and Land Management

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (Per Exec. Office)
COST	\$ 547,400	\$ 0	\$ 547,400	\$ 0	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0	
SOURCE OF FUNDS: Menifee RBBF Funds (100%). There are no General Funds used in this project.				Budget Adjustment: N/A	
				For Fiscal Year: 14/15	

C.E.O. RECOMMENDATION:

APPROVE

BY: *Tina Grande*
 Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

- A-30
- Positions Added
- 4/5 Vote
- Change Order

Prev. Agn. Ref.:

District: 5

Agenda Number:

3-22

SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

FORM 11: Agreement between the Riverside-Corona Resource Conservation District and the County of Riverside Regarding Mitigation for the Interstate 215/Newport Road Interchange Project; No Further California Environmental Quality Act Required. District 5 [\$547,400]; 100% Menifee RBBB Funds

DATE: January 5, 2015

PAGE: 2 of 3

BACKGROUND:

Summary

The Interstate 215(I-215)/Newport Road Interchange Project includes the reconstruction of the existing Diamond Interchange at I-215 and Newport Road. Newport Road will be widened through the interchange from four through lanes to six through lanes between Antelope Road and Haun Road.

Loop entrance ramps will be added with associated right turn lanes on Newport Road. Acceleration lanes will be added to the northbound and southbound entrance ramps, and a deceleration lane will be constructed at the approach to the northbound exit ramp. The Project requires widening of the Newport Road overcrossing and the northbound I-215 bridge over Salt Creek.

Because the Project includes the widening of the Newport Road overcrossing and the northbound I-215 bridge over Salt Creek, there will be temporary and permanent impacts to habitat and waterbodies under the jurisdiction of the Regional Water Quality Control Board (RWQCB), United States Army Corps of Engineers (USACE), and the California Department of Fish and Wildlife (CDFW). This agreement covers mitigation for all three agencies and related permits listed below.

The Project will impact the bed, channel and bank within jurisdictional Waters of the U.S totaling 0.594 acre (1,297 linear feet) of temporary impacts, and 2.041 acres (4,593 linear feet) of permanent impacts, respectively per the requirements of RWQCB 401 certification. The RWQCB 401 certification requires the Riverside County Transportation Department to pay for compensatory mitigation to the Riverside-Corona Resource Conservation District In-Lieu Fee Program for rehabilitation and/or re-establishment of 2.787 acres of mitigation land.

Pursuant to the terms of the USACE Clean Water Act Section 404 Nationwide Permit, the County is required to mitigate permanent impacts to 0.003 acre of wetland and 0.49 acre of non-wetland Waters of the United States and for temporary impacts to 0.04 acre of wetland and 0.45 acre of non-wetland Waters of the United States by purchasing two rehabilitation and/or re-establishment credits from an Army Corps of Engineers-approved in-lieu fee Program (i.e. Riverside-Corona Resource Conservation District In-Lieu Fee Program).

Furthermore, the project will permanently impact 2.041 acres and temporarily impact 0.594 acre of CDFW jurisdictional areas including 2.413 acres of un-vegetated or upland-dominant vegetated streambed and 0.222 acre of mulefat scrub habitat, for which Riverside County Transportation Department will purchase 2.8 acres of restoration credits through the Riverside Corona Resource Conservation Districts In-Lieu Fee Program.

The attached Agreement between the Riverside-Corona Resource Conservation District and the County of Riverside outlines the mitigation plan for compliance with the aforementioned regulatory requirements and allows for the Riverside Corona Resource Conservation District to install 2.8 acres of restoration on property within the Santa Ana River Watershed, preferably close to the Temescal Wash.

Impact on Residents and Businesses

The purchase of credits from the Riverside-Corona Resource Conservation District will not only allow the construction of the I-215/Newport Road Interchange Project to proceed, it will facilitate the restoration of 2.8 acres of property within the Santa Ana River Watershed.

SUPPLEMENTAL:

Additional Fiscal Information

Menifee Road and Bridge Benefit District (RBBB) funds will be used to fund 100% of the purchase of 2.8 rehabilitation credits from the Riverside-Corona Resource Conservation District for the rehabilitation and/or re-establishment of 2.787 acres of mitigation land.

SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: Agreement between the Riverside-Corona Resource Conservation District and the County of Riverside Regarding Mitigation for the Interstate 215/Newport Road Interchange Project; No Further California Environmental Quality Act Required. District 5 [\$547,400]; 100% Menifee RBBB Funds

DATE: January 5, 2015

PAGE: 3 of 3

Contract History and Price Reasonableness

The Project U.S. Army Corps of Engineers (USACE) Section 404 permit requires 2.0 acres of mitigation within the USACE-approved Riverside-Corona Resource Conservation District (RCRCD) in-lieu fee service area for project impacts. No other USACE-approved in-lieu fee programs occur in this region.

ATTACHMENTS:

Agreement between the Riverside-Corona Resource Conservation District and the County of Riverside Transportation Department Regarding Mitigation for the I-215 Newport Road Project

**AGREEMENT BETWEEN THE RIVERSIDE-CORONA
RESOURCE CONSERVATION DISTRICT AND THE COUNTY
OF RIVERSIDE REGARDING MITIGATION FOR THE I-
215/NEWPORT ROAD INTERCHANGE PROJECT**

This Agreement is entered into this _____ day of ____ 20__, by and between Riverside-Corona Resource Conservation District ("RCRCD"), and the County of Riverside ("Project Proponent" or "County") (collectively the "Parties"), as follows:

RECITALS

A. The County is seeking the assistance of RCRCD to satisfy certain offsite mitigation requirements imposed by the United States Army Corps of Engineers ("USACE"), the California Regional Water Quality Control Board, Region 8 ("RWQCB"), and the California Department of Fish and Wildlife ("CDFW") associated with the County's I-215/Newport Road Interchange Project (the "Project"), to be located within Sections 2, 3, 34, & 35 of Townships 5 & 6 South, Range 3 West, of the U.S. Geological Survey Romoland quadrangle map (33.685017° N/ -117.171410° W) ("Impact Location").

B. RCRCD has an In-Lieu Fee Program (the "ILF Program") formally approved by the USACE and other regulatory agency members of the "Interagency Review Team" (the "IRT") on July 26, 2012 and such program is currently in good standing with the IRT. RCRCD has received approval from the IRT to sell Credits from the Program to offset impacts caused by project proponents such as the County.

C. Under revised Special Condition 3 of the Project's USACE Clean Water Act Section 404 Nationwide Permit Verification Letter dated July 2, 2013 (SPL-2010-00446-VCC), together with the Amendments thereto ("404 Permit"), the County is to purchase 2.0 Rehabilitation Credits from the ILF Program. The various Section 404 permit documents are attached hereto as Exhibit "A".

D. The Project is also subject to a separate RWQCB section 401 Clean Water Act water quality certification (Certification no. 332012-36), including the revision thereto dated December 15, 2014 ("401 Certification"). The 401 Certification documents are attached hereto as Exhibit "B". Under the revised Section 401 Water Quality Certification, the County is required to provide compensatory mitigation in the form of "enhancement [], rehabilitation, and/or reestablishment on a total of 2.787 acres."

E. In addition, the Project is also subject to a January 22, 2014 CDFW "Operation of Law" letter ("CDFW Op Law Letter"), which also requires the County to provide for "2.787 acres of restoration". (See CDFW documents attached hereto as Exhibit "C".)

F. Project Proponent desires to purchase from RCRCD and RCRCD desires to sell and convey to Project Proponent, 2.8 Rehabilitation Credits from the Program.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. Subject to the terms and conditions herein, RCRCDC agrees to sell to Project Proponent and Project Proponent agrees to purchase from RCRCDC 2.8 Rehabilitation Credits from the Program ("Credits") for the purchase price of FIVE HUNDRED FORTY-SEVEN THOUSAND FOUR HUNDRED DOLLARS (\$547,400) (the "Purchase Price"). The Purchase Price for said Credits shall be paid by County Check or Warrant made payable to the RIVERSIDE-CORONA RESOURCE CONSERVATION DISTRICT. The Parties shall mutually agree to a "Closing Date" by which the transaction will be completed, which shall be no later than 30 days following the execution of this agreement. On the Closing Date, RCRCDC shall transfer to Project Proponent evidence that the Credits the have been paid by way of the Bill of Sale attached as Exhibit "D".

2. In the event Project Proponent has not delivered the Purchase Price to RCRCDC on or before the Closing Date, this Agreement shall automatically terminate without need for any further action by RCRCDC and RCRCDC shall have no further obligations to Project Proponent under this Agreement.

3. The sale and transfer herein is not intended as a sale or transfer to Project Proponent of a security, license, lease, easement, or possessory or non-possessory interest in real property, nor the granting of any interest of the foregoing.

4. Project Proponent shall have no obligation whatsoever by reason of the purchase of the Credits to support, pay, fix, monitor, report on, sustain, continue in perpetuity, or otherwise be obligated or liable for the success or continued expense or maintenance in perpetuity of the mitigation property associated with Credits sold or the ILF Program. RCRCDC shall indemnify and hold harmless the County of Riverside, its respective directors, officers, Board of Supervisors, elected and appointed officials, employees, agents and representatives (individually and collectively hereinafter referred to as Indemnitees") from any liability whatsoever based or asserted upon the purchase of the Credits or RCRCDC's obligation to achieve success criteria or for long-term maintenance of the mitigation property associated with the Credits sold or the ILF Program, arising out of or any relating to this Agreement, and also including but not limited to, property damage, bodily injury, or death, or any other element of any kind or nature whatsoever arising from the performance under this Agreement of RCRCDC, its officers, employees, subcontractors, agents or representatives for a period of five (5) years following the execution of this Agreement; provided, however, that RCRCDC shall not be responsible to provide any additional mitigation services or Credits beyond those outlined in Section 1, above, even if CDFW, the RWQCB and/or USACE later modify their respective mitigation requirements. RCRCDC shall defend at its sole expense, all costs and fees including, but not limited to, attorney fees, cost of investigation, defense and settlements or awards, the Indemnitees, in any claim or action based upon the purchase of Credits or RCRCDC's obligation for the success, continued expense or maintenance in perpetuity of the mitigation property associated with the Credits sold or the ILF Program.

5. The Credits herein sold to Project Proponent shall be non-transferable and non-assignable, and shall be used as compensatory mitigation only in connection with the Project. Any excess Credits beyond those needed for the Project shall not be utilized for the benefit of any other project, nor shall they be traded or otherwise retained by RCRCDC for future use by the Project Proponent or any other person or entity.

6. All representations, warranties, and covenants embodied in this Agreement shall survive the transfer of the Credits hereunder.

7. RCRCDC shall cooperate and assist Project Proponent by providing documentation required by the IRT, CDFW and RWQCB to establish that the Credits are being used to compensate for the Project's impacts described above. RCRCDC shall provide USACE with a Statement of Sale of Credit in the form of the attached Exhibit E no later than 30 days after the Closing Date of a successful sale.

8. Any notice or other written communication given pursuant to this Agreement shall be delivered to the other Party by first class U.S. mail, certified or registered U.S. mail or facsimile mail with mailed copy as follows:

Project Proponent: Patricia Romo
Assistant Director for Transportation
Riverside County Transportation Department
3525 14th Street
Riverside, California 92502
Telephone: 951-955-1505

RCRCDC: Shelli Lamb, District Manager
4500 Glenwood Dr, Bldg A
Riverside, CA 92501-3042
Telephone: (951) 683-7691
Facsimile: (951) 683-3814

9. It is agreed that all understandings and agreements heretofore had between the Parties respecting the transactions contemplated by this Agreement are merged in this Agreement, which fully and completely expresses the agreement of the Parties. There are no representations, warranties, or agreements except as specified and expressly set forth herein, in the exhibits annexed hereto, or to be set forth in the instruments or other documents delivered or to be delivered hereunder.

10. Any individual signing this Agreement on behalf of a partnership or business entity other than a corporation represents that such other entity has power and authority to enter into this Agreement, and by such person's act is bound hereby.

11. Except as otherwise expressly provided herein, the execution and delivery of this Agreement shall not be deemed to confer any rights upon, nor obligate any of the parties hereto, to any person or entity other than the parties hereto.

12. This Agreement may be executed in one or more counterparts. Each shall be deemed an original and all, taken together, shall constitute one and the same instrument.

IN WITNESS WHEREOF, the Parties have executed this Agreement the day and year first above written,

RCRCD:

COUNTY OF RIVERSIDE:

By: _____
Alfred B. Bonnett, Jr.
President, Board of Directors

By: _____
Marion Ashley, Chairman
Board of Supervisors

FORM APPROVED COUNTY COUNSEL
BY: Karin Watts
KARIN L. WATTS-BAZAN
DATE: 1/13/2015

EXHIBIT A

(404 Nationwide Permit Verification Letter dated July 2, 2013 (SPL-2010-00446-VCC);
Amended Nationwide Permit Verification Letter dated May 28, 2014)



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY

Los Angeles District Corps of Engineers
P.O. Box 532711
Los Angeles, CA 90017-3401

July 2, 2013

Regulatory Division

Russell Williams, Principal Planner
Riverside County Transportation Department
3525 14th Street
Riverside, California 92502

DEPARTMENT OF THE ARMY NATIONWIDE PERMIT VERIFICATION

Dear Mr. Williams,

This correspondence is in reply to your application, dated December 21, 2012, for a Department of the Army Permit. Your proposed project, Interstate 215/Newport Road Interchange Improvement Project, would result in discharges of permanent fill into approximately 0.003 acre (15 linear feet) of wetland and 0.49 acre (1,600 linear feet) of non-wetland waters of the U.S. and temporarily discharge dredged or fill material into approximately 0.04 acre (335 linear feet) of wetland and 0.45 acre (660 linear feet) of non-wetland waters of the U.S. 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. The proposed work would take place within an unnamed tributary to Salt Creek and within Salt Creek, in the City of Menifee, Riverside County, California (see attached figures).

I have determined construction of Interstate 215/Newport Road Interchange Improvement Project complies with Nationwide Permit (NWP) No. 14, Linear Transportation Projects, if conducted as described in your application. This letter covers multiple verifications, listed below.

Specifically, you are authorized to (as shown on the enclosed figures):

- Discharge permanent fill material into approximately 0.003 acre (15 linear feet) of wetland and 0.49 acre (1,600 linear feet) of non-wetland waters of the U.S. and temporarily discharge dredged or fill material into approximately 0.04 acre (335 linear feet) of wetland and 0.45 acre (660 linear feet) of non-wetland waters of the U.S. to construct the Interstate 215/ Newport Road Interchange Improvement Project at the following locations:
 - Feature 1: Permanent: 0.46 acre (20,080 square feet) non-wetland waters of the U.S.; and Temporary: 0.06 acre (2,750 square feet) non-wetland waters of the U.S.
 - Salt Creek: Permanent: 0.003 acre (140 square feet) wetland and 0.03 acre (1,310 square feet) non-wetland waters of the U.S.; and Temporary: 0.04 acre (1,570 square feet) wetland and 0.39 acre (17,040 square feet) non-wetland waters of the U.S.

For this NWP No. 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. This verification is contingent upon issuance of a Clean Water Act (CWA) Section 401 Water Quality Standards Certification. The Permittee shall submit the section 401 Water Quality Standards Certification to the Corps Regulatory Division at least 15 days prior to start of work within waters of the U.S. The Permittee shall abide by the terms and conditions of the section 401 Water Quality Standards Certification.
2. Prior to initiating construction in waters of the U.S., the Permittee shall submit to the Corps Regulatory Division a complete set of final detailed grading/construction and drainage plans showing all work areas and structures in waters of the U.S. All plans shall be in compliance with the Final Map and Drawing Standards for the Los Angeles District Regulatory Division dated August 6, 2012 (http://www.spl.usace.army.mil/Portals/17/docs/regulatory/Permit_Process/SPD-RG_map-drawing-standards_final_20120806v3.pdf). All plan sheets shall be signed, dated, and submitted on paper no larger than 8.5 x 11 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 Regulatory Division-approved plans.
3. Prior to initiating construction in waters of the U.S., and to mitigate for permanent impacts to 0.003 acre of wetland and 0.49 acre of non-wetland waters of the U.S. and for temporary impacts to 0.04 acre of wetland and 0.45 acre of non-wetland waters of the U.S., the Permittee shall provide documentation verifying purchase of 2.0 acres credits for the enhancement of wetlands from a Corps-approved in-lieu fee program (i.e. Riverside-Corona Resource Conservation District In-Lieu Fee Program). The Permittee shall not initiate work in waters of the U.S. prior to 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 receipt 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.
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. areas shown in the attached figures. 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.
5. Upon project completion, all temporary fills shall be removed and all temporarily affected streams shall be re-contoured to pre-construction conditions. In addition, the Permittee shall

hydroseed, where possible, the disturbed portions of the earthen stream banks with native, non-invasive species, as appropriate to the affected areas, to reduce the potential for erosion. The Permittee shall submit the proposed planting palette for review and approval by the Corps Regulatory Division prior to initiation of construction. The Permittee shall ensure the hydroseeded areas are maintained and monitored for a period of two years after completing the seeding activities, such that less than 10 percent of the areas disturbed by the project are vegetated by non-native and invasive plant species. For each project drainage feature, the Permittee shall submit a memorandum by December 15th after completion of the two year maintenance and monitoring period. The memo shall indicate for each project crossing/impact area, when temporary construction areas were re-contoured to pre-construction conditions, when native seeding was completed, the species and percent cover (absolute) of invasive and/or non-invasive plant species that occur onsite each year prior to treatment, and when and how many/the extent of invasive and/or non-invasive plant species were removed that year.

6. Within 45 calendar days of completing authorized work in waters of the U.S., the Permittee shall submit to the Corps Regulatory Division a memo including the following:
 - 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 completed or being taken to achieve compliance);
 - C) Color photographs taken at the project site before and after construction for those aspects directly associated with impacts to waters of the U.S.; and
 - D) One copy of as-built drawings for the entire project (all sheets must be signed, dated, to-scale, and no larger than 8.5 x 11 inches); and
 - E) Signed Certification of Compliance.

Cultural Resources:

7. 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 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 March 18, 2017. All nationwide permits will expire on March 18, 2017. It is incumbent upon you to remain informed of changes to the nationwide permits. 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 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 Veronica Chan at 213-452-3292 or via e-mail at Veronica.C.Chan@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.

"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-2010-00446-VCC*

Name of Permittee: Riverside County Transportation Department (*POC: Russell Williams*)

Date of Issuance: *July 2, 2013*

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-2010-00446-VCC
P.O. Box 532711
Los Angeles, CA 90017-3401

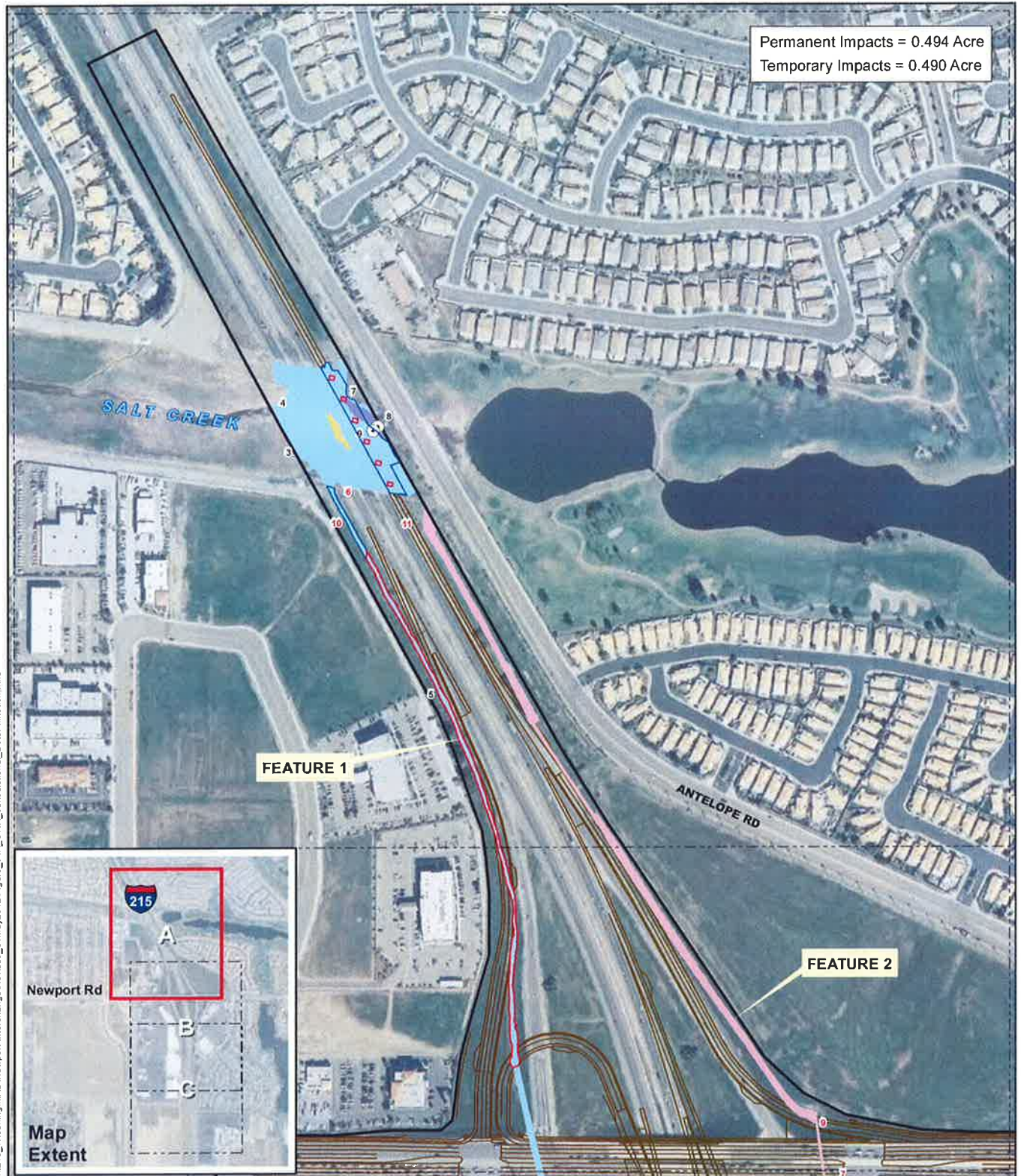
Please note that your permitted activity is subject to a compliance inspection by an Army Corps of Engineers representative. If you fail to comply with this Nationwide Permit, you may be subject to permit suspension, modification, or revocation procedures as contained in 33 C.F.R. § 330.5 or enforcement 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

Permanent Impacts = 0.494 Acre
 Temporary Impacts = 0.490 Acre



I:\215_Widening\IXD\Newport Interchange\Revised_011May2012\Figure_04A_CWA_Jurisdictional_Determination.mxd

	Photo Location and Direction		Seasonal Wetland WoUS OHWM Limits
	Soil Pit		Non-Wetland Other WoUS OHWM Limits
	Proposed Roadway Improvements		Upland (Non Jurisdictional)
	Study Area		Non-Jurisdictional Feature
	Sheet Matchline		Permanent
			Temporary

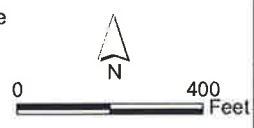
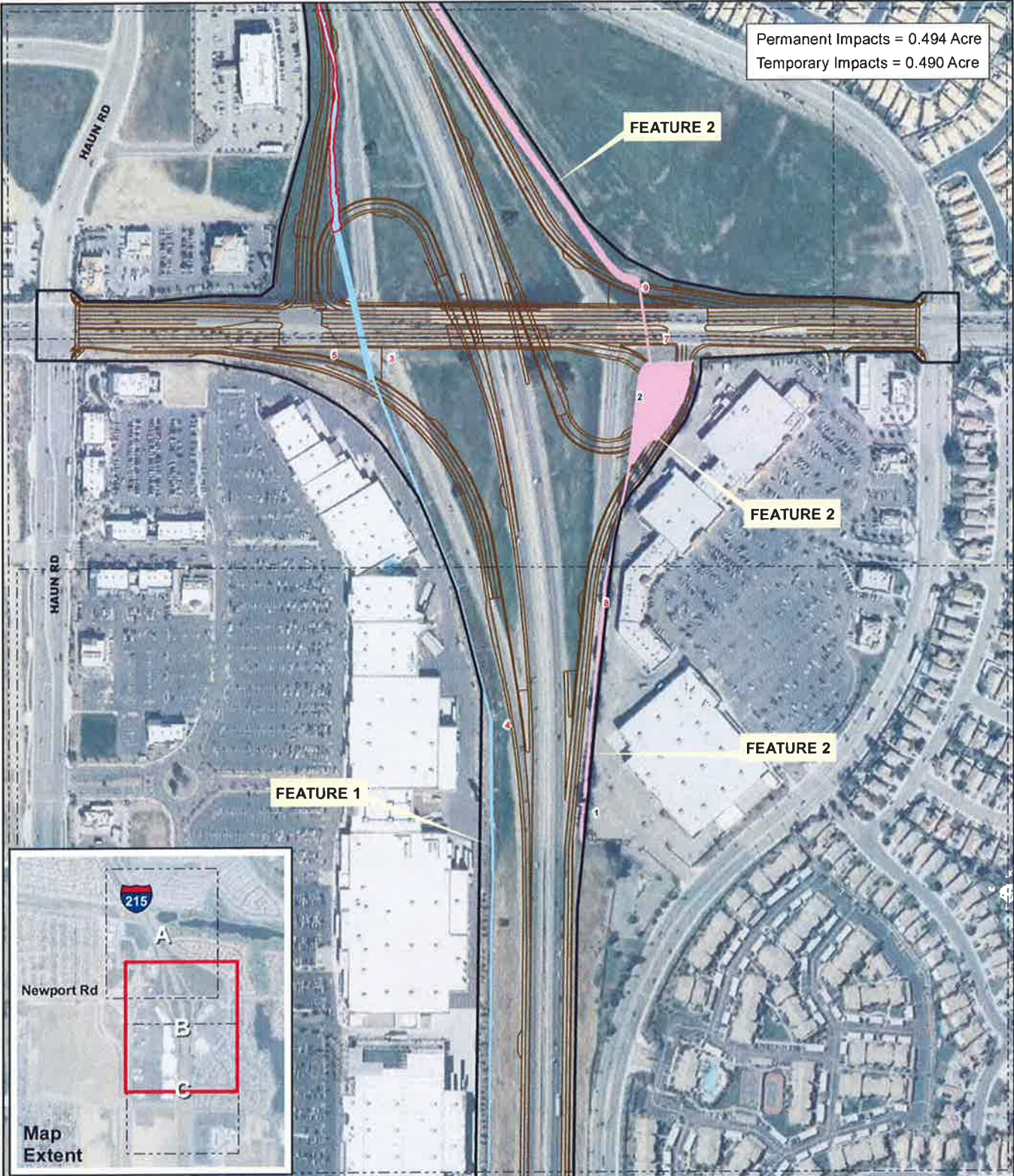


FIGURE 4A
CLEAN WATER ACT (SECTIONS 401 AND 404)
JURISDICTIONAL DETERMINATION

I-215/NEWPORT ROAD
INTERCHANGE PROJECT

I:\215_Widening\MXD\Newport Interchange\Revised_01May2012\Figure_04A_CWA_Jurisdictional_Determination.mxd



Permanent Impacts = 0.494 Acre
Temporary Impacts = 0.490 Acre

- Photo Location and Direction
- Soil Pit
- Proposed Roadway Improvements
- Study Area
- Sheet Matchline

- Seasonal Wetland WoUS OHWM Limits
- Non-Wetland Other WoUS OHWM Limits
- Upland (Non Jurisdictional)
- Non-Jurisdictional Feature
- Permanent
- Temporary

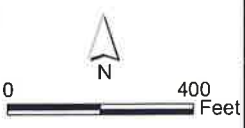


FIGURE 4B
CLEAN WATER ACT (SECTIONS 401 AND 404)
JURISDICTIONAL DETERMINATION

**I-215/NEWPORT ROAD
INTERCHANGE PROJECT**



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Photo Location and Direction	Seasonal Wetland WoUS OHWM Limits
Soil Pit	Non-Wetland Other WoUS OHWM Limits
Proposed Roadway Improvements	Upland (Non Jurisdictional)
Study Area	Non-Jurisdictional Feature
Sheet Matchline	Permanent
	Temporary

FIGURE 4C
CLEAN WATER ACT (SECTIONS 401 AND 404)
JURISDICTIONAL DETERMINATION

I-215/NEWPORT ROAD
INTERCHANGE PROJECT

URS

DIST	COUNTY	ROUTE	PROJECT	SHEET NO.	TOTAL SHEETS
08	RIV	215	R17-4/R19-3		

REGISTERED CIVIL ENGINEER DATE: X-XX-YY
 PAULINA PASCHALL
 No. 69431
 No. 8/20/14

PLANS APPROVAL DATE: X-XX-YY
 REGISTERED CIVIL ENGINEER DATE: X-XX-YY
 PAULINA PASCHALL
 No. 69431
 No. 8/20/14

URS CORPORATION
 4080 LEMAN STREET, 8TH FLOOR
 SANTA ANA, CA 92705

RIVERSIDE COUNTY
 4080 LEMAN STREET, 8TH FLOOR
 RIVERSIDE, CA 92502

APPROVED FOR DRAINAGE WORK ONLY
 SCALE 1" = 50'

DATE REVISIONS
 REVISIONS

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
 CONSULTANT FUNCTIONAL SUPERVISOR
 JEFFREY G. CHAPMAN
 CHECKED BY
 CALCULATED BY

NOTES:
 1. FOR ACCURATE RIGHT OF WAY DATA, CONTACT RIGHT OF WAY ENGINEERING AT THE DISTRICT OFFICE.
 2. SEE LAYOUT PLANS FOR EXACT LOCATIONS OF HMA DIKE.
 3. SYSTEM NOS. NOT USED: **36**

LEGEND:
 [Symbol] DRAINAGE SYSTEM NUMBER
 [Symbol] DRAINAGE UNIT DESIGNATION
 [Symbol] ROCK SLOPE PROTECTION
 [Symbol] BIOFILTRATION SWALE
 [Symbol] TEMPORARY FENCE (TYPE ESA)

ABBREVIATIONS:
 GLD GRATED LINE DRAIN
 BFS BIOFILTRATION SWALE
 Dep DEPRESSION

SB ROUTE 215
 NB ROUTE 215
 ANTELOPE RD
 LA PIEDRA RD



SEE SHEET D-2
 MATCH LINE

0 1 2 3 4 5 6 7 8 9 10
 RELATIVE BORDER SCALE
 IS IN INCHES

PROJECT NUMBER & PHASE
 0800000301

UNIT 0000

APPROVED FOR DRAINAGE WORK ONLY

DATE PLOTTED: 09/11/2012
 TIME PLOTTED: 03:12:54 PM

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
 CONSULTANT FUNCTIONAL SUPERVISOR
 JEFFREY G. CHAPMAN
 CHECKED BY
 CALCULATED BY

DATE REVISIONS
 REVISIONS

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
 CONSULTANT FUNCTIONAL SUPERVISOR
 JEFFREY G. CHAPMAN
 CHECKED BY
 CALCULATED BY

60% SUBMITTAL
 NOT FOR CONSTRUCTION
 SEPTEMBER 13, 2012

APPROVED FOR DRAINAGE WORK ONLY
 SCALE 1" = 50'

PROJECT NUMBER & PHASE
 0800000301

UNIT 0000

DATE PLOTTED: 09/11/2012
 TIME PLOTTED: 03:12:54 PM

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
 CONSULTANT FUNCTIONAL SUPERVISOR
 JEFFREY G. CHAPMAN
 CHECKED BY
 CALCULATED BY

DATE REVISIONS
 REVISIONS

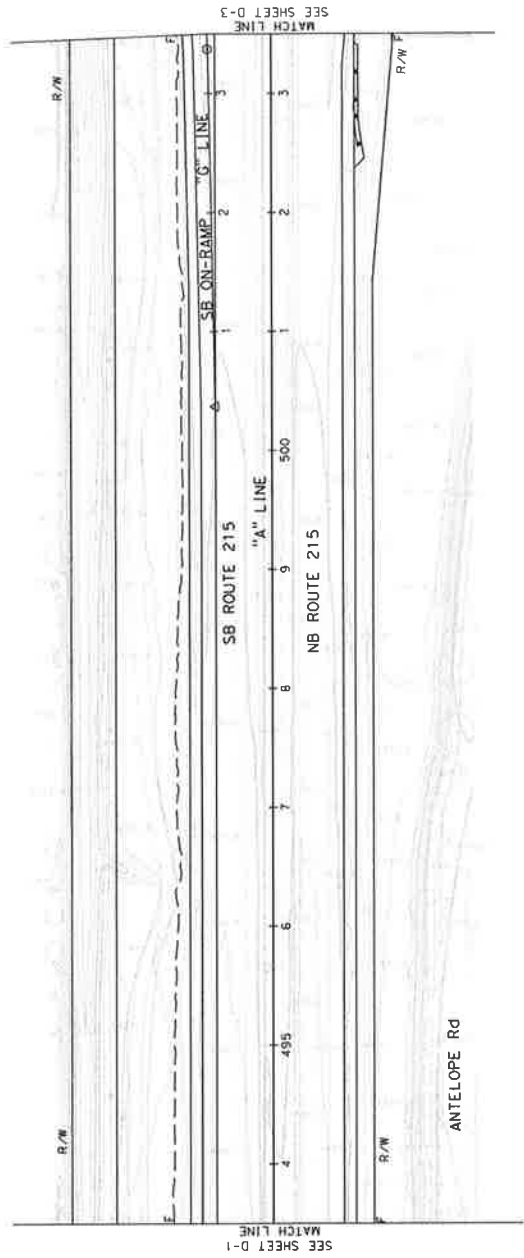
DIST	COUNTY	ROUTE	POST MILE	SHEET NO.	TOTAL SHEETS
08	Riv	215	R17.4/R19.3		

REGISTERED CIVIL ENGINEER DATE: X-XX-XX
 PROFESSIONAL ENGINEER
 BRUCE D. FRISVOLD
 No. 69431
 CIVIL
 STATE OF CALIFORNIA

PLANS APPROVAL DATE: _____
 THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 1201 NORTH FIRST STREET, SUITE 400
 SANTA ANA, CA 92705

RIVERSIDE COUNTY
 4860 LEMAY STREET, 8TH FLOOR
 RIVERSIDE, CA 92502

NOTE:
 FOR ACCURATE RIGHT OF WAY DATA, CONTACT
 RIGHT OF WAY ENGINEERING AT THE DISTRICT OFFICE.



60% SUBMITTAL
 NOT FOR CONSTRUCTION
 SEPTEMBER 13, 2012

DRAINAGE PLAN
 SCALE 1" = 50'

APPROVED FOR DRAINAGE WORK ONLY

PROJECT NUMBER & PHASE 0800000301

UNIT 0000

RELATIVE BORDER SCALE
 IS IN INCHES

USERNAME: jfrisk010
 DOT FILE: \11\0800000301\c002.dgn

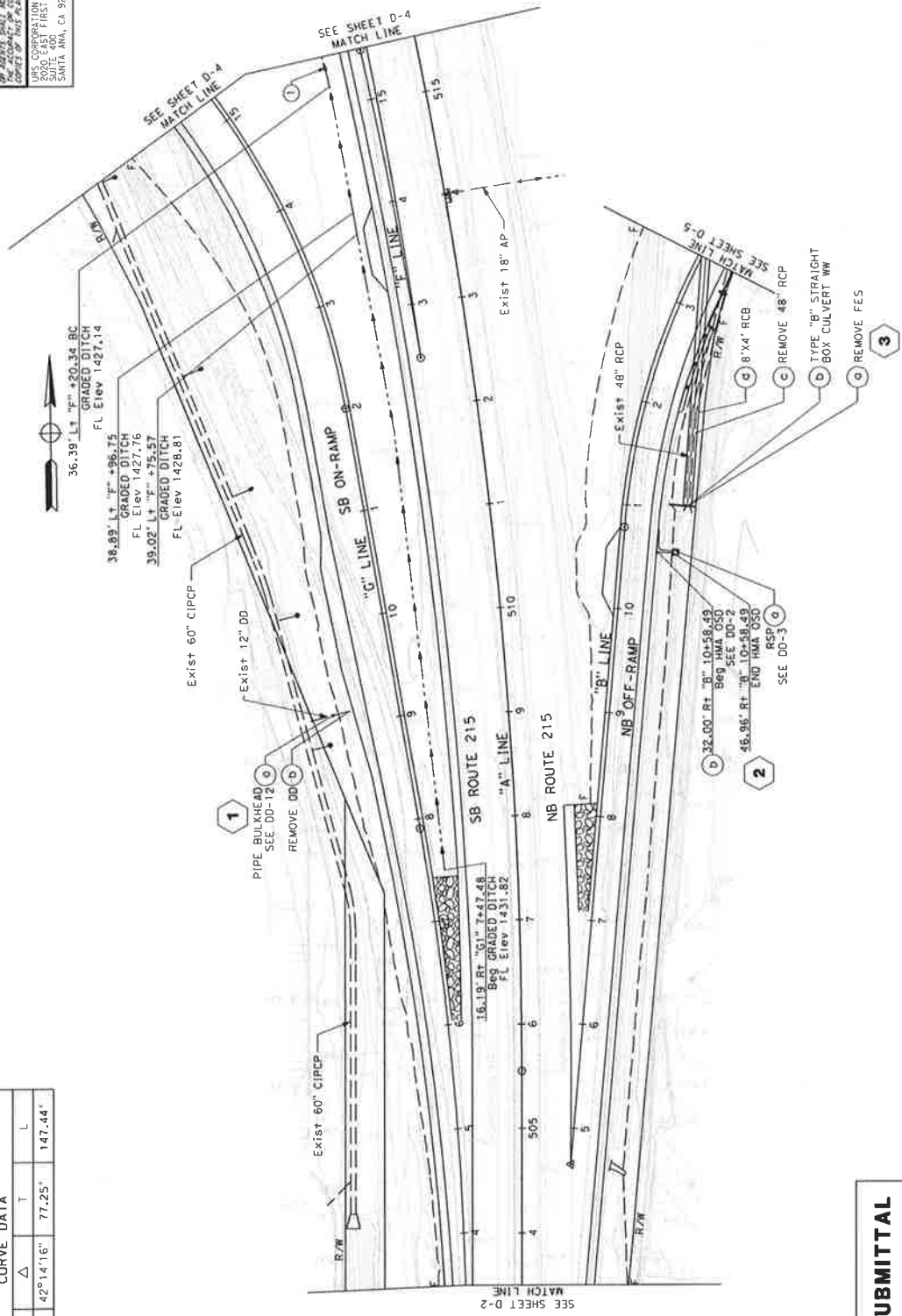
BORDER LAST REVISED 7/2/2010

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION	CONSULTANT FUNCTIONAL SUPERVISOR	DESIGNED BY	REVISD BY	DATE REVISED
	JEFFREY G. CHAPMAN	CHECKED BY		

COUNTY ROUTE 08 RIV 215 R17.4/R19.3
 REGISTERED CIVIL ENGINEER DATE APPROVAL DATE
 PLANS APPROVAL DATE
 THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION
 CIVIL ENGINEER
 (Seal of Civil Engineer)
 CIVIL ENGINEER
 RIVERSIDE COUNTY
 4800 LEVIA STREET, 8TH FLOOR
 SANTA ANA, CA 92705

CURVE DATA			
R	Δ	T	L
200.00'	42°14'16"	77.25'	147.44'

NOTE:
 FOR ACCURATE RIGHT OF WAY DATA, CONTACT
 RIGHT OF WAY ENGINEERING AT THE DISTRICT OFFICE.



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 NOT FOR CONSTRUCTION
 SEPTEMBER 13, 2012

1 2 3

DRAINAGE PLAN
 SCALE 1" = 50'
D-3

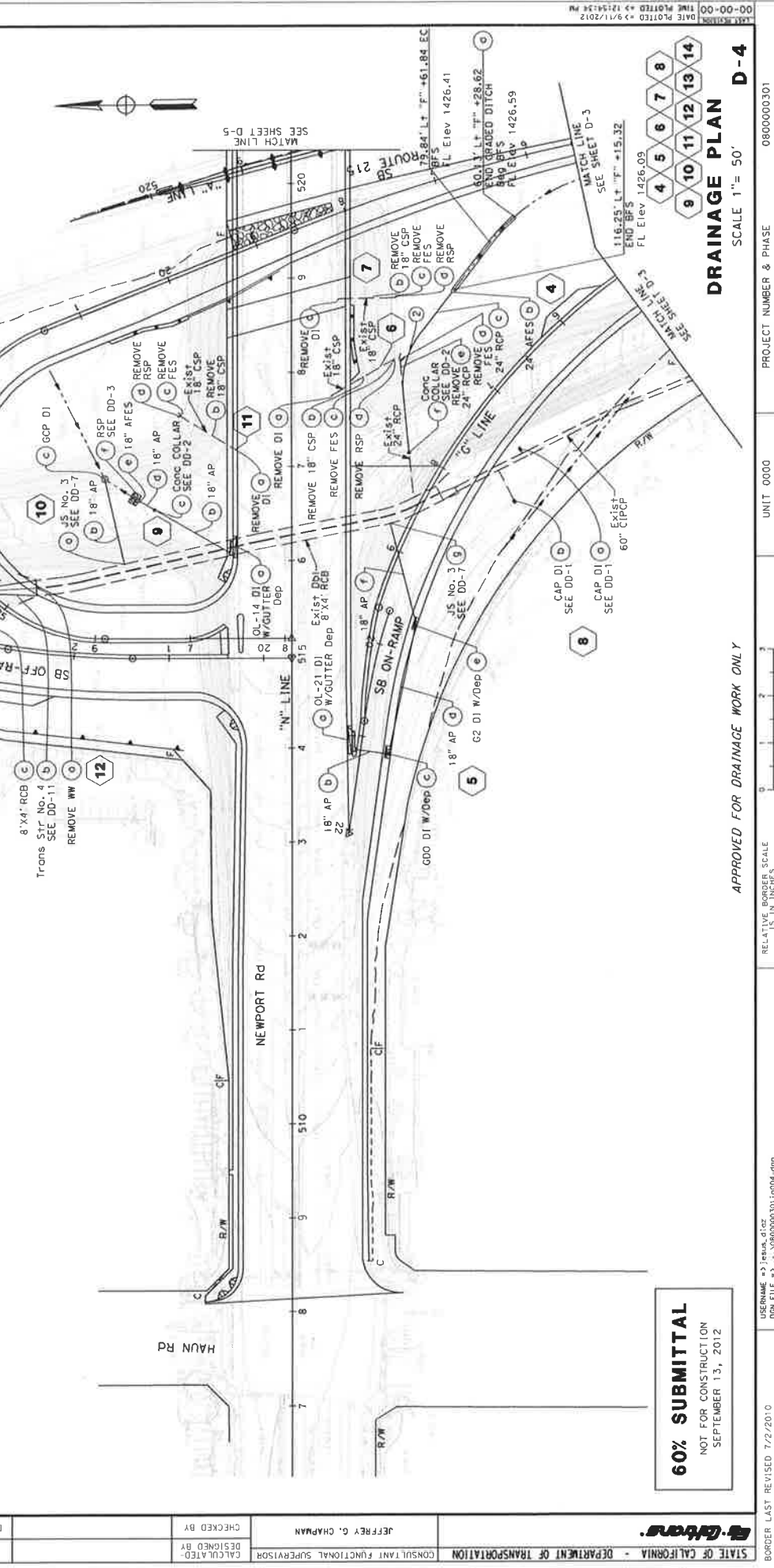
APPROVED FOR DRAINAGE WORK ONLY

PROJECT NUMBER & PHASE UNIT 0000 RELATIVE BORDER SCALE IS IN INCHES 0 1 2 3 0800000301

JEFFREY G. CHAPMAN
 REVISD BY
 DATE REVISD

NOTE:
 FOR ACCURATE RIGHT OF WAY DATA, CONTACT
 RIGHT OF WAY ENGINEERING AT THE DISTRICT OFFICE.

CURVE DATA			
R	Δ	T	L
90.00'	43°09'20"	35.59'	67.79'



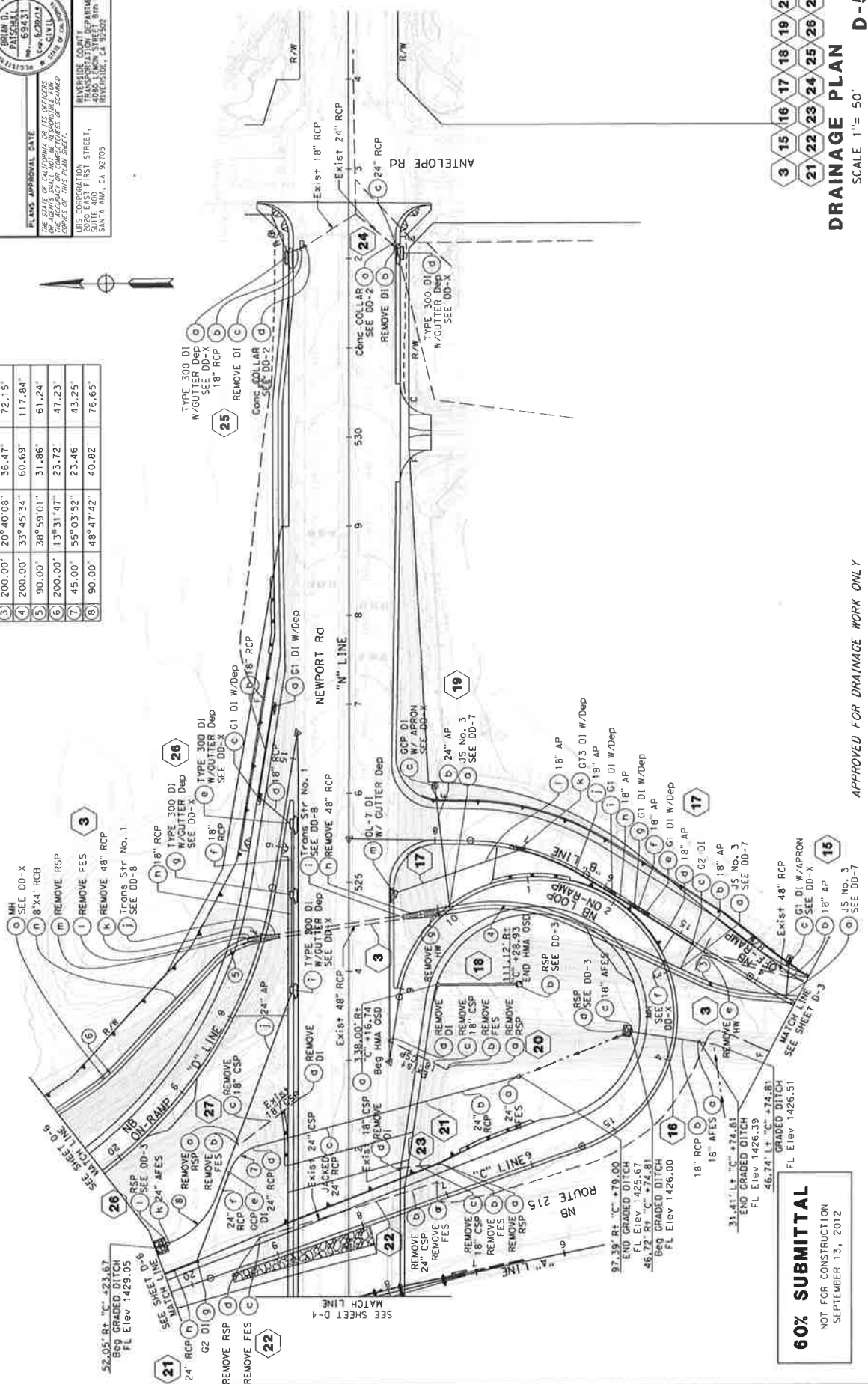
60% SUBMITTAL
 NOT FOR CONSTRUCTION
 SEPTEMBER 13, 2012

DRAINAGE PLAN D-4
 SCALE 1" = 50'

DATE REVISIONS
 00-00-00 TIME PLOTTED 09/17/2010 12:54:39 PM
 08 COUNTY ROUTE 215 R17.47R19.3
 SHEET TOTAL 104
 PROJECT SUBJECT RES. 19.3
 REGISTERED CIVIL ENGINEER DATE
 X-XX-XX APPROXIMATE SCALE 1"=50'
 PLAN APPROVAL DATE
 THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 NO. 620014
 CIVIL
 RIVERSIDE COUNTY DEPARTMENT OF PUBLIC WORKS
 4080 LENOX STREET, 8TH FLOOR
 SANTA ANA, CA 92705

R	Δ	T	L
3	200.00'	20° 40' 08"	36.47'
4	200.00'	33° 45' 34"	60.69'
5	90.00'	38° 59' 01"	31.86'
6	200.00'	13° 31' 47"	23.72'
7	45.00'	55° 03' 52"	23.46'
8	90.00'	48° 47' 42"	40.82'
9			76.65'

NOTE:
 FOR ACCURATE RIGHT OF WAY DATA, CONTACT
 RIGHT OF WAY ENGINEERING AT THE DISTRICT OFFICE.



3 15 16 17 18 19 20
 21 22 23 24 25 26 27

DRAINAGE PLAN

SCALE 1"= 50'

D-5

60% SUBMITTAL
 NOT FOR CONSTRUCTION
 SEPTEMBER 13, 2012

APPROVED FOR DRAINAGE WORK ONLY

PROJECT NUMBER & PHASE 0800000301
 UNIT 0000
 RELATIVE BORDER SCALE 15 IN. INCHES
 USERNAME *J*JEFFREY_G.CHAPMAN
 BORDER LAST REVISED 7/2/2010

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION	CONSULTANT FUNCTIONAL SUPERVISOR	JEFFREY G. CHAPMAN	CHECKED BY	DATE REVISIONS
	DESIGNED BY			
	CALCULATED-			
	REVISOR			

DIST COUNTY ROUTE 08 Riv 215 R17.4/R19.3 XXX

REGISTERED CIVIL ENGINEER DATE X-XX-XX
 PRIMA L. PALUCHI
 No. 69431
 CIVIL

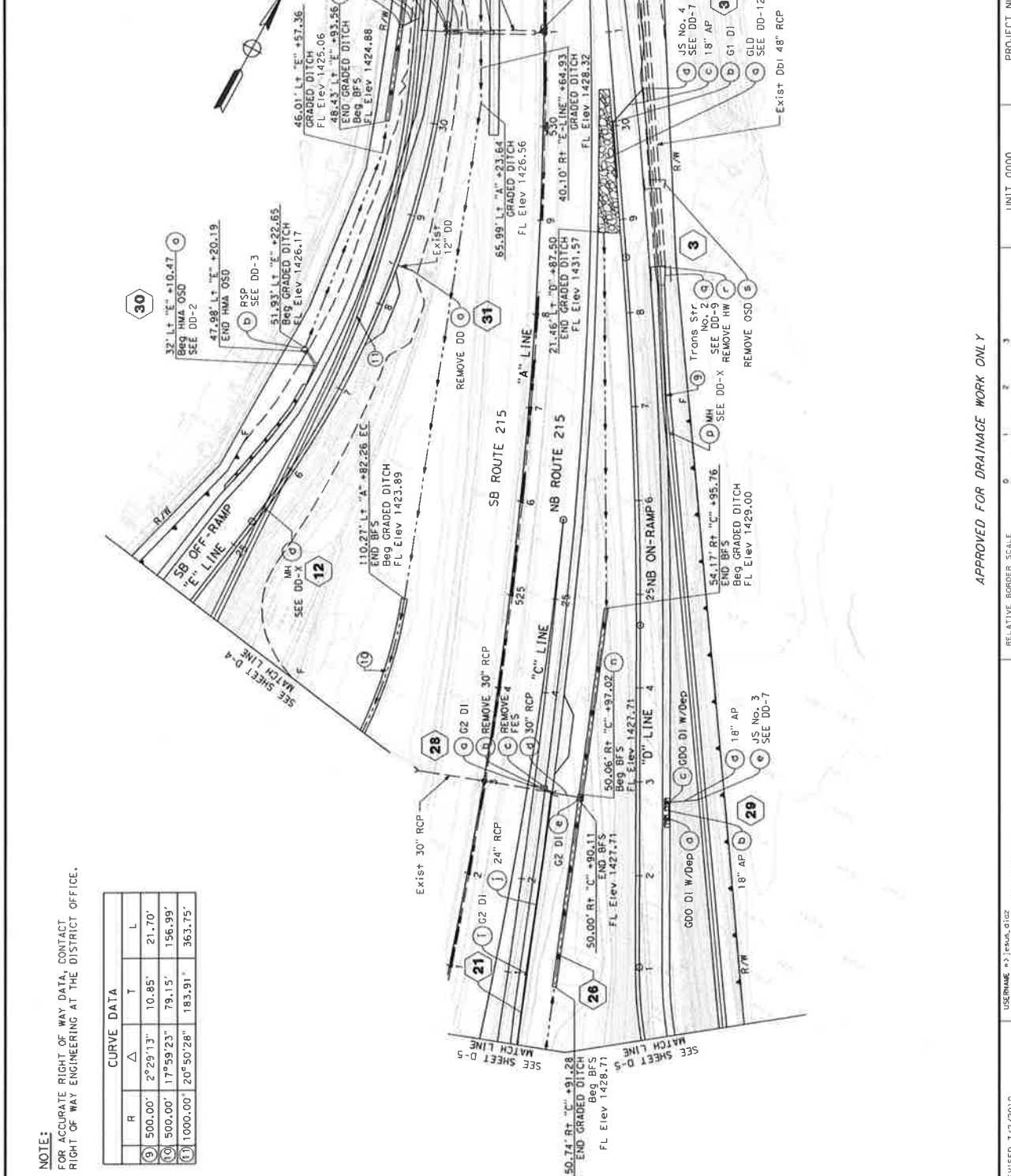
PLANS APPROVAL DATE
 THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 DIVISION OF CONSTRUCTION

URS CORPORATION
 1111 FIRST STREET,
 SUITE 400
 SANTA ANA, CA 92705

RIVERSIDE COUNTY
 COUNTY ENGINEER
 4000 LINN STREET 8TH FLOOR
 RIVERSIDE, CA 92507

NOTE:
 FOR ACCURATE RIGHT OF WAY DATA, CONTACT
 RIGHT OF WAY ENGINEERING AT THE DISTRICT OFFICE.

R	Δ	T	L
9	500.00'	2°29'13"	10.85'
10	500.00'	17°59'23"	79.15'
11	1000.00'	20°50'28"	183.91'
			363.75'



STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION	CONSULTANT FUNCTIONAL SUPERVISOR	JEFFREY G. CHAPMAN	CHECKED BY	DATE REVISED
BORDER LAST REVISED 7/2/2010	DESIGNED BY			

APPROVED FOR DRAINAGE WORK ONLY

PROJECT NUMBER & PHASE 0800000301

UNIT 0000

RELATIVE BORDER SCALE IS IN INCHES

SCALE 1" = 50'

DRAINAGE PLAN D-6

3 12 21 26 28
 29 30 31 32 33 34

DIST	COUNTY	ROUTE	LOCAL PROJECT	SHEET NO.	TOTAL SHEETS
08	RIV	215	R17.4/R19.3	37	38



REGISTERED CIVIL ENGINEER
 DATE: 8/30/15
 PROJECT: R17.4/R19.3
 SHEET: 37 OF 38

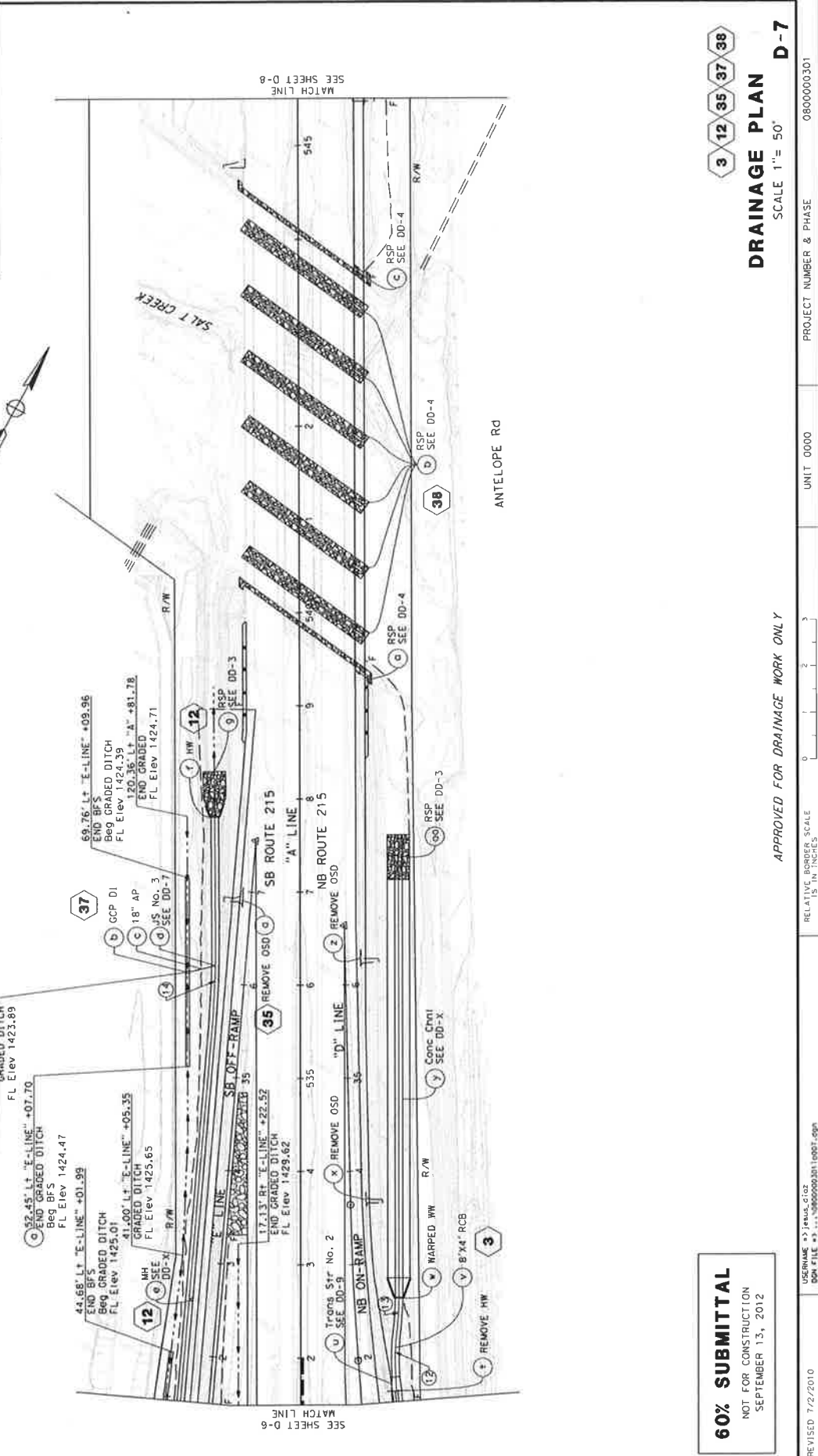
PLANS APPROVAL DATE: 8/30/15
 THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 THE ACCURACY AND COMPLETENESS OF SCALING
 AND DIMENSIONS SHALL BE THE RESPONSIBILITY OF THE USER.

REGISTERED CIVIL ENGINEER
 BRIAN D. ALLISON
 No. 69431
 CIVIL ENGINEER
 EXPIRES 8/30/15

RIVERSIDE COUNTY DEPARTMENT OF PUBLIC WORKS
 4800 LEWIS STREET, 8TH FLOOR
 SANTA ANA, CA 92705

NOTE:
 FOR ACCURATE RIGHT OF WAY DATA, CONTACT
 RIGHT OF WAY ENGINEERING AT THE DISTRICT OFFICE.

CURVE DATA			
R	Δ	T	L
12	280.00'	10°35'55"	25.97'
13	280.00'	6°51'08"	16.76'
14	1000.00'	5°12'35"	45.49'
			90.93'



3 12 35 37 38
DRAINAGE PLAN
 SCALE 1" = 50'
 D-7

APPROVED FOR DRAINAGE WORK ONLY

RELATIVE BORDER SCALE IS IN INCHES

UNIT 0000 PROJECT NUMBER & PHASE 0800000301

DATE PLOTTED: 9/11/2012 TIME PLOTTED: 12:54:08 PM

60% SUBMITTAL
 NOT FOR CONSTRUCTION
 SEPTEMBER 13, 2012

STATE OF CALIFORNIA
 DEPARTMENT OF TRANSPORTATION
 CONSULTANT FUNCTIONAL SUPERVISOR
 CHECKED BY
 REVISIONS BY
 DATE REVISED BY

JEFFREY G. CHAPMAN
 CHECKED BY

BORDER LAST REVISED 7/2/2010
 USERNAME: s7jrauc102
 DGN FILE: s7jrauc102.dgn

DIST	COUNTY	ROUTE	POST MILE	SHEET NO.	TOTAL SHEETS
08	RIV	215	R17.4/R19.3		

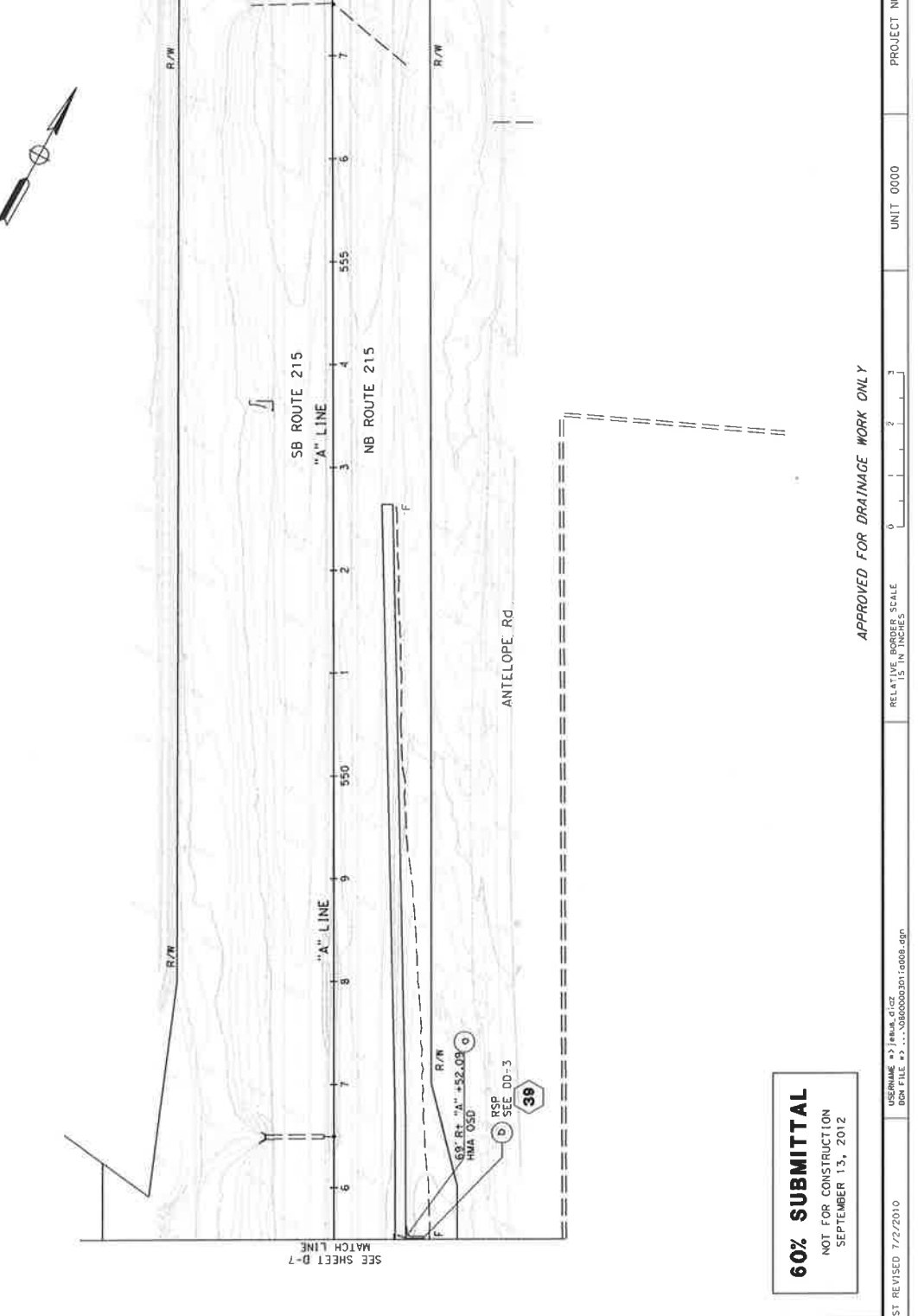


REGISTERED CIVIL ENGINEER DATE: 11-11-11
 PLANS APPROVAL DATE: 11-11-11
 THE STATE OF CALIFORNIA OR HIS OFFICES
 THE ACCURACY OR COMPLETENESS OF ANY
 COPIES OF THIS PLAN SHEET.

UNIS CORPORATION
 SUITE 400 FIRST STREET,
 SANTA ANA, CA 92705

RIVERSIDE COUNTY
 4800 LEMON STREET 8TH FLOOR
 RIVERSIDE, CA 92502

NOTE:
 FOR ACCURATE RIGHT OF WAY DATA, CONTACT
 RIGHT OF WAY ENGINEERING AT THE DISTRICT OFFICE.



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 NOT FOR CONSTRUCTION
 SEPTEMBER 13, 2012

DRAINAGE PLAN
 SCALE 1" = 50'

APPROVED FOR DRAINAGE WORK ONLY

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION	CONSULTANT FUNCTIONAL SUPERVISOR	JEFFREY G. CHAPMAN	CHECKED BY	DATE REVISED
	DESIGNED BY		REVISOR	

DIST	COUNTY	ROUTE	POST MILES	SHEET TOTAL
08	Riv	215	R17.4/R19.3	XXX

REGISTERED CIVIL ENGINEER	DATE	PROJECT NO.
		694331

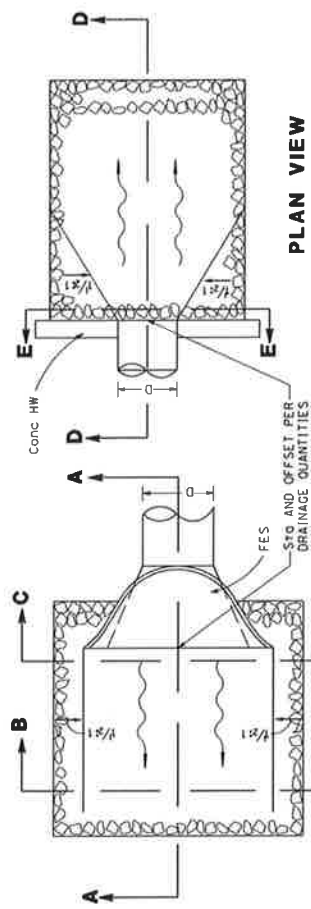
PLANS APPROVAL DATE	DATE	PROJECT NO.
		694331

THE STATE OF CALIFORNIA OFFICE OF THE REGISTERED PROFESSIONAL ENGINEERS AND ARCHITECTS
 DIVISION OF PROFESSIONAL ENGINEERS AND ARCHITECTS
 1001 MARKET STREET, SUITE 400
 SAN FRANCISCO, CA 94102

ROCK SLOPE PROTECTION		
BACKING NO. 2	LIGHT METHOD B	
DRAINAGE SYSTEM UNIT NO.	3	
16	9	
18	12	
30	26	

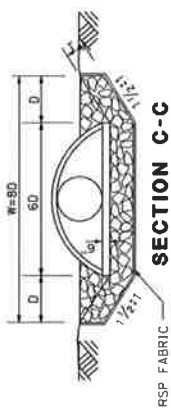
CLASS OF RSP	T(FT)
BACKING NO. 2	1.0
LIGHT	2.0

LEGEND:
 D - DIAMETER OF PIPE OR RCB TOTAL WIDTH
 T - THICKNESS OF RSP
 L - LENGTH OF RSP
 W - WIDTH OF RSP
 * DIMENSION PER DETAILS, UNLESS OTHERWISE SHOWN

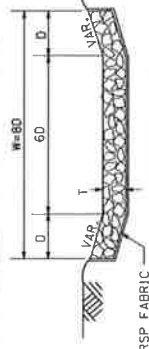


PLAN VIEW

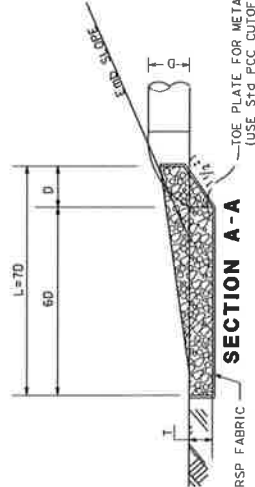
NOTE:
 FOR AFES DIMENSIONS
 SEE STD PLANS D94A AND D94B



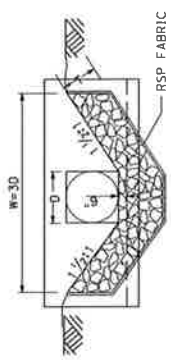
SECTION C-C



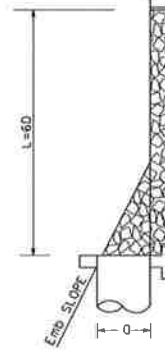
SECTION B-B



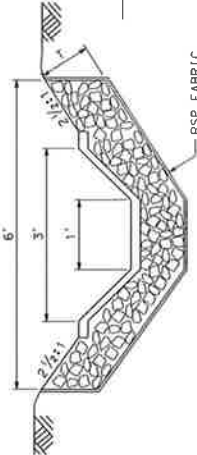
FLARED END SECTION



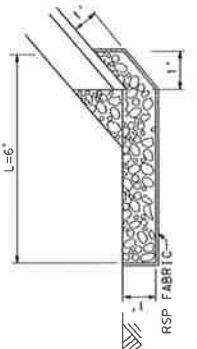
SECTION E-E



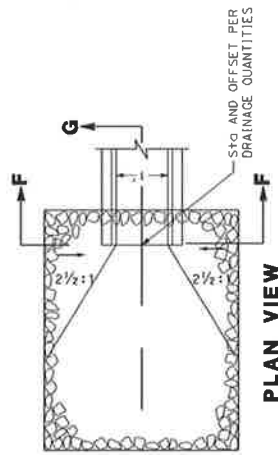
SECTION D-D



SECTION F-F



SECTION G-G



PLAN VIEW
HMA OSD

60% SUBMITTAL
 NOT FOR CONSTRUCTION
 SEPTEMBER 13, 2012

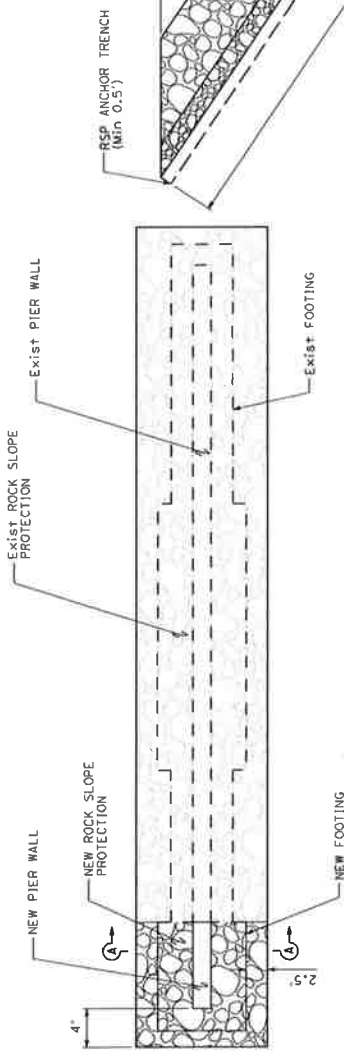
ROCK SLOPE PROTECTION

DRAINAGE DETAILS
 NO SCALE

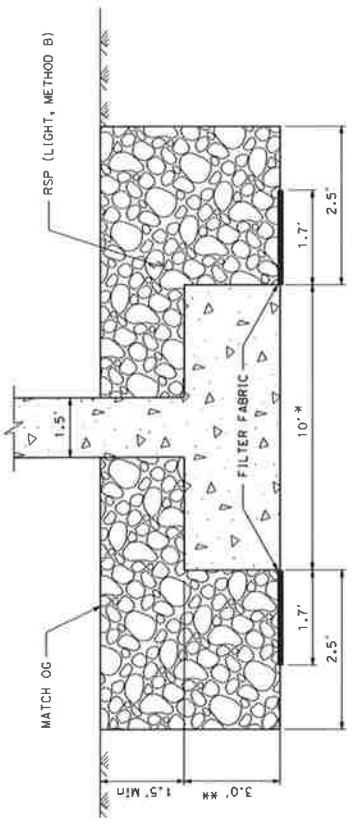
DD-3

DIST	COUNTY	ROUTE	POST MILES	SHEET NO.	TOTAL SHEETS
08	RIV	215	R17.4/R19.3	XXX	XXX

REGISTERED CIVIL ENGINEER DATE APPROVAL DATE
 PLAN NO. 089431
 CIVIL ENGINEER
 THE STATE OF CALIFORNIA BOARD OF PROFESSIONAL ENGINEERS AND ARCHITECTS
 OFFICE OF THE CHIEF CLERK
 400 N. MICHIGAN ST., SUITE 400
 SANTA ANA, CA 92705
 URS CORPORATION
 1350 FIRST STREET
 SANTA ANA, CA 92705

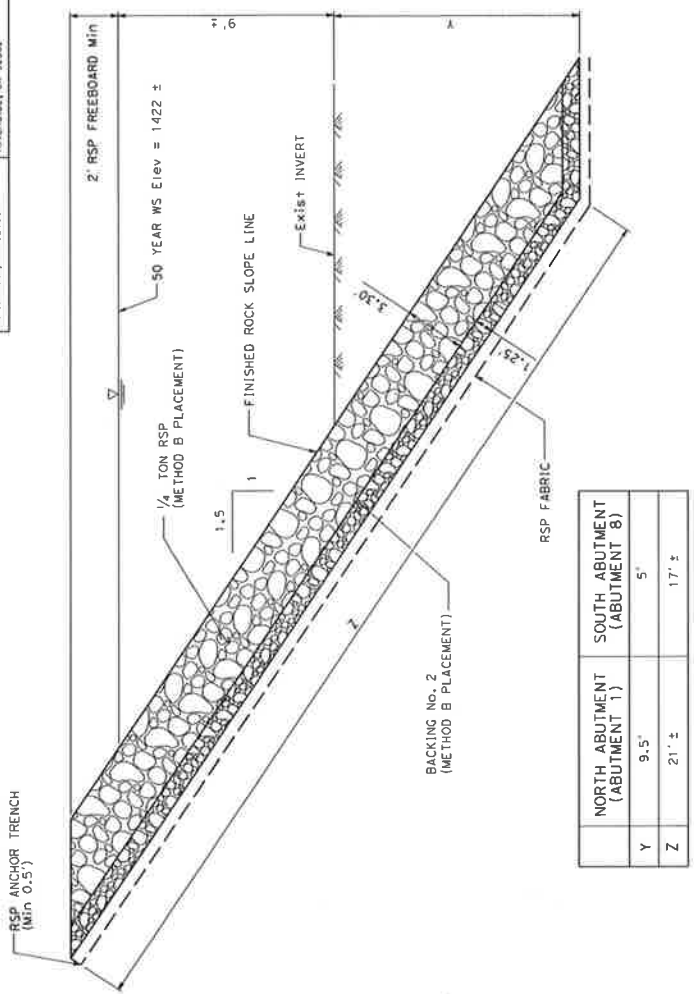


PLAN



SECTION A-A

* NEW FOOTING WIDTH SHOWN. EXIST FOOTING IS 6" WIDE.
 ** NEW FOOTING THICKNESS SHOWN. EXIST FOOTING IS 2" THICK.



	NORTH ABUTMENT (ABUTMENT 1)	SOUTH ABUTMENT (ABUTMENT 8)
Y	9.5' ±	5'
Z	21' ±	17' ±

SALT CREEK BRIDGE ABUTMENTS ROCK SLOPE PROTECTION DETAIL



SALT CREEK BRIDGE PIER WALLS ROCK SLOPE PROTECTION DETAIL



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 NOT FOR CONSTRUCTION
 SEPTEMBER 13, 2012

DRAINAGE DETAILS
 NO SCALE DD-4

DIST	COUNTY	ROUTE	POST MILES	PILES	PILES
OB	Riv	215	R17.4 - R19.5		

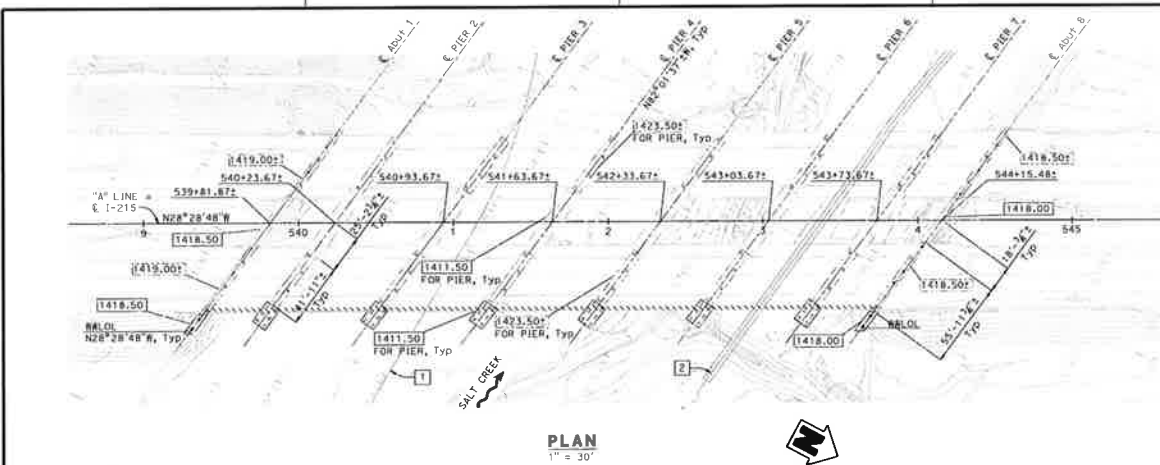
REGISTERED CIVIL ENGINEER DATE **PROFESSIONAL SEAL**

PLANS APPROVAL DATE

The State of California and its officers or agents shall not be responsible for the accuracy or completeness of electronic copies of this plan sheet.

RIVERSIDE COUNTY TRANSPORTATION DEPARTMENT
4050 LEACH STREET 8TH FLOOR
RIVERSIDE, CA. 92502

LURS CORPORATION
1030 LAST FIRST STREET SUITE 400
SANTA ANA, CA. 92705



- LEGEND:**
- XX.XX: Indicates bottom of existing footing elevation
 - XX.XX: Indicates bottom of footing elevation
 - : Indicates CIDH Concrete Pile
 - : Indicates Existing CIDH Concrete Pile
 - : Existing Structure

- NOTES:**
- All Piles not shown.
 - Locations of existing structure foundations are approximate.

PILE DATA TABLE

LOCATION	PILE TYPE	NOMINAL RESISTANCE		DESIGN TIP ELEVATION (ft)	SPECIFIED TIP ELEVATION (ft)	DOWDRAG (Kips)
		COMPRESSION (Kips)	TENSION (Kips)			
Abut 1	24" CIDH	360	0	1383(a), 1384(d)	1383	122.5
Bent 2	24" CIDH	380	0	1363(a), 1375(b), 1381(d)	1363	70.6
Bent 3	24" CIDH	380	0	1363(a), 1375(b), 1381(d)	1363	51.5
Bent 4	24" CIDH	380	0	1363(a), 1375(b), 1381(d)	1363	51.5
Bent 5	24" CIDH	380	0	1363(a), 1375(b), 1381(d)	1363	51.5
Bent 6	24" CIDH	380	0	1363(a), 1375(b), 1381(d)	1363	51.5
Bent 7	24" CIDH	380	0	1363(a), 1375(b), 1381(d)	1363	70.6
Abut 8	24" CIDH	360	0	1383(a), 1384(d)	1383	90

- NOTES:**
- Design tip elevation for Abutment are controlled by 1 (a) Compression, (d) Lateral Load.
 - Design tip elevation for Piers are controlled by 1 (a) Compression, (b) Tension, (d) Lateral Load.
 - The specified tip elevations shall not be raised above the design tip elevations for lateral load.
 - The specified tip elevation for CIDH shall not be raised.

NOTE:
The contractor shall verify all controlling field dimensions before ordering or fabricating any material.

BENCHMARK

NAME	NORTHING (ft)	EASTING (ft)	ELM. (ft)	DESCRIPTION
Z10063	2,188,826.30	6,281,368.35	1440.39	2 1/2" CALIFORNIA DIVISION OF HIGHWAYS BRASS DISK SEC. COR. 3, 2, 10, 11 1/2" R.W. DOWN 0.5 FEET IN SOUTHBOUND I-215 DIRT SHOULDER, 40 FEET WEST OF EDGE OF PAVEMENT, 25 FEET EAST OF WESTERLY RIGHT OF WAY, +/- 500 FEET SOUTH OF CALL BOX 215-177 NEAR CENTERLINE PROD OF HOLLAND ROAD.

SURVEY CONTROL: Horizontal control for this survey is based on the California Coordinate System, Zone 6, US Survey Feet, North American Datum of 1983 (NAD83 2002). Vertical control is the North American Vertical Datum (NAVD88 RCPD).

HYDROLOGIC SUMMARY

Drainage Area 27,136 Acres

	Design Flood	Base Flood
Frequency (Years)	50	100
Discharge (Cubic Feet Per Second)	6,700	11,700
Water surface (Elevation at Bridge)	1422.39	1424.26

Flood plain data are based upon information available when the plans were prepared and are shown to meet Federal requirements. The accuracy of said information is not warranted by the State and interested or affected parties should make their own investigation.

EXISTING UTILITY TABLE

UTILITY	OWNER	DISPOSITION
1 Existing 42" Sewer Line	EMWD	Protect
2 Existing 48" Water Line	EMWD	Protect
3 Drainage	-	

City San DESIGN ENGINEER DATE OF SHEET	DESIGNER DATE OF SHEET	CHECKED DATE OF SHEET	APPROVED DATE OF SHEET	PREPARED FOR THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION	PROJECT ENGINEER	SHEET NO. 56-0647R 18.53	SALT CREEK BRIDGE (WIDEN) FOUNDATION PLAN	CONTRACT NO./OR-05421	SHEET NO. 4 21
--	---------------------------	--------------------------	---------------------------	--	------------------	--------------------------------	---	-----------------------	----------------------

Enclosure 1: NATIONWIDE PERMIT (NWP) NUMBER(S) 14 Linear Transportation Projects. TERMS AND CONDITIONS

1. Nationwide Permit(s) (NWP) No. 14 Linear Transportation Projects. Terms:

Your activity is authorized under Nationwide Permit (NWP) Number(s) 14 Linear Transportation Projects. subject to the following terms:

14. Linear Transportation Projects. Activities required for the construction, expansion, modification, or improvement of linear transportation projects (e.g., roads, highways, railways, trails, airport runways, and taxiways) in waters of the United States. For linear transportation projects in non-tidal waters, the discharge cannot cause the loss of greater than 1/2-acre of waters of the United States. For linear transportation projects in tidal waters, the discharge cannot cause the loss of greater than 1/3-acre of waters of the United States. Any stream channel modification, including bank stabilization, is limited to the minimum necessary to construct or protect the linear transportation project; such modifications must be in the immediate vicinity of the project. This NWP also authorizes temporary structures, fills, and work necessary to construct the linear transportation project. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate. This NWP cannot be used to authorize non-linear features commonly associated with transportation projects, such as vehicle maintenance or storage buildings, parking lots, train stations, or aircraft hangars. Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if: (1) the loss of waters of the United States exceeds 1/10 acre; or (2) there is a discharge in a special aquatic site, including wetlands. (See general condition 27.) (Sections 10 and 404) Note: Some discharges for the construction of farm roads or forest roads, or temporary roads for moving mining equipment, may qualify for an exemption under Section 404(f) of the Clean Water Act (see 33 CFR 323.4).

Note: To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as appropriate, in addition to any regional or case-specific conditions imposed by the division engineer or district engineer. Prospective permittees should contact the appropriate Corps district office to determine if regional conditions have been imposed on an NWP. Prospective permittees should also contact the appropriate Corps district office to determine the status of Clean Water Act Section 401 water quality certification and/or Coastal Zone Management Act consistency for an NWP.

2. Nationwide Permit General Conditions: The following general conditions must be followed in order for any authorization by an NWP to be valid:

1. 1. Navigation. (a) No activity may cause more than a minimal adverse effect on navigation.
(b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.
(c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of

the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

2. Aquatic Life Movements. No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species.
3. Spawning Areas. Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.
4. Migratory Bird Breeding Areas. Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.
5. Shellfish Beds. No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWPs 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.
6. Suitable Material. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).
7. Water Supply Intakes. No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.
8. Adverse Effects From Impoundments. If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.
9. Management of Water Flows. To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization and storm water management activities, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).
10. Fills Within 100-Year Floodplains. The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

11. Equipment. Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.
12. Soil Erosion and Sediment Controls. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow.
13. Removal of Temporary Fills. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.
14. Proper Maintenance. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions added by the district engineer to an NWP authorization.
15. Single and Complete Project. The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.
16. Wild and Scenic Rivers. No activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service).
17. Tribal Rights. No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.
18. Endangered Species. (a) No activity is authorized under any NWP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized under any NWP which "may affect" a listed species or critical habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed.
(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will review the documentation and determine whether it is sufficient to address ESA compliance for the NWP activity, or whether additional ESA consultation is necessary.
(c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the

project is located in designated critical habitat, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species or designated critical habitat, the pre-construction notification must include the name(s) of the endangered or threatened species that might be affected by the proposed work or that utilize the designated critical habitat that might be affected by the proposed work. The district engineer will determine whether the proposed activity "may affect" or will have "no effect" to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps' determination within 45 days of receipt of a complete pre-construction notification. In cases where the non-Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the project, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification the proposed activities will have "no effect" on listed species or critical habitat, or until Section 7 consultation has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(d) As a result of formal or informal consultation with the FWS or NMFS the district engineer may add species-specific regional endangered species conditions to the NWP.

(e) Authorization of an activity by a NWP does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the U.S. FWS or the NMFS, The Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word "harm" in the definition of "take" means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

(f) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the U.S. FWS and NMFS or their world wide web pages at <http://www.fws.gov/> or <http://www.fws.gov/ipac> and <http://www.noaa.gov/fisheries.html> respectively.

19. Migratory Birds and Bald and Golden Eagles. The permittee is responsible for obtaining any "take" permits required under the U.S. Fish and Wildlife Service's regulations governing compliance with the Migratory Bird Treaty Act or the Bald and Golden Eagle Protection Act. The permittee should contact the appropriate local office of the U.S. Fish and Wildlife Service to determine if such "take" permits are required for a particular activity.

20. Historic Properties. (a) In cases where the district engineer determines that the activity may affect properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.
(b) Federal permittees should follow their own procedures for complying with the requirements of Section 106 of the National Historic Preservation Act. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will review the documentation and determine whether it is sufficient to address section 106 compliance for the NWP activity, or whether additional section 106 consultation is necessary.
(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the authorized activity may have the potential to cause effects to any historic properties listed on,

determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties may be affected by the proposed work or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of or potential for the presence of historic resources can be sought from the State Historic Preservation Officer or Tribal Historic Preservation Officer, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of Section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. Based on the information submitted and these efforts, the district engineer shall determine whether the proposed activity has the potential to cause an effect on the historic properties. Where the non-Federal applicant has identified historic properties on which the activity may have the potential to cause effects and so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects or that consultation under Section 106 of the NHPA has been completed.

(d) The district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA Section 106 consultation is required. Section 106 consultation is not required when the Corps determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR §800.3(a)). If NHPA section 106 consultation is required and will occur, the district engineer will notify the non-Federal applicant that he or she cannot begin work until Section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(e) Prospective permittees should be aware that section 110k of the NHPA (16 U.S.C. 470h-2(k)) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of Section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

21. Discovery of Previously Unknown Remains and Artifacts. If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the district engineer of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

22. Designated Critical Resource Waters. Critical resource waters include, NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment, additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment.
- (a) Discharges of dredged or fill material into waters of the United States are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, and 52 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.
- (b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, and 38, notification is required in accordance with general condition 31, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after it is determined that the impacts to the critical resource waters will be no more than minimal.
23. Mitigation. The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that adverse effects on the aquatic environment are minimal:
- (a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).
- (b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the adverse effects to the aquatic environment are minimal.
- (c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse effects of the proposed activity are minimal, and provides a project-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in minimal adverse effects on the aquatic environment. Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.
- (1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in minimal adverse effects on the aquatic environment.
- (2) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, wetland restoration should be the first compensatory mitigation option considered.
- (3) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) – (14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)).

(4) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan only needs to address the baseline conditions at the impact site and the number of credits to be provided.

(5) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan.

(d) For losses of streams or other open waters that require pre-construction notification, the district engineer may require compensatory mitigation, such as stream rehabilitation, enhancement, or preservation, to ensure that the activity results in minimal adverse effects on the aquatic environment.

(e) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any project resulting in the loss of greater than 1/2-acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that a project already meeting the established acreage limits also satisfies the minimal impact requirement associated with the NWPs.

(f) Compensatory mitigation plans for projects in or near streams or other open waters will normally include a requirement for the restoration or establishment, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, riparian areas may be the only compensatory mitigation required. Riparian areas should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to establish a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or establishing a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(g) Permittees may propose the use of mitigation banks, in-lieu fee programs, or separate permittee-responsible mitigation. For activities resulting in the loss of marine or estuarine resources, permittee-responsible compensatory mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee-responsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management.

(h) Where certain functions and services of waters of the United States are permanently adversely affected, such as the conversion of a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse effects of the project to the minimal level.

24. Safety of Impoundment Structures. To ensure that all impoundment structures are safely designed, the district engineer may require non-Federal applicants to demonstrate that the structures comply with established state dam safety criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

25. Water Quality. Where States and authorized Tribes, or EPA where applicable, have not previously certified compliance of an NWP with CWA Section 401, individual 401 Water Quality Certification must be obtained or waived (see 33 CFR 330.4(c)). The district engineer or State or Tribe may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.
26. Coastal Zone Management. In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). The district engineer or a State may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.
27. Regional and Case-By-Case Conditions. The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.
28. Use of Multiple Nationwide Permits. The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.
29. Transfer of Nationwide Permit Verifications. If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature:

“When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.”

(Transferee)

(Date)

30. Compliance Certification. Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and any required

compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include:

- (a) A statement that the authorized work was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions;
- (b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(l)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and
- (c) The signature of the permittee certifying the completion of the work and mitigation.

31. Pre-Construction Notification. (a) Timing. Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the additional information necessary to make the PCN complete. The request must specify the information needed to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

- (1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or
- (2) 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer.

However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species or critical habitat might be affected or in the vicinity of the project, or to notify the Corps pursuant to general condition 20 that the activity may have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or Section 106 of the National Historic Preservation (see 33 CFR 330.4(g)) has been completed. Also, work cannot begin under NWPs 21, 49, or 50 until the permittee has received written approval from the Corps. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) Contents of Pre-Construction Notification: The PCN must be in writing and include the following information:

- (1) Name, address and telephone numbers of the prospective permittee;

- (2) Location of the proposed project;
- (3) A description of the proposed project; the project's purpose; direct and indirect adverse environmental effects the project would cause, including the anticipated amount of loss of water of the United States expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity. The description should be sufficiently detailed to allow the district engineer to determine that the adverse effects of the project will be minimal and to determine the need for compensatory mitigation. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the project and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans);
- (4) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many waters of the United States. Furthermore, the 45 day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate;
- (5) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse effects are minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.
- (6) If any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, for non-Federal applicants the PCN must include the name(s) of those endangered or threatened species that might be affected by the proposed work or utilize the designated critical habitat that may be affected by the proposed work. Federal applicants must provide documentation demonstrating compliance with the Endangered Species Act; and
- (7) For an activity that may affect a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, for non-Federal applicants the PCN must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property. Federal applicants must provide documentation demonstrating compliance with Section 106 of the National Historic Preservation Act.

(c) Form of Pre-Construction Notification: The standard individual permit application form (Form ENG 4345) may be used, but the completed application form must clearly indicate that it is a PCN and must include all of the information required in paragraphs (b)(1) through (7) of this general condition. A letter containing the required information may also be used.

(d) Agency Coordination: (1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the project's adverse environmental effects to a minimal level.

(2) For all NWP activities that require pre-construction notification and result in the loss of greater than 1/2-acre of waters of the United States, for NWP 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52 activities that require pre-construction notification and will result in the loss of greater than 300

linear feet of intermittent and ephemeral stream bed, and for all NWP 48 activities that require pre-construction notification, the district engineer will immediately provide (e.g., via e-mail, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (U.S. FWS, state natural resource or water quality agency, EPA, State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Office (THPO), and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days from the date the material is transmitted to telephone or fax the district engineer notice that they intend to provide substantive, site-specific comments. The comments must explain why the agency believes the adverse effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the pre-construction notification. The district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity's compliance with the terms and conditions of the NWPs, including the need for mitigation to ensure the net adverse environmental effects to the aquatic environment of the proposed activity are minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

(3) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by Section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

(4) Applicants are encouraged to provide the Corps with either electronic files or multiple copies of pre-construction notifications to expedite agency coordination.

3. Regional Conditions for the Los Angeles District:

In accordance with General Condition Number 27, "Regional and Case-by-Case Conditions," the following Regional Conditions, as added by the Division Engineer, must be met in order for an authorization by any Nationwide to be valid:

1. For all activities in waters of the U.S. that are suitable habitat for federally listed fish species, the permittee shall design all road crossings to ensure that the passage and/or spawning of fish is not hindered. In these areas, the permittee shall employ bridge designs that span the stream or river, including pier- or pile-supported spans, or designs that use a bottomless arch culvert with a natural stream bed, unless determined to be impracticable by the Corps.
2. Nationwide Permits (NWP) 3, 7, 12-15, 17-19, 21, 23, 25, 29, 35, 36, or 39-46, 48-52 cannot be used to authorize structures, work, and/or the discharge of dredged or fill material that would result in the "loss" of wetlands, mudflats, vegetated shallows or riffle and pool complexes as defined at 40 CFR Part 230.40-45. The definition of "loss" for this regional condition is the same as the definition of "loss of waters of the United States" used for the Nationwide Permit Program. Furthermore, this regional condition applies only within the State of Arizona and within the Mojave and Sonoran (Colorado) desert

regions of California. The desert regions in California are limited to four USGS Hydrologic Unit Code (HUC) accounting units (Lower Colorado -150301, Northern Mojave-180902, Southern Mojave-181001, and Salton Sea-181002).

3. When a pre-construction notification (PCN) is required, the appropriate U.S. Army Corps of Engineers (Corps) District shall be notified in accordance with General Condition 31 using either the South Pacific Division PCN Checklist or a signed application form (ENG Form 4345) with an attachment providing information on compliance with all of the General and Regional Conditions. The PCN Checklist and application form are available at: <http://www.spl.usace.army.mil/regulatory>. In addition, the PCN shall include:
 - a. A written statement describing how the activity has been designed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States;
 - b. Drawings, including plan and cross-section views, clearly depicting the location, size and dimensions of the proposed activity as well as the location of delineated waters of the U.S. on the site. The drawings shall contain a title block, legend and scale, amount (in cubic yards) and area (in acres) of fill in Corps jurisdiction, including both permanent and temporary fills/structures. The ordinary high water mark or, if tidal waters, the mean high water mark and high tide line, should be shown (in feet), based on National Geodetic Vertical Datum (NGVD) or other appropriate referenced elevation. All drawings for projects located within the boundaries of the Los Angeles District shall comply with the most current version of the *Map and Drawing Standards for the Los Angeles District Regulatory Division* (available on the Los Angeles District Regulatory Division website at: www.spl.usace.army.mil/regulatory/); and
 - c. Numbered and dated pre-project color photographs showing a representative sample of waters proposed to be impacted on the project site, and all waters proposed to be avoided on and immediately adjacent to the project site. The compass angle and position of each photograph shall be documented on the plan-view drawing required in subpart b of this regional condition.
4. Submission of a PCN pursuant to General Condition 31 and Regional Condition 3 shall be required for all regulated activities in the following locations:
 - a. All perennial waterbodies and special aquatic sites within the State of Arizona and within the Mojave and Sonoran (Colorado) desert regions of California, excluding the Colorado River in Arizona from Davis Dam to River Mile 261 (northern boundary of the Fort Mojave Indian Tribe Reservation). The desert region in California is limited to four USGS HUC accounting units (Lower Colorado -150301, Northern Mojave-180902, Southern Mojave-181001, and Salton Sea-181002).
 - b. All areas designated as Essential Fish Habitat (EFH) by the Pacific Fishery Management Council (i.e., all tidally influenced areas - Federal Register dated March 12, 2007 (72 FR 11092)), in which case the PCN shall include an EFH assessment and extent of proposed impacts to EFH. Examples of EFH habitat assessments can be found at: <http://www.swr.noaa.gov/efh.htm>.
 - c. All watersheds in the Santa Monica Mountains in Los Angeles and Ventura counties bounded by Calleguas Creek on the west, by Highway 101 on the north and east, and by Sunset Boulevard and Pacific Ocean on the south.
 - d. The Santa Clara River watershed in Los Angeles and Ventura counties, including but not limited to Aliso Canyon, Agua Dulce Canyon, Sand Canyon, Bouquet Canyon, Mint Canyon, South Fork of the Santa Clara River, San Francisquito Canyon, Castaic Creek, Piru Creek, Sespe Creek and the main-stem of the Santa Clara River.

5. Individual Permits shall be required for all discharges of fill material in jurisdictional vernal pools, with the exception that discharges for the purpose of restoration, enhancement, management or scientific study of vernal pools may be authorized under NWP 5, 6, and 27 with the submission of a PCN in accordance with General Condition 31 and Regional Condition 3.
6. Individual Permits shall be required in Murrieta Creek and Temecula Creek watersheds in Riverside County for new permanent fills in perennial and intermittent watercourses otherwise authorized under NWP 29, 39, 42 and 43, and in ephemeral watercourses for these NWP 14 for projects that impact greater than 0.1 acre of waters of the United States. In addition, when NWP 14 is used in conjunction with residential, commercial, or industrial developments the 0.1 acre limit would also apply.
7. Individual Permits (Standard Individual Permit or 404 Letter of Permission) shall be required in San Luis Obispo Creek and Santa Rosa Creek in San Luis Obispo County for bank stabilization projects, and in Gaviota Creek, Mission Creek and Carpinteria Creek in Santa Barbara County for bank stabilization projects and grade control structures.
8. In conjunction with the Los Angeles District's Special Area Management Plans (SAMPs) for the San Diego Creek Watershed and San Juan Creek/Western San Mateo Creek Watersheds in Orange County, California, the Corps' Division Engineer, through his discretionary authority has revoked the use of the following 26 selected NWP within these SAMP watersheds: 03, 07, 12, 13, 14, 16, 17, 18, 19, 21, 25, 27, 29, 31, 33, 39, 40, 41, 42, 43, 44, 46, 49, and 50. Consequently, these NWP are no longer available in those watersheds to authorize impacts to waters of the United States from discharges of dredged or fill material under the Corps' Clean Water Act section 404 authority.
9. Any requests to waive the 300 linear foot limitation for intermittent and ephemeral streams for NWP 29, 39, 40 and 42, 43, 44, 51 and 52 or to waive the 500 linear foot limitation along the bank for NWP 13, must include the following:
 - a. A narrative description of the stream. This should include known information on: volume and duration of flow; the approximate length, width, and depth of the waterbody and characters observed associated with an Ordinary High Water Mark (e.g. bed and bank, wrack line, or scour marks); a description of the adjacent vegetation community and a statement regarding the wetland status of the associated vegetation community (i.e. wetland, non-wetland); surrounding land use; water quality; issues related to cumulative impacts in the watershed, and; any other relevant information.
 - b. An analysis of the proposed impacts to the waterbody in accordance with General Condition 31 and Regional Condition 3;
 - c. Measures taken to avoid and minimize losses, including other methods of constructing the proposed project; and
 - d. A compensatory mitigation plan describing how the unavoidable losses are proposed to be compensated, in accordance with 33 CFR Part 332.
10. The permittee shall complete the construction of any compensatory mitigation required by special condition(s) of the NWP verification before or concurrent with commencement of construction of the authorized activity, except when specifically determined to be impracticable by the Corps. When mitigation involves use of a mitigation bank or in-lieu fee program, the permittee shall submit proof of payment to the Corps prior to commencement of construction of the authorized activity.

4. Further information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:
 - () Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
 - (X) Section 404 of the Clean Water Act (33 U.S.C. 1344).
 - () Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
2. Limits of this authorization.
 - (a) This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
 - (b) This permit does not grant any property rights or exclusive privileges.
 - (c) This permit does not authorize any injury to the property or rights of others.
 - (d) This permit does not authorize interference with any existing or proposed Federal project.
3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
 - (a) Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
 - (b) Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
 - (c) Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
 - (d) Design or construction deficiencies associated with the permitted work.
 - (e) Damage claims associated with any future modification, suspension, or revocation of this permit.
4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
 - (a) You fail to comply with the terms and conditions of this permit.
 - (b) The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
 - (c) Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 330.5 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measure ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. This letter of verification is valid for a period not to exceed two years unless the nationwide permit is modified, reissued, revoked, or expires before that time.
7. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition H below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
8. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished with the terms and conditions of your permit.



DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS
915 WILSHIRE BOULEVARD, SUITE 930
LOS ANGELES, CALIFORNIA 90017-3401

May 28, 2014

Russell Williams, Principal Planner
Riverside County Transportation Department
3525 14th Street
Riverside, California 92502

Dear Mr. Williams,

This correspondence is in reply to your request, dated April 15, 2014, to modify your Department of the Army Permit verification (SPL-2010-00446-VCC), dated July 2, 2013. Your permit verification authorized the Riverside County Transportation Department to discharge permanent fill material into approximately 0.003 acre (15 linear feet) of wetland and 0.49 acre (1,600 linear feet) of non-wetland waters of the United States (WOUS). Additionally, the permit verification authorized the temporary discharge of dredged or fill material into approximately 0.04 acre (335 linear feet) of wetland and 0.45 acre (660 linear feet) of non-wetland WOUS to construct the Interstate 215/Newport Road Interchange Improvement Project. The proposed work would take place within Salt Creek and its unnamed tributary, in the City of Menifee, Riverside County, California.

Under the provisions of 33 C.F.R. section 325.7(b), Special Condition 3 is modified as follows:

3. Prior to initiating construction in WOUS, and to mitigate for permanent impacts to 0.003 acre of wetland and 0.49 acre of non-wetland WOUS and for temporary impacts to 0.04 acre of wetland and 0.45 acre of non-wetland WOUS, the Permittee shall provide documentation verifying purchase of credits for 2.0 acres of enhancement of WOUS, from a Corps-approved in-lieu fee program (i.e. Riverside-Corona Resource Conservation District In-Lieu Fee Program). The Permittee shall not initiate work in WOUS prior to 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: 1) the number and resource type of credits described above have been secured from a sponsor and, 2) 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 receipt signed by the sponsor and shall include the permit number and a statement or receipt indicating the number and resource type of credits that have been secured from the sponsor.

The terms and conditions of your original permit verification (No. SPL-2010-00446-VCC), except as changed herein, or by other Corps and/or Regional Water Quality Control Board authorizations, incorporating additional special conditions or non-discretionary terms and

conditions of biological opinions rendered by the U.S. Fish and Wildlife Service or the National Marine Fisheries Service, remain in full force and effect.

Thank you for participating in our regulatory program. If you have any questions, please contact Veronica Chan at 213-452-3292 or via e-mail at Veronica.C.Chan@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://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0

Sincerely,

A handwritten signature in black ink that reads "Mark D. Cohen". The signature is written in a cursive style with a large, sweeping "M" and "C".

Mark D. Cohen
Deputy Chief, Regulatory Division

Exhibit B

401 Clean Water Act Water Quality Certification No. 332012-36; Amended 401 Clean
Water Act Water Quality Certification, dated December 15, 2014



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Santa Ana Regional Water Quality Control Board

December 15, 2014

Russell Williams
Riverside County Transportation
Department
3525 14th Street
Riverside, CA 92502

**REVISED CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS
CERTIFICATION FOR THE I-215 & NEWPORT ROAD INTERCHANGE
IMPROVEMENT PROJECT, COUNTY OF RIVERSIDE, CALIFORNIA (ACOE
REFERENCE NO. SPL201000446_NWP) (SARWQCB PROJECT NO. 332012-36)**

Dear Mr. Williams,

We have received your recent requests to amend the November 5, 2014, Clean Water Act Section 401 Water Quality Standards Certification (Certification) for the subject project. Due to the circumstances involving mitigation bank credit availability, we have considered the request to amend and/or otherwise revise the Certification accordingly.

This correspondence represents a revision to the Certification issued from this office on September 13, 2013 and subsequently revised on November 21, 2014 for the subject project. This latest revision supersedes the November 5, 2014 Certification for the project. Revisions to the project's Certification are shown by striking out removed text, and underlining added text. Text that is neither stricken nor underlined remains unchanged.

On December 24, 2012, we received an application for Clean Water Act Section 401 Water Quality Standards Certification ("Certification") and the associated filing fee of \$40,252.00 from the Riverside County Transportation Department (RCTD). On August 28, 2014 a request was received from RCTD to revise the proposed compensatory mitigation for the project. The aforementioned submittal was for a project in the City of Menifee, to modify the existing diamond interchange at I-215 and Newport Road, into a partial cloverleaf interchange configuration. Upon receiving further clarifying information regarding the proposed mitigation, this letter responds to your request to revise the existing certification that the proposed project, described in your application and summarized below, will comply with State water quality standards outlined in the Water

Quality Control Plan for the Santa Ana River Basin (1995) (Basin Plan) and subsequent Basin Plan amendments:

Project Description:

The Project includes the widening of the Newport Road overcrossing and the northbound I-215 bridge over Salt Creek. Temporary impacts to the bed, channel and bank within jurisdictional Waters of the U.S. include a total of 0.594 acre (1,297 linear feet). Permanent impacts total 2.041 acres (4,593 linear feet). Fill material consisting of 34,000 cubic yards (CY) of earthen fill, 35 CY of reinforced concrete and 310 CY of rock rip rap (totaling 34,345 CY) will be placed within Waters of the U.S. at this location. The work will take place as part of a larger I-215 project within Sections 2, 3, 34, & 35 of Townships 5 & 6 South, Range 3 West, of the U.S. Geological Survey *Romoland* quadrangle map (33.685017° N/ -117.171410° W).

Receiving water:

Salt Creek and unnamed ephemeral tributary drainages

Fill area:

Permanent impact to Wetland Habitat	0.003 acre	15 linear feet
Temporary impact to Wetland Habitat	0.036 acre	92 linear feet
Permanent impact to Streambed Habitat	1.986 acres	4,164 linear feet
Temporary impact to Streambed Habitat	0.536 acre	1,170 linear feet

Dredge/Fill volume:

34,000 CY of native materials; 35 CY reinforced concrete, and 310 CY of rock rip rap

Federal permit: U.S. Army Corps of Engineers Nationwide Permit No. 14

You have proposed to mitigate water quality impacts as described in your Certification application. The proposed mitigation is summarized below:

Onsite Water Quality Standards Mitigation Proposed: None

- Standard water quality related best management practices (BMPs) will be employed during construction activities.
- Temporary impacts to non-wetland Waters of the State will include returning temporarily impacted on-site areas to preconstruction contours and hydrological conditions, where feasible.

Offsite Water Quality Standards Mitigation Proposed:

- Compensatory mitigation is proposed through payment into the Riverside Corona Resource Conservation District In-lieu Fee Program. Compensatory mitigation will include enhancement (i.e., removal of invasive riparian vegetation), rehabilitation, and/or reestablishment on a total of 2.787 acres for permanent impacts to wetlands at a 3:1 ratio and to non-wetland Waters of the U.S. at a 2:1 ratio; and for temporary impacts to wetland and non-wetland Waters of the U.S. acres at a 1:1 ratio ~~at the Reynolds Property, controlled by Western Riverside County Regional Conservation Authority (RCA), tributary to Temescal Wash, Santa Ana River Watershed.~~
- An additional 1.47 acres of waters of the State will be enhanced at the RCA Wolfskill-Driscoll site through the Santa Ana Watershed Association In-lieu Fee Program.

0.49 acre of permanent impact to non-wetland and other waters	mitigated at 2:1	0.982 acre
0.003 acre of permanent impact to seasonal wetland	mitigated at 3:1	0.009 acre
0.454 acre of temporary impact to non-wetland and other waters	mitigated at 1:1	0.454 acre
0.036 acre of temporary impact to seasonal wetland	mitigated at 2:1	0.072 acre

Should the proposed project impact state- or federally-listed endangered species or their habitat, implementation of measures identified in consultation with U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife will ensure those impacts are mitigated to an acceptable level. Appropriate BMPs will be implemented to reduce construction-related impacts to Waters of the State according to the requirements of Order No. R8-2010-0033 (NPDES Permit No. CAS618033), commonly known as the Riverside County Municipal Storm Water Permit, and subsequent iterations thereof. Order No. R8-2010-0033 requires that you substantially comply with the requirements of State Water Resources Control Board's General Permit for Storm Water Discharges Associated with Construction Activity.

Pursuant to California Code of Regulations, Title 14, Chapter 3, Section 15096, as a responsible agency, the Regional Board is required to consider an Environmental Impact Report (EIR) or Negative Declaration (ND) prepared by the lead agency in determining whether to approve a project. A responsible agency has responsibility for mitigating and avoiding only the direct and indirect environmental effects of those parts of the project which it decides to carry out, finance, or approve. Further, the responsible agency must make findings as required by Sections 15091 and, if necessary, 15093, for each and every significant impact of the project.

As required by Section 15096, the Regional Board has considered the mitigated ND prepared for the proposed project and information provided subsequently in the application, in approving this Certification. The Regional Board has independently considered the county's Mitigated Negative Declaration in making this certification and finds that changes or alterations have been required, or incorporated into the proposed project, which avoid or mitigate impacts to water quality to a less than significant level.

This 401 Certification is contingent upon the execution of the following conditions:

- 1) The applicant must comply with the requirements of the applicable Clean Water Act section 404 permit.
- 2) Proposed mitigation shall be timely implemented. Materials documenting the purchase of necessary mitigation credits shall be provided to this office prior to the discharge of fill to, or the dredging or excavation of material from, waters of the state.
- 3) All materials generated from construction activities associated with this project shall be managed appropriately. This shall include identifying all potential pollution sources within the scope of work of this project, and incorporating all necessary pollution prevention BMPs as they relate to each potential pollution source identified.
- 4) The project proponent shall utilize BMPs during project construction to minimize the controllable discharges of sediment and other wastes to drainage systems or other waters of the state and of the United States.

- 5) Substances resulting from project-related activities that could be harmful to aquatic life, including, but not limited to, petroleum lubricants and fuels, cured and uncured cements, epoxies, paints and other protective coating materials, portland cement concrete or asphalt concrete, and washings and cuttings thereof, shall not be discharged to soils or waters of the state. All waste concrete shall be removed.
- 6) Motorized equipment shall not be maintained or parked within or near any stream crossing, channel or lake margin in such a manner that petroleum products or other pollutants from the equipment may enter these areas under any flow conditions. Vehicles shall not be driven or equipment operated in waters of the state on-site, except as necessary to complete the proposed project. No equipment shall be operated in areas of flowing water.
- 7) This Water Quality Certification is subject to the acquisition of all local, regional, state, and federal permits and approvals as required by law. Failure to meet any conditions contained herein or any the conditions contained in any other permit or approval issued by the State of California or any subdivision thereof may result in the revocation of this Certification and civil or criminal liability.
- 8) Best management practices to stabilize disturbed soils must include the use of native plant species whenever feasible.
- 9) Construction de-watering discharges, including temporary stream diversions necessary for project construction may be regulated under Regional Board Order No. R8-2009-0003, General Waste Discharge Requirements for Discharges to Surface Waters that Pose an Insignificant (De Minimus) Threat to Water Quality. For more information, please review Order No. R8-2009-0003 at www.waterboards.ca.gov/santaana/
- 10) Applicant shall ensure that all fees associated with this project shall be paid to each respective agency prior to conducting any on-site construction activities.
- 11) Prior to grading, excavation, or discharge of fill or construction materials for the project in waters of the U.S. slated to be impacted by the project, functional assessments of the wetlands and riparian habitats that will be impacted by the project, and of proposed mitigation sites, shall be conducted using the California Rapid Assessment Method, February 2012. Mitigation site assessments shall be conducted in the period between October 1 and December 31, until success criteria are met for consecutive years. This information shall be reported to <http://www.californiawetlands.net/tracker/>

Under California Water Code, Section 1058, and Pursuant to 23 CCR §3860, the following shall be included as conditions of all water quality certification actions:

- (a) Every certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section §13330 of the Water Code and Article 6 (commencing with Section 3867) of this Chapter.
- (b) Certification is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a FERC license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to Subsection §3855(b) of this Chapter and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
- (c) Certification is conditioned upon total payment of any fee required under this Chapter and owed by the applicant.

If the above stated conditions are changed, any of the criteria or conditions as previously described are not met, or new information becomes available that indicates a water quality problem, the Regional Board may require the applicant to submit a report of waste discharge and obtain Waste Discharge Requirements.


In the event of any violation or threatened violation of the conditions of this certification, the holder of any permit or license subject to this certification shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification. Violations of the conditions of this certification may subject the applicant to civil liability pursuant to Water Code section 13350 and/or 13385.

This letter constitutes a Water Quality Standards Certification issued pursuant to Clean Water Act Section 401. I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of Sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law.

This discharge is also regulated under State Water Resources Control Board Order No. 2003-0017-DWQ (Order No. 2003-0017-DWQ), "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received Water Quality Certification" which requires compliance with all conditions of this Water Quality Standards Certification. Order No. 2003-0017-DWQ is available at: www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo_2003-0017.pdf

Should there be any questions, please contact Marc Brown at (951) 321-4584, or Mark Adelson at (951) 782-3234.

Sincerely,



Kurt V. Berchtold
Executive Officer
Santa Ana Regional Water Quality Control Board

cc (via electronic mail):

URS Corporation – Greg Hoisington – greg.hoisington@urs.com
U. S. Army Corps of Engineers, Los Angeles Office – Jim Mace
CA Department of Fish and Wildlife - Daniel Orr - daniel.orr@wildlife.ca.gov
State Water Resources Control Board, Office of Chief Counsel-David Rice
State Water Resources Control Board DWQ -Water Quality Certification Unit
U.S. EPA -Supervisor of the Wetlands Regulatory Office WTR-8

Exhibit C

CDFW OP LAW LETTER



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
3602 Inland Empire Blvd., Suite C-220
Ontario, CA 91764
(909) 481-0167
www.wildlife.ca.gov

EDMUND G. BROWN, Jr., Governor
CHARLTON H. BONHAM, Director



January 22, 2014

Russell Williams
Riverside County Transportation Department
3525 14th Street
Riverside, CA 92502

Subject: Notification of Lake or Streambed Alteration No. 1600-2012-0210-R6
I-215/Newport Road Interchange Improvement Project

Dear Mr. Russell:

The Department had until January 3, 2014 to submit a draft Lake or Streambed Alteration Agreement (Agreement) to you or inform you that an Agreement is not required. The Department did not meet that date. As a result, by law, you may now complete the project described in your notification without an Agreement.

Please note that pursuant to Fish and Game Code section 1602(a)(4)(D), if you proceed with this project, it must be the same as described and conducted in the same manner as specified in the notification and any modifications to that notification received by the Department in writing prior to January 3, 2014. This includes completing the project within the proposed term and seasonal work period and implementing all avoidance and mitigation measures to protect fish and wildlife resources specified in the notification. If the term proposed in your notification has expired, you will need to re-notify the Department before you may begin your project. Beginning or completing a project that differs in any way from the one described in the notification may constitute a violation of Fish and Game Code section 1602.

You have proposed to impact Salt Creek and two unnamed tributaries to Salt Creek, all tributary to Canyon Lake and Lake Elsinore, both east and west of Interstate 215, extending approximately 3,645 linear feet north, and 3,470 linear feet south of the intersection with Newport Road, in the City of Menifee, County of Riverside, State of California; Latitude 33.684949N Longitude -117.171616W. Your project includes the reconstruction of the existing diamond interchange at I-215 and Newport Road as a partial cloverleaf interchange configuration. Newport Road would be widened through the interchange from four through lanes to six through lanes between Antelope Road and Haun Road. Loop entrance ramps will be added with associated right turn lanes on Newport Road. Acceleration lanes would be added to the northbound and southbound entrance ramps and a deceleration lane would be constructed at the approach to the northbound exit ramp. The project requires widening of the Newport Road overcrossing and the northbound I-215 bridge over Salt Creek. The project will permanently impact

Mr. Russell Williams

January 22, 2014

Page 2 of 2

2.041 acres and temporarily impact 0.594 acre of Department jurisdictional areas including 2.413 acres (1.866 acres permanent and 0.547 acre temporary) of unvegetated or upland-dominant vegetated streambed and 0.222 acre (0.175 acre permanent and 0.047 acre temporary) of mulefat scrub habitat. You have proposed to incorporate several avoidance and minimization measures including, but not limited to, implementation of standard storm water best management practices as developed in a SWPPP, avoidance of stockpiling within stream channels or adjacent banks, and avoidance of work within the breeding season of riparian-associated species. You have proposed to offset Project impacts, including permanent impacts to 2.041 acres and temporary impacts to 0.594 acre of Department jurisdictional areas, through the active restoration of 1.47 acres of riparian habitat at the Wolfskill Driscoll site and 2.787 acres of restoration through the Riverside-Corona Resource Conservation Districts In-Lieu Fee Program. Your proposed Project term is January 1, 2014 through December 31, 2018.

Also note that while you are entitled to complete the project without an Agreement, you are still responsible for complying with other applicable local, state, and federal laws. These include, but are not limited to, the state and federal Endangered Species Acts and Fish and Game Code sections 5650 (water pollution) and 5901 (fish passage).

Finally, if you decide to proceed with your project without an Agreement, you must have a copy of this letter and your notification with all attachments available at all times at the work site. If you have any questions regarding this matter, please contact Kimberly Freeburn-Marquez at (909) 945-3484 or Kim.Freeburn@wildlife.ca.gov

Sincerely,

Jeff Brandt
Senior Environmental Scientist

cc: Greg Hoisington, URS Corporation

Exhibit D

BILL OF SALE

Contract No. _____

In consideration of the payment of FIVE HUNDRED FORTY-SEVEN THOUSAND FOUR HUNDRED DOLLARS (\$547,400), receipt of which is hereby acknowledged, RCRCO does hereby recognize that the County of Riverside (the "Project Applicant"), has acquired 2.8 Rehabilitation Credits from the RCRCO In-Lieu Fee Program (the "Program").

DATED: _____

By: _____
District Manager

cc: Steve Anderson, General Counsel, General Counsel, RCRCO, Best Best & Krieger LLP

Exhibit E

RCRCD letterhead

[date]

U.S. Army Corps of Engineers
Los Angeles District – Regulatory Division
915 Wilshire Blvd.
Los Angeles, CA 90017

Subject: Statement of Sale for 2.8 Rehabilitation Credits from the RCRCD In-Lieu Fee Program to County of Riverside for the 215/Newport Road Interchange Improvement Project.

The Riverside-Corona Resource Conservation District has an agreement with the U.S. Army Corps of Engineers – Los Angeles District to operate an In-Lieu-Fee Program. This letter confirms the sale of 2.8 Rehabilitation Credits to the County of Riverside for the 215/Newport Road Interchange Improvement Project. These credits are being used as compensatory mitigation for temporary and permanent impacts to wetland and non-wetland waters of the U.S. as authorized by USACE 404 Nationwide Permit Verification Letter dated July 2, 2013 (SPL-2010-00446-VCC), together with the Amendment thereto dated May 28, 2014, and a separate RWQCB 401 Clean Water Act water quality certification (Certification no. 332012-36), together with the Amendment thereto dated December 15, 2014. By selling credits to the above permittee, RCRCD is the party responsible for fulfilling the mitigation aspect of Special Condition No. 3 of the Amended USACE 404 Nationwide Permit Verification Letter, dated May 28, 2014, and the first Offsite Water Quality Standards Mitigation, as described in the first full paragraph on page three of the amended RWQCB 401 Clean Water Act water quality certification, dated December 15, 2014.

Signed

cc: John Markham, Senior Ecologist & Project Manager, Regulatory Division
US Army Corps of Engineers, Ventura Field Office
James Mace, Senior Project Manager, Regulatory Division, U.S. Army
Corps of Engineers, Los Angeles District
Mark Adelson, Regional Planning Programs, Regional Water Quality
Control Board-Santa Ana Region.
Paul Amato, Environmental Protection Specialist, Wetlands Regulatory
Office, U.S. EPA, Region 9

bcc: Steve Anderson