



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

**DEPARTMENT OF THE ARMY REGIONAL GENERAL PERMIT NUMBER 53
FOR
ROUTINE FLOOD CONTROL MAINTENANCE OF SELECTED BRIDGES,
CULVERTS, AND CHANNELS**

PERMITTEE: County of San Diego; Nelson Olivas

PERMIT NUMBER: Regional General Permit No. 53 (File No. SPL-2009-00334-MBS)

ISSUANCE DATE: November 24, 2010

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

Note: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official acting under the authority of the commanding officer.

After you receive written approval that your project complies with the terms and conditions of this Regional General Permit from this office, you are authorized to perform work in accordance with the General Conditions and any project specific conditions specified below.

Project Description: The District Engineer, Los Angeles District U.S. Army Corps of Engineers hereby reissues Regional General Permit No. 53 (RGP 53).

This RGP authorizes mechanical sediment, vegetation, and debris removal activities (maintenance activities) of bridges, culverts and selected channels to prevent flooding of adjacent roadways and/ or buildings, as shown on the Master Table of RGP 53 Facilities.

- (1) This RGP 53 authorizes maintenance activities in approximately 1,100 facilities, including culverts, bridges, and channels, as identified in the Master Table of RGP 53 Facilities.
- (2) This RGP 53 limits the maintenance activities to the minimum necessary, as identified by the County in the Master Table of RGP 53 Facilities, to alleviate the flooding potential in

the immediate vicinity and restore flow to selected culverts, bridges, and channels.

Project Location: In various waters of the United States (U.S.) throughout San Diego County, California, as shown on the attached figure.

PERMIT CONDITIONS:

General Conditions:

1. RGP 53 expires on November 24, 2015. Requests to renew this RGP 53 should be received at least six months prior to the above expiration date.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit.
3. 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 with the terms and conditions of your permit.
4. You must comply with the conditions specified in the 401 Water Quality Certification, State Water Quality Control Board (SWQCB) Number SB09016GN dated November 17, 2010, as a special condition to this permit.

Special Conditions:

Endangered Species Act

1. The Permittee shall follow all Reasonable and Prudent Measures, and Terms and Conditions, of the "Biological Opinion on the Regional General Permit #53 for Routine Flood Control Maintenance in San Diego County, California" (1-6-05-F-4297)(USFWS August 29, 2005)(attached) and any subsequent amendments.

Cultural Resources

2. Pursuant to 36 C.F.R. section 800.13, in the event of any discoveries during construction of either human remains, archeological deposits, or any other type of historic property, the Permittee shall notify the Corps' Archeology Staff within 24 hours (Steve Dibble at 213-452-3849 or John Killeen at 213-452-3861). The Permittee shall immediately suspend all work in any area(s) where potential cultural resources are discovered. The Permittee shall not resume construction in the area surrounding the potential cultural resources until the Corps Regulatory Division re-authorizes project construction, per 36 C.F.R. section 800.13.

Pre-construction

3. Pre-construction notification:

- a. Timing: The County of San Diego, Department of Public Works (County, Permittee) must notify the U.S. Army Corps of Engineers (Corps), U.S. Fish and Wildlife Service (USFWS) and SWRCB three months prior to beginning any project, and shall not commence the activity until a Notice to Proceed verification of compliance with RGP 53 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 53 verifications to clarify compliance with the terms and conditions of this RGP 53 to ensure that the proposed project would have only minimal individual and cumulative adverse impacts to the environment.
- b. Contents of notification: The notification must be in writing (Standard permit application form may be used, ENG 4345) and include the following information:
 - i. Location of the proposed project, including latitude and longitude or UTM coordinates;
 - ii. Brief description of the work to be performed, including methods and equipment, in waters of the U.S., including jurisdictional wetlands;
 - iii. Type of facility that will be maintained (e.g., box culvert, open channel etc.);
 - iv. Total area and type of habitat that will be impacted (e.g., 0.02 acre of unvegetated waters of the U.S. and 0.03 acre of southern willow scrub habitat/wetlands);
 - v. Description of adjacent habitats likely to be affected;
 - vi. Detailed scale graphics including Vicinity Map, Plan View, and Cross-section view (black and white drawings of the pre- and post-construction site conditions), showing all work and structures in waters of the U.S. All plan sheets shall be signed, dated, and submitted on paper no larger than 8 ½ X 11 inches. No work in waters of the U.S. is authorized until the Permittee receives, in writing (by letter or e-mail), Corps approval of the plans. The Permittee shall ensure that the project is built in accordance with the Corps approved plans; and
 - vii. Proposed mitigation. The County is required to provide compensatory mitigation for permanent and temporary impacts to waters of the U.S. Permanent impacts are those that occur the first time any specific reach of a culvert, bridge, or channel is impacted by authorized maintenance activities under RGP 53. To ensure that all compensatory mitigation is commensurate with impacts, the proposed mitigation will follow the order of preferred mitigation options presented in 33 CFR 332.3(b)(2)-(6) and will be determined on a case-by-case basis.

At a minimum compensatory mitigation for permanent impacts to waters of the U.S. will include the following:

Habitat Type	Minimum Acceptable Mitigation Ratio	Minimum Acceptable Out of Watershed Mitigation Ratio
Freshwater Marsh	2:1	6:1
Southern Willow Scrub	3:1	9:1
Mulefat Scrub	2:1	6:1
Riparian Woodland	3:1	9:1
Disturbed Wetland	1:1	3:1

Temporary impacts to waters of the U.S. under RGP 53 are defined as repeat impacts to any specific reach of a culvert, bridge, or channel that has been previously maintained and permanent impacts mitigated for under RGP 53 (including previous RGP 53 authorizations). Required mitigation for temporary impacts will be based on the quality and type of the habitat proposed to be temporarily impacted.

- a) Temporary impact areas with moderate- to high-quality wetland/riparian habitat will be required to mitigate at a 1:1 ratio.
- b) Temporary impact areas with no- to low-quality wetland/riparian habitat will not require mitigation.

To determine whether an area falls within a) or b) above, the Corps will consider and evaluate the time lag between maintenance activities (i.e., frequency), existing habitat type, percent cover and diversity of native vegetation species.

- c. Corps Decision: In reviewing the notification for the proposed activity, the Corps will determine whether or not the activity qualifies for authorization under RGP 53. Only those activities that would result in no more than minimal adverse environmental effects would be authorized under RGP 53. If the Corps determines that adverse effects are more than minimal, then discretionary authority may be asserted and the applicant will be notified that another form of Department of the Army authorization, such as an individual permit is required.
4. Within 60 days of permit execution date the County shall submit to the Corps and SWRCB a monitoring report for the Sweetwater Offsite Mitigation Area (SWOMA). Specifically, this report shall include the following information: discuss the existing conditions of the SWOMA; clearly identify the SWOMA success criteria; discuss the development of the mitigation site and how it is approaching success criteria; clearly identify ongoing maintenance and monitoring activities; and identify an adaptive management strategy to address unforeseen changes in conditions in the mitigation site.

5. Within 90 days of this permit execution date, the County shall submit to the Corps and SWRCB a draft long-term management plan describing how SWOMA will be managed after performance standards have been achieved to ensure long-term sustainability of the resource, including long-term financing mechanism(s) and identification of the party responsible for the long-term management.
6. The Permittee shall maintain copies of the terms and conditions of this RGP 53 on each site and will ensure that all contractors and field crews are made aware of the conditions and restrictions within to insure that the general and special conditions are complied with.
7. In the event emergency authorization is required, the project may be authorized by the Corps either under an alternative permit instrument (e.g., RGP-63, Emergency Authorizations) that addresses the emergency situation, or by implementing emergency procedures in accordance with 33 CFR Part 325.2(e)(4). A separate application may be required.

Construction

8. Any work performed under RGP 53 must be the minimum necessary as identified in the Master Table of RGP 53 Facilities (i.e., limited to the low flow channel or half the channel width) to alleviate flooding potential in the immediate vicinity and shall not exceed the limits specified for each site in the Master Table of RGP 53 Facilities. The Permittee shall clearly mark the limits of the authorized workspace with flagging or similar means. Adverse impacts to waters of the U.S. beyond the Corps-approved construction footprint are not authorized. Such impacts could result in permit suspension and revocation, administrative, civil or criminal penalties, and/or substantial, additional, compensatory mitigation requirements.
9. The Permittee shall implement appropriate best management practices (BMPs) to preclude increased turbidity. Appropriate BMPs may include installation of silt fences and fiber-rolls to prevent additional impacts waters of the U.S. and the spread of silt from the approved project footprint into adjacent and downstream waters of the U.S.
10. No mechanized equipment, rubber-tired vehicles, track vehicles, or other equipment shall be stored or fueled in waters of the U.S., including wetlands. Heavy equipment working in wetlands must be placed on mats, or other measures must be taken to avoid and minimize impacts to wetlands and non-wetland waters of the U.S.
11. The District Engineer (DE) reserves the right to invoke discretionary authority on a case-by-case basis, as defined in 33 CFR section 330.4(e), in instances where a project could have more than minimal individual or cumulative impacts.

12. No discharge of dredged or fill material may consist of unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.,) and material discharged must be free from toxic pollutants in toxic amounts (see section 307 of the Clean Water Act).
13. All excavated material and vegetation shall not be stockpiled in waters of the U.S. and will be disposed of at a suitable upland site.
14. To the maximum extent practicable, discharges must not permanently restrict or impede the passage of normal or expected high flows or cause the relocation of the water.

Post-Construction

15. Within 45 calendar days of completion of authorized work in waters of the U.S., the Permittee shall submit to the Corps Regulatory Division a post-project implementation memo indicating the date authorized impacts to waters of the U.S. ceased.
16. The Permittee shall submit to the Corps (cc: USFWS and SWQCB) by June 1 of each year annual reports (including summary tables, scaled maps, and photographs of the impact areas, as well as the certification) that summarize activities performed under RGP 53, and documents that impacts at each site were not exceeded and compliance with all special conditions of this permit.

Further Information:

1. Congressional Authorities. You have been authorized to undertake the activity described above pursuant to:
 - (X) Section 404 of the Clean Water Act (33 U.S.C. 1344).
2. Limits of this authorization under RGP 53.
 - 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 project.
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 to 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 measure 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.

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

Conice Farnan, for

Therese O'Rourke Bradford
Chief, South Coast Branch
Regulatory Division

24 NOV 2010

DATE

