



City of Placerville

Public Works / Engineering
3101 Center Street
Placerville, California 95667
(530)642-5250

March 2, 2011

U.S. Army Engineer District, Sacramento
Corps of Engineers
Attn: Peck Ha
1325 J Street
Sacramento, CA 95814-2922

Subject: Transfer of Permit 200200319, Gateway Hotel & Gas Station

Dear Mr. Ha,

The Permittee to the subject project is Mr. Edward Mackay, a private developer who has since lost the project through foreclosure. The City of Placerville will be constructing the important regional connector road as a public works project. We are therefore requesting to transfer the permit and its obligations to reflect the Permittee as the City of Placerville. The City project entails constructing the same improvements as authorized in the Permit.

Please find attached a copy of the permit signed by the City Manager and a copy of the City Council resolution authorizing the transfer and assumption of obligations therefor.

Should you have questions, or require additional information please don't hesitate to contact me at (530) 642-5250, or the City's consultant, Jeffery Little of Sycamore Environmental at (916) 427-0703.

Sincerely,

Nathan Stong, P.E.
City Engineer

cc: Jeffrey Little, Sycamore Environmental
Edward Mackay, Smith Flat Development

Attachments



REPLY TO
ATTENTION OF

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

September 13, 2007

Regulatory Branch (200200319)

Edward Mackay
Alpha Group
2230 Meadow Lane
Placerville, California 95667-3514

Dear Mr. Mackay:

We are enclosing two draft copies of Department of the Army Permit 200200319 with this letter. Please read the terms and conditions of this permit carefully. To accept this permit, please complete the following:

- a. Sign and date both copies of the permit. You should include your printed name and title. Your signature will indicate acceptance of all permit conditions.
- b. Enclose a check or money order in the amount of \$100.00 made payable to FAO-USAED Sacramento.
- c. Return both copies of the signed permit to me.

After we receive all of the above items, we will sign and return one copy of the fully executed permit to you.

This letter contains a proffered permit for your proposed project. If you object to this decision, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this decision, submit a completed RFA form to the South Pacific Division Office at the following address: Doug Pomeroy, Administrative Appeal Review Officer, U.S. Army Corps of Engineers, South Pacific Division, CESPDPDS-O, 333 Market Street, Room 923, San Francisco, California 94105-2195, Telephone: 415-503-6574, FAX: 415-503-6646.

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within 60 days of the NAP. Should you decide to submit an RFA form, it must be received at the above address by August 20, 2007. It is not necessary to submit an RFA for the the Division Office if you do not object to the decision in this letter.



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

REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY PERMIT

Permittee: Edward Mackay
Alpha Group
2230 Meadow Lane
Placerville, California 95667-3514

Permit Number: 200200319

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:

The proposed 11.065-acre project includes the construction of a hotel, gas station, and road improvements to the Smith Flat Area. These road improvements include the creation of a direct intersection with U.S. Highway 50 and a roundabout intersection at Jaquier and Smith Flat Roads. This project permits the fill of 1.52 acres of waters of the United States including wetlands. All work is to be completed in accordance with the attached plans, and conditions listed below.

Project Location:

The project is located in the eastern boundary of the City of Placerville, in Sections 9 and 10, Township 10 North, Range 11 East, MDB&M, El Dorado County, California.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on **September 30, 2012**. 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

6. To mitigate for the loss of 1.52 acres of wet meadow, which includes seasonal wetlands and riparian habitat, you shall contribute funds in the amount of \$350,000.00 to the American River Conservancy (Conservancy) for the purpose of acquiring approximately 22.0 acres of wetland habitat on the Gold Hill Ranch (El Dorado county Parcel #089-010-06) or other Corps' approved site. Prior to proceeding with any activity otherwise authorized by this permit, and no later than November 2, 2007, the permittee must provide written confirmation that the Conservancy has deposited the full amount of \$350,000.00 into their land acquisition fund. To insure that mitigation is completed as required, you shall notify the District Engineer in writing, and no later than ten (10) calendar days, after acquisition of the Gold Hill Ranch site (or other Corps approved site) has been completed.

7. To mitigate for the loss of 1.52 acres of wet meadow, which includes seasonal wetlands and riparian habitat, you shall deposit \$50,000.00 into an escrow account established at a federally insured financial institution prior to proceeding with any activity otherwise authorized by this permit. The terms and conditions of this escrow account shall be established using the specific language as identified in Attachment C. The funds shall be used to restore at least 0.5 acres of riparian habitat in perpetuity along Hangtown Creek in accordance with the philosophy of the Hangtown Creek Watershed Master Plan and preferably used at a site upstream of where Clay Street crosses Hangtown Creek.

a. You shall provide the U.S. Army Corps of Engineers a location map and brief outline of the proposed Hangtown Creek riparian habitat restoration project by February 29, 2008.

b. You shall develop a final mitigation and monitoring plan for the proposed riparian restoration project along Hangtown Creek, which must be submitted to the Army Corps of Engineers for review and approval by May 1, 2008. The plan shall include mitigation location and design drawings, vegetation plans, including target species to be planted, and final success criteria, presented in the format of the Sacramento District's Habitat Mitigation and Monitoring Proposal Guidelines, dated December 30, 2004. This mitigation plan shall require the restored parcel to be preserved and protected as riparian habitat in perpetuity. The purpose of this requirement is to insure replacement of functions and values of the aquatic environment that would be lost through project implementation.

c. Construction of this Hangtown Creek riparian habitat restoration shall be completed in accordance with the Corps of Engineers' approved plan no later than October 31, 2008.

d. To insure that mitigation is completed as required, you shall notify the District Engineer of the start date and the completion date of the Hangtown Creek riparian habitat restoration project, in writing and no later than ten (10) calendar days after each date.

e. To provide a permanent record of the completed riparian habitat restoration work, you shall provide two complete sets of as-builts of the completed work to the Corps of Engineers. The as-builts shall indicate changes made from the original plans in indelible red ink. These as-builts shall be provided to this office no later than 30 days after the completion of the Hangtown Creek riparian habitat restoration project.

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).

() Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

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.

Edward Mackay
Permittee

Sept. 14, 2007
Date

Edward MACKAY owner

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

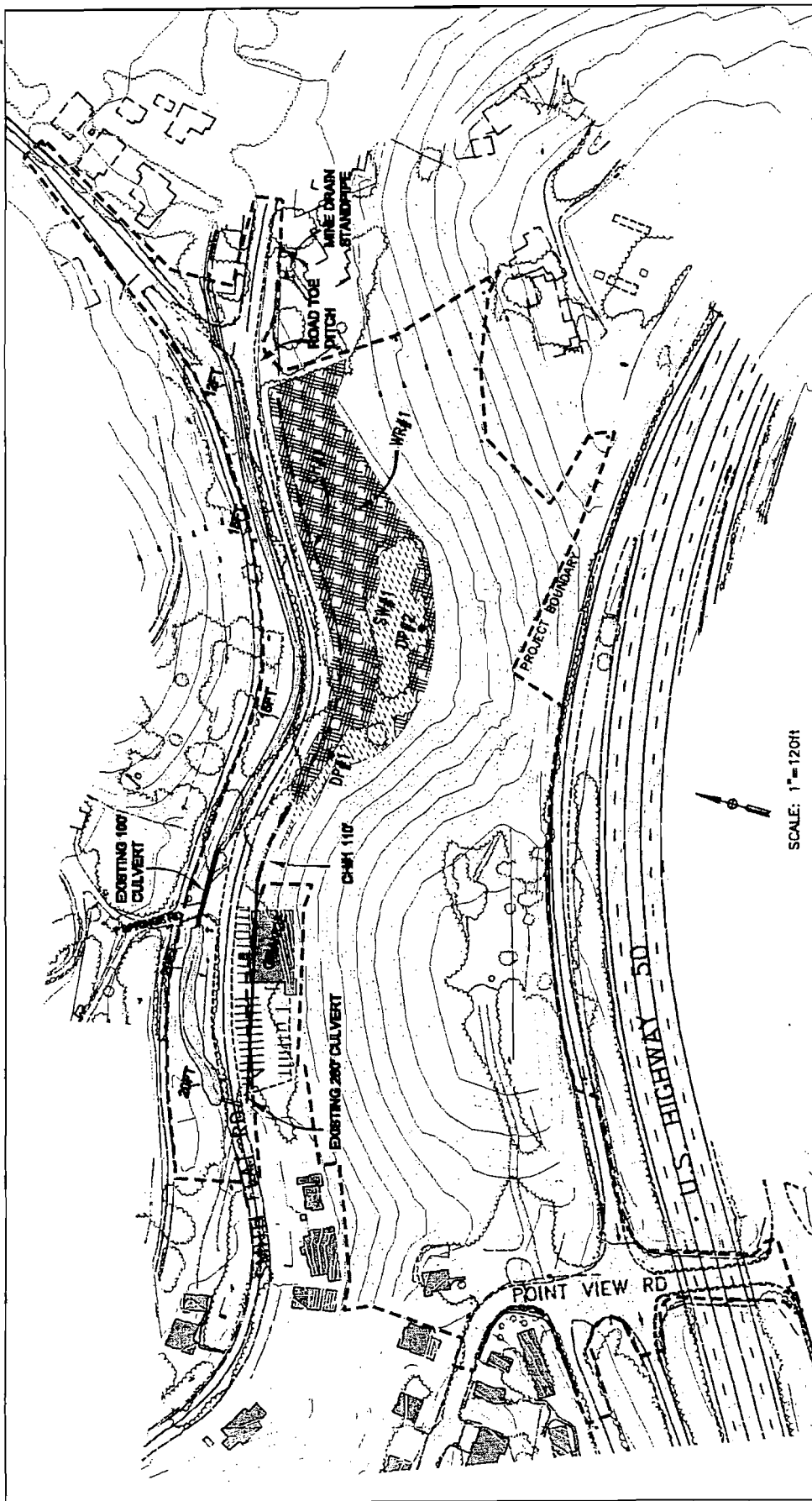
Kathleen A. Dadey
Kathleen A. Dadey, Acting Chief,
California Central Valley South Section
(For the District Engineer)

14 Sept 2007
Date

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.

Transferee

Date



SYCAMORE Environmental Consultants, Inc.

DATE	SYCAMORE	COLLEAGUES
12 March 02	Visited 5 July 2002	JUL 07
8 May 03	Approved	R.L. TW
1 Oct 04	CUA Rejection 1	R.L. TW
19 July 05	CUA Rejection 2	R.L. TW

Revised: 995374.cdwg, Carlton Engineering, Inc.
 Date: 05/05/05 11:00 AM 2005

Wetlands and Waters of the U.S. in the Project Limits

WETLANDS	WATERS OF THE U.S.		WETLANDS	
	Avg. width (ft)	Length (ft)	Wetland #	Acres
CH#1	5	644	SW#1	0.38
Hangtown Creek	13.8	1,097	WR#1	0.98
TOTAL		1,741		1.36

LEGEND:

- - - = Project Boundary
- [Hatched Box] = Seasonal Wetland
- [Cross-hatched Box] = Willow Riparian
- [Wavy Line] = Channel #1
- [Solid Line] = Hangtown Creek & CH#1
- = Data Point

Regulatory File No. 200200319
 Revised Jurisdictional Delineation Map
 Gateway Hotel and Gas Station
 City of Placerville, CA
 19 May 2005

Figure 2. Revised Wetlands and Waters of the U.S. Map



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Sacramento Fish and Wildlife Office
2800 Cottage Way, Room W-2605
Sacramento, California 95825-1846



In reply refer to:
1-1-04-I-1765

MAY 19 2004

Nancy A. Haley
Department of the Army
Corps of Engineers
1325 J Street
Sacramento, California 95814

MAY 25 2004

Subject: Informal Endangered Species Consultation on the Proposed Gateway Hotel and Gas Station, Placerville, El Dorado County, California

Dear Ms. Haley:

On July 29, 2003, the U.S. Fish and Wildlife Service (Service) sent you a letter (Service file 1-1-I-2579) in response to your June 26, 2003, letter that initiated informal endangered species consultation on the proposed Gateway Hotel and Gas Station, formerly called the Smith Flat Point View Project, in Placerville, El Dorado County, California. In your letter you requested our concurrence with your determination that the proposed action, the authorization of the fill of 1.756 acres of jurisdictional waters of the United States for the construction of the project may affect but is not likely to adversely affect the federally threatened California red-legged frog (*Rana aurora draytonii*), pursuant to the Endangered Species Act of 1973, as amended. In our response we had requested that the Service's February 18, 1997, Guidance on Site Assessment and Field Surveys for California Red-legged Frogs be used to substantiate your determination. On April 14, 2004, we received a California red-legged frog site assessment and surveys conducted within the project's analysis area. Based on the negative survey results, we concur with your determination that the project is not likely to adversely affect the California red-legged frog.

We appreciate your continued assistance and cooperation in the conservation of listed species. If you have questions, please contact Peter Epanchin or Roberta Gerson of my staff at (916) 414-6600.

Sincerely,

Catrina Martin
Deputy Assistant Field Supervisor

cc:
Sycamore Environmental Consultants, Inc. Sacramento, California (Attn: Jeffery Little)

TAKE PRIDE
IN AMERICA



California Regional Water Quality Control Board

Central Valley Region

Robert Schneider, Chair

lan C. Lloyd, Ph.D.
Agency Secretary

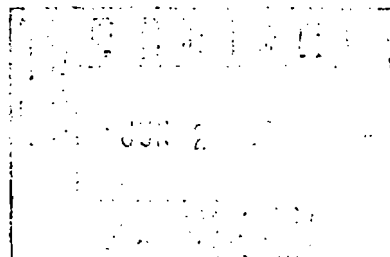
Sacramento Main Office
11020 Sun Center Drive #200 Rancho Cordova, CA 95670-6114
Phone (916) 464-3291 Fax (916) 464-4645
<http://www.waterboards.ca.gov/centralvalley>



Arnold
Schwarzenegger
Governor

17 June 2005

Mr. Edward Mackay
Gateway Properties
P.O. Box 6314
Auburn, CA 95604-6314



ACTION ON REQUEST FOR AN AMMENDED CLEAN WATER ACT §401 WATER QUALITY CERTIFICATION FOR DISCHARGE OF DREDGED AND/OR FILL MATERIALS FOR THE GATEWAY PROPERTIES GATEWAY HOTEL AND GAS STATION PROJECT (WDID#5A09CR00014), EL DORADO COUNTY

ACTION:

1. ☐ Order for Standard Certification
2. ☒ Order for Technically-conditioned Certification
3. ☐ Order for Denial of Certification

WATER QUALITY CERTIFICATION STANDARD CONDITIONS:

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and §3867 of Title 23 of the California Code of Regulations (23 CCR).
 2. This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
 3. The validity of any non-denial certification action shall be conditioned upon total payment of the full fee required under 23 CCR §3833, unless otherwise stated in writing by the certifying agency.
- Certification is valid for the duration of the described project. Gateway Properties shall notify the Regional Board in writing within 7 days of project completion.

11. Gateway Properties complies with all Department of Fish and Game 1600 requirements for the project as required.
12. Gateway Properties must obtain coverage under the NPDES General Permit for Storm Water Discharges Associated with Construction Activities issued by the State Water Resources Control Board.

REGIONAL WATER QUALITY CONTROL BOARD CONTACT PERSON:

Patrick G. Gillum, Environmental Scientist
11020 Sun Center Drive #200
Rancho Cordova, California 95670-6114
(916) 464-4709
Pgillum@waterboards.ca.gov

WATER QUALITY CERTIFICATION:

I hereby issue an order certifying that any discharge from the Gateway Properties, Gateway Hotel and Gas Station Project (WDID #5A09CR00014) will comply with the applicable provisions of §301 ("Effluent Limitations"), §302 ("Water Quality Related Effluent Limitations"), §303 ("Water Quality Standards and Implementation Plans"), §306 ("National Standards of Performance"), and §307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act. This discharge is also regulated under Regional Board Resolution No. R5-2003-0008 "*Waiver of Reports of Waste Discharge and Waste Discharge Requirements for Specific Types of Discharge: Type 12 Projects for which Water Quality Certification is issued by the Regional Board*", which requires compliance with all conditions of this Water Quality Certification.

Except insofar as may be modified by any preceding conditions, all certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the applicant's project description and the attached Project Information Sheet, and (b) compliance with all applicable requirements of the Regional Water Quality Control Board's Water Quality Control Plan (Basin Plan).

 / for TRP

THOMAS R. PINKOS
Executive Officer

Enclosure: Project Information

cc: U.S. Army Corps of Engineers, Sacramento
Timothy Vendlinski, Wetlands Section Chief (WTR-8), U.S. Environmental Protection Agency, Region 9, San Francisco
U.S. Fish & Wildlife Service, Sacramento
Oscar Balaguer, Certification Unit, State Water Resources Control Board, Sacramento
Jeffery Little, Sycamore Environmental Consultants, Sacramento

existing culverts and install one new culvert in Hangtown Creek. The total length of culvert installed in Hangtown Creek will be 245-feet.

Project changes result in a 7% reduction in impacts to the willow riparian wetland and a 16% reduction in impacts to Hangtown Creek. The project changes provide an opportunity to restore about 0.2-acres of willow riparian wetland adjacent to Hangtown Creek with native riparian trees, shrubs, and herbs.

Preliminary Water Quality Concerns: The construction activities may impact surface waters with increased turbidity and settleable matter.

Proposed Mitigation to Address Concerns: Gateway Properties will implement Best Management Practices (BMPs) to control sedimentation and erosion. All temporary affected areas will be restored to pre-construction contours and conditions upon completion of construction activities. Gateway Properties will conduct turbidity and settleable matter testing during in water work, stopping work if Basin Plan criteria are exceeded or are observed.

Fill/Excavation Area: The 2003 Water Quality Certification was for 1,597 cubic yards of material being discharged into 1.49-acres of federal jurisdictional waters. The current approved project will only discharge 1,464.9 cubic yards into 1.46-acres of federal jurisdictional waters.

Dredge Volume: <0.0 cubic yards

U.S. Army Corps of Engineers Permit Number: Gateway Properties has applied for an individual permit from the Corps on 9 May 2003

Federal Public Notice:

Department of Fish & Game Streambed Alteration Agreement: Gateway Properties applied for a Streambed Alteration Agreement on 9 May 2003.

Possible Listed Species: No Federal or State listed species will be affected within the project vicinity.

Status of CEQA Compliance: A Mitigated Negative Declaration was completed by El Dorado County on 16 September 2003 (State Clearinghouse Number 96082005)

Compensatory Mitigation: Gateway Properties will mitigate for impacts to jurisdictional wetlands and waters of the United States (1.49-acres) through the purchase of seasonal wetland credits at a Corps approved mitigation bank. Upon receipt of the purchase of these credits (to this office), this 401 Water Quality Certification will be valid.

Application Fee Provided: A \$500 fee deposit was submitted on 15 May 2003 as required by 23 CCR § 3833b(2)(A), and an additional \$1,750 fee was received 11 June 2003 (totaling \$2,250). A balance of \$1102.50 shall be submitted to this office ($\$2,250 \times 1.49\text{-acres} = \3352.50) to validate this 401 Water Quality Certification as required by 23 CCR § 2200(e).