DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO CA 95814-2922

REPLY TO ATTENTION OF

July 2, 2009

Regulatory Division (SPK-2003-00654)

Sherri Berexa
Placer County Department of Public Works
3091 County Center Drive, Suite 220
Auburn, California 95603

Dear Ms. Berexa:

We are responding to your January 29, 2009, request for reauthorization of a Department of the Army permit for the Auburn-Folsom Road Widening project. This approximately 39-acre project involves activities, including discharges of dredged or fill material, in waters of the United States to widen Auburn-Folsom Road. The site is located on Linda Creek in Sections 11 and 14, Township 10 North, Range 7 East, MDB&M, Latitude 38.729072^{o} North, Longitude 121.173293^{o} West, Placer County, California.

Based on the information you provided, the proposed activity in approximately 0.12 acre of seasonal wetland and 0.07 acre of riparian streambed is authorized by Nationwide Permit Numbers 14 and 33. Your work must comply with the general terms and conditions listed on the enclosed Nationwide Permit information sheets and the following special conditions:

1. To insure Nationwide Permit compliance, the document entitled *Nationwide Permit (14 and 33) and Pre-Construction for the Auburn-Folsom Road Widening in Placer County, California*, dated March 8, 2007, is incorporated by reference as a condition of this authorization except as modified by the following special conditions:

2. All terms and conditions of the May 11, 2007, Section 401 Water Quality Certification are expressly incorporated as conditions of this permit.

3. This Corps permit does not authorize you to take an endangered species, in particular valley elderberry longhorn beetle *(Desmocerus californicus dimorphus)*, or designated critical habitat. In order to legally take a listed species, you must have separate authorization under the Endangered Species Act (e.g., an Endangered Species Act Section 10 permit, or a Biological Opinion under Endangered Species Act Section 7, with "incidental take" provisions with which you must comply). The enclosed Fish and Wildlife Service Biological Opinion (Number 1-1-03-F-0206, dated March 11, 2005), contains mandatory terms and conditions to implement the reasonable and prudent measures that are associated with "incidental take" that is also specified in the Biological Opinion. 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 Biological Opinion, 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 Biological Opinion, 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 Fish and Wildlife Service is the appropriate authority to determine compliance with the terms and conditions of its Biological Opinion, and with the Endangered Species Act. The permittee must comply with all conditions of this Biological Opinion, including those ascribed to the Corps.

4. You shall have a biologist, who is familiar with seasonal wetland, freshwater marsh, stream, and riparian habitat, monitor all construction activities within 250 feet of the project boundary. The monitor shall ensure no unauthorized activities occur within the project boundary during project implementation.

5. To mitigate for the loss of 0.07 acre of seasonal wetland and 0.05 acre of riparian streambed, you shall submit a check to this office in the amount of $30,500.00 payable to the National Fish and Wildlife Foundation (NFWF). The Corps received the check on April 16, 2007. NFWF notified the Corps the check was deposited in NFWF's South Pacific Wetlands Account on May 16, 2007. This special condition has been satisfied.

6. You shall plant and maintain regionally appropriate native riparian trees at a 1:1 replacement ratio along the affected reach of Linda Creek, to mitigate project impacts to the aquatic resource and associated habitat. Willows, oaks, alders, cottonwoods, and/or sycamores shall be planted to shade the entire stream reach. Rip-rapped areas must also be planted with native trees, using the enclosed vegetated rip-rap techniques, or other appropriate methods, to insure long-term survival of these trees.

7. You shall restore 0.05 acre of temporarily impacted seasonal wetland and 0.02 acre of temporarily impacted streambed to pre-construction contours.

8. To document pre- and post-project construction conditions, you shall submit pre-construction photos of the impacted areas prior to project implementation and post-construction photos of the project site within 30 days after project completion.

9. You must allow representatives from the Corps of Engineers to inspect the authorized activity and any mitigation, preservation, or avoidance areas at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

You must sign the enclosed Compliance Certification and return it to this office within 30 days after completion of the authorized work.

This verification is valid for two years from the date of this letter or until the Nationwide Permit is modified, reissued, or revoked, whichever comes first. Failure to comply with the General Conditions of this Nationwide Permit, or the project-specific Special Conditions of this authorization, may result in the suspension or revocation of your authorization.

We appreciate your feedback. At your earliest convenience, please tell us how we are doing by completing our customer survey at *http://www.spk.usace.army.mil/customer_survey.html*. Your passcode is "conigliaro".

Please refer to identification number SPK-2003-00654 in any correspondence concerning this project. If you have any questions, please contact Erin Hess at our California North Branch, 1325 J Street, Room 1480, Sacramento, California, 95814-2922, email

erin.e.hess@usace.army.mil, or telephone (916) 557-6740. You may also use our website: *www.spk.usace.army.mil/regulatory.html*.

Sincerely,

ORIGINAL SIGNED

Nancy A. Haley
Chief, California North Branch

Enclosures

Copy furnished without enclosures:

Tim Chamberlain, Dokken Engineering, 2365 Iron Point Road, Suite 200, Folsom, California 95630
William Marshall, Storm Water and Water Quality Certification Unit, California Regional Water Quality Control Board, Central Valley Region, 11020 Sun Center Drive #200, Rancho Cordova, California 95670-6114
Kent Smith, California Department of Fish and Game, Region 2, 1701 Nimbus Drive, Rancho Cordova, California 95670-4599
U.S. Fish and Wildlife Service, Endangered Species Division, 2800 Cottage Way, Suite W2605, Sacramento, California 95825-3901
Rodney R. McInnis, Acting Regional Administrator, National Marine Fisheries Service, 650 Capital Mall, Suite 8-300, Sacramento, California 95814-4706

COMPLIANCE CERTIFICATION

Permit File Number: SPK-2003-00654

Nationwide Permit Number: 14 and 33

Permittee: Sherri Berexa
Placer County Department of Public Works
3091 County Center Drive, Suite 220
Auburn, California 95603

County: Placer

Date of Verification: July 2, 2009

Within 30 days after completion of the activity authorized by this permit, sign this certification and return it to the following address:

U.S. Army Corps of Engineers
Regulatory Division
California North Branch
1325 J Street, Room 1480, Sacramento, California, 95814-2922
FAX: 916-557-6877

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with the terms and conditions of the permit your authorization may be suspended, modified, or revoked. If you have any questions about this certification, please contact the Corps of Engineers.

* * * * * * * * *

I hereby certify that the work authorized by the above-referenced permit, including all the required mitigation, was completed in accordance with the terms and conditions of the permit verification.

_____ _____
Signature of Permittee Date