DEPARTMENT OF THE ARMY PERMIT

Permittee: Folsom City
Attn: Mr. David Miller
50 Natoma Street
Folsom, California 95630

Permit Number: SPK-2007-02159

Issuing Office: U.S. Army Engineer District, Sacramento
Corps of Engineers
1325 "J" Street
Sacramento, California 95814-2922

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 of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below. A notice of appeal options is enclosed.

Project Description:

To place fill material into 13.651 acres of waters of the U.S. to construct on-site and off-site infrastructure associated with the Folsom South of U.S. Highway 50 Specific Plan Area (SPA). The authorization includes the following loss of waters of the U.S.:

<table>
<thead>
<tr>
<th>Wetlands/Waters</th>
<th>On-Site Waters (ac)</th>
<th>Off-Site Waters (ac)</th>
<th>Total Waters (ac)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vernal Pool</td>
<td>0.624</td>
<td>0.316</td>
<td>0.940</td>
</tr>
<tr>
<td>Seasonal Wetland</td>
<td>1.231</td>
<td>0.061</td>
<td>1.292</td>
</tr>
<tr>
<td>Seasonal Wetland Swale</td>
<td>4.930</td>
<td>0.055</td>
<td>4.985</td>
</tr>
<tr>
<td>Seep</td>
<td>0.617</td>
<td>0.000</td>
<td>0.617</td>
</tr>
<tr>
<td>Marsh</td>
<td>0.017</td>
<td>1.440</td>
<td>1.457</td>
</tr>
<tr>
<td>Creek/Channel</td>
<td>1.181</td>
<td>0.426</td>
<td>1.607</td>
</tr>
<tr>
<td>Intermittent Drainage</td>
<td>1.494</td>
<td>0.044</td>
<td>1.538</td>
</tr>
<tr>
<td>Ditch</td>
<td>0.356</td>
<td>0.007</td>
<td>0.363</td>
</tr>
<tr>
<td>Pond</td>
<td>0.852</td>
<td>0</td>
<td>0.852</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td><strong>11.302</strong></td>
<td><strong>2.349</strong></td>
<td><strong>13.651</strong></td>
</tr>
</tbody>
</table>
Specific activities authorized include:

**Roads:** The construction of major circulation roads to serve the SPA and region

**Pedestrian/Bicycle Trails:** The construction of a network of Class I and II bicycle trails that would provide connectivity to existing and future trails in Sacramento and El Dorado Counties. A multi-use trail system would provide pedestrian and bicycle linkage throughout the SPA area. The trails would typically consist of 8- to 12-foot wide paved surfaces. Only those trails occurring within open space areas have been incorporated within the proposed Backbone Infrastructure application. This permit does not authorize proposed trails within specific project sites in the SPA.

**Sanitary Sewer:** The construction of the main sanitary system for the SPA located in major roadways, as well as separate sewer lines and off-site connections to regional sanitation under U.S. Highway 50

**Drainage and Flood Control:** The construction of detention and water quality basins that serve areas greater than the individual properties on which they are located, including the construction of one basin located off-site, west of the SPA, on the west side of the existing Prairie City Road

**Water Supply:** The construction of off-site water lines and a water treatment plant, which would be located in the south-west portion of the SPA.

All work is to be completed in accordance with the attached plan(s).

**Project Location:**

The on-site backbone infrastructure is located within the SPA, in Sections 9, 16, 17 and 18, Township 9 North, Range 9 East, MDB&M, within the Sphere of Influence of the City of Folsom, Sacramento County, California. The off-site impacts are located within Section 15, Township 9 North, Range 8 East, MDB&M, in Sacramento County, California.

**Permit Conditions:**

**General Conditions:**

1. The time limit for completing the work authorized ends on **May 31, 2019.** 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 of 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. If a conditioned water quality certification has been issued for your project, 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 in accordance with the terms and conditions of your permit.

Special Conditions:

1. Prior to the initiation of construction activities in waters of the U.S. associated with each phase of construction of the backbone infrastructure, you shall submit to the Corps, for review and approval, a plan-view drawing of the work proposed to be conducted within that phase, and cross-section view drawings of all crossings of waters of the U.S., as well as pre-construction color photographs of the upstream and downstream area of each crossing. The compass angle and location of each photograph shall be identified on the plan-view drawing. In addition, you shall include a description of any deviations (including changes in phasing sequence or boundaries of phases) from the authorized work, including the amount and type of waters that would be impacted, and the amount and type of compensatory mitigation that would be required. You shall ensure that the description provided includes information regarding any temporary impacts to waters of the U.S.

2. Prior to the initiation of each phase of development, you shall compensate for the loss of waters of the U.S. within that phase through the purchase of mitigation credits from the Cosumnes Floodplain Mitigation Bank and/or the Toad Hill Mitigation Bank at the following compensation to impact ratios for aquatic resources identified on the Figure 20. Current Backbone Impact Plan (3/1/12) drawing, prepared by ECORP Consulting, Inc.:

   a. To compensate for the loss of jurisdictional ditches, ponds, and marshes, you shall purchase floodplain mosaic re-establishment credits from the Cosumnes Floodplain Mitigation Bank at a ratio of 1:1.

   b. Creeks/channels and intermittent drainages:
(1) To compensate for the loss of creeks/channels and intermittent drainages located in the Lower American River 8-digit hydrologic unit code (HUC) watershed (018020111), you shall purchase floodplain riparian re-establishment credits from the Cosumnes Floodplain Mitigation Bank at a ratio of 2:1.

(2) To compensate for the loss of creeks/channels and intermittent drainages located in the Upper Cosumnes River 8-digit HUC watershed (18040013), you shall purchase floodplain riparian re-establishment credits from the Cosumnes Floodplain Mitigation Bank at a ratio of 1:1.

c. Seasonal wetlands and seasonal wetland swales:

(1) To compensate for the loss of seasonal wetlands and seasonal wetland swales located in the Lower American River 8-digit HUC watershed, you shall purchase floodplain mosaic re-establishment credits from the Cosumnes Floodplain Mitigation Bank at a ratio of 1.3:1.

(2) To compensate for the loss of seasonal wetlands and seasonal wetland swales located in the Upper Cosumnes River 8-digit HUC watershed, you shall purchase floodplain mosaic re-establishment credits from the Cosumnes Floodplain Mitigation Bank at a ratio of 1:1.

d. Seeps

(1) To compensate for the loss of seeps located in the Lower American River 8-digit HUC watershed, you shall purchase floodplain mosaic re-establishment credits from the Cosumnes Floodplain Mitigation Bank at a ratio of 4:1.

(2) To compensate for the loss of seeps located in the Upper Cosumnes River 8-digit HUC watershed, you shall purchase floodplain mosaic re-establishment credits from the Cosumnes Floodplain Mitigation Bank at a ratio of 3:1.

e. To compensate for the loss of vernal pools, you shall purchase vernal pool creation credits from the Toad Hill Mitigation Bank at a ratio of 1:1.

3. You shall ensure that impacts associated with all crossings of Alder Creek are temporary in nature and do not result in the permanent loss of waters in Alder Creek. You shall design road crossings of Alder Creek to maintain the pre-construction bankfull width of the creek, as well as accommodate reasonably foreseeable wildlife passage and expected high flows. This shall be accomplished by (1) employing bridge designs that span Alder Creek; (2) utilizing pier or pile supported structures; (3) utilizing large bottomless culverts that do not impact the natural streambed; and/or (4) utilizing a large box culvert which spans the width of Alder Creek, and is installed beneath the natural bed of Alder Creek. For the installation of any proposed box culverts in Alder Creek, you shall restore the natural streambed to ensure that substrate and streamflow conditions approximate original channel conditions, in accordance with Special Condition 3. All crossings of waters of the U.S., including Alder Creek, shall be reviewed and approved by the Corps prior to initiation of construction activities in waters of the U.S., as identified in Special Condition 1.

4. Within 30 days following completion of each crossing of Alder Creek, you shall restore areas of the creek temporarily impacted, as well as all disturbed adjacent upland areas, to pre-project contours and conditions. In order to ensure compliance with this condition, you shall:
a. Prior to the initiation of any construction of crossings of Alder Creek, submit to the Corps, for review and approval, a plan for the restoration of temporary impact areas. You shall include the following information in this plan:

(1) A description of and drawings showing the existing contours (elevation) and existing vegetation of each crossing of Alder Creek and the adjacent upland areas. This information shall also include site photographs taken upstream and downstream of each temporary impact area.

(2) The methods used to restore Alder Creek and the adjacent upland at each crossing to the original contour and condition, as well as a plan for the re-vegetation of the site following construction activities, if applicable.

(3) The proposed schedule for the restoration activities, and;

(4) A monitoring plan, to be approved by the Corps, for restoration of the temporary impact area to ensure success of the restoration. Monitoring shall be conducted for a minimum of three growing seasons after completion of restoration activities. The plan shall be presented in the format of the Sacramento District's Habitat Mitigation and Monitoring Proposal Guidelines, dated December 30, 2004, or appropriate updates.

b. Within 30 days following completion of restoration activities, submit to the Corps a report describing the restoration activities including color photographs of the restored area. The compass angle and position of all photographs shall be similar to the pre-construction photographs required in Special Condition 1.

c. Submit to the Corps a Monitoring Report by October 1 of each year of the required monitoring period. This report shall be submitted in the format shown on the enclosed Contents of Monitoring Reports. Reports may be submitted in hard copy or electronically.

5. You shall ensure that trenching activities in waters of the U.S. associated with the installation of utility lines does not result in the draining of any water of the U.S., including wetlands. This may be accomplished through the use of clay blocks, bentonite, or other suitable material (as approved by the Corps) to seal the trench. For utility line trenches, during construction, you shall remove and stockpile, separately, the top 6 – 12 inches of topsoil. Following installation of the utility line(s), you shall replace the stockpiled topsoil on top and seed the area with native vegetation. All utility lines in waters of the U.S. shall be reviewed and approved by the Corps prior to initiation of construction activities in waters of the U.S., as identified in Special Condition 1.

6. Prior to initiation any phase of construction activities within waters of the U.S., you shall employ construction best management practices (BMPs) within 50-feet of all on-site and off-site waters of the U.S. to be avoided. Methods shall include the use of appropriate measures to intercept and capture sediment prior to entering waters of the U.S., as well as erosion control measures along the perimeter of all work areas to prevent the displacement of fill material. All BMPs shall be in place prior to initiation of any construction activities (or prior to the initiation of each phase of the project) and shall remain until construction activities are completed. You shall maintain erosion control methods until all on-site soils are stabilized. You shall submit a description of and photo-documentation of your BMPs to our office with information required in Special Condition 1.
7. You shall implement the attached Programmatic Agreement (PA), entitled First Amended Programmatic Agreement Between the U.S. Army Corps of Engineers and the California Office of Historic Preservation Regarding the Folsom Plan Area Specific Plan, Sacramento County, California, and signed by these entities, in its entirety. The Corps has been designated the lead federal agency responsible for implementing and enforcing the PA as signed. If you fail to comply with the implementation and associated enforcement of the PA the Corps may determine that you are out of compliance with the conditions of the Department of the Army permit and suspend the permit. Suspension may result in modification or revocation of the authorized work.

8. This Corps permit does not authorize you to take an endangered species, in particular vernal pool fairy shrimp (Branchinecta lynchii), vernal pool tadpole shrimp (Lepidurus packardi), and valley elderberry longhorn beetle (Desmocerus californicus dimorphus). 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 81420-2010-F-0620-1, dated April 2, 2014), 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 U.S. Fish and Wildlife Service is the appropriate authority to determine compliance with the terms and conditions of its/their Biological Opinion, and with the Endangered Species Act. You must comply with all conditions of this Biological Opinion, including those ascribed to the Corps.

9. You shall notify the Corps of the start and completion dates for each phase of the authorized work within 10 calendar days prior to the initiation of construction activities within waters of the U.S., and 10 calendar days following completion of construction activities.

10. You are responsible for all work authorized herein and ensuring that all contractors and workers are made aware and adhere to the terms and conditions of this permit authorization. You shall ensure that a hard copy of the permit authorization and associated drawings are available for quick reference at the project site until all construction activities are completed.

11. You shall clearly identify the limits of all construction areas located within 100 feet of avoided waters of the U.S. with highly visible markers (e.g. construction fencing, flagging, silt barriers, etc.) prior to commencement of each phase of construction activities in waters of the U.S. You shall maintain such identification properly until construction areas and soils have been stabilized. You are prohibited from undertaking any activity (e.g. equipment usage or materials storage) that impacts waters of the U.S. outside of the permit limits.

12. You shall use only clean and non-toxic fill material for this project. The fill material shall be free from items such as trash, debris, automotive parts, asphalt, construction materials, concrete with exposed reinforcement bars, and soils contaminated with any toxic substance, in toxic amounts in accordance with Section 307 of the Clean Water Act.
13. All crossings of creeks, seasonal wetland swales, intermittent or ephemeral drainage, where the upstream or downstream portions of the feature are intended to be avoided, shall be conducted when the project area is naturally dewatered, or is dewatered in accordance with a Corps approved dewatering plan. No work shall be conducted in flowing waters.

Further Information:

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

   ( ) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

   (X) Section 404 of the Clean Water Act (33 U.S.C. 1344).


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 projects.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not:

   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 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 measures 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 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.

Name City of Folsom
Title Dr. Public Works & Community Development Permittee

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

Michael S. Jewel
Chief, Regulatory Division
(For the District Engineer)

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.

Name ____________________________
Title ____________________________
Transferee ____________________________

Date ____________________________