

LOS ANGELES DISTRICT
U.S. ARMY CORPS OF ENGINEERS

DEPARTMENT OF THE ARMY PERMIT

Permittee: California Natural Resources Agency; David Elms
Permit Number: SPL-2010-00142-LLC
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 permanently discharge fill (resulting in a loss of aquatic habitat) into 90.1 acres, permanently impact (resulting in a habitat type conversion but not a permanent loss of aquatic habitat) to 2,402.1 acres, and temporarily discharge fill into 210.5 acres of waters of the U.S. resulting in a net gain of 793.3 acres of waters of the U.S. pursuant to Section 404 of the Clean Water Act of 1972, in association with the Salton Sea Species Conservation Habitat Project (Proposed Action), as shown on the attached Figures (1 through 4).

The Proposed Action would restore 3,770 acres of shallow water habitat lost due to the Salton Sea's ever-increasing salinity and reduced area as the Sea recedes. The ponds to be created by the Proposed Action would use available land at elevations less than -228 feet mean sea level (msl), within the large bay to the northeast of the New River (East New), the shoreline to the southwest (West New), and the shoreline continuing to the west (Far West New) to construct a system of ponds (Figures 3 and 4). Construction of the Proposed Action may be divided such that each of these three areas (East New, West New, and Far West New), or sets of ponds within these areas, may be constructed in a phased approach. Therefore, each phase of the Proposed Action would require the Corps to issue a Letter of Permission (LOP) verifying that each phase conforms to this Programmatic Individual Permit. In addition, operation and maintenance (O&M) activities of the Proposed Action are required to maintain the integrity and functionality of the Proposed Action throughout the life of the Project. Each O&M activity that would result in a discharge of fill material into waters of the U.S. would also require to issue a LOP under this Programmatic Individual Permit.

The Proposed Action would include cascading ponds that would be attached to each of the

primary pond units. The ponds would be constructed with the necessary berms and channels to allow for the management of water into and through the Project area. The newly created habitat would be contained within low-height berms. The water supply for the Proposed Action ponds would be a combination of brackish river water and saline water from the Sea, blended to maintain an appropriate salinity range for target biological benefits.

Specifically, you are authorized to (refer to Figures 5a through 5c for the locations of each type of Project impact):

1. Permanently impact (permanent loss) 90.1 acres of waters of the U.S., including 34.9 acres of wetlands, associated with discharges of fill material for the construction of the berms, sedimentation basins, water diversion at the New River, and creation of an interception ditch. Creation of the ponds requires construction of both perimeter and cascading interior berms within and adjacent to the Salton Sea, which is responsible for the majority of the permanent loss (71.9 acres). Two sedimentation basins would be created on either side of the New River; these would be divided into two parts: the active basin and the maintenance basin. Accumulated sediments would be continuously excavated to maintain the berms and would result in a loss of 3.9 acres of waters of the U.S. A water diversion structures would be constructed near the sedimentation basins resulting in the permanent loss of 0.9 acres of waters of the U.S. A 30-foot-wide earthen interception ditch would be created along the southern perimeter of the ponds, to capture agricultural runoff before it enters the ponds. This interception ditch is expected to require routine dredging to ensure continuous connectivity to the Salton Sea. Construction of the interception ditch would result in a loss of 13.5 acres of waters of the U.S.
2. Permanently impact (habitat type conversion) 2,402.1 acres of waters of the U.S., including 212.1 acres of wetlands, associated with discharges of fill material to convert wetlands, riverine, and open water resources into saline wetland ponds. The ponds themselves and the pond shoreline would be considered waters of the U.S. once constructed, however the conversion would permanently alter existing conditions (e.g., change bottom elevation and contours), and therefore these areas are also considered permanently impacted.
3. Temporarily impact 210.5 acres of waters of the United States, including 94.2 acres of wetlands, associated with staging areas, two temporary river crossings, and interstitial areas (areas between the footprint of the berms and the Project boundary [i.e., construction work areas]) associated with the construction of the Proposed Action. Up to 29 acres of waters of the U.S. would be temporarily impacted by staging areas required for the construction of the ponds. Two temporary river crossings, at the middle and the north end of the New River, would be used to transport dirt across the river during construction. The crossings are expected to impact a total of up to 0.3 acre of waters of the U.S. along the river. Interstitial areas are those areas between the berms and Project boundary, the berms and the interception ditch, and the Project boundary and interception ditch. These areas would likely be temporarily disturbed as construction of the ponds and associated facilities occurs, resulting in 181.1 acres of temporary impacts.

In addition, O&M of the ponds and associated facilities are required to maintain the integrity and functionality of the Proposed Action and would result in temporary

impacts throughout the life of the Project. Typical O&M activities include, but are not limited to:

- maintenance of pumps and pipelines (e.g., extending sea pump further into the sea, cleaning or replacing pumps or pipes),
- maintenance of the sedimentation basin and bird habitat islands (e.g., dredging accumulated sediment, removing trash/debris), and
- berm maintenance (e.g., pond excavation and recontouring of berms to address erosion from wave action/wind fetch or deterioration by burrowing animals).

Project Location: The 4,065-acre Project site is located at the southern end of the Salton Sea in Imperial County, California (Figures 1 and 2). The Proposed Action would use the large bay to the northeast of the New River (East New), the shoreline to the southwest (West New), and the shoreline continuing to the west (Far West New). (Latitude: 33° 6' 13.8" N, Longitude: 115° 42' 2.8" W)

Permit Conditions:

General Conditions:

1. The time limit for completing the authorized activity ends on December 13, 2023. 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. A conditioned water quality certification has been issued for your project (WDID No. 7A133126001) dated 12/10/13, 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:

Preconstruction

1. Prior to initiation of the each phase of the Proposed Action, the permittee shall provide written notification ("Construction Notification") to the Corps. **No work is authorized until the permittee receives a Notice to Proceed from the Corps.** The Construction Notification shall include the following:
 - a. Written description of pre-project alignments, elevation contours, and vegetation conditions;
 - b. Written description for all the proposed structures, a description of the permanent and temporary impacts in waters of the U.S., a description of the amount of waters of the U.S. established by the project phase, maps showing project location, impact acreages and a complete set of final detailed grading/construction plans showing all work and structures in waters of the U.S. (including wetlands and special aquatic sites), location of staging and stockpiling areas, written documentation regarding compliance with all applicable special conditions of this permit and a description of all measures to avoid and minimize impacts to waters of the U.S. and other sensitive habitats and species;
 - c. A site-specific restoration memo for all temporary impacts identifying the acreage and type of waters of the U.S. that would be impacted (including percentage of vegetation within the area) and restored to pre-constructions conditions as defined in Special Conditions 19 and 20 and the TIRP;
 - d. The proposed planting palette for all temporarily impacted areas shall be submitted for approval by the Corps, prior to initiation of construction;
 - e. A Monitoring and Adaptive Management Plan (MAMP) for the Proposed Action shall be developed in accordance with the Monitoring and Adaptive Management Plan Framework included as Appendix E of the Draft EIS/EIR. The MAMP shall be submitted to the Corps for approval prior to the initiation of construction. If each phase of the Proposed Action warrants modifications to the MAMP, a revised MAMP shall be submitted to the Corps prior to the initiation of construction of each phase;
 - f. Name and address of contractor performing the work, an onsite point of contact and the size and type of equipment that shall be performing the work;
 - g. Schedule for beginning and ending the project;
 - h. Summary of all temporary and permanent impacts to waters of the U.S. that have been completed as part of previous project phases as well as a summary of all the initiated and completed restoration of temporary impacted areas for previous project phases;
 - i. A description of how the Proposed Action complies with the Biological Opinion issued by the U.S. FWS by providing documentation that Special Conditions 23 through 25 of this permit have been met; and
 - j. Copy of the 401 certification original and any re-issuance.

Upon receipt of a Construction Notification, the Corps will determine whether the activity is authorized by this permit. If the activity is not authorized, the Corps will notify the permittee

that they may request that the Corps modify the permit to include the activity as described in the procedures at 33 C.F.R. Part 325.7. If the activity is authorized by the permit, the Corps will determine if the avoidance and minimization measures in the Construction Notification and the site-specific restoration memo for all temporary impacts comply with the terms and conditions of this permit. If the Corps determines that the proposed activity complies with the terms and conditions of the permit, a Notice to Proceed will be issued to the permittee. If the Corps determines that that all or part of the proposed activity does not comply with the terms and conditions of the permit, the Corps will issue a letter stating that the proposed activity does not meet the terms and conditions of the permit and, as a result, the proposed discharges of fill material in waters of the U.S. are not authorized.

2. Prior to initiation of any O&M activities within the Proposed Action, that would result in a discharge of dredged or fill material within waters of the U.S., the permittee shall provide written notification ("O&M Notification") to the Corps. **No work is authorized until the permittee receives a Notice to Proceed from the Corps.** The O&M Notification shall include the following:

- a. Written description of pre-project alignments, elevation contours, and vegetation conditions;
- b. Written description for all O&M activities, a description of the permanent and temporary impacts in waters of the U.S., purpose of the proposed O&M activity, maps showing O&M location (including latitude and longitude coordinates), location of staging and stockpiling areas, written documentation regarding compliance with all applicable special conditions of this permit and a description of all measures to avoid and minimize impacts to waters of the U.S. and other sensitive habitats and species;
- c. A Vicinity Map, Plan View, and Cross-section view (as requested by the Corps), showing all work (permanent and temporary) in waters of the U.S.;
- d. As appropriate, a site-specific restoration memo for all temporary impacts identifying the acreage and type of waters of the U.S. that would be impacted (including percentage of vegetation within the area) and restored to pre-constructions conditions as defined in Special Conditions 19 and 20 and the TIRP;
- e. Name and address of contractor performing the work, an onsite point of contact and the size and type of equipment that shall be performing the work;
- f. Schedule for beginning and ending the project;
- g. A description of how the Proposed Action complies with the Biological Opinion issued by the U.S. FWS by providing documentation that Special Conditions 23 through 25 of this permit have been met; and
- h. Copy of the 401 certification original and any re-issuance that allows for proposed O&M activity.

3. All maps and drawings submitted shall be in compliance with the Final Map and Drawing Standards for the South Pacific Division Regulatory Division dated August 6, 2012 (<http://www.spl.usace.army.mil/Media/PublicNotices/tabid/1320/Article/2931/final-map-and-drawing-standards-for-the-south-pacific-division-regulatory-progr.aspx>). And shall be submitted on paper no larger than 11x 17 inches

4. A minimum of fifteen (15) days prior to the planned date of initiating impacts to waters of the U.S., including wetlands, for each phase of the authorized project, permittee shall submit to the Corps Regulatory Division the names, telephone numbers, email addresses, work

schedules, and employers' names and addresses of each biological monitor assigned to the project.

5. A copy of this permit and the Notice to Proceed will be provided to the permittee's project engineer and biological monitor, and will be on file at the project site, available for review and inspection.

6. The permittee shall staff one or more qualified biological monitors to review staking of the limits of work prior to initiation of impacts and periodically (minimum weekly) inspect construction/O&M activities in the vicinity of waters of the U.S., including wetlands, to ensure compliance with all requirements of this permit and ensure that adverse impacts do not occur outside of the permitted project area.

7. Prior to the onset of the authorized activity, the permittee shall implement a contractor education program to ensure that all onsite personnel are informed of the biologically sensitive resources associated with the project site and compliance with all the construction specific Conditions herein (Conditions 7-15). The permittee shall maintain a personnel training log sheet that indicates onsite personnel's understanding and agreement with the construction relevant permit conditions, the log shall include individuals' names, signatures, and their employers' name, phone numbers, and address. As new personnel are brought onto the project during construction, they shall first participate in the contractor education program, and make the same affirmation relative to their understanding of the applicable permit conditions. The permittee will up-date the training log sheet as new on-site personnel are added to the project. The permittee, specifically the project engineer will retain the log sheets, and make them available for Corps inspection and/or provide copies to the Corps when requested.

Construction

8. The permittee shall allow representatives from the Corps Regulatory Division 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 the permit.

9. The permittee shall clearly mark the limits of the workspace with plastic snow fencing, silt fencing, flagging or similar means to ensure mechanized equipment does not enter preserved waters of the U.S., including wetlands, as well as riparian scrub habitat areas shown on plans, maps, drawings or figures submitted to the Corps for each project phase. Adverse impacts to waters of the U.S., including wetlands, 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.

10. A qualified biological monitor shall document implementation of this permit, and submit a written observation report to the permittee's project engineer. The biologist/permittee shall report any non-compliance incident with the permit to the Corps Carlsbad field office (760-602-4829) within one day of its occurrence. The biologist/permittee shall submit a written report summarizing the noncompliance with the permit and any measures implemented to rectify the incident to the Corps Regulatory Division field office within three days of notification to the Corps Regulatory Office of the non-compliance.

11. The permittee shall discharge only clean construction materials suitable for use in the riverine environment.
12. Excavated materials from within the project site will be discharged within the permitted project boundary (either used as construction material or disposed outside the outer berm of the project). The permittee shall immediately remove all excess excavated material to an approved upland storage or disposal site.
13. All temporary stockpiling in waters of the US is authorized only where it is specifically stated in the project phase Construction Notification; all temporary stockpiles shall be removed from waters of the US within two weeks of completion of the project phase.
14. No debris, soil, silt, sand, sawdust, rubbish, cement or concrete washings thereof, oil or petroleum products from construction shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into waters of the U.S., including wetlands outside of authorized impact areas.
15. No mechanized equipment, rubber-tired vehicles, track vehicles, or other equipment shall be stored, staged, or fueled in waters of the U.S., including wetlands outside of authorized impact areas.
16. The permittee shall ensure that all vehicle maintenance, staging, storage, and dispensing of fuel occurs in areas designated in the project phase Construction Notification. The permittee shall ensure that these designated upland areas are located in such a manner as to prevent any runoff from entering waters of the U.S., including wetlands, and shall be designated on maps furnished in the project phase Construction Notification.

Post-Construction

17. Within six months of completion of each phase of authorized discharges of dredged or fill material in waters of the U.S., including wetlands and upon completion of each authorized O&M activity, the permittee shall submit to the Corps Regulatory Division a post-project implementation memorandum including the following information:
 - a. Date(s) work within waters of the U.S., including wetlands, was initiated and completed;
 - b. Summary of compliance status with each special condition of this permit (including any non-compliance that previously occurred or is currently occurring and corrective actions taken or proposed to achieve compliance);
 - c. Color photographs (including map of photopoints) taken at the project site before and after construction for those aspects directly associated with permanent impacts to waters of the U.S., including wetlands, such that the extent of authorized discharges of fill material can be verified;
 - d. One copy of "as built" drawings for the entire project. Electronic submittal (Adobe PDF format) is preferred. All sheets must be signed, dated, and to-scale. If submitting paper copies, sheets must be no larger than 11 x 17 inches; and
 - e. Signed Certification of Compliance (attached as part of this permit).
18. An annual report on completed O&M activities subject to this permit shall be submitted to the Corps by October 1 of each year. This report will also be provided to the RWQCB, CDFW and USFWS. The annual report will also include:

- a. A list of authorized completed O&M activities;
- b. Discussion that impacts at each site were not exceeded;
- c. photographs shall be included of sites that are representative of each activity that was performed under the permit;
- d. This report shall be received and reviewed by the Corps for compliance with the special conditions of this permit and then provided to the resource agencies for their review; and
- e. Field site visits may be performed by the Corps, as a part of the compliance evaluation.

Mitigation

Vegetated Wetlands

19. At the conclusion of the project phase, all temporary fill within vegetated wetland waters of the U.S. shall be removed and the area shall be restored to pre-construction conditions (contours and vegetated condition) to the maximum extent practicable. Temporarily impacted vegetated wetlands would rely in part on natural recruitment of plant species, however, if appropriate species do not readily recruit after one year of maintenance and monitoring, the permittee shall hydroseed the temporarily disturbed areas with native non-invasive vegetation using the appropriate seeding palette as described in Table 5 through 8 of the Temporary Impact Restoration Plan (TIRP), dated October 2013. The permittee shall ensure the restored areas are maintained and monitored for a period of two years after completing any seeding activities.

Nonvegetated Wetlands and Nonwetland Waters of the U.S.

20. No later than one month following completion of each phase of authorized work in waters of the U.S., the permittee shall ensure all sites within waters of the U.S. subject to authorized, temporary impacts are restored to pre-project alignments, elevation contours, and conditions to the maximum extent practicable to ensure expeditious resumption of aquatic resource functions. No later than 45 calendar days following completion of authorized discharges of dredged or fill material into waters of the U.S., the permittee shall submit a memorandum documenting compliance with this special condition.

Mitigation Monitoring

21. The permittee shall submit monitoring reports for all restored areas as described in Special Conditions 19 and 20 and in the TIRP by October 1 of each year following the restoration to pre-construction conditions. To assure temporary impacted areas are returned to pre-construction conditions, the permittee shall monitor the mitigation areas for at least two (2) consecutive growing seasons after construction or until the Corps determines the final performance standards are met. The restored area will not be deemed successful until this criterion has been met.

22. Permittee shall submit to the Corps Regulatory Division a memorandum within six months of complete installation of all restoration activities per phase including the following information:

- a. Date(s) all restoration was completed and monitoring was initiated;

- b. Schedule for future monitoring and reporting pursuant to final, Corps-approved TIRP; and
- c. Color photographs (including map of photopoints) taken at each restoration site before and after installation such that correct installation per the TIRP can be verified; and
- d. One copy of "as built" drawings of all restoration sites. Electronic submittal (Adobe PDF format) is preferred. All sheets must be signed, dated, and to-scale. If submitting paper copies, sheets must be no larger than 11 x 17 inches.

Endangered Species Act

23. This permit does not authorize you to take any threatened or endangered species; in particular the desert pupfish (*Cyprinodon macularius*) 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 BO under ESA Section 7, with "incidental take" provisions with which you must comply). The enclosed BO (FWS-IMP-12BOO 18-13F0058) contains mandatory terms and conditions to implement the reasonable and prudent measures that are associated with "incidental take" that is also specified in the BO. Your authorization under this permit is conditional upon your compliance with all of the mandatory terms and conditions associated with incidental take of the attached BO, which terms and conditions are incorporated by reference in this permit. Failure to comply with the terms and conditions associated with incidental take of the BO, where take of the listed species occurs, would constitute an unauthorized take, and it would also constitute non-compliance with your Corps permit.

24. To minimize impacts to and avoid take of the federally endangered/threatened Yuma clapper rail (*Pallus longirostris yumanensis*), southwestern willow flycatcher (*Empidonax traillii extimus*), and least Bell's vireo (*Vireo bellii pusillus*), the permittee shall implement the following minimization measures, which were included in the project design submitted as part of the permit application for the project:

- a. The permittee shall implement Mitigation Measures BIO-2 through BIO-6 included in the EIS.
- b. The permittee shall conduct pre-construction surveys for Yuma clapper rail prior to any ground disturbing activities that is within 500-ft of potential Yuma clapper rail habitat.
- c. To avoid and minimize adverse impacts to these species, vegetation removal will be conducted outside of the breeding season, which is defined as March 15 to September 15, when feasible. If vegetation removal occurs during the breeding season, the applicant will conduct pre-construction breeding and nest surveys and implement noise attenuation measures to ensure breeding and nesting activities are not adversely affected.
- d. The permittee shall prepare and implement a long-term monitoring plan to survey for bird species that occur in and around the Project area, conduct a noise analysis and implement noise attenuation measures, design interception ditches to avoid alteration of water levels in adjacent marshes, avoid impacts to sensitive and riparian habitats to the greatest extent feasible, and implement best management practices to minimize the introduction of invasive species.

25. Prior to initiation of project construction, the permittee shall notify the USFWS in writing of the intended project initiation date and anticipated duration of the construction period. The notification shall include verification of compliance with special conditions 22 and 23 above.

National Historic Preservation Act

26. 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 (Steve Dibble at 213-452-3849 or John Killeen at 213-452-3861). 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.

Further Information:

1. Congressional Authorities. You have been authorized to undertake the activity described above pursuant to:

- () Section 10 of the River and Harbor 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 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 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.

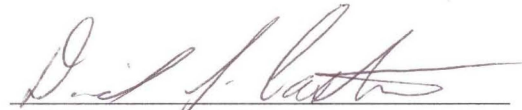
6. **Extensions.** General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give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

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


PERMITTEE

12-13-13
DATE

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


DAVID J. CASTANON
CHIEF, REGULATORY DIVISION

12-13-13
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.

TRANSFEEEE

DATE

LOS ANGELES DISTRICT
U.S. ARMY CORPS OF ENGINEERS

**NOTIFICATION OF COMMENCEMENT OF WORK
FOR
DEPARTMENT OF THE ARMY PERMIT**

Permit Number: SPL-2010-00142-LLC
Name of Permittee: California Natural Resources Agency; David Elms
Date of Issuance: December 13, 2013
Date of Expiration: December 13, 2023

Date work in waters of the U.S. will commence: _____
Estimated construction period (in weeks): _____
Name & phone of contractor (if any): _____

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 may be subject to permit suspension, modification, or revocation.

I hereby certify that I, and the contractor (if applicable), have read and agree to comply with the terms and conditions of the above referenced permit.

Signature of Permittee

Date

At least ten (10) days prior to the commencement of the activity authorized by this permit, sign this certification and return it using any ONE of the following three (3) methods:

(1) E-MAIL a statement including all the above information to:
Therese.O.Bradford@usace.army.mil

OR

(2) FAX this certification, after signing, to: [Therese Bradford at FAX: 760-602-4848]

OR

(3) MAIL to the following address:

U.S. Army Corps of Engineers
Regulatory Division
ATTN: CESPL-RG-SPL-2010-00142-LLC
Los Angeles District, Corps of Engineers
Regulatory Division, Carlsbad Field Office
5900 La Place Court, Suite 100
Carlsbad, CA 92008

LOS ANGELES DISTRICT
U.S. ARMY CORPS OF ENGINEERS

**NOTIFICATION OF COMPLETION OF WORK AND
CERTIFICATION OF COMPLIANCE WITH
DEPARTMENT OF THE ARMY PERMIT**

Permit Number: SPL-2010-00142-LLC
Name of Permittee: California Natural Resources Agency; David Elms
Date of Issuance: December 13, 2013
Date of Expiration: December 13, 2023

Date work in waters of the U.S. completed: _____
Construction period (in weeks): _____
Name & phone of contractor (if any): _____

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 may be 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 said permit.

Signature of Permittee

Date

Upon completion of the activity authorized by this permit, sign this certification and return it using any ONE of the following three (3) methods:

(1) E-MAIL a statement including all the above information to:
Therese.O.Bradford@usace.army.mil

OR

(2) FAX this certification, after signing, to: [Therese Bradford at FAX: 760-602-4848]

OR

(3) MAIL to the following address:

U.S. Army Corps of Engineers
Regulatory Division
ATTN: CESPL-RG-SPL-2010-00142-LLC
Los Angeles District, Corps of Engineers
Regulatory Division, Carlsbad Field Office
5900 La Place Court, Suite 100
Carlsbad, CA 92008

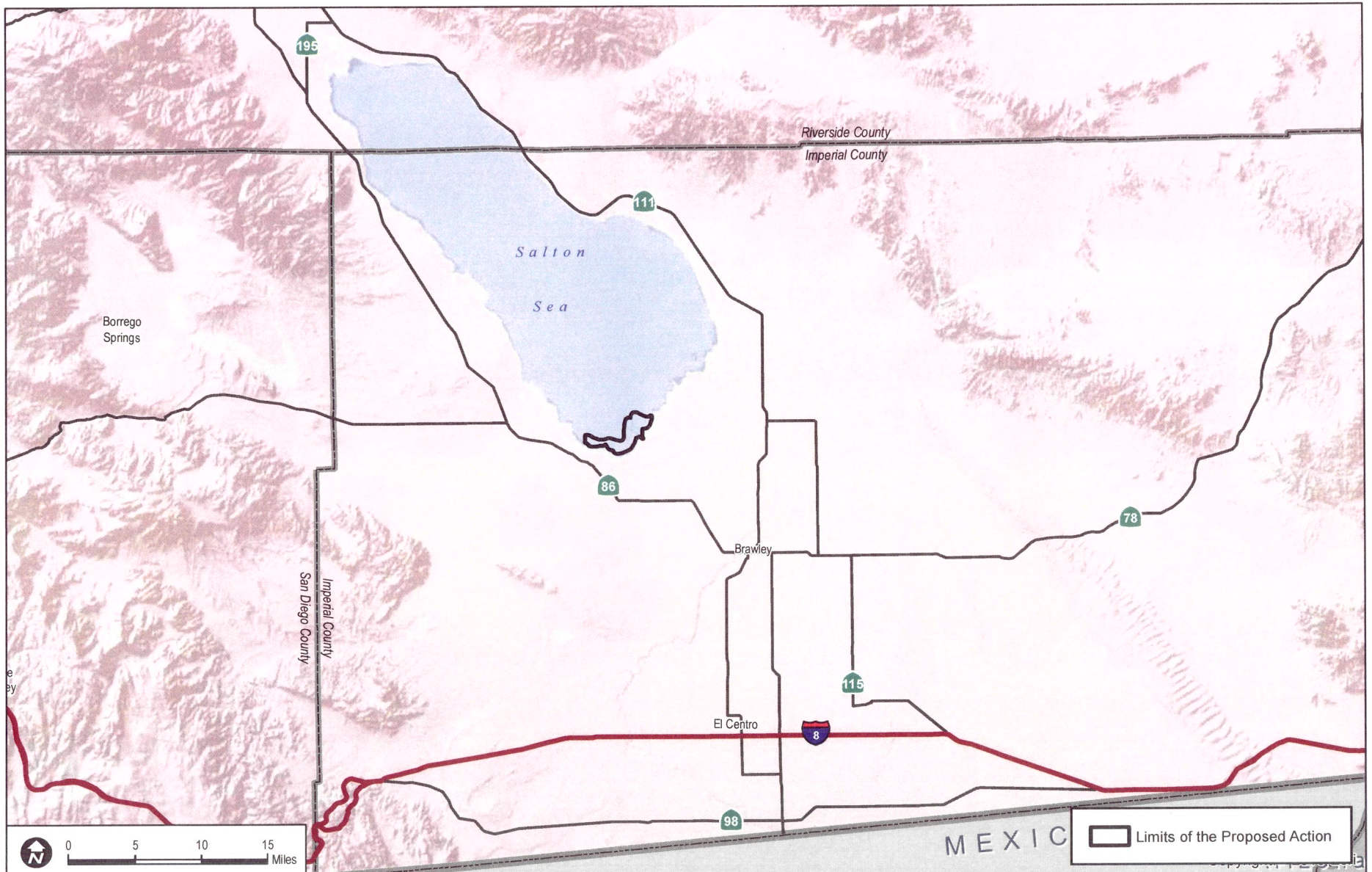
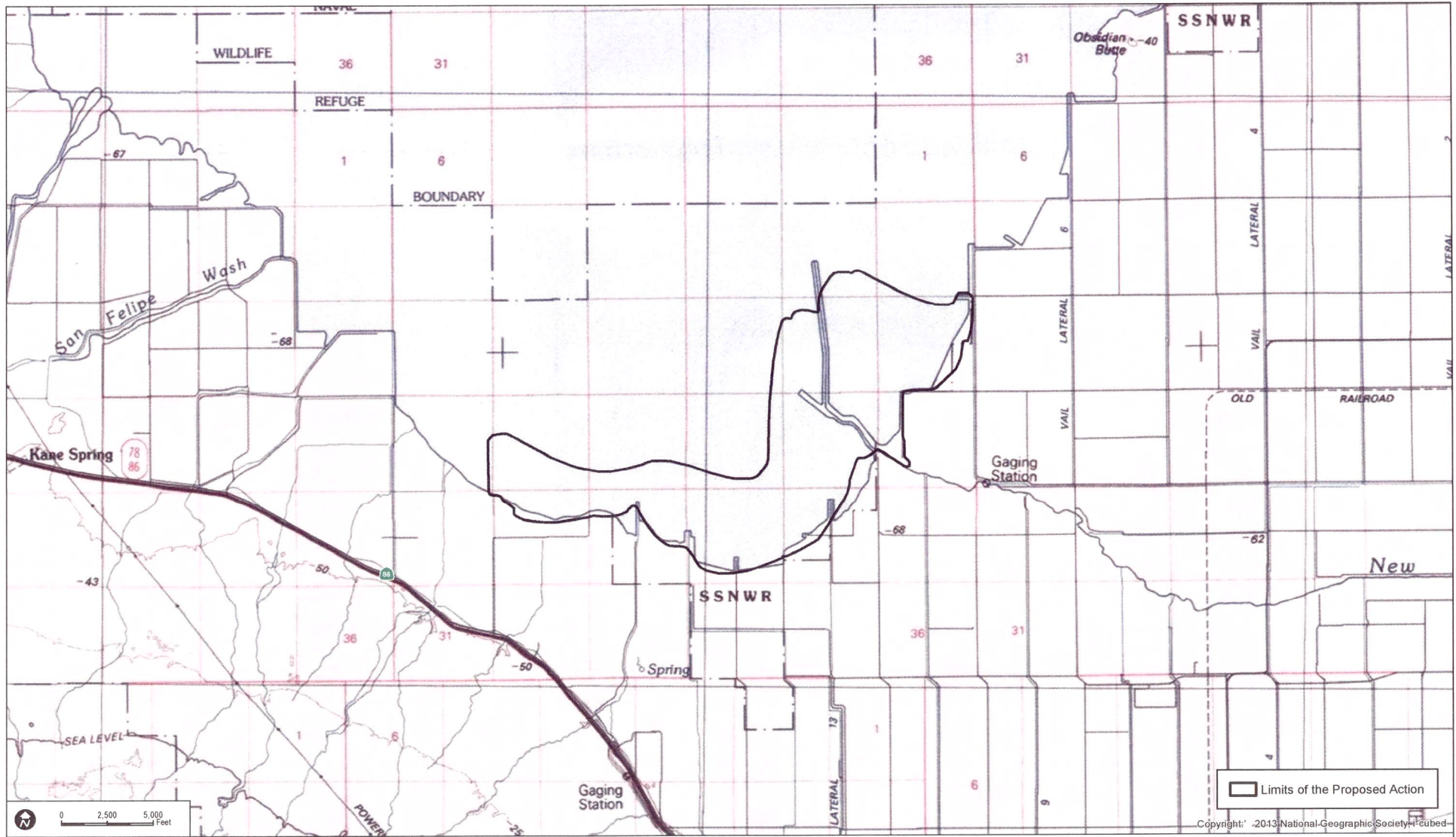


FIGURE 1
Regional Map

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Salton Sea Species Conservation Habitat (SCH) Project



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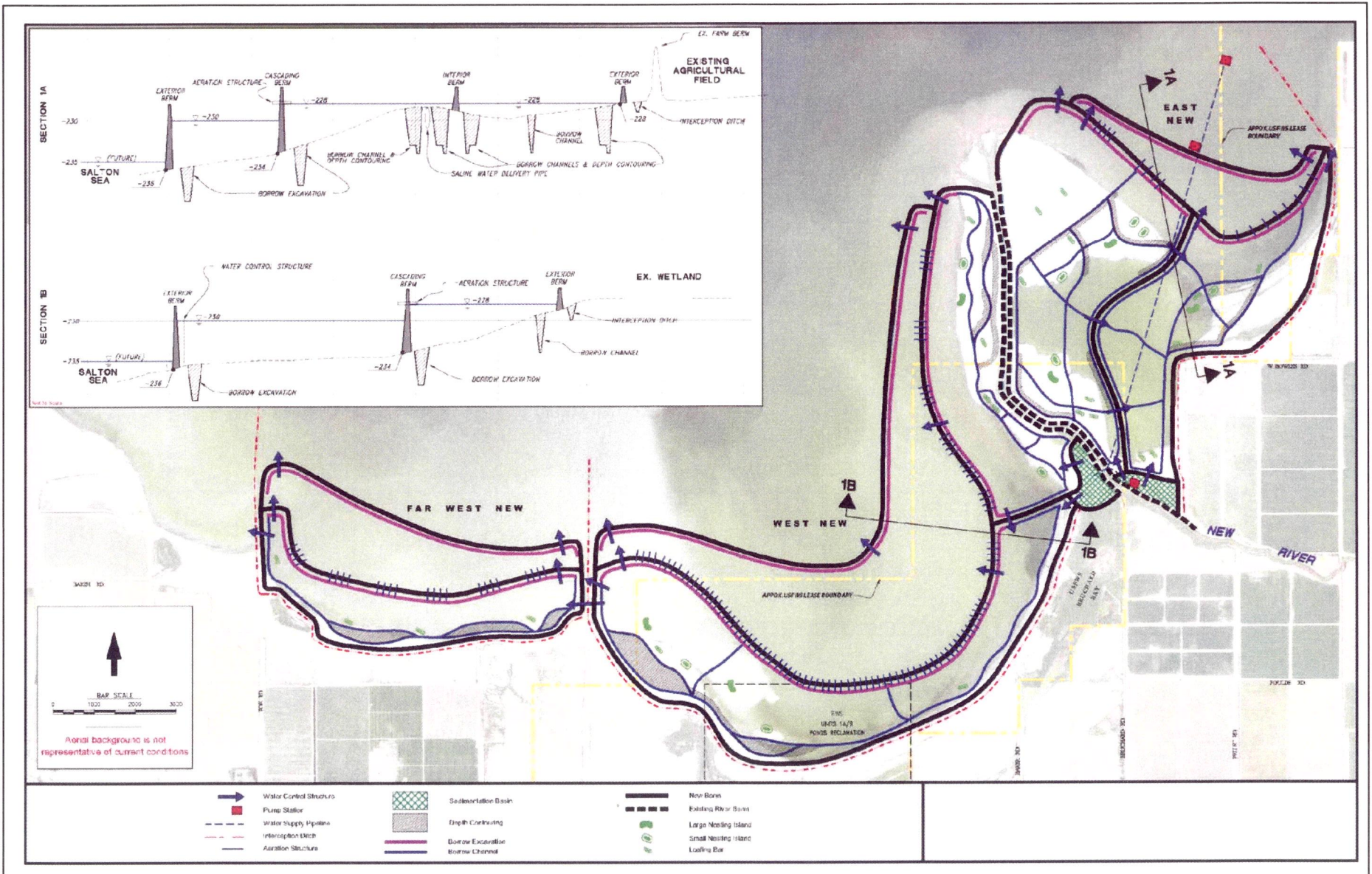
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SOURCE: USGS 7.5-Minute Series Obsidian Butte, Calipatria SW, and Niland Quadrangles.

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FIGURE 2
Vicinity Map



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SOURCE: Cardno ENTRIX, Corps and Natural Resources Agency 2011

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FIGURE 3
Conceptual Layout of Proposed Action



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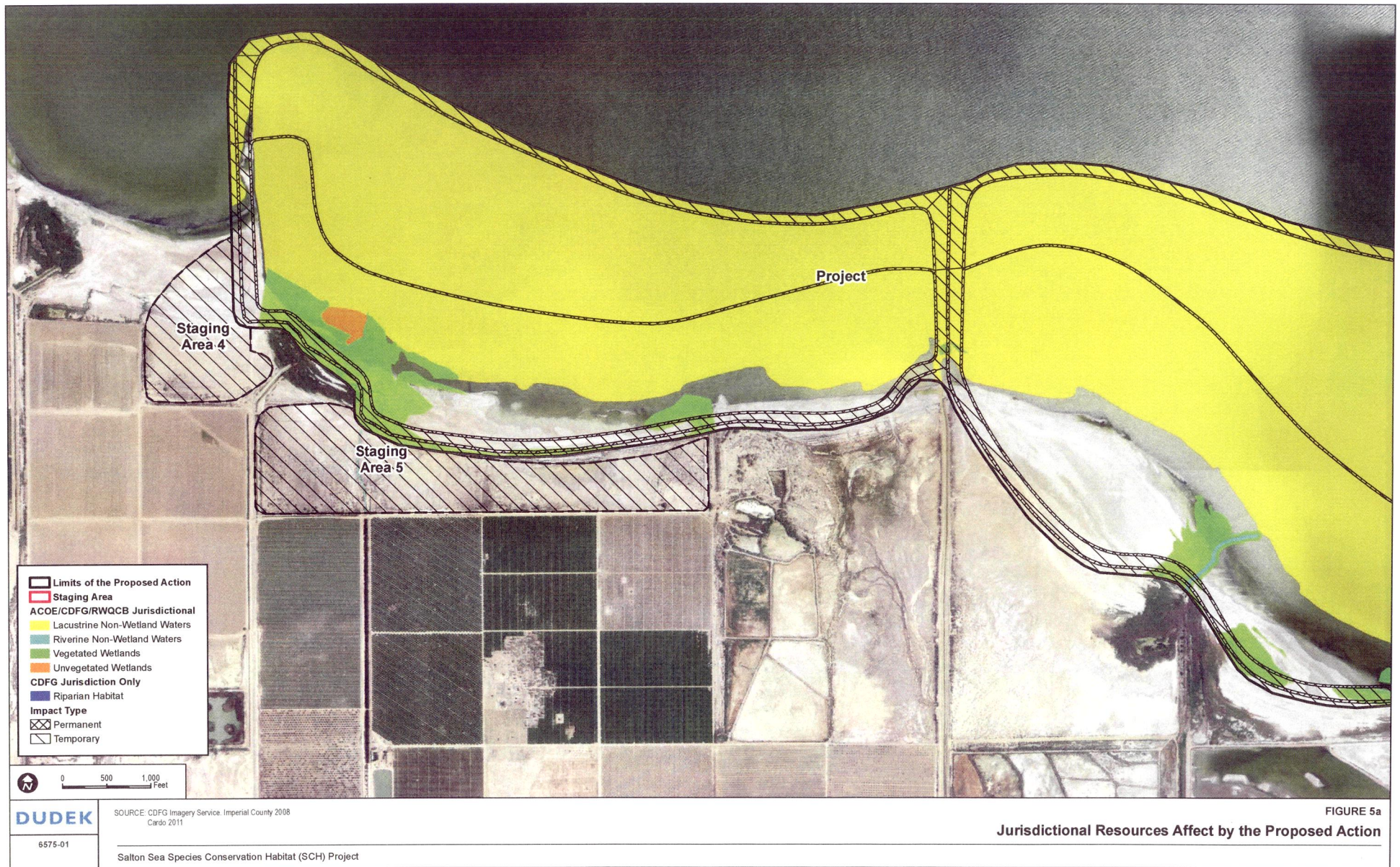
6575-01

SOURCE: Cardno ENTRIX; Corps and Natural Resources Agency 2011

FIGURE 4

Conceptual Plan of Cascading and Individual SCH Pond Units

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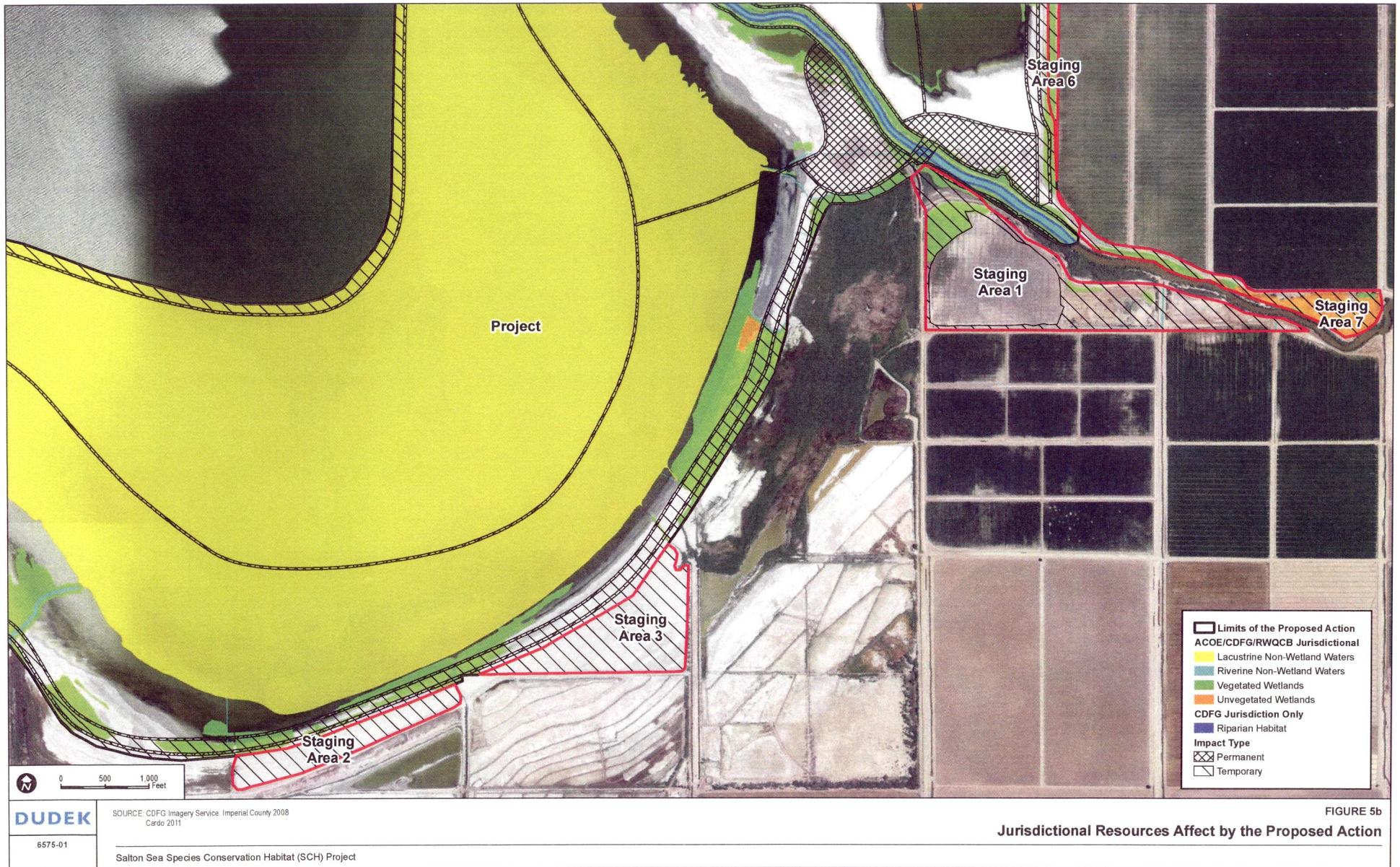
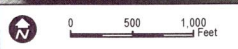


FIGURE 5b
Jurisdictional Resources Affect by the Proposed Action



- ▭ Limits of the Proposed Action
- ▭ Staging Area
- ACOE/CDFG/RWQCB Jurisdictional
- Lacustrine Non-Wetland Waters
- Riverine Non-Wetland Waters
- Vegetated Wetlands
- Unvegetated Wetlands
- CDFG Jurisdiction Only
- Riparian Habitat
- Impact Type
- ▨ Permanent
- ▨ Temporary

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SOURCE: CDFG Imagery Service: Imperial County 2008
Cardo 2011

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FIGURE 5c
Jurisdictional Resources Affect by the Proposed Action