



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

REPLY TO
ATTENTION OF

January 31, 2008

Regulatory Division (SPK-200501115)

Dan Revay
Senior Development Director
Brosamer & Wall, LLC dba FKP, Inc.
1777 Oakland Blvd., Suite 300
Walnut Creek, California 94596

Dear Mr. Revay:

We are responding to your consultant's request for an approved jurisdictional determination for the County Crossings Project. This approximately 190-acre site is located in Sections 20, 21, 28 and 29 Township 2 North, Range 2 East, MDB&M, Latitude 38°00' North, Longitude 121°45' West, in the City of Antioch, Contra Costa County, California. Based on available information, we concur with the estimate of waters of the United States, as depicted on the October 5, 2007, *County Crossings Antioch, California Existing Wetlands Delineation Map* drawing prepared by BKF Engineering Surveyors/Planners. Approximately 16.14 acres of waters of the United States, including wetlands, are present within the survey area. These waters are regulated under Section 404 of the Clean Water Act, since they are tributary to East Antioch Creek and the San Joaquin River.

This verification is valid for five years from the date of this letter, unless new information warrants revision of the determination before the expiration date. This letter contains an approved jurisdictional determination for your subject site. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331.

A Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form is enclosed. If you request to appeal this determination you must submit a completed RFA form to the South Pacific Division Office at the following address: Administrative Appeal Review Officer, Army Corps of Engineers, South Pacific Division, CESPDPDS-O, 1455 Market Street, San Francisco, California 94103-1399, 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 60 days from the date of this letter. It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this letter.

You should provide a copy of this letter and notice to all other affected parties, including any individual who has an identifiable and substantial legal interest in the property.

This determination has been conducted to identify the limits of Corps of Engineers' Clean Water Act jurisdiction for the particular site identified in this request. This determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service, prior to starting work.

We appreciate your feedback. At your earliest convenience, please complete our customer survey at http://www.spk.usace.army.mil/customer_survey.html. Your passcode is "conigliaro".

Please refer to identification number SPK-200501115 in any correspondence concerning this project. If you have any questions, please contact William H. Guthrie at our Delta Office, 1325 J Street, Room 1480, Sacramento, California 95814-2922, email william.h.guthrie@usace.army.mil, or telephone (916)557-5269. You may also use our website: www.spk.usace.army.mil/regulatory.html.

Sincerely,



William H. Guthrie
Senior Project Manager

Enclosure(s)

Copy furnished without enclosure(s)

Randall C. Long, Principal, RCL Ecology, Biological Consulting, 329 Mount Palomar Place,
Clayton, California 94517