



SPECIAL PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS
LOS ANGELES DISTRICT

BUILDING STRONG®

PROPOSED RE-ISSUANCE
Regional General Permit (RGP) No.41
Removal of Invasive Plants

Public Notice/Application No.: SPL-2003-01094-TOB

Project: Removal of Invasive Plants

Comment Period: July 31, 2013 through August 31, 2013

Project Manager: Therese O. Bradford (760) 602-4850 therese.o.bradford@usace.army.mil

Location

Imperial, Inyo, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, and Ventura counties throughout the Los Angeles District within the State of California.

Activity: On January 22, 2009, the District Engineer, Los Angeles District Corps of Engineers (Corps) reissued Regional General Permit (RGP) No. 41, which authorizes the mechanized removal of invasive plants from waters of the U.S. including wetlands within the portions of California in the Los Angeles District Corps (Los Angeles, Orange, Riverside, San Diego, San Bernardino, Imperial, Ventura, Santa Barbara, Mono, Inyo, and San Luis Obispo counties). This general permit was first issued August 17, 1998 for a period of five years and then reissued December 10, 2003 for an additional five years, and again reissued on January 22, 2009 for an additional five years. The current permit expires January 22, 2014. The Corps is proposing to reissue RGP 41 for a period of five years.

This general permit has been issued under Section 404 of the Clean Water Act of 1972 (33 U.S.C. 1344) and Section 10 of the River and Harbors Act of 1899 (33 U.S. C.) and applies to anyone wishing to remove invasive plants in a manner which is consistent with the terms and conditions of this RGP.

Interested parties are hereby notified that the Los Angeles District is proposing to reissue a Department of the Army permit for the activity described herein and shown on the attached drawing(s). Interested parties are invited to provide their views on the proposed work, which will become a part of the record and will be considered in the decision. This permit will be issued or

denied under Section 404 of the Clean Water Act (33 U.S.C. 403) and Section 10 of the River and Harbors Act of 1899 (33 U.S. C.). Comments should be mailed to:

U.S. Army Corps of Engineers, Los Angeles District
Regulatory Division-Carlsbad Field Office
ATTN: CESPL-RG-200301094-TOB
5900 La Place Court, Suite 100
Carlsbad, California 92008

Alternatively, comments can be sent electronically to: therese.o.bradford@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 Clean Water Act.

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 re-issuance of this RGP.

Water Quality- On August 13, 1998 the State Water Resources Control Board issued a Section 401 Water Quality Certification for RGP 41. An amendment on October 24, 2003 was created followed by an amendment on January 8, 2004 for the reissuance of the RGP 41. On January 21, 2009 the State Water Resources Control Board issued a Section 401 Certification for RGP 41. For any proposed activity on Tribal land that is subject to Section 404 jurisdiction, the applicant will be required to obtain a separate water quality certification from the U.S. Environmental Protection Agency.

Coastal Zone Management- For previous reissuance's of this permit, the California Coastal Commission concurred with the Corps of Engineers that RGP 41 is consistent with the California Coastal Zone Management Program. The District Engineer hereby requests the California Coastal Commission's concurrence or nonoccurrence with the proposal to reissue this RGP.

Essential Fish Habitat- Activities authorized under this RGP would occur in areas dominated by exotic, invasive plants which often provide little habitat for fish species. However, areas which contain a mixture of exotic and native plants may support these species. Therefore, prospective permittees must investigate the potential impact of their proposed project on essential fish habitat and provide this information to the Corps prior to use of this RGP. If the Corps determines that a proposed project may affect essential fish habitat, consultation with the National Marine Fisheries Service will be initiated. The District Engineer hereby requests the NMFS's concurrence or nonoccurrence with the proposal to reissue this RGP.

Cultural Resources- Activities authorized under this RGP would generally occur in active stream channels or floodplains; therefore, the Corps believes that the proposed activities would not adversely affect historic properties listed, or eligible for listing, on the National Register of Historic Places. However, the Corps recognizes that such resources potentially occur on adjacent terraces slated for vegetation removal. Therefore, prospective Permittees must investigate the potential impact of their proposed project on cultural resources and provide this information to the Corps prior to the use of the RGP.

Endangered Species- Activities authorized under this RGP would occur in areas dominated by invasive plants which often provide little habitat for federally listed endangered or threatened

species. However, areas which contain a mixture of exotic and native plants may support these species. In addition, some of the areas affected by this RGP have been designated as critical habitat. Therefore, prospective permittees must investigate the potential impact of their proposed project on federally listed endangered or threatened species, species as proposed for listing as endangered or threatened or designated critical habitat and provide this information to the Corps prior to use of this RGP. If the Corps determines that a proposed project may affect a listed species or designated critical habitat, a Section 7 consultation with the U.S. Fish and Wildlife Service or the National Marine Fisheries Service will be initiated.

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 proposal. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

Proposed Activity for Which a Permit is Required- The purpose of this RGP is to provide a mechanism for expedited approval of invasive weed removal projects for the purpose of habitat recovery. Projects whose purpose is both habitat recovery and flood control would be eligible to use this RGP. The RGP would not be appropriate for use on projects whose sole purpose is flood control or removal of native vegetation. The RGP is not intended to be a planning tool; however, the Corps encourages people to begin invasive weed control efforts at the top of a watercourse to minimize re-infestation of previously treated areas.

RGP 41: This Regional General Permit would authorize the mechanized removal of the following invasive, exotic plants from waters of the U.S. including wetlands, within the California portion of the Los Angeles District Corps, for the purposes of habitat recovery:

giant reed - *Arundo donax*
salt cedar - *Tamarix* spp.
tree tobacco - *Nicotiana glauca*
castor bean - *Ricinus communis*
Russian thistle - *Salsola tragus*
Italian thistle – *Carduus pycnocephalus*
milk thistle – *Silybum marianum*
tocalote – *Centaurea melitensis*
star thistle - *Centaurea solstitialis*
bristly ox-tongue – *Picris echioides*
artichoke thistle - *Cynara cardunculus*
thistle - *Cirsium arvense* and *vulgare* only
pampas grass - *Cortaderia selloana*
fountain grass - *Pennisetum setaceum*
cape ivy - *Delairea odorata* (formerly called German ivy, *Senecio mikanioides*)
alligator weed - *Alternanthera philoxeroides*
perennial pepperweed - *Lepidium latifolium*
whitetop, hoary cress - *Cardaria draba*
Russian olive - *Elaeagnus angustifolia*
myoporum - *Myoporum laetum*
eucalyptus – *Eucalyptus* spp.
evergreen ash – *Fraxinus udhei*
bottlebrush – *Callistemon citrinus*
Peruvian pepper – *Schinus molle*

carrotwood – *Cupaniopsis anacardioides*
Chinese elm – *Ulmus parvifolia*
oleander – *Nerium oleander*
Mexican fan palm – *Washingtonia robusta*
Canary Island date palm – *Phoenix canariensis*
Geraldton carnation weed – *Euphorbia terracina*
Edible fig – *Ficus carica*
blue crown passion flower – *Passiflora caerulea*
pecan – *Carya illinoensis*
olive – *Olea europea*
Brazilian pepper – *Shinus terebinthifolius*
fennel – *Foeniculum vulgare*
water hyacinth – *Eichhornia crassipes*
Spanish sunflower – *Pulicaria paludosa*
Kikuyu grass – *Pennisetum clandestinum*
Andean pampas grass – *Cortaderia jubata*
Himalayan blackberry – *Rubus discolor*
Spanish broom – *Spartium junceum*

In addition, the Corps is considering adding the following species to this list:

Saharan mustard – *Brassica tournefortii*

For the purposes of this RGP, areas are classified as “fully infested stands” if they contain 80% relative or canopy cover of exotics. Areas that contain 50% and 80% relative or canopy cover of exotics are classified as “partially infested stands”. This RGP is not applicable in areas that have less than 50% relative or canopy cover of exotics. For a parcel to be considered a “stand” it must be at least 0.5 acre in size or completely isolated from contiguous native riparian habitat. Following flood, fire, disease, or other natural event which scours or destroys an area, the area shall be classified based on the areal coverage of invasive plants immediately prior to natural disturbance.

The following activities are authorized on a year-round basis in “fully infested stands”:

1. Broadcast foliar application of herbicides which are approved by the U.S. Environmental Protection Agency (USEPA) for use in wetlands and by the California Department of Pesticide Regulation for use within the State. To reduce potential impacts to migratory birds using parcels adjacent to fully infested stands, no aircraft (e.g. helicopter) application may occur between March 15 and September 15.
2. Mechanized landclearing, mechanical mulching (i.e. Hydro-Ax), mechanized removal, chipping, and excavation of living or dead invasive plants and any associated debris. Native riparian vegetation should be avoided to the maximum extent practicable. Any native riparian trees 3 inches DBH (diameter at breast height) or larger which are removed from fully infested stands must be replaced on site at a 5:1 ratio.
3. Stockpiling of invasive plants and associated debris which have been excavated, except during the flood season (November 15- April 15) when stockpiling is prohibited. Stockpiles must be placed in previously disturbed or degraded areas, cannot be placed within 50 feet of flowing water, must be placed in such a manner that it is not dispersed by currents or

other forces, and must be disposed of within 3 months of initial creation of the stockpile by either removal to an appropriate upland disposal area or by burning. Prior to upland disposal or burning of any stockpiles or debris, all appropriate state and local permits must be obtained. To reduce potential impacts to migratory birds using parcels adjacent to fully infested stands, burning cannot occur within 1,000 feet of native riparian or wetland habitat areas between March 15 and September 15.

4. Construction of access roads provided that the width and length of the road are the minimum necessary for access to the exotics removal site. Native woody riparian vegetation in the access road alignment must be flagged and avoided. Placement of fill, such as decomposed granite, gravel, or concrete, on newly constructed or existing access roads within waters of the U.S. is not authorized under this RGP. All appropriate Best Management Practices must be used to preclude increased turbidity and to ensure that road construction does not restrict or impede the passage of normal or expected high flows or cause the relocation of the water. Access roads which are no longer necessary for site monitoring, restoration, maintenance, or treatment, or abandoned access roads must be restored with appropriate native riparian or wetland vegetation.

The following activities are authorized on a seasonal basis, between September 16 and March 14, in "partially infested stands":

1. Plant-specific application of herbicides which are currently approved by the USEPA for use in wetlands. Application of herbicides in any area supporting threatened and/or endangered species should be consistent with the USEPA's Office of Pesticide Programs, Endangered Species Protection Program county bulletins. Plant-specific techniques may consist of application via a backpack sprayer and/or the cut/paint technique (cutting of the plant, followed by immediate direct application of herbicide to the freshly cut stump). No herbicide may be applied to native riparian vegetation.
2. Mechanized landclearing, mechanical mulching (*i.e.* Hydro-Ax), mechanized removal, chipping, and excavation of living or dead invasive plants and any associated debris. Native riparian vegetation must be flagged prior to commencement of any mechanized activities and must be avoided.
3. Construction of access roads provided that the width and length of the road are the minimum necessary for access to the exotics removal site. Native woody riparian vegetation must be flagged and avoided. Placement of fill, such as decomposed granite, gravel, or concrete, on newly constructed or existing access roads within waters of the U.S. is not authorized under this RGP. All appropriate Best Management Practices must be used to preclude increased turbidity and to ensure that road construction does not restrict or impede the passage of normal or expected high flows or cause the relocation of the water. Access roads which are no longer necessary for site monitoring, restoration, maintenance, or treatment or abandoned access roads must be restored with appropriate native riparian or wetland vegetation.
4. Broadcast foliar application of herbicide and stockpiling are prohibited in "partially infested stands". Hand clearing (including use of chain saws) is generally not subject to Corps jurisdiction under Section 404. However, if hand clearing occurs in "partially infested stands" native riparian vegetation should be flagged and avoided.

5. Invasive plant removal from "partially infested stands" during the migratory bird breeding season (March 15 - September 15) may be authorized by the Corps under this RGP on a case-by-case basis. Prior to requesting such authorization, the proposed project area must be surveyed by a qualified biologist in accordance with all appropriate U.S. Fish and Wildlife Service protocols. Results of these surveys must be submitted to the Corps as part of the Notification requirement.

Notification requirement - Prior to use of this RGP, prospective permittees must notify the Corps in accordance with the modified notification procedures under General Condition 18 of this RGP. A copy of the notification package should be sent to the U.S. Fish and Wildlife Service, California Department of Fish and Wildlife, National Marine Fisheries Service (if appropriate), California Coastal Commission (for projects which may affect the coastal zone), State Water Resources Control Board, and the appropriate Regional Water Quality Control Board.

Work may not commence until 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 to RGP verifications to clarify compliance with the terms and conditions of this RGP or to ensure that the proposed project would have only minimal individual and cumulative adverse impacts to the environment. In cases where the proposed project does not comply with the terms and conditions of this RGP, the Corps determines that the proposed project would be contrary to the public interest, or would result in greater than minimal individual or cumulative adverse impacts to the environment, the applicant will be notified by the Corps within thirty days of receipt of a complete notification on the procedures to seek a nationwide permit or an individual permit under 33 CFR 330.6.

Basic Project Purpose- Removal of invasive plants.

Overall Project Purpose- Removal of invasive plants and restoration of waterways throughout southern California.

Additional Project Information

Baseline information- Since its reissuance, three actions have been authorized under RGP 41, accounting for over 200 acres of invasive weed removal (two actions were in San Diego County, and one was in Orange County). The Corps has not experienced any compliance problems on these three authorizations. The Corps is soliciting input regarding the need to modify RGP 41 prior to its reissuance. Suggested modifications could include changes to the list of species covered, changes to the conditions of the authorization, changes to the notification procedure, or expansion or restriction of activities authorized under the general permit.

Project description- This RGP would authorize the mechanized removal of the following invasive, exotic plants from waters of the U.S. including wetlands, within the California portion of the Los Angeles District Corps, for the purposes of habitat recovery. Projects whose purpose is both habitat recovery and flood control would be eligible to use this RGP.

Proposed Mitigation- no mitigation is proposed as the activity is self-mitigating.

Proposed Special Conditions

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

1. This Regional General Permit shall expire on (date to be determined). Based on continuing evaluation of the general permit, the Corps retains discretion to reissue, modify, rescind, or exclude certain activities or areas from authorization under the RGP.

2. No activity may substantially disrupt the movement of those species of aquatic life indigenous to the waterbody, including those species which normally migrate through the area.

3. No activity may cause more than minimal adverse effect on navigation and activities shall not interfere with the public's right to free navigation on all navigable waters of the US. For projects occurring in navigable waters of the United States, the Permittee shall notify the Commander Eleventh Coast Guard District POW, BLDG 50-6 Coast Guard Island, Alameda, California, 94501-5000, (510) 437-2968, at least two weeks prior to start of activity and 30 days if buoys are to be placed. The notification should include the following information:

- a. Location of the work site;
- b. Size and type of equipment that will be performing the work;
- c. Name and radio call signs for working vessels, if applicable;
- d. Telephone number for on-site contact with project personnel; and
- e. Project schedule.

4. The Permittee shall make every effort to ensure that vegetation nodes, root stalks, or other debris resulting from their activity do not enter or remain in any actively flowing watercourse.

5. The Permittee shall not stockpile invasive plants and associated debris during the flood season (November 15 to April 15). Stockpiling is allowed between April 16 and November 14; however, it must occur in previously disturbed or degraded areas. Stockpiles cannot be placed within 50 feet of flowing water, must be placed in such a manner that it is not dispersed by currents or other forces, and must be disposed of within 3 months of initial creation of the stockpile by either removal to an appropriate upland disposal area or by burning. Prior to upland disposal or burning of any stockpiles or debris, all appropriate state and local permits must be obtained.

6. Burning of stockpiles shall not occur within 1,000 feet of native riparian or wetland habitat areas between March 15 and September 15.

7. Access roads which are no longer necessary for site monitoring, restoration, maintenance, or treatment or are abandoned must be restored with appropriate native riparian or wetland vegetation.

8. No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights. For projects proposed on most tribal lands, the Permittee shall submit an approval letter from the tribe with their notification package and shall obtain Section 401 water quality certification, or waiver thereof, from the USEPA. For projects proposed on lands controlled by the Big Pine Paiute Tribe of Owens Valley, the Bishop Paiute Tribe, or the Twenty-Nine Palms Band of Mission Indians, the prospective Permittee must obtain Section 401 water quality certification, or waiver thereof, directly from those tribes.

9. No activity is authorized under this RGP which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as

identified under the Federal Endangered Species Act, or which is likely to destroy or adversely modify the critical habitat of such species. Federal agencies should follow their own procedures for complying with the Endangered Species Act. Non-federal permittees shall notify the District Engineer if any listed species or critical habitat might be affected or is in the vicinity of the project and shall not begin work on the activity until notified by the District Engineer that the requirements of the Endangered Species Act have been satisfied and that the activity is authorized. Information on the location of threatened and endangered species and their critical habitat can be obtained from the U.S. Fish and Wildlife Service and National Marine Fisheries Service. The Corps may require focused species surveys be performed prior to verification of compliance with this RGP.

10. No activity is authorized which may adversely affect historic properties listed, or eligible for listing, in the National Register of Historic Places until the District Engineer has complied with the provisions of 33 CFR 325, Appendix C. The prospective Permittee must notify the District Engineer if the authorized activity may affect any historic properties listed, determined to be eligible, or which the prospective Permittee has reason to believe may be eligible for listing in the National Register of Historic Places, and shall not begin the activity until notified by the District Engineer that the requirements of the National Historic Preservation Act have been satisfied and that the activity is authorized. Information on the location and existence of historic resources can be obtained from the State Historic Preservation Office and the National Register of Historic Places (see 33 CFR 330.4(g)). Federal permittees should follow their own procedures for compliance with the requirements of the National Historic Preservation Act and other Federal historic preservation laws. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of the discovery. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

11. Discharges must not permanently restrict or impede the passage of normal or expected high flows or cause the relocation of the water.

12. In partially infested stands, native riparian vegetation must be flagged prior to commencement of any mechanized activities and must be avoided. In fully infested stands, native riparian vegetation should be avoided to the maximum extent practicable. Any native riparian trees of 3 inches DBH (diameter at breast height) or larger that are removed from fully infested stands must be replaced on site at a 5:1 ratio.

13. The Permittee shall ensure all project sites are marked in such a way as to warn the public about the local use of herbicides during project implementation.

14. All pesticide mixing shall occur outside waters of the U.S. or at locations devoid of vegetation.

15. No mechanized equipment, rubber-tired vehicles, track vehicles, or other equipment shall be stored, staged, or fueled in waters of the U.S., including wetlands.

16. Following the use of this RGP, permittees shall ensure that the project site contains less than 5% relative coverage of invasive non-native vegetation (i.e., the invasive species covered by this RGP) for a period of two years from completion of the initial vegetation removal. At the end of this two-year period, the Permittee shall submit to the Corps a brief description of the status of the site including photo documentation and an estimate of the degree of infestation and amount of native flora before and after the project.

17. Permittees shall take steps to secure, as appropriate, a Streambed Alteration Agreement with the California Department of Fish and Wildlife (CDFW) for activities involving the mechanized removal of invasive exotic species. In order to ensure that beneficial uses associated with State fish and wildlife and especially those state-listed species' habitats are adequately protected, a copy of the full notification package prepared by prospective permittees for the Corps (see Notification Requirement) shall be sent concurrently to the CDFW. For projects in Santa Barbara, Ventura, Los Angeles, Orange, and San Diego Counties, the package should be sent to Department of Fish and Wildlife, 3883 Ruffin Road, San Diego, California 92123. For projects in Inyo, Mono, San Bernardino and Riverside Counties, packages should be sent to 330 Golden Shore, Suite 210, Long Beach, California 90802. For projects in Kern and San Luis Obispo counties, the package should be sent to the Central Region Headquarters Office, 1234 E. Shaw Avenue, Fresno, CA 93710. Addresses can be verified at www.wildlife.ca.gov.

18. The Permittee shall not commence work until 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 to RGP verifications to clarify compliance with the terms and conditions of this RGP or to ensure that the proposed project would have only minimal individual and cumulative adverse impacts to the environment.

19. The Permittee shall ensure that all contractors receive a copy of this RGP and are made aware of the conditions and restrictions within. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in compliance with the terms and conditions of the permit.

20. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification from this permit from this office, which may require restoration of the area.

21. This RGP is certified pursuant to Section 401 of the Clean Water Act (Water Quality Certification) subject to the standard conditions that apply to all certifications as well as the following additional conditions:

a. Applicants of projects proceeding under RGP 41 shall provide a copy of the "Notification" package required by RGP 41 **Notification requirement** discussed above to the State Board and the appropriate Regional Water Quality Control Board (Regional Board). These copies shall be mailed at the same time to:

Program Manager
401 Water Quality Certification Program
Division of Water Quality
State Water Resources Control Board
P.O Box 100
Sacramento, California 95812-0100

Program Manager
401 Water Quality Certification Program

(Address of Appropriate Regional Board)

The applicant shall provide a fee for review and processing of the notice per CCR Title 23, section 2200. Work may not commence until verification of compliance with this RGP is received or thirty days have passed since the Regional Board received a complete notification package. The State or Regional Board maintains discretion to add Special Conditions to RGP verifications to clarify compliance with the terms and conditions of this RGP or to ensure that the proposed project would have only minimal individual and cumulative adverse impacts to the environment.

b. **Extracted Plant Material Stockpile:** Extracted plant materials stockpiled at sites known to experience flash flooding outside the flood season (April 14 – November 14) shall be removed within 15 days of the initial creation of the stockpile in order to contain the potential spread of exotic, invasive plant material in such flash-flood prone areas.

c. **Other State Permits:** Projects proceeding under RGP 41 shall comply with all applicable National Pollutant Discharge Elimination System permits and Waste Discharge Requirements.

d. **California Environmental Quality Act (CEQA):** Projects permitted under RGP 41 shall comply with CEQA.

e. **California Endangered Species Act:** The discharge shall not result in the taking of any State endangered species, threatened species, or candidate species, or the habitat of any such species unless the activity is authorized by the California Department of Fish and Wildlife pursuant to a permit, memorandum of understanding, or other document or program in accordance with Fish and Game Code sections 2081, 2081.1, or 2086.

f. **Pollution:** The discharge shall not cause pollution, contamination, or nuisance as defined in California Water Code Section 13050.

g. **Cumulative Impact:** The discharge by itself or in combination with other discharges shall not have a significant cumulative effect or degrade water quality or beneficial uses.

h. **Channel Destabilization:** The discharge shall not directly or indirectly destabilize the channel or bed of receiving water.

i. **Toxic Substances:** The discharge shall not include substances in concentrations toxic to human, plant, animal or aquatic life or produce detrimental physiological responses.

j. **Hazardous Substances:** The discharge shall not include waste classified as “hazardous” or “designated waste” as defined in Title 22 CCRs section 66261 and California Water Code Section 13173.

For additional information please call Therese O. Bradford of my staff at 760-602-4850 or via e-mail at therese.o.bradford@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
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