

March 2, 2026

Zac Quentmeyer, Deputy Public Works Director  
125 E. Main Street  
Grass Valley, CA 95945

**Subject: Revised Scope of Work for Waters of the U.S. Permitting Support and Regulatory Services for the Memorial Park Magenta Drain Restoration Project, City of Grass Valley, Nevada County, California<sup>1</sup>**

Dear Zac Quentmeyer:

Dudek is providing this Scope of Work for Waters of the U.S. (WOTUS) Permitting Support and Regulatory Services for the Memorial Park Magenta Drain Restoration Project (project), located in City of Grass Valley (City), Nevada County, California. Initially, Dudek provided a proposal for services that included tasks for biological and/or aquatic resource surveys; aquatic resources delineation with reporting and verification request; as well as permitting preparation and coordination support with California Department of Fish and Wildlife (CDFW)- North Central Region 2, and the Regional Water Quality Control Board (RWQCB)- Lahontan 6.

Since the preparation of the previous proposal, and execution of various tasks, Dudek has obtained further information regarding moving forward with permitting for the project. These items include the following:

- U.S. Army Corps of Engineers (USACE)- Approved Jurisdictional Determination (AJD; SPK-2025-00351), concluding that the project area aquatic resources are federal WOTUS and subject to permitting compliance with the USACE for Clean Water Act (CWA) Section 404, and the RWQCB for CWA Section 401.
- Completed a pre-application meeting with the RWQCB confirming compliance with CWA Section 401 through the Statewide Restoration General Order Notice of Intent (NOI) (RWQCB February 18, 20206).
- Completed a pre-application meeting with the CDFW confirming compliance with California Fish and Game Code (FGC) Section 1600 et. seq. through the Habitat Restoration and Enhancement Act (HREA) Form 1653 (CDFW February 18, 2026); and
- Completed a pre-application meeting with the USACE- Sacramento District confirming compliance for CWA Section 404 will be completed through the NOI process for restoration projects. During this meeting, several avenues for permitting compliance for CWA Section 404 were discussed. These options are discussed further comprise the subject material of this Scope (USACE February 19, 2026). See below.

---

<sup>1</sup> Version 2, Updated from January 2026 proposal based on pre-application meeting completed between the City of Grass Valley and U.S. Army Corps of Engineers.

## Scope of Work

### **TASK 5.3. WOTUS PERMITTING SUPPORT AND REGULATORY SERVICES**

As noted above, all options for permitting the restoration project for CWA Section 404 compliance was discussed during the pre-application meeting with the USACE. The options discussed include the following:

- Regional General Permit 16- Aquatic Habitat Restoration and Enhancement Activities.
- Nationwide Permit (NWP) 18- Minor Discharges; and/or
- NWP 27- Aquatic Habitat Restoration, Enhancement, and Establishment Activities.

For the USACE to make the best recommendation for permitting WOTUS to the project team (City), Dudek will prepare a preliminary aquatic resources impact map and provide it to the USACE project members for review and feedback.

Dudek understands that any permit path selected will take approximately the same time duration to get approved. This includes deeming the application complete and covers consultation with State Historic Preservation Office (SHPO) for federal compliance with the National Heritage Protection Act (NHPA) Section 106 compliance (Cultural resource services have been provided in a separate scope from Dudek, Task 5.2). Dudek will complete the selected pre-construction notification (PCN) or application. Each will require the following information:

- A completed NWP PCN or Regional General Permit 16 Form.
- A description of the project activity and potential impacts to WOTUS.
- A description and quantification of project impacts (area and linear feet of impacts) to aquatic resources, specifically within the ordinary high water mark (OHWM).
- An Aquatic Resources Delineation Report (ARDR) and AJD approval.
- Project maps and drawings of the project designs and impact areas prepared in accordance with the current map and drawing standards issued by the USACE South Pacific Division.
- Design drawings.
- Copies of any permanent or temporary disturbance activities such as grading.
- Approvals and certifications that are being obtained from other federal, state, and local agencies as needed.
- A discussion of avoidance and minimization measures (AMMs).
- Review and descriptions of NWP general conditions as needed.
- NHPA Section 106 consultation concurrence documentation.

Under this task Dudek has allotted time for coordination with the USACE and any additional information requests from the USACE to support NWP/Application processing. Dudek has also incorporated time for a Water Permitting Specialist/Biologist and a GIS Specialist to support this process.

**Task 5.3 Assumptions:**

- Dudek assumes this task order will cover the preparation, coordination, and meeting time with the USACE and the City for the pre-application meeting.
- We assume that NHPA Section 106 consultation will be required for historical resources to deem the USACE permit complete. Dudek assumes the USACE will be the Lead Agency for this consultation.
- The City will review the application once and provide one round of comments prior to finalization and submittal to the USACE.
- This cost estimate assumes a need to respond to up to one round of USACE comments only.
- We assume that the project will not result in a loss of aquatic resources acreage or linear feet beyond those authorized under the NWP or General Permit, and will therefore not require a compensatory mitigation.
- At the time this Scope was developed, it is assumed that compliance with CWA Section 401 can be met through an Notice of Intent (NOI) with the RWQCB; and California FGC 1602 can be met through the an HREA.
- We assume that the project would not trigger impacts to any state and/or federally listed species required an Incidental Take Permit (ITP) with the CDFW, and or the U.S. Fish and Wildlife Service (USFWS).
- Dudek cannot control the amount of time it will take the USACE to review our PCN or Regional Permit application or complete the NHPA Section 106 process to issue a final permit.

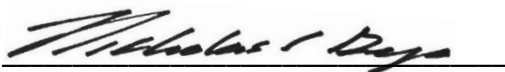
**Task 5.3 Deliverables:**

- Draft and Final version of the NWP PCN or General Permit package (digital format).
- Submit materials to the USACE- Sacramento District via Sacramento District's beta version of the Regulatory Request System (RRS), or USACE DoD SAFE site- whichever is working and directed for submittal by the USACE PMs.

**TOTAL COST .....\$11,060.00**

Please reach out with any questions regarding this scope and budget augmentation request (Task Order 04). Dudek is excited to keep advancing the Memorial Park Magenta Drain project and further aiding the City in constructing a successful and lasting park feature.

Sincerely,



**Nick Deyo**  
Senior Landscape Architect

cc: Bjorn Jones, Amy Kesler-Wolfson (City of Grass Valley); Morgan Kennedy, Katherine Waugh (Dudek)