



Regional General Permit [#]

U.S. ARMY CORPS OF ENGINEERS

BUILDING STRONG®

Minimal Impact Activities Conducted by Placer County Water Agency under the Placer County Habitat Conservation Plan

EFFECTIVE:

EXPIRES: (5 years from effective)

The U.S. Army Corps of Engineers, Sacramento District (District), hereby issues Regional General Permit (RGP) [#] for the discharge of dredged and/or fill material into waters of the U.S. associated with minimal impact activities conducted by the Placer County Water Agency (PCWA) in accordance with the under the Placer County Habitat Conservation Plan (HCP), and Placer County Aquatic Resources Program (CARP) provided the activities meet all terms and conditions of the RGP.

ISSUING OFFICE: U.S. Army Corps of Engineers, Sacramento District

ACTION ID: SPK-2005-00485

AUTHORITIES: Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.

LOCATION: Activities authorized under this RGP would occur within the Placer County Conservation Program (PCCP) Plan Area boundaries. The PCCP Plan Area encompasses approximately 270,000 acres within western Placer County and eastern Sutter County. Within western Placer County, the Plan Area is bounded on the north by Nevada and Yuba County, on the east by the City of Auburn and California Highway 49, on the south by Sacramento County, and on the west by Sutter County. Activities conducted by the Placer County Water Agency (PCWA), also may include activities in the Cities of Auburn, Loomis, Rocklin, and Roseville. Within Sutter County, the Plan Area includes 1,724 acres along the Coon Creek floodplain, and 33 miles of Auburn Ravine, Coon Creek, Cross Canal, and East Side Canal. The Plan Area Boundaries can be seen on the enclosed 2016, *Figure 1-1, Plan Area, Placer County Conservation Program – EIS/EIR*, prepared by ICF.

ACTIVITIES COVERED: This RGP authorizes the discharge of dredged and/or fill material into waters of the U.S. associated with construction, maintenance, expansion, or operational activities conducted by PCWA, provided the activities comply with the HCP and CARP. This RGP authorizes only those activities that require a permit under Section 404 of the Clean Water Act (i.e. would result in a discharged of dredged and/or fill material into waters of the U.S. and/or the activity would not be exempt under Section 404(f) of the Clean Water Act). Activities authorized include:

1. Utility lines: Permanent or temporary discharges of dredged and/or fill material into waters of the U.S. for the construction, expansion, maintenance, or operation of utility lines.
2. Water Treatment Plants: Permanent or temporary discharges of dredged and/or fill material into waters of the U.S. for the construction, expansion, maintenance, or operation of water treatment plants.
3. Energy Supply: Permanent or temporary discharges of dredged and/or fill material into waters of the U.S. for the construction, expansion, maintenance, or operation of power plants or generators.
4. Metering Stations: Permanent or temporary discharges of dredged and/or fill material into waters of the U.S. for the construction, expansion, maintenance, or operation of metering stations.
5. Water Storage Tanks: Permanent or temporary discharges of dredged and/or fill material into waters of the U.S. for the construction, expansion, maintenance, or operation of water storage tanks.
6. Intake and Water Diversion Structures: Permanent or temporary discharges of dredged and/or fill material into waters of the U.S. for the construction, expansion, maintenance, or operation of intake structures and water diversion structures.
7. Outfall Structures: Permanent or temporary discharges of dredged and/or fill material into waters of the U.S. for the construction, expansion, maintenance, or operation of outfall structures.
8. Water Systems Facilities Center: Permanent or temporary discharges of dredged and/or fill material into waters of the U.S. for the construction, expansion, maintenance, or operation of water systems facilities centers. Structures associated with a facilities center include, but are not limited to warehouses, fabrication shops, crew buildings, administration buildings, vehicle/equipment wash areas, fuel stations, and associated infrastructure, including utilities, parking areas, and access roads/driveways.
9. Corporation Yards: Permanent or temporary discharges of dredged and/or fill material into waters of the U.S. for the construction, expansion, maintenance, or operation of corporation yards. Structures associated with a corporation yard include, but are not limited to, warehouses, lay-down areas for storage, and associated infrastructure, including utilities, parking areas, and access roads/driveways.
10. Pump Stations: Permanent or temporary discharges of dredged and/or fill material into waters of the U.S. for the construction, expansion, maintenance, or operation of pump stations.

11. Wells: Permanent or temporary discharges of dredged and/or fill material into waters of the U.S. for the construction, expansion, maintenance, or operation of water supply wells.

12. Bank Stabilization: Permanent or temporary discharges of dredged and/or fill material into waters of the U.S. for the construction or maintenance of bank stabilization within the immediate vicinity of any in-stream structures or fills associated with producing or providing water to residents and businesses of Placer County.

13. Sediment and Debris Removal: Permanent or temporary discharges of dredged and/or fill material into waters of the U.S. for the removal of sediment from streams, reservoirs, canals, ditches, or other waters of the U.S. within 200 feet from water supply structures or fills managed by PCWA.

14. Access and Staging: Permanent or temporary discharges of dredged and/or fill material into waters of the U.S. for the construction, expansion, maintenance, or operation of access and staging areas.

15. Canals and Ditches: Permanent or temporary discharges of dredged and/or fill material into waters of the U.S. for the construction, lining, expansion, maintenance, or operation of water supply canals or ditches.

16. Berm Maintenance: Permanent or temporary discharges of dredged and/or fill material into waters of the U.S. for the construction, expansion, maintenance, or operation of reservoir and canal berms.

17. Linear Transportation Projects: Permanent or temporary discharges of dredged and/or fill material into waters of the U.S. for the construction, expansion, maintenance, or operation of linear transportation projects associated with water supply projects.

18. Minor Discharges: Permanent or temporary discharges of dredged and/or fill material into waters of the U.S. for the construction, expansion, maintenance, or operation of other structures, fills, or facilities not specifically listed above, associated with producing or providing water to residents and businesses of Placer County, as identified in the HCP/NCCP.

EXCLUSIONS:

1. This RGP may not be used to authorize discharges of dredged and/or fill material into waters of the U.S. for activities that are not conducted by PCWA.

2. This RGP may not be used to authorize activities not covered by the HCP/NCCP as identified in Chapter 2 of the HCP/NCCP.

3. After-the-fact authorizations: This RGP may not be used to authorize activities that resulted in the discharge of dredged or fill material into waters of the U.S. without Department of the Army (DA) authorization.

TERMS:

1. Activity Completion: Activities authorized by the Corps under this RGP are valid until the expiration date of the RGP or the expiration date of the CARP authorization issued by Placer County or the City of Lincoln. Activities authorized under this RGP that are under construction, or under contract for construction in reliance upon this authorization, will remain authorized provided the activity is completed within 12 months of expiration of the RGP.

2. Applying for RGP Authorization: Prior to commencing a proposed activity, PCWA shall submit a complete pre-construction notification containing the information identified in *Procedures*.

3. Compliance with Placer County HCP Conditions: Activities to be authorized under this RGP must be Covered Activities as identified in Chapter 2 of the HCP, and must comply with any applicable terms and conditions contained in the HCP and this RGP. Project applicants must provide information to support a determination that the proposed project is eligible for coverage under the HCP to the Corps with the notification required in General Condition 14. Compliance with the HCP requires PCWA to implement the applicable and appropriate avoidance and minimization measures contained in Chapter 6 of the HCP, and other applicable terms and conditions as contained in the HCP.

4. Discretionary Authority: The Corps has the discretion to suspend, modify, or revoke authorizations under this RGP. This discretionary authority may be used by the Corps to further condition or restrict the applicability of the RGP for cases in which it has concerns associated with the Clean Water Act Section 404(b)(1) Guidelines, or regarding any factor of the public interest. Should the Corps determine that a proposed activity may have more than minimal individual or cumulative adverse impacts to aquatic resources or otherwise be contrary to the public interest, the Corps will modify the authorization to reduce or eliminate those adverse effects, or notify the project applicant that the proposed activity is not authorized by the RGP 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 the Corps, such as a NWP, LOP or Standard Permit. The Corps will determine on a case-by-case basis, as needed, whether an activity has a more than minimal impact, individually or cumulatively, on the aquatic environment or may be contrary to the public interest. The Corps may restore authorization under the RGP at any time it determines the reason for asserting discretionary authority has been resolved or satisfied by a condition, project modification, or new information. The Corps may also use its discretionary authority to modify, suspend, or revoke the RGP at any time.

5. Avoidance and Minimization: Impacts to waters of the U.S. shall be avoided and minimized to the maximum extent practicable. For purposes of the RGP, notwithstanding the Corps' discretionary authority described above, this term shall be considered satisfied when project applicants have designed and implemented activities to comply with all applicable avoidance and minimization measures contained in Chapter 6 of the HCP.

6. Impact Thresholds for Losses of Waters of the U.S.: Loss of waters of the U.S. shall be determined using the definition in Section F of the January 6, 2017, Federal Register Notice for *Issuance and Reissuance of Nationwide Permits; Final Rule* (82 FR 1860), which can be found at:

http://www.usace.army.mil/Portals/2/docs/civilworks/nwp/2017/nwp2017_final_rule_FR_06jan2017.pdf?ver=2017-01-06-092409-457

a. The loss of waters of the U.S. (including wetlands) resulting from authorization of a single and complete project under this RGP shall not exceed a total of 0.25 acres, and the loss of streambed shall not exceed 300 linear feet of perennial, intermittent, or ephemeral streams, and/or a total of 1,000 linear feet of irrigation, water supply, or drainage ditch or canal (provided the ditch or canal is not a relocated or channelized stream, as verified by the Corps), unless the district waives the linear foot requirement by making a written determination concluding the discharge will result in no more than minimal individual or cumulative effects. The acreage of loss of streambed for streams, ditches, and/or canals shall be included in the acreage threshold for loss of waters of the U.S.

b. Bank stabilization activities are limited to no more than 500 feet in length along the bank of perennial, intermittent, or ephemeral streams and no more than 1,000 feet in length along the bank of irrigation, water supply, or drainage ditches or canals (provided the ditch or canal is not a relocated or channelized stream, as verified by the Corps), unless the District waives this requirement by making a written determination concluding the discharge will result in no more than minimal individual or cumulative effects.

c. The cumulative loss of waters of the U.S. authorized under this RGP shall not exceed 3 acres of waters of the U.S., including wetlands, within the Plan Area. The cumulative loss of vernal pool waters of the U.S. authorized by this RGP shall not exceed 1 acre. Additional restrictions are listed in the General Conditions, below.

7. Single and Complete: The activity must be a single and complete linear or non-linear project, as defined in the Section F of the January 6, 2017, Federal Register Notice for *Issuance and Reissuance of Nationwide Permits; Final Rule* (82 FR 1860), which can be found at:

http://www.usace.army.mil/Portals/2/docs/civilworks/nwp/2017/nwp2017_final_rule_FR_06jan2017.pdf?ver=2017-01-06-092409-457

8. Section 401 Water Quality Certification: In order for authorization to be valid under this RGP, an approved Section 401 Water Quality Certification (WQC) or waiver thereof is

required to be obtained and provided to the Corps prior to the commencement of activities authorized by this RGP (see General Condition 10 [*Water Quality Certification*]).

9. Reporting Requirements: PCWA shall submit annual post-construction reports to the Corps documenting all activities covered under the RGP that were completed the previous year. The reports shall be submitted no later than January 30, and contain documentation related to activities completed between January 1 and December 31 of the previous year. The reports shall include: (a) the activity name; (b) DA permit number; (c) type of HCP covered activity; (d) a full description of the work in waters of the U.S. that was completing, including acreage and/or linear feet of permanent and temporary discharges of dredged and/or fill material into waters of the U.S. (by aquatic resource type) and acreage and/or linear feet of loss of waters of the U.S. (by aquatic resource type); (e) evidence of PCWA's fulfillment of any CWA 404 compensatory mitigation requirements required by the RGP verification issued by the Corps, and (f) the cumulative acreage and/or linear feet loss of waters of the U.S. and loss of stream bed that has occurred under the RGP since issuance.

10. Special conditions: The District may add special conditions to an authorization to ensure the activity complies with the terms and conditions of the RGP, and adverse impacts are individually and cumulatively minimal.

GENERAL CONDITIONS:

1. Notification: PCWA shall provide written notification (i.e., a complete application and associated documentation) for a proposed activity to be authorized under the RGP prior to commencing the activity. PCWA shall submit a pre-construction notification package for all covered activities. No discharge of dredged and/or fill material into waters of the U.S. shall commence until the Corps has provided written verification the activity is authorized under this RGP.

2. Avoidance and Minimization Measures: You shall comply with all avoidance and minimization measures, terms, and other conditions as identified in Chapter 6 of the HCP. You shall ensure impacts to waters of the U.S. within and adjacent to the stream system are avoided and minimized to the maximum extent practicable.

3. Compensatory Mitigation: Compensatory mitigation for impacts to waters of the U.S. shall be accomplished at the ratios specified in the HCP, and shall be accomplished by payment into a Corps-approved PCCP in-lieu fee (ILF) program. Any compensatory mitigation requirements will be specifically identified in the RGP verification issued by the Corps for the single and complete project.

4. Bed and Bank Stabilization: All bank stabilization activities shall involve either the sole use of native vegetation or other bioengineered design techniques (e.g. willow plantings, root wads, large woody debris, etc.), or a combination of hard-armoring (e.g. rip-rap) and native vegetation or bioengineered design techniques, unless specifically determined to be

impracticable by the Corps. For projects that would involve hard armoring or the placement of any non-vegetated or non-bioengineered technique below the ordinary high water mark of waters of the U.S., the notification required in General Condition 14 must include information on why the sole use of vegetated techniques is not practicable.

5. Equipment: Heavy equipment working in wetlands shall be placed on mats, or other measures such as low-ground pressure equipment, to minimize soil disturbance shall be taken. Information regarding methods to minimize soil disturbance shall be submitted with the pre-construction notification.

6. Fills within 100-Year Floodplains: The activity shall comply with applicable FEMA-approved state or local floodplain management requirements.

7. Limits of Disturbance: PCWA shall clearly identify the limits of disturbance in the field with highly visible markers (e.g. construction fencing, flagging, silt barriers, etc.) prior to commencing construction activities in waters of the U.S. PCWA shall maintain such identification properly until construction is completed and the soils have been stabilized. PCWA is prohibited from any activity (e.g. equipment usage or materials storage) that may impact waters of the U.S. outside of the permit limits (as shown on the permit drawings).

8. Management of Water Flows: The pre-construction course, condition, capacity, and location of open waters shall be maintained to the maximum extent practicable, unless determined impracticable by the Corps. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration project). The District Engineer will determine the need for appropriate and practicable compensatory mitigation necessary to ensure that adverse effects on the aquatic environment are minimal. If compensatory mitigation is determined necessary, mitigation proposals are required to be prepared in accordance with 33 CFR Part 332.

9. Migratory Bird Breeding Areas: Activities in waters of the U.S. that serve as breeding areas for migratory birds shall be avoided to the maximum extent practicable.

10. Sediment Removal: The removal of sediment shall be limited to the minimum necessary to restore the waterway in the vicinity of a structure to the approximate dimensions that existed when the structure was built, but shall not extend farther than 200 feet in any direction from the structure. This 200 foot limit does not apply to maintenance dredging to remove accumulated sediments blocking or restricting outfall and intake structures or to maintenance dredging to remove accumulated sediments from canals associated with outfall and intake structures. 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 the Corps.

11. Suitable Fill: No discharge of dredged or fill material shall consist of unsuitable material and material discharged shall be free from toxic pollutants in toxic amounts (section 307 of the Clean Water Act). Fill material shall be clean and free of contaminants and noxious plants. Fresh cement or concrete is not allowed in waters unless it is placed in sealed forms. Unsuitable fill material includes vehicle bodies, farm machinery, appliances and other metal objects, asphalt, biodegradable construction debris and tires, concrete with exposed rebar.

12. Utility Lines: All utility lines shall be constructed in accordance with the following:

a. Directional drilling, clear span, or other techniques that do not contact the waterbody shall be used if the waterbody contains perennial or intermittent flows, unless determined impracticable by the Corps.

b. PCWA shall ensure the construction of utility lines does not result in draining any water of the U.S., including wetlands. This may be accomplished through the use of clay blocks, bentonite, or other suitable material (as approved by the Corps) to seal the trench. For utility line trenches, during construction, PCWA shall remove and stockpile, separately, the top 6-12 inches of topsoil. Following installation of the utility line(s), PCWA shall replace the stockpiled topsoil on top and seed the area with native vegetation.

c. All disturbed areas immediately adjacent to and within 25 feet of waters of the U.S., including unprotected slopes and stream banks, shall be stabilized (e.g., blanketed and seeded) immediately upon completion of the utility line construction in any segment of the project. In no case shall soil stabilization be delayed until the entire utility line is completed.

d. Temporarily disturbed construction areas must be restored to pre-construction conditions, including grading to original contours and revegetating (with native vegetation or other appropriate vegetation approved by the District) within 30 days following completion of the discharge of dredged and/or fill material into waters of the U.S. authorized by this RGP. A restoration plan, which includes a contour topographic map, shall be submitted with the pre-construction notification required in General Condition 1.

13. Aquatic Life Movements: The following criteria shall apply to all linear transportation crossings (e.g. roads, trails, bridges, culverts) of perennial, intermittent, or ephemeral streams:

a. For all activities in waters of the U.S. that are suitable habitat for Federally-listed fish species, including designated critical habitat for such species, PCWA shall design all new or substantially reconstructed linear transportation crossings (e.g. roads, bridges, culverts) to ensure that the passage and/or spawning of fish is not hindered. In these areas, PCWA shall employ bridge designs that span the stream or river, including pier-or pile-supported spans, or designs that use a bottomless arch culvert with a natural stream bed;

b. Linear transportation crossings shall be constructed to maintain the pre-construction course, condition, capacity, and location of open waters, unless it can be demonstrated by PCWA, and the Corps' concurs, that the activity would result in a net increase in aquatic resource functions and services. For areas containing existing linear transportation crossings, the pre-construction course, condition, capacity, and location of open waters shall be determined based on the upstream and downstream portions of the open waters.

c. Unless determined to be not practicable by the Corps, all linear transportation crossings proposed to be replaced shall be designed to the approximate bankfull width and depth of upstream and downstream open waters.

d. All bank stabilization activities shall comply with General Condition 4.

14. **Work in Standing or Flowing Waters:** No construction activities shall occur within standing or flowing waters, unless determined to be not practicable or appropriate by the Corps. For intermittent or ephemeral streams, this may be accomplished through construction during the dry season. In perennial streams, this may be accomplished through dewatering of the work area. Any proposed dewatering plan must be approved, in writing, by the Corps prior to commencing construction activities; and

15. **Compliance Inspections:** PCWA must allow representatives from the Corps 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 the permit. The Corps will notify PCWA at least 48 hours advance of an inspection.

16. **Threatened and Endangered Species:** No activity is authorized under this RGP which is likely to 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 ESA. Activities authorized under this RGP must comply with the mandatory terms and conditions of the USFWS and NMFS [*to be sought by initiation for programmatic Section 7 ESA consultation*] [programmatic Biological Opinion (BO) for this RGP] (USFWS #____, dated ____) (copy [to be] attached). The BO contains mandatory terms and conditions to implement the reasonable and prudent measures that are associated with "incidental take" authorization under this RGP. Authorization under this RGP is conditional upon your compliance with all of the mandatory terms and conditions of the Biological Opinion. Failure to comply with the terms and conditions of the Biological Opinion would constitute non-compliance with the RGP. The USFWS and NMFS are the appropriate authorities to determine compliance with the terms and conditions of their Biological Opinion, and with the ESA. The project applicant must comply with all applicable conditions of these Biological Opinions, including those ascribed to the Corps.

17. Historic Properties: No activity is authorized under the RGP if the activity may affect historic 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), as amended, have been satisfied. If NHPA compliance is not addressed programmatically, (e.g., by a Programmatic Agreement (PA)), project applicants must notify the Corps if the activity may have the potential to cause effects to any historic properties listed, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, including previously unidentified historic properties. The notification shall consist of the application identified in General Condition 5, and two hard copies and one electronic copy of a cultural resources report meeting the Corps *Guidelines for Compliance with Section 106 of the National Historic Preservation Act of 1966* (http://www.spk.usace.army.mil/Portals/12/documents/regulatory/sec-106-tribal/FINAL_2014-03-24_Section-106-Guidelines.pdf). The Corps will consult with the State Historic Preservation Officer (SHPO), as appropriate, following the policy and procedural standards of 33 CFR Part 325 Appendix C.

18. Permit Transfer: If the property associated with this permit is sold, PCWA shall transfer the verification to the new owner by submitting a letter to Placer County or the City of Lincoln, with a copy provided to the Corps, to validate the transfer. A copy of the CARP authorization must be attached to the letter, and the letter must contain the name and address of the transferee, as well as the following statement and signature of the transferee:

When the structures or work authorized by this programmatic 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)

19. Wetland and Stream Setbacks: Project applicants shall establish wetland and stream setback and avoidance and minimization as described in the CARP and implementing ordinances. Associated terms of the local CARP ordinances concerning setbacks, including (but not limited to) land use, allowable uses within setbacks, exemptions, and waivers shall apply as described in the CARP and implementing ordinances. These terms shall meet or exceed all applicable standards and terms contained within Chapter 6 of the HCP.

20. Tribal Rights: No activity or its operation shall impair reserved Tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

21. Discovery of Previously Unknown Remains and Artifacts (or - Unanticipated Cultural Resources Discoveries): If PCWA discovers any previously unknown historic, cultural or archeological remains and/or artifacts while accomplishing the activity authorized by this RGP, PCWA shall immediately notify the Corps of what has been found, and to the maximum extent practicable, shall avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. Notification to the Corps shall include a copy of the CARP authorization issued by Placer County or the City of Lincoln. The Corps 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.

22. Water Quality Certification: Water Quality Certification (WQC), or waiver thereof, under Section 401 of the Clean Water Act is required for activities to be authorized by this RGP. The project applicant shall comply with the terms and conditions of any individual or programmatic WQC provided by the State Water Resources Control Board and/or Central Valley Regional Water Quality Control Board.

PROCEDURES:

1. PCWA may choose to request a pre-application meeting with the Corps and other resource agencies prior to submittal of a pre-construction notification. To request a pre-application meeting, please contact the District office listed in the "Contacts" section of this document. A request for a pre-application meeting should contain the project name, type of project, county, approximately acreage of impacts to waters of the U.S., the contact name, company name, and telephone number.

2. PCWA shall submit a pre-construction notification (PCN) consisting of a written request for verification under this RGP. The PCN shall contain the following information in order to be considered complete:

a. A letter or a completed Department of the Army Permit Application Form (ENG 4345), requesting authorization under the RGP.

b. The applicable Covered Activity as identified in the HCP.

c. A complete description of the proposed activity, including

(1) The activities purpose;

(2) Direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of each type of waters of the U.S. expected to result from the proposed activity, in acres and, if applicable, linear feet;

(3) The amount (in cubic yards) and type of fill material proposed to be discharged into each type of water of the U.S.; and

(4) The amount (in acres) and length (in linear feet) of each type of waters of the U.S. to be permanently filled and the amount and length of each type of waters of the U.S. to be temporarily filled. For waters of the U.S. to be temporarily filled, the approximate length of time the waters of the U.S. would be filled before restoration to pre-construction contours and conditions would occur;

d. The location of the activity (with latitude and longitude)

e. A brief narrative describing how the proposed activity would comply with all General Conditions of this RGP, or a statement that the General Condition does not apply or, for General Conditions 3 and 7, a description of why compliance with the General Condition is not practicable.

f. For each applicable avoidance and minimization measure identified in Chapter 6 of the HCP, a brief narrative describing how the activity would comply with each measures. Specifically, the narrative should describe how the proposed activity is in compliance with Avoidance and Minimization Measures associated with an aquatic resource as specified in the HCP.

g. A written statement explaining how the activity has been designed to avoid and minimize adverse effects, both temporary and permanent, to waters of the U.S. to the maximum extent practicable.

h. For all dewatering activities that propose structures or fill in waters of the U.S. that require authorization from the Corps:

(1) The proposed methods for dewatering

(2) The equipment that would be used to conduct dewatering

(3) The length of time the area is proposed to be dewatered

(4) The area (in acres) and length (in linear feet) of waters of the U.S. of the dewatering structure and/or fill;

(5) The method for removal of the dewatering structure and/or fill; and

(6) The method for restoration of the waters of the U.S. affected by the structure or fill following construction

i. For all temporary discharge of dredged and/or fill material into waters of the U.S.:

(1) The reason(s) why avoidance of temporary fill in waters of the U.S. is not practicable;

(2) A description of the proposed temporary fill, including the type and amount (in cubic yards) of material to be placed;

(3) The area (in acres) of waters of the U.S. and, for drainages (e.g. natural or relocated streams, creeks, rivers), the length (in linear feet) where the temporary fill is proposed to be placed; and

(4) A proposed plan for restoration of the temporary fill area to pre-project contours and conditions, including a plan for the re-vegetation of the temporary fill area, if vegetation would be removed or destroyed by the proposed temporary fill;

j. For linear transportation crossings that propose to alter the pre-construction course, condition, capacity or location of open waters, the PCN shall include sufficient justification to determine that the proposed activity would result in a net increase in aquatic resource functions and services. Functions and services to be considered in the justification include, but are not limited to: short- or long-term surface water storage, subsurface water storage, moderation of groundwater flow or discharge, dissipation of energy, cycling of nutrients, removal of elements and compounds, retention of particulates, export of organic carbon, and maintenance of plant and animal communities.

k. For replacement linear transportation crossings that would result in a reduction in the pre-construction bankfull width and depth of open waters of the U.S. at the crossing, as compared to the upstream and downstream open waters:

(1) Information on why it is not practicable to approximate the pre-construction bankfull width of the upstream and downstream open waters, and;

(2) Sufficient justification to determine that the reduction in the pre-construction bankfull width would result in a net increase in aquatic resource functions and services. Functions and services to be considered in the justification include, but are not limited to: short- or long-term surface water storage, subsurface water storage, moderation of groundwater flow or discharge, dissipation of energy, cycling of nutrients, removal of elements and compounds, retention of particulates, export of organic carbon, and maintenance of plant and animal communities.

l. A written statement identifying the compensatory mitigation proposed for the loss of each type of water of the U.S.

m. Project Figures:

(1) A vicinity map clearly depicting the location of the proposed activity.

(2) A plan-view, and cross-section view drawing, clearly depicting the location, size, and dimensions of the proposed permanent or temporary discharge of fill material into waters of the U.S., and the location of all waters of the U.S. on-site. The drawings shall contain a title block, legend and scale, amount (in cubic yards) and area (in acres) of fill in Corps jurisdiction, including both permanent and temporary fills/structures. The ordinary high water mark should be shown (in feet) based on National Geodetic Vertical Datum (NGVD) or other appropriate referenced elevation.

(3) All drawings shall be prepared in accordance with the South Pacific Division February 2016, *Updated Map and Drawing Standards for the South Pacific Division Regulatory Program*, or most recent update (available on the South Pacific Division website at: <http://www.spd.usace.army.mil/Missions/Regulatory/PublicNoticesandReferences.aspx/>)

n. Numbered and dated pre-project color photographs showing a representative sample of waters proposed to be impacted on the site, and all waters of the U.S. proposed to be avoided on and immediately adjacent to the project site. The compass angle and position of each photograph shall be identified on the plan-view drawing(s) required in subpart b of this Regional Condition;

o. A delineation of waters of the U.S., including wetlands, for the project site. Wetlands shall be delineated using the Corps 1987 Wetland Delineation Manual and 2008 Arid West Region Regional Supplement, or most recent manual in effect at the time of the proposal. The delineation report shall be conducted in accordance with the Sacramento District's Minimum Standards for Acceptance of Aquatic Resources Delineation Reports (available at [http://www.spk.usace.army.mil/Portals/12/documents/regulatory/jd/minimum-standards/Minimum Standards for Delineation with Template-final.pdf](http://www.spk.usace.army.mil/Portals/12/documents/regulatory/jd/minimum-standards/Minimum_Standards_for_Delineation_with_Template-final.pdf)), or updated standards adopted by the Sacramento District, unless specifically waived by the Sacramento District;

p. Two hard copies and one electronic copy of a cultural resources report meeting the Corps *Guidelines for Compliance with Section 106 of the National Historic Preservation Act of 1966* (http://www.spk.usace.army.mil/Portals/12/documents/regulatory/sec-106-tribal/FINAL_2014-03-24_Section-106-Guidelines.pdf).

q. For any proposals to waive the linear foot limits identified in *Term 6(a)* and *6(b)*, the PCN shall contain information on why the proposed activity would result in no more than minimal individual or cumulative effects, including the following:

(1) A narrative description of the stream. This should include known information on: volume and duration of flow; the approximate length, width, and depth of the waterbody and characteristics observed associated with an Ordinary High Water Mark (e.g. bed and bank, wrack line or scour marks); a description of the adjacent vegetation community and a

statement regarding the wetland status of the adjacent areas (i.e. wetland, non-wetland); surrounding land use; water quality; issues related to cumulative impacts in the watershed, and; any other relevant information;

(2) An analysis of the proposed impacts to the waterbody, in accordance with Procedure 2(a);

(3) Measures taken to avoid and minimize losses to waters of the U.S., including other methods of constructing the proposed activity(s); and

(4) A compensatory mitigation plan describing how the unavoidable losses are proposed to be offset, in accordance with 33 CFR 332.

3. Within 15-days following receipt of the PCN, the Corps will notify PCWA via letter or email if:

a. The proposed activity may qualify for authorization under the RGP;

b. The PCN is complete; and

c. If consultation under Section 7 of the ESA, Section 305(b)(4)(b) of the Magnuson-Stevens Fisheries Conservation and Management Act and/or Section 106 of the National Historic Preservation Act is required.

If the proposed activity does not qualify for authorization under the RGP, the notification will identify specific modifications necessary for the proposed activity to qualify for authorization under the RGP, and/or instructions on how to apply for authorization under a different permit. If the PCN is not complete, the notification will specifically identify the additional information required to be submitted.

4. Within 30-days following receipt of a complete PCN, the Corps will initiate any required consultations under Section 7 of the ESA, Section 305(b)(4)(B) of the Magnuson-Stevens Fisheries Conservation and Management Act, and/or Section 106 of the National Historic Preservation Act.

5. Within 15-days following completion of required consultations identified in 4, or, if consultation is not required, within 30-days following receipt of a complete PCN, the Corps will notify PCWA via letter if the activity is authorized under this RGP, subject to the terms and conditions of the authorization.

6. No work may proceed under the authority of this RGP until PCWA has been notified, in writing, by the Corps that the activity is authorized.

FURTHER INFORMATION:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to: Section 404 of the Clean Water Act (33 U.S.C. 1344), and/or Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
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.
 - 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. Reevaluation of Permit 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. Extensions. The permit duration, as described above, establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Activities not meeting the terms and conditions of this permit may be authorized through another type of permit from the Corps, such as a Nationwide Permit or Letter of Permission. The Corps 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. The Corps may include additional special conditions to a verification under this permit to ensure the activity has minimal impact.

PERMIT DURATION: This permit is valid for **five** years from issuance, and will expire on **[DATE-same as above]**. The Corps may re-evaluate the terms and conditions of this permit at any time it deems necessary to protect the public interest. This permit may be re-issued, after public notice and documentation of the decision. **Activities under this permit must be verified in writing by the Corps. Verifications are valid until the permit expires.**

CONTACTS AND ADDITIONAL INFORMATION: For additional information about this RGP, please contact the U.S. Army Corps of Engineers, Sacramento District.

This permit becomes effective when the federal official, designated to act for the Secretary of the Army has signed below.

Michael S. Jewell
Chief, Regulatory Division
Sacramento District

Date