



Regional General Permit 10

U.S. ARMY CORPS OF ENGINEERS

BUILDING STRONG®

WILDFIRE MITIGATION ACTIVITIES

EFFECTIVE: August 7, 2023

EXPIRES: August 7, 2028

The U.S. Army Corps of Engineers Los Angeles, Sacramento, and San Francisco Districts (Districts) hereby issue Regional General Permit (RGP) 10 authorizing activities involving the discharge of dredged or fill material into waters of the United States, including wetlands, and/or structures or work in or affecting navigable waters of the United States for the purpose of wildfire mitigation, such as prevention, protection, response, clean-up, and recovery from wildfires in the State of California.

Note: The term "you" and its derivatives, as used in this RGP, means the permittee or any future transferee. The term "this office" refers to the appropriate District office identified in the *Contacts and Additional Information* section.

ISSUING OFFICE: U.S. Army Corps of Engineers Los Angeles, Sacramento, and San Francisco Districts.

ACTION ID: SPK-2022-00120, SPL-2022-00396, SPN-2022-00208

AUTHORITIES: Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States and Section 10 of the Rivers and Harbors Act of 1899 for structures or work in or affecting navigable waters of the United States.

LOCATION: Statewide (California).

PURPOSE: In California, wildfire mitigation is a critical concern due to the state's susceptibility to wildfires. To address this issue, this RGP was established to provide a streamlined permitting process for wildfire prevention, response, and recovery while protecting the nation's aquatic resources within the State of California.

AUTHORIZED ACTIVITIES: This RGP may be used to authorize activities in waters of the United States involving the discharge of dredged or fill material and structures or work in or affecting navigable waters associated with wildfire mitigation, including wildfire protection, prevention, response, clean-up, and recovery, as described in Table 1 below.

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Table 1. Wildfire Mitigation Activities Covered under RGP 10

	Description	Authorized Activities
1. Utility Lines and Associated Infrastructure	<p>Maintenance, improvement, repair, rehabilitation, replacement, or removal of any previously authorized structure or fill and/or work associated with utility lines and their infrastructure.</p> <p>A “utility line” is defined as any pipe or pipeline for the transportation of any gaseous, liquid, liquescent, or slurry substance, for any purpose, and any cable, line, or wire for the transmission for any purpose of electrical energy, telephone, and telegraph messages, and radio and television communication.</p>	<ul style="list-style-type: none">• Attachment to existing bridges, causeways, and culverts over navigable waters of the United States.• Overhead to underground conversion of utility lines in waters of the United States.• Temporary structures, fills, and work in waters of the United States.• Minor deviations in the structure's configuration or filled area in waters of the United States, including those due to changes in materials, construction techniques, requirements of other regulatory agencies, or current construction codes or safety standards that are necessary to make the repair, rehabilitation, or replacement.• Remediation of inadvertent returns of drilling fluids through sub-soil fissures or fractures that occur during horizontal directional drilling in waters of the United States, to the extent a Corps permit is required.• Exploratory geotechnical type bore holes and exploratory trenching in waters of the United States, including plugging of seismic shot holes and other exploratory type bore holes, to the extent a Corps permit is required.
2. Access Areas	<p>Construction, maintenance, improvement, repair, rehabilitation, replacement, or removal of temporary and permanent access areas, such as maintenance vehicle pullouts, access roads, staging, storage, parking, and laydown areas, including pads, roads, bridges, culverts, and wetland protection matting.</p>	<ul style="list-style-type: none">• Installation of temporary structures, such as scaffolding, pilings, and footings for bridges, docks, and piers in navigable waters of the United States.• Operation of temporary construction equipment in navigable waters of the United States, such as barges, tractors, and boats.• Stream channel modifications, including bank stabilization, in waters of the United States to construct or protect the structure; such modifications must be in the immediate vicinity of the authorized work.• The use of dredged material in waters of the United States if this office determines that it will not cause more than minimal adverse environmental effects.

Table 1. Wildfire Mitigation Activities Covered under RGP 10

	Description	Authorized Activities
3. Temporary Dewatering	Installation, maintenance, repair, rehabilitation, or replacement of temporary dewatering structures, such as cofferdams, bladder dams, diversion tunnels/pipes, and sheet piles.	<ul style="list-style-type: none"> The use of dredged material in waters of the United States if this office determines that it will not cause more than minimal adverse environmental effects.
4. Sediment/ Debris Management	Installation, maintenance, repair, rehabilitation, replacement, or improvement of sediment/debris management structures such as racks, screens, and barriers.	<ul style="list-style-type: none"> Mechanical or hydraulic removal of sediment or debris such as excavating, dredging, or pumping in waters of the United States, to the extent a Corps permit is required. The discharge of associated return water into waters of the United States from an upland contained dredged material disposal area.
5. Damaged Uplands	Repair, maintenance, or improvement of upland areas damaged by wildfire.	<ul style="list-style-type: none"> Bank stabilization and/or stream channel modifications in waters of the United States to construct or protect the repaired uplands.
6. Fire/Fuel Breaks	Construction, maintenance, repair, rehabilitation, replacement, or improvement of fire and/or fuel breaks.	<ul style="list-style-type: none"> Mechanical removal of vegetation involving the substantial disruption of the root system, or the mechanized pushing, dragging, or redeposit of excavated soil material in waters of the United States, to the extent a Corps permit is required.
7. Development Structures	Repair, replacement, removal, or rehabilitation of residential, commercial, industrial, and institutional development structures.	<ul style="list-style-type: none"> Minor deviations in the structure's configuration or filled area in waters of the United States, including those due to changes in materials, construction techniques, requirements of other regulatory agencies, or current construction codes or safety standards that are necessary to make the repair, rehabilitation, or replacement.

In accordance with 33 CFR 322.2(f)(1) and 33 CFR 323.2(h)(1), this RGP authorizes activities that are substantially similar in nature and cause only minimal individual and cumulative environmental impacts when conducted under the terms and conditions of this permit.

TERMS OF AUTHORIZATION:

1. This RGP does not provide special procedures for emergency situations but may authorize qualifying activities during an emergency provided you are able to submit a PCN prior to commencing work in waters of the U.S. and the emergency work is verified in writing by this office. Emergency work and/or activities that cannot be verified in writing prior to commencing emergency work in waters of the U.S. must be specifically approved, in writing, by this office under separate authorization, for example Los Angeles District's Regional General Permit 63 Repair and Protection Activities in Emergency Situations; Sacramento District's Regional General Permit 8 for Emergency Repair and Protection Activities; or San Francisco District's Regional General Permit 5 for Emergency Repairs.
2. This RGP may not be used to authorize stream channelization, stream relocation, reclamation of lands lost to normal erosion processes over an extended period, or construction of permanent debris retention structures or basins in waters of the United States, as these activities must be specifically approved, in writing, by this office under separate authorization.
3. The activity must be a single and complete linear or nonlinear project, as defined in the Section F of the March 15, 2021, Federal Register Notice for Reissuance and Modification of Nationwide Permits; Final Rule (86 FR 2744), which can be found at: <https://www.federalregister.gov/documents/2021/01/13/2021-00102/reissuance-and-modification-of-nationwide-permits>.
4. Loss of waters of the U.S., including the loss of streambed, shall be determined using the definition in Section F of the March 15, 2021, *Federal Register Notice for Reissuance and Modification of Nationwide Permits; Final Rule (86 FR 2744)*, which can be found at: <https://www.federalregister.gov/documents/2021/01/13/202100102/reissuance-andmodification-of-nationwide-permits>.
 - a. Loss of waters of the U.S., including wetlands, shall not exceed 0.5 acre or 300-linear feet of streambed for each single and complete project; and,
 - b. The linear foot loss of streambed shall be included in the 0.5-acre threshold for loss of waters of the U.S. for each single and complete project.
5. Material resulting from trench excavation may be temporarily side cast into waters of the United States for no more than 180 days, provided the material is not placed in such

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a manner that it is dispersed by currents or other forces, and shall be removed within 30 days following completion of the activity. In wetlands, the top 6 to 12 inches of the trench should normally be backfilled with topsoil from the trench. The trench cannot be constructed or backfilled in such a manner as to drain waters of the United States (e.g., backfilling with extensive gravel layers, creating a french drain effect).

6. Where the utility line is constructed, installed, or maintained in navigable waters of the United States (i.e., section 10 waters) within the coastal United States, Sacramento - San Joaquin Delta, or Lake Tahoe, a copy of the RGP verification will be sent by this office to the National Oceanic and Atmospheric Administration (NOAA), National Ocean Service (NOS), for charting the electric utility line to protect navigation.

7. Utility lines consisting of aerial electric power transmission lines crossing navigable waters of the United States (which are defined at 33 CFR part 329) must comply with the applicable minimum clearances specified in 33 CFR 322.5(i).

8. Utility line foundations must be the minimum size necessary and separate footings for each tower leg (rather than a larger single pad) must be used where feasible.

9. Expansion of utility line substations is prohibited in non-tidal wetlands adjacent to tidal waters.

10. All access roads must be the minimum width necessary and constructed so that the length of the road minimizes any adverse effects on waters of the United States. Permanent roads must be as near as possible to pre-construction contours and elevations (e.g., at grade corduroy roads or geotextile/gravel roads). Permanent access roads are prohibited in non-tidal wetlands adjacent to tidal waters.

11. Temporary discharges of dredged and/or fill must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. After construction, temporary fills and/or structures must be removed in their entirety and the affected areas returned to pre-construction contour and elevation. The areas affected by temporary fills must be revegetated, as appropriate.

12. The removal of sediment, debris, and/or vegetation is limited to the minimum necessary to restore the waterway. Sediment and debris removal may alter the preconstruction course, condition, capacity, and location of open waters if they benefit the aquatic environment (e.g., stream restoration or rehabilitation activities).

13. All dredged or excavated materials must be deposited and retained in an area that has no waters of the United States, unless otherwise specifically approved by this office under separate authorization. Proper sediment controls must be used (see 401 water quality certification).

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14. The restoration of damaged areas, including any bank stabilization, must not exceed the contours, or ordinary high-water mark, that existed before the damage occurred.

15. Where an exploratory trench is dug, the area must be restored to its pre-construction elevation upon completion of the work and must not drain a water of the United States.

GENERAL CONDITIONS:

1. Prior to commencing work in waters of the U.S., you shall submit a PCN for the following activities:

a. Discharges of dredged or fill material in peatlands, salt marshes, wet meadows, marine or estuarine mudflats, riffle-pool complexes, sanctuaries, or refuges.

b. Discharges of dredged and/or fill material resulting in a loss of >1/10 acre of water of the U.S. for each single and complete project.

c. Discharges of dredged and/or fill material into waters of the U.S. on Tribal lands.

d. Discharges of dredged and/or fill material into perennial or intermittent streams exceeding 300 linear feet and into jurisdictional ditches or canals exceeding 1,000 linear feet.

e. Work in or affecting navigable waters of the United States.

f. Activities that would occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status.

g. Activities that require permission from, or review by, the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers (USACE) federally authorized Civil Works project (a “USACE project”).

h. Activities that have the potential to adversely affect Essential Fish Habitat (EFH), as designated by the Pacific Fishery Management Council.

i. Activities that may affect federally listed as threatened or endangered species (or species proposed for listing) or designated critical habitat (or critical habitat proposed such designation), pursuant to Section 7 of the Federal Endangered Species Act (ESA).

j. Activities which have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places, pursuant to Section 106 of the National Historic Preservation Act (NHPA); or,

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k. Activities located in the coastal zone, consistent with state coastal zone management requirements or as defined by the State of California.

Activities requiring PCN may not proceed under the authority of this RGP until you have been notified, in writing, by this office that the activity is authorized.

2. The following Clean Water Act (CWA) Section 401 general water quality certification decisions shall apply to this RGP:

a. For RGP activities on reservation lands of the Big Pine Paiute Tribe of the Owens Valley; Bishop Paiute Tribe; Cabazon Band of Mission Indians; Chemehuevi Indian Tribe; Dry Creek Rancheria Band of Pomo Indians; Hoopa Valley Tribe; Karuk Tribe; Kletsel Dehe Wintun Nation; La Jolla Band of Luiseno Indians; Pala Band of Luiseno Mission Indians; Quartz Valley Indian Community; Resighini Rancheria; Rincon Band of Luiseno Mission Indians; Table Mountain Rancheria; and Twenty-Nine Palms Band of Mission Indians, Section 401 certification is waived. There is no requirement to obtain individual Section 401 certification for any RGP activity within these certifying authorities' areas of responsibility.

b. For RGP activities on reservation lands of the Federated Indians of Graton Rancheria, general Section 401 certification has been denied (U.S. Environmental Protection Agency File No. 2022-500). As such, you must obtain individual Section 401 certification, or waiver thereof, for the activity to be authorized by this RGP.

c. For RGP activities on reservation lands of the Morongo Band of Mission Indians, you shall comply with all terms and conditions of the attached January 10, 2023, general Section 401 Certification (attachment 1), which is expressly incorporated as condition of this RGP. If you cannot comply with one or more of the general water quality certification conditions, then you must request individual water quality certification.

d. For RGP activities on Tribal Lands and lands of exclusive federal jurisdiction in the State of California where the U.S. Environmental Protection Agency (EPA) is the certifying authority, you shall comply with all terms and conditions of the attached May 3, 2023, general Section 401 Certification (attachment 2), which is expressly incorporated as condition of this RGP. If you cannot comply with one or more of the general water quality certification conditions, you must request individual water quality certification.

e. For RGP activities on non-tribal lands in the State of California where the State Water Resources Control Board is the certifying authority, you shall comply with all terms and conditions of the attached July 7, 2023, general Section 401 Certification

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(attachment 3), which is expressly incorporated as condition of this RGP. If you cannot comply with one or more of the general water quality certification conditions, you must request individual water quality certification.

f. For RGP activities on reservation lands of the La Posta Band of Mission Indians, you shall comply with all terms and conditions of the attached July 21, 2023, general Section 401 Certification (attachment 4), which is expressly incorporated as condition of this RGP. If you cannot comply with one or more of the general water quality certification conditions, then you must request individual water quality certification.

3. Where the certifying authority has not previously certified compliance of this RGP with CWA Section 401, individual water quality certification for the proposed discharge must be obtained or waived. If the certifying authority issues an individual water quality certification for the proposed discharge, you must submit a copy of the certification to this office. The discharge is not authorized until this office has notified you that the water quality certification requirement has been satisfied by the issuance of a water quality certification or a waiver.

4. No activity may cause more than a minimal adverse effect on navigation. Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at your expense on authorized facilities in navigable waters of the United States. You understand and agree that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or their authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, you will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

5. This office will determine the need for appropriate and practicable compensatory mitigation necessary to ensure that adverse effects on the aquatic environment are minimal. Compensatory mitigation may be required for permanent or temporary discharges of dredged or fill material that convert waters of the United States to non-waters of the United States. Where certain functions and services of waters of the United States are permanently adversely affected by a regulated activity, such as discharges of dredged or fill material into waters of the United States that will convert a forested or scrub-shrub wetland to an herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse environmental effects of the activity to a no more than minimal level. You may propose the use of mitigation banks, in-lieu fee programs, or permittee-responsible mitigation. When developing a compensatory mitigation proposal, you must consider appropriate and

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practicable options consistent with the framework at 33 CFR 332.3(b). Compensatory mitigation proposals designed to offset the loss of aquatic resource functions and services must comply with the applicable provisions of 33 CFR Part 332.

6. If you discover any previously unknown historic, cultural, or archeological remains and artifacts while accomplishing the activity authorized by this RGP, you must immediately notify this office of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. We will initiate the Federal, Tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

7. 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 or sell the property associated with this permit. You may make a good faith transfer to a third party. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization. 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 of this permit from this office, which may require restoration of the area. Maintenance activities associated with the authorized structure or fill, must be specifically approved, in writing, by this office if they involve the discharge of dredged or fill material into waters of the United States or work in or affecting navigable waters of the United States.

8. No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species. If a bottomless culvert cannot be used, then the crossing should be designed and constructed to minimize adverse effects to aquatic life movements.

9. Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

10. You are responsible for ensuring that the action authorized by this permit complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. You are responsible for contacting the appropriate local office of the U.S. Fish and Wildlife Service to determine what measures, if any, are necessary or appropriate to reduce adverse effects to migratory birds or eagles, including whether "incidental take" permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.

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11. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see section 307 of the Clean Water Act).

12. Adverse effects to the aquatic ecosystem resulting from impoundments of water, accelerated passage of water, or restricted passage of flow must be minimized to the maximum extent practicable.

13. The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

14. No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights. You are not authorized to initiate any activities in waters of the U.S. that have the potential to impair tribal rights under this RGP until this office has completed necessary tribal coordination/consultation or has determined the proposed action does not impair tribal rights, unless tribal coordination/consultation is addressed programmatically (e.g., by a Programmatic Agreement).

15. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high-water mark or high tide line, must be permanently stabilized at the earliest practicable date. You are encouraged to perform work within waters of the United States during periods of low-flow or no-flow, or during low tides.

16. No activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “*study river*” for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service). Information on these rivers is also available at: <http://www.rivers.gov/>.

17. No activity is authorized which may directly or indirectly 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 (ESA), or which will directly or indirectly destroy or adversely modify designated critical habitat or critical habitat proposed for such designation. No activity is authorized which “may affect” a listed species or critical habitat unless ESA section 7 consultation addressing the consequences of the proposed activity on listed species or critical habitat has been

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completed. See 50 CFR 402.02 for the definition of “effects of the action” for the purposes of ESA section 7 consultation, as well as 50 CFR 402.17, which provides further explanation under ESA section 7 regarding “activities that are reasonably certain to occur” and “consequences caused by the proposed action.” Authorization of an activity by this RGP does not authorize the “take” of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with “incidental take” provisions, etc.) from the FWS or the NMFS, the ESA prohibits any person subject to the jurisdiction of the United States to take a listed species, where “take” means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word “harm” in the definition of “take” means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering. Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the FWS and NMFS or their web pages at: <http://www.fws.gov/> or <http://www.fws.gov/ipac> and <http://www.nmfs.noaa.gov/pr/species/esa/>.

18. No activity is authorized which may have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

19. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that the activity is being, or has been, accomplished in accordance with the terms and conditions of this permit.

20. You are responsible for all authorized work and ensuring that all contractors and workers are made aware of and adhere to the terms and conditions of the permit authorization. You shall ensure that a copy of the permit authorization and associated drawings are available and visible for quick reference at the site until all activities are completed.

21. In coastal waters, individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). This office or the State may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

22. If the property associated with this permit is sold, you shall transfer the verification to the new owner by submitting a letter to this office to validate the transfer. The letter must contain the name and address of the transferee, as well as the following statement and signature of the transferee:

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When the structures or work authorized by this regional general permit (RGP) are still in existence at the time the property is transferred, the terms and conditions of this RGP, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this RGP and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(Transferee)

(Date)

PRE-CONSTRUCTION NOTIFICATION PROCEDURES:

1. In accordance with General Condition 1, you shall submit an electronic PCN to the appropriate District office consisting of a written request for verification under this RGP. Electronic submittals shall be sent to the following:

Los Angeles District:

a. North Coast Branch/Ventura Field Office (Ventura, Santa Barbara, San Luis Obispo, Inyo, and Mono Counties): splregventura@usace.army.mil

b. Los Angeles and San Bernardino Counties Section (Los Angeles, San Bernardino, and Kern Counties): splreglasb@usace.army.mil

c. South Coast Branch/San Diego and Imperial Counties Section (San Diego County, Imperial County, Salton Sea): splregcbad@usace.army.mil

d. South Coast Branch/Orange and Riverside Counties Team (Orange County, Riverside County, Special Area Management Plans): splregorcs@usace.army.mil

e. Transportation & Special Projects Branch (High-Speed Train, Mid-County Parkway/South Orange County/Caltrans): splpermitinquiries@usace.army.mil

Sacramento District: SPKRegulatoryMailbox@usace.army.mil

San Francisco District: CESPN-Regulatory-Info@usace.army.mil

2. The PCN shall include a letter or a completed Department of the Army Permit Application Form (*ENG 4345*), requesting authorization under this RGP, and shall contain the following information to be considered complete:

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a. name, address, and telephone number of the project proponent.

b. location of the proposed activity.

c. a description of the proposed activity as follows:

(1) the activity's purpose.

(2) direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of wetlands, other special aquatic sites, and other waters expected to result from the activity, in acres, linear feet, or another appropriate unit of measure.

(3) a description of any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed activity; and,

(4) any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed activity or any related activity, including other separate and distant crossings for linear projects that require Department of the Army authorization but do not require pre-construction notification.

The description of the proposed activity and any proposed mitigation measures should be sufficiently detailed to allow this office to determine that the adverse environmental effects of the activity will be no more than minimal and to determine the need for compensatory mitigation or other mitigation measures.

d. a brief narrative describing how the proposed activity is wildfire related, such as the name and date of the specific wildfire for which the proposed activities would occur or evidence of a Federal, State, or local abatement order, demonstrating the proposed activities are wildfire related.

e. a brief narrative describing how the proposed activity would comply with all General Conditions of this RGP, a statement identifying why the General Condition does not apply or a description of why compliance with the General Condition is not practicable. Failure to comply with a General Condition may result in this office determining the proposed activity does not qualify for authorization under this RGP and will be evaluated under an alternative process.

f. for linear projects where one or more single and complete crossings require pre-construction notification, the PCN must include the quantity of anticipated losses of wetlands, other special aquatic sites, and other waters for each single and complete crossing of those wetlands, other special aquatic sites, and other waters (including those single and complete crossings authorized by this RGP but do not require PCNs). This

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information will be used by this office to evaluate the cumulative adverse environmental effects of the proposed linear project and does not change those non-PCN activities into PCN activities.

g. sketches showing that the activity complies with the terms of the RGP. Sketches usually clarify the activity and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans.

h. a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland and Ordinary High Water Mark delineations must be prepared in accordance with the current method required by the Corps.

i. for an activity that requires permission from, or review by, the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a USACE project, the PCN must include a statement confirming that you have submitted a written request for section 408 permission from, or review by, the Corps office having jurisdiction over that USACE project.

j. if the proposed activity will result in the loss of greater than 1/10-acre of water of the United States and a PCN is required, you must explain why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required. As an alternative, you may submit a conceptual or detailed mitigation plan.

k. for non-Federal permittees, if any listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation) might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat (or critical habitat proposed for such designation), the PCN must include the name(s) of those endangered or threatened species (or species proposed for listing) that might be affected by the proposed activity or utilize the designated critical habitat (or critical habitat proposed for such designation) that might be affected by the proposed activity. For activities that require a PCN, Federal permittees must provide documentation demonstrating compliance with the Endangered Species Act.

l. for non-Federal permittees, if the activity might have the potential to cause effects to a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, the PCN must state which historic property might have the potential to be affected by the proposed activity or include a vicinity map indicating the location of the historic property. For activities that require a PCN, Federal permittees must provide documentation demonstrating compliance with section 106 of the National Historic Preservation Act; and,

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m. for an activity that will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, the PCN must identify the Wild and Scenic River or the “study river.”

3. Where required by the terms of this RGP, you must notify this office by submitting a PCN as early as possible. This office will determine if the PCN is complete within 30 calendar days of the date of receipt. If the PCN is determined to be incomplete, we will notify you within 30 days to request the additional information necessary to make the PCN complete. Generally, we will request additional information necessary to make the PCN complete only once. However, if you do not provide all the requested information, then we will notify you that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received.

4. Activities requiring PCN may not proceed under the authority of this RGP until you have been notified, in writing, by this office that the activity is authorized.

FURTHER INFORMATION:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

2. Limits of this authorization:

a. This permit does not obviate the need to obtain other federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed federal projects.

3. Limits of Federal Liability: In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

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c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Re-evaluation of RGP Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate.

You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Discretionary Authority: This office has the discretion to suspend, modify, or revoke authorizations under this permit. This discretionary authority may be used by us to further condition or restrict the applicability of this permit for cases in which we have concerns associated with the Clean Water Act Section 404(b)(1) Guidelines, or regarding any factor of the public interest. Should we determine that a proposed activity may have more than minimal individual or cumulative adverse impacts to waters of the United States or otherwise be contrary to the public interest, we will modify the authorization to reduce or eliminate those adverse effects or notify you that the proposed activity is not

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authorized by this permit and provide instructions on how to apply for authorization under another type of DA permit. Activities not meeting the terms and conditions of this permit may be authorized through another type of permit from us, such as a Nationwide Permit, Regional General Permit, Letter of Permission, or Standard Permit. We will determine on a case-by-case basis whether an activity has a more than minimal impact, individually or cumulatively, on the aquatic environment or may be contrary to the public interest. We may include additional special conditions to a verification under this permit to ensure the activity has minimal impact. We may also restore authorization under this RGP at any time we determine the reason for asserting discretionary authority has been resolved or satisfied by a condition, project modification, or new information. We may also use our discretionary authority to modify, suspend, or revoke this permit at any time.

PERMIT DURATION: This permit is valid for five years from issuance and will expire on August 7, 2028. We may re-evaluate the terms and conditions of this permit at any time it deems necessary to protect the public interest. If we have not reissued the RGP by the expiration date, the RGP will no longer be valid. This RGP may also be modified, suspended, or revoked by us at any time deemed necessary. In such instance, we will issue a public notice concerning the proposed action. This RGP may be reissued, after public notice and documentation of the decision. Activities requiring PCN must be verified in writing by this office. Verification letters are valid till the expiration date of this RGP.

CONTACTS AND ADDITIONAL INFORMATION:

For questions, please contact the appropriate District office below.

U.S. Army Corps of Engineers
Los Angeles District, Regulatory Division
915 Wilshire Blvd., Suite 930
Los Angeles, California 90017
Office: (213) 452-3425
Email: SPLPermitInquiries@usace.army.mil
Website: <https://www.spl.usace.army.mil/Missions/Regulatory/>

U.S. Army Corps of Engineers
Sacramento District, Regulatory Division
1325 J Street, Room 1827
Sacramento, California 95814-2922
Office: (916) 557-5150
Email: SPKRegulatoryMailbox@usace.army.mil
Website: <https://www.spk.usace.army.mil/Missions/Regulatory/>

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U.S. Army Corps of Engineers
San Francisco District, Regulatory Division
450 Golden Gate Ave., 4th Floor
San Francisco, California 94102-3404
Office: (415) 503-6795
Email: cespn-regulatory-info@usace.army.mil
Website: <https://www.spn.usace.army.mil/Missions/Regulatory/>

ATTACHMENTS:

1. January 10, 2023 – 401 Water Quality Certification, Morongo Band of Mission Indians
2. May 1, 2023 – 401 Water Quality Certification, UESPA, Region 9
3. July 7, 2023 – 401 Water Quality Certification, State Water Resources Control Board
4. July 21, 2023 – 401 Water Quality Certification, La Posta Band of Mission Indians

This RGP becomes effective when the federal officials, designated to act for the Secretary of the Army, have signed below.



David J. Castanon
Chief, Regulatory Division
Los Angeles District

07 AUGUST 2023

Date



Michael S. Jewell
Chief, Regulatory Division
Sacramento District

07 AUGUST 2023

Date



James C. Mazza
Chief, Regulatory Division
San Francisco District

07 AUGUST 2023

Date

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