

-----Original Message-----
 From: Johnson, Shari SPL [<mailto:Shari.Johnson@usace.army.mil>]
 Sent: Thursday, August 04, 2016 7:28 AM
 To: Neufeld, Darin
 Subject: RE: Lake Jennings Marketplace Project (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Dear Mr.Neufeld:

It has come to our attention that you are evaluating the Lake Jennings Marketplace Project.

This activity may require a U.S. Army Corps of Engineers permit.

A Corps of Engineers permit is required for:

- a) structures or work in or affecting "navigable waters of the United States" pursuant to Section 10 of the Rivers and Harbors Act of 1899. Examples include, but are not limited to,
 - 1. constructing a pier, revetment, bulkhead, jetty, aid to navigation, artificial reef or island, and any structures to be placed under or over a navigable water;
 - 2. dredging, dredge disposal, filling and excavation;
- b) the discharge of dredged or fill material into, including any redeposit of dredged material other than incidental fallback within, "waters of the United States" and adjacent wetlands pursuant to Section 404 of the Clean Water Act of 1972. Examples include, but are not limited to,
 - 1. creating fills for residential or commercial development, placing bank protection, temporary or permanent stockpiling of excavated material, building road crossings, backfilling for utility line crossings and constructing outfall structures, dams, levees, groins, weirs, or other structures;
 - 2. mechanized landclearing, grading which involves filling low areas or land leveling, ditching, channelizing and other excavation activities that would have the effect of destroying or degrading waters of the United States;
 - 3. allowing runoff or overflow from a contained land or water disposal area to re-enter a water of the United States;
 - 4. placing pilings when such placement has or would have the effect of a discharge of fill material;
- c) the transportation of dredged or fill material by vessel or other vehicle for the purpose of dumping the material into ocean waters pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972;
- d) any combination of the above.

An application for a Department of the Army permit is available on our website:

<http://www.usace.army.mil/Portals/2/docs/civilworks/permitapplication.pdf>

If you have any questions, please contact me (contact information below).

R-1

Response to Comment Letter R

U.S. Army Corps of Engineers
 August 4, 2016

R-1 As described in Final EIR Section 2.1 Biological Resources, a blue line stream, Los Coches Creek, traverses the site from east to west along the southern boundary. The Resources Protection Ordinance (RPO) wetland encompasses the southern riparian forest and would not be impacted by the proposed project. The proposed project will not impact jurisdictional waters of the U.S.; therefore, a Clean Water Act Section 404 Permit is not required for the proposed project.

Shari Johnson
Regulatory Assistant
U.S. Army Corps of Engineers, Los Angeles District Regulatory Division, Carlsbad Field Office
5900 La Place Court, Suite 100
Carlsbad, CA 92008
Tel 760.602.4829; Fax 760.602.4848

Shari Johnson
Regulatory Assistant
U.S. Army Corps of Engineers, Los Angeles District Regulatory Division, Carlsbad Field Office
5900 La Place Court, Suite 100
Carlsbad, CA 92008
Tel 760.602.4829; Fax 760.602.4848

Assist us in better serving you! Please complete our brief customer survey, located at the following link:
http://corpsmapu.usace.army.mil/cm_apex/?p=regulatory_survey

CLASSIFICATION: UNCLASSIFIED