

**From:** [Haley, Nancy A SPK](#)  
**To:** [Brunner, Paul](#)  
**Cc:** [France, Melissa M SPK](#)  
**Subject:** Training walls in Gold Fields  
**Date:** Friday, September 11, 2015 8:04:46 AM

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Hi Paul,

Sorry I didn't get back to you sooner as I actually did have an answer for you last week. As we discussed earlier this year, the Training Walls project in the Yuba Gold Fields will not require a permit from the Corps under Section 404 of the Clean Water Act. Sorry for the confusion.

Thanks and have a great weekend.

Nancy A Haley  
Chief, CA North Branch  
Regulatory Division/Sacramento District  
916-557-7731 Office  
916-201-0215 Cell  
[nancy.a.haley@usace.army.mil](mailto:nancy.a.haley@usace.army.mil)

\* We want your feedback! Take the survey: [http://corpsmapu.usace.army.mil/cm\\_apex/f?p=regulatory\\_survey](http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey)  
<[http://corpsmapu.usace.army.mil/cm\\_apex/f?p=regulatory\\_survey](http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey)>

Information on the Regulatory Program.  
<http://www.spk.usace.army.mil/Missions/Regulatory.aspx>

**From:** [France, Melissa M SPK](#)  
**To:** [Brunner, Paul](#)  
**Subject:** RE: TRLIA 100-yr Goldfields Project CVFPB permit 19046 BD (UNCLASSIFIED)  
**Date:** Thursday, September 03, 2015 7:48:42 AM

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Classification: UNCLASSIFIED  
Caveats: NONE

Good Morning Mr. Brunner,

Thank you for the response and for the letter. However, after some investigation, I still require the information I asked for in my letter in order to determine whether or not the work is exempt. Please call me if you have any questions.

Melissa France  
Regulatory Project Manager  
US Army Corps of Engineers, Sacramento District  
California North Branch  
1325 J Street, Room 1350  
Sacramento, California 95814  
Office: (916) 557-7759  
Fax: (916) 557-6877  
Email: [melissa.m.france@usace.army.mil](mailto:melissa.m.france@usace.army.mil)

Customer Service Hours: 9:00 A.M. to 3:00 P.M.

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-----Original Message-----

From: Brunner, Paul [<mailto:PBrunner@CO.YUBA.CA.US>]  
Sent: Monday, August 31, 2015 4:34 PM  
To: France, Melissa M SPK  
Cc: Clark, Andrea [[aclark@DowneyBrand.com](mailto:aclark@DowneyBrand.com)]  
Subject: [EXTERNAL] TRLIA 100-yr Goldfields Project CVFPB permit 19046 BD

Hi Melissa -Thanks for the short discussion today. Attached for your information and review is a letter from TRLIA (Downey Brand/TRLIA Counsel) to Nancy Haley discussing the TRLIA 100-yr Goldfields project. Please review and give me a call back.

Based on the January discussion, I don't think we need to take the actions described in your recent letter TRLIA (attached)

Thanks. Paul

Paul G. Brunner

Executive Director

Three Rivers Levee Improvement Authority (TRLIA)

530-749-5679 (office)

916-765-4981 (cell)

Classification: UNCLASSIFIED

Caveats: NONE

January 27, 2015

Nancy Haley, Chief  
CA North Branch Regulatory Division  
U.S. Army Corps of Engineers, Sacramento District  
1325 J Street  
Sacramento, CA 95814

Subject: Non-Jurisdictional Waters of the U.S. and TRLIA 100-Year Flood Protection Project

Dear Ms. Haley:

The purpose of this letter is to formally respond to the U.S. Army Corps of Engineers' (USACE) comment on the Three Rivers Levee Improvement Authority's (TRLIA) Initial Study/Proposed Mitigated Negative Declaration for the Yuba Goldfields 100-Year Flood Protection Project (Project). USACE's comment letter, which was received on March 24, 2014, advises TRLIA to prepare a jurisdictional delineation to determine whether the Project will require a USACE permit based on impacts to waters of the United States.

On January 22, 2015, TRLIA's Executive Director Paul Brunner and I met with you and with representatives of Western Aggregates to discuss whether ponds and channels within the Yuba Goldfields were determined by USACE to be non-jurisdictional. During that meeting, and after the meeting via email, you confirmed that for any TRLIA flood risk reduction project that takes place within Western Aggregates' area of vested mining rights (e.g., the Goldfields ponds and channels) are non-jurisdictional.

With respect to a future TRLIA 200-year project, which could place a more permanent embankment through the Yuba Goldfields, you also confirmed that ponds and channels would likewise be non-jurisdictional even outside of the Western Aggregates area where another mining company has vested or permitted rights to mine and where USACE has made a similar determination regarding ponds in those areas.

Thank you for meeting with us and clarifying these issues. TRLIA will move forward with the Project based on your confirmations as described above. Please feel free to call with any concerns or to discuss as needed.

Very truly yours,

DOWNEY BRAND LLP

A handwritten signature in black ink that reads "Andrea P. Clark". The signature is written in a cursive style with a large initial 'A' and a period at the end.

Andrea P. Clark

APC

cc: Paul Brunner, TRLIA



REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT  
1326 J STREET  
SACRAMENTO CA 95814-2822

August 25, 2015

Regulatory Division (SPK-2015-00741)

Three Rivers Levee Improvement Authority  
Attn: Mr. Paul Brunner  
114 Yuba Street, Suite 218  
Marysville, California 95901-5273

**RECEIVED**

**AUG 31 2015**

**TRLIA**

Dear Mr. Brunner:

We received a copy of your June 11, 2015 Central Valley Flood Protection Board (CVFPB) Encroachment Permit Application 19046 BD for the Yuba Goldfields Embankment Modification Project, which was forwarded to us by the CVFPB on July 28, 2015. The project is located in Section 12, Township 15 North, Range 4 East, Mount Diablo Meridian, Latitude 39.16641°, Longitude -112.47616°, Marysville, Yuba County, California.

A Department of the Army (DA) permit under Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act of 1899 may be required for activities associated with your project. Under Section 404 of the Clean Water Act, activities requiring a discharge of dredged or fill material into waters of the United States for work in navigable waters of the U.S. must be approved by this office. Work or structures in, under or over navigable waters must be authorized under Section 10 of the Rivers and Harbors Act of 1899. Based on the information provided in the CVFPB Encroachment Permit Application, additional information is required to determine if a Department of the Army (DA) authorization is required from our office. At your earliest convenience, please provide the following information:

a. To ascertain the extent of waters of the United States that may be present on the project site, we recommend you prepare a delineation of waters of the United States in accordance with the *Minimum Standards for Acceptance of Preliminary Wetlands Delineations and Final Map and Drawing Standards for the South Pacific Division Regulatory Program* and submit it to this office for verification. A list of consultants that prepare delineations and the above identified documents are available on our website (see URL in last paragraph).

b. A complete description of all proposed activities associated with the project to assist this office in determining what, if any, activities may be regulated. This should include information regarding the type of work that would occur, the specific location of the activities, whether any of the activities would involve the discharge of dredged or fill material into waters, as well as the type, amount and area that would be filled. The



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August 25, 2015

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Three Rivers Levee Improvement Authority  
Attn: Mr. Paul Brunner  
114 Yuba Street, Suite 218  
Marysville, California 95901-5273

**RECEIVED**

**AUG 31 2015**

**TRLIA**

Dear Mr. Brunner:

We received a copy of your June 11, 2015 Central Valley Flood Protection Board (CVFPB) Encroachment Permit Application 19048 BD for the Yuba Goldfields Embankment Modification Project, which was forwarded to us by the CVFPB on July 28, 2015. The project is located in Section 12, Township 15 North, Range 4 East, Mount Diablo Meridian, Latitude 39.16641°, Longitude -112.47816°, Marysville, Yuba County, California.

A Department of the Army (DA) permit under Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act of 1899 may be required for activities associated with your project. Under Section 404 of the Clean Water Act, activities requiring a discharge of dredged or fill material into waters of the United States for work in navigable waters of the U.S. must be approved by this office. Work or structures in, under or over navigable waters must be authorized under Section 10 of the Rivers and Harbors Act of 1899. Based on the information provided in the CVFPB Encroachment Permit Application, additional information is required to determine if a Department of the Army (DA) authorization is required from our office. At your earliest convenience, please provide the following information:

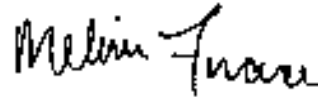
a. To ascertain the extent of waters of the United States that may be present on the project site, we recommend you prepare a delineation of waters of the United States in accordance with the *Minimum Standards for Acceptance of Preliminary Wetlands Delineations and Final Map and Drawing Standards for the South Pacific Division Regulatory Program* and submit it to this office for verification. A list of consultants that prepare delineations and the above identified documents are available on our website (see URL in last paragraph).

b. A complete description of all proposed activities associated with the project to assist this office in determining what, if any, activities may be regulated. This should include information regarding the type of work that would occur, the specific location of the activities, whether any of the activities would involve the discharge of dredged or fill material into waters, as well as the type, amount and area that would be filled. The

description should include a plan-view drawing of the proposed project indicating the location of the proposed work.

Please refer to identification number SPK-2015-00741 in any correspondence concerning this project. If you have any questions, please contact Melissa France at our California North Branch Office, Regulatory Division, Sacramento District, U.S. Army Corps of Engineers, 1325 J Street Room 1350, Sacramento, California 95814-2922, by email at [Melissa.M.France@usace.army.mil](mailto:Melissa.M.France@usace.army.mil), or telephone at 916-557-7759. For more information regarding our program, please visit our website at [www.spk.usace.army.mil/Missions/Regulatory.aspx](http://www.spk.usace.army.mil/Missions/Regulatory.aspx).

Sincerely,



Melissa France  
Regulatory Project Manager  
California North Branch  
Regulatory Division

cc:

Ms. Andrea Buckley, Central Valley Flood Protection Board,  
[Andrea.Buckley@water.ca.gov](mailto:Andrea.Buckley@water.ca.gov)