

Agenda Item V(h)  
MRCA  
11/4/2009

11/17/04



**DEPARTMENT OF THE ARMY**  
LOS ANGELES DISTRICT, CORPS OF ENGINEERS  
P.O BOX 532711  
LOS ANGELES, CALIFORNIA 90053-2825

REPLY TO  
ATTENTION OF:

November 15, 2004

Office of the Chief  
Regulatory Branch

**DEPARTMENT OF THE ARMY NATIONWIDE PERMIT AUTHORIZATION**

Los Valles Land & Golf, L.L.C.  
Attention: Dan S. Palmer  
233 Wilshire Boulevard  
Santa Monica, California 90401-1205

Dear Mr. Palmer:

This is in reply to your letter (No. 200201191-JLB) dated July 8, 2002, concerning our permit authority under Section 404 of the Clean Water Act of 1972 (33 U.S.C. 1344) over your proposal to fill 0.20 acres of ephemeral streams for construction of a residential development and golf course at 28801 Hasley Canyon Road in Hasley Creek near Santa Clarita, Los Angeles County, California.

The Corps of Engineers has determined that your proposed activity complies with the terms and conditions of nationwide permit NW39 as described in enclosure 1.

Furthermore, you must comply with the following non-discretionary Special Conditions:

**Special Conditions:**

1. The applicant shall obtain written approval of a final set of grading plans no less than 60 days prior to any work in waters of the US. The toe of any graded slope may not be within fifty feet of Hasley Canyon Creek.
2. The applicant shall notify the Corps upon project implementation and completion, and provide the Corps with a memo indicating that mitigation has been installed and the schedule for annual reports, as agreed upon in the October 21, 2002 mitigation plan. The permittee shall provide the Corps with pre- and post-implementation photos of the mitigation areas.
3. The applicant shall ensure that all temporarily impacted areas are restored to their pre-construction condition, including both vegetation and contours, immediately following construction.

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4. The permittee shall provide a copy of this and any other required state or federal permits to all onsite contractor(s), subcontractor(s), and foreperson(s). The permittee shall require that all such person(s) read this authorization in its entirety and ensure that all appropriate conditions are implemented as intended. A copy of this and all required state and federal permits will be on the job site at all times during construction.
5. Prior to initiating construction in waters of the US, the permittee shall record a conservation easement or covenant, which shall run with the land, obligating the permittee or their successor or assigns to maintain all areas designated as mitigation sites or preservation sites as natural open space in perpetuity. The permittee shall receive written approval from the Corps of this easement or covenant prior to it being recorded. The permittee shall obtain final written approval of this easement from the Corps prior to initiating any construction in waters of the US. It is recommended that a template of an approved easement be obtained from the Corps. ?
6. The permittee shall retain a qualified biologist to review grading plans, oversee all aspects of construction monitoring that pertain to biological resource protection, ensure compliance with the mitigation measures, and implement and monitor the waters and wetlands mitigation plan. The biologist shall pay special attention to the avoidance of habitats designated for preservation (see special conditions 8 and 9 below). A construction monitoring report is due from the biologist no more than 45 days after construction is completed.
7. The permittee shall ensure that all vehicle maintenance, staging, storage, and dispensing of fuel occurs in designated upland areas which are located to prevent runoff from entering waters of the US.
8. The permittee will flag any jurisdictional waters or wetlands that must be avoided. Any additional acreage of impact outside of the approved construction footprint will be mitigated at a 10:1 ratio. In the event that additional mitigation is required, the type of mitigation shall be determined by the Corps and may include wetland enhancement, creation, restoration, or preservation.
9. To reduce downstream water quality impacts, the applicant shall implement standard best management practices during all construction activities in the project area.
10. During construction, the permittee shall stabilize disturbed slopes with jute netting or other appropriate means prior to the onset of winter rains.
11. The permittee shall revegetate disturbed areas and manufactured slopes within fifty feet of Hasley Canyon Creek with native vegetation to reduce the potential for erosion upon completion of the project. A planting palette of the native vegetation to be planted shall be submitted to the Corps for approval no less than 60 days prior to initiating work in waters or wetlands authorized by this permit. The planting palette may be included in the final mitigation plan.

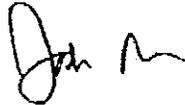
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This letter of verification is valid for a period not to exceed two years unless the nationwide permit is modified, reissued, revoked, or expires before that time. Presently, all nationwide permits are scheduled to expire on March 18, 2007. It is incumbent upon you to remain informed of changes to the nationwide permits. We will issue a public notice announcing the changes when they occur. Furthermore, if you commence or are under contract to commence this activity before the date the nationwide permit is modified or revoked, you will have twelve months from the date of the modification or revocation to complete the activity under the present terms and conditions of the nationwide permit.

A nationwide permit does not grant any property rights or exclusive privileges. Also, it does not authorize any injury to the property or rights of others or 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 our regulatory program. If you have any questions, please contact Joshua L. Burnam of my staff at (213) 452-3294.

Sincerely,



for

Antal Szijj  
Acting Chief, North Coast Section

Enclosure