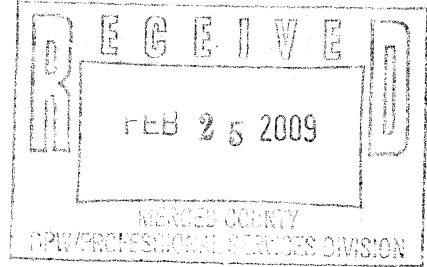




DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO CA 95814-2922

REPLY TO
ATTENTION OF

February 23, 2009



Regulatory Division (SPK-2000-00782)

National Fish and Wildlife Foundation
Attn: Donna McNamara, Finance Department
1133 Fifteenth St., N.W., Suite 1100
Washington, D.C. 20005

Dear Ms. McNamara:

In accordance with the In-Lieu Fee Agreement you have with the Sacramento District of the U.S. Army Corps of Engineers, please deposit the enclosed check for \$12,900.00 into the Sacramento District Wetland Conservation Fund.

This money is to be used for mitigation for the loss of .086-acres of seasonal wetlands habitat in hydrologic unit code number 18040001. This loss of waters of the United States and/or associated habitat is authorized by a Department of the Army permit for the Campus Parkway project, located in Section 27, Township 7 South, Range 14 East, MDB&M, approximate Latitude 37.29 North, Longitude -120.43 West, Merced County, California.

Please refer to identification number SPK-2000-00782 in any correspondence concerning this project. If you have any questions, please contact Jamie LeFevre at our California South Branch, 1325 J Street, Room 1480, Sacramento, California 95814-2922, email jamie.m.lefevre@usace.army.mil, or telephone 916-557-6693. You may also use our website: www.spk.usace.army.mil/regulatory.html.

Sincerely,

Original Signed

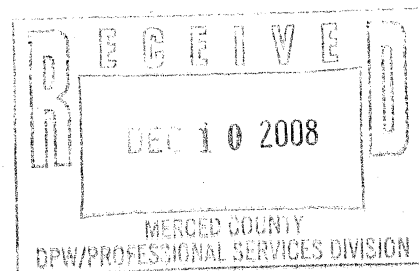
Kathleen A. Dadey, Ph.D.
Chief, California South Branch

Copy Furnished without enclosure(s)

✓ Mr. Jeff Zimmerman, URS, 500 12th Street, Suite 200, Oakland, California 94607-4014
✓ Mr. Steve Rough, Merced County Department of Public Works, 2222 M Street, Merced, California 95340-3729



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



REPLY TO
ATTENTION OF

December 2, 2008

Regulatory Division (SPK-2000-00782)

Steven E. Rough
Merced County DPW
715 Martin Luther King Jr. Way
Merced, CA 95340

Dear Mr. Rough:

We are responding to your December 28, 2007, request for a Department of the Army permit for the Campus Parkway project. This approximately 85-acres project involves activities, including discharges of dredged or fill material, in waters of the United States for the expansion of a road. The site is located near Bear Creek in Section 28, Township 7 South, Range 14 East, MDB&M, Merced County, California.

Based on the information you provided, the proposed activity in approximately 0.086-acres of Waters of the United States, including wetlands, is authorized by Nationwide Permit Number 14. 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 valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*), San Joaquin kit fox (*Vulpes macrotis mutica*), 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-0099, dated April 21 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 incidental take of 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. You must comply with all conditions of this Biological Opinion, including those ascribed to the Corps.

2. 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.

3. 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.

4. All terms and conditions of the September 25 2008 Section 401 Water Quality Certification are expressly incorporated as conditions of this permit.

5. To mitigate for the loss of 0.086-acres of seasonal wetlands, you shall submit a check to this office in the amount of \$12,900.00 (0.086-acres X \$150,000.00/ acre) payable to the National Fish and Wildlife Foundation (NFWF). Prior to proceeding with any activity otherwise authorized by this permit, you must receive written notification from the Corps that the check has been deposited in NFWF's Sacramento District Wetlands Conservation Fund.

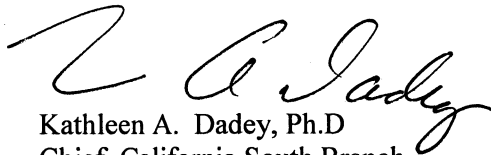
You must sign the enclosed Compliance Certification and return it to this office within 30 days after completion of the authorized work.

This verification is valid for two years from the date of this letter or until the Nationwide Permit is modified, reissued, or revoked, whichever comes first. Failure to comply with the General Conditions of this Nationwide Permit, or the project-specific Special Conditions of this authorization, may result in the suspension or revocation of your authorization.

We appreciate your feedback. At your earliest convenience, please tell us how we are doing by completing our customer survey at http://www.spk.usace.army.mil/customer_survey.html. Your passcode is "conigliaro".

Please refer to identification number SPK-2000-00782 in any correspondence concerning this project. If you have any questions, please contact Jamie LeFevre at our California South Branch, 1325 J Street, Room 1480, Sacramento, California 95814, email jamie.m.lefevre@usace.army.mil, or telephone (916) 557-6693. You may also use our website: www.spk.usace.army.mil/regulatory.html.

Sincerely,



Kathleen A. Dadey, Ph.D
Chief, California South Branch

Copy Furnished without enclosure(s)

Mr. Jeff Zimmerman, URS, 500 12th Street, Suite 200, Oakland California 94607

Mr. W. Dale Harvey, California Regional Water Quality Control Board, 1685 E Street, Fresno, California 93706

Mr. Mike McGuirt, Office of Historic Preservation, Department of Parks and Recreation, P.O. Box 942896, Sacramento California 94296

Ms. Sue Jones, US Fish & Wildlife Service, 2800 Cottage Way, Room W-2605, Sacramento, California 95825

Mr. Dave Smith, Wetland Section Chief (W-8), United States Environmental Protection Agency, 75 Hawthorne Street, San Francisco, California 94105

COMPLIANCE CERTIFICATION

Permit File Number: SPK-2000-00782

Nationwide Permit Number: 14

Permittee:

Steven E. Rough
Merced County DPW
715 Martin Luther King Jr. Way
Merced, CA 95340

County: Merced

Date of Verification: November 28, 2008

Within 30 days after completion of the activity authorized by this permit, sign this certification and return it to the following address:

U.S. Army Corps of Engineers
Regulatory Division
1325 J Street, Room 1480
Sacramento, California 95814

FAX : 916-557-6877

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with the terms and conditions of the permit your authorization may be suspended, modified, or revoked. If you have any questions about this certification, please contact the Corps of Engineers.

* * * * *

I hereby certify that the work authorized by the above-referenced permit, including all the required mitigation, was completed in accordance with the terms and conditions of the permit verification.

Signature of Permittee

Date