



REPLY TO  
ATTENTION OF

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

May 8, 2007

Regulatory Branch (200200538)

Robert Lee  
City of Elk Grove  
8400 Laguna Palms Way  
Elk Grove, California 95758

Dear Mr. Lee:

We are enclosing your copy of Department of the Army Permit 200200538. Please note you are only authorized to complete the work described in the permit.

If you sell the property associated with this permit, the terms and conditions of this permit will continue to be binding on the new owner. To validate the transfer of this permit, have the succeeding party sign the permit transfer section at the end of the permit and forward a copy to this office, along with their printed name, address, telephone number, and other contact information.

The time limit for completing the work is specified in General Condition 1. If the work will not be completed prior to that date, you may request a time extension. Your request for an extension must be received by this office for consideration at least 30 days before the time limit date.

Please reference identification number 200200538 in any correspondence concerning this project. If you have any questions, please contact Paul Maniccia at our Sacramento Office, 1325 J Street, Room 1480, Sacramento, California 95814-2922, email [Paul.M.Maniccia@usace.army.mil](mailto:Paul.M.Maniccia@usace.army.mil), or telephone 916-557-6704. You may also use our website: [www.spk.usace.army.mil/regulatory.html](http://www.spk.usace.army.mil/regulatory.html).

Sincerely,

Michael S. Jewell  
Chief, Regulatory Branch

Enclosure(s)

Copy furnished without enclosure(s):

Joyce Hunting, Pacific Municipal Consultants, 10461 Old Placerville Road, Sacramento, California 95827

DEPARTMENT OF THE ARMY PERMIT

RECEIVED BY

MAY 08 2007

PMC

Permittee:  
City of Elk Grove  
Robert Lee  
8400 Laguna Palms Way  
Elk Grove, California 95758

Permit Number: 200200538

Issuing Office: U.S. Army Engineer District, Sacramento  
Corps of Engineers  
1325 "J" Street  
Sacramento, California 95814-2922

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 of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below. A notice of appeal options is enclosed.

Project Description: The City of Elk Grove in coordination with Sacramento County, City of Sacramento, California Department of Transportation (Caltrans), and the Federal Highway Administration (FHWA) is proposing to reconstruct and expand the Sheldon Road/State Route 99 interchange, frontage road alignments, and access ramp alignments. The project will expand and replace the existing Sheldon Road/State Route 99 interchange, frontage road alignments, access ramps, and construction of new roadways. The two lane Sheldon Road over crossing would be replaced with a nine lane over crossing. The west bound over crossing would have three through lanes and two left turn lanes. The eastbound direction would have three through lanes and one right turn lane. Sheldon Road would be widened to provide three through lanes in each direction from Lewis Stein Road to Power Inn Road. The project will have permanent impacts to 0.66 acres and temporary impacts to 0.36 acres of waters of the U.S., including wetlands.

All work is to be completed in accordance with the attached plan(s).

Project Location: The project site is located in Elk Grove in Sections 23 and 26, Township 7 North, Range 5 East, MDB&M, Latitude 38° 26' 16.9", Longitude 121° 24' 2.72" Sacramento County, California, and can be seen on the Florin USGS Topographic Quadrangle.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on May 8, 2012. 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 of 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 in accordance with the terms and conditions of your permit.

Special Conditions:

1. To document pre and post-project construction conditions, you shall submit pre-construction photos of the project site prior to project implementation and post-construction photos of the project site, including those features depicted as waters of the U.S., as shown on the April 25, 2007, wetland delineation verification map within 30 days after project completion.
2. All terms and conditions of the July 18, 2006, Section 401 Water Quality Certification (WDID#5A34CR00294) are expressly incorporated as conditions of this permit.
3. 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.
4. This Corps permit does not authorize you to take an endangered species, in particular the giant garter snake (*Thamnophis gigas*), valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*), vernal pool fairy shrimp (*Branchinecta lynchi*), vernal pool tadpole shrimp (*Lepidurus packardii*), 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 1-1-06-F-0201, dated August 18, 2006), 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 the incidental take statement in 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.

5. You shall plant and maintain regionally appropriate native riparian vegetation at a 1:1 replacement ratio along the affected reach of Whitehouse Creek, to mitigate project impacts to the aquatic resource and associated habitat along this waterway. Native riparian vegetation shall be planted to shade the impacted reach of Whitehouse Creek. Rip-rapped areas must also be planted with native vegetation, using the enclosed vegetated rip-rap techniques, or other appropriate methods, to insure long-term survival of these trees.

6. To mitigate for the permanent loss of 0.50 acres and the direct temporary impacts to 0.28 acres of waters of the U.S., you shall purchase 0.54 seasonal wetland credits and 0.60 vernal pool credits at a Corps approved wetland mitigation bank, Elsie Gridley Mitigation Bank. Evidence of this purchase shall be provided to this office prior to proceeding with any activity otherwise authorized by this permit.

7. To mitigate for the permanent loss of 0.16 acres of seasonal drainages and direct temporary impacts to 0.08 acres of seasonal drainages, you shall create on-site 0.19 acres of seasonal drainages adjacent to the roadway. These drainages shall be designed to approximate current dimensions and shall be vegetated with a native seed mix. You shall submit scaled plan and profile drawings of these drainages and their proximity to the project prior to proceeding with any activity otherwise authorized by this permit.

8. You shall have a biologist, who is familiar with vernal pool habitats, monitor all construction activities within 250 feet of the preserve boundary. The monitor shall ensure no unauthorized activities occur within the avoided waters of the U.S., including wetlands during project implementation.

9. You shall design and construct all crossings of waters of the United States to retain a natural substrate, and to accommodate all reasonably foreseeable wildlife passage and expected high flows.

10. To prevent unauthorized access and disturbance, you shall, prior to proceeding with any activity otherwise authorized by this permit, install fencing and appropriate signage around the entire perimeter of avoided waters of the U.S, including wetlands within the project area. All fencing surrounding avoidance areas shall allow unrestricted visibility of these areas to discourage vandalism or disposing of trash or other debris in these areas. An example of fencing includes chain link or similar type.

11. You shall provide a copy of the approved Storm Water Pollution Prevention Plan prior to proceeding with any activity otherwise authorized by this permit.

12. We understand the Federal Highway Administration is the lead federal agency for this project, and as such, will insure the work complies with the National Environmental Policy Act, the Endangered Species Act, the National Historical Preservation Act, and any other applicable federal laws. This authorization is contingent upon the permittee implementing all actions necessary to comply with these requirements.

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 projects.
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 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 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 measures 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 favorable consideration to a request for an extension of this time limit.

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

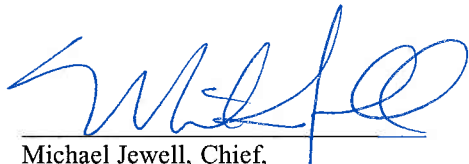
*Cheryl Creson*

*Cheryl Creson*  
Permittee

5/7/07  
Date

Director of Public Works

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



Michael Jewell, Chief,  
Regulatory Branch  
(For the District Engineer)

8 MAY 07  
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.

\_\_\_\_\_  
Transferee

\_\_\_\_\_  
Date

