



PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS
LOS ANGELES DISTRICT

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APPLICATION FOR PERMIT Development of a Regional General Permit for the City of Escondido Channel Maintenance Activities

Public Notice/Application No.: SPL-2011-00299-CMS

Project: Regional General Permit for the City of Escondido Channel Maintenance Activities

Comment Period: January 10, 2014 through February 9, 2014

Project Manager: Courtney Stevens; 760-602-4841; Courtney.M.Stevens@usace.army.mil

Applicant

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Location

The storm water facility maintenance sites proposed to be included in the City of Escondido's (City) regional general permit (RGP) are located at various locations throughout the city of Escondido, San Diego County, California. Figure 1 provides an overview of the maintenance site locations while Figures 2 and 3 provide a regional and vicinity reference for the sites.

Activity

The City proposes the development of a RGP for the City of Escondido channel maintenance activities (proposed project). The proposed project includes ongoing operation and maintenance (O&M) activities at 63 sites (58 sites that are subject to regulation under Section 404 of the Clean Water Act [CWA]) located within existing flood control channels and storm drains throughout the city of Escondido. The City is also proposing that the Corps allow for additional sites to be covered under this RGP that have not yet been identified that are determined to be similar in nature (e.g. similar in activity, methods, and equipment). For more information see page 4 of this notice.

Interested parties are hereby notified that an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawing(s). We invite you to review today's public notice and provide views on the proposed work. By providing substantive, site-specific comments to the U.S. Army Corps of Engineers, Regulatory Division (Corps), you provide information that support the Corps' decision-making process. All comments received during the comment period become part of the record and will be considered in the decision. This permit will be

issued, issued with special conditions, or denied under Section 404 of the CWA of 1972 (33 U.S.C. 1344).

Comments should be mailed to:

Regulatory Division (SPL-2011-00299-CMS)
Los Angeles District, Corps of Engineers
Carlsbad Field Office
5900 La Place Court
Suite 100
Carlsbad, California 92008

Alternatively, comments can be sent electronically to: Courtney.M.Stevens@usace.army.mil

The mission of the Corps Regulatory Program is to protect the Nation's aquatic resources, while allowing reasonable development through fair, flexible and balanced permit decisions. The Corps evaluates permit applications for essentially all construction activities that occur in the Nation's waters, including wetlands. The Regulatory Program in the Los Angeles District is executed to protect aquatic resources by developing and implementing short- and long-term initiatives to improve regulatory products, processes, program transparency, and customer feedback considering current staffing levels and historical funding trends.

Corps permits are necessary for any work, including construction and dredging, in the Nation's navigable water and their tributary waters. The Corps balances the reasonably foreseeable benefits and detriments of proposed projects, and makes permit decisions that recognize the essential values of the Nation's aquatic ecosystems to the general public, as well as the property rights of private citizens who want to use their land. The Corps strives to make its permit decisions in a timely manner that minimizes impacts to the regulated public.

During the permit process, the Corps considers the views of other Federal, state and local agencies, interest groups, and the general public. The results of this careful public interest review are fair and equitable decisions that allow reasonable use of private property, infrastructure development, and growth of the economy, while offsetting the authorized impacts to the waters of the United States. The permit review process serves to first avoid and then minimize adverse effects of projects on aquatic resources to the maximum practicable extent. Any remaining unavoidable adverse impacts to the aquatic environment are offset by compensatory mitigation requirements, which may include restoration, enhancement, establishment, and/or preservation of aquatic ecosystem system functions and services.

Evaluation Factors

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the

needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the EPA Guidelines (40 CFR Part 230) as required by Section 404 (b)(1) of the CWA.

The Corps is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Preliminary Review of Selected Factors

EIS Determination- A preliminary determination has been made that an environmental impact statement is not required for the proposed work.

Water Quality- The applicant is required to obtain water quality certification, under Section 401 of the Clean Water Act, from the California Regional Water Quality Control Board. Section 401 requires that any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps prior to permit issuance.

Coastal Zone Management- This project is located outside the coastal zone and preliminary review indicates that it would not affect coastal zone resources. After a review of the comments received on this public notice and in consultation with the California Coastal Commission, the Corps will make a final determination of whether this project affects coastal zone resources.

Essential Fish Habitat- Preliminary determinations indicate the proposed activity would not adversely affect Essential Fish Habitat. Therefore, formal consultation under Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) is not required at this time.

Cultural Resources- A records search of the project sites was conducted on July 17, 2012 through the South Coastal Information Center. The latest version of the National Register of Historic Places has been consulted and these sites are not listed. A pedestrian survey of the project sites was conducted on August 17 and 18, 2012. One cultural resource site was identified within the project footprint that was evaluated as potentially eligible for listing in the National Register of Historic Places. However, the cultural resource identified is outside of the area of disturbance and would not be affected by the proposed project.

The Corps requested a sacred lands search for the project maintenance sites through the Native American Heritage Commission (NAHC) on May 13, 2013, and sent letters to the Native American Tribes identified by NAHC as being affiliated with the project sites on September 10, 2013. These letters described the proposed project and requested comments and/or information on any additional known resources that may be present within the project footprint.

Endangered Species- Preliminary determinations indicate that the proposed project may affect, but is not likely to adversely affect federally-listed endangered or threatened species, specifically the San Diego ambrosia (*Ambrosia pumila*), coastal California gnatcatcher (*Poliioptila*

californica californica), and least Bell's vireo (*Vireo bellii pusillus*). In addition, the proposed project may affect approximately 1.44 acres of designated critical habitat for the coastal California gnatcatcher. However, direct impacts within designated critical habitat consists of urban/developed areas and southern cottonwood-willow riparian forest habitats, no direct impacts to Diegan coastal sage scrub would occur. Informal consultation under Section 7 of the Endangered Species Act was initiated on December 30, 2013.

Public Hearing- Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

Proposed Activity for Which a Permit is Required

Basic Project Purpose- The basic project purpose comprises the fundamental, essential, or irreducible purpose of the proposed project, and is used by the Corps to determine whether the applicant's project is water dependent (i.e., requires access or proximity to or siting within the special aquatic site to fulfill its basic purpose). Establishment of the basic project purpose is necessary only when the proposed activity would discharge dredged or fill material in to a special aquatic site (e.g., wetlands, pool and riffle complex, mudflats, coral reefs). The basic project purpose for the proposed project is to operate and maintain existing storm water facilities. The project **is** water dependent.

Overall Project Purpose- The overall project purpose serves as the basis for the Corps' 404(b)(1) alternatives analysis and is determined by further defining the basic project purpose in a manner that more specifically describes the applicant's goals for the project, and which allows a reasonable range of alternatives to be analyzed. The overall project purpose for the proposed project is to maintain existing storm water facilities within the city of Escondido.

Additional Project Information

Baseline information- The types of facilities that will be maintained as part of the RGP are as follows:

- natural streams/creeks and built storm water channels (both earthen and concrete bottom) with hydrologic regimes ranging from ephemeral to perennial (many features within the City maintain a low-volume perennial flow from adjacent urban runoff),
- culverts and their associated inlets and outlets,
- storm water basins, and
- access roads.

Table 1 (Attached) provides basic information about each facility, including the following:

- facility name,
- structure type (i.e., channel, culvert, culvert inlet or outlet, or basin),
- street address/location,
- lining type (concrete or earthen), and
- hydrologic regime.

A field delineation report, dated February 19, 2013, was prepared by AECOM, Inc. to document the extent of jurisdictional waters of the U.S. delineated at each storm water facility location for which

O&M activities are proposed (63 facilities were evaluated in all). A total of 71.66 acres of waters of the U.S. (composed of 70.75 acres of nonvegetated channel and 0.91 acre of wetlands) was delineated within all 63 of the proposed maintenance sites. Within the 58 maintenance sites subject to regulation under Section 404 of the CWA (refer to the Impact Types and Regulated Activities Section on Page 7 of this PN for a discussion on regulated areas), approximately 71.35 acres (composed of 70.57 acres of nonvegetated channel and 0.78 acre of wetlands) was delineated. Of this, approximately 1.26 acres of waters of the U.S. (including wetlands) will be permanently impacted due to repeat maintenance activities and 70.09 acres of waters of the U.S. (nonvegetated channels) will be temporarily impacted due to use of temporary diversion structures.

To evaluate impacts to waters of the U.S., Resource Tiers (Tiers) presented in Table 2 below, were established. Tiers indicate the sensitivity of the resource, with Tier I being the most sensitive (native habitat areas) and Tier IV (unvegetated concrete channels) being the least sensitive.

Table 2
Resource Tiers for Potential Jurisdictional Waters of the U.S. and State

Resource Tier	Description
Tier I	Includes native habitats growing within earthen facilities or non-serviceable concrete facilities. This includes wetland waters and riparian extent.
Tier II	Includes nonnative habitats and unvegetated areas occurring within earthen facilities or non-serviceable concrete facilities. These are mostly nonwetland waters but may include disturbed wetland waters.
Tier III	Includes vegetated areas occurring within serviceable concrete facilities. These are isolated, low-quality patches of opportunistic vegetation that are not likely to persist (e.g., flow associated with a storm event could easily blow out these habitat "islands"). Note that mature tree/shrub vegetation communities cannot occur on serviceable concrete lining by definition; if enough sediment is present to support native tree/shrub vegetation communities, the structure is non-serviceable by definition and the impacts would be elevated to Tier I.
Tier IV	Includes unvegetated areas occurring within serviceable concrete facilities.

Project description- Proposed O&M activities include the removal of accumulated sediment, natural and artificial debris, and vegetative cover that impede the flow of storm water through the City's conveyance network. This conglomerate of material would be removed from the indicated storm water facilities via "hand work" or mechanical methods. Proposed maintenance activities are as follows:

- dredging and excavating concrete and earthen channels and basins (concrete structures will not be modified),
- clearing culverts and associated inlet and outlet structures,
- dredging and excavation within earthen channels confining to a 20-foot radius around culverts and associated inlet and outlet structures,
- clearing vegetation (non-dredging),
- trimming riparian vegetation, and
- clearing and grading access road.

Equipment that may be required to perform the above described activities are the following:

- manual hand tools (e.g., rakes, shovels, loppers),
- mechanical hand tools (e.g., chain saws, string trimmers, hedge trimmers)
- herbicides, and
- heavy mechanical equipment (e.g., graders, backhoes, excavators, skid steers, and front-end loaders).

Table 1 (Attached) indicates the required maintenance and proposed maintenance methods at each maintenance site. Small facilities may only require hand work, but the other locations will require the use of heavy equipment. Although the table identifies a total of 63 sites, the City would also like to include additional sites as they are identified that are determined to be similar in nature as these identified to also be covered under the RGP.

Hand work is described as follows:

- Requiring only foot access to the site.
- Employing use of manual and mechanical hand tools only (no heavy equipment), to perform maintenance activities, as follows:
 - removing dead vegetative material and litter/trash,
 - removing nonnative plant species (live or dead),
 - trimming live native herbaceous vegetation down to approximately 2 feet in height, and
 - trimming live native shrub and tree species' limbs (limbs and branches greater than 2 inches in diameter will not be trimmed) to up to 6 feet above ground level.
- Not requiring staging of equipment or stockpiling of spoils.
- Not requiring installation of temporary water diversion devices.

Any trimming and/or cuttings that accumulate as a byproduct of hand work will be removed from potential jurisdictional waters and be disposed of appropriately. All work activities (i.e. vegetation clearing, dredging, and other mechanized activities) located within 500 feet of native riparian habitat will be restricted to outside the bird breeding season when practicable (February 15 through September 15).

Large facilities or facilities with large amounts of accumulated debris that cannot be removed via the above-described hand work method will require use of heavy equipment. Some of these facilities will require that equipment enter into the channel or basin; others will allow heavy equipment to remain outside of the limits of channels or basins while performing O&M activities. Additionally, some facilities (e.g., Escondido Creek) may require temporary fills to divert flows while work is being performed within the channel.

Access road maintenance will consist of clearing and applying herbicide to overgrown vegetation and grading as needed. All grading spoils and vegetative debris will be removed from the site, be disposed of properly, and will not be permitted to enter potential jurisdictional waters.

Site Access and Staging/Stockpiling Areas

Access to maintenance sites for O&M activities will typically be from the nearest public roadway (except for sites H-08 through H-12). Access to sites H-08 through H-12, all of which are located within Kit Carson Park, will be along existing dirt access roads. Maintenance of these access roads will be required and will follow the methodology described above.

Equipment staging and stockpiling of spoils will not occur within the limits of, or immediately adjacent to, potential jurisdictional waters. Equipment will be staged on existing developed surface roads and lots. Sediment, debris, and vegetative material will be removed from the immediate area and stockpiled off-site at City Public Works facilities. Spoils will be disposed of appropriately or reused for other projects throughout the City, where appropriate.

Impact Types and Regulated Activities

The purpose of the RGP is to establish a regulatory process to authorize routine flood control maintenance activities in a more effective and efficient manner. As this represents a programmatic authorization, not all actions and associated effects can be quantified in detail in advance. Rather, the authorization would be confined to a specified suite of activities and facilities that fall under the scope of the RGP, and which would not result in more than minimal impacts, either individually or cumulatively. The City has identified 63 proposed maintenance sites within waters of the U.S. that are addressed herein. The City is also proposing that the Corps allows for additional sites to be covered under this RGP that have not yet been identified. These sites would be determined similar in nature (e.g. similar in activity, methods, and equipment).

It was determined that 5 of the 63 proposed maintenance sites within waters of the U.S. do not require authorized use or issuance of a Department of the Army (DA) permit pursuant to Section 404 of the Clean Water Act (CWA) because the activities are expected to result in only incidental discharge. These 5 sites are identified in Table 1 (Attached). Specifically, it was determined that pure excavation (involving equipment staged outside of waters of the U.S. to remove accumulated sediment from channels resulting in only incidental fallback) and performing hand work, do not meet the definition of a regulated activity under the CWA Section 404 program. Specifically, these types of activities do not constitute the discharge of dredged material into a jurisdictional water of the U.S. The term "dredged material" and "discharge of dredged material" is defined at 33 CFR Section 232.2[c] and 33 CFR Section 232.2[d][1], respectively. Activities that do not constitute a discharge of dredged material are listed in 33 CFR 323.2[d][2].

The specific maintenance activities proposed at these sites are included in Table 1 (Attachment C). Temporary fill for water diversion structures would be employed at several facilities. These temporary diversion structures would be placed within portions of the channel while sediment and debris is removed. Due to varying channel width, implementation of a coffer dam is not possible at all locations. Therefore, work within the wetted portion of some channels may be required. When work is to be performed within the wetted portion of a channel, the City would employ a series of check dams downstream of the maintenance location to reduce flow velocities and allow any suspended particulates to settle out of the water column. Although the maintenance of serviceable structures (i.e. removal of sediment and debris within concrete-lined channels) are exempt from Section 404 of the CWA, as described in 33 U.S.C. Section 1344[f][1][B], the placement of temporary diversion structures is considered a temporary discharge of fill material and is not covered under the maintenance exemption. Therefore, the proposed O&M activities at facilities where placement of a temporary water diversion or check dam fill would occur in either natural or

concrete-lined channels are also subject to Section 404 statutes. These sites are included in the 58 facilities requesting CWA Section 404 authorization.

Frequency and Duration of O&M Activities

The frequency of maintenance activities will be site-specific, will vary by structure and location, and will range from every 1 to 2 years. The duration of the maintenance work will generally be between 2 to 5 days; however, depending on the activity, the work could last up to 45 days. A variety of equipment will be used to complete O&M activities, including manual and mechanical hand tools, graders, backhoes, excavators, skid steers, and front-end loaders. Table 1 (Attached) summarizes the frequency and duration of the proposed O&M activities for each storm water facility.

Proposed Mitigation– The proposed mitigation may change as a result of comments received in response to this public notice and the applicant's response to those comments. In consideration of the above, the proposed mitigation sequence (avoidance/minimization/compensation), as applied to the proposed project is summarized below:

Avoidance: The overall project purpose for the proposed project is to maintain existing storm water facilities within the city of Escondido. These storm water facilities are considered waters of the U.S., therefore the maintenance of these facilities is a water dependent activity and avoidance of impacts to waters of the U.S. is not feasible.

Minimization: At each facility, the City has made great efforts to reduce the extent and type of impact that will occur. In natural facilities with native vegetation growing in earthen-bottom channels, the City performed the following for each site:

- minimized impacts to riparian vegetation by restricting trimming of riparian trees to the understory (i.e., clearing vegetation and trimming limbs will be restricted to a height of 6 feet from the ground in areas where maintenance of riparian vegetation is required to maintain adequate flow through the channel),
- limited the extent of impacts by restricting quantifiable impacts to 0.1 acre and confined O&M activities to a 20-foot radius around the immediate facility that requires maintenance, and
- reduced impacts to only the minimum amount necessary to maintain flow in the low-flow channel.

Compensation: As part of the project, projected impacts to waters of the U.S. (wetlands and non-wetland waters) were quantified. Although most of the O&M activities would involve temporary vegetation and ground disturbance and not result in a loss of waters of the U.S., the impacts have been analyzed as permanent impacts to allow O&M activities to occur multiple times, as needed, at a given location (based on O&M needs). Since the impacts are considered permanent, associated off-site compensatory mitigation will occur one time.

The City has proposed a compensatory mitigation ratio of 2:1 for waters of the U.S. within the Tier

I category (vegetated native wetland/riparian habitat) and 0.5:1 for waters of the U.S. within the Tier II category (disturbed nonnative wetland habitat). For Tier I sites, mitigation would be performed offsite and include a minimum 1:1 ratio in the form of re-establishment with the balance of the mitigation provided in the form of enhancement. For Tier II sites, a 0.5:1 ratio would be mitigated offsite in the form of re-establishment. Based on the City's proposed compensatory mitigation ratios, the 1.26 acres of permanent impacts would be mitigated through the re-establishment and enhancement of 1.75 acres of waters of the U.S. at an offsite mitigation site located within a natural area in City-owned property in Kit Carson Park in the southern portion of Escondido, east of Interstate 15, and west of Bear Valley Parkway (Figure 4). Of the 1.75 acres of mitigation required, at least 0.94 acre will be re-establishment mitigation and 0.81 acre will be enhancement mitigation.

The City is proposing to use the 0.84 acre of surplus created wetlands within the existing 3.24-acre Kit Carson Park mitigation site (installed in fall of 2012 for the Escondido Sewer Outfall RGP) to meet a portion of this compensatory mitigation requirement. In addition, an adjacent 4.44-acre wetland/riparian mitigation area will allow for the remaining 0.91 acre of compensatory mitigation in the form of restoration (0.60 acre) and enhancement (0.31 acre). Therefore, the City's proposed mitigation provides a higher proportion of restoration with 1.44 acres of re-establishment and 0.31 acre of enhancement. In addition, onsite mitigation within natural facilities with earthen-bottom channels includes physical restoration of channel grades if routine maintenance activities temporarily alter appropriate grades.

Proposed Special Conditions

The following list is comprised of proposed Permit Special Conditions, which are required of similar types of projects:

Preconstruction

1. Pre-construction notification:
 - a. Timing: The City of Escondido must notify the U.S. Army Corps of Engineers (Corps), Regional Water Quality Control Board (RWQCB), and California Department of Fish and Wildlife (CDFW) **30 days** prior to beginning any project, and shall not commence the activity until a Notice to Proceed verification of compliance with this RGP is received from the Corps or thirty days have passed since the Corps received a complete notification package. The Corps maintains discretion to add Special Conditions the RGP verifications to clarify compliance with the terms and conditions of this RGP to ensure that the proposed project would have only minimal individual and cumulative adverse impacts to the environment.
 - b. Contents of notification: The notification must be in writing (Standard permit application form may be used, ENG 4345) and include the following information:
 - i. Location of the proposed project (maintenance site name), including latitude and longitude or UTM coordinates;
 - ii. Brief description of the work to be performed, including methods and equipment, in waters of the U.S., including jurisdictional wetlands;
 - iii. Timeframe of when work activities are expected to be performed;
 - iv. Type of facility that will be maintained (e.g. channel, inlet, outlet, basin);
 - v. Total area and type of habitat that will be impacted (including habitat Tier leve);
 - vi. Total estimate of cubic yards to be removed;
 - vii. Description of adjacent habitats likely to be affected (including suitable habitat for federally listed species);

- viii. Vicinity Map and Plan View Map showing the limits of the work area
- ix. Sketch showing the location of any temporary diversion structures in waters of the U.S (if required).; and
- x. All maps and drawings submitted shall be in compliance with the Final Map and Drawing Standards for the South Pacific Division Regulatory Division dated August 6, 2012 (<http://www.spl.usace.army.mil/Media/PublicNotices/tabid/1320/Article/2931/final-map-and-drawing-standards-for-the-south-pacific-division-regulatory-progr.aspx>).
- xi. For sites that were not included in the 58 sites previously evaluated, but are similar in activity and methods and are determined eligible to be covered under this RGP, the following additional information is required for new sites:
 - a. Jurisdictional delineation of the site and PJD form
 - b. Cultural resource assessment of the site; and
 - c. An assessment of potential impacts to federally listed species

2. All correspondence and submittals shall reference the Corps project name and File Number (SPL-2011-00299-CMS) conspicuously on any transmittal letter and/or the first page/paragraph of the text, and on any graphics or photographs. All plans and photographs shall be labeled and dated. Failure to provide this information may cause the Corps to determine that the submittals are incomplete, not submitted by the due date, or non-existent, and therefore, not compliant with permit conditions.

3. The District Engineer (DE) reserves the right to invoke discretionary authority on a case-by-case basis, as defined in 33 CFR Part 330.4(e), in instances where a project could have more than minimal individual or cumulative impacts. In addition, this permit may be modified or revoked in the future if additional information indicates that activities permitted under this RGP cause significant environmental impacts.

4. Where suitable habitat for federally listed species occurs within the project footprint (regardless of timing of activities), and where suitable habitat for federally listed species occurs within the project footprint and/or its 500 foot buffer and work activities cannot avoid the avian breeding season (February 15-September 15), the permittee shall staff a qualified biologist onsite during all project activities. The qualified biologist will ensure compliance with all requirements of this permit and ensure that adverse impacts do not occur outside of the permitted work area. The permittee shall submit the biologist's name, address, telephone number, email address (if available), and work schedule on the project to the Corps a minimum of fifteen (15) days prior to the planned date of initiating impacts to waters of the U.S., including wetlands and special aquatic sites authorized by this RGP for each authorized work activity.

5. Prior to the onset of the authorized activity, the permittee shall implement a contractor education program to ensure that all onsite personnel are informed of the biologically sensitive resources associated with the project site and compliance with all the General and Special Conditions herein. The permittee shall provide all onsite personnel a copy of this RGP, and require all onsite personnel to read, understand, and agree to this authorization in its entirety prior to initiation of the authorized activity. In addition, a copy of this RGP will remain with the biological monitor and on the project site posted for easy access by the work crew.

6. The permittee shall provide all on-site contractors, subcontractors, and forepersons a copy of this RGP and the RGP verification that was issued for the specific activity. The permittee shall ensure that all of the above personnel read, understand, agree to, and comply with all terms and conditions of the authorization. The permittee shall provide the Corps written confirmation of compliance with this

special condition prior to initiating construction activities in waters of the U. S., including wetlands and special aquatic sites including names, phone numbers, and addresses of all of the above personnel, including signatures indicating their understanding and agreement with this permit. As new personnel are brought onto the project during the construction phase, the permittee shall provide monthly written confirmation of compliance with this special condition to the Corps.

Mitigation

9. The proposed mitigation must be installed concurrently with project impacts to waters of the U.S., including wetlands and special aquatic sites. Delays in mitigation must be compensated for by additional mitigation implementation of 10% of the cumulative compensatory mitigation for each month of delay.

10. For Permittee Responsible Mitigation: The permittee shall mitigate for permanent impacts of up to **1.26 acres** to waters of the U.S., including wetlands through appropriate mitigation including re-establishment and enhancement of at least **1.75 acres** of waters of the U.S., including wetlands as described in the detailed conceptual, approved mitigation plan titled "Wetland/Riparian Mitigation and Monitoring Plan for the City of Escondido Channel Maintenance Activities" prepared by AECOM, Inc. For permanent impacts, the permittee shall complete site preparation and planting and initiate monitoring as described in the detailed conceptual, approved mitigation plan concurrently with impacts to waters of the U.S., including wetlands. According to the detailed conceptual, approved mitigation plan, responsible parties would be as follows: a) Implementation: City of Escondido, Utilities Department; b) Performance: City of Escondido, Utilities Department; c) Long-term management: City of Escondido, Parks and Landscape Maintenance Division. The permittee retains ultimate legal responsibility for meeting the requirements of the detailed conceptual, approved mitigation plan. Detailed mitigation objectives, performance standards, and monitoring requirements are described in the detailed conceptual, approved mitigation plan. Your responsibility to complete the required compensatory mitigation as set forth in this Special Condition will not be considered fulfilled until you have demonstrated compensatory mitigation project success and have received written verification of that success from the U.S. Army Corps of Engineers Regulatory Division (Corps).

a. GIS DATA: The permittee shall provide to this office geographic information systems (GIS) data (polygons only) depicting the boundaries of the compensatory mitigation site, as authorized in the above, detailed conceptual mitigation plan. All GIS data and associated metadata shall be provided on a digital medium (CD or DVD) or via file transfer protocol (FTP), preferably using the Environmental Systems Research Institute (ESRI) shapefile format. GIS data for mitigation sites shall conform to the Mitigation_SPD.xlsx data table, as specified in the Final Map and Drawing Standards for the South Pacific Division Regulatory Program dated August 6, 2012 (<http://www.spd.usace.army.mil/Portals/13/docs/regulatory/standards/map.pdf>), and shall include a text file of metadata, including datum, projection, and mapper contact information.

11. Within 60 calendar days of complete installation of all mitigation, the permittee shall submit to the Corps Regulatory Division a memorandum including the following information:

- a. Date(s) all mitigation was installed and monitoring was initiated;
- b. Schedule for future mitigation monitoring and reporting pursuant to the detailed conceptual, Corps-approved mitigation plan;
- c. Color photographs (including map of photopoints) taken at each mitigation site before and after installation such that correct installation per final, Corps-approved mitigation plan can be verified;
- d. One copy of "as built" drawings for the entire project, including all mitigation sites. Electronic submittal (Adobe PDF format) is preferred. All sheets must be signed, dated, and to-scale. If submitting paper copies, sheets must be no larger than 11 x 17 inches; and

e. Summary of compliance status with each special condition of this permit (including any noncompliance that previously occurred or is currently occurring and corrective actions taken or proposed to achieve compliance).

f. GIS DATA: Within 60 days following completion of compensatory mitigation construction activities, if any deviations have occurred, you shall submit as-built GIS data (polygons only) accompanied by a narrative description listing and explaining each deviation.

Construction

12. Where determined necessary by a qualified biologist, the permittee shall clearly mark the limits of the workspace with flagging or similar means to ensure mechanized equipment does not enter preserved waters of the U.S. and riparian wetland/habitat areas. Adverse impacts to waters of the U.S., including wetlands and special aquatic sites beyond the Corps-approved construction footprint are not authorized. Such impacts could result in permit suspension and revocation, administrative, civil or criminal penalties, and/or substantial, additional, compensatory mitigation requirements.

13. The permittee shall discharge only clean construction materials suitable for use in the riverine environment. Upon completion of the project authorized herein, any and all excess material or debris shall be completely removed from the work area.

14. No debris, soil, silt, sand, sawdust, rubbish, cement or concrete washings thereof, oil or petroleum products from construction shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into waters of the U.S., including wetlands and special aquatic sites. Therefore, the permittees shall employ all standard Best Management Practices to ensure that toxic materials, silt, debris, or excessive erosion do not enter waters of the United States during project construction. Upon completion of work, any excess material or debris shall be removed from the work area and disposed of in an appropriate upland site.

15. The permittee shall immediately remove all excess excavated material to an approved upland disposal site.

16. The qualified biologist shall document compliance with this permit. The biologist/permittee shall report any non-compliance with the permit to the Corps Carlsbad field office (760-602-4841) within one day of its occurrence. The biologist/permittee shall submit a written memorandum summarizing the non-compliance with the permit and any measures implemented to rectify the incident to the Corps Carlsbad field office within two days of notification to the Corps Regulatory Office of the non-compliance.

Post Construction

17. Within 60 calendar days of completion of authorized work in waters of the U.S., including wetlands, the permittee shall submit to the Corps Regulatory Division a post-project implementation memorandum including the following information:

a. Date(s) work within waters of the U.S., including wetlands and special aquatic sites was initiated and completed;

b. Dimensions of the water of the U.S. post-maintenance for earthen channels (i.e. bankfull width and bankfull depth);

c. Summary of compliance status with each special condition of this permit (including any noncompliance that previously occurred or is currently occurring and corrective actions taken or proposed to achieve compliance);

d. Color photographs (including map of photopoints) taken at the project site before and after construction for those aspects directly associated with permanent impacts to waters of the U.S., including wetlands and special aquatic sites such that the extent of authorized fills can be verified.

18. An annual report on completed projects shall be submitted to the Corps by February 1st of each year. This report will also be provided to the RWQCB and CDFW. This report shall include the maintenance site names O&M activities was performed on, a description of the work performed, specifically noting any changes that were made in the project design that differs from what was outlined in the pre-construction notification. The report shall also document a running tally of permanent excavation impacts as well as the restoration status of temporary impacts (if any) that were restored within waters of the U.S., including wetlands for each authorized maintenance site. The report shall include the post-maintenance bankfull widths and depths for each earthen channel maintenance site to ensure O&M activities are not significantly reshaping or deepening waters of the U.S. In addition, photographs shall be included of sites which are representative of each type of activity that was performed under this RGP. This report shall be reviewed by the resource agencies for compliance with the terms of the RGP. Field site visits may be performed on select sites by the Corps, as a part of the compliance evaluation.

Endangered Species

19. The RGP does not authorize the permittee to take an endangered or threatened species, or adversely modify designated critical habitat. In order to legally take a listed species, you must have separate authorization under the Endangered Species Act (ESA). The USFWS Biological Opinion (BO) (pending issuance) contains mandatory terms and conditions to implement the reasonable and prudent measures that are associated with incidental take that is also specified in the BO. Authorization under the RGP is conditional upon the permittee's compliance with all of the mandatory terms and conditions associated with incidental take in the attached BO, which terms and conditions are incorporated by reference in this permit. Failure to comply with the terms and conditions associated with incidental take of the BO, where a take of the listed species occurs, would constitute non-compliance with this permit. The USFWS is the appropriate authority to determine compliance with the terms and conditions of its BO, and with the ESA.

National Historic Preservation Act

20. Pursuant to 36 C.F.R. § 800.13, in the event of any discoveries during construction of either human remains, archaeological deposits, or any other type of historic property, the permittee shall notify the Corps Archeology staff within 24 hours (Mr. Steve Dibble at 213-452-3849 or Mr. John Killeen at 213-452-3861). The permittee shall immediately suspend all work in any area(s) where potential cultural resources are discovered. The permittee shall not resume construction in the area surrounding, i.e., immediately adjacent to, the potential cultural resources, until the Corps re-authorizes project construction, per 36 C.F.R. § 800.13.

Water Quality

21. You must comply with the conditions specified in the Regional Water Quality Control Board conditioned water quality Section 401 certification issued for the RGP (pending issuance) as special conditions to the RGP.

For additional information please call Courtney Stevens of my staff at 760-602-4841 or via e-mail at Courtney.M.Stevens@usace.army.mil . This public notice is issued by the Chief, Regulatory Division.



Regulatory Program Goals:

- To provide strong protection of the nation's aquatic environment, including wetlands.
- To ensure the Corps provides the regulated public with fair and reasonable decisions.
- To enhance the efficiency of the Corps' administration of its regulatory program.

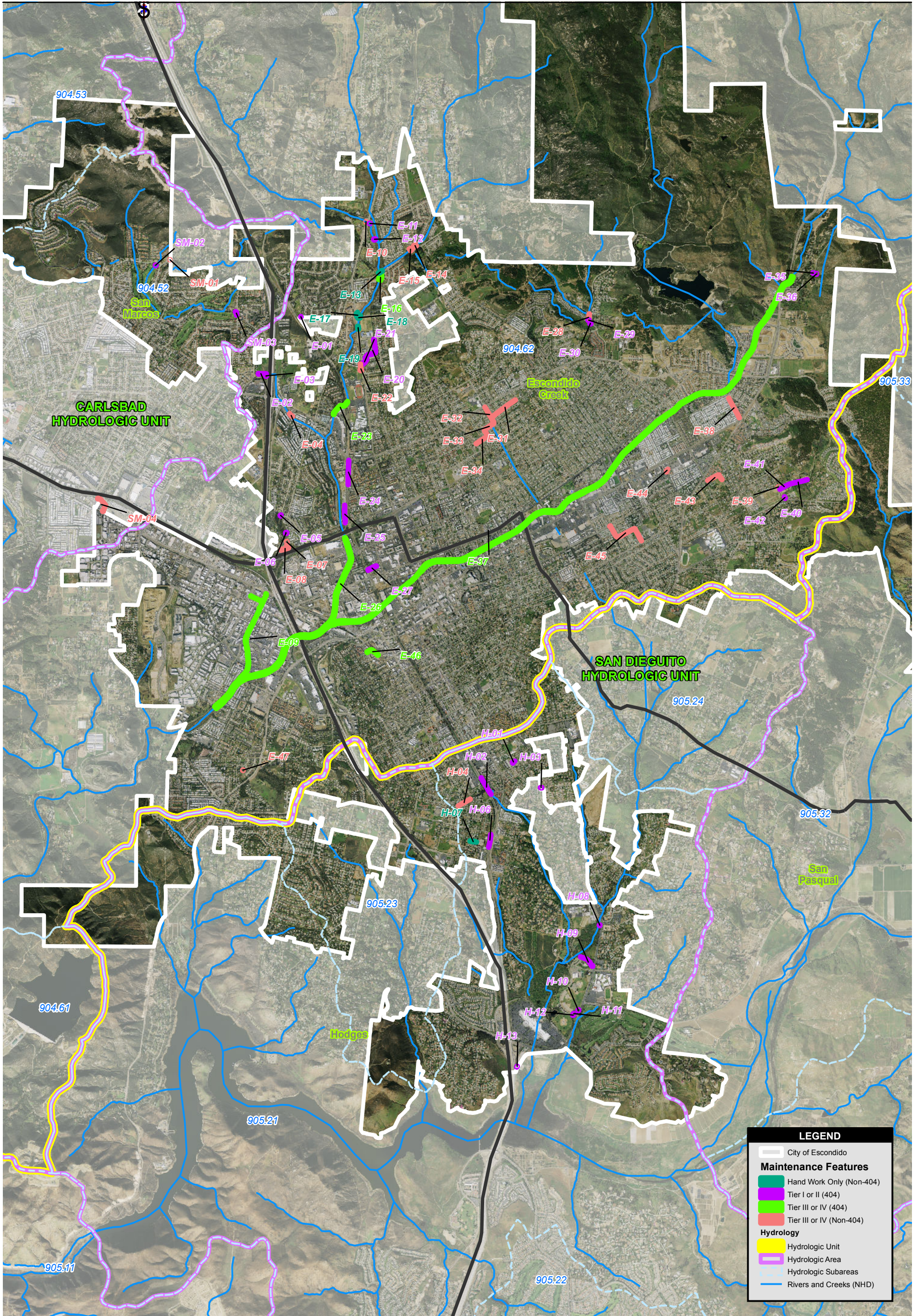
U.S. ARMY CORPS OF ENGINEERS – LOS ANGELES DISTRICT

5900 La Place Court

Suite 100

Carlsbad, California 92008

WWW.SPL.USACE.ARMY.MIL



Source: DigitalGlobe 2008; State Water Resources Control Board 2006; California Interagency Watershed Mapping Committee 2004; City of Escondido 2009

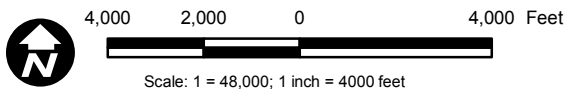


Figure 1
Hydrologic Units, Areas, and Subareas



Source: ESRI 2011; SANGIS 2008; City of Escondido 2009

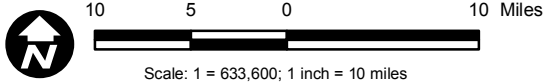
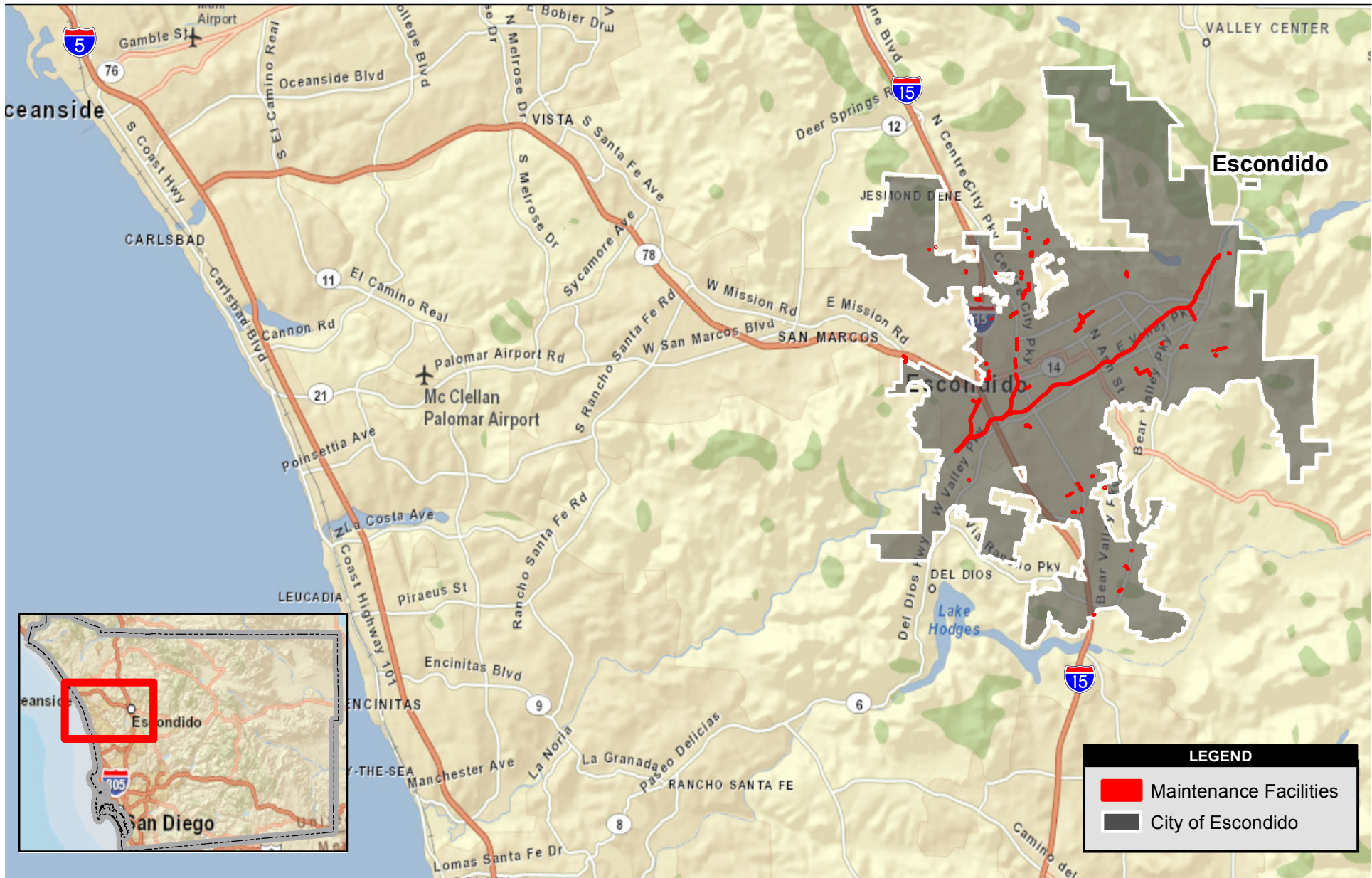


Figure 2
Regional Vicinity Map



Source: ESRI 2011; SANGIS 2008; City of Escondido 2009

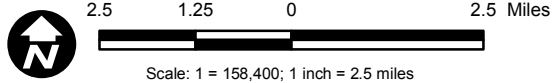
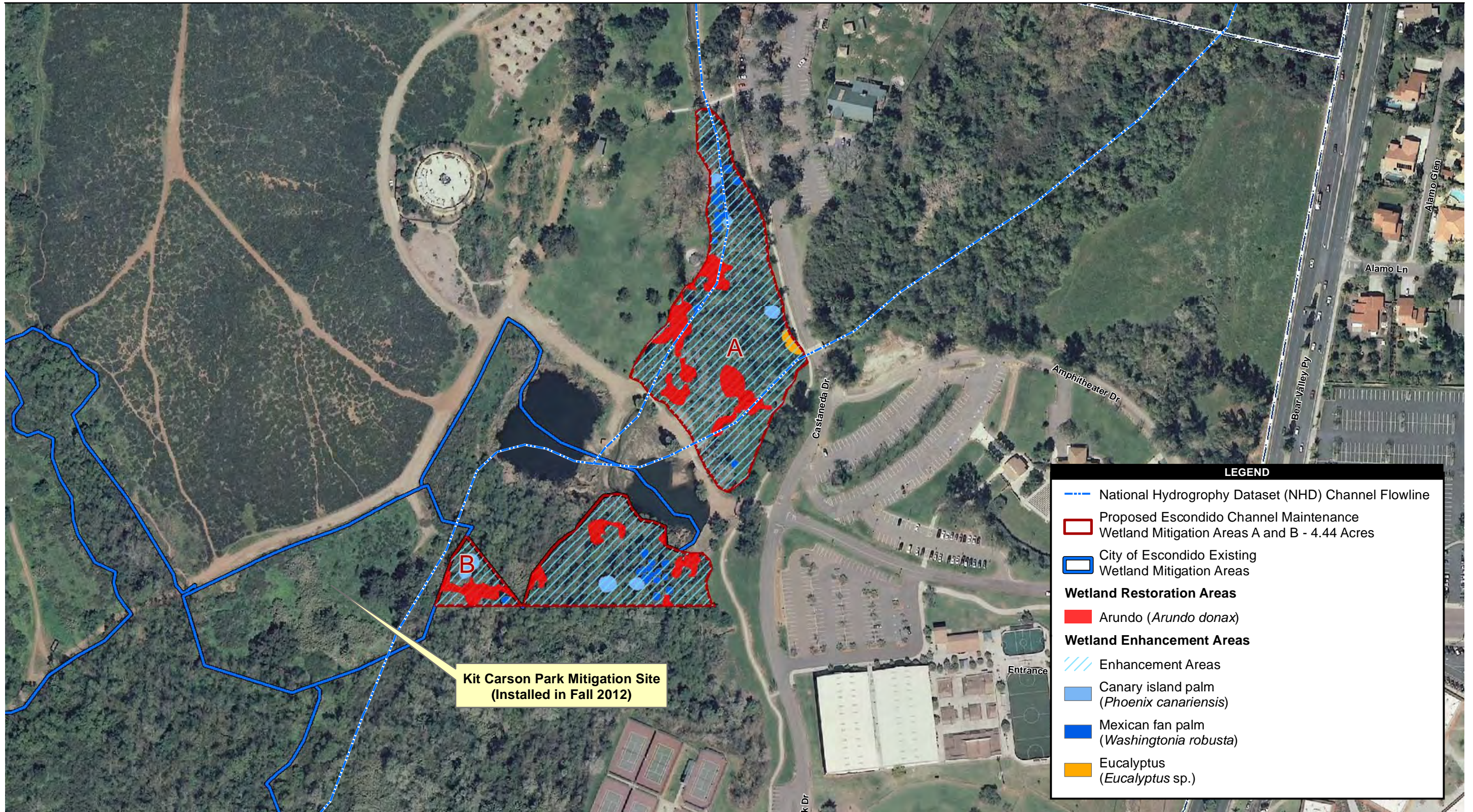


Figure 3
Project Location Map



Source: LandisCor 2010, NHD 2012

200 100 0 200 Feet

Scale: 1:2,400; 1 inch = 200 feet

Figure 3
Escondido Channel Maintenance Project
Proposed Wetland Mitigation Areas in Kit Carson Park

**Table 1
Proposed Activities and Impacts to Potential Jurisdictional Waters by Facility**

Facility Details							Description of O&M Activities																	Summary of Impacts to Jurisdictional Waters																											
Facility ID #	Facility Name	Location	Maintenance Frequency (years)	Structure Type	Lining Type(s)	Hydrology ¹	Maintenance Required (check all that apply)							Equipment Needed (check all that apply)							Likely Maintenance Duration (days)	Description of Maintenance Activities	Linear Feet	USACE Waters of the U.S. and State (Acres) ²				CDFG Jurisdictional Waters of the State Only (Acres) ²				Subtotals by Tier (Acres) ³				Subtotals by Jurisdiction (Acres) ²		Total Impact (Acres) ⁴	Acres Requiring Mitigation (Tiers I and II)	Estimated Mitigation (Acres) ⁵											
							Concrete Channel Dredge	Earthen Channel Dredge	Basin Dredge	Culvert Cleanout	Inlet Clean Out	Outlet Clean Out	Vegetation Clearing (NonDredge)	Vegetation Trimming	Access Road Clearing	Other (Add In)	Other (Add In)	Hand Tools (Manual)	Hand Tools (Mechanical)	Chemical				Grader	Backhoe	Excavator	Skid Steer	Front end Loader	Wetland Waters		Nonwetland Waters		Riparian Extent		Channel Bed and Bank (Includes Swales)		TIER I				TIER II	TIER III	TIER IV	U.S. & State	State Only						
																													TIER I	TIER II	TIER III	TIER IV	TIER I	TIER II	TIER III	TIER IV										TIER I	TIER II	TIER III	TIER IV	TIER I	TIER II
E-05	Carrotwood Glen (north outlet)	Carrotwood Glen and Rocksprings Rd	1	Outlet	Earthen	P		X									X	X						3	Removal of silt and vegetation	48	0.01							0.01					0.01			0.01	0.01	0.01	0.01	0.03					
E-06	Carrotwood Glen (east outlet)	Carrotwood Glen and Rocksprings Rd	1	Outlet	Earthen	P		X									X	X						3	Removal of silt and vegetation	67	0.02	0.02						0.00		0.00						0.02	0.02			0.03	0.01	0.04	0.04	0.07	
E-11	Reidy Creek Golf Course (north outlet)	Broadway Ave to Rincon Rd	1	Outlet	Concrete, Earthen	P	X			X									X	X				5	Removal of silt and vegetation	36	0.02							0.00								0.02			0.02	0.00	0.02	0.02	0.04		
E-12	Reidy Creek Golf Course (creek crossing)	Broadway Ave to Rincon Rd	1	Culvert	Earthen	P	X			X										X	X			5	Removal of silt and vegetation	59	0.03							0.03								0.06			0.03	0.03	0.06	0.06	0.12		
E-20	Vista Avenue (north segment)	West of Paradise St, north of Brava Place	1	Channel	Concrete, Earthen	P	X	X			X		X										X	3	Removal of silt and vegetation	1153	0.04					0.24	0.01				0.21	0.06			0.45	0.28	0.23	0.51	0.06	0.11					
E-21	Vista Avenue (south segment)	West of Paradise St, south of Brava Place	1	Channel	Earthen	P	X	X			X		X										X	3	Removal of silt and vegetation	288	0.05						0.03								0.08			0.05	0.03	0.08	0.08	0.15			
E-24	Center City Parkway / Decatur Way	CCP and Decatur Way	1	Channel	Earthen	I		X							X		X							3	Removal of silt and vegetation	1077		0.12													0.12			0.12		0.12	0.12	0.18			
E-25	Center City Parkway / Community Garden	CCP at Community Garden	1	Channel	Earthen	I		X						X	X		X							4	Removal of silt and vegetation	786		0.04		0.05												0.09			0.09		0.09	0.09	0.14		
E-27	623 Escondido Boulevard	Escondido Blvd and Mission Ave	2	Channel	Earthen	I		X			X						X							2	Removal of silt and vegetation	408	0.02			0.01						0.08							0.03	0.08	0.12	0.12	0.19				
E-29	Trujillo Terrace (south outlet)	La Honda and Trujillo Terrace	1	Outlet	Earthen	P		X		X							X							3	Removal of silt and vegetation	41	0.01					0.01									0.02			0.01	0.01	0.02	0.02	0.04			
E-30	Trujillo Terrace (south inlet)	La Honda and Trujillo Terrace	1	Inlet	Concrete, Earthen	P	X	X		X							X							3	Removal of silt and vegetation	37	0.01			0.01			0.02								0.03	0.01			0.02	0.02	0.04	0.04	0.07		
E-35	Lake Wohlford Road	Lake Wohlford Rd and Lake Wohlford Ct	1	Inlet	Earthen	E			X	X							X	X						2	Removal of silt and vegetation	40				0.01			0.02								0.02	0.01			0.01	0.02	0.03	0.03	0.05		
E-36	Lake Wohlford Court	Lake Wohlford Ct and Lake Wohlford Rd	1	Inlet	Earthen	E			X	X	X						X	X						2	Removal of silt and vegetation	40				0.00			0.01								0.01	0.00			0.00	0.01	0.02	0.02	0.03		
E-40	Slivkoff Drive (east segment)	Slivkoff Dr and Falconer Rd (Earthen Channel)	1	Channel	Earthen	E		X							X		X							3	Removal of silt and vegetation	832	0.05	0.01														0.05	0.01			0.05		0.05	0.05	0.10	
E-41	Slivkoff Drive (west segment)	Slivkoff Dr and Falconer Rd (Earthen Channel)	1	Channel	Earthen	E		X							X		X							3	Removal of silt and vegetation	423		0.03														0.03			0.03		0.03	0.03	0.05		
E-42	Silverado Place	Silverado Place and Falconer Rd	1	Channel	Concrete	E	X			X							X							2	Removal of silt and vegetation	93		0.01						0.01								0.02			0.01	0.01	0.02	0.02	0.02		
H-01	1855 Naranja Street	Naranja St and Vermont Ave (Lined and Unlined Portions)	1	Channel	Concrete, Earthen	E	X	X							X								X	1	Removal of silt and vegetation	161				0.00	0.00	0.02				0.00	0.00	0.02				0.01	0.00	0.03	0.02	0.02	0.04	0.01	0.01		
H-02	2035 Escondido Boulevard	Behind address	2	Channel	Earthen	P		X			X											X		2	Vegetation Removal	854		0.02		0.07												0.09			0.09		0.09	0.09	0.14		
H-03	Amparo Drive	Amparo Drive and Juniper St	1	Basin	Earthen	I			X															1	Vegetation Removal	74		0.01							0.02						0.03			0.01	0.02	0.03	0.03	0.05			
H-06	Center City Parkway / Brotherton Road	CCP at Brotherton Rd	1	Channel	Concrete, Earthen	I	X	X							X									2	Removal of silt and vegetation	582	0.03			0.01		0.00	0.00	0.00		0.00							0.03	0.01		0.00	0.04	0.00	0.04	0.04	0.07
H-08	Kit Carson Park (north outlet)	Bear Valley Pkwy immediately south of school	1	Outlet	Earthen	P				X		X	X	X	X	X	X	X	X	X	X	X	X	45	Removal of silt and vegetation	40							0.02								0.02			0.02		0.02	0.02	0.05			
H-09	Kit Carson Park (east channel)	Bear Valley Pkwy at Mary Ln	1	Channel	Earthen	I		X		X	X	X	X	X	X	X	X	X	X	X	X	X	X	45	Removal of silt and vegetation	720	0.09						0.01										0.10			0.09	0.01	0.10	0.10	0.19	
H-10	Kit Carson Park (south outlet)	Bear Valley Pkwy south of San Pasqual Rd	1	Outlet	Earthen	I				X		X	X	X	X	X	X	X	X	X	X	X	X	45	Removal of silt and vegetation	40	0.01						0.01									0.02			0.01	0.01	0.02	0.02	0.03		
H-11	Kit Carson Park (south driveway, culvert inlet)	Channel crossing at driveway by baseball fields	1	Inlet	Earthen	I		X	X	X	X		X	X	X	X	X	X	X	X	X	X	X	45	Removal of silt and vegetation	40	0.01						0.02									0.03			0.01	0.02	0.03	0.03	0.06		
H-12	Kit Carson Park (south driveway, culvert outlet)	Channel crossing at driveway by baseball fields	1	Outlet	Earthen	I		X	X	X		X	X	X	X	X	X	X	X	X	X	X	X	45	Removal of silt and vegetation	40	0.01						0.00									0.01			0.01	0.00	0.01	0.01	0.02		
H-13	3680 Sunset Drive	3680 Sunset Drive	1	Outlet	Earthen	P		X							X	X							X	1	Removal of silt and vegetation	50		0.01					0.01									0.01	0.01			0.01	0.01	0.02	0.02	0.03	
SM-02	Golden Circle	Behind 2090 Golden Circle	1	Outlet	Earthen	E		X							X									1	Removal of silt and vegetation	40				0.01											0.01			0.01		0.01	0.01	0.01			
SM-03	Nutmeg Street / Country Club Lane	Nutmeg and Country Club Lane	1	Channel	Earthen	P		X									X							2	Removal of silt and vegetation	181	0.03															0.03			0.03		0.03	0.03	0.06		
Total																	63869	0.55	0.26	0.11	0.20	0.81	69.74	0.26	0.03	0.14	0.16	2.00	0.81	0.59	1.10	71.74	71.66	2.58	74.24	1.26	2.23														

¹Hydrologic regime: P=Perennial, I=Intermittent, E=Ephemera
²All acreages are rounded to two decimal places after summation. A value of 0.00 indicates an acreage of less than 0.01 acre.
³Tier Definitions:
TIER I: Includes native habitats occurring within earthen facilities (includes concrete facilities with greater than six inches of deposited sediment). This includes wetland waters and riparian extent. [Mitigation = 2:1]
TIER II: Includes nonnative habitats and unvegetated areas occurring within earthen facilities. These are mostly nonwetland waters, but may include disturbed wetland waters. [Mitigation = 1.5:1]
TIER III: Includes native vegetation occurring within concrete channels (with less than six inches of deposited sediment). [No Mitigation]
TIER IV: Includes nonnative habitats and unvegetated areas occurring within concrete facilities. [No Mitigation]
⁴Upland impact acreage is entirely disturbed and developed. Upland acreage is not included in this table.
⁵Assumes a 2:1 mitigation ratio for Tier I impacts, and a 1.5:1 mitigation ratio for Tier II impacts, and no mitigation for Tier III and IV impacts. Actual mitigation ratios subject to final agency approval.
• O&M through foot access only
• Use of hand tools only, either manual (e.g. rakes, shovels, loppers) or mechanical (e.g., chain saws, string trimmers, hedge trimmers)
• No heavy equipment
• No equipment staging or stockpiling spoils required
• No temporary water diversion devices required