



**DEPARTMENT OF THE ARMY**  
**SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS**  
**450 GOLDEN GATE AVENUE**  
**SAN FRANCISCO, CALIFORNIA 94102**

March 30, 2022

Regulatory Division

Subject: 2011-00227S

Mr. John Waddell  
San Luis Obispo County Public Works Dept.  
County Government Center – Room 206  
San Luis Obispo, California 93408  
Email: Jwaddell@co.slo.ca.us

Dear Mr. Waddell:

This correspondence is in reference to your submittal of March 7, 2022, concerning Department of the Army (DA) authorization to implement the El Camino Real Bridge Replacement Project, located where El Camino Real crosses over Santa Margarita Creek near the intersection of El Camino Real and Santa Margarita Road, in the City of Atascadero, San Luis Obispo County, California (lat. 35.428611, long. -120.605833).

Work within U.S. Army Corps of Engineers' (Corps) jurisdiction will include the removal and replacement of the El Camino Real Bridge over Santa Margarita Creek, and improvement of the roadway approaches. The project will be implemented in phases to allow traffic to be maintained during construction. During the first phase, traffic will be diverted to the west side of the existing bridge and will cross the creek on a temporary free-span bridge to allow the existing bridge to be demolished and replaced with a new structure. The new bridge will be constructed as a cast-in-place, pre-stressed concrete bridge, approximately 142 feet long, supported by four sets of columns and piles, two sets of which will be located within the creek channel and consist of two-foot diameter columns supported on four-foot-diameter cast-in-drilled-hole (CIDH) concrete piles. Rock slope protection (RSP) will be installed at the abutments to prevent potential erosion. A temporary water diversion system, to dewater approximately 150 linear feet of the channel and an access path will be installed in the channel to facilitate construction, temporarily impacting approximately 0.18 acre of the channel. Work will require placement of rock fill within 0.0005 acre of Santa Margarita Creek. All work shall be completed in accordance with the plans and drawings titled "USACE File #2011-00227S, El Camino Real Bridge Replacement Project Design Plans, December 10, 2021," in two sheets, provided as enclosure 1.

Section 404 of the Clean Water Act (CWA) generally regulates the discharge of dredged or fill material below the plane of ordinary high water in non-tidal waters of the United States, below the high tide line in tidal waters of the United States, and within the lateral extent of wetlands adjacent to these waters. Section 10 of the Rivers and Harbors Act (RHA) generally regulates construction of structures and work, including excavation, dredging, and discharges of dredged or fill material occurring below the plane of mean high water in tidal waters of the United States; in former diked baylands currently below mean high water; outside the limits of mean high water but affecting the

navigable capacity of tidal waters; or below the plane of ordinary high water in non-tidal waters designated as navigable waters of the United States. Navigable waters of the United States generally include all waters subject to the ebb and flow of the tide; and/or all waters presently used, or have been used in the past, or may be susceptible for future use to transport interstate or foreign commerce.

Based on a review of the information in your submittal, the project qualifies for authorization under Department of the Army Nationwide Permit (NWP) 14 for Linear Transportation Projects (86 Fed. Reg. 73522, December 27, 2021), pursuant to Section 404 of the CWA of 1972, as amended (33 U.S.C. § 1344 et seq.). The project must be in compliance with the terms of the NWP, the general conditions of the Nationwide Permit Program, and the San Francisco District regional conditions cited on our website ([www.spn.usace.army.mil/Missions/Regulatory/Permitting/Nationwide/](http://www.spn.usace.army.mil/Missions/Regulatory/Permitting/Nationwide/)). You must also be in compliance with any special conditions specified in this letter for the NWP authorization to remain valid. Non-compliance with any term or condition could result in the revocation of the NWP authorization for your project, thereby requiring you to obtain an Individual Permit from the Corps. This NWP authorization does not obviate the need to obtain other State or local approvals required by law.

This verification will remain valid until March 14, 2026, unless the NWP authorization is modified, suspended, or revoked. Activities which have commenced (i.e., are under construction) or are under contract to commence in reliance upon a NWP will remain authorized provided the activity is completed within 12 months of the date of a NWP expiration, modification, or revocation, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization in accordance with 33 C.F.R. § 330.4(e) and 33 C.F.R. § 330.5(c) or (d). This verification will remain valid if, during the time period between now and March 14, 2026, the activity complies with any subsequent modification of the NWP authorization. The Chief of Engineers will periodically review NWPs and their conditions and will decide to modify, reissue, or revoke the permits. If a NWP is not modified or reissued within five years of its effective date, it automatically expires and becomes null and void. It is incumbent upon you to remain informed of any changes to the NWPs. Changes to the NWPs would be announced by Public Notice posted on our website ([www.spn.usace.army.mil/Missions/Regulatory/Public-Notices.aspx](http://www.spn.usace.army.mil/Missions/Regulatory/Public-Notices.aspx)). Upon completion of the project and all associated mitigation requirements, you shall sign and return the Certification of Compliance, enclosure 2, verifying that you have complied with the terms and conditions of the permit.

You shall comply with all terms and conditions set forth by the “*Water Quality Certification No. 34020WQ21 for El Camino Real at Santa Margarita Creek Bridge Replacement, 300439 Project, San Luis Obispo County,*” issued by the Central Coast Regional Water Quality Control Board on February 24, 2022 (enclosure 3). You shall consider such conditions to be an integral part of the NWP authorization for your project.

General Condition 18 stipulates that project authorization under a NWP does not allow for the incidental take of any federally-listed species in the absence of a biological opinion with incidental take provisions. As the principal federal lead agency for this project, the Corps initiated consultation with the United States Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) to address project related impacts to listed species, pursuant to Section 7(a) of the Endangered Species Act of 1973, as amended, 16 U.S.C. § 1531 *et seq.* By letters of May 22, 2018 and September 12, 2018, USFWS and NMFS issued BOs (FWS 08EVEN00-2018-F-0490, and WCR-2018-9534), cited in enclosures 4 and 5, respectively, with incidental take statements for California red-legged frog (*Rana draytonii*) and South-Central California Coast steelhead DPS (*Oncorhynchus mykiss*).

In order to ensure compliance with this NWP authorization, the following special conditions shall be implemented:

1. To remain exempt from the prohibitions of Section 9 of the Endangered Species Act, the non-discretionary Terms and Conditions for incidental take of federally-listed California red-legged frogs and South-Central California Coast steelhead shall be fully implemented as stipulated in the Biological Opinions titled “Programmatic Biological Opinion for Projects Funded or Approved under the Federal Highway Administration's Federal Aid Program (8-8-10-F-58)” (page 38), dated May 4, 2011, and “Endangered Species Act Section 7(a)(2) Biological Opinion for the El Camino Real at Santa Margarita Creek Bridge Replacement Project in San Luis Obispo County, California” (enclosures 4 and 5). Project authorization under the NWP is conditional upon compliance with the mandatory terms and conditions associated with incidental take. Failure to comply with the terms and conditions for incidental take, where a take of a federally-listed species occurs, would constitute an unauthorized take and non-compliance with the NWP authorization for your project. The USFWS and NMFS are, however, the authoritative federal agencies for determining compliance with the incidental take statements and for initiating appropriate enforcement actions or penalties under the Endangered Species Act.
2. Incidents where any individuals of steelhead or coho salmon listed by NOAA Fisheries under the Endangered Species Act appear to be injured or killed as a result of discharges of dredged or fill material into waters of the United States or structures or work in navigable waters of the United States authorized by this NWP shall be reported to NOAA Fisheries, Office of Protected Resources, at (301) 713-1401 and the Regulatory Office of the San Francisco District of the U.S. Army Corps of Engineers at (415) 503-6795. The finder should leave the plant or animal alone, make note of any circumstances likely causing the death or injury, note the location and number of individuals involved, and, if possible, take photographs. Adult animals should not be disturbed unless circumstances arise where they are obviously injured or killed by discharge exposure or some unnatural cause. The finder may be asked to carry out instructions provided by NOAA Fisheries, Office of Protected

Resources, to collect specimens or take other measures to ensure that evidence intrinsic to the specimen is preserved.

3. All standard Best Management Practices shall be implemented to prevent the movement of sediment downstream. No debris, soil, silt, sand, bark, slash, sawdust, cement, concrete, washings, petroleum products, or other organic or earthen material shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into the waterways.

A post construction report shall be submitted 45 days after the conclusion of construction activities. The report shall document construction activities and contain as-built drawings (if different from drawings submitted with application) and include before and after photos.

You may refer any questions on this matter to Greg Brown by telephone at (415) 503-6791 or by e-mail at [Gregory.G.Brown@usace.army.mil](mailto:Gregory.G.Brown@usace.army.mil). All correspondence should be addressed to the Regulatory Division, South Branch, referencing the file number at the head of this letter. The San Francisco District is committed to improving service to our customers. The Regulatory staff seeks to achieve the goals of the Regulatory Program in an efficient and cooperative manner while preserving and protecting our nation's aquatic resources. If you would like to provide comments on our Regulatory Program, please complete the Customer Service Survey Form available on our website: [www.spn.usace.army.mil/Missions/Regulatory.aspx](http://www.spn.usace.army.mil/Missions/Regulatory.aspx)

Sincerely,



Frances Malamud-Roam  
Senior Regulatory Project Manager

Enclosures

Digital Copies Furnished:

Henry Bonifas, SLO County Public Works Department ([hbonifas@co.slo.ca.us](mailto:hbonifas@co.slo.ca.us))

CA RWQCB, San Luis Obispo, CA ([Kim.Sanders@waterboards.ca.gov](mailto:Kim.Sanders@waterboards.ca.gov))