



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

REPLY TO
ATTENTION OF

March 27, 2009

RECEIVED

MAR 31 2009

TRIA

Regulatory Division (200700578)

Mr. Paul Brunner
Three Rivers Levee Improvement Authority
1114 Yuba Street, Suite 218
Marysville, California 95901-4838

Dear Mr. Brunner:

We are responding to your request to modify your Department of the Army permit number 200700578. The permit was issued on December 16, 2008, for Segment 2 of the Feather River Levee Repair Project. The site is located on or near the Feather River in Townships 13 and 14, Ranges 3 and 4 East, Yuba County, California. The modification request involves permanent impact to approximately 6.7-acres of waters of the United States and temporarily impact 4.2 acres of water of the United States.

Special conditions 13 - 15 have been modified with the following language:

13. To insure long-term viability of mitigation, preservation, and avoidance areas you shall:

a) Prior to initiating any activity authorized by this permit, establish a fully-funded endowment to provide for maintenance and monitoring of on-site and off-site mitigation, preservation, and avoidance areas.

b) Designate an appropriate conservation-oriented third party entity to function as preserve manager and to hold the required conservation easements.

c) Record permanent conservation easements and deed restrictions maintaining all mitigation, preservation, and avoidance areas as wetland preserve and wildlife habitat in perpetuity. Copies of the proposed deed restriction language shall be provided to the Corps of Engineers for approval prior to recordation.

14. Provide copies of the recorded documents to the Corps of Engineers.

15. To assure completion of compensatory mitigation measures, the permittee shall post a performance bond, irrevocable standby letter of credit (performance security) or a fully-funded escrow account for the amount of the land acquisition, studies, construction and long term management with a federally approved surety. This performance security shall not be released until the District Engineer has determined in writing that all mitigation success criteria

have been met. A draft letter for the performance security must be submitted to this office for review and approval. The performance security must be posted prior to the start of any work otherwise authorized by this permit.

All other terms and conditions of the permit remain in full force and effect. Failure to comply with the terms and conditions of this authorization may result in the suspension or revocation of your permit.

Please refer to identification number 200700578 in any correspondence concerning this project. If you have any questions, please contact Ms. Nancy Haley, Chief, California North Branch at our Sacramento District Office, 1325 J Street, Room 1480, email nancy.a.haley@usace.army.mil or telephone 916-557-7731. You may also use our website: www.spk.usace.army.mil/regulatory.html.

Sincerely,

A handwritten signature in black ink, appearing to read "Nancy A. Haley". The signature is written in a cursive style with a large, sweeping initial "N".

Nancy A. Haley
Chief, California North Branch

Enclosure – Copy of entire permit with new language