



**DEPARTMENT OF THE ARMY**  
**CORPS OF ENGINEERS, LOS ANGELES DISTRICT**  
1451 Research Park Drive, Suite 100  
Riverside, California 92507

November 30, 2018

**SUBJECT: Nationwide Permit (NWP) Number 39, Commercial and Institutional Developments Verifications**

Cheryl Webb  
Pierer Immoreal North America, LLC  
38429 Innovation Court  
Murrieta, California 92563

Dear Ms. Webb:

I am responding to your request (SPL-2018-00582-PJB) for a Department of the Army permit for your proposed project, KTM Culvert Replacement and Maintenance on an existing culvert. The proposed project is located in APN Parcel #963-939-002 on the south side of the property in Section 18 Northwest, Township 7 South, Range 2 West and is approximately 57 acres in size, near the city of Murrieta, Riverside County, California (Figure 1).

For the development of APN Parcel #963-939-002, the Applicant would underground flows from the outlet of Feature 1 at Winchester Road to the inlet of the culvert at the southwest corner of the property under Winchester Road, with a 66-inch concrete culvert (Figures 1 and 2). Additionally, Feature 2, a small stream that collects drainage from Winchester Road that enters onto the property (APN Parcel #963-939-002) would be filled with clean soil (Figures 1 and 2).

Because this project would result in a discharge of fill material into waters of the U.S., a Department of the Army permit is required pursuant to Section 404 of the Clean Water Act (33 USC 1344; 33 CFR parts 323 and 330).

I have determined construction of your proposed project, if constructed as described in your application, would comply with Nationwide Permit #39, Commercial and Institutional Developments. Specifically, and as shown in the enclosed Figure 1 you are authorized to:

1. Specifically, and as shown in Figures 1 and 2, this verification authorizes the permanent discharge of 1,200 cubic yards (CY) of fill material, specifically a 66- inch concrete culvert into 0.067 acre/1,005 linear feet (LF) of jurisdictional non-wetland waters of the U.S., specifically the stream segments identified as Feature 1, for the purpose of passing flows from Feature 1 to the culvert at the southwest corner of APN#963-939-002.
2. Specifically, and as shown in Figures 1 and 2, this verification authorizes the permanent discharge of 40 cubic yards (CY) of fill material, specifically clean soil into 0.007 acre/110 linear feet (LF) of jurisdictional non-wetland waters of the U.S., specifically the stream segment identified as Feature 2, for the purpose of filling Feature 2, so as to avoid drainage from Winchester Road entering the property (APN#963-939-002).

For this NWP verification letter to be valid, you must comply with all of the terms and conditions in Enclosure 1. Furthermore, you must comply with the non-discretionary Special Conditions listed below:

1. Prior to initiating construction in waters of the U.S., the Permittee shall submit to the Corps Regulatory Division a complete set of final detailed grading/construction plans showing all work and structures in waters of the U.S. All plans shall be in compliance with the Final Map and Drawing Standards for the South Pacific Division Regulatory Program dated February 10, 2016 (<http://www.spd.usace.army.mil/Missions/Regulatory/PublicNoticesandReferences/tabid/10390/Article/651327/updated-map-and-drawing-standards.aspx>). All plan sheets shall be signed, dated, and submitted on paper no larger than 11x 17 inches. No work in waters of the U.S. is authorized until the Permittee receives, in writing (by letter or email), Corps Regulatory Division approval of the final detailed grading/construction plans. The Permittee shall ensure that the project is built in accordance with the Corps-approved plans.
2. The Permittee shall clearly mark the limits of the workspace with flagging or similar means to ensure mechanized equipment does not enter preserved waters of the U.S. and riparian wetland/habitat areas shown on Figure 2. Adverse impacts to waters of the U.S. beyond the Corps-approved construction footprint are not authorized. Such impacts could result in permit suspension and revocation, administrative, civil or criminal penalties, and/or substantial, additional, compensatory mitigation requirements.

#### Endangered Species Act:

3. This Corps permit does not authorize you to take any threatened or endangered species or adversely modify its 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 (Opinion) under ESA Section 7, with "incidental take" provisions with which you must comply.

#### Cultural Resources:

4. Pursuant to 36 C.F.R. section 800.13, in the event of any discoveries during construction of either human remains, archeological deposits, or any other type of historic property, the Permittee shall notify the Corps' Archeology Staff within 24 hours (Danielle Storey at 213-452-3855 or Meg McDonald at 213-452-3849) or Corps staff (Peggy Bartels at 951-276-6624). 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 the potential cultural resources until the Corps Regulatory Division re-authorizes project construction, per 36 C.F.R. section 800.13.

#### Section 401 Water Quality Certification:

5. This permit is contingent upon the issuance of a Section 401 of the Clean Water Act Water Quality Certification (WQC) from the San Diego Regional Water Quality Control Board (RWQCB). The Permittee shall abide by the terms and conditions of the Clean Water Act Section 401 WQC. The Permittee shall submit the Section 401 WQC to the Corps Regulatory Division

(preferably via email) within two weeks of receipt from the issuing state agency. The Permittee shall not proceed with construction until receiving an email or other written notification from Corps Regulatory Division acknowledging the Clean Water Act Section 401 WQC has been received, reviewed, and determined to be acceptable. If the RWQCB fails to act on a request for certification within 60 days after receipt of a complete application, please notify the Corps so we may consider whether a waiver of water quality certification is warranted pursuant to 33 CFR 325.2(b)(1)(ii).

This verification is valid through March 18, 2022. If on March 18, 2022 you have commenced or are under contract to commence the permitted activity you will have an additional twelve (12) months to complete the activity under the present NWP terms and conditions. However, if I discover noncompliance or unauthorized activities associated with the permitted activity I may request the use of discretionary authority in accordance with procedures in 33 CFR part 330.4(e) and 33 CFR part 330.5(c) or (d) to modify, suspend, or revoke this specific verification at an earlier date. Additionally, at the national level the Chief of Engineers, any time prior to March 18, 2022, may choose to modify, suspend, or revoke the nationwide use of a NWP after following procedures set forth in 33 CFR part 330.5. It is incumbent upon you to comply with all of the terms and conditions of this NWP verification and to remain informed of any change to the NWPs.

A NWP does not grant any property rights or exclusive privileges. Additionally, it does not authorize any injury to the property, rights of others, nor does it authorize interference with any existing or proposed Federal project. Furthermore, it does not obviate the need to obtain other Federal, state, or local authorizations required by law.

Thank you for participating in the Regulatory Program. If you have any questions, please contact Peggy Bartels at (951) 276-6624 or via e-mail at [Peggy.J.Bartels@usace.army.mil](mailto:Peggy.J.Bartels@usace.army.mil). Please help me to evaluate and improve the regulatory experience for others by completing the [customer survey](http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey) form at [http://corpsmapu.usace.army.mil/cm\\_apex/f?p=regulatory\\_survey](http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey).

Sincerely,

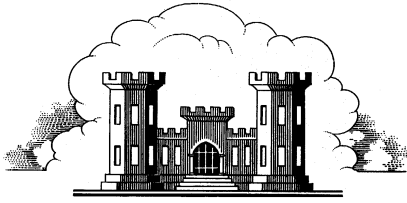
Corice J. Farrar  
Chief, Orange and Riverside Counties Section  
Los Angeles Division  
U.S. Army Corps of Engineers

Enclosures

Figure 1: Vicinity Map and Engineered Diagram of Project

Figure 2: Waters of the U.S. as Features 1 and 2

Enclosure 1: Terms and Conditions for NWP #39



**LOS ANGELES DISTRICT  
U.S. ARMY CORPS OF ENGINEERS**

**CERTIFICATE OF COMPLIANCE WITH  
DEPARTMENT OF THE ARMY NATIONWIDE PERMIT**

**Permit Number:** SPL-2018-00582-PJB

**Name of Permittee:** Cheryl Webb,

**Date of Issuance:** November 30, 2018

Upon completion of the activity authorized by this permit and the mitigation required by this permit, sign this certificate, and return it by **ONE** of the following methods;

1) Email a digital scan of the signed certificate to [Peggy.J.Bartels@usace.army.mil](mailto:Peggy.J.Bartels@usace.army.mil)

**OR**

2) Mail the signed certificate to

U.S. Army Corps of Engineers

ATTN: Regulatory Division SPL-2018-00582-PJB

1451 Research Park Drive, Suite 100

Riverside, California 92507

I hereby certify that the authorized work and any required compensatory mitigation has been completed in accordance with the NWP authorization, including all general, regional, or activity-specific conditions. Furthermore, if credits from a mitigation bank or in-lieu fee program were used to satisfy compensatory mitigation requirements I have attached the documentation required by 33 CFR 332.3(1)(3) to confirm that the appropriate number and resource type of credits have been secured.

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Signature of Permittee

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Date