

LOS ANGELES DISTRICT
U.S. ARMY CORPS OF ENGINEERS

DEPARTMENT OF THE ARMY PERMIT

Permittee:

California Department of Transportation

Permit Number:

90-382-EW |

Issuing Office:

Los Angeles District

Note: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: To widen and improve Interstate 5 from Genesee Avenue to north of Del Mar Heights Road and Interstate 805 from Mira Mesa Boulevard to the I-5/I-805 junction. To convert Carmel Valley Road to a four lane freeway (State Route 56), and construct the Carmel Valley Restoration and Enhancement Project as shown on the attached drawings.

Project Location: The project is located east and west of I-5 at the I-5/I-805 junction, east and west of I-5 at the I-5/Carmel Valley Road Interchange, North City West and Carmel Valley Road, San Diego County, California.

Permit Conditions

General Conditions:

1. The time limit for completing the authorized activity ends on April 1, 1995. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. 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 4 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 from this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. 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.

Special Conditions: See attached sheet.

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 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 325.7 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. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give you favorable consideration to a request for an extension of this time limit.

You signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.



(PERMITTEE)
E. J. Nyhammer, Project Manager

4/2/92

(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.



JOHN WINN
Acting Chief, Regulatory Branch
(for the District, Engineer)

4/1/92

(DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the

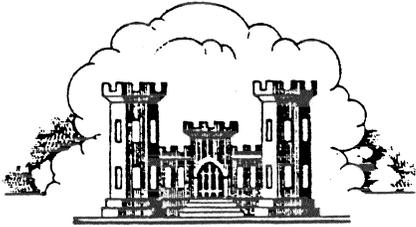
associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEEE)

(DATE)

SPECIAL CONDITIONS
PERMIT NO. 90-382-EW

1. The permittee shall comply with all aspects of the Final EIS for the I-5 widening and interchange improvements in San Diego dated February, 1991, and the EIR for the State Route 56 and the Carmel Valley Restoration and Enhancement Project dated March 16, 1990.
2. The Carmel Valley Restoration and Enhancement Project will be created prior to wetlands impacts caused by the I-5 widening project.
3. Monitoring shall occur at 3, 6, 12, 18, 24, 36, and 48 months.
4. Caltrans shall continue their biannual clapper rail surveys in the previously approved manner up to and during project construction, providing the U.S. Fish and Wildlife Service with regular monitoring reports.
5. If any clapper rails are located in the general vicinity during these surveys, the Service will be contacted immediately, work shall cease until the Service can evaluate the situation. Following an evaluation, the Service may require the initiation of formal consultation.
6. No ground disturbing activities will occur within 100 meters of the Mt. Carmel Ranch until the Memorandum of Agreement (MOA) is signed and executed by the Advisory Council on Historic Preservation (Council). If the Council requires additional information on the undertaking and the adverse effects to the Mt. Carmel Ranch, Caltrans will provide the requested information that will enable the Council the opportunity to make an informed decision and sign and execute the MOA.
7. All ground disturbing activities associated with the Mt. Carmel Ranch, and the approved mitigation will be monitored by a Caltrans staff archeologist, who will provide the Corps with a copy of the final mitigation report which will include a copy of a monitoring log.
8. All stipulations in the executed MOA will be followed and met.



LOS ANGELES DISTRICT
U.S. ARMY CORPS OF ENGINEERS

CERTIFICATION OF COMPLIANCE WITH DEPARTMENT OF THE ARMY PERMIT

Permit Number: 90-382-EW

Name of Permittee: California Department of Transportation

Date of Issuance: April 1, 1992

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

U.S. Army Engineer District
ATTN: SPLCO-R-90-382-EW
P.O. Box 2711
Los Angeles, California 90053-2325

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 permit you are subject to permit suspension, modification, or revocation.

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.

Signature of Permittee



DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, CORPS OF ENGINEERS

April 1, 1992

REPLY TO
ATTENTION OF

Office of the Chief
Regulatory Branch

Department of Transportation
Attn: Sheldon Craig, Deputy District Director
P.O. Box 85406
San Diego, California 92186-5406

Gentlemen:

In response to your application 90-382-EW dated August 23, 1990 there are enclosed two copies of a draft permit (ENG FORM 1721) authorizing you to widen and improve Interstate 5, convert Carmel Valley Road into a four lane freeway (SR 56), and construct the Carmel Valley Restoration and Enhancement Project in San Diego County, California.

THIS PERMIT WILL NOT BECOME VALID UNTIL YOU HAVE TAKEN ALL OF THE FOLLOWING STEPS:

1. The owner or authorized responsible official must sign and date all copies of the permit indicating that he/she agrees to the work as described and agrees to comply with any and all conditions stated in the permit.
2. The signer's name and title, if any, must be typed or printed below the signature.
3. One of the signed permits must be returned to the Corps of Engineers (a pre-addressed envelope is enclosed for your convenience).

If we do not receive one of the signed permits within 30 days from the date of this letter, your request for the proposed work will be withdrawn.

Also enclosed are pre-addressed postcards for you to notify this office regarding the dates for beginning and completing the authorized activity.

Sincerely,

A handwritten signature in black ink, appearing to read "John Winn", written over a large, stylized scribble.

John Winn
Acting Chief, Regulatory Branch

Enclosures



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, CORPS OF ENGINEERS
300 NORTH LOS ANGELES STREET
LOS ANGELES, CALIFORNIA 90012

October 31, 1995

Office of the Chief
Regulatory Branch

Mr. John P. Rieger, Chief
Environmental Stewardship Branch
California Department of Transportation
District 11
P.O. Box 85406
San Diego, California 92186-5406

Dear Mr. Rieger:

Reference is made to your request of September 27, 1995, to amend Permit No. 90-20382-TCD which authorized you to widen and improve Interstate 5 from Genesee Avenue to north of Del Mar Heights Road, and Interstate 805 from Mira Mesa Boulevard to the I-5/I-805 junction; to convert Carmel Valley Road to a four lane freeway (State Route 56); and to construct the Carmel Valley Restoration and Enhancement Project. The work is proposed near Oceanside, San Diego County, California.

Under the provisions of 33 Code of Federal Regulation 325.6(d), the start date is to remain the same and the completion date is extended from April 1, 1995, until December 31, 1998.

Under the provisions of 33 Code of Federal Regulation 325.7(b), Special Permit No. 4 of your permit is modified as follows:

"4. Caltrans shall continue their biannual clapper rail surveys in the previously approved manner up to and during project construction, providing the U.S. Fish and Wildlife Service with regular monitoring reports. However, surveys and monitoring reports to the Service may discontinue provided all pile driving is completed prior to February 21, 1996."

The terms and conditions of Permit No. 90-20382-TCD, except as changed herein, remain in full force and effect.

Please note that a copy of this letter is being forwarded to those agencies on the enclosed list.

Sincerely,

A handwritten signature in black ink, reading "Richard J. Schubel". The signature is written in a cursive style with a large, sweeping flourish at the end.

Richard J. Schubel
Acting Chief, Regulatory Branch

Enclosure

Copies forwarded:

Fish and Wildlife Enhancement
U.S. Fish and Wildlife Service
Attn: Mr. Jack Fancher
2730 Loker Avenue West
Carlsbad, California 92008

U.S. Environmental Protection Agency
Attn: Mr. Jeff Rosenblum
Wetlands and Dredged Material Section (W-7-2)
75 Hawthorne Street
San Francisco, California 94105

California Department of Fish and Game
Attn: Mr. Curt Taucher
330 Golden Shore, Suite 50
Long Beach, California 90802



DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, CORPS OF ENGINEERS
P.O BOX 532711
LOS ANGELES, CALIFORNIA 90053-2325

REPLY TO

May 31, 2001

Office of the Chief
Regulatory Branch

California Department of Transportation
Environmental Stewardship Branch
Attn: Mr. Bruce April
District 11
P.O. Box 85406
San Diego, California 92186-5406

Dear Mr. April:

Reference is made to your request of March 31, 2000 to amend Permit No. 902038200-MAT which authorized you to convert a portion of Carmel Valley Road to a four lane freeway (SR 56), to widen I-5 from Genesee Avenue north to Del Mar Heights Road, and widen I-805 from Mira Mesa Boulevard to the 5/805 junction in San Diego County, California.

Under the provisions of 33 Code of Federal Regulations 325.6(d), the start date is to remain the same and the completion date is extended from December 31, 1998 to December 31, 2007.

Under the provisions of 33 Code of Federal Regulations 325.7(b), your permit is modified to include authorization of the following additional impacts:

- 2.22 acres of temporary impacts to non-wetland Waters of the U.S.
- 1.29 acres of temporary impacts to wetlands (including 0.19 acre of southern willow scrub, and 1.1 acres of freshwater marsh)
- 0.47 acre permanent impacts to wetlands (southern willow scrub)

Furthermore you must comply with the following special condition:
The permittee shall provide additional mitigation by creating 1.0 acre of riparian vegetation adjacent to the northwestern boundary of Carmel Valley River Enhancement Project (CVREP), and by replanting areas of temporary impacts. All mitigation work shall be done in accordance with the *Habitat Mitigation and Monitoring Proposal for Interstate 5 Widening and Interchange Improvements Stage 3* (California Department of Transportation, May 2001).

The terms and conditions of Permit No. 902038200-MAT, except as changed herein, remain in full force and effect.

Please note that a copy of this letter is being forwarded to those agencies on the enclosed list.

Sincerely,



Mark F. Sudol, D.Env.
Chief, Regulatory Branch

Enclosure

Copies forwarded:

U.S. Fish and Wildlife Service
Attn: Bill Ostheimer
2730 Loker Avenue West
Carlsbad, California 92008

U.S. Environmental Protection Agency
Attn: Mr. Paul Michel
Watershed protection Branch
75 Hawthorne Street
San Francisco, California 94105

California Department of Fish and Game
Attn: Pam Beare
4949 View Ridge Ave.
San Diego, CA 92123