



DEPARTMENT OF THE ARMY

Los Angeles District, Corps of Engineers
South Coast Branch, Carlsbad Field Office
6010 Hidden Valley Road, Suite 105
Carlsbad, CA 92011

January 7, 2011

REPLY TO ATTENTION OF:

Office of the Chief
Regulatory Division

DEPARTMENT OF THE ARMY NATIONWIDE PERMIT AUTHORIZATION

Alan Colton
San Diego Gas & Electric Company
8315 Century Park Court, CP21G
San Diego, California 92123-1548

Dear Mr. Colton:

This is in reply to your application (File No. SPL-2007-00704-SAS), dated September 10, 2009, for a Department of the Army (DA) Permit to discharge fill material into waters of the United States (U.S.) in association with the San Diego Gas & Electric Company's (SDG&E) proposal to construct the Sunrise Powerlink Project (Sunrise Powerlink), a power transmission line along an approximately 120-mile alignment from the Imperial Valley Substation in Imperial County, California to the Sycamore Canyon Substation in the County of San Diego, California (Enclosure 1). Your application for DA authorization is for the Final Environmentally Superior Southern Route (FESSR) alternative identified in the Final Environmental Impact Report/Final Environmental Impact Statement (FEIR/FEIS) released on October 13, 2008, as prepared by the Bureau of Land Management (BLM) and the California Public Utilities Commission (CPUC). A Subsequent Project Modification Report (PMR), submitted on May 12, 2010, includes alignment modifications made by SDG&E that supersede the FESSR, which are represented in Enclosure 1.

Based on the information you have provided, the U.S. Army Corps of Engineers Regulatory Division (Corps) has determined that your proposed activity complies with the enclosed terms and conditions of Nationwide Permit No. (NWP) 12, *Utility Line Activities*, as described in Enclosure 2, and NWP 3, *Maintenance*, as described in Enclosure 3.

Specifically, you are authorized to:

1. Construct Sunrise Powerlink as described in the Pre-Construction Notification, originally submitted to the Corps on September 28, 2009, and its subsequent revisions (last revision submitted on October 29, 2010). A detailed project description can be found in Attachment 1 of this permit authorization. Sunrise Powerlink shall permanently discharge fill material into no more than 2.88 acres of waters of the U.S. and temporarily discharge fill material into no more than 7.08 acres of waters of the U.S. with the construction of 135 "single and complete projects" [as defined for linear projects in 33 Code of Federal Regulations (CFR) 330.2(i)]. The enclosed table entitled *Sunrise Powerlink Impacts to Waters of the U.S. within NWP 12 Single and Complete Projects* (Enclosure 4) lists all permanent and temporary impacts within waters of the U.S. for each single and complete project authorized by NWP 12. As described in your permit application and in other correspondence, additional avoidance shall be achieved where determined feasible during construction (e.g., EP 113-4).
 - a. Authorized permanent impact types are as follows: the discharge of fill material for permanent tower structure pads, permanent construction and maintenance pads, access roads, tower structure access pads, and the Suncrest Substation.
 - b. Authorized temporary impact types are as follows: the discharge of fill material for temporary construction and maintenance pads, construction yards, wire installation and temporary pull sites (stringing areas), and temporary access roads. The construction period associated with all temporary construction features and temporary construction activities occurring within waters of the U.S. shall not exceed six (6) months.
2. Permanently impact an additional 0.09 acre of waters of the U.S. as detailed in the enclosed table entitled *Sunrise Powerlink Impacts to Waters of the U.S. within NWP 3 Activity Areas* (Enclosure 5) for existing access road maintenance.

The *Mapbook Containing Project Overview and Detailed Mapsheets*, received by the Corps on August 9, 2010 and incorporated in this permit authorization by reference, displays the Sunrise Powerlink alignment and construction components overlaid with the impacted waters of the U.S. for both NWP 12 and NWP 3 activities.

Furthermore, you must comply with the following non-discretionary Special Conditions:

Mitigation

1. The Permittee shall mitigate for impacts to waters of the U.S. through

implementation of the Corps-approved conceptual mitigation plan entitled *Conceptual Habitat Mitigation and Monitoring Plan: Sunrise Powerlink* (dated October 2010, and prepared by WRA), referred to herein as the Conceptual Habitat Mitigation and Monitoring Plan (HMMP), which shall be revised and approved by the Corps as the Final HMMP prior to construction within waters of the U.S. The Conceptual HMMP proposes the preservation, enhancement, and restoration of approximately 115 acres of waters of the U.S. at five (5) mitigation sites, listed as follows: Desert Cahuilla, Suckle, Long Potrero, Lightner, and Chocolate Canyon. The Permittee shall implement compensatory mitigation at these five (5) sites to replace the lost functions and services resulting from unavoidable permanent and temporary impacts to waters of the U.S. as shown in Tables 1 and 2 of Attachment 2. All mitigation measures contained in the Corps-approved Final HMMP shall apply only to the DA-authorized impacts in association with Sunrise Powerlink; no mitigation credit shall be granted or "banked" by the Permittee or any other affected 3rd party for future DA authorizations or potential unauthorized activities that result in impacts to waters of the U.S.

2. Prior to initiating construction in waters of the U.S., the Permittee shall submit to the Corps a Final HMMP prepared in accordance with the Corps' Los Angeles District Mitigation Guidelines and Monitoring Requirements, dated April 19, 2004, and the Mitigation Rule [33 C.F.R. Part 332; 73 FR 19670-19687 (April 10, 2008)]. No work within waters of the U.S. is authorized until the Permittee receives, in writing (by letter or e-mail), Corps approval of the Final HMMP. The Final HMMP shall address the replacement of the lost functions and services resulting from the permanent loss of 2.97 acres of waters of the U.S. (NWP 12 and NWP 3 activities) and the temporary loss of 7.08 acres of waters of the U.S. through the preservation, restoration, and enhancement of approximately 115 acres of waters of the U.S. Revisions to the approved Final HMMP are expected, and SDG&E will coordinate with the Corps, State Water Resources Control Board (SWRCB), and the California Department of Fish and Game (CDFG) to ensure the HMMP meets Corps requirements and does not conflict with other agency requirements. Impacts within waters of the U.S. may begin prior to revision; however, all revisions must be complete within 90 days of issuance of this permit verification letter. The final 25% of impacts to waters of the U.S., which shall be identified by the Permittee (by single and complete project number) within 30 days of issuance of this permit verification letter, may not occur until the revisions are approved by the Corps.
3. The Final HMMP shall be submitted as five (5) documents [or five (5) sections within one (1) document], separated by each mitigation site. Subsequent annual monitoring reports of each mitigation site shall also be submitted as five (5) separate documents [or five (5) sections within one (1) document]. All maps and

drawings shall be in compliance with the Final Map and Drawing Standards for the Los Angeles District Regulatory Division dated September 15, 2010. The Final HMMP shall include the required elements listed in 33 CFR 332.4(c)(2) – (c)(14) at a level of detail commensurate with the scale and scope of the impacts being authorized. Substantial changes in the Final HMMP, as compared to the Conceptual HMMP and determined by the Corps, may result in additional Corps review periods, permit suspension, and/or permit revocation. The Final HMMP shall include, but not be limited to, the following topics :

- a. A statement of the Corps-approved approach to the site-protection mechanism for each mitigation site, as required in Special Condition No. 10;
 - b. A statement of the expected 3rd party long-term land managers for each mitigation site as required in Special Condition No. 10, subject to Corps approval;
 - c. Specifications and topography-based grading and planting design within restoration and enhancement activity areas on the Suckle, Long Potrero, Lightner, and Chocolate Canyon mitigation sites;
 - d. A final implementation and monitoring schedule, as a table, that indicates when all mitigation activities are expected to occur at each mitigation site;
 - e. A planting plan that documents the timing (schedule of planting), revegetation methods, sources of plant materials, and the plant installation pattern/model such that the revegetation mimics natural plant distribution (e.g., random distribution rather than uniform rows); and
 - f. Schedule and methods for the minimum five (5) years of maintenance, monitoring, and attainment of performance standards for waters of the U.S. mitigation areas.
4. Monitoring reports in accordance with the Final HMMP for compensatory mitigation activities clearly referencing Corps File No. SPL-2007-00704-SAS shall be submitted to the Corps annually by October 31st, after the annual maintenance and monitoring has been performed, for a minimum of five (5) years or as required until performance standards have been met.
5. Within 45 calendar days of complete installation of mitigation at each mitigation site, the Permittee shall submit to the Corps a memo [submitted separately for each mitigation site, followed by a comprehensive memo summarizing the complete installation of mitigation at all five (5) mitigation sites] indicating the following:
- a. Date(s) all mitigation was installed and monitoring was initiated;
 - b. Schedule for future mitigation activities, such as replanting, pursuant to the approved Final HMMP;

- c. Summary of compliance status with each Special Condition of this permit related to mitigation (including any noncompliance previously occurred, or currently occurring, and corrective actions taken to achieve compliance);
 - d. Color photographs taken before, during, and immediately following installation and then annually thereafter from permanent locations. Photo locations, direction/bearing, and summary of view will be mapped in the field and on an aerial photograph to be included in each monitoring report; and
 - e. One (1) copy of "as-built" drawings (all sheets must be signed, dated, to-scale, and no larger than 11 x 17 inches) for the following mitigation sites that will require restoration and/or enhancement activities as compensatory mitigation: Suckle, Long Potrero, Lightner, and Chocolate Canyon.
6. Your responsibility to complete the required compensatory mitigation as set forth in the Corps-approved Final HMMP (described in Special Condition No. 1, 2, and 3) shall not be considered fulfilled until you have demonstrated compensatory mitigation project success and have received written verification (by letter or e-mail) of that success from the Corps. The Permittee retains ultimate responsibility for meeting the requirements of the Final HMMP.
7. Temporary construction features and activities that result in impacts within waters of the U.S. shall not remain in place for longer than twelve (12) months. All temporarily impacted waters of the U.S. shall be restored to their pre-construction conditions (i.e., restoration of original elevations and contours and revegetation of appropriate native plant species if applicable) immediately following the time period necessary for the temporary impact area [no longer than twelve (12) months] to minimize temporal loss of the functions and services of these waters of the U.S.
8. The Permittee shall restore all temporarily impacted areas within waters of the U.S. in accordance with Appendix A of the Conceptual HMMP, entitled *Restoration Plan for Temporary Impacts to "Waters"*, and (as applicable to the restoration of temporary impacts to waters of the U.S.) the *Restoration Plan for Sensitive Vegetation Communities in Temporary Impact Areas*, dated September 24, 2010. In addition, any modifications made to Appendix A as part of the Corps' approval of the Final HMMP shall become requirements of this DA permit authorization. A minimum of five (5) years of mitigation and monitoring shall be required until all performance standards have been achieved within the on-site temporary impact restoration areas. Your responsibility to complete the required on- and off-site mitigation as set forth in the Final HMMP, Appendix A of the Conceptual HMMP, and, as applicable to the restoration of impacts to waters of the

U.S., the *Restoration Plan for Sensitive Vegetation Communities in Temporary Impact Areas* shall not be considered fulfilled until you have successfully achieved the performance standards stipulated in the Corps-approved Final HMMP and have received written verification (by letter or e-mail) of that success from the Corps.

9. Monitoring reports in accordance with the Appendix A of the Conceptual HMMP (which may be modified in the Corps-approved Final HMMP) for the on-site revegetation of temporary impact areas clearly referencing Corps File No. SPL-2007-00704-SAS shall be submitted to the Corps annually by October 31st, after the annual maintenance and monitoring has been performed, for a minimum of five (5) years or as required until performance standards have been met.

10. In accordance with 33 CFR 332.7, the Permittee shall record site-protection mechanism, in a form approved by the Corps, which shall run with the land, obligating the Permittee, its successors, and assigns to protect and maintain Desert Cahuilla, Suckle, Long Potrero, Lightner, and Chocolate Canyon mitigation sites (as shown in the Conceptual HMMP) as natural open space in perpetuity. The Permittee shall submit draft site-protection mechanisms for Corps approval for the five (5) mitigation sites in advance of or concurrent with impacts within waters of the U.S. The Permittee shall also submit a detailed timeframe and action plan addressing the progress for achieving site protection (e.g., steps in the land acquisition/transfer process, identification of land managers and site-protection mechanisms, agency planning documentation) for each mitigation site within 30 days of the date of issuance of this permit verification letter.

The site-protection mechanisms shall preclude establishment of fuel modification zones, paved public trails, maintained public trails, maintenance access roads and/or future easements. Further, to the extent practicable, any such facilities outside the site-protection mechanisms shall be sited to minimize indirect impacts on the avoided, created, restored, and enhanced wetland and non-wetland waters of the U.S. The site-protection mechanisms (documents) must also provide for the long-term management of the mitigation sites under the direction and control of the land-management entity approved by the Corps. The Permittee shall receive written approval (by letter or e-mail) from the Corps' Regulatory Division of the draft site-protection mechanisms prior to them being executed and recorded. Costs of the site-protection mechanism and any related documents, including state and/or Federal environmental and legal documents and process costs, will be borne by the Permittee. The Corps shall not consider the reduction of the financial assurance (required per Special Condition No. 12) until the site-protection mechanisms for all mitigation sites are recorded [e.g.,

recording of a Conservation Easement (CE), amended Land and Resource Management Plan to ensure protection in perpetuity as stated in the Final HMMP, etc.).

The Corps shall require a Conservation Easement (CE) as the site-protection instrument for each of the five (5) mitigation sites. The draft CE must include a 3rd party easement holder qualified to hold easements pursuant to California Civil Code section 815.3 and Government Code section 65965. The CE must provide that the 3rd party easement holder, or such other entity as determined by the Corps, may enter upon and do any and all work to comply with Special Condition No. 1, in the event the Permittee has failed to do so. The Corps must approve the use of an alternative site-protection mechanism if a CE is not available or suitable because of land-management entity restrictions or other reasons deemed acceptable by the Corps.

Monthly progress reports (which shall include the proposed site-protection mechanism, steps being taken within each agency's process, the identification of land managers, and updated timeframes detailing the progress for achieving site protection) for each mitigation site will be submitted until the Corps approves the draft site-protection mechanisms.

11. For any mitigation site where the Corps-approved 3rd party land manager is a state or Federal agency, a qualified land specialist shall be retained by the Permittee to shepherd the transfer of the mitigation property to the designated state or Federal agency. The land specialist shall have experience in state and/or Federal land exchange and/or acquisition, land-use planning, and state or Federal real-estate transactions. The land specialist/Permittee shall include the progress of the land transfer and document compliance with the applicable Special Conditions of this permit verification letter for each mitigation site in the monthly progress reports required per Special Condition No. 10.
12. In accordance with 33 CFR 332.3(n), prior to initiating construction in waters of the U.S., the Permittees shall post financial assurance ("financial assurance") in an amount and form approved by the Corps. The financial assurance shall include the estimated cost for replacement mitigation, including costs for land acquisition, planning and engineering, legal fees, mobilization, construction, monitoring, maintenance, and adaptive management for the required five-year monitoring period. The purpose of this financial assurance is to guarantee the successful implementation, maintenance, and monitoring of the wetland and non-wetland waters preservation, restoration, and enhancement work. The financial assurance may be in the form of a performance bond, irrevocable letter of credit, escrow

agreement, or casualty insurance. The preferred form of financial assurance is an irrevocable letter of credit. At a minimum and subject to Corps approval, you shall post financial assurance in the amount of 120% of the anticipated cost of the mitigation and monitoring associated with the project, as indicated above, in any manner permitted by Corps policy.

- a. For a performance bond, the bonding company must appear on the Department of Treasury Circular 570, Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and Acceptable Reinsuring Companies. For a current list of Treasury-authorized companies, write or call the Surety Bond Branch, Financial Management Services, Department of the Treasury, Washington DC 20227; (202) 874-6850 or at the following website:
<http://www.fms.treas.gov/c570/c570.html>.
 - b. The performance bond shall be released only upon a determination by the Corps Regulatory Division that successful mitigation has been completed.
13. The Permittee must provide monies in the form of a non-wasting endowment [endowment amount to be determined by a revised Property Analysis Record (PAR) or similar methodology as approved by the Corps, conducted by the Corps-approved land-management entities of the mitigation sites] for review and approval for the purposes of fulfilling the land managers' and/or 3rd party easement holders' long-term responsibilities including maintenance activities (e.g., invasive non-native plant species and trash removal, restoration of areas disturbed or destroyed due to off-road vehicle use or other trespassing and vandalism, repairs and maintenance to fencing and signage, natural disaster remedial activities) agreed to under the site-protection mechanisms required by Special Condition No. 10. The revised PAR must be submitted by October 31st of Year 2 of the mitigation and monitoring period for each mitigation site. The Permittee will provide the endowment within 30 days of the Corps' approval of the revised PAR of the five (5) mitigation sites.

Pre-Construction

14. The Permittee submitted to the Corps a complete set of final detailed grading/construction plans showing all work and structures in waters of the U.S., received on November 22, 2010. The Permittee shall build the project in accordance with the Corps-approved plans or any modified plans subsequently approved by the Corps.

15. The Permittee shall clearly mark the limits of the construction right-of-way and all associated workspace with flagging or similar means to ensure mechanized equipment does not enter preserved waters of the U.S. and riparian wetland/habitat areas as shown in the *Mapbook Containing Project Overview and Detailed Mapsheets*. Additionally, the Permittee shall install, and maintain in good working order, a silt fence around preserved waters of the U.S. to protect these areas from construction-related runoff. These fences are to be maintained and repaired after each weather event. A biological monitor shall be present to direct the placement of these preventative installations around the preserved waters of the U.S. within the project area where impacts are not authorized.

Construction

16. Impacts to waters of the U.S. beyond the Corps-approved construction footprint are not authorized. Such impacts may result in permit suspension and revocation, administrative, and/or civil or criminal penalties. Unauthorized impacts to waters of the U.S. [including authorized temporary impacts to waters of the U.S. that are not successfully restored to pre-construction conditions and/or those temporary construction features and activities within waters of the U.S. that are not removed within twelve (12) months, per Special Condition No. 7] shall result in additional compensatory mitigation at a minimum of a 5:1 ratio; this additional mitigation may require the purchase of credits from an authorized mitigation bank or in-lieu fee program, if available, or through the restoration or enhancement of waters of the U.S. within the appropriate, impacted watershed(s) as approved by the Corps.
17. The Permittee shall provide all on-site contractors, subcontractors, and forepersons a copy of this permit with General Conditions and Special Conditions. All of the above-listed personnel shall read, understand, agree to, and comply with all terms and conditions of the authorization. A copy of this authorization, with the General and Special Conditions, and enclosures shall be included in all bid packages for the project and shall be available at the work site at all times during periods of work and must be presented upon request by any Corps personnel. The Permittee shall provide the Corps written confirmation of this Special Condition prior to construction, including names phone numbers, and addresses of all of the above personnel, including signatures indicating agreement with all General and Special Conditions of this authorization. Through construction of the Sunrise Powerlink, all new personnel shall also comply with this condition. A copy of this permit, with General and Special Conditions, shall be on-site at all times during construction activities.

18. Seven (7) days prior to impacts within waters of the U.S., the Permittee shall provide written notification to the Corps. The notification shall include the following:
 - a. Corps File Number (SPL-2007-00704-SAS);
 - b. Name of company performing the work and on-site point of contact;
 - c. Size and type of equipment that shall be performing the work; and
 - d. Schedule for beginning and ending of construction activities.

19. A qualified biological monitor shall be on-site during project grading and construction in the vicinity of waters of the U.S. to verify compliance with all requirements of this permit. The biological monitor shall have experience performing Corps jurisdictional delineations of waters of the U.S. including wetlands. The biological monitor shall document compliance with the General and Special Conditions for each construction phase. The Permittee shall submit the biologists' names, addresses, telephone numbers, email addresses (if available), and work schedules on the project to this office a minimum of fifteen (15) days prior to the planned date of initiating work within waters of the U.S. authorized by this permit. The biologist/Permittee shall report any violation to Corps within one (1) business day of its occurrence.

20. During the initial 90 days of impacts to waters of the U.S. and until the Final HMMP is revised per Special Condition No. 2, a monthly progress memo shall be prepared and submitted to the Corps Regulatory Project Manager, Ms. Shanti Abichandani Santulli, at the Carlsbad Field Office, 6010 Hidden Valley Road, Suite 105, Carlsbad, CA 92011. The Permittee shall submit a quarterly progress memo, in the manner described above, after the initial 90 days of construction within waters of the U.S. and receipt of the revised Final HMMP. This progress memo shall include a matrix/spreadsheet listing each single and complete project number with the following corresponding information: initial estimated permanent and temporary impacts acreage, start and completion dates of construction, final permanent and temporary impact acreage, and associated mitigation site. The initial progress memo shall commence one (1) month after construction begins within waters of the U.S. and shall continue through the end of construction.

Clean Water Act Section 401 Water Quality Certification

21. The Permittee shall comply with the terms and conditions of the CWA section 401 Water Quality Certification issued by the SWRCB (Certification Number SB09015IN) for your project, signed on November 9, 2010. You shall comply with the conditions specified in this Certification, attached to this permit as Enclosure 6.

Water Quality and Construction-Related Best Management Practices (BMPs)

22. All vehicle maintenance, staging, storage, and dispensing of fuel shall occur in designated upland areas. These designated upland areas shall be located in such a manner as to prevent any runoff from entering waters of the U.S.
23. No debris, soil, silt, sand, sawdust, rubbish, cement or concrete washings thereof, oil or petroleum products, from construction shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into waters of the U.S. Therefore, the Permittee shall employ all Best Management Practices (BMPs) necessary to prevent toxic materials, silt, debris, or excessive erosion from entering waters of the U.S. during project construction. Upon completion of the activities authorized by this permit, any excess material or debris shall be removed from the work area and disposed of in an appropriate upland site. All BMPs and measures to avoid and minimize erosion and hydromodification required by the USFS and BLM that minimize impacts to waters of the U.S. also shall be required within Corps jurisdiction on private and public lands.

Cultural Resources

24. Pursuant to 36 C.F.R. § 800.13, in the event of any discoveries during construction of either human remains, archeological deposits, or any other type of historic property, the Permittee shall notify the Corps' Archeology Staff within 24 hours (Mr. Steve Dibble at 213-452-3849, Ms. Amy Holmes at 213-452-3855, or Mr. John Killeen at 213-452-3861). The Permittee shall immediately suspend all work in any area(s) where potential cultural resources are discovered. The Permittee shall not resume construction in the area surrounding (i.e., immediately adjacent to) the potential cultural resources until the Corps re-authorizes project construction, per 36 C.F.R. § 800.13.
25. The Permittee shall be responsible for complying with the terms and mitigation measures described in the *Programmatic Agreement among the Department of the Interior, Bureau of Land Management, the Department of Agriculture, Forest Service, the Marine Corps Air Station Miramar, the U.S. Army Corps of Engineers, the California Public Utilities Commission, San Diego Gas and Electric Company, and the California State Historic Preservation Officer Regarding the Proposed San Diego Gas and Electric Power Company's Sunrise Powerlink Transmission Line Project, Imperial and San Diego Counties, California (PA)*, executed on December 23, 2008 and signed by the Corps on January 21, 2009, for the life of this permit.

Endangered Species Act

26. This Corps permit does not authorize you to take any threatened or endangered species, in particular the least Bell's vireo (*Vireo bellii pusillis*), southwestern willow flycatcher (*Empidonax traillii extimus*), coastal California gnatcatcher (*Polioptila californica californica*), arroyo toad (*Anaxyrus californicus*), Quino checkerspot butterfly (*Euphydryas editha quino*), flat-tailed horned lizard (*Phrynosoma mcallii*), and Peninsular bighorn sheep (*Ovis canadensis nelsoni*), or adversely modify any of these species designated critical habitat. In order to legally take a listed species, you must have separate authorization under the Endangered Species Act (ESA) [e.g. ESA section 10 permit, or a Biological Opinion (BO) under ESA section 7, with "incidental take" provisions with which you must comply]. The Corps has completed a formal consultation with the U.S. Fish and Wildlife Service (USFWS) in accordance with section 7 of the ESA for effects to the coastal California gnatcatcher (federally threatened), arroyo toad (federally endangered), Quino checkerspot butterfly (federally endangered), flat-tailed horned lizard (proposed for listing as federally threatened), and Peninsular bighorn sheep (federally endangered) and their critical habitat (proposed and critical), if applicable to the species.

The enclosed USFWS BO (FWS-SDG/IMP-08B0243-11F0130; Enclosure 7), dated December 3, 2010, extends "incidental take" coverage provided to the BLM, USFS, and SDG&E under the USFWS BO FWS-SDG/IMP-08B0423-11F0047, which contains mandatory terms and conditions to implement the reasonable and prudent measures that are associated with "incidental take" that is also specified in the BO FWS-SDG/IMP-08B0423-11F0047. Your authorization under this Corps permit is conditional upon your compliance with all of the mandatory terms and conditions associated with incidental take of the attached BO, which terms and conditions are incorporated by reference in this permit. Failure to comply with the terms and conditions associated with incidental take of the BO, where a take of the listed species occurs, would constitute an unauthorized take, and it would also constitute non-compliance with your Corps permit. The USFWS is the appropriate authority to determine compliance with the terms and conditions of its BO and with the ESA.

Post-Construction

27. Within 45 days of completion of authorized work in waters of the U.S., the Permittee shall submit to the Corps a post-project implementation memo indicating the following:
- a. As-built construction drawings with an overlay of waters of the U.S. that were impacted;

- b. Representative photographs that are dated and labeled of primary and secondary waters of the U.S. that were permanently and temporarily impacted (including latitude and longitude coordinates);
 - c. A summary of all project activities which documents that authorized impacts to waters of the U.S. were not exceeded, and demonstrated compliance with all permit General and Special Conditions;
 - d. A statement and photographs of the temporary disturbance areas restored to pre-construction elevations and contours, and replanting per the on-site revegetation plan; and
 - e. A completed Certification of Compliance Form at the end of the final phase of construction.
28. The Permittee shall allow the Corps to inspect the authorized activities at any time deemed necessary to verify compliance with permit terms and conditions.
29. All correspondence and submittals shall reference the Corps project name Sunrise Powerlink Project and File Number (SPL-2007-00704-SAS), conspicuously on any transmittal letter and/or the first page/paragraph of the text, and on any graphics or photographs. All plans and photographs shall be labeled and dated. Failure to provide this information may cause the Corps to determine that the submittals are incomplete, or not submitted within the required timeframe, and therefore, not compliant with permit Special Conditions.
30. The project shall be implemented in compliance with the *2009/2010 Weed Control Plan for the Environmentally Superior Southern Route of the SDG&E Sunrise Powerlink Project*, dated September 2, 2009 and prepared by RECON Environmental. The Permittee shall submit to the Corps an annual report, by October 31st of each year, addressing weed abatement and management activities performed in accordance with this plan for all construction activities occurring within waters of the U.S. The Permittee shall submit this report as part of the annual report for the overall on-site revegetation of temporary impact areas within waters of the U.S. as required by Special Condition No. 9.

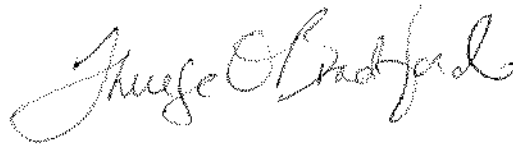
This verification is valid until the NWP is modified, reissued, or revoked. All of the existing NWPs are scheduled to be modified, reissued, or revoked prior to March 18, 2012. It is incumbent upon you to remain informed of changes to the NWPs. We will issue a public notice when the NWPs are reissued. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant nationwide permit is modified or revoked, you will have twelve (12) months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this nationwide permit.

This nationwide permit verification may be transferred to a new owner if the new owner follows and completes all requirements stated in General Condition 25. See Enclosure 8 for full text of General Condition 25. This transfer is necessary to ensure that the new owner of the property is aware of all terms and conditions of this letter of this verification, including any Special Conditions that will continue to be binding on the new owner. A nationwide permit does not grant any property rights or exclusive privileges. Also, it does not authorize any injury to the property or rights of others or 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 Shanti Santulli of my staff at 760-602-4834 or via e-mail at Shanti.A.Santulli@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://per2.nwp.usace.army.mil/survey.html>.

Sincerely,



Therese O'Rourke Bradford
Chief, South Coast Branch
Regulatory Division

Attachment

Attachment 1: Detailed Project Description

Attachment 2: Summary of Sunrise Powerlink Project Mitigation for Permanent and Temporary Impacts to Waters of the U.S.

Table 1: Summary of Sunrise Powerlink Project Mitigation for Permanent Impacts to Waters of the U.S.

Table 2: Summary of Sunrise Powerlink Project Mitigation for Temporary Impacts to Waters of the U.S.

Enclosures

Enclosure 1: Figure 1 - Final Environmentally Superior Southern Route (FESSR), Sunrise Powerlink Alignment

Enclosure 2: NWP 12 and General Conditions

Enclosure 3: NWP 3 and General Conditions

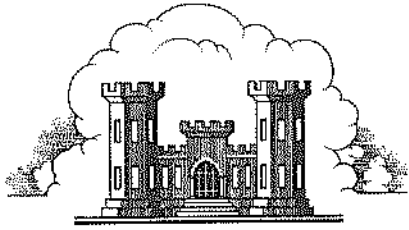
Enclosure 4: Table: *Sunrise Powerlink Impacts to Waters of the U.S. within NWP 12 Single and Complete Projects*

Enclosure 5: Table: *Sunrise Powerlink Impacts to Waters of the U.S. within NWP 3 Activity Areas*

Enclosure 6: SWRCB CWA Section 401 Certification

Enclosure 7: USFWS BO FWS-SDG/IMP-08B0243-11F0130

Enclosure 8: Transfer Statement, General Condition 25



LOS ANGELES DISTRICT
U.S. ARMY CORPS OF ENGINEERS

CERTIFICATION OF COMPLIANCE WITH
DEPARTMENT OF THE ARMY NATIONWIDE PERMIT

Permit Number: *SPL-2007-00704-SAS*

Name of Permittee: *San Diego Gas & Electric Company, Alan Colton*

Date of Issuance: *January 7, 2011*

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the following address:

U.S Army Corps of Engineers
Regulatory Division
ATTN: CESPL-RG-SPL-2007-00704-SAS
Los Angeles District, Corps of Engineers
South Coast Branch, Carlsbad Field Office
6010 Hidden Valley Road, Suite 105
Carlsbad, California 92011

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 CFR 330.5 or enforcement procedures such as those contained in 33 CFR 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

ATTACHMENT 1

Attachment 1. Detailed Project Description for the Sunrise Powerlink Project

As described in the Pre-Construction Notification for the Sunrise Powerlink Project, the Sunrise Powerlink Project (Sunrise Powerlink) will traverse approximately 120 miles between the El Centro area of Imperial County and southwestern San Diego County, in southern California. The proposed Right of Way (ROW) for the project crosses Federal lands (BLM, USFS, and DOD) for about 70 miles of its approximate 120-mile length. In addition, one new substation, the Suncrest Substation, and three system upgrades (reconductors from Sycamore Canyon Substation to Pomerado, Scripps, and Elliott substations) will be required to reliably operate the new transmission line. Reconductoring activities will use existing facilities and access roads. The proposed ROW has been assigned mileposts (MP), which range from the Imperial Valley Substation (MP 0) to the Sycamore Canyon Substation (MP 118). The Sunrise Powerlink is described in five separate links according to the following mileposts: Link 1 (MP 0 to MP 52.5), Link 2 (MP 52.5 to MP 90.0), Link 3 (Suncrest Substation), Link 4 (MP 92.8 to MP 99.0), and Link 5 (MP 90.0 to 92.8 and MP 99.0 to MP 118).

Approximately six of the 120 miles of transmission line will be laid underground between mileposts 92.8 and 99 (Link 4). The remaining portion (Links 1, 2, and 5) will consist of overhead lines supported by 432 tower structures. Fifty-five miles of new Sunrise Powerlink access roads will be constructed, and approximately 90 miles of existing access roads will be upgraded to assist in access to tower structure pad sites during and after construction. Temporary and permanent construction pads will be located adjacent to the structure tower pads, and permanent construction pads will remain in place after construction to be used during maintenance activities. In areas of rugged and remote terrain, permanent helicopter pads will be required for tower construction and maintenance; temporary and permanent construction and maintenance pads will not be installed where vehicular access is prohibited. Temporary pull sites will be used to accommodate the equipment necessary to add tension to transmission wires between the towers.

Transmission line construction features

The SRPL Project will include a number of permanent and temporary features necessary to construct and support the proposed transmission line including a new substation, fly yard/staging areas, access and spur roads, tower pads, structures and permanent and temporary pad maintenance areas, wire installation, helicopter pads, pull sites, and underground construction (e.g., trenching).

Permanent features

Permanent features are those that will remain in place following construction to meet the project purpose (i.e., electric power transmission) or to provide access for future maintenance and repair.

- Access and Spur Roads (AR)

New access or access spur roads will be required in some portions of the project where existing roads are not available. Roads have been designed to minimize impacts to waters of the U.S. and to limit overall soil disturbance. Typically for transmission access roads, 14-foot-wide straight sections of road and 16 to 20-foot-wide sections at curves will be required to facilitate safe movement of equipment and vehicles. Existing access roads may be improved for project use, as required. The Suncrest Substation access road will require a 32-foot-wide section of road to facilitate safe movement of equipment and vehicles. In general, the roads will be constructed using a bulldozer or grader, followed by a roller to compact and smooth the ground. Water trucks will be used for dust suppression. Front-end loaders will be used to move the soil locally or offsite. Only the Suncrest Substation access road will be paved; tower access roads will be compacted dirt and graded on a 2-year maintenance schedule. Sloped access roads will include water bar features (dips in the road) to direct flow across the road, connecting to natural drainage via a rip-rap energy dissipater. Culverts or dip crossings will be used to conduct seasonal stream flow across the access roads. Retaining walls and concrete-lined drainage ditches will be installed on some sloped roads to prevent erosion. Within the desert portion of Link 1 of the SRPL Project alignment, new access or access spur roads are considered to be permanent impacts, except where noted. Desert access or spur roads will be similar in size to access roads within other portions of the SRPL Project alignment; however, their construction will generally involve less grading and in some cases, no grading where noted. They will be maintained as unimproved dirt roads. No culverts, ditches, or retaining walls will be installed in the desert portion.

- Grading Impacts

Grading impacts are associated with permanent access roads and PCMPs (permanent construction and maintenance pads). New access roads, used to access tower sites, will be graded. In addition, grading to establish crane pads for tower construction, tower structure pads, maintenance pads, and the substation will occur, as necessary.

- Permanent Tower Structure Pads (Str)

Under each tower structure, a permanent area approximately 40 feet by 40 feet will be cleared of vegetation for the transmission tower pad. These areas will be maintained in the future to allow for equipment access and tower repair and maintenance. Within this pad area, holes will be excavated to install four drilled concrete pier foundations to support each structure. Four holes for each lattice structure and one for each tubular steel pole and transition structure will be installed.

- Permanent Construction and Maintenance Pads (PCMP)

Additionally, for 500 kV structures in BLM and private areas, 500 kV tangent structures in Cleveland National Forest (CNF) areas and 230 kV structures west of the Suncrest Substation, a 35-foot by 75-foot pad will be cleared of vegetation and graded immediately adjacent to the tower structure pad area described above. For dead end and angle structures in CNF areas,

pads installed may be up to 200 feet by 400 feet in area and will be cleared and graded for construction and future line maintenance.

These adjacent PCMPs will be surfaced with compacted dirt and permanently maintained devoid of vegetation for vehicle parking and equipment placement during future maintenance and operation activities. The pads will be sloped at a 2 percent grade and drain into a rip-rap energy dissipater, occasionally via a concrete-lined down drain. Brow ditches, retaining walls, and concrete-lined drainage ditches will be installed at some of the sloped areas of the PCMPs to prevent erosion.

- **Tower Structure Access Pad (TSAP)**

The 500-kV structures that will be built with helicopters will include a permanent structure and 50-foot by 50-foot PCMP pads described above. In addition, these structures will require two 100-ft radius compacted dirt tower structure access pads (TSAP) or two, 100-ft radius elevated TSAP platforms per structure, with a footpath to the structure. The TSAPs may be cleared and graded for construction and future line maintenance. In rocky areas without level landing areas, it may be necessary to construct smaller (25 x 25 ft) elevated TSAP platforms of wood or steel.

- **Suncrest Substation**

The Suncrest Substation will be constructed on about 40 acres and located on private land west of Japatul Valley Road. The substation will accommodate four potential future 230 kV circuits exiting the substation when demand growth justifies the need for additional lines. It will also accommodate a future 500 kV circuit. At the Suncrest Substation, the 500 kV line will convert to 230 kV. The 230 kV line will exit the substation overhead, then continue northwest for approximately 2 miles where it transitions underground at MP 92.8 east of the City of Alpine.

Temporary features

Temporary features are needed to undertake construction of the transmission line, including the substation, and other associated facilities described below. In areas where temporary features impact waters of the U.S., they will be regraded and revegetated to their original topography where applicable. For all temporary impacts within waters of the U.S., restoration of temporarily impacted areas will take place within six months of disturbance or sooner (i.e., immediately after the feature is no longer in use).

- **Temporary Construction and Maintenance Pads (TCMP)**

The 500 kV structures that will be built without helicopters will have up to a temporary 200-foot by 400-foot workspace. Portions of the TCMPs may be cleared and graded to allow for construction and erection of the transmission tower. These areas will be re-contoured at the perimeter after construction to blend in to the original grade and will be actively revegetated. Restoration activities will begin immediately following completion of the construction at each impacted location, and will proceed to subsequent towers as construction progresses.

- **Construction Yards**

Construction Yard areas are used to store and assemble construction equipment and parts and to shuttle crews back and forth to work areas via carpooling or helicopter. In all Construction Yards, vegetation will be cleared. In some areas, the Construction Yard may need to be scraped by a bulldozer and a temporary layer of rock put down to provide an all weather surface. During use, all Construction Yards will be fenced for security. The rock will be removed from any waters of the U.S. construction and those areas restored to their preconstruction condition where applicable.

- **Wire Installation and Temporary Pull Sites (TPS)**

Insulators and stringing sheaves are installed to pull conductors (i.e., wires) along the line. The conductors are pulled along a sock line through the sheaves along the same path the Sunrise Powerlink ROW will follow. Pulling the sock line is accomplished with a small helicopter that moves along the ROW. Following the initial stringing operation, pulling and tensioning the line will be required. Pulling and tensioning sites will be required every 1 to 2 miles along the ROW and will encompass between 0.07 to 5.07 acres each (average of 1.8 acres) to accommodate required equipment. Equipment at these sites will include tractors and trailers with spooled reels that hold the conductors and trucks with the tensioning equipment. Pulling and tensioning sites are located within the ROW except at angle structures where the pulling site must be in line with the conductor. Depending on topography, minor grading may be required at some sites to create level pads for equipment. Vegetation will be cleared throughout the pull site area, but after use, the entire area will be restored and re-vegetated. These pulling sites are used for approximately two weeks; after this period of use, they will be actively restored.

- **Temporary Access Roads**

Temporary access roads will be required for the construction of some of the proposed transmission towers or to staging areas, including pull-sites, that will impact waters of the U.S. All temporary access roads will be returned to pre-construction topography and planted to restore the site to pre-construction condition immediately following the end of its use (within six months of the start of construction within waters of the U.S.). Biological monitors will work with the contractor in the field during construction of temporary access roads to attempt to avoid wetlands and waters features.

- **Guard Structures**

Guard structures will be erected over active roads or railroads, where required, prior to stringing any transmission lines. The guard structures are used to prevent the wires from falling on roads during stringing activities and typically consist of 2 - 4 vertical wood poles with cross arms that are temporarily erected at road crossings or crossings with other energized electric and communication lines. Bucket trucks are also used to provide temporary clearance. Guard

structures will not be installed in any wetlands or waters features. Biological monitors will work with the contractor in the field during installation of guard structures to assure avoidance of all wetlands and waters features.

Helicopters

Helicopters will be used to support construction activities in areas where access is limited (e.g., no suitable access road, limited pad area to facilitate onsite structure assembly area) or there are environmental constraints to accessing the project area with standard construction vehicles and equipment. Helicopters will be used for project activities in portions of Links 1, 2, and 5.

Blasting, hammering, and rock-hauling

Where solid rock is encountered, hydraulic rock splitting, blasting, rock-hauling, or the use of a rock anchoring or micropile system may be required. The rock anchoring or micropile system will be used in areas where site access is limited or adjacent structures could be damaged as a result of hydraulic rock splitting, blasting, or rockhauling activities. In environmentally sensitive areas, a HydroVac, which uses water pressure and a vacuum, will be used to excavate material into a storage tank. In areas where it is not possible to operate large drilling equipment due to access or environmental constraints, hand digging may be required. Reinforcing steel anchor bolt cages and concrete will be installed after excavation and prior to structure installation.

Underground construction

Underground construction is proposed in the area in and around the city of Alpine from MP 92.8 to MP 99.0. The 230 kV lines will require a trench approximately 3 to 7 feet wide and 6 feet deep. Underground segments involve trenching and duck bank and vault installations. Two trenches, separated by 20 ft, will be excavated for the double circuit 230 kV underground segments within Link 4. Excavated materials not temporarily stored to use for backfill will be hauled offsite to a materials storage yard. Based on the anticipated rate of construction progress (300 to 500 feet open at one time), approximately 400 cubic yards of excavated material will be off-hauled per day. Where the ROW crosses streams, the line will be placed either above or below the stream so that there are no impacts to water of the U.S., including wetlands.

ATTACHMENT 2

Attachment 2. Summary of Sunrise Powerlink Project Mitigation for Permanent and Temporary Impacts to Waters of the U.S.

Table 1. Summary of Sunrise Powerlink Project Mitigation for Permanent Impacts to Waters of the U.S.

Habitat Type	Permanent Impacts	Off-site Restored Mitigation Acreage	Off-site Enhanced Mitigation Acreage	Off-site Preservation Acreage	Total Mitigation Acreage for Permanent Impacts	Permanent Impact Mitigation Ratio
Desert Dry Washes	2.45	0	4.04	74.50	78.54	32.1:1
Other Streams ¹	0.44	0.04	2.13	1.12	3.29	7.5:1
Wetlands	0.08	0	7.52	11.11	18.63	232.9:1
Total	2.97*	0.04	13.69	86.73	100.46	33.8:1

Table 2. Summary of Sunrise Powerlink Project Mitigation for Temporary Impacts to Waters of the U.S.

Habitat Type	Temporary Impacts	On-site Habitat Replacement Acreage	Temporary Impacts Replacement Ratio	Off-site Preservation Acreage	Off-site Mitigation Ratio
Desert Dry Washes	6.53	6.53	1:1	13.06	2:1
Other Streams ¹	0.55	0.55	1:1	1.10	2:1
Wetlands	0	NA	NA	NA	NA
Total	7.08	7.08	1:1	14.16	2:1

¹ Other Streams are intermittent, mountain ephemeral, and perennial streams to the extent of the Ordinary High Water Mark (OHWM). Desert dry washes are also ephemeral streams within desert habitat and are typically characterized by low-gradient channels on sandy soil, often having multiple or braided channels. Mountain ephemeral streams were distinguished from desert dry washes by having a higher gradient and often being confined to a single channel.

* NWP 12 and NWP 3 activities combined.

1. $\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$

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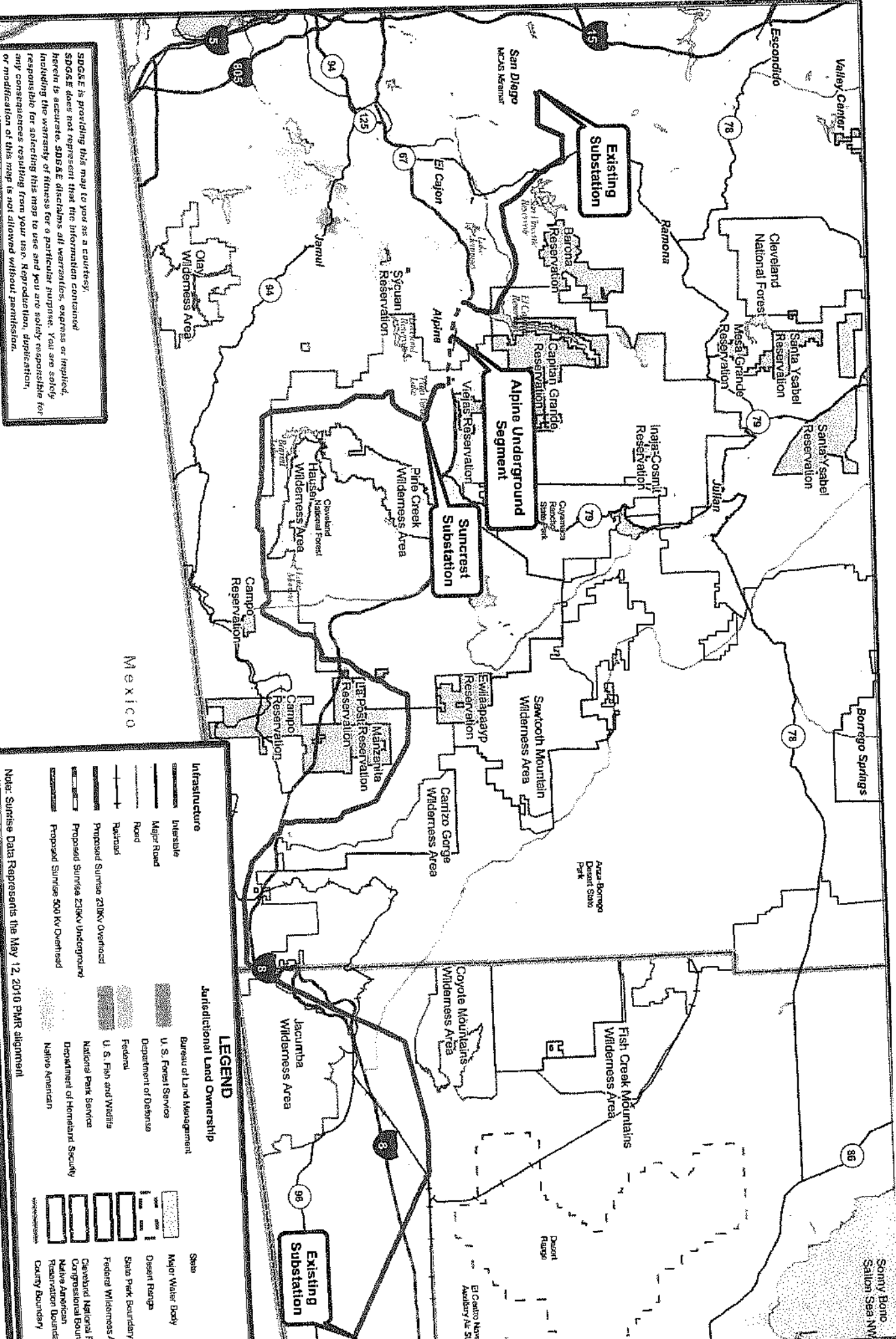
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13. $\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$

14. $\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$

15. $\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$

ENCLOSURE 1



SDGE is providing this map to you as a courtesy. SDGE does not represent that the information contained herein is accurate. SDGE disclaims all warranties, express or implied, including the warranty of fitness for a particular purpose. You are solely responsible for selecting this map to use and you are solely responsible for any consequences resulting from your use. Reproduction, duplication, or modification of this map is not allowed without permission.

LEGEND

Interstate	Bureau of Land Management	State
Major Road	U. S. Forest Service	Major Water Body
Road	Department of Defense	Desert Range
Railroad	Federal	State Park Boundary
Proposed Sunrise 230kV Underground	U. S. Fish and Wildlife	Federal Wilderness Area
Proposed Sunrise 500 kV Overhead	National Park Service	Cleveland National Forest
	Department of Homeland Security	Organizational Boundary
	Native American	Native American Reservation Boundary
		County Boundary

Note: Sunrise Data Represents the May 12, 2010 PMR alignment



A Scamp Energy utility

Figure 1
Environmentally Superior Southern Route (FESSR)
Sunrise Powerlink Alignment

California, USA

1:499,528
 1 inch = 41,627 feet

0 4.5 9 18 32 Miles

0 4 8 16 24 32 Kilometers

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ENCLOSURE 2

Enclosure 2: NATIONWIDE PERMIT 12, Utility Line Activities. TERMS AND CONDITIONS

1. Nationwide Permit (NWP) 12, Utility Line Activities. Terms:

Your activity is authorized under NWP 12, Utility Line Activities, subject to the following terms:

12. Utility Line Activities. Activities required for the construction, maintenance, repair, and removal of utility lines and associated facilities in waters of the United States, provided the activity does not result in the loss of greater than 1/2 acre of waters of the United States. Utility lines: This NWP authorizes the construction, maintenance, or repair of utility lines, including outfall and intake structures, and the associated excavation, backfill, or bedding for the utility lines, in all waters of the United States, provided there is no change in pre-construction contours. A utility line is defined as any pipe or pipeline for the transportation of any gaseous, liquid, liquescent, or slurry substance, for any purpose, and any cable, line, or wire for the transmission for any purpose of electrical energy, telephone, and telegraph messages, and radio and television communication. The term utility line does not include activities that drain a water of the United States, such as drainage tile or french drains, but it does apply to pipes conveying drainage from another area. Material resulting from trench excavation may be temporarily sidecast into waters of the United States for no more than three months, provided the material is not placed in such a manner that it is dispersed by currents or other forces. The district engineer may extend the period of temporary side casting for no more than a total of 180 days, where appropriate. In wetlands, the top 6 to 12 inches of the trench should normally be backfilled with topsoil from the trench. The trench cannot be constructed or backfilled in such a manner as to drain waters of the United States (e.g., backfilling with extensive gravel layers, creating a french drain effect). Any exposed slopes and stream banks must be stabilized immediately upon completion of the utility line crossing of each waterbody. Utility line substations: This NWP authorizes the construction, maintenance, or expansion of substation facilities associated with a power line or utility line in non-tidal waters of the United States, provided the activity, in combination with all other activities included in one single and complete project, does not result in the loss of greater than 1/2 acre of waters of the United States. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters of the United States to construct, maintain, or expand substation facilities. Foundations for overhead utility line towers, poles, and anchors: This NWP authorizes the construction or maintenance of foundations for overhead utility line towers, poles, and anchors in all waters of the United States, provided the foundations are the minimum size necessary and separate footings for each tower leg (rather than a larger single pad) are used where feasible. Access roads: This NWP authorizes the construction of access roads for the construction and maintenance of utility lines, including overhead power lines and utility line substations, in non-tidal waters of the United States, provided the total discharge from a single and complete project does not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters for access roads. Access roads must be the minimum width necessary (see Note 2, below). Access roads must be constructed so that the length of the road minimizes any adverse effects on waters of the United States and must be as near as possible to pre-construction contours and elevations (e.g., at grade corduroy roads or geotextile/gravel roads). Access roads constructed above pre-construction contours and elevations in waters of the United States must be properly bridged or culverted to maintain surface flows. This NWP may authorize utility lines in or affecting navigable waters of the United States even if there is no associated discharge of dredged or fill material (See 33 CFR Part 322). Overhead utility lines constructed over section 10 waters and utility lines that are routed in or under section 10 waters without a discharge of dredged or fill material require a section 10 permit. This NWP also authorizes temporary structures, fills, and work necessary to conduct the utility line activity. 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. Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if any of the following criteria are met: (1) the activity involves mechanized land clearing in a forested wetland for the utility line right-of-way; (2) a section 10 permit is required; (3) the utility line in waters of the United States, excluding overhead lines, exceeds 500 feet; (4) the utility line is placed within a jurisdictional area (i.e., water of the United States), and it runs parallel to a stream bed that is within that jurisdictional area; (5) discharges that result in the loss of greater than 1/10-acre of waters of the United States; (6) permanent access roads are constructed above grade in waters of the United States for a distance of more than 500 feet; or (7) permanent access roads are constructed in waters of the United States with impervious materials. (See general condition 27.) (Sections 10 and 404) Note 1: Where the proposed utility line is constructed or installed in navigable waters of the United States (i.e., section 10 waters), copies of the pre-construction notification and NWP verification will be sent by the Corps to the National Oceanic and Atmospheric Administration (NOAA), National Ocean Service (NOS), for charting the utility line to protect navigation. Note 2: Access roads used for both construction and maintenance may be authorized, provided they meet the terms and conditions of this NWP. Access roads used solely for construction of the utility line must

be removed upon completion of the work, accordance with the requirements for temporary fills. Note 3: Pipes or pipelines used to transport gaseous, liquid, liquescent, or slurry substances over navigable waters of the United States are considered to be bridges, not utility lines, and may require a permit from the U.S. Coast Guard pursuant to Section 9 of the Rivers and Harbors Act of 1899. However, any discharges of dredged or fill material into waters of the United States associated with such pipelines will require a section 404 permit (see NWP 15).

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. *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. Culverts placed in streams must be installed to maintain low flow conditions.
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.
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 preconstruction 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 preconstruction 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.
15. *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 in the area (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service).
16. *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.
17. *Endangered Species.*
 - (a) No activity is authorized under any NWP which is likely to 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 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.
 - (c) Non-federal permittees shall notify 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 may be affected by the proposed work or that utilize the designated critical habitat that may 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.
 - (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 NWPs. (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, both lethal and non-lethal "takes" of protected species are in violation of the ESA. 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/> and <http://www.noaa.gov/fisheries.html> respectively.

18. *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.

(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, 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 preconstruction 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)). 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 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 preconstruction 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.

(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, explaining 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.

19. *Designated Critical Resource Waters.* Critical resource waters include: NOAA-designated marine sanctuaries, National Estuarine Research Reserves, state natural heritage sites, and outstanding national resource waters or other waters officially designated by a state as having particular environmental or ecological significance and identified by the district engineer after notice and opportunity for public comment. The district engineer may also designate additional critical resource waters after notice and opportunity for comment.

(a) Discharges of dredged or fill material into waters of the United States are not authorized by NWP's 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, and 50 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

(b) For NWP's 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 27, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWP's only after it is determined that the impacts to the critical resource waters will be no more than minimal.

20. *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) 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 preconstruction notification, unless the district engineer determines in writing that some other form of mitigation would be more environmentally appropriate 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. 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.
 - (d) For losses of streams or other open waters that require pre-construction notification, the district engineer may require compensatory mitigation, such as stream restoration, 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 NWP. 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 NWP.
 - (f) Compensatory mitigation plans for projects in or near streams or other open waters will normally include a requirement for the 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. 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 arrangements or separate activity-specific compensatory mitigation. In all cases, the mitigation provisions will specify the party responsible for accomplishing and/or complying with the mitigation plan.
 - (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.
21. *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.
22. *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.
23. *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.

24. *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.

25. *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)

26. *Compliance Certification.* Each permittee who received an NWP verification from the Corps must submit a signed certification regarding the completed work and any required mitigation. The certification form must be forwarded by the Corps with the NWP verification letter and will include:

(a) A statement that the authorized work was done in accordance with the NWP authorization, including any general or specific conditions;

(b) A statement that any required mitigation was completed in accordance with the permit conditions; and

(c) The signature of the permittee certifying the completion of the work and mitigation.

27. *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, as a general rule, 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:

(1) Until 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) If 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 17 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 18 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 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)) is 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 cannot 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; 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 result in a quicker decision.);
- (4) The PCN must include a delineation of special aquatic sites and other waters of the United States 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 of the United States, 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, where 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. 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 48 activities requiring pre-construction notification and for other NWP activities requiring preconstruction notification to the district engineer that result in the loss of greater than 1/2-acre of waters of the United States, the district engineer will immediately provide (e.g., via facsimile transmission, overnight mail, or other expeditious manner) a copy of the 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 then 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. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the preconstruction notification. The district engineer will fully consider agency comments received within the specified time frame, but will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each preconstruction 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 multiple copies of pre-construction notifications to expedite agency coordination.
- (5) For NWP 48 activities that require reporting, the district engineer will provide a copy of each report within 10 calendar days of receipt to the appropriate regional office of the NMFS.

(e) *District Engineer's Decision:* In reviewing the PCN for the proposed activity, the district engineer will determine whether the activity authorized by the NWP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. If the proposed activity requires a PCN and will result in a loss of greater than 1/10 acre of wetlands, the prospective permittee should submit a mitigation proposal with the PCN. Applicants may also propose compensatory mitigation for projects with smaller impacts. The district engineer will consider any proposed compensatory mitigation the applicant has included in the proposal in determining whether the net adverse environmental effects to the aquatic environment of the proposed work are minimal. The compensatory mitigation proposal may be either conceptual or detailed. If the district engineer determines that the activity complies with the terms and conditions of the NWP and that the adverse effects on the aquatic environment are minimal, after considering mitigation, the district engineer will notify the permittee and include any conditions the district engineer deems necessary. The district engineer must approve any compensatory mitigation proposal before the permittee commences work. If the prospective permittee elects to submit a compensatory mitigation plan with the PCN, the district engineer will expeditiously review the proposed compensatory mitigation plan. The district engineer must review the plan within 45 calendar days of receiving a complete PCN and determine whether the proposed mitigation would ensure no more than minimal adverse effects on the aquatic environment. If the net adverse effects of the project on the aquatic environment (after consideration of the compensatory mitigation proposal) are determined by the district engineer to be minimal, the district engineer will provide a timely written response to the applicant. The response will state that the project can proceed under the terms and conditions of the NWP.

If the district engineer determines that the adverse effects of the proposed work are more than minimal, then the district engineer will notify the applicant either:

- (1) That the project does not qualify for authorization under the NWP and instruct the applicant on the procedures to seek authorization under an individual permit;
- (2) that the project is authorized under the NWP subject to the applicant's submission of a mitigation plan that would reduce the adverse effects on the aquatic environment to the minimal level; or
- (3) that the project is authorized under the NWP with specific modifications or conditions.

Where the district engineer determines that mitigation is required to ensure no more than minimal adverse effects occur to the aquatic environment, the activity will be authorized within the 45-day PCN period. The authorization will include the necessary conceptual or specific mitigation or a requirement that the applicant submit a mitigation plan that would reduce the adverse effects on the aquatic environment to the minimal level. When mitigation is required, no work in waters of the United States may occur until the district engineer has approved a specific mitigation plan.

28. *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.

3. Regional Conditions for the Los Angeles District:

In accordance with General Condition Number 23, "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 coastal watersheds from the southern reach of the Santa Monica Mountains in Los Angeles County to the San Luis Obispo County/Monterey County boundary, all road crossings must employ a bridge crossing design that ensures passage and/or spawning of steelhead (*Oncorhynchus mykiss*) is not hindered in any way. In these areas, bridge designs that span the stream or river, including designs for pier- or pile-supported spans, or designs based on use of a bottomless arch culvert simulating the natural stream bed (i.e., substrate and streamflow conditions in the culvert are similar to undisturbed stream bed channel conditions) shall be employed unless it can be demonstrated the stream or river does not support resources conducive to the recovery of federally listed anadromous salmonids, including migration of adults and smolts, or rearing and spawning. This proposal also excludes approach embankments into the channel unless they are determined to have no detectable effect on steelhead.
2. For the State of Arizona and the Mojave and Sonoran (Colorado) desert regions of California in Los Angeles District (generally north and east of the San Gabriel, San Bernardino, San Jacinto, and Santa Rosa mountain ranges, and south of Little Lake, Inyo County), no nationwide permit, except Nationwide Permits 1 (Aids to Navigation), 2 (Structures in Artificial Canals), 3 (Maintenance), 4 (Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities), 5 (Scientific

Measurement Devices), 6 (Survey Activities), 9 (Structures in Fleeting and Anchorage Areas), 10 (Mooring Buoys), 11 (Temporary Recreational Structures), 20 (Oil Spill Cleanup), 22 (Removal of Vessels), 27 (Stream and Wetland Restoration Activities), 30 (Moist Soil Management for Wildlife), 31 (Maintenance of Existing Flood Control Projects), 32 (Completed Enforcement Actions), 35 (Maintenance Dredging of Existing Basins), 37 (Emergency Watershed Protection and Rehabilitation), 38 (Cleanup of Hazardous and Toxic Waste) and 47 (Pipeline Safety Program Designated Time Sensitive Inspections and Repairs), or other nationwide or regional general permits that specifically authorize maintenance of previously authorized structures or fill, can be used to authorize the discharge of dredged or fill material into a jurisdictional special aquatic site as defined at 40 CFR Part 230.40-45 (sanctuaries and refuges, wetlands, mudflats, vegetated shallows, coral reefs, and riffle-and-pool complexes).

3. For all projects proposed for authorization by nationwide or regional general permits where prior notification to the district engineer is required, applicants must provide color photographs or color photocopies of the project area taken from representative points documented on a site map. Pre-project photographs and the site map would be provided with the permit application. Photographs should represent conditions typical or indicative of the resources before impacts.
 4. Notification pursuant to general condition 27 shall be required for projects in all special aquatic sites as defined at 40 CFR Part 230.40-45 (sanctuaries and refuges, wetlands, mudflats, vegetated shallows, coral reefs, and riffle-and-pool complexes), and in all perennial waterbodies in the State of Arizona and the Mojave and Sonoran (Colorado) desert regions of California in Los Angeles District (generally north and east of the San Gabriel, San Bernardino, San Jacinto, and Santa Rosa mountain ranges, and south of Little Lake, Inyo County), excluding the Colorado River from Davis Dam downstream to the north end of Topock and downstream of Imperial Dam (Federal Register dated March 12, 2007 (72 FR 11092) - regional conditions requiring notification do not apply to Nationwide Permit 47).
 5. Notification pursuant to general condition 27 shall be required for projects in all areas designated as Essential Fish Habitat by the Pacific Fishery Management Council (i.e., all tidally influenced areas - Federal Register dated March 12, 2007 (72 FR 11092), regional conditions requiring notification do not apply to Nationwide Permit 47).
 6. Notification pursuant to general condition 27 shall be required for projects in 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 (Federal Register dated March 12, 2007 (72 FR 11092) - regional conditions requiring notification do not apply to Nationwide Permit 47).
 7. Individual permits shall be required for all discharges of fill material in jurisdictional vernal pools.
 8. 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's 29, 39, 42 and 43, and in ephemeral watercourses for these NWP's 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.
 9. Individual permits 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.
 10. Notification pursuant to general condition 27 shall be required for projects in 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 mainstem of the Santa Clara River (Federal Register dated March 12, 2007 (72 FR 11092) - regional conditions requiring notification do not apply to Nationwide Permit 47).
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.

ENCLOSURE 3

Enclosure 3: NATIONWIDE PERMIT 3, Maintenance. TERMS AND CONDITIONS

1. Nationwide Permit (NWP) 3, Maintenance. Terms:

Your activity is authorized under NWP 3, Maintenance, subject to the following terms:

3. Maintenance. (a) The repair, rehabilitation, or replacement of any previously authorized, currently serviceable, structure, or fill, or of any currently serviceable structure or fill authorized by 33 CFR 330.3, provided that the structure or fill is not to be put to uses differing from those uses specified or contemplated for it in the original permit or the most recently authorized modification. Minor deviations in the structure's configuration or filled area, including those due to changes in materials, construction techniques, or current construction codes or safety standards that are necessary to make the repair, rehabilitation, or replacement are authorized. This NWP authorizes the repair, rehabilitation, or replacement of those structures or fills destroyed or damaged by storms, floods, fire or other discrete events, provided the repair, rehabilitation, or replacement is commenced, or is under contract to commence, within two years of the date of their destruction or damage. In cases of catastrophic events, such as hurricanes or tornadoes, this two-year limit may be waived by the district engineer, provided the permittee can demonstrate funding, contract, or other similar delays. (b) This NWP also authorizes the removal of accumulated sediments and debris in the vicinity of and within existing structures (e.g., bridges, culverted road crossings, water intake structures, etc.) and the placement of new or additional riprap to protect the structure. The removal of sediment is limited to the minimum necessary to restore the waterway in the immediate vicinity of the structure to the approximate dimensions that existed when the structure was built, but cannot extend further than 200 feet in any direction from the structure. This 200 foot limit does not apply to maintenance dredging to remove accumulated sediments blocking or restricting outfall and intake structures or to maintenance dredging to remove accumulated sediments from canals associated with outfall and intake structures. All dredged or excavated materials must be deposited and retained in an upland area unless otherwise specifically approved by the district engineer under separate authorization. The placement of riprap must be the minimum necessary to protect the structure or to ensure the safety of the structure. Any bank stabilization measures not directly associated with the structure will require a separate authorization from the district engineer. (c) This NWP also authorizes temporary structures, fills, and work necessary to conduct the maintenance activity. 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. (d) This NWP does not authorize maintenance dredging for the primary purpose of navigation or beach restoration. This NWP does not authorize new stream channelization or stream relocation projects. Notification: For activities authorized by paragraph (b) of this NWP, the permittee must submit a pre-construction notification to the district engineer prior to commencing the activity (see general condition 27). Where maintenance dredging is proposed, the pre-construction notification must include information regarding the original design capacities and configurations of the outfalls, intakes, small impoundments, and canals. (Sections 10 and 404) Note: This NWP authorizes the repair, rehabilitation, or replacement of any previously authorized structure or fill that does not qualify for the Clean Water Act Section 404(f) exemption for maintenance.

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. 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. Culverts placed in streams must be installed to maintain low flow conditions.
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 NWP's 4 and 48.
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 preconstruction 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 preconstruction 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.
15. *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 in the area (e.g., National Park

Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service).

16. *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.

17. *Endangered Species.*

(a) No activity is authorized under any NWP which is likely to 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 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.

(c) Non-federal permittees shall notify 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 may be affected by the proposed work or that utilize the designated critical habitat that may 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.

(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 NWPs. (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, both lethal and non-lethal "takes" of protected species are in violation of the ESA. 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/> and <http://www.noaa.gov/fisheries.html> respectively.

18. *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.

(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, 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 preconstruction 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)). 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 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 preconstruction 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.

(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, explaining 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.

19. *Designated Critical Resource Waters.* Critical resource waters include: NOAA-designated marine sanctuaries, National Estuarine Research Reserves, state natural heritage sites, and outstanding national resource waters or other waters officially designated by a state as having particular environmental or ecological significance and identified by the district engineer after notice and opportunity for public comment. The district engineer may also designate additional critical resource waters after notice and opportunity for comment.

(a) Discharges of dredged or fill material into waters of the United States are not authorized by NWP 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, and 50 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

(b) For NWP 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 27, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWP 3 only after it is determined that the impacts to the critical resource waters will be no more than minimal.

20. *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) 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 preconstruction notification, unless the district engineer determines in writing that some other form of mitigation would be more environmentally appropriate 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. 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.

(d) For losses of streams or other open waters that require pre-construction notification, the district engineer may require compensatory mitigation, such as stream restoration, 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 NWP.

(f) Compensatory mitigation plans for projects in or near streams or other open waters will normally include a requirement for the 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. 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 arrangements or separate activity-specific compensatory mitigation. In all cases, the mitigation provisions will specify the party responsible for accomplishing and/or complying with the mitigation plan.

(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.

21. *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.
22. *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.
23. *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.
24. *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 NWP 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.
25. *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)

26. *Compliance Certification.* Each permittee who received an NWP verification from the Corps must submit a signed certification

regarding the completed work and any required mitigation. The certification form must be forwarded by the Corps with the NWP verification letter and will include:

- (a) A statement that the authorized work was done in accordance with the NWP authorization, including any general or specific conditions;
- (b) A statement that any required mitigation was completed in accordance with the permit conditions; and
- (c) The signature of the permittee certifying the completion of the work and mitigation.

27. *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, as a general rule, 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:

- (1) Until 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) If 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 17 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 18 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 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)) is 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 cannot 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; 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 result in a quicker decision.);
- (4) The PCN must include a delineation of special aquatic sites and other waters of the United States 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 of the United States, 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, where 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. 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 NWP and the need for mitigation to reduce the project's adverse environmental effects to a minimal level.
- (2) For all NWP 48 activities requiring pre-construction notification and for other NWP activities requiring preconstruction notification to the district engineer that result in the loss of greater than 1/2-acre of waters of the United States, the district engineer will immediately provide (e.g., via facsimile transmission, overnight mail, or other expeditious manner) a copy of the 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 then 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. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the preconstruction notification. The district engineer will fully consider agency comments received within the specified time frame, but will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each preconstruction 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 multiple copies of pre-construction notifications to expedite agency coordination.
- (5) For NWP 48 activities that require reporting, the district engineer will provide a copy of each report within 10 calendar days of receipt to the appropriate regional office of the NMFS.

(e) *District Engineer's Decision:* In reviewing the PCN for the proposed activity, the district engineer will determine whether the activity authorized by the NWP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. If the proposed activity requires a PCN and will result in a loss of greater than 1/10 acre of wetlands, the prospective permittee should submit a mitigation proposal with the PCN. Applicants may also propose compensatory mitigation for projects with smaller impacts. The district engineer will consider any proposed compensatory mitigation the applicant has included in the proposal in determining whether the net adverse environmental effects to the aquatic environment of the proposed work are minimal. The compensatory mitigation proposal may be either conceptual or detailed. If the district engineer determines that the activity complies with the terms and conditions of the NWP and that the adverse effects on the aquatic environment are minimal, after considering mitigation, the district engineer will notify the permittee and include any conditions the district engineer deems necessary. The district engineer must approve any compensatory mitigation proposal before the permittee commences work. If the prospective permittee elects to submit a compensatory mitigation plan with the PCN, the district engineer will expeditiously review the proposed compensatory mitigation plan. The district engineer must review the plan within 45 calendar days of receiving a complete PCN and determine whether the proposed mitigation would ensure no more than minimal adverse effects on the aquatic environment. If the net adverse effects of the project on the aquatic environment (after consideration of the compensatory mitigation proposal) are determined by the district engineer to be minimal, the district engineer will provide a timely written response to the applicant. The response will state that the project can proceed under the terms and conditions of the NWP. If the district engineer determines that the adverse effects of the proposed work are more than minimal, then the district engineer will notify the applicant either:

- (1) That the project does not qualify for authorization under the NWP and instruct the applicant on the procedures to seek authorization under an individual permit;
- (2) that the project is authorized under the NWP subject to the applicant's submission of a mitigation plan that would reduce the adverse effects on the aquatic environment to the minimal level; or
- (3) that the project is authorized under the NWP with specific modifications or conditions.

Where the district engineer determines that mitigation is required to ensure no more than minimal adverse effects occur to the aquatic environment, the activity will be authorized within the 45-day PCN period. The authorization will include the necessary conceptual or specific mitigation or a requirement that the applicant submit a mitigation plan that would reduce the adverse effects on the aquatic environment to the minimal level. When mitigation is required, no work in waters of the United States may occur until the district engineer has approved a specific mitigation plan.

28. *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.

3. **Regional Conditions for the Los Angeles District:**

In accordance with General Condition Number 23, "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 coastal watersheds from the southern reach of the Santa Monica Mountains in Los Angeles County to the San Luis Obispo County/Monterey County boundary, all road crossings must employ a bridge crossing design that ensures passage and/or spawning of steelhead (*Oncorhynchus mykiss*) is not hindered in any way. In these areas, bridge designs that span the stream or river, including designs for pier- or pile-supported spans, or designs based on use of a bottomless arch culvert simulating the natural stream bed (i.e., substrate and streamflow conditions in the culvert are similar to undisturbed stream bed channel conditions) shall be employed unless it can be demonstrated the stream or river does not support resources conducive to the recovery of federally listed anadromous salmonids, including migration of adults and smolts, or rearing and spawning. This proposal also excludes approach embankments into the channel unless they are determined to have no detectable effect on steelhead.
2. For the State of Arizona and the Mojave and Sonoran (Colorado) desert regions of California in Los Angeles District (generally north and east of the San Gabriel, San Bernardino, San Jacinto, and Santa Rosa mountain ranges, and south of Little Lake, Inyo County), no nationwide permit, except Nationwide Permits 1 (Aids to Navigation), 2 (Structures in Artificial Canals), 3 (Maintenance), 4 (Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities), 5 (Scientific Measurement Devices), 6 (Survey Activities), 9 (Structures in Fleeting and Anchorage Areas), 10 (Mooring Buoys), 11 (Temporary Recreational Structures), 20 (Oil Spill Cleanup), 22 (Removal of Vessels), 27 (Stream and Wetland Restoration Activities), 30 (Moist Soil Management for Wildlife), 31 (Maintenance of Existing Flood Control Projects), 32 (Completed Enforcement Actions), 35 (Maintenance Dredging of Existing Basins), 37 (Emergency Watershed Protection and Rehabilitation), 38 (Cleanup of Hazardous and Toxic Waste) and 47 (Pipeline Safety Program Designated Time Sensitive Inspections and Repairs), or other nationwide or regional general permits that specifically authorize maintenance of previously authorized structures or fill, can be used to authorize the discharge of dredged or fill material into a jurisdictional special aquatic site as defined at 40 CFR Part 230.40-45 (sanctuaries and refuges, wetlands, mudflats, vegetated shallows, coral reefs, and riffle-and-pool complexes).
3. For all projects proposed for authorization by nationwide or regional general permits where prior notification to the district engineer is required, applicants must provide color photographs or color photocopies of the project area taken from representative points documented on a site map. Pre-project photographs and the site map would be provided with the permit application. Photographs should represent conditions typical or indicative of the resources before impacts.
4. Notification pursuant to general condition 27 shall be required for projects in all special aquatic sites as defined at 40 CFR Part 230.40-45 (sanctuaries and refuges, wetlands, mudflats, vegetated shallows, coral reefs, and riffle-and-pool complexes), and in all perennial waterbodies in the State of Arizona and the Mojave and Sonoran (Colorado) desert regions of California in Los Angeles District (generally north and east of the San Gabriel, San Bernardino, San Jacinto, and Santa Rosa mountain ranges, and south of Little Lake, Inyo County), excluding the Colorado River from Davis Dam downstream to the north end of Topock and downstream of Imperial Dam (Federal Register dated March 12, 2007 (72 FR 11092) - regional conditions requiring

notification do not apply to Nationwide Permit 47).

5. Notification pursuant to general condition 27 shall be required for projects in all areas designated as Essential Fish Habitat by the Pacific Fishery Management Council (i.e., all tidally influenced areas - Federal Register dated March 12, 2007 (72 FR 11092)), regional conditions requiring notification do not apply to Nationwide Permit 47).
 6. Notification pursuant to general condition 27 shall be required for projects in 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 (Federal Register dated March 12, 2007 (72 FR 11092)) - regional conditions requiring notification do not apply to Nationwide Permit 47).
 7. Individual permits shall be required for all discharges of fill material in jurisdictional vernal pools.
 8. 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's 29, 39, 42 and 43, and in ephemeral watercourses for these NWP's 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.
 9. Individual permits 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.
 10. Notification pursuant to general condition 27 shall be required for projects in 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 mainstem of the Santa Clara River (Federal Register dated March 12, 2007 (72 FR 11092)) - regional conditions requiring notification do not apply to Nationwide Permit 47).
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.

ENCLOSURE 4

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that proper record-keeping is essential for transparency and accountability, particularly in financial reporting and auditing. The text notes that incomplete or inaccurate records can lead to significant errors and potential legal consequences.

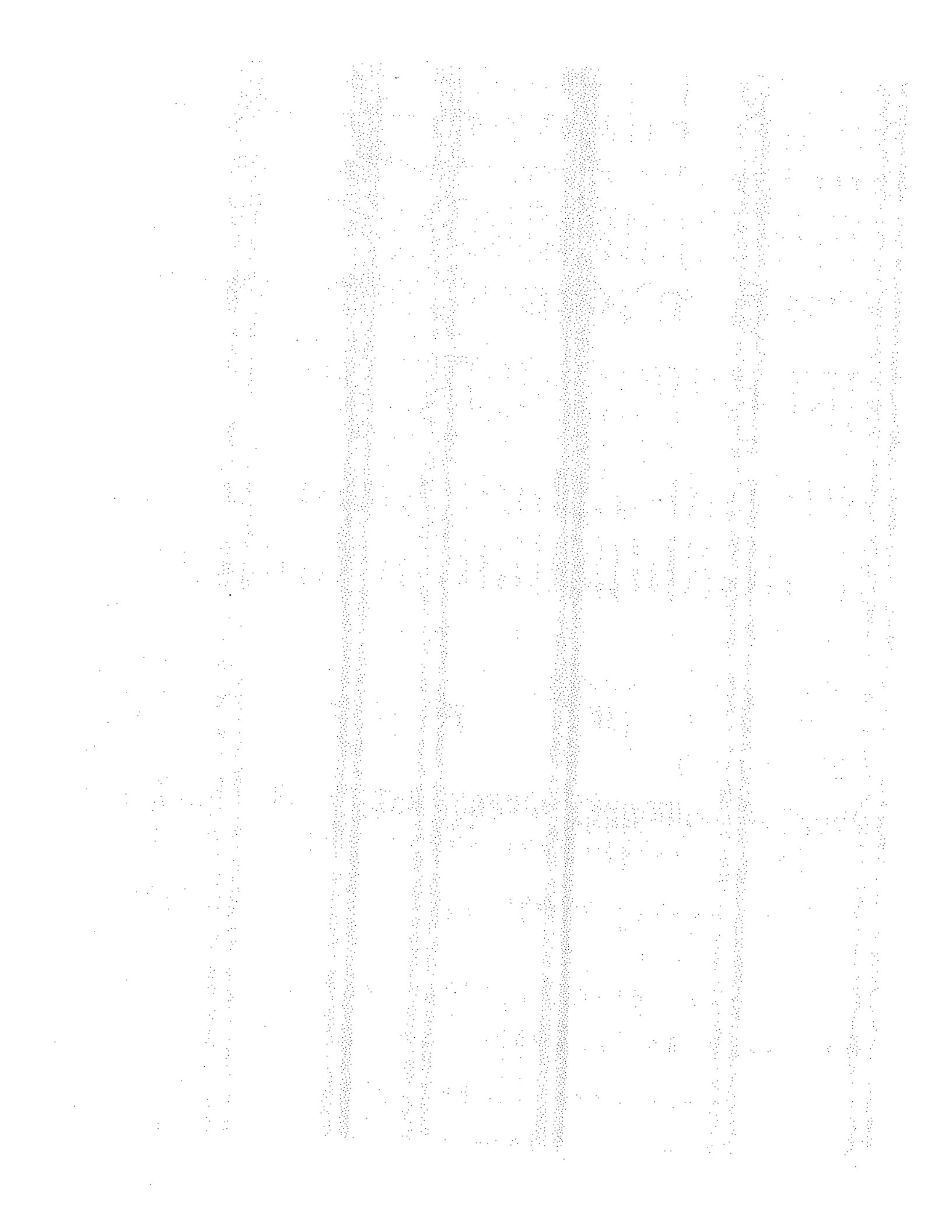
2. The second section focuses on the role of internal controls in preventing fraud and ensuring the integrity of financial data. It highlights that a robust system of internal controls, including segregation of duties and regular reconciliations, is crucial for identifying and preventing irregularities. The document stresses that these controls should be tailored to the specific risks of the organization.

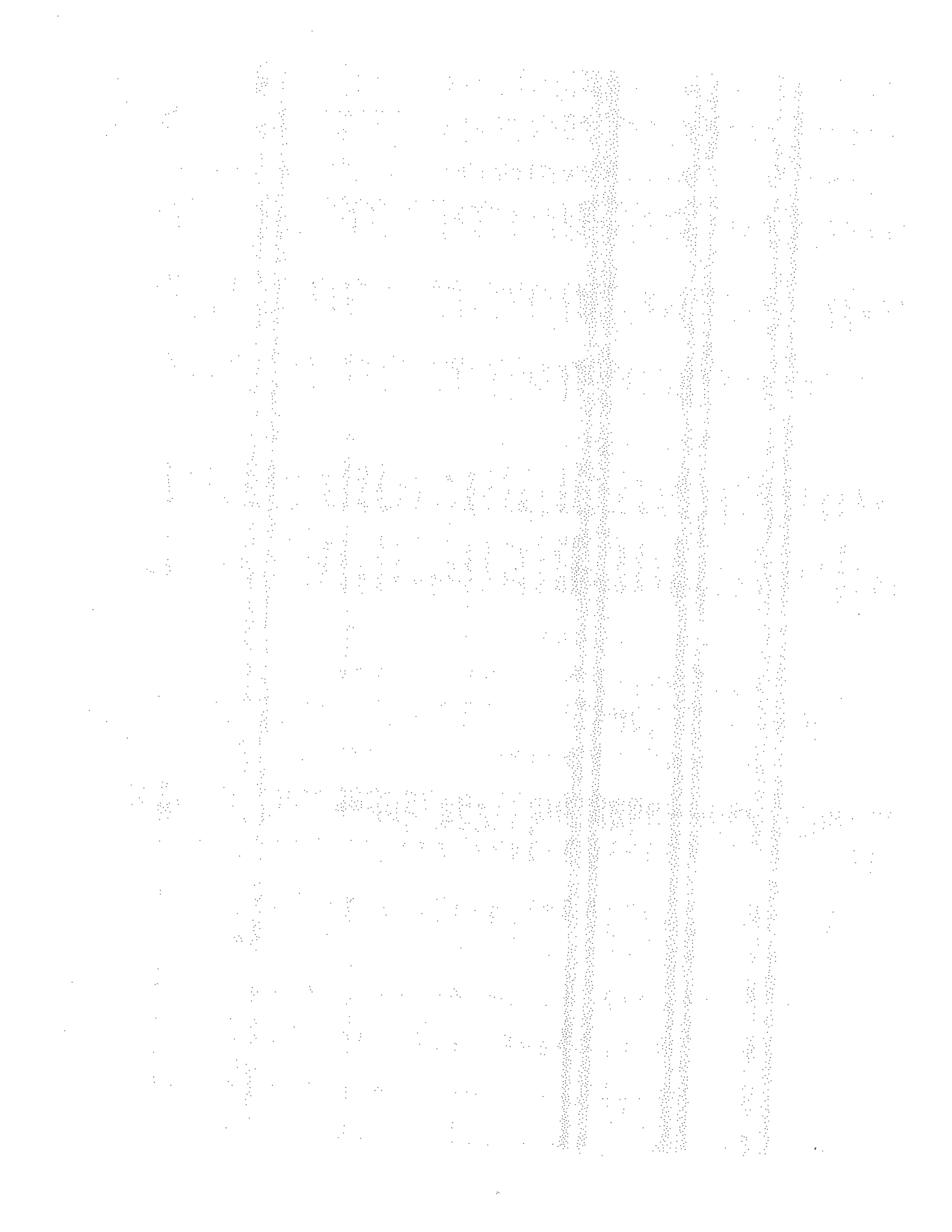
3. The third part of the document addresses the challenges of data security and privacy in the digital age. It discusses the need for strong cybersecurity measures to protect sensitive information from unauthorized access and breaches. The text also touches upon the importance of data backup and recovery plans to ensure business continuity in the event of a disaster.

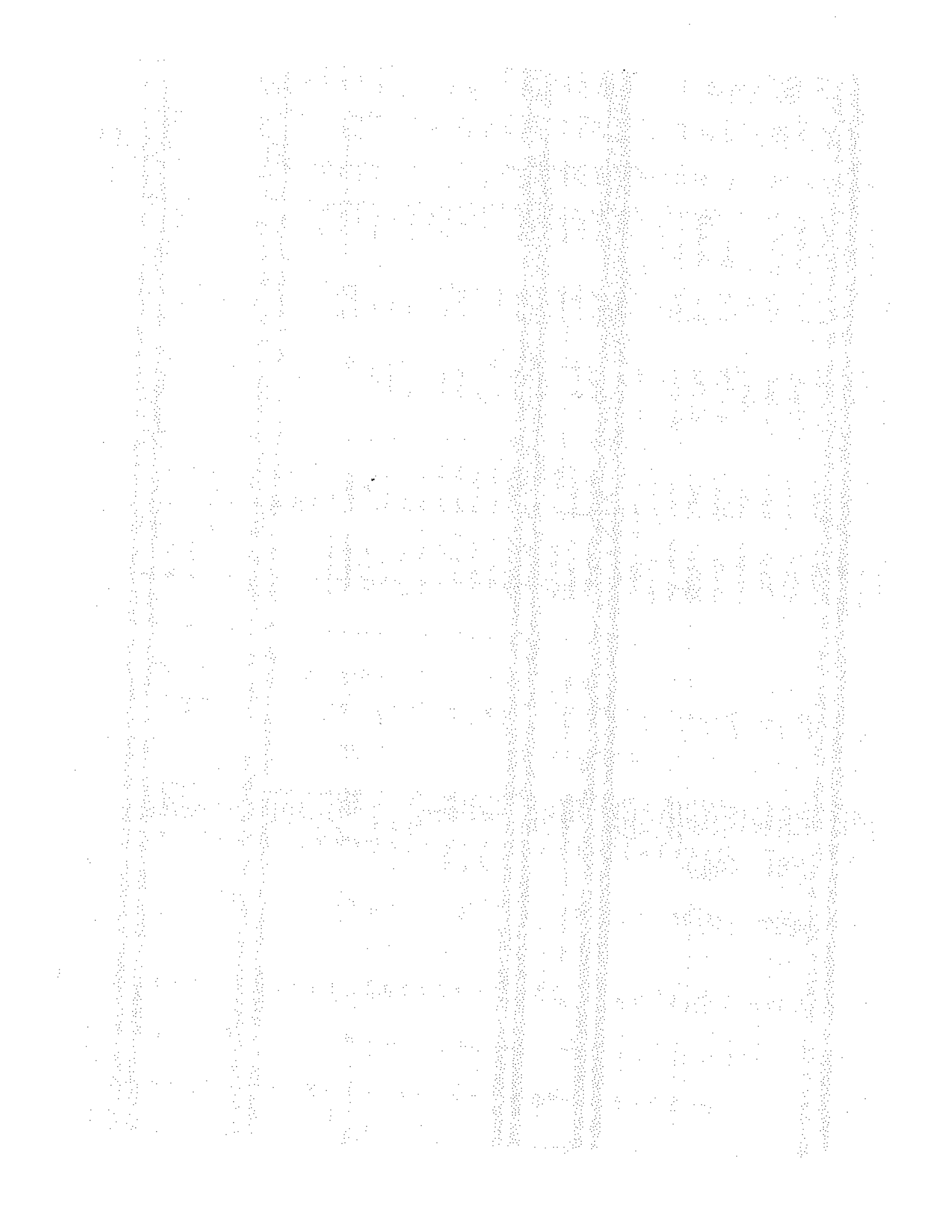
4. The final section discusses the impact of regulatory changes on business operations. It notes that staying up-to-date with the latest regulations is essential for compliance and avoiding penalties. The document suggests that organizations should implement a process for monitoring and responding to regulatory updates, and that they should consult with legal and accounting professionals for guidance.

Worksheet ID	Project Location (County)	Nearest Structure Number	Utility to Nearest Construction Worksheet	Watered (HUC 8)	Watered (HUC 15)	Length (Miles)	Shape Type (WGS 84) (SRS: 4326)	Hydrology Type (F.L.)	Impact Type (P, A, G, C, S, T, B, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10)	Temporary Impact Type (P, A, G, C, S, T, B, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10)	Reason for Disturbance	Type of Material	Quantity of Disturbed Material	Proposed Impact Area (Acres)	Temporary Impact Area (Acres)	Permanent Impact Area (Acres)	Temporary Impact (Acres)
8-DW-13	Impound	P347	Yuba Wash	Salton Sea	Yuba Wash	32.75202078710	-116.29970512000 DW	E	2	POAIP	No Grading Grubbing only	Sol	4.00 CV	0.000	0.000	0.000	110
8-DW-13	Impound	P347	Yuba Wash	Salton Sea	Yuba Wash	32.75202078710	-116.29970512000 DW	E	2	POAIP	No Grading Grubbing only	Sol	0.04 CV	0.000	0.000	0.000	4
8-DW-13	Impound	P347	Yuba Wash	Salton Sea	Yuba Wash	32.75202078710	-116.29970512000 DW	E	2	POAIP	No Grading Grubbing only	Sol	0.28 CV	0.000	0.000	0.000	67
8-DW-13	Impound	P347	Yuba Wash	Salton Sea	Yuba Wash	32.75202078710	-116.29970512000 DW	E	2	POAIP	No Grading Grubbing only	Sol	1.50 CV	0.000	0.000	0.000	38
8-DW-14	Impound	P347	Yuba Wash	Salton Sea	Yuba Wash	32.75202078710	-116.29970512000 DW	E	2	POAIP	No Grading Grubbing only	Sol	0.31 CV	0.000	0.000	0.000	3
8-DW-14	Impound	P347	Yuba Wash	Salton Sea	Yuba Wash	32.75202078710	-116.29970512000 DW	E	2	POAIP	No Grading Grubbing only	Sol	12.00 CV	0.000	0.000	0.000	65
8-DW-4	Impound	P348	Yuba Wash	Salton Sea	Yuba Wash	32.75202078710	-116.29970512000 DW	E	2	POAIP	No Grading Grubbing only	Sol	0.24 CV	0.000	0.000	0.000	7
8-DW-7	Impound	P348	Yuba Wash	Salton Sea	Yuba Wash	32.75202078710	-116.29970512000 DW	E	2	POAIP	No Grading Grubbing only	Sol	4.07 CV	0.000	0.000	0.000	62
8-DW-10	Impound	P348	Yuba Wash	Salton Sea	Yuba Wash	32.75202078710	-116.29970512000 DW	E	2	POAIP	No Grading Grubbing only	Sol	4.07 CV	0.000	0.000	0.000	72
8-DW-22	Impound	P348	Yuba Wash	Salton Sea	Yuba Wash	32.75202078710	-116.29970512000 DW	E	2	POAIP	No Grading Grubbing only	Sol	4.07 CV	0.000	0.000	0.000	1
8-DW-23	Impound	P348	Yuba Wash	Salton Sea	Yuba Wash	32.75202078710	-116.29970512000 DW	E	2	POAIP	No Grading Grubbing only	Sol	1.07 CV	0.000	0.000	0.000	40
8-DW-25	Impound	P348	Yuba Wash	Salton Sea	Yuba Wash	32.75202078710	-116.29970512000 DW	E	2	POAIP	No Grading Grubbing only	Sol	0.81 CV	0.000	0.000	0.000	40
8-DW-1	Impound	P345	Lower Coyote Wash	Salton Sea	Lower Coyote Wash	32.75202078710	-116.29970512000 DW	E	2	POAIP	No Grading Grubbing only	Sol	2.60 CV	0.000	0.000	0.000	40
8-DW-1	Impound	P345	Lower Coyote Wash	Salton Sea	Lower Coyote Wash	32.75202078710	-116.29970512000 DW	E	2	POAIP	No Grading Grubbing only	Sol	7.50 CV	0.000	0.000	0.000	40
8-DW-1	Impound	P345	Lower Coyote Wash	Salton Sea	Lower Coyote Wash	32.75202078710	-116.29970512000 DW	E	2	POAIP	No Grading Grubbing only	Sol	0.81 CV	0.000	0.000	0.000	40
8-DW-1	Impound	P345	Lower Coyote Wash	Salton Sea	Lower Coyote Wash	32.75202078710	-116.29970512000 DW	E	2	POAIP	No Grading Grubbing only	Sol	3.63 CV	0.000	0.000	0.000	40
8-DW-1	Impound	P345	Lower Coyote Wash	Salton Sea	Lower Coyote Wash	32.75202078710	-116.29970512000 DW	E	2	POAIP	No Grading Grubbing only	Sol	3.18 CV	0.000	0.000	0.000	40
8-DW-1	Impound	P345	Lower Coyote Wash	Salton Sea	Lower Coyote Wash	32.75202078710	-116.29970512000 DW	E	2	POAIP	No Grading Grubbing only	Sol	0.26 CV	0.000	0.000	0.000	40
8-DW-1	Impound	P345	Lower Coyote Wash	Salton Sea	Lower Coyote Wash	32.75202078710	-116.29970512000 DW	E	2	POAIP	No Grading Grubbing only	Sol	5.72 CV	0.000	0.000	0.000	20
8-DW-1	Impound	P345	Lower Coyote Wash	Salton Sea	Lower Coyote Wash	32.75202078710	-116.29970512000 DW	E	2	POAIP	No Grading Grubbing only	Sol	0.10 CV	0.000	0.000	0.000	20
8-DW-1	Impound	P345	Lower Coyote Wash	Salton Sea	Lower Coyote Wash	32.75202078710	-116.29970512000 DW	E	2	POAIP	No Grading Grubbing only	Sol	2.92 CV	0.000	0.000	0.000	20
8-DW-1	Impound	P345	Lower Coyote Wash	Salton Sea	Lower Coyote Wash	32.75202078710	-116.29970512000 DW	E	2	POAIP	No Grading Grubbing only	Sol	0.82 CV	0.000	0.000	0.000	44
8-DW-1	Impound	P345	Lower Coyote Wash	Salton Sea	Lower Coyote Wash	32.75202078710	-116.29970512000 DW	E	2	POAIP	No Grading Grubbing only	Sol	20.75 CV	0.000	0.000	0.000	63
8-DW-1	Impound	P345	Lower Coyote Wash	Salton Sea	Lower Coyote Wash	32.75202078710	-116.29970512000 DW	E	2	POAIP	No Grading Grubbing only	Sol	0.28 CV	0.000	0.000	0.000	75
8-DW-1	Impound	P345	Lower Coyote Wash	Salton Sea	Lower Coyote Wash	32.75202078710	-116.29970512000 DW	E	2	POAIP	No Grading Grubbing only	Sol	0.28 CV	0.000	0.000	0.000	5
8-DW-1	Impound	P345	Lower Coyote Wash	Salton Sea	Lower Coyote Wash	32.75202078710	-116.29970512000 DW	E	2	POAIP	No Grading Grubbing only	Sol	2.40 CV	0.000	0.000	0.000	210
8-DW-1	Impound	P345	Lower Coyote Wash	Salton Sea	Lower Coyote Wash	32.75202078710	-116.29970512000 DW	E	2	POAIP	No Grading Grubbing only	Sol	5.57 CV	0.000	0.000	0.000	45
8-DW-1	Impound	P345	Lower Coyote Wash	Salton Sea	Lower Coyote Wash	32.75202078710	-116.29970512000 DW	E	2	POAIP	No Grading Grubbing only	Sol	2.18 CV	0.000	0.000	0.000	55
8-DW-1	Impound	P345	Lower Coyote Wash	Salton Sea	Lower Coyote Wash	32.75202078710	-116.29970512000 DW	E	2	POAIP	No Grading Grubbing only	Sol	2.28 CV	0.000	0.000	0.000	61
8-DW-1	Impound	P345	Lower Coyote Wash	Salton Sea	Lower Coyote Wash	32.75202078710	-116.29970512000 DW	E	2	POAIP	No Grading Grubbing only	Sol	10.44 CV	0.000	0.000	0.000	187
8-DW-1	Impound	P345	Lower Coyote Wash	Salton Sea	Lower Coyote Wash	32.75202078710	-116.29970512000 DW	E	2	POAIP	No Grading Grubbing only	Sol	72.61 CV	0.000	0.000	0.000	82
8-DW-1	Impound	P345	Lower Coyote Wash	Salton Sea	Lower Coyote Wash	32.75202078710	-116.29970512000 DW	E	2	POAIP	No Grading Grubbing only	Sol	3.48 CV	0.000	0.000	0.000	44
8-DW-1	Impound	P345	Lower Coyote Wash	Salton Sea	Lower Coyote Wash	32.75202078710	-116.29970512000 DW	E	2	POAIP	No Grading Grubbing only	Sol	0.75 CV	0.000	0.000	0.000	21
8-DW-1	Impound	P345	Lower Coyote Wash	Salton Sea	Lower Coyote Wash	32.75202078710	-116.29970512000 DW	E	2	POAIP	No Grading Grubbing only	Sol	7.20 CV	0.000	0.000	0.000	205
8-DW-1	Impound	P345	Lower Coyote Wash	Salton Sea	Lower Coyote Wash	32.75202078710	-116.29970512000 DW	E	2	POAIP	No Grading Grubbing only	Sol	1.23 CV	0.000	0.000	0.000	72
8-DW-1	Impound	P345	Lower Coyote Wash	Salton Sea	Lower Coyote Wash	32.75202078710	-116.29970512000 DW	E	2	POAIP	No Grading Grubbing only	Sol	1.23 CV	0.000	0.000	0.000	72

Based on Ordinary High Water Mark (OHWM)

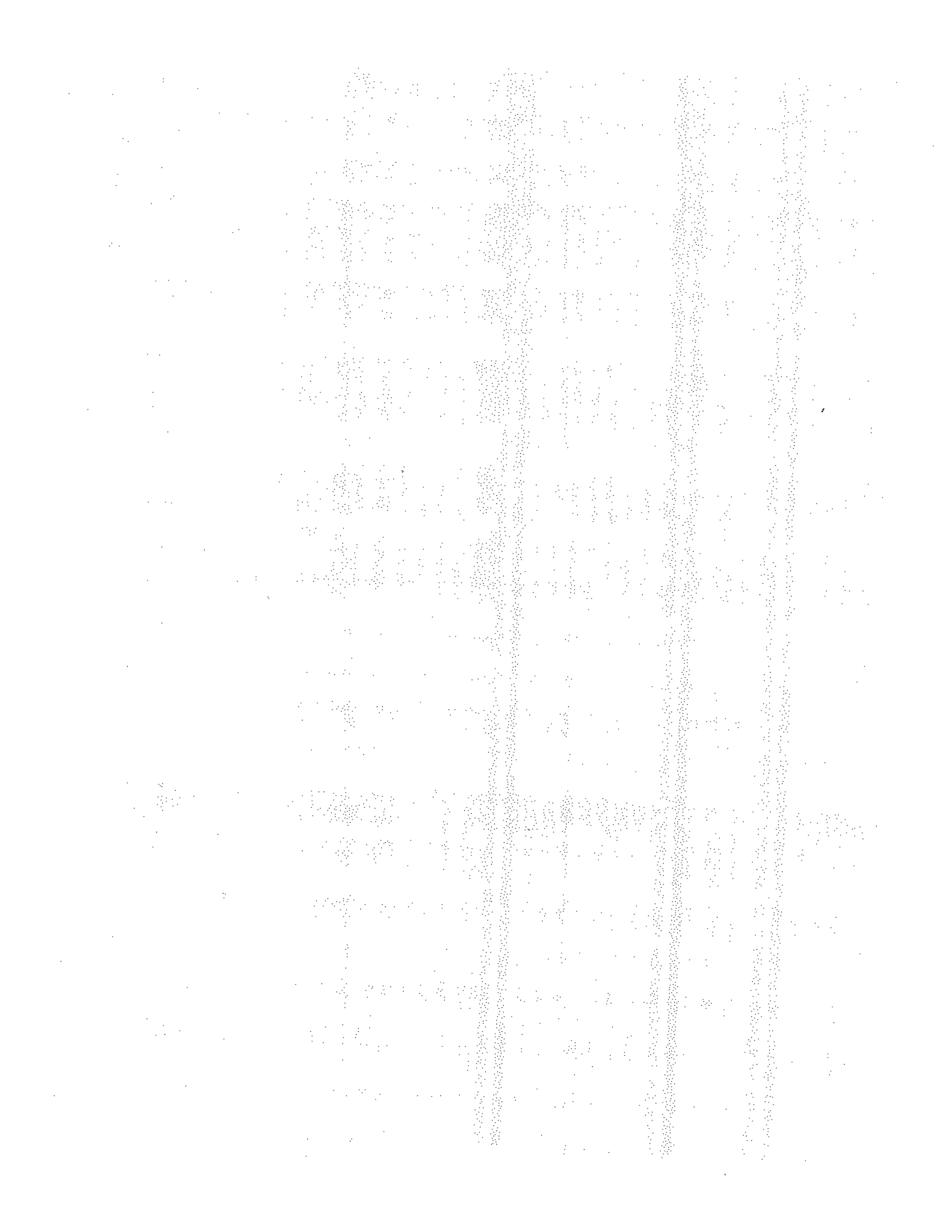


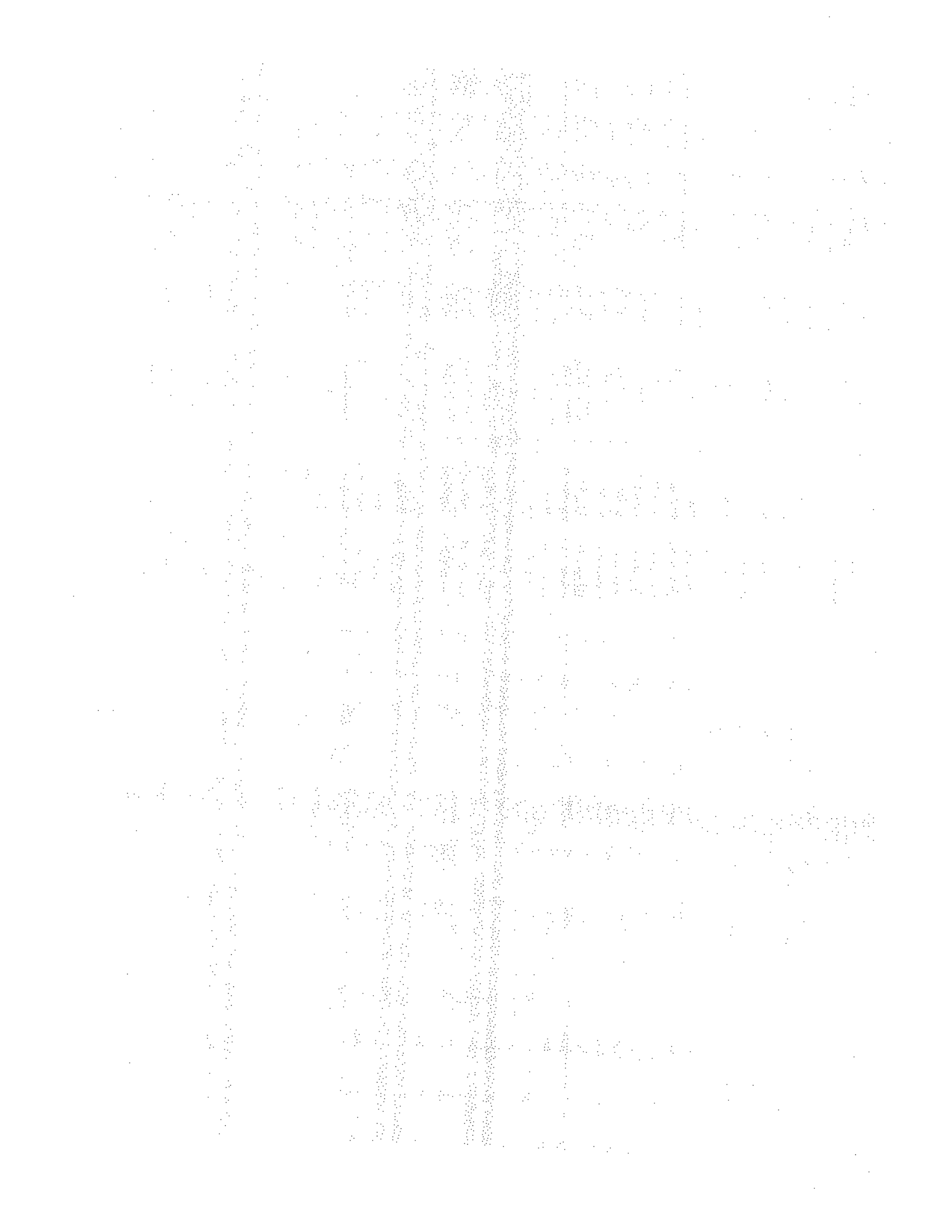


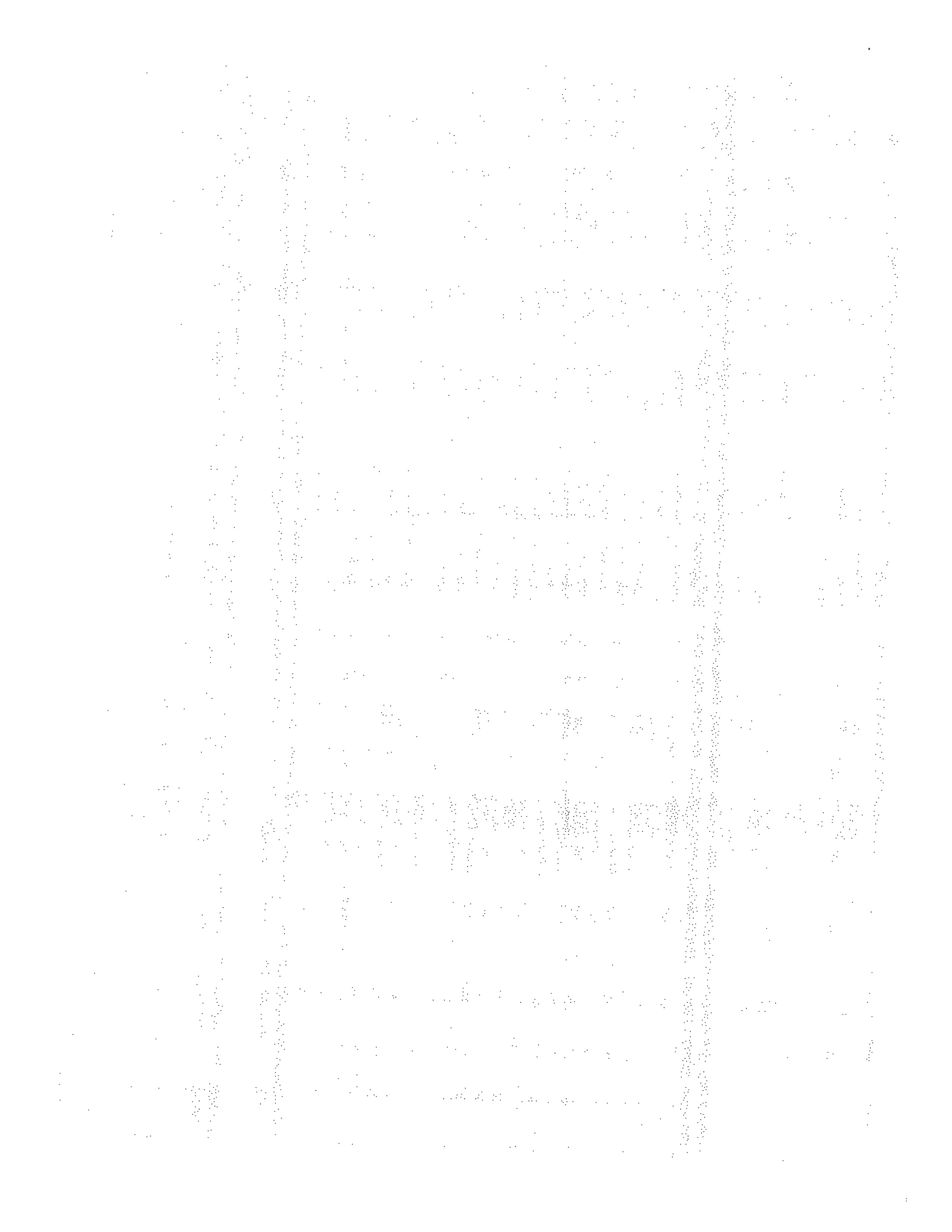


Waterbody ID #	Project Location to Contour (County)	Basin Structure Number	Priority to Monitor Basin/Stream Waterbody	Waterbody (PIC #)	Waterbody (PIC 12)	Latitude (NAD83)	Longitude (NAD83)	Stream Type (DNR, State, Type #)	Hydrology Type (P, A, E)	Width (ft)	Impact Type (E, A, C, P, S, T, V, Y, Z)	Temporary Impact Type (T, C, P, S, T, V, Y, Z)	Reason for Discharge	Type of Material	Quantity of Discharged Material	Permanent Impact Area (Acres)	Temporary Impact Area (Acres)	Permanent Impact Linear Feet	Temporary Impact Linear Feet
13-DW-2	Impound	P223-1	Uddes Coytes Wash	Salmon Run	Uddes Coytes Wash	32.7916180000	-115.8100000000	DW	E	3072	SR	TCMP	No Groundwater Discharge	Soil	2.02 CY	0.000	0.001	23	15
13-DW-2	Impound	P223-1	Uddes Coytes Wash	Salmon Run	Uddes Coytes Wash	32.7916180000	-115.8100000000	DW	E	3072	SR	TCMP	No Groundwater Discharge	Soil	0.00	0.000	0.283	77	15
13-DW-2	Impound	P223-1	Uddes Coytes Wash	Salmon Run	Uddes Coytes Wash	32.7916180000	-115.8100000000	DW	E	3072	SR	TCMP	No Groundwater Discharge	Soil	177 CY	0.000	0.078	178	15
13-DW-2	Impound	P223-1	Uddes Coytes Wash	Salmon Run	Uddes Coytes Wash	32.7916180000	-115.8100000000	DW	E	3072	SR	TCMP	No Groundwater Discharge	Soil	see above	0.228	0.078	100	15
13-DW-2	Impound	P223-1	Uddes Coytes Wash	Salmon Run	Uddes Coytes Wash	32.7916180000	-115.8100000000	DW	E	3072	SR	TCMP	No Groundwater Discharge	Soil	0.00	0.000	0.000	20	8
13-DW-2	Impound	P223-1	Uddes Coytes Wash	Salmon Run	Uddes Coytes Wash	32.7916180000	-115.8100000000	DW	E	3072	SR	TCMP	No Groundwater Discharge	Soil	2.02 CY	0.000	0.000	217	8
13-DW-2	Impound	P223-1	Uddes Coytes Wash	Salmon Run	Uddes Coytes Wash	32.7916180000	-115.8100000000	DW	E	3072	SR	TCMP	No Groundwater Discharge	Soil	0.24 CY	0.000	0.115	217	8
13-DW-2	Impound	P223-1	Uddes Coytes Wash	Salmon Run	Uddes Coytes Wash	32.7916180000	-115.8100000000	DW	E	3072	SR	TCMP	No Groundwater Discharge	Soil	30.42 CY	0.000	0.085	122	8
13-DW-2	Impound	P223-1	Uddes Coytes Wash	Salmon Run	Uddes Coytes Wash	32.7916180000	-115.8100000000	DW	E	3072	SR	TCMP	No Groundwater Discharge	Soil	2.28 CY	0.000	0.000	22	8
13-DW-2	Impound	P223-1	Uddes Coytes Wash	Salmon Run	Uddes Coytes Wash	32.7916180000	-115.8100000000	DW	E	3072	SR	TCMP	No Groundwater Discharge	Soil	46 CY	0.000	0.000	3	8
13-DW-2	Impound	P223-1	Uddes Coytes Wash	Salmon Run	Uddes Coytes Wash	32.7916180000	-115.8100000000	DW	E	3072	SR	TCMP	No Groundwater Discharge	Soil	0.05 CY	0.000	0.000	2	8
13-DW-2	Impound	P223-1	Uddes Coytes Wash	Salmon Run	Uddes Coytes Wash	32.7916180000	-115.8100000000	DW	E	3072	SR	TCMP	No Groundwater Discharge	Soil	29 CY	0.000	0.000	3	8
13-DW-2	Impound	P223-1	Uddes Coytes Wash	Salmon Run	Uddes Coytes Wash	32.7916180000	-115.8100000000	DW	E	3072	SR	TCMP	No Groundwater Discharge	Soil	5.88 CY	0.004	0.001	17	8
13-DW-2	Impound	P223-1	Uddes Coytes Wash	Salmon Run	Uddes Coytes Wash	32.7916180000	-115.8100000000	DW	E	3072	SR	TCMP	No Groundwater Discharge	Soil	22 CY	0.000	0.001	1	8
13-DW-2	Impound	P223-1	Uddes Coytes Wash	Salmon Run	Uddes Coytes Wash	32.7916180000	-115.8100000000	DW	E	3072	SR	TCMP	No Groundwater Discharge	Soil	22 CY	0.000	0.000	2	8
13-DW-2	Impound	P223-1	Uddes Coytes Wash	Salmon Run	Uddes Coytes Wash	32.7916180000	-115.8100000000	DW	E	3072	SR	TCMP	No Groundwater Discharge	Soil	2.00	0.000	0.000	0	8
13-DW-2	Impound	P223-1	Uddes Coytes Wash	Salmon Run	Uddes Coytes Wash	32.7916180000	-115.8100000000	DW	E	3072	SR	TCMP	No Groundwater Discharge	Soil	1.00	0.000	0.000	2	8
13-DW-2	Impound	P223-1	Uddes Coytes Wash	Salmon Run	Uddes Coytes Wash	32.7916180000	-115.8100000000	DW	E	3072	SR	TCMP	No Groundwater Discharge	Soil	1.00	0.000	0.000	2	8
13-DW-2	Impound	P223-1	Uddes Coytes Wash	Salmon Run	Uddes Coytes Wash	32.7916180000	-115.8100000000	DW	E	3072	SR	TCMP	No Groundwater Discharge	Soil	4.72	0.000	0.000	15	8
13-DW-2	Impound	P223-1	Uddes Coytes Wash	Salmon Run	Uddes Coytes Wash	32.7916180000	-115.8100000000	DW	E	3072	SR	TCMP	No Groundwater Discharge	Soil	35.00	0.000	0.000	2	8
13-DW-2	Impound	P223-1	Uddes Coytes Wash	Salmon Run	Uddes Coytes Wash	32.7916180000	-115.8100000000	DW	E	3072	SR	TCMP	No Groundwater Discharge	Soil	1.00	0.000	0.000	4	8
13-DW-2	Impound	P223-1	Uddes Coytes Wash	Salmon Run	Uddes Coytes Wash	32.7916180000	-115.8100000000	DW	E	3072	SR	TCMP	No Groundwater Discharge	Soil	4.86 CY	0.006	0.000	18	8
13-DW-2	Impound	P223-1	Uddes Coytes Wash	Salmon Run	Uddes Coytes Wash	32.7916180000	-115.8100000000	DW	E	3072	SR	TCMP	No Groundwater Discharge	Soil	0.85 CY	0.000	0.000	5	8
13-DW-2	Impound	P223-1	Uddes Coytes Wash	Salmon Run	Uddes Coytes Wash	32.7916180000	-115.8100000000	DW	E	3072	SR	TCMP	No Groundwater Discharge	Soil	0.84 CY	0.000	0.000	147	8
13-DW-2	Impound	P223-1	Uddes Coytes Wash	Salmon Run	Uddes Coytes Wash	32.7916180000	-115.8100000000	DW	E	3072	SR	TCMP	No Groundwater Discharge	Soil	18.33 CY	0.000	0.000	93	8
13-DW-2	Impound	P223-1	Uddes Coytes Wash	Salmon Run	Uddes Coytes Wash	32.7916180000	-115.8100000000	DW	E	3072	SR	TCMP	No Groundwater Discharge	Soil	3.45 CY	0.000	0.000	78	8
13-DW-2	Impound	P223-1	Uddes Coytes Wash	Salmon Run	Uddes Coytes Wash	32.7916180000	-115.8100000000	DW	E	3072	SR	TCMP	No Groundwater Discharge	Soil	1.41 CY	0.000	0.000	12	8
13-DW-2	Impound	P223-1	Uddes Coytes Wash	Salmon Run	Uddes Coytes Wash	32.7916180000	-115.8100000000	DW	E	3072	SR	TCMP	No Groundwater Discharge	Soil	0.22 CY	0.000	0.000	131	8
13-DW-2	Impound	P223-1	Uddes Coytes Wash	Salmon Run	Uddes Coytes Wash	32.7916180000	-115.8100000000	DW	E	3072	SR	TCMP	No Groundwater Discharge	Soil	0.68 CY	0.000	0.000	131	8
13-DW-2	Impound	P223-1	Uddes Coytes Wash	Salmon Run	Uddes Coytes Wash	32.7916180000	-115.8100000000	DW	E	3072	SR	TCMP	No Groundwater Discharge	Soil	0.00	0.000	0.000	32	8
13-DW-2	Impound	P223-1	Uddes Coytes Wash	Salmon Run	Uddes Coytes Wash	32.7916180000	-115.8100000000	DW	E	3072	SR	TCMP	No Groundwater Discharge	Soil	1.00	0.000	0.000	100	8
13-DW-2	Impound	P223-1	Uddes Coytes Wash	Salmon Run	Uddes Coytes Wash	32.7916180000	-115.8100000000	DW	E	3072	SR	TCMP	No Groundwater Discharge	Soil	32 CY	0.000	0.000	100	8
13-DW-2	Impound	P223-1	Uddes Coytes Wash	Salmon Run	Uddes Coytes Wash	32.7916180000	-115.8100000000	DW	E	3072	SR	TCMP	No Groundwater Discharge	Soil	see above	0.000	0.000	73	8
13-DW-2	Impound	P223-1	Uddes Coytes Wash	Salmon Run	Uddes Coytes Wash	32.7916180000	-115.8100000000	DW	E	3072	SR	TCMP	No Groundwater Discharge	Soil	see above	0.000	0.000	200	8
13-DW-2	Impound	P223-1	Uddes Coytes Wash	Salmon Run	Uddes Coytes Wash	32.7916180000	-115.8100000000	DW	E	3072	SR	TCMP	No Groundwater Discharge	Soil	277.32 CY	0.418	0.418	200	8
13-DW-2	Impound	P223-1	Uddes Coytes Wash	Salmon Run	Uddes Coytes Wash	32.7916180000	-115.8100000000	DW	E	3072	SR	TCMP	No Groundwater Discharge	Soil	1.29 CY	0.004	0.000	52	8
13-DW-2	Impound	P223-1	Uddes Coytes Wash	Salmon Run	Uddes Coytes Wash	32.7916180000	-115.8100000000	DW	E	3072	SR	TCMP	No Groundwater Discharge	Soil	0.35 CY	0.000	0.000	2	8
13-DW-2	Impound	P223-1	Uddes Coytes Wash	Salmon Run	Uddes Coytes Wash	32.7916180000	-115.8100000000	DW	E	3072	SR	TCMP	No Groundwater Discharge	Soil	6.34 CY	0.022	0.022	281	8
13-DW-2	Impound	P223-1	Uddes Coytes Wash	Salmon Run	Uddes Coytes Wash	32.7916180000	-115.8100000000	DW	E	3072	SR	TCMP	No Groundwater Discharge	Soil	6.00	0.022	0.022	222	8
13-DW-2	Impound	P223-1	Uddes Coytes Wash	Salmon Run	Uddes Coytes Wash	32.7916180000	-115.8100000000	DW	E	3072	SR	TCMP	No Groundwater Discharge	Soil	48.28 CY	0.022	0.022	222	8

Based on Occasional High Water Mark (OHW)





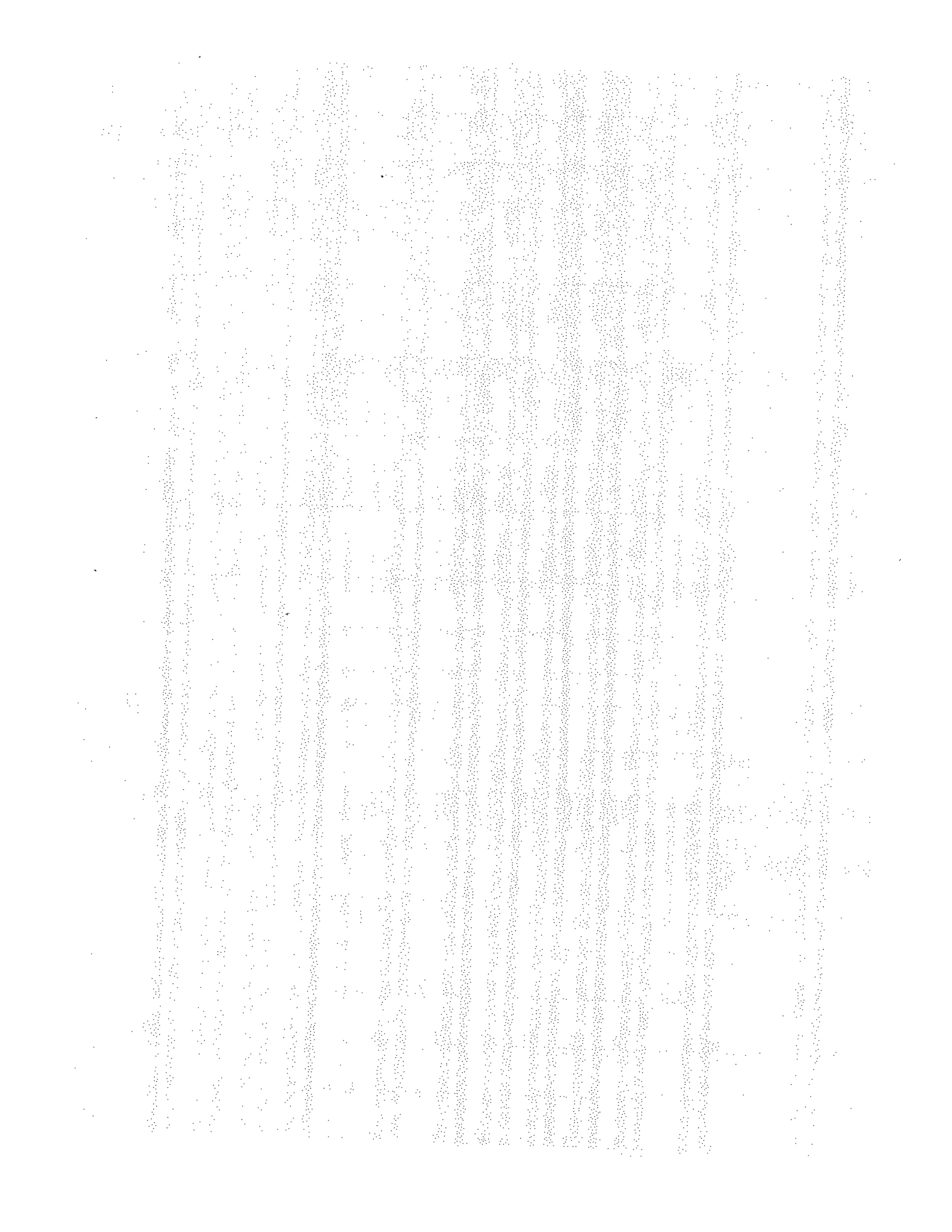


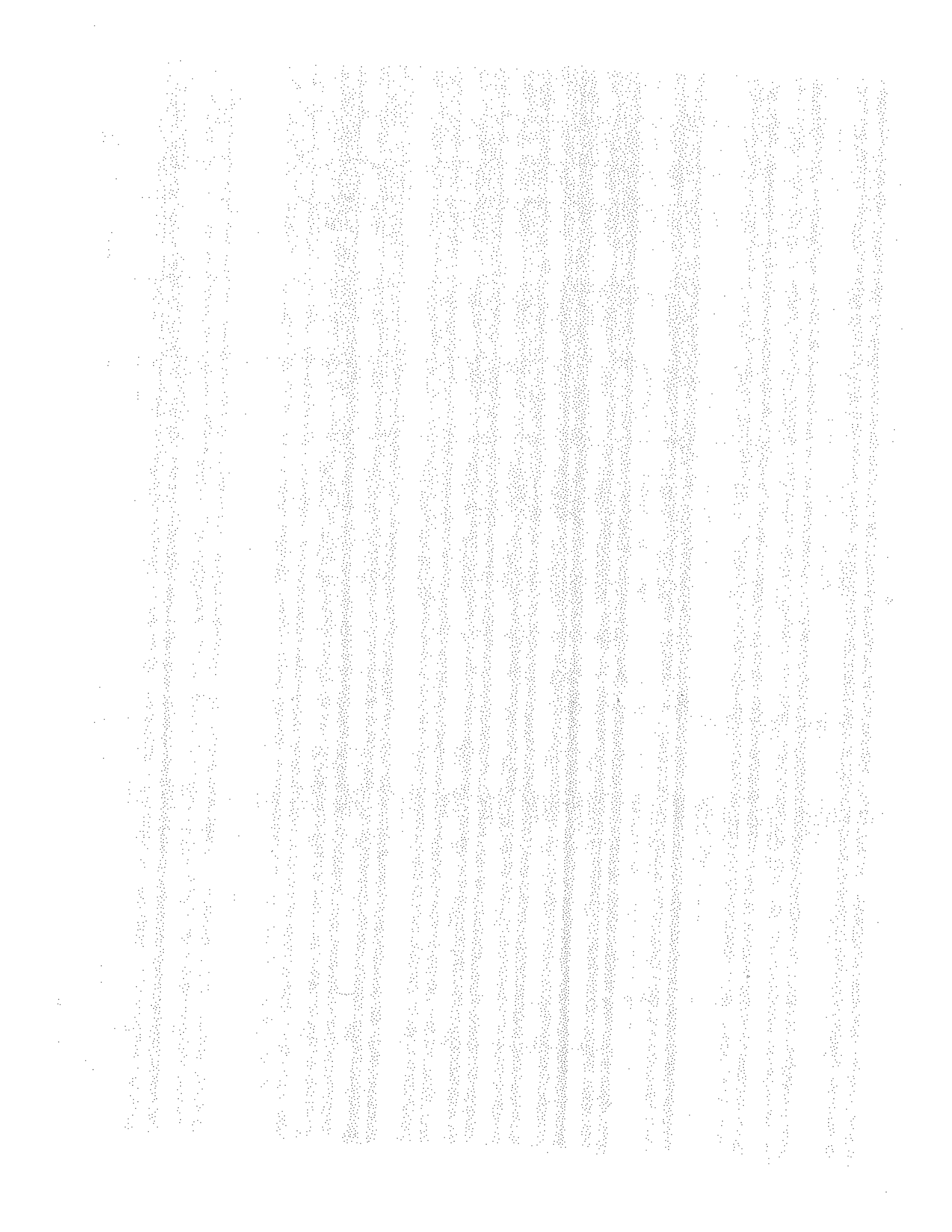
1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that proper record-keeping is essential for transparency and accountability, particularly in financial reporting and compliance with regulatory requirements. The text notes that without reliable records, organizations may face significant challenges in identifying discrepancies, resolving disputes, and demonstrating adherence to applicable laws and standards.

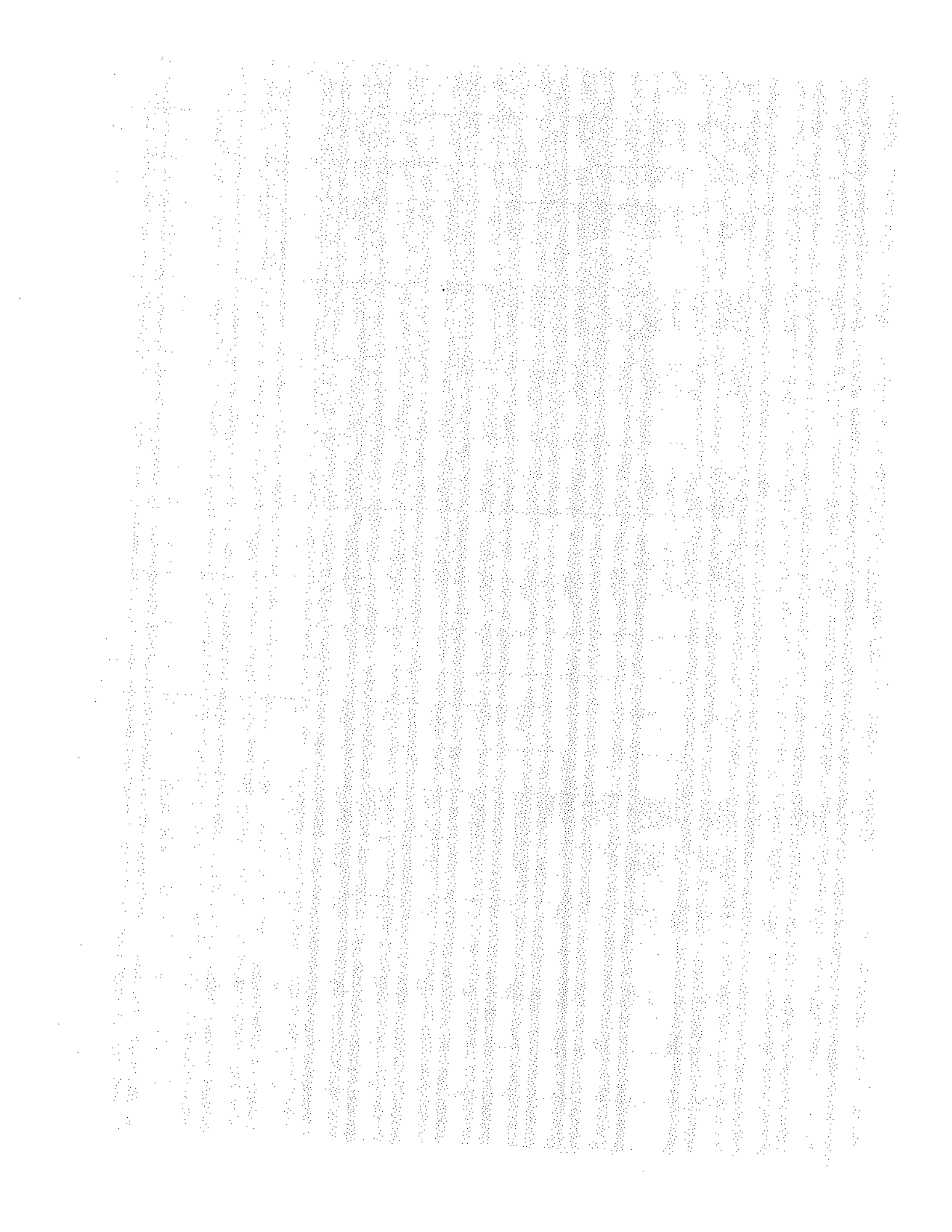
2. The second section focuses on the role of internal controls in preventing errors and fraud. It highlights that a robust system of internal controls is not only a defensive mechanism but also a proactive tool for improving operational efficiency and risk management. Key elements of an effective internal control system include clear segregation of duties, regular monitoring and review, and a strong culture of ethical behavior and integrity. The document stresses that these controls should be tailored to the specific risks and objectives of the organization.

3. The third part of the document addresses the challenges of data security and information protection. In an era of digital transformation, the volume and sensitivity of data have increased exponentially, making it a top priority for organizations to implement comprehensive security measures. This includes not only technical safeguards like encryption and access controls but also organizational policies and employee training to ensure that data is handled responsibly and securely throughout its lifecycle. The text underscores that a breach of data security can have severe consequences for an organization's reputation and financial stability.

4. The final section discusses the importance of continuous improvement and staying current with industry trends. The document argues that organizations should adopt a mindset of ongoing learning and adaptation, regularly reviewing their processes and strategies to identify areas for enhancement. This involves staying informed about emerging technologies, regulatory changes, and best practices from industry peers. By fostering a culture of innovation and continuous improvement, organizations can better position themselves to meet future challenges and seize new opportunities in a dynamic market environment.

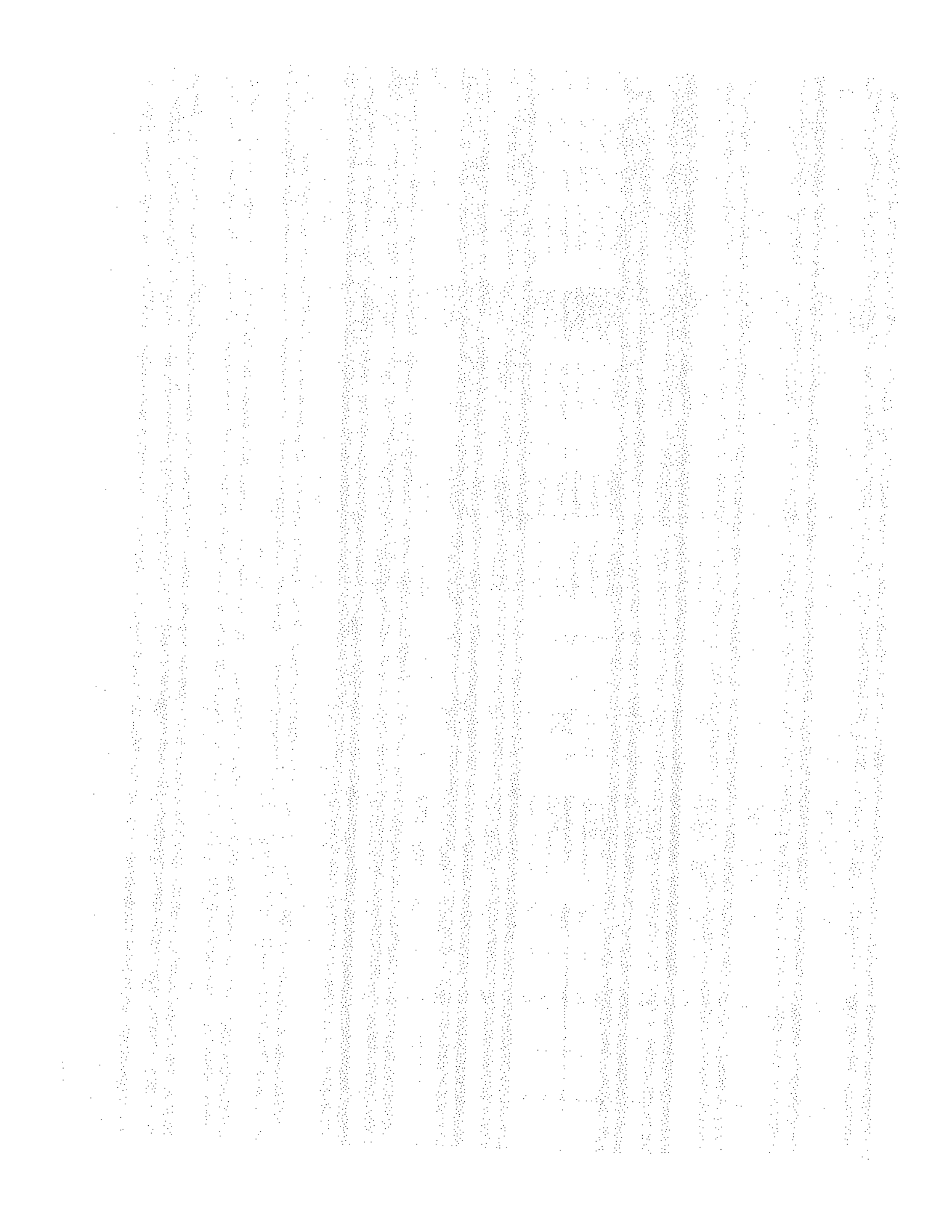


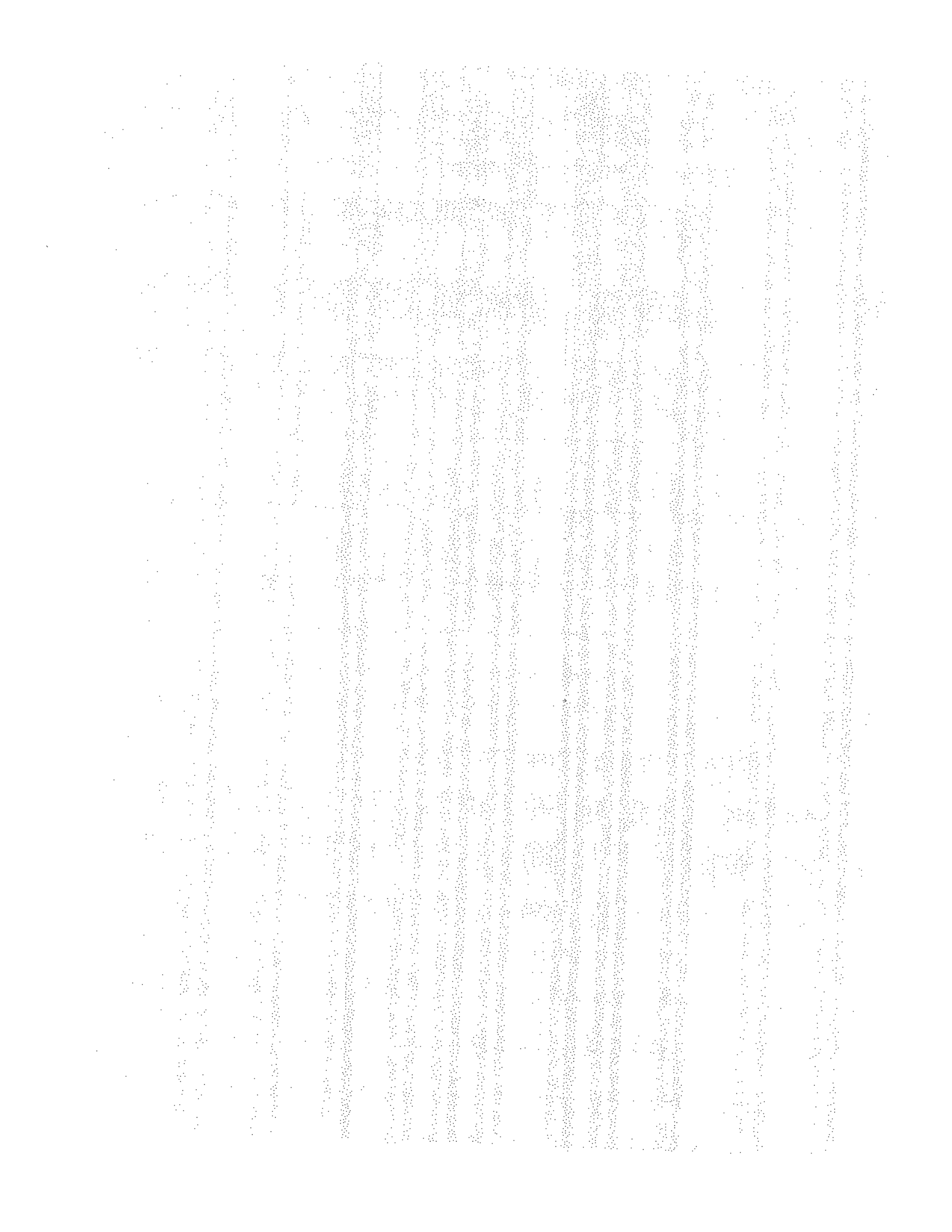




Year/Activity	Project Location in California (County)	Harvest Structure Number	History to Harvest Determination Year/Activity	Waterfield (LIC #)	Waterfield (LIC #)	Latitude (NAD83)	Longitude (NAD83)	Stream Type (RVR, SRS, Type #, or W)	Hydrology Type (Type #, E)	CH2019 (Watts #)	Perennial Impact Type (Per. Imp., C&G, or S&G)	Temporary Impact Type (C&G, or S&G)	Reason for Diversion	Type of Structure	Quantity of Material	Permanent Impact Area (Acres)	Temporary Impact Area (Acres)	Permanent Impact Area (Acres)
62-6-3	San Diego	P138-2	La Piedad Creek	Continental Creek	La Piedad Creek	32.79027148000	-116.58922917000	SUR	E	2	100:100	Flow of stream	Flow of stream	Flow of stream	9 CV	0.005		8
62-6-3	San Diego	P138-2	La Piedad Creek	Tijuana River	La Piedad Creek	32.79027148000	-116.58922917000	SUR	E	2	100:100	Flow of stream	Flow of stream	Flow of stream	9 CV	0.005		8
62-6-4	San Diego	P138-1F	La Piedad Creek	Continental Creek	La Piedad Creek	32.790240147810	-116.58922917000	SUR	E	1	Grading	Flow of stream	Flow of stream	Flow of stream	33 CV	0.001		1
62-6-4	San Diego	P138-1F	La Piedad Creek	Tijuana River	La Piedad Creek	32.790240147810	-116.58922917000	SUR	E	1	Grading	Flow of stream	Flow of stream	Flow of stream	33 CV	0.001		1
62-6-7	San Diego	P138-2	La Piedad Creek	Continental Creek	La Piedad Creek	32.79026729000	-116.58922917000	SUR	E	1	Grading	Flow of stream	Flow of stream	Flow of stream	59 CV	0.005		74
62-6-7	San Diego	P138-2	La Piedad Creek	Tijuana River	La Piedad Creek	32.79026729000	-116.58922917000	SUR	E	1	Grading	Flow of stream	Flow of stream	Flow of stream	59 CV	0.005		74
62-6-8	San Diego	P138-1F	La Piedad Creek	Continental Creek	La Piedad Creek	32.79024189100	-116.58922917000	SUR	E	1	Grading	Flow of stream	Flow of stream	Flow of stream	31:2 CV	0.001		13
62-6-8	San Diego	P138-1F	La Piedad Creek	Tijuana River	La Piedad Creek	32.79024189100	-116.58922917000	SUR	E	1	Grading	Flow of stream	Flow of stream	Flow of stream	31:2 CV	0.001		13
62-6-13	San Diego	P139-2	La Piedad Creek	Continental Creek	La Piedad Creek	32.77057026000	-116.58922917000	SUR	E	1	Grading	Flow of stream	Flow of stream	Flow of stream	2 CV	0.000		11
62-6-13	San Diego	P139-2	La Piedad Creek	Tijuana River	La Piedad Creek	32.77057026000	-116.58922917000	SUR	E	1	Grading	Flow of stream	Flow of stream	Flow of stream	2 CV	0.000		11
62-6-1	San Diego	P138-1	La Piedad Creek	Continental Creek	La Piedad Creek	32.74170007400	-116.42001229000	SUR	E	4	3:9	Flow of stream	Flow of stream	Flow of stream	82 CV	0.001		81
62-6-1	San Diego	P138-1	La Piedad Creek	Tijuana River	La Piedad Creek	32.74170007400	-116.42001229000	SUR	E	4	3:9	Flow of stream	Flow of stream	Flow of stream	82 CV	0.001		81
62-6-1	San Diego	P138-1	La Piedad Creek	Continental Creek	La Piedad Creek	32.74170007400	-116.42001229000	SUR	E	5	3:9	Flow of stream	Flow of stream	Flow of stream	88 CV	0.001		87
62-6-1	San Diego	P138-1	La Piedad Creek	Tijuana River	La Piedad Creek	32.74170007400	-116.42001229000	SUR	E	5	3:9	Flow of stream	Flow of stream	Flow of stream	88 CV	0.001		87
62-6-12	San Diego	P137	La Piedad Creek	Continental Creek	La Piedad Creek	32.74200000000	-116.41702910000	SUR	E	1	Flow of stream	Flow of stream	Flow of stream	1 CV	0.000		2	
62-6-12	San Diego	P137	La Piedad Creek	Tijuana River	La Piedad Creek	32.74200000000	-116.41702910000	SUR	E	1	Flow of stream	Flow of stream	Flow of stream	1 CV	0.000		2	
62-6-4	San Diego	P132A	La Piedad Creek	Continental Creek	La Piedad Creek	32.70963937000	-116.42001229000	SUR	E	3	AR	Flow of stream	Flow of stream	Flow of stream	3 CV	0.005		6
62-6-4	San Diego	P132A	La Piedad Creek	Tijuana River	La Piedad Creek	32.70963937000	-116.42001229000	SUR	E	3	AR	Flow of stream	Flow of stream	Flow of stream	3 CV	0.005		6
62-6-8	San Diego	P132A	La Piedad Creek	Continental Creek	La Piedad Creek	32.70963937000	-116.42001229000	SUR	E	3	AR	Flow of stream	Flow of stream	Flow of stream	3 CV	0.005		6
62-6-8	San Diego	P132A	La Piedad Creek	Tijuana River	La Piedad Creek	32.70963937000	-116.42001229000	SUR	E	3	AR	Flow of stream	Flow of stream	Flow of stream	3 CV	0.005		6
62-6-8	San Diego	P132A	La Piedad Creek	Continental Creek	La Piedad Creek	32.70963937000	-116.42001229000	SUR	E	3	AR	Flow of stream	Flow of stream	Flow of stream	3 CV	0.005		6
62-6-8	San Diego	P132A	La Piedad Creek	Tijuana River	La Piedad Creek	32.70963937000	-116.42001229000	SUR	E	3	AR	Flow of stream	Flow of stream	Flow of stream	3 CV	0.005		6
62-6-7	San Diego	P132A	La Piedad Creek	Continental Creek	La Piedad Creek	32.70963937000	-116.42001229000	SUR	E	1	Flow of stream	Flow of stream	Flow of stream	0:81 CV	0.000		6	
62-6-7	San Diego	P132A	La Piedad Creek	Tijuana River	La Piedad Creek	32.70963937000	-116.42001229000	SUR	E	1	Flow of stream	Flow of stream	Flow of stream	0:81 CV	0.000		6	
71-4-3	San Diego	P109-3	La Piedad Creek	Continental Creek	La Piedad Creek	32.70110471000	-116.41702910000	SUR	E	10	AR	Flow of stream	Flow of stream	Flow of stream	24 CV	0.013		45
71-4-3	San Diego	P109-3	La Piedad Creek	Tijuana River	La Piedad Creek	32.70110471000	-116.41702910000	SUR	E	10	AR	Flow of stream	Flow of stream	Flow of stream	24 CV	0.013		45
71-4-4	San Diego	P109-3	La Piedad Creek	Continental Creek	La Piedad Creek	32.70963937000	-116.42001229000	SUR	E	10	AR	Flow of stream	Flow of stream	Flow of stream	14 CV	0.005		21
71-4-4	San Diego	P109-3	La Piedad Creek	Tijuana River	La Piedad Creek	32.70963937000	-116.42001229000	SUR	E	10	AR	Flow of stream	Flow of stream	Flow of stream	14 CV	0.005		21
71-4-4	San Diego	P109-3	La Piedad Creek	Continental Creek	La Piedad Creek	32.70963937000	-116.42001229000	SUR	E	10	AR	Flow of stream	Flow of stream	Flow of stream	13 CV	0.011		6
71-4-4	San Diego	P109-3	La Piedad Creek	Tijuana River	La Piedad Creek	32.70963937000	-116.42001229000	SUR	E	10	AR	Flow of stream	Flow of stream	Flow of stream	13 CV	0.011		6
71-4-6	San Diego	P109-3	La Piedad Creek	Continental Creek	La Piedad Creek	32.69707070000	-116.46661262000	SUR	E	10	AR	Flow of stream	Flow of stream	Flow of stream	3 CV	0.004		18
71-4-6	San Diego	P109-3	La Piedad Creek	Tijuana River	La Piedad Creek	32.69707070000	-116.46661262000	SUR	E	10	AR	Flow of stream	Flow of stream	Flow of stream	3 CV	0.004		18
71-4-6	San Diego	P109-3	La Piedad Creek	Continental Creek	La Piedad Creek	32.69707070000	-116.46661262000	SUR	E	10	AR	Flow of stream	Flow of stream	Flow of stream	2 EA	0.001		6
71-4-6	San Diego	P109-3	La Piedad Creek	Tijuana River	La Piedad Creek	32.69707070000	-116.46661262000	SUR	E	10	AR	Flow of stream	Flow of stream	Flow of stream	2 EA	0.001		6

Based on Ordinary High Water Mark (OHWM)





1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that this is crucial for ensuring transparency and accountability in the organization's operations.

2. The second part outlines the various methods and tools used to collect and analyze data. This includes both traditional manual processes and modern digital technologies, highlighting the benefits of automation and data-driven insights.

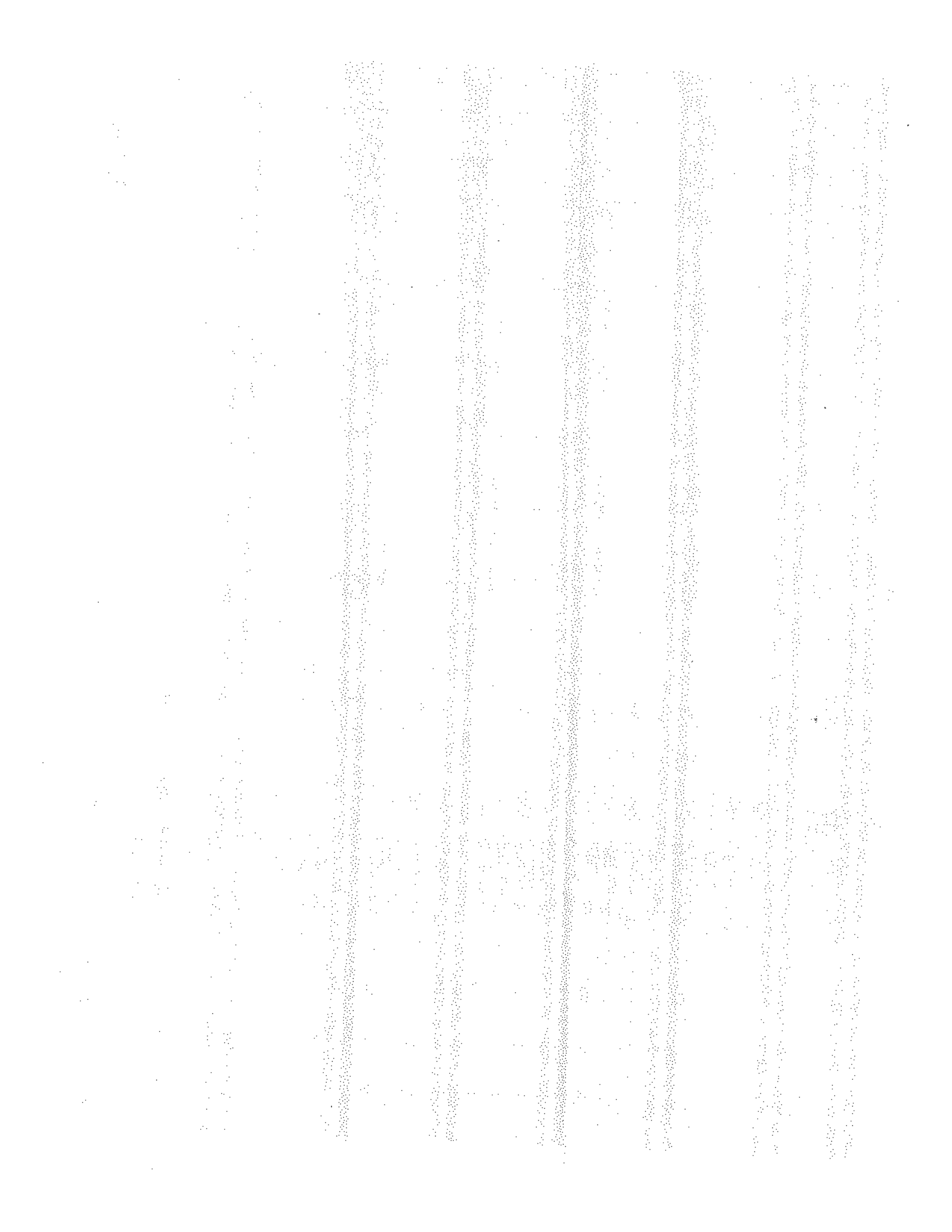
3. The third section focuses on the challenges faced in data management, such as data silos, inconsistent formats, and security concerns. It provides strategies to overcome these challenges and ensure data integrity and accessibility.

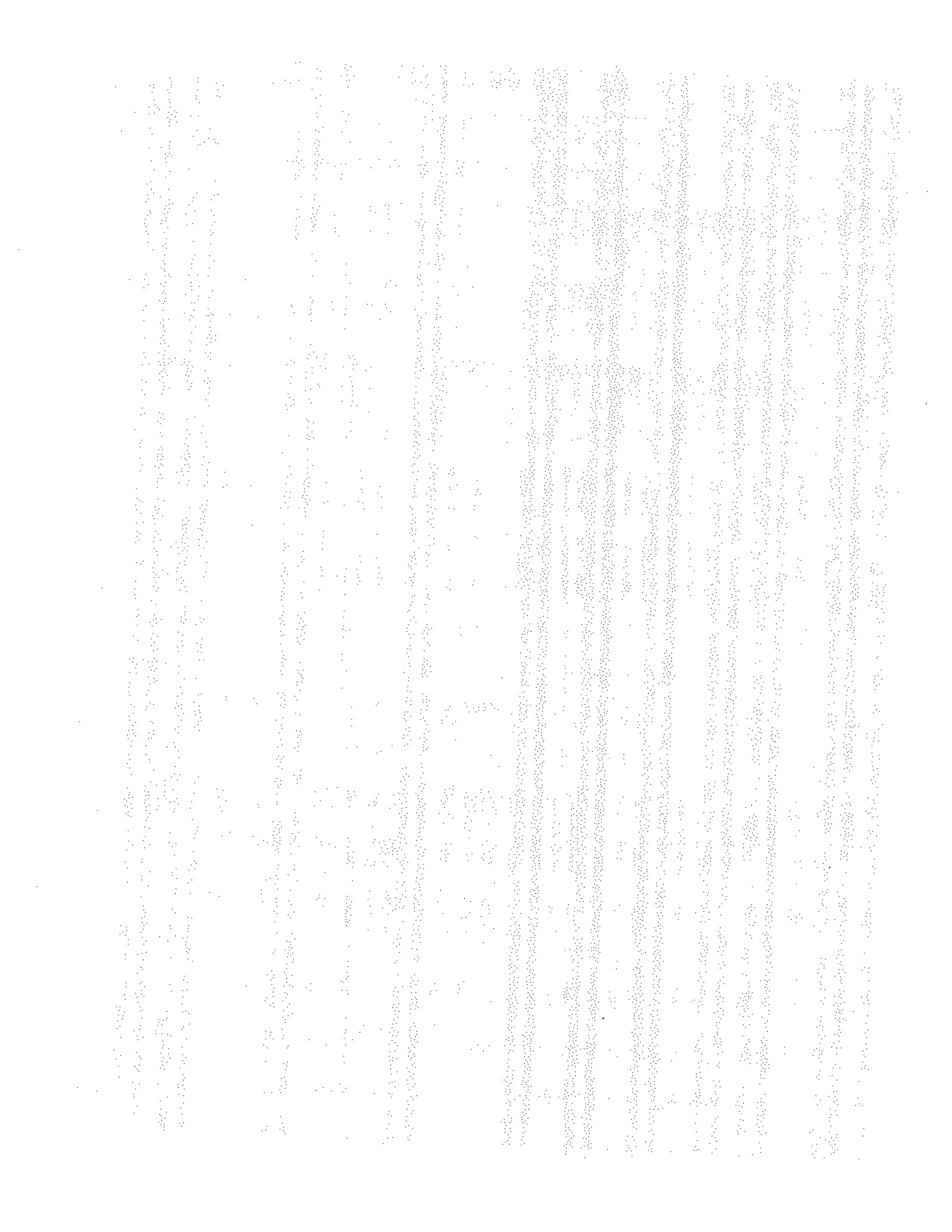
4. The fourth part discusses the role of data in decision-making and strategic planning. It explains how data analysis can identify trends, opportunities, and risks, enabling leaders to make informed choices that drive the organization's success.

5. The final section concludes by summarizing the key points and emphasizing the ongoing nature of data management. It encourages a culture of continuous learning and improvement to stay ahead in a rapidly changing business environment.

Waterbody CFS ID #	Project Location in California (County)	Harvest Structure Number	Industry to Harvest Downstream Waterbody	Waterbody (CWC #)	Waterbody (WIC #)	Length (Miles)	Longitude (Miles)	Stream Type (DM, SM, SRY, or R)	Hydrology Type #1 (W)	OHV Type (R)	Perennial Type (G, AC, C, S, or B)	Temporary Type (C, S, or B)	Reason for Disturbance	Type of Material	Quantity of Recharged Material	Perennial Impacts Area (Acres)	Temporary Impacts Area (Acres)	Perennial Impacts Linear (Feet)	Temporary Impacts Linear (Feet)
108-S-36																			
108-S-35																			
108-S-34																			
108-S-33																			
108-S-32																			
108-S-31																			
108-S-30																			
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108-S-4																			
108-S-3																			
108-S-2																			
108-S-1																			
108-S-0																			

Based on Ordinary High Water Line (OHWL)





Masterbody GIS ID #	Project Location to California (County)	Masterbody Construction Number	Transect to Masterbody Construction	Hydrology (FUC #)	Masterbody (FUC #)	Latitude (NAD83)	Longitude (NAD83)	Stream Type (SNR, SNR, or SR)	Hydrology Type (1-5)	OHV (Miles)	Permitted (SR, SR, CDR, PDR, CR, SR, TR)	Temporary Impact Type (CDR, PDR, CR, SR, TR)	Reason for Discharge	Type of Material	Quantity of Discharge (cubic feet)	Based on Ordinary High Water Mark (OHWM)			
																Permitted Impact Area (acres)	Temporary Impact Area (acres)	Permitted Impact Lower (feet)	Temporary Impact Lower (feet)
127-5-10	San Diego	P25	San Vicente Creek-San Diego River		San Vicente Creek-San Diego River	32.8920251420	-118.8820172370	SNR	E		NR	NR	High Discharge	Bedrock	17 CY	0.001			
127-4-10															12 CY				
128-5-1	San Diego	P25-1	San Vicente Creek-San Diego River		San Vicente Creek-San Diego River	32.8820251420	-118.8820172370	SNR	E	1	NR	NR	High Discharge	Bedrock	28 CY	0.001			
128-5-1	San Diego	P25-1	San Vicente Creek-San Diego River		San Vicente Creek-San Diego River	32.8820251420	-118.8820172370	SNR	E	1	NR	NR	High Discharge	Bedrock	30 CY	0.001			
128-5-1	San Diego	P25-1	San Vicente Creek-San Diego River		San Vicente Creek-San Diego River	32.8820251420	-118.8820172370	SNR	E	1	NR	NR	High Discharge	Bedrock	465 CY	0.001			
128-5-1	San Diego	P25-1	San Vicente Creek-San Diego River		San Vicente Creek-San Diego River	32.8820251420	-118.8820172370	SNR	E	1	NR	NR	High Discharge	Bedrock	127 CY	0.001			
128-5-25	San Diego	P25-1	San Vicente Creek-San Diego River		San Vicente Creek-San Diego River	32.8820251420	-118.8820172370	SNR	E	4	NR	NR	High Discharge	Bedrock	72 CY	0.001			
128-5-25	San Diego	P25-1	San Vicente Creek-San Diego River		San Vicente Creek-San Diego River	32.8820251420	-118.8820172370	SNR	E	4	NR	NR	High Discharge	Bedrock	28 CY	0.001			
128-5-25	San Diego	P25-1	San Vicente Creek-San Diego River		San Vicente Creek-San Diego River	32.8820251420	-118.8820172370	SNR	E	4	NR	NR	High Discharge	Bedrock	28 CY	0.001			
128-5-1	San Diego	P25-1	San Vicente Creek-San Diego River		San Vicente Creek-San Diego River	32.8820251420	-118.8820172370	SNR	E	5	NR	NR	High Discharge	Bedrock	21 CY	0.001			
128-5-1	San Diego	P25-1	San Vicente Creek-San Diego River		San Vicente Creek-San Diego River	32.8820251420	-118.8820172370	SNR	E	5	NR	NR	High Discharge	Bedrock	21 CY	0.001			
128-5-1	San Diego	P25-1	San Vicente Creek-San Diego River		San Vicente Creek-San Diego River	32.8820251420	-118.8820172370	SNR	E	5	NR	NR	High Discharge	Bedrock	21 CY	0.001			

Key of Abbreviations: Major and "SR" Dry Wash, "SR" Stream, "SR" Water, "SR" Feature # (e.g. 4-DW-10 means dry wash #10 on Impactor #4)

Hydrology Type: P = Perennial, I = Intermittent, E = Ephemeral

Stream Type: DW = Dry Wash, SR = Stream with no Riparian Vegetation, SRV = Stream with Riparian Vegetation, W = Wetland

Measurement Units: C = cubic yards, L = linear feet, B = bank, S = square feet

OHV = Ordinary High Water Mark

Temporary Impact: TCDP = Temporary Construction and Maintenance Pad, CR = Construction Yard, TR = Temporary Pad

Perennial Impact: SR = Stream, SRV = Stream with Riparian Vegetation, SRP = Stream with Riparian Vegetation

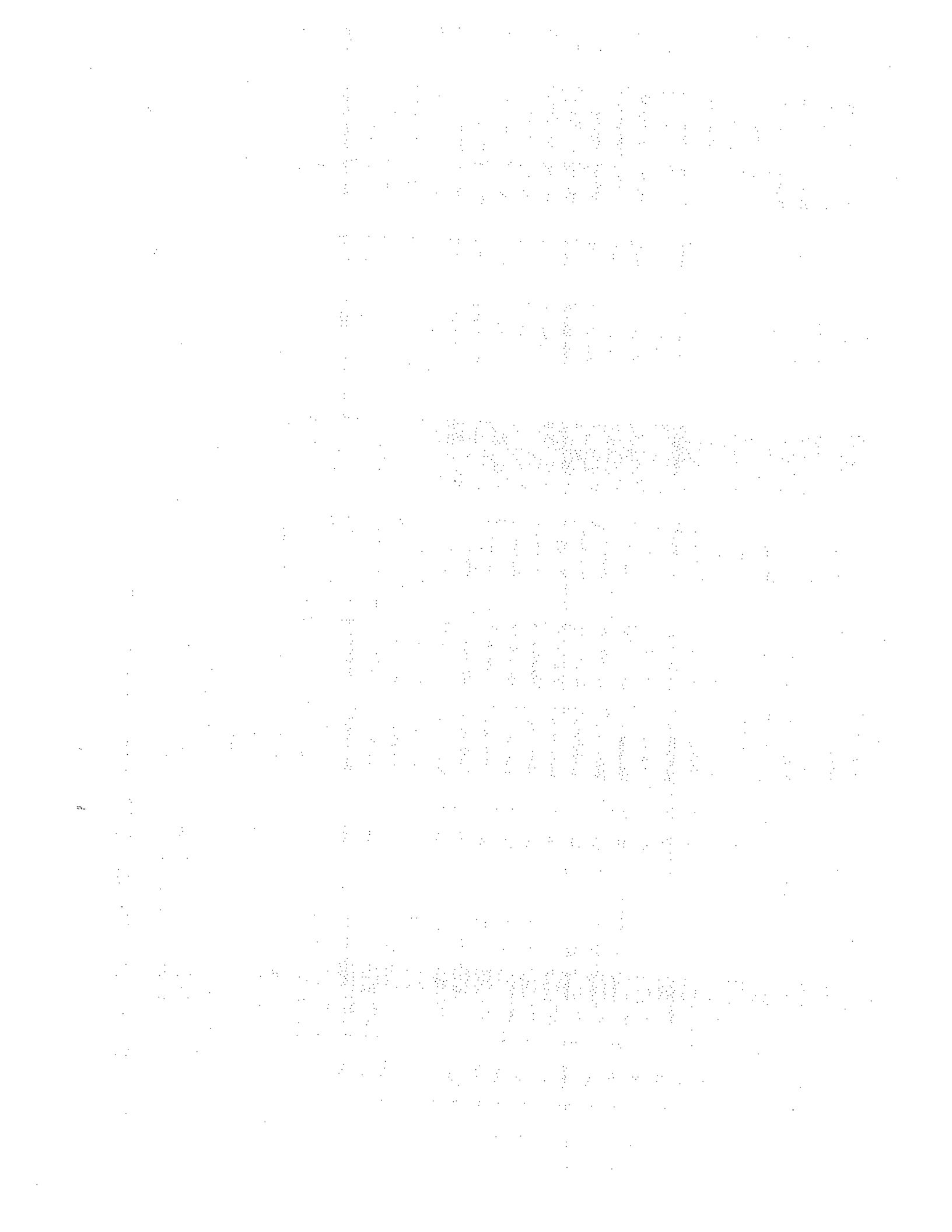
Temporary Impact: TCDP = Temporary Construction and Maintenance Pad, CR = Construction Yard, TR = Temporary Pad

1. The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that this is crucial for ensuring the integrity of the financial statements and for providing a clear audit trail. The text notes that any discrepancies or errors in the records can lead to significant complications during an audit and may result in the disallowance of certain expenses.

2. The second part of the document outlines the specific requirements for record-keeping. It states that all receipts, invoices, and other supporting documents must be retained for a minimum of three years. Furthermore, it is required that these records be organized in a systematic and accessible manner, such as by date or by category, to facilitate the audit process. The document also mentions that digital records are acceptable, provided they are secure and can be easily accessed and verified.

3. The third part of the document provides guidance on how to handle common situations that may arise during the record-keeping process. For example, it addresses the issue of lost receipts, suggesting that a copy of the receipt should be made and the original should be replaced as soon as possible. It also discusses the treatment of cash transactions, noting that these should be recorded in a separate ledger and supported by bank statements or other reliable evidence. The text concludes by reminding the reader that thorough and accurate record-keeping is not only a legal requirement but also a best practice for sound financial management.

ENCLOSURE 5



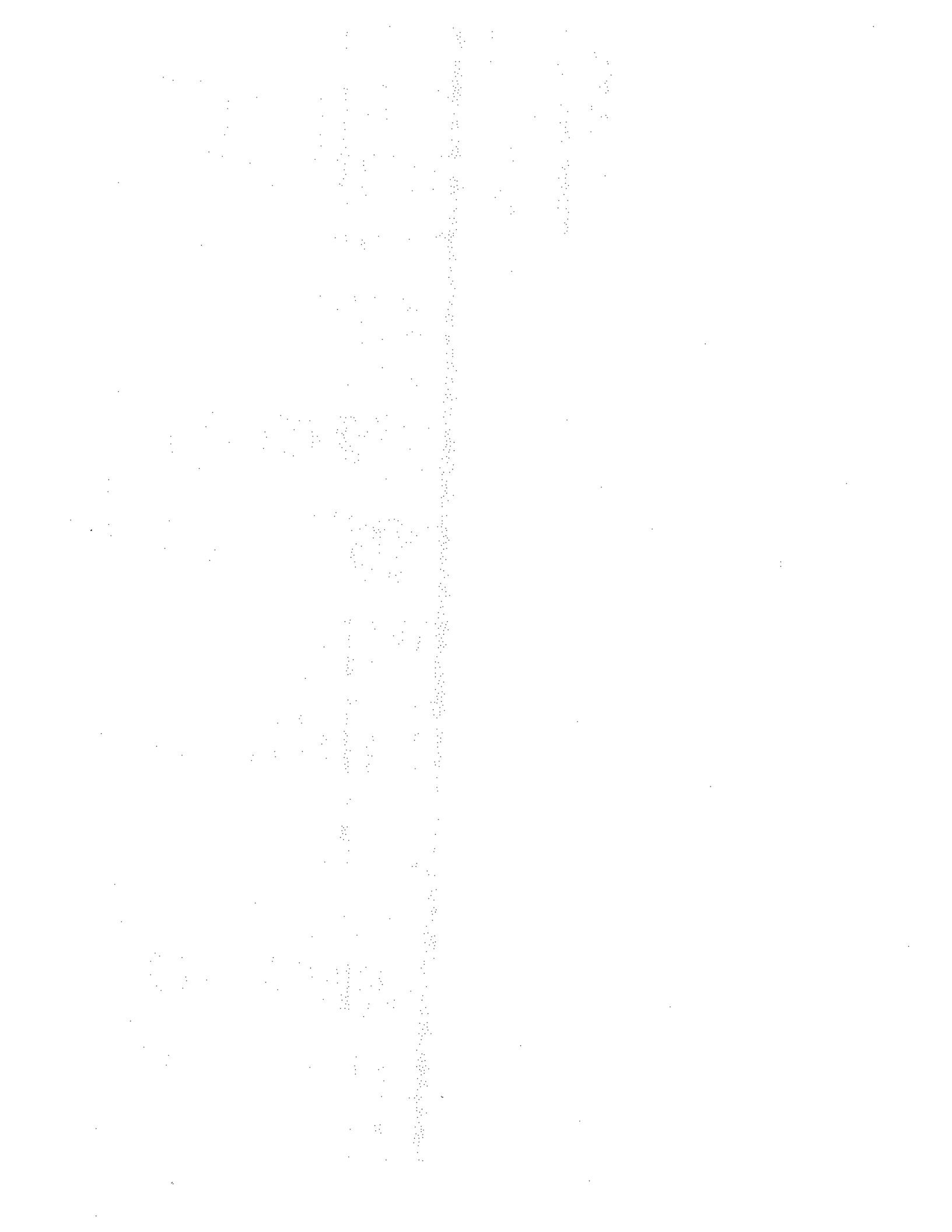
Watershed GRS ID #	Project Location (City)	Project Location in California (County)	Nearest Structure Number	Threat to Nearest Downstream Watershed	Watershed (HUC 8)	Watershed (HUC 12)	Latitude (NAD83)	Longitude (NAD83)	Stream Type (RHR or SRV)	Hydrology Type (E)	OHMMA Width (ft)	Permanant Impact Type (A/R Access Road)	Permanant Impacts: Area (acres)	Permanant Impacts: Linear (feet)
86-S-6	Central Mountain	San Diego	P128	La Posta Creek	Cottonwood Creek-Tijuana River	La Posta Creek	32.74572071280	-118.41395038900	SNR	E	1.0	Access Road	0.000	6
85-S-7	Central Mountain	San Diego	P128	La Posta Creek	Cottonwood Creek-Tijuana River	La Posta Creek	32.74549835850	-118.41456501800	SNR	E	1.0	Access Road	0.000	2
85-S-11	Central Mountain	San Diego	P127	La Posta Creek	Cottonwood Creek-Tijuana River	La Posta Creek	32.74269547890	-118.41698922800	SNR	E	1.0	Access Road	0.000	6
85-S-12	Central Mountain	San Diego	P127	La Posta Creek	Cottonwood Creek-Tijuana River	La Posta Creek	32.74222698570	-118.41732828100	SNR	E	1.0	Access Road	0.000	18
85-S-18	Central Mountain	San Diego	P127	La Posta Creek	Cottonwood Creek-Tijuana River	La Posta Creek	32.74222698570	-118.41732828100	SNR	E	4.0	Access Road	0.001	10
85-S-5	Central Mountain	San Diego	P125	La Posta Creek	Cottonwood Creek-Tijuana River	La Posta Creek	32.73990353590	-118.42300844800	SNR	E	2.0	Access Road	0.003	60
78-S-1	Mountain Empire	San Diego	P89-1	Campo Creek	Cottonwood Creek-Tijuana River	Campo Valley-Campo Creek	32.65516500000	-118.48770700000	SNR	E	1.0	Access Road	0.000	15
80-S-6	Mountain Empire	San Diego	P79	Hauzer Creek	Cottonwood Creek-Tijuana River	Morena Reservoir-Cottonwood Creek	32.65549918480	-118.51834495900	SNR	E	1.0	Access Road	0.000	6
83-S-4	Mountain Empire	San Diego	P85-1	Pedra Creek	Cottonwood Creek-Tijuana River	Robard Creek	32.65339772800	-118.58334433900	SNR	E	0.5	Access Road	0.009	21
88-S-7	Mountain Empire	San Diego	P80	McKinnon Canyon	Cottonwood Creek-Tijuana River	McKinnon Canyon-Cottonwood Creek	32.65270449780	-118.62681018900	SNR	E	0.5	Access Road	0.001	46
88-S-12	Mountain Empire	San Diego	P80	McKinnon Canyon	Cottonwood Creek-Tijuana River	McKinnon Canyon-Cottonwood Creek	32.65990072270	-118.62681018900	SNR	E	0.5	Access Road	0.001	46
122-S-4	Alpha	San Diego	P89-2	San Vicente Creek-San Diego River	San Vicente Creek-San Diego River	San Vicente Creek-San Diego River	32.88808672950	-118.82039030000	SNR	E	5.0	Access Road	0.003	28

Key of Abbreviations:
Watershed GRS ID# - *S* Stream - Feature #
(e.g. 122-S-4 means stream #4 on Mapsheet 122)

Hydrology Type: E= Ephemeral

Stream Type: SNR= Stream with no Riparian Vegetation
SRV= Stream with Riparian Vegetation

OHMMA= Ordinary High Water Mark
Permanant Impacts: A/R= Access Road



ENCLOSURE 6



State Water Resources Control Board



Linda S. Adams
Secretary for
Environmental Protection

Executive Office

Charles R. Hoppin, Chairman
1001 I Street • Sacramento, California 95814 • (916) 341-5603
Mailing Address: P.O. Box 100 • Sacramento, California • 95812-0100
Fax (916) 341-5621 • <http://www.waterboards.ca.gov>

Arnold Schwarzenegger
Governor

ORDER FOR CLEAN WATER ACT SECTION 401
WATER QUALITY CERTIFICATION FOR THE SAN DIEGO GAS AND ELECTRIC
COMPANY SUNRISE POWERLINK PROJECT
FILE NO. SB09015IN
U.S. ARMY CORPS OF ENGINEERS FILE NO. 2007-00704-SAS

PROJECT: Sunrise Powerlink Electric Transmission Line

APPLICANT: Mr. Don Haines
San Diego Gas and Electric Company (SDG&E)
8315 Century Park Court, CP21G
San Diego, CA 92123-1548

This Certification responds to your request on behalf of SDG&E for water quality certification for the subject project [State Water Resources Control Board File no. SB09015IN; U.S. Army Corps of Engineers (Corps) File no. 2007-00704-SAS]. Your application was received on October 15, 2009, and was determined to be complete on November 15, 2009. Numerous changes to the project were made by the applicant, and a revised application reflecting those changes was received on August 23, 2010.

ACTION

- | | |
|---|---|
| <input type="checkbox"/> Order for Standard Certification | <input type="checkbox"/> Order for Denial of Certification |
| <input checked="" type="checkbox"/> Order for Technically Conditioned Certification | <input type="checkbox"/> Order for Waiver of Waste Discharge Requirements |

AUTHORIZATION:

This Certification conditionally certifies the construction and operation by SDG&E of the Sunrise Powerlink Project (Project) as described in the Sunrise Powerlink Final Environmental Impact Report/Final Environmental Impact Statement and supporting documents. The State Water Resources Control Board (State Water Board) has reviewed these documents and has made the findings required by the California Environmental Quality Act (CEQA) Guidelines (see attachment D).

STANDARD CONDITIONS:

1. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to section 13330 of the

California Water Code (CWC) and California Code of Regulations (CCR), title 23, chapter 28, article 6 (commencing with section 3867).

2. This Certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license, unless the pertinent certification application was filed pursuant to CCR, title 23, section 3855(b), and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. This Certification is conditioned upon total payment of any fee required under CCR, title 23, chapter 28 and owed by the SDG&E. The maximum possible fee of \$40,000.00 was received with the application.

ADMINISTRATIVE CONDITIONS:

1. The State Water Board reserves the right to suspend, cancel, or modify and reissue this Certification, after providing notice to SDG&E and/or responsible contractor(s)/sub-contractor(s), if the State Water Board determines that the Project fails to comply with any of the terms or conditions of this Certification.
2. This Certification shall expire upon the expiration, retraction, or substantial modification of the Clean Water Act Section 404 permit issued by the Corps, or five (5) years from the date of issuance of this Certification, whichever comes first.
3. A copy of this Certification, the application, and all supporting documentation must be available at the Project site during construction for review by site personnel and agencies. All personnel performing work on the Project shall be familiar with the content of this Certification and its posted location on the Project site.
4. SDG&E shall grant State Water Board and Regional Water Quality Control Boards (Regional Water Board, collectively Water Boards) staff, or an authorized representative, upon presentation of credentials and other documents as may be required by law, permission to enter the Project site at reasonable times, to ensure compliance with the terms and conditions of this Certification, or to determine the impacts the Project may have on waters of the State.
5. In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, processes, or sanctions as provided for under state or federal law. For purposes of Clean Water Act section 401(d), the applicability of any State law authorizing remedies, penalties, processes, 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 Order.

6. In response to a suspected violation of any condition of this Certification, the Water Boards may require the holder of this Certification to furnish, under penalty of perjury, any technical or monitoring reports the Water Board deems appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
7. The State Water Board may add to or modify the conditions of this Certification, as appropriate, to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.) or section 303 of the Clean Water Act.
8. SDG&E shall notify the State Water Board within 24 hours of any noncompliance that may impact the beneficial uses of waters of the State (including wetlands, rivers or streams). The notification shall include the volume and type of materials discharged and recovered, measures used to contain the discharge, and measures used to prevent future discharges.
9. Permitted activities shall not result in the taking of any State endangered species, threatened species, or candidate species, or the habitat of such a species unless the activity is authorized by the California Department of Fish and Game pursuant to a permit, memorandum of understanding, or other document or program in accordance with Fish and Game Code.
10. Permitted activities must not cause a violation of any applicable water quality standards, including impairment of designated beneficial uses for receiving waters as adopted in the Water Quality Control Plan (Basin Plan) by a Regional Water Board or the State Water Board.
11. This Certification does not obviate the need to obtain other permits that may be required by federal, state, or local authorities. Failure to comply with any condition of this Certification shall constitute a violation of the Clean Water Act and the Porter Cologne Water Quality Control Act. Any such Certification previously granted shall immediately be revoked, and any or all discharges shall cease. SDG&E may then be subject to administrative and/or civil liability pursuant to Water Code section 13385.

ADDITIONAL CONDITIONS:

1. Construction and operation of the Project shall adhere to all Mitigation Measures (MMs) found in the Final Environmental Impact Report/Environmental Impact Statement and Proposed Land Use Amendment SDG&E Company Application

for the Sunrise Powerlink Project (Sunrise FEIR) issued October 17, 2008. Minor revisions to the Sunrise FEIR that may be made by the lead agencies for compliance with the CEQA or the National Environmental Policy Act (NEPA) shall be accepted under this condition when such revisions are made through appropriate legal and administrative processes. Changes to the Sunrise FEIR that may affect the State Water Board's findings pursuant to CEQA, shall result in additional review, and possible modification, revocation, or denial of certification.

2. Construction, operation, documentation and reporting for the Project shall be in compliance with the Project Final Mitigation Monitoring, Compliance, and Reporting Program (MMCRP), dated April 1, 2010, and any subsequent revisions to the MMCRP that may be prepared in order to correct minor inconsistencies, typographical errors, etc. SDG&E is responsible for successfully implementing all the adopted mitigation measures in the MMCRP.
3. As provided in MMCRP, section 2.1.1, the Contact List containing all contact information for all key Project personnel for all Project segments, including all environmental monitors, shall be provided to the State Water Board. No work on the Project that may result in a discharge to a water of the State shall be permitted until the Contact List is received by the State Water Board. The State Water Board shall be provided with any update to this Contact List in a timely manner as personnel changes occur.
4. As provided in the MMCRP, section 3.3, Communication Protocol During Construction, if an unplanned construction activity violates, or threatens to violate, water quality standards, SDG&E shall cause work to be stopped in that area immediately (as long as it can be done safely) until the State Water Board can be contacted to resolve the potential violation.
5. As provided in Mitigation Measure (MM) BIO-APM-15, emergency repairs may be required during the construction and maintenance of the Project to address situations that potentially or immediately threaten the integrity of the Project facilities. For response to emergencies that affect or have the potential to affect waters of the State, all applicable communication protocols and MMs shall be followed to the fullest extent practicable. Once the emergency has abated, any unavoidable environmental damage shall be reported to the Project biological construction monitor, who shall notify the State Water Board within 24 hours. If required by the State Water Board, SDG&E shall develop an emergency response plan following cessation of the emergency in order to mitigate for any significant water quality effects caused by the emergency response consistent with all applicable MMs and any permits issued for the Project.
6. As specified in MM WQ-APM-14, a General Permit for Storm Water Discharges Associated with Construction Activity (NPDES permit) authorization from the Water Boards shall be obtained. No work on the Project that may result in a

discharge to a water of the State shall be permitted until this authorization is obtained. SDG&E shall establish and implement a Stormwater Pollution Prevention Plan or plans (SWPPP) to minimize the hydrologic impacts of Project. Construction of the Project shall be conducted in compliance with all SWPPPs submitted by SDG&E for the Project.

7. Compensatory mitigation for effects due to the construction and operation of the Project, as provided in MM B-2a, shall be guided by, documented, and reported in compliance with Final Project Habitat Mitigation and Monitoring Plans (HMMPs) to be approved by the State Water Board and other relevant state and federal agencies. State and federal regulations require mitigation for impacts to waters of the State, including waters of the U.S. The Final HMMP will describe how the mitigation will be accomplished, including preservation, restoration and enhancement activities, monitoring and performance criteria, and management of compensatory mitigation areas.

Pending approval of the Final HMMPs, the Conceptual HMMP revised October 2010, including all attachments and appendices, shall be accepted as a provisional HMMP for the Project, in consideration of the complexity of the ongoing transactions and planning associated with the proposed compensatory mitigation properties. Substantial changes to the Conceptual HMMP's provisions may result in additional review period, and modification, suspension, or denial of certification.

All details for the Final HMMPs, except those specified in Condition 8 below, shall be submitted to the State Water Board within 120 days of the issuance of this Certification unless an extension is requested by SDG&E and granted by the State Water Board before the 120 days have expired. Failure to meet this deadline may result in revocation of this Certification. Any such request shall specify the following:

- a. A full explanation of the reason and need for an extension.
- b. A full explanation of what steps SDG&E is taking to address the reasons for the delay.
- c. A detailed schedule for completion.

8. Property and interests in real property obtained for compensatory mitigation shall be subject to approval by the State Water Board. Management plans, as presented in the HMMPs for each parcel proposed as compensatory mitigation, will be subject to approval by the State Water Board. These plans will, at a minimum, provide detailed information of the following:

- a. Mitigation objectives, including a summary of the aquatic resource type, and acreage and/or stream reach length to be provided, the method of compensation (i.e., restoration, establishment, enhancement, and/or preservation), and the manner in which the project will properly function within a watershed to offset permitted impacts to waters of the State.

- b. Compensation Plan's scope of work.
- c. Method(s) of site protection through legal and real estate arrangements and instruments.
- d. Access to all mitigation sites for vector control purposes, if deemed necessary by the appropriate vector control agency, and for on-going maintenance and mitigation compliance review by authorized staff of any regulatory agencies.
- e. Complete baseline information of all sites, including a full description of the sites' resources and ecological conditions, contributions to water quality and a description of how unavoidable impacts are offset by the acquisition and management of the sites.
- f. Performance standards, including documentation of the sites' maintenance and improvement of ecological and hydrologic functions.
- g. Plans for maintenance and long-term management, including a schedule and work plan of sufficient detail to ensure that all actions needed for accomplishment of site management goals are planned and implemented.
- h. A site monitoring plan of sufficient detail and duration to provide a record of the condition of the sites over time. The monitoring plan will account for all personnel, equipment and actions needed to observe, document and report in perpetuity all site characteristics which are intended to provide compensation for ecological and hydrological services lost due to Project construction and operation. The monitoring plan will specify the level and frequency of monitoring to be conducted at the sites. The monitoring plan will include an adaptive management element to provide for orderly management response to problems and changing conditions.
- i. Budget projections to ensure that site endowments are sufficient to provide for all necessary expenses entailed in the implementation of the plan.
- j. Specification, in detail, of all financial assurances proposed to ensure implementation of all of the plans' elements in perpetuity.
- k. Any additional information deemed necessary by the State Water Board or other relevant state or federal Agency.

The Final HMMPs shall be submitted to the State Water Board within 12 months of the issuance of this Certification unless an extension is requested by the SDG&E and granted by the State Water Board before the

12 months have expired. Failure to meet this deadline may result in revocation of this Certification. Any such request shall specify the following:

- A full explanation of the reason and need for an extension.
- A full explanation of what steps the SDG&E is taking to address the reasons for the delay.
- A detailed schedule for completion.

Full title and ownership or land transfer agreements for all compensatory mitigation properties shall be finalized before energization of Sunrise Powerlink Transmission Line, unless an extension is requested by the SDG&E and granted by the State Water Board. Any such request shall specify the following:

- A full explanation of the reason and need for an extension.
- A full explanation of what steps the SDG&E is taking to address the reasons for the delay.
- A detailed schedule for completion.

9. Compensation for Permanent and Temporary Impacts: The compensatory mitigation ratio for permanent and temporary impacts to waters of the State shall be as shown in Tables 1 and 2 below. Exact mitigation ratios achieved under the Final HMMPs may vary slightly, but shall not be substantially lower than those presented in this Certification. Details for compliance with this condition shall be specified in the Final HMMPs as described in Conditions 7 and 8.

Table 1. Summary of Sunrise Powerlink Project Mitigation for Permanent Impacts to Waters of the State

Habitat Type	Permanent Impacts	Off-site Restoration Mitigation Acreage	Off-site Enhancement Mitigation Acreage	Off-site Preservation Acreage for Permanent impacts (after subtracting Temporary Impact preservation—see Table 2)	Total Mitigation Acreage for Permanent Impacts	Permanent Impact Mitigation Ratio
Desert Dry Washes	2.72	0	4.04	72.94	77.98	29 ¹
Other Streams ²	2.71	0.04	2.14	0.41	2.59	1
Wetlands	0.08	0	7.52	11.11	18.63	233
Total	5.51	0.04	13.70	85.86	99.6	15.1 ³

1. Combines restoration, enhancement, and preservation acres. Final HMMP will reflect final allocation of preservation and non-preservation ratios.
2. Other Streams include both non-vegetated streams to Top of Bank and riparian habitat, when present.
3. Based on weighted average

Table 2. Summary of Sunrise Powerlink Project Mitigation for Temporary Impacts to Waters of the State

Habitat Type	Temporary Impacts	On-site Habitat Replacement Acreage	Temporary Impacts Replacement On-site Ratio	Off-site Preservation Acreage	Temporary Off-site Mitigation Ratio
Desert Dry Washes	7.3	7.3	1:1	14.6	2:1 ¹
Other Streams ²	0.9	0.9	1:1	1.08	2:1
Wetlands	0	NA	NA	NA	NA
Total	8.2	8.2	1:1	16.4	2:1 ³

1. Combines restoration, enhancement, and preservation acres. Final HMMP will reflect final allocation of preservation and non-preservation ratios.
2. Other Streams include both non-vegetated streams to Top of Bank and riparian habitat, when present.
3. Based on weighted average.

10. In reference to MM B-1a, any impacts associated with unauthorized activity (e.g., exceeding approved construction footprints into a wetland) shall be mitigated at a 5:1 ratio (all ratios are expressed as mitigation: impact), except in Flat-Tailed Horned Lizard Management Areas (FTHL MA) where a ratio of 5.5:1 shall apply. Restoration of the unauthorized impacts shall be credited at a 1:1 ratio (i.e., mitigated by in-place habitat restoration); the remaining 4:1 (or 4.5:1 in FTHL MA) shall be acquired off-site as restoration or enhancement mitigation sites. If preservation sites are offered as off-site compensatory mitigation for unauthorized activity, the minimum acceptable ratio shall be 11:1. Details for compliance with this Condition shall be specified in the final HMMP as described in Conditions 7 and 8.
11. Parcels proposed for compensatory mitigation through preservation must meet the criteria found in the Code of Federal Regulations, title 33, section 332.3(h).
12. Where on-site restoration of vegetation and landforms are planned, SDG&E shall identify a qualified Habitat Restoration Specialist who shall prepare a Habitat Restoration Plan as provided in MM B-1a. The Habitat Restoration Plan shall be subject to approval by the State Water Board. SDG&E shall be responsible for the implementation of the Habitat Restoration Plan.
13. Construction and operation of Project shall comport with the "2009/2010 Weed Control Plan for the Environmentally Superior Southern Route of the SDG&E Sunrise Powerlink Project" as prepared by RECON Environmental, dated September 2, 2009, and as specified in MM B-3a.
14. All construction, maintenance, and removal of roads shall be conducted in a manner that avoids and minimizes road-related erosion and hydromodification. At a minimum, road construction and maintenance for the Project shall be conducted in accordance with BIO-APM-5, WQ-APM-15 and the following reports and plans:
 - a. *Final Basis of Design Report – Sunrise Powerlink 230kV & 500kV Access Roads and Maintenance Pads*. (Prepared by: Bureau Veritas, North America, Inc., 11590 West Bernardo Court, Suite 100, San Diego, CA 92717-1624). (August 6, 2010.)
 - b. *SDG&E Access Road Maintenance Guidelines*, Provided to Cleveland National Forest to support Category 3, 2010 Road Maintenance Submittal (eTS 20281). (May 21, 2010.)
 - c. *SDG&E Water Quality Construction Best Management Practices Manual*, (URS Project No. 27644947.03 B00, December 2002).
 - d. *SDG&E Design and Procedure Manual* (Provided as Appendix C of the Basis of Design Report).

e. Final Grading Plans for all segments.

Road construction, maintenance, or removal specifications that may be conditions of the U.S. Forest Service Special Use Permit or the Bureau of Land Management (BLM) Right of Way Grant shall supercede documents cited above in condition 14.

Any specifications found in the documents cited above in condition 14 which may be at variance with the mitigation measures specified in the Project Sunrise FEIR or the conditions of this Certification Order shall be superseded by those mitigation measures or conditions.

15. Through-cut roads can be a significant source of discharge of fill into streams and wetlands. (Through-cut roads are roads of any gradient, with or without sideboard ditches on one or both sides, with a running surface that is lower than the surrounding terrain on both sides of the road.) Provision for through-cut roads is made in section 6.2 of the *Sunrise Basis of Design Road Report* (Bureau Veritas, 2010). Drainage for through-cut roads shall be as specified for water bars for all roads in the *Sunrise Basis of Design Road Report* (BOD), Table 2, Criteria 11. When a need is encountered for construction or maintenance of new or existing through-cut roads of any gradient that are not described in section 6.2 of the BOD, the State Water Board shall be notified of the circumstance and provided with a description of the site and the provisions for drainage of the site for approval.
16. To avoid potential adverse effects to watershed functions by the Project's temporary and permanent access roads, structure pads and other facilities, and to comply with WQ-APM-1, and with section 5.5 of the *SDG&E Project Design and Procedure Manual*, historic runoff patterns shall be maintained where possible.
17. Appropriate soil erosion prevention and control Best Management Practices (BMPs) shall be implemented throughout the construction and maintenance of the Project. Erosion control BMPs shall be implemented to the minimum standards presented in the *SDG&E Water Quality Construction Best Management Practices Manual*.
18. The discharge of petroleum products or other pollutants to surface waters that may result in violation of water quality standards is prohibited. Activities shall not cause visible oil, grease, or foam in the work area or downstream.
19. Fueling, lubrication, maintenance, storage, and staging of vehicles and equipment shall not occur in or within 200 feet of any waters of the State or any area that could affect a water of the State. Fueling, lubrication, maintenance,

storage, and staging of vehicles and equipment shall not result in a discharge or a threatened discharge to any waters of the State.

20. Variances for minor changes to the approved Project plans issued according to the procedures specified in the MMCRP (especially Sections 2.1, 3.4, 4.1 and 4.2) shall be recognized by this Certification Order as part of the Project. Mitigation for impacts to waters of the State that may occur as a result of approved variances shall be provided according to the MMCRP, HMP, and all conditions of this Certification Order. Accounting of any additional or new permanent or temporary impacts to waters of the State which may have occurred as a result of approved variances shall be provided at the end of construction so that appropriate mitigation can be obtained and documented.

21. Reporting -- Notifications and reports shall be directed to: Program Manager, Certification and Wetlands Program at the following State and appropriate Regional Water Board offices:

State Water Resources Control Board
Division of Water Quality – 401 Certification and Wetland Program
1001 "I" Street, 15th Floor
Sacramento, CA 95814-2828

San Diego Regional Water Quality Control Board
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

Colorado Basin Regional Water Quality Control Board
73-720 Fred Waring Drive, Suite 100
Palm Desert, CA 92260-7002

STATE WATER BOARD CONTACT PERSON:

If you have any questions, please contact State Water Board Environmental Scientist Cliff Harvey at (916) 558-1709, via e-mail at charvey@waterboards.ca.gov, or by mail at:


State Water Resources Control Board,
401 Certification & Wetland Program
1001 I Street, 15-55c
Sacramento, CA 95814-2828.

WATER QUALITY CERTIFICATION:

I hereby issue an order certifying that as long as all of the conditions listed in this Certification or incorporated by reference are met, any discharge from the Project will comply with the applicable provisions of Clean Water Act 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). This discharge is also regulated pursuant to State Water Board Water Quality Order No. 2003-0017-DWQ which authorizes this Certification to serve as Waste Discharge Requirements pursuant to the Porter-Cologne Water Quality Control Act.

Except insofar as may be modified by any preceding conditions, all Certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the Project Information Sheet (Attachment B), and (b) compliance with all applicable requirements of the State and Regional Water Boards' Water Quality Control Plans, the Sunrise FEIR and all other documents incorporated by reference.


Thomas Howard
Executive Director
State Water Resources Control Board

11/9/2010
Date

- Attachments (10):
- A. Signatory Requirements
 - B. Project Information Sheet
 - C. Project Area Map (Attachment A, Project Segments Map, of the Project Mitigation Monitoring, Compliance, and Reporting Program).
 - D. CEQA Responsible Agency Findings
 - E. Sunrise Powerlink Conceptual Habitat Mitigation and Monitoring Plan
 - F. Final Basis of Design Report – Sunrise Powerlink 230kV & 500kV Access Roads and Maintenance Pads
 - G. SDG&E Access Road Maintenance Guidelines
 - H. SDG&E Water Quality Construction Best Management Practices Manual
 - I. SDG&E Design and Procedure Manual
 - J. Sunrise Powerlink Project Mitigation and Monitoring Compliance Plan

ENCLOSURE 7



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
Carlsbad Fish and Wildlife Office
6010 Hidden Valley Road, Suite 101
Carlsbad, California 92011



In Reply Refer To:
FWS-SDG/IMP-08B0243-11F0130

DEC 3 2010

Colonel R. Mark Toy
U.S. Army Corps of Engineers
Los Angeles District
P.O. Box 532711
Los Angeles, California 90053-2325

Attention: Shanti Santulli

Subject: Formal Section 7 Consultation for the Construction and Long-Term Operations and Maintenance Program for the Sunrise Powerlink Project, Imperial and San Diego Counties, California

Dear Colonel Toy:

This document transmits our biological and conference opinion based on our review of the proposed Sunrise Powerlink Project (SRPL Project) and its effects on the federally threatened coastal California gnatcatcher (*Poliotilta californica californica*, "gnatcatcher") and its designated critical habitat; the federally endangered least Bell's vireo (*Vireo bellii pusillus*, "vireo"), Quino checkerspot butterfly (*Euphydryas editha quino* "Quino") and its designated critical habitat, Peninsular bighorn sheep (*Ovis canadensis nelsoni*, "PBS") and its designated critical habitat, and arroyo toad [*Anaxyrus californicus* (*B. microscaphus* c.)] and its proposed critical habitat; and the federally proposed flat-tailed horned lizard (*Phrynosoma mcallii*, "FTHL"), in accordance with section 7 of the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*). We initiated formal consultation on October 20, 2010, the date we received your request.

Your agency determined that the proposed project is not likely to adversely affect the vireo. We believe the project will remove sufficient riparian habitat to adversely affect vireo, though we concur that the project will not result in incidental take of vireo based on the measures being implemented by the project applicant, SDG&E, to avoid and minimize impacts to this species. Thus, we have included vireo as one of the species covered by this consultation.

This biological and conference opinion is based on information provided in the *Biological Assessment for the Sunrise Powerlink Project* dated October 2010 and other extensive information available in our files for the SRPL Project. The complete project file addressing this consultation is maintained at the Carlsbad Fish and Wildlife Office.

TAKE PRIDE
IN AMERICA 

The SRPL Project includes construction and operations and maintenance (O&M) by SDG&E of a new 188-kilometer (km) [117-mile (mi)] transmission line and related facilities in Imperial and San Diego counties. SDG&E has applied to your agency, the U.S. Army Corps of Engineers (Corps), to discharge fill material into waters of the U.S. to construct and operate and maintain the SRPL Project. Authorization is sought through Nationwide Permit (NWP) 12, which addresses utility line activities, and NWP 3, which addresses maintenance of existing facilities. Construction and O&M of the SRPL Project will affect federally listed and proposed endangered and threatened species and associated designated and proposed critical habitats as identified above. The proposed action by the Corps addressed by this formal consultation is the issuance of 135 permits under NWP 12 and additional permits under NWP 3 to facilitate construction and O&M of the SRPL Project.

On November 10, 2010, we issued a biological and conference opinion to the Bureau of Land Management (BLM) and the U. S. Forest Service (USFS) addressing the SRPL Project. The SRPL Project affects lands under the jurisdiction of these two Federal agencies. Our formal consultation with these two agencies and SDG&E, as the non-Federal agency lead representative, addressed impacts to federally listed endangered, threatened, and proposed species and their associated designated and proposed critical habitats within an action area covering the entire SRPL Project (i.e., private and public lands).

In our 2010 biological and conference opinion issued for the SRPL Project as a result of our consultation with the BLM and USFS, we concluded that the effects of the SRPL Project and the level of anticipated take in the action area were not likely to result in jeopardy to the gnatcatcher, vireo, Quino, arroyo toad, PBS, or FTHL or to result in destruction or adverse modification of designated critical habitat for the gnatcatcher, Quino, and PBS or proposed critical habitat for the arroyo toad. Your proposed action to issue permits under NWP 12 and NWP 3 are for the same project evaluated in our 2010 biological and conference opinion – that is, all activities proposed to take place in waters of the U.S. were evaluated as part of the analyses conducted for construction of the project as a whole; thus, we do not anticipate issuance of permits by the Corps for the SRPL Project to result in any additional adverse effects to the federally listed species or designated or proposed critical habitats evaluated in the 2010 biological and conference opinion for the SRPL Project.

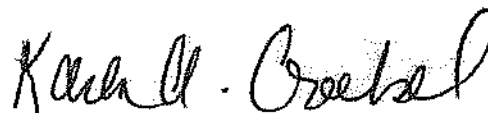
No incidental take of vireo or PBS was identified by the 2010 biological and conference opinion or exempted within the incidental take statement. No incidental take of gnatcatcher, Quino, arroyo toad, or FTHL beyond that anticipated in the opinion will occur as a result of the Corps' proposed action. Therefore, it is our conclusion that issuance of NWPs by the Corps to facilitate construction and O&M of the SRPL Project is not likely to result in jeopardy to the gnatcatcher, vireo, Quino, arroyo toad, PBS, or FTHL or to result in destruction or adverse modification of designated critical habitat for gnatcatcher, Quino, and PBS or proposed critical habitat for arroyo toad.

By this consultation, we are extending to the Corps the take coverage for gnatcatcher, Quino, arroyo toad, and FTHL already provided to the BLM, USFS, and SDG&E under the incidental take statement in the 2010 biological and conference opinion. A copy of the 2010 biological and conference opinion, including the incidental take statement, was provided to your agency on November 22, 2010.

This concludes formal consultation and conference on the proposed action. As provided in 50 CFR §402.16, reinitiation of formal consultation is required where discretionary Federal agency involvement or control over the action has been retained (or is authorized by law) and if: 1) the amount or extent of incidental take is exceeded; 2) new information reveals effects of the proposed action that may affect listed species or critical habitat in a manner or to an extent not considered in this opinion; 3) the agency action is subsequently modified in a manner that causes an effect to listed species or critical habitat that was not considered in this opinion; or 4) a new species is listed or critical habitat is designated that may be affected by the proposed action. In instances where the amount or extent of incidental take is exceeded, any operations causing such take must cease pending reinitiation.

If you have any questions regarding this biological or conference opinion, please contact Karen Goebel or Eric Porter of this office at (760) 431-9440.

Sincerely,



Karen A. Goebel
Assistant Field Supervisor

Enclosure

cc:

Sean Skaggs, SDG&E
Don Haines, SDG&E
Ed Pert, CDFG
Erin Wilson, CDFG

THE HISTORY OF THE UNITED STATES

The history of the United States is a complex and multifaceted story that spans centuries. It begins with the early Native American civilizations, such as the Mayans, Aztecs, and Incas, who built sophisticated societies in the Americas. The arrival of European explorers in the late 15th century marked the beginning of a new era, as they sought to establish trade routes and colonies. The United States was founded in 1776, and its early years were characterized by a struggle for independence from British rule. The American Revolution (1775-1783) was a pivotal moment in the nation's history, leading to the signing of the Declaration of Independence and the establishment of the United States as a sovereign nation. The early years of the republic were marked by a period of growth and expansion, as the United States acquired new territories and states. The Louisiana Purchase of 1803 and the Texas Annexation of 1845 were significant events that shaped the nation's geography and demographics. The mid-19th century was a period of intense social and political conflict, particularly over the issue of slavery. The Civil War (1861-1865) was a defining moment in the nation's history, leading to the abolition of slavery and the preservation of the Union. The Reconstruction era (1865-1877) was a period of significant change and challenge, as the nation sought to rebuild and integrate the newly freed African American population. The late 19th and early 20th centuries were marked by a period of rapid industrialization and economic growth, but also by social and political tensions. The Progressive Era (1890s-1920s) was a period of reform and social change, as reformers sought to address the problems of industrialization and improve the lives of the working class. The United States emerged as a global superpower in the early 20th century, and its role in the world became increasingly prominent. The two world wars (1914-1918 and 1939-1945) were defining moments in the nation's history, leading to the establishment of the United Nations and the United States' emergence as a global superpower. The Cold War (1945-1991) was a period of intense global tension and competition between the United States and the Soviet Union. The end of the Cold War and the beginning of the 21st century have been marked by significant social and political changes, including the rise of the Internet and the challenges of globalization. The United States continues to play a central role in the world, and its history remains a source of inspiration and reflection for people around the globe.

The history of the United States is a story of resilience, innovation, and the pursuit of a better life. It is a story that has shaped the world and continues to shape the future. The United States is a nation of immigrants, and its history is a testament to the power of the American dream. The United States is a nation of freedom, and its history is a testament to the power of democracy. The United States is a nation of hope, and its history is a testament to the power of the human spirit.

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ENCLOSURE 8

Enclosure 8

Transfer Statement

To validate the transfer of this nationwide permit verification from the current permittee to a transferee, pursuant to nationwide permit General Condition 25 described below, the following steps must be completed. The transferee must add their contact information to the **Name of Transferee** block below and must sign and date this Transfer Statement. The completed Transfer Statement and a copy of the original nationwide permit verification then must then be mailed to the Corps of Engineers. Receipt of this information by the Corps of Engineers completes the transfer process.

Current Nationwide Permit Verification

Permit Number:

Date of Issuance:

Name of Permittee:

General Condition 25. *Transfer of Nationwide Permit Verifications* states

"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."

Your signature below, as transferee, indicates that you accept and agree to comply with all terms and conditions of this nationwide permit authorization

Name of Transferee:

(Transferee)

(Date)

