



REPLY TO
ATTENTION OF

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

August 23, 2005

Regulatory Branch (200300354)

513 396 2000 88

Jennifer Buckingham
Carnegie SVRA
Department of Parks and Recreation
15751 Tesla Road
Livermore, California 94550-9167

Dear Ms. Buckingham:

We are responding to your August 18, 2005, request for a Department of the Army permit for the Carnegie State Vehicle Recreation Area Maintenance project. This approximately 1540-acre project involves activities, including discharges of dredged or fill material, in waters of the United States to dredge accumulated sediments from two sets of culverts and five detention basins. The work sites are located on or near Corral Hollow Creek in Sections 29, 30, 31, 32, 33 and 34, Township 3 South, Range 4 East, MDB&M, Latitude 37° 38' 6.58", Longitude 121° 33' 19.5", Alameda and San Joaquin Counties, California.

Based on the information you provided, the proposed sediment removal activity in approximately 0.86 acres of open waters is authorized by Nationwide Permit Number 3. Your work must comply with the general terms and conditions listed on the enclosed Nationwide Permit information sheets and the following special conditions:

1. This Corps permit does not authorize you to take an endangered species, in particular the California red-legged frog (*Rana aurora draytonii*), California Tiger Salamander (*Ambystoma californiense*), valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*), San Joaquin kit fox (*Vulpes macrotis mutica*), Alameda whipsnake (*Masticophis lateralis euryxanthus*) 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 1-1-05-F-0218, dated August 15, 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 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.

2. 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 within 30 days after project completion.

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 or expires, whichever comes first. The Nationwide Permit is scheduled to expire on March 18, 2007. It is incumbent upon you to remain informed about changes to the Nationwide Permit Program.

Please refer to identification number 200300354 in any correspondence concerning this project. If you have any questions, please contact Marc Fugler at our Delta Office, 1325 J Street, Room 1480, Sacramento, California 95814-2922, email Marc.A.Fugler@usace.army.mil, or telephone 916-557-5255. You may also use our website: www.spk.usace.army.mil/regulatory.html.

Sincerely,

ORIGINAL SIGNED

Michael Finan
Chief, Delta Office

Enclosure(s)

Copy furnished without enclosure(s):

/George Day, Storm Water and Water Quality Certification Unit, Central Valley Regional Water Quality Control Board, 11020 Sun Center Drive #200, Rancho Cordova, California 95670-6114

Terry Roscoe, California Department of Fish and Game Region 2, 1701 Nimbus Drive, Rancho Cordova, California 95670-4599

Cay C. Goude, U.S. Fish and Wildlife Service, Endangered Species Division, 2800 Cottage Way, Suite W2605, Sacramento, California 95825-3901

Eric Htain, Edaw, 2022 J Street, Sacramento, California 95814