



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
915 WILSHIRE BLVD. STE 930
LOS ANGELES, CA 90017

September 4, 2014

Regulatory Division

Sree Kumar
Los Angeles County Flood Control District
900 S. Fremont Ave. Annex Building-Second Floor
Alhambra, California 91803

DEPARTMENT OF THE ARMY NATIONWIDE PERMIT VERIFICATION

Dear Mr. Kumar:

This new Nationwide Permit verification letter (SPL-2013-00723-DPS) supersedes our previous verification letter dated November 1, 2013. Your proposed project, the Los Angeles County Soft-Bottom Channels Maintenance Project, is located within various channels throughout Los Angeles County, California (as listed on enclosed Tables 1 and 2).

Because this project would result in a discharge of dredge and/or fill material into waters of the United States a Department of the Army permit is required pursuant to Section 404 of the Clean Water Act (33 USC 1344; 33 CFR parts 323 and 330).

I have determined construction of your proposed project, if constructed as described in your application, would comply with Nationwide Permit (NWP) No. 31 *Maintenance of Existing Flood Control Facilities*.

Specifically, and as shown on the enclosed figure(s), you are authorized to:

1. To discharge sidecast associated with mechanized sediment, debris, and vegetation removal within "non-sensitive" soft-bottom channel reaches [(those that do not exhibit potential for Federally Threatened or Endangered species (T/E) to occur]: 1-6, 8-10, 13, 15-16, 18-22, 24, 25a, 25b, 26, 29, 32-38, 40a, 41-42, 44-46, 48-50, 52-53, 57, 72-74, 76-78, 88-96, and 98-100 (59 reaches in sum).

Please note the above list of reaches is modified from the previous Corps permit (SPL-2013-00723-DPS, issued November 1, 2013). The following modifications were made:

- Reach 2 does not support potentially suitable habitat for federally threatened or endangered species, and therefore has been added to the list of reaches (above) for which work is authorized.
- The following twelve reaches have been changed from classification of “sensitive” to “non-sensitive” because no potentially suitable habitat for federally threatened or endangered species currently occurs (see explanations in Tables 1 & 2): 13, 19, 40a (separated from 40b due to different biological conditions), 44, 45, 53, 72, 77, 78, 88, 89, and 92 (twelve reaches in sum).

For this NWP verification letter to be valid, you must comply with all of the terms and conditions in Enclosure 1. Furthermore, you must comply with the non-discretionary Special Conditions listed below:

SPECIAL CONDITIONS:

1. To avoid and minimize impacts to federally threatened or endangered species (‘sensitive’ species), maintenance activities in waters of the United States shall be subject to the following seasonal restrictions:

a. In “non-sensitive” soft-bottom channel reaches 1-6, 8-10, 13, 15-16, 18-22, 24-26, 29, 32-38, 40a, 41-42, 44-46, 48-50, 52-53, 57, 72-74, 76-78, 88-89, 90-96, and 98-100 (58 reaches in sum) removal of vegetation in waters of the United States by mechanized clearing methods is not authorized during the primary nesting season (March 15 – August 31) of any year. If clearing activities using mechanized equipment are required during the nesting season for an emergency situation, then the Los Angeles County Flood Control District (LACFCD) will notify the Army Corps of Engineers and California Department of Fish and Wildlife prior to proposed work to receive authorization. Nesting bird surveys would be required prior to any authorized work and any active bird nest of a federally listed species detected will be avoided and protected within a buffer determined by the biologist and approved by the Corps.

2. This Corps permit does not authorize you to take endangered species or impact designated critical habitat, in particular for the arroyo toad and unarmored threespine stickleback. In order to legally take a listed species, you must have separate authorization under the Endangered Species Act (ESA). The U.S. Fish and Wildlife Service (USFWS) Biological Opinion completed in 2005 for associated soft-bottom channels is expired and does not authorize work in any of the ‘sensitive’ soft-bottom channels. Take of a listed species would constitute non-compliance with your Corps permit. Furthermore, the USFWS is the appropriate authority to determine compliance with the ESA.

3. The permittee shall ensure that all vehicle maintenance, staging, storage, and dispensing of fuel occurs in designated upland areas. The permittee shall ensure these designated upland areas are located in such a manner as to prevent any runoff from entering waters of the United States.
4. The permittee shall employ all standard Best Management Practices to ensure that toxic materials, silt, debris, or excessive erosion do not enter the Los Angeles, Santa Clara, San Gabriel River and Malibu Creek during project construction.
5. The permittee shall avoid and minimize impacts to approximately 118 acres of riparian vegetation in the 93 soft-bottom flood control channel reaches by implementing all the terms and conditions stipulated in the Maintenance Plan and its Amendment for the Annual Clearing of Earth-Bottom Flood Control Channels dated 2005 (attached) and August 2014 amendment (attached). The permittee shall continue to submit Annual Maintenance and Monitoring Reports to the Corps.
6. The permittee shall retain a qualified biologist(s) to review grading plans, oversee all aspects of construction monitoring that pertain to biological resource protection, ensure compliance with the avoidance and minimization measures, and implement the program.
8. This verification is contingent on the Waste Discharge Requirements (WDR) issued by the California Regional Water Quality Control Board, Los Angeles Region, on February 4, 2010, which is set to expire on February 4, 2015. Unless you either request and receive an extension of the WDR, or obtain a 401 Water Quality Certification, this verification will no longer be valid after February 4, 2015.

Subject to the caveat listed above (see special condition 7), this verification is valid through March 18, 2017. If on March 18, 2017 you have commenced or are under contract to commence the permitted activity you will have an additional twelve (12) months to complete the activity under the present NWP terms and conditions. However, if I discover noncompliance or unauthorized activities associated with the permitted activity we can exercise discretionary authority and thereby modify, suspend, or revoke this specific verification at an earlier date in accordance with procedures in 33 C.F.R. § 330.4(e) and 33 C.F.R. § 330.5(c) or (d). At the national level the Chief of Engineers at any time prior to the expiration of a NWP may choose to modify, suspend, or revoke the nationwide use of a NWP after following procedures set forth in 33 C.F.R. § 330.5. It is incumbent upon you to comply with all of the terms and conditions of this NWP verification and to remain informed of any change to the NWPs.

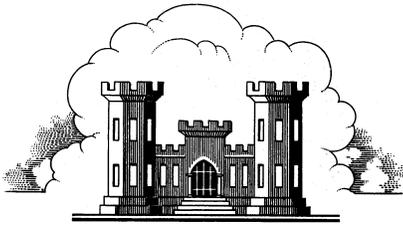
A NWP does not grant any property rights or exclusive privileges. Additionally, it does not authorize any injury to the property, rights of others, nor does it authorize interference with any existing or proposed Federal project. Furthermore, it does not obviate the need to obtain other Federal, state, or local authorizations required by law.

Thank you for participating in the regulatory program. If you have any questions, please contact me at 213-452-3372 or Bonnie.L.Rogers@usace.army.mil. Please complete the customer survey form at <http://per2.nwp.usace.army.mil/survey.html>, which would help me to evaluate and improve the regulatory experience for others.

Sincerely,

Daniel P. Swenson
Chief, LA and San Bernardino Counties Section
North Coast Branch
Regulatory Division

Enclosure(s)



**LOS ANGELES DISTRICT
US ARMY CORPS OF ENGINEERS**

**CERTIFICATE OF COMPLIANCE WITH
DEPARTMENT OF THE ARMY NATIONWIDE PERMIT**

Permit Number: *SPL-2013-00723-BLR*

Name of Permittee: *Sree Kumar, Los Angeles County Flood Control District*

Date of Issuance: *September 03, 2014*

Upon completion of the activity authorized by this permit and the mitigation required by this permit, sign this certificate, and return it by **ONE** of the following methods;

1) Email a digital scan of the signed certificate to Daniel.P.Swenson@usace.army.mil
OR

2) Mail the signed certificate to
US Army Corps of Engineers
ATTN: Regulatory Division SPL-2013-00723-BLR
915 Wilshire Blvd. Ste 930
Los Angeles, California, 90017

I hereby certify the authorized work and any required compensatory mitigation has been completed in accordance with the NWP authorization, including all general, regional, or activity-specific conditions. Furthermore, if credits from a mitigation bank or in-lieu fee program were used to satisfy compensatory mitigation requirements I have attached the documentation required by 33 CFR 332.3(1)(3) to confirm the appropriate number and resource type of credits have been secured.

Signature of Permittee

Date

Enclosure 1: NATIONWIDE PERMIT NUMBER(S) NWP 31 Maintenance of Existing Flood Control Facilities. TERMS AND CONDITIONS

1. Nationwide Permit(s) NWP 31 Maintenance of Existing Flood Control Facilities. Terms:

Your activity is authorized under Nationwide Permit Number(s) NWP 31 Maintenance of Existing Flood Control Facilities. subject to the following terms:

31. Maintenance of Existing Flood Control Facilities. Discharges of dredged or fill material resulting from activities associated with the maintenance of existing flood control facilities, including debris basins, retention/detention basins, levees, and channels that: (i) were previously authorized by the Corps by individual permit, general permit, by 33 CFR 330.3, or did not require a permit at the time they were constructed, or (ii) were constructed by the Corps and transferred to a non-Federal sponsor for operation and maintenance. Activities authorized by this NWP are limited to those resulting from maintenance activities that are conducted within the maintenance baseline, as described in the definition below. Discharges of dredged or fill materials associated with maintenance activities in flood control facilities in any watercourse that have previously been determined to be within the maintenance baseline are authorized under this NWP. This NWP does not authorize the removal of sediment and associated vegetation from natural water courses except when these activities have been included in the maintenance baseline. All dredged material must be placed in an upland site or an authorized disposal site in waters of the United States, and proper siltation controls must be used. **Maintenance Baseline:** The maintenance baseline is a description of the physical characteristics (e.g., depth, width, length, location, configuration, or design flood capacity, etc.) of a flood control project within which maintenance activities are normally authorized by NWP 31, subject to any case-specific conditions required by the district engineer. The district engineer will approve the maintenance baseline based on the approved or constructed capacity of the flood control facility, whichever is smaller, including any areas where there are no constructed channels, but which are part of the facility. The prospective permittee will provide documentation of the physical characteristics of the flood control facility (which will normally consist of as-built or approved drawings) and documentation of the approved and constructed design capacities of the flood control facility. If no evidence of the constructed capacity exists, the approved capacity will be used. The documentation will also include best management practices to ensure that the impacts to the aquatic environment are minimal, especially in maintenance areas where there are no constructed channels. (The Corps may request maintenance records in areas where there has not been recent maintenance.) Revocation or modification of the final determination of the maintenance baseline can only be done in accordance with 33 CFR 330.5. Except in emergencies as described below, this NWP cannot be used until the district engineer approves the maintenance baseline and determines the need for mitigation and any regional or activity-specific conditions. Once determined, the maintenance baseline will remain valid for any subsequent reissuance of this NWP. This NWP does not authorize maintenance of a flood control facility that has been abandoned. A flood control facility will be considered abandoned if it has operated at a significantly reduced capacity without needed maintenance being accomplished in a timely manner. **Mitigation:** The district engineer will determine any required mitigation one-time only for impacts associated with maintenance work at the same time that the maintenance baseline is approved. Such one-time mitigation will be required when necessary to ensure that adverse environmental impacts are no more than minimal, both individually and cumulatively. Such mitigation will only be required once for any specific reach of a flood control project. However, if one-time mitigation is required for impacts associated with maintenance activities, the district engineer will not delay needed maintenance, provided the district engineer and the permittee establish a schedule for identification, approval, development, construction and completion of any such required mitigation. Once the one-time mitigation

described above has been completed, or a determination made that mitigation is not required, no further mitigation will be required for maintenance activities within the maintenance baseline. In determining appropriate mitigation, the district engineer will give special consideration to natural water courses that have been included in the maintenance baseline and require compensatory mitigation and/or best management practices as appropriate. **Emergency Situations:** In emergency situations, this NWP may be used to authorize maintenance activities in flood control facilities for which no maintenance baseline has been approved. Emergency situations are those which would result in an unacceptable hazard to life, a significant loss of property, or an immediate, unforeseen, and significant economic hardship if action is not taken before a maintenance baseline can be approved. In such situations, the determination of mitigation requirements, if any, may be deferred until the emergency has been resolved. Once the emergency has ended, a maintenance baseline must be established expeditiously, and mitigation, including mitigation for maintenance conducted during the emergency, must be required as appropriate. **Notification:** The permittee must submit a pre-construction notification to the district engineer before any maintenance work is conducted (see general condition 27). The pre-construction notification may be for activity-specific maintenance or for maintenance of the entire flood control facility by submitting a five-year (or less) maintenance plan. The pre-construction notification must include a description of the maintenance baseline and the dredged material disposal site. (Sections 10 and 404)

Note: To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as appropriate, in addition to any regional or case-specific conditions imposed by the division engineer or district engineer. Prospective permittees should contact the appropriate Corps district office to determine if regional conditions have been imposed on an NWP. Prospective permittees should also contact the appropriate Corps district office to determine the status of Clean Water Act Section 401 water quality certification and/or Coastal Zone Management Act consistency for an NWP.

2. Nationwide Permit General Conditions: The following general conditions must be followed in order for any authorization by an NWP to be valid:

1. 1. Navigation. (a) No activity may cause more than a minimal adverse effect on navigation.
(b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.
(c) The permittee understands and agrees 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 his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee 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.
2. Aquatic Life Movements. 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.

3. Spawning Areas. 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.
4. Migratory Bird Breeding Areas. Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.
5. Shellfish Beds. No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWPs 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.
6. Suitable Material. 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).
7. Water Supply Intakes. No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.
8. Adverse Effects From Impoundments. If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.
9. Management of Water Flows. To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization and storm water management activities, except as provided below. 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 or relocation activities).
10. Fills Within 100-Year Floodplains. The activity must comply with applicable FEMA-approved state or local floodplain management requirements.
11. Equipment. Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.
12. Soil Erosion and Sediment Controls. 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. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow.
13. Removal of Temporary Fills. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

14. Proper Maintenance. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions added by the district engineer to an NWP authorization.
15. Single and Complete Project. The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.
16. Wild and Scenic Rivers. 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).
17. Tribal Rights. No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.
18. Endangered Species. (a) No activity is authorized under any NWP 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 Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized under any NWP which “may affect” a listed species or critical habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed.
(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will review the documentation and determine whether it is sufficient to address ESA compliance for the NWP activity, or whether additional ESA consultation is necessary.
(c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species or designated critical habitat, the pre-construction notification must include the name(s) of the endangered or threatened species that might be affected by the proposed work or that utilize the designated critical habitat that might be affected by the proposed work. The district engineer will determine whether the proposed activity “may affect” or will have “no effect” to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps’ determination within 45 days of receipt of a complete pre-construction notification. In cases where the non-Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the project, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification the proposed activities will have “no effect” on listed species or critical habitat, or until Section 7 consultation has

been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(d) As a result of formal or informal consultation with the FWS or NMFS the district engineer may add species-specific regional endangered species conditions to the NWP.

(e) Authorization of an activity by a NWP 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 U.S. FWS or the NMFS, The Endangered Species Act 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.

(f) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the U.S. FWS and NMFS or their world wide web pages at <http://www.fws.gov/> or <http://www.fws.gov/ipac> and <http://www.noaa.gov/fisheries.html> respectively.

19. Migratory Birds and Bald and Golden Eagles. The permittee is responsible for obtaining any “take” permits required under the U.S. Fish and Wildlife Service’s regulations governing compliance with the Migratory Bird Treaty Act or the Bald and Golden Eagle Protection Act. The permittee should contact the appropriate local office of the U.S. Fish and Wildlife Service to determine if such “take” permits are required for a particular activity.

20. Historic Properties. (a) In cases where the district engineer determines that the activity may affect properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

(b) Federal permittees should follow their own procedures for complying with the requirements of Section 106 of the National Historic Preservation Act. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will review the documentation and determine whether it is sufficient to address section 106 compliance for the NWP activity, or whether additional section 106 consultation is necessary.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the authorized activity may have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties may be affected by the proposed work or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of or potential for the presence of historic resources can be sought from the State Historic Preservation Officer or Tribal Historic Preservation Officer, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of Section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. Based on the information submitted and these efforts, the district

engineer shall determine whether the proposed activity has the potential to cause an effect on the historic properties. Where the non-Federal applicant has identified historic properties on which the activity may have the potential to cause effects and so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects or that consultation under Section 106 of the NHPA has been completed.

(d) The district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA Section 106 consultation is required. Section 106 consultation is not required when the Corps determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR §800.3(a)). If NHPA section 106 consultation is required and will occur, the district engineer will notify the non-Federal applicant that he or she cannot begin work until Section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(e) Prospective permittees should be aware that section 110k of the NHPA (16 U.S.C. 470h-2(k)) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of Section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

21. Discovery of Previously Unknown Remains and Artifacts. If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the district engineer 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. The district engineer 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. Designated Critical Resource Waters. Critical resource waters include, NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment, additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment.
 - (a) Discharges of dredged or fill material into waters of the United States are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, and 52 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.
 - (b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, and 38, notification is required in accordance with general condition 31, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize

activities under these NWPs only after it is determined that the impacts to the critical resource waters will be no more than minimal.

23. Mitigation. The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that adverse effects on the aquatic environment are minimal:
- (a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).
 - (b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the adverse effects to the aquatic environment are minimal.
 - (c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse effects of the proposed activity are minimal, and provides a project-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in minimal adverse effects on the aquatic environment. Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.
 - (1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in minimal adverse effects on the aquatic environment.
 - (2) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, wetland restoration should be the first compensatory mitigation option considered.
 - (3) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) – (14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)).
 - (4) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan only needs to address the baseline conditions at the impact site and the number of credits to be provided.
 - (5) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan.
 - (d) For losses of streams or other open waters that require pre-construction notification, the district engineer may require compensatory mitigation, such as stream rehabilitation, enhancement, or preservation, to ensure that the activity results in minimal adverse effects on the aquatic environment.
 - (e) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any project resulting in the loss of greater than 1/2-acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However,

compensatory mitigation can and should be used, as necessary, to ensure that a project already meeting the established acreage limits also satisfies the minimal impact requirement associated with the NWP. (f) Compensatory mitigation plans for projects in or near streams or other open waters will normally include a requirement for the restoration or establishment, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, riparian areas may be the only compensatory mitigation required. Riparian areas should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to establish a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or establishing a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(g) Permittees may propose the use of mitigation banks, in-lieu fee programs, or separate permittee-responsible mitigation. For activities resulting in the loss of marine or estuarine resources, permittee-responsible compensatory mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee-responsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management.

(h) Where certain functions and services of waters of the United States are permanently adversely affected, such as the conversion of a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse effects of the project to the minimal level.

24. Safety of Impoundment Structures. To ensure that all impoundment structures are safely designed, the district engineer may require non-Federal applicants to demonstrate that the structures comply with established state dam safety criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.
25. Water Quality. Where States and authorized Tribes, or EPA where applicable, have not previously certified compliance of an NWP with CWA Section 401, individual 401 Water Quality Certification must be obtained or waived (see 33 CFR 330.4(c)). The district engineer or State or Tribe may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.
26. Coastal Zone Management. In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). The district engineer or a State may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

27. Regional and Case-By-Case Conditions. The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.
28. Use of Multiple Nationwide Permits. The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.
29. Transfer of Nationwide Permit Verifications. If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature:

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

(Transferee)

(Date)

30. Compliance Certification. Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and any required compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include:
- (a) A statement that the authorized work was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions;
 - (b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(l)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and
 - (c) The signature of the permittee certifying the completion of the work and mitigation.

31. Pre-Construction Notification. (a) Timing. Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the additional information necessary to make the PCN complete. The request must specify the information needed to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

(1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or

(2) 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer.

However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species or critical habitat might be affected or in the vicinity of the project, or to notify the Corps pursuant to general condition 20 that the activity may have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or Section 106 of the National Historic Preservation (see 33 CFR 330.4(g)) has been completed. Also, work cannot begin under NWPs 21, 49, or 50 until the permittee has received written approval from the Corps. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) Contents of Pre-Construction Notification: The PCN must be in writing and include the following information:

(1) Name, address and telephone numbers of the prospective permittee;

(2) Location of the proposed project;

(3) A description of the proposed project; the project's purpose; direct and indirect adverse environmental effects the project would cause, including the anticipated amount of loss of water of the United States expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; 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 project or any related activity. The description should be sufficiently detailed to allow the district engineer to determine that the adverse effects of the project will be minimal and to determine the need for compensatory mitigation. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the project 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);

(4) The PCN must include 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 delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many waters of the United States. Furthermore, the 45 day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate;

(5) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse effects are minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

(6) If any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, for non-Federal applicants the PCN must include the name(s) of those endangered or threatened species that might be affected by the proposed work or utilize the designated critical habitat that may be affected by the proposed work. Federal applicants must provide documentation demonstrating compliance with the Endangered Species Act; and

(7) For an activity that may affect a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, for non-Federal applicants the PCN must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property. Federal applicants must provide documentation demonstrating compliance with Section 106 of the National Historic Preservation Act.

(c) Form of Pre-Construction Notification: The standard individual permit application form (Form ENG 4345) may be used, but the completed application form must clearly indicate that it is a PCN and must include all of the information required in paragraphs (b)(1) through (7) of this general condition. A letter containing the required information may also be used.

(d) Agency Coordination: (1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWP and the need for mitigation to reduce the project's adverse environmental effects to a minimal level.

(2) For all NWP activities that require pre-construction notification and result in the loss of greater than 1/2-acre of waters of the United States, for NWP 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52 activities that require pre-construction notification and will result in the loss of greater than 300 linear feet of intermittent and ephemeral stream bed, and for all NWP 48 activities that require pre-construction notification, the district engineer will immediately provide (e.g., via e-mail, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (U.S. FWS, state natural resource or water quality agency, EPA, State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Office (THPO), and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days from the date the material is transmitted to telephone or fax the district engineer notice that they intend to provide substantive, site-specific comments. The comments must explain why the agency believes the adverse effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the pre-construction notification. The district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity's compliance with the terms and conditions of the

NWPs, including the need for mitigation to ensure the net adverse environmental effects to the aquatic environment of the proposed activity are minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

(3) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by Section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

(4) Applicants are encouraged to provide the Corps with either electronic files or multiple copies of pre-construction notifications to expedite agency coordination.

3. Regional Conditions for the Los Angeles District:

In accordance with General Condition Number 27, "Regional and Case-by-Case Conditions," the following Regional Conditions, as added by the Division Engineer, must be met in order for an authorization by any Nationwide to be valid:

1. For all activities in waters of the U.S. that are suitable habitat for federally listed fish species, the permittee shall design all road crossings to ensure that the passage and/or spawning of fish is not hindered. In these areas, the permittee 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, unless determined to be impracticable by the Corps.
2. Nationwide Permits (NWP) 3, 7, 12-15, 17-19, 21, 23, 25, 29, 35, 36, or 39-46, 48-52 cannot be used to authorize structures, work, and/or the discharge of dredged or fill material that would result in the "loss" of wetlands, mudflats, vegetated shallows or riffle and pool complexes as defined at 40 CFR Part 230.40-45. The definition of "loss" for this regional condition is the same as the definition of "loss of waters of the United States" used for the Nationwide Permit Program. Furthermore, this regional condition applies only within the State of Arizona and within the Mojave and Sonoran (Colorado) desert regions of California. The desert regions in California are limited to four USGS Hydrologic Unit Code (HUC) accounting units (Lower Colorado -150301, Northern Mojave-180902, Southern Mojave-181001, and Salton Sea-181002).
3. When a pre-construction notification (PCN) is required, the appropriate U.S. Army Corps of Engineers (Corps) District shall be notified in accordance with General Condition 31 using either the South Pacific Division PCN Checklist or a signed application form (ENG Form 4345) with an attachment providing information on compliance with all of the General and Regional Conditions. The PCN Checklist and application form are available at: <http://www.spl.usace.army.mil/regulatory>. In addition, the PCN shall include:
 - a. A written statement describing how the activity has been designed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States;

- b. Drawings, including plan and cross-section views, clearly depicting the location, size and dimensions of the proposed activity as well as the location of delineated waters of the U.S. on the 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 or, if tidal waters, the mean high water mark and high tide line, should be shown (in feet), based on National Geodetic Vertical Datum (NGVD) or other appropriate referenced elevation. All drawings for projects located within the boundaries of the Los Angeles District shall comply with the most current version of the *Map and Drawing Standards for the Los Angeles District Regulatory Division* (available on the Los Angeles District Regulatory Division website at: www.spl.usace.army.mil/regulatory/); and
 - c. Numbered and dated pre-project color photographs showing a representative sample of waters proposed to be impacted on the project site, and all waters proposed to be avoided on and immediately adjacent to the project site. The compass angle and position of each photograph shall be documented on the plan-view drawing required in subpart b of this regional condition.
 4. Submission of a PCN pursuant to General Condition 31 and Regional Condition 3 shall be required for all regulated activities in the following locations:
 - a. All perennial waterbodies and special aquatic sites within the State of Arizona and within the Mojave and Sonoran (Colorado) desert regions of California, excluding the Colorado River in Arizona from Davis Dam to River Mile 261 (northern boundary of the Fort Mojave Indian Tribe Reservation). The desert region in California is limited to four USGS HUC accounting units (Lower Colorado -150301, Northern Mojave-180902, Southern Mojave-181001, and Salton Sea-181002).
 - b. All areas designated as Essential Fish Habitat (EFH) by the Pacific Fishery Management Council (i.e., all tidally influenced areas - Federal Register dated March 12, 2007 (72 FR 11092)), in which case the PCN shall include an EFH assessment and extent of proposed impacts to EFH. Examples of EFH habitat assessments can be found at: <http://www.swr.noaa.gov/efh.htm>.
 - c. All watersheds in the Santa Monica Mountains in Los Angeles and Ventura counties bounded by Calleguas Creek on the west, by Highway 101 on the north and east, and by Sunset Boulevard and Pacific Ocean on the south.
 - d. The Santa Clara River watershed in Los Angeles and Ventura counties, including but not limited to Aliso Canyon, Agua Dulce Canyon, Sand Canyon, Bouquet Canyon, Mint Canyon, South Fork of the Santa Clara River, San Francisquito Canyon, Castaic Creek, Piru Creek, Sespe Creek and the main-stem of the Santa Clara River.
 5. Individual Permits shall be required for all discharges of fill material in jurisdictional vernal pools, with the exception that discharges for the purpose of restoration, enhancement, management or scientific study of vernal pools may be authorized under NWP 5, 6, and 27 with the submission of a PCN in accordance with General Condition 31 and Regional Condition 3.
 6. Individual Permits shall be required in Murrieta Creek and Temecula Creek watersheds in Riverside County for new permanent fills in perennial and intermittent watercourses otherwise authorized under NWP 29, 39, 42 and 43, and in ephemeral watercourses for these NWP 14 for projects that impact greater than 0.1 acre of waters of the United States. In addition, when NWP 14 is used in conjunction with residential, commercial, or industrial developments the 0.1 acre limit would also apply.

7. Individual Permits (Standard Individual Permit or 404 Letter of Permission) shall be required in San Luis Obispo Creek and Santa Rosa Creek in San Luis Obispo County for bank stabilization projects, and in Gaviota Creek, Mission Creek and Carpinteria Creek in Santa Barbara County for bank stabilization projects and grade control structures.
8. In conjunction with the Los Angeles District's Special Area Management Plans (SAMPs) for the San Diego Creek Watershed and San Juan Creek/Western San Mateo Creek Watersheds in Orange County, California, the Corps' Division Engineer, through his discretionary authority has revoked the use of the following 26 selected NWP within these SAMP watersheds: 03, 07, 12, 13, 14, 16, 17, 18, 19, 21, 25, 27, 29, 31, 33, 39, 40, 41, 42, 43, 44, 46, 49, and 50. Consequently, these NWPs are no longer available in those watersheds to authorize impacts to waters of the United States from discharges of dredged or fill material under the Corps' Clean Water Act section 404 authority.
9. Any requests to waive the 300 linear foot limitation for intermittent and ephemeral streams for NWPs 29, 39, 40 and 42, 43, 44, 51 and 52 or to waive the 500 linear foot limitation along the bank for NWP 13, must include the following:
 - a. 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 characters 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 associated vegetation community (i.e. wetland, non-wetland); surrounding land use; water quality; issues related to cumulative impacts in the watershed, and; any other relevant information.
 - b. An analysis of the proposed impacts to the waterbody in accordance with General Condition 31 and Regional Condition 3;
 - c. Measures taken to avoid and minimize losses, including other methods of constructing the proposed project; and
 - d. A compensatory mitigation plan describing how the unavoidable losses are proposed to be compensated, in accordance with 33 CFR Part 332.
10. The permittee shall complete the construction of any compensatory mitigation required by special condition(s) of the NWP verification before or concurrent with commencement of construction of the authorized activity, except when specifically determined to be impracticable by the Corps. When mitigation involves use of a mitigation bank or in-lieu fee program, the permittee shall submit proof of payment to the Corps prior to commencement of construction of the authorized activity.

4. Further information:

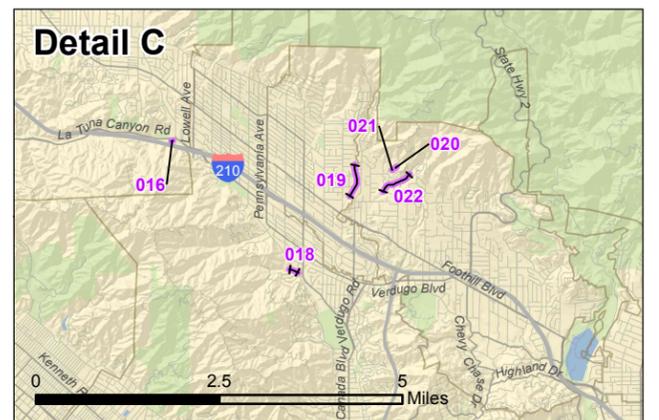
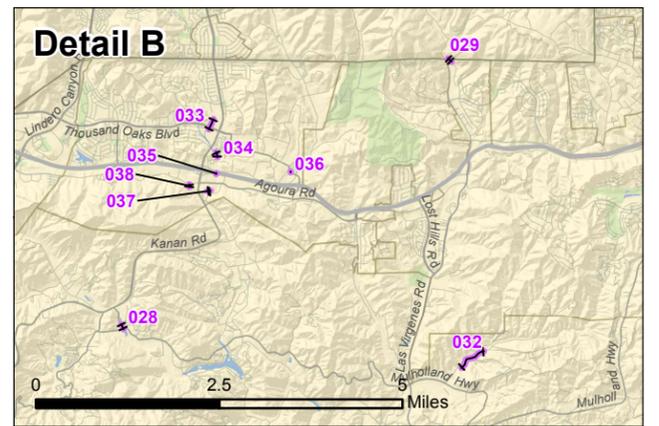
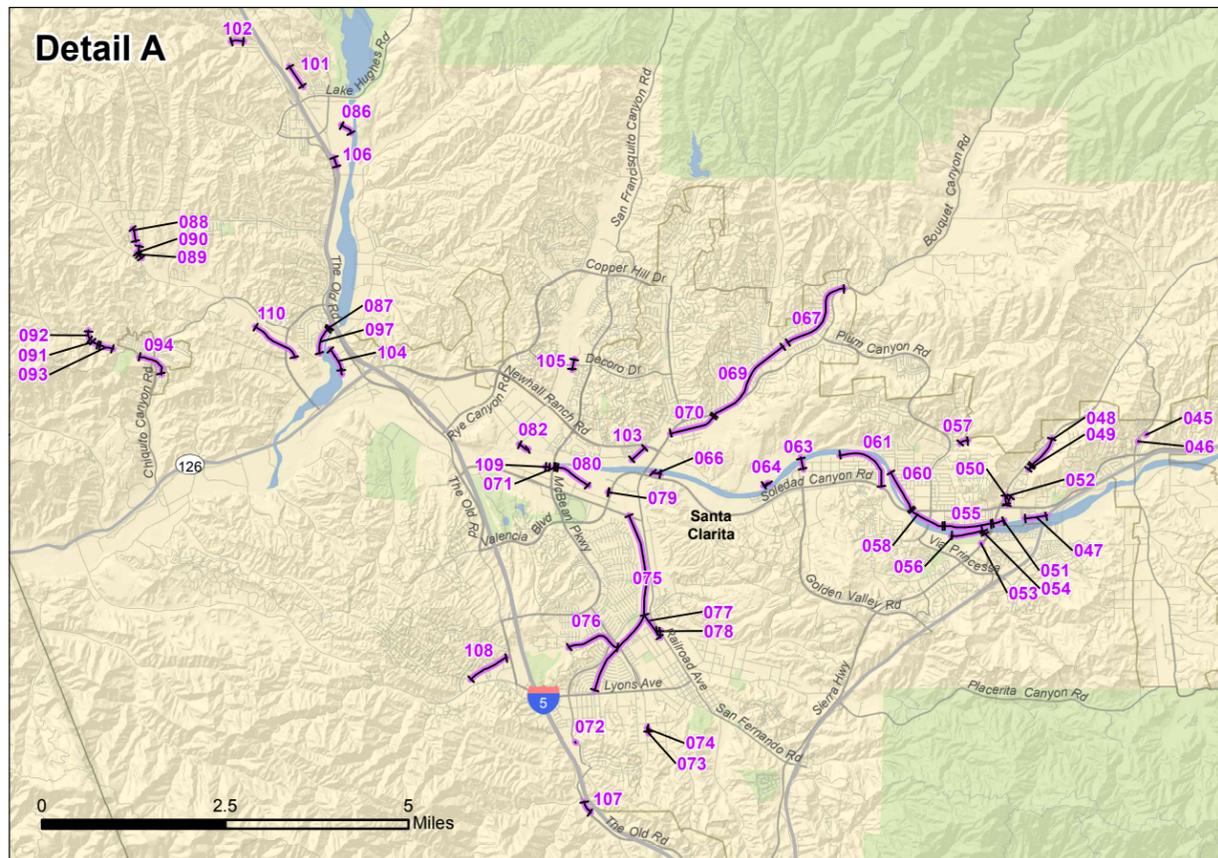
1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:
 - () Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
 - (x) Section 404 of the Clean Water Act (33 U.S.C. 1344).
 - () Section 103 of the Marine Protection, Research and Sanctuaries 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 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 330.5 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.

6. This letter of verification is valid for a period not to exceed two years unless the nationwide permit is modified, reissued, revoked, or expires before that time.
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, although you may make a good faith transfer to a third party in compliance with General Condition H below. 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.
8. 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.



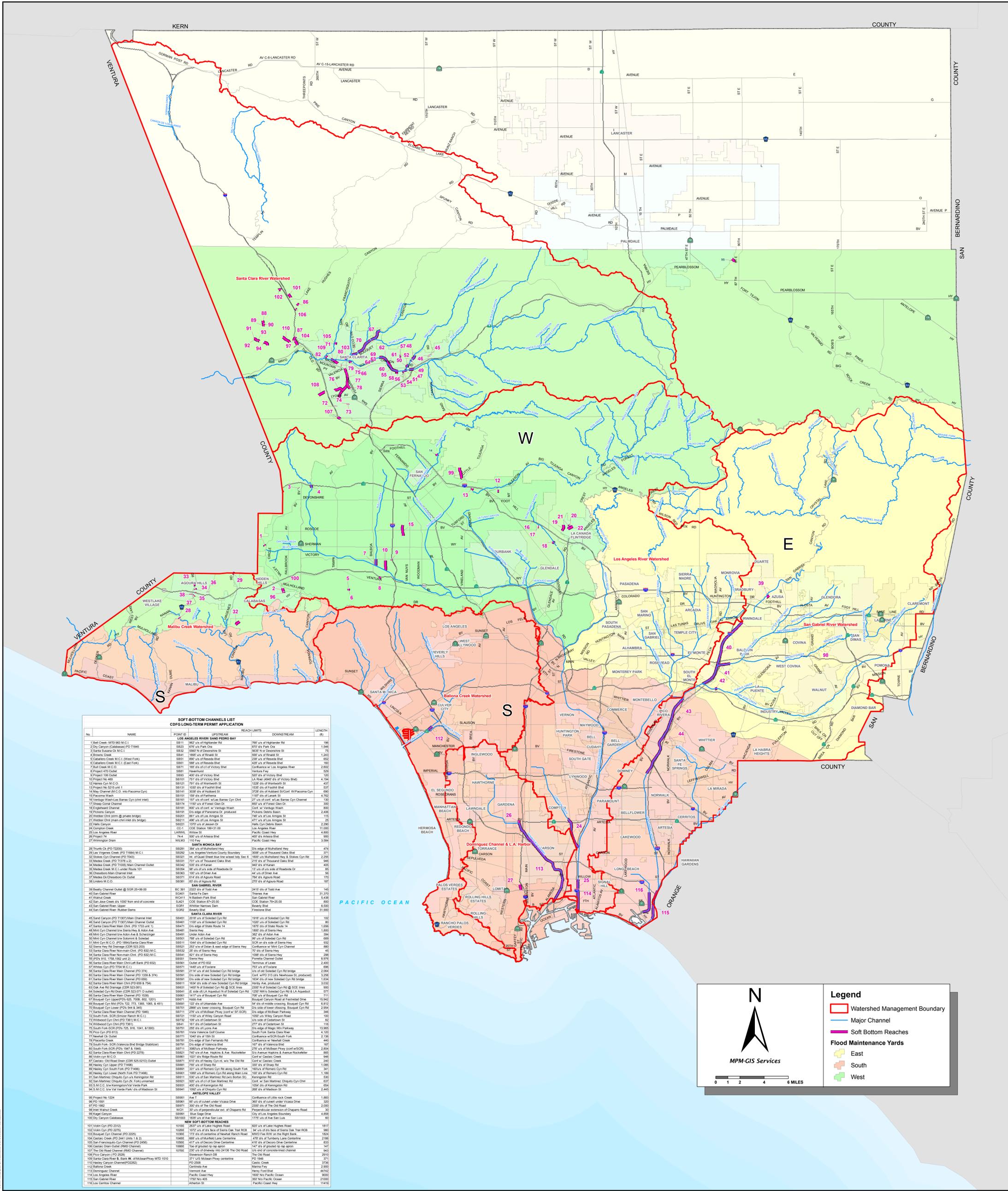
Soft-Bottom Channel Locations
 Los Angeles County Department of Public Works



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LOS ANGELES COUNTY Soft Bottom Reaches



SOFT BOTTOM CHANNELS LIST
CDFG LONG-TERM PERMIT APPLICATION

No.	NAME	POINT B	UPSTREAM	REACH LIMITS	DOWNSTREAM	LENGTH (ft)
1	Ball Creek MTD 903 M.C.I.	5811	262' W of Highlander Rd	780' W of Highlander Rd	518'	196
2	Dry Canyon (Callejas) PD 11945	5863	400' W of Park Dr	400' W of Park Dr	0'	1,545
3	Santa Susana Cr. M.C.I.	5832	1560' N of Devonshire St	5632' N of Devonshire St	75'	1,243
4	Elmore Creek	5841	1895' W of Reseda Blvd	589' W of Reseda Blvd	1,206'	652
5	Callejas Creek M.C.I. (West Fork)	5861	1800' W of Reseda Blvd	420' W of Reseda Blvd	1,380'	2,602
6	Callejas Creek M.C.I. (East Fork)	5861	1800' W of Reseda Blvd	420' W of Reseda Blvd	1,380'	529
7	Ball Creek M.C.I.	5871	100' W of Victory Blvd	Confurbance w/ Los Angeles River	1,200'	529
8	Project 470 Outlet	5881	400' W of Victory Blvd	400' W of Victory Blvd	0'	4,194
9	Project 106 Outlet	5882	400' W of Victory Blvd	400' W of Victory Blvd	0'	4,194
10	Project No. 469	58101	751' W of Victory Blvd	1530' W of Victory Blvd	779'	869
11	Project No. 470	58101	751' W of Victory Blvd	1530' W of Victory Blvd	779'	869
12	Malibu Cr. M.C.I.	58131	1037' W of Foothill Blvd	1530' W of Foothill Blvd	493'	4,762
13	Project No. 5215 unit 1	58141	2038' W of Hubbard St	2700' W of Hubbard St	662'	1,300
14	Malibu Cr. M.C.I. into Pacoima Cyn	58151	1109' W of Hubbard St	1140' W of Lanark St	331'	300
15	Pacoima Wash	58151	1109' W of Hubbard St	1140' W of Lanark St	331'	300
16	Verdugo Wash-Las Bajas Cyn (right side)	58114	1192' W of Forest Glen Dr	860' W of Forest Glen Dr	332'	2,406
17	Shore Canal Channel	58181	800' W of conf. w/ Verdugo Wash	Conf. w/ Verdugo Wash	800'	2,406
18	Engelhardt Channel	58181	800' W of conf. w/ Verdugo Wash	Conf. w/ Verdugo Wash	800'	2,406
19	Pickett Channel	58201	680' W of Los Amigos St	740' W of Los Amigos St	60'	2,406
20	Wentworth Channel (at private bridge)	58201	680' W of Los Amigos St	740' W of Los Amigos St	60'	2,406
21	Pickett Channel (at private bridge)	58201	680' W of Los Amigos St	740' W of Los Amigos St	60'	2,406
22	Halls Canyon	58221	1200' W of Jesse Dr	1440' W of Jesse Dr	240'	11,000
23	Compton Creek	58241	100' W of Pacific Coast Hwy	400' W of Pacific Coast Hwy	300'	3,564
24	Los Angeles River	744	1900' W of Artesia Blvd	400' W of Artesia Blvd	1,500'	474
25	Los Angeles River	744	1900' W of Artesia Blvd	400' W of Artesia Blvd	1,500'	474
26	Thurston Cr. (PD 12000)	58281	300' W of Mulholland Hwy	Div. edge of Mulholland Hwy	300'	371
27	Los Angeles River	58292	Los Angeles-Ventura County Boundary	3000' W of Thousand Oaks Blvd	2,700'	3,296
28	Los Angeles River	58292	Los Angeles-Ventura County Boundary	3000' W of Thousand Oaks Blvd	2,700'	3,296
29	Los Angeles River	58292	Los Angeles-Ventura County Boundary	3000' W of Thousand Oaks Blvd	2,700'	3,296
30	Los Angeles River	58292	Los Angeles-Ventura County Boundary	3000' W of Thousand Oaks Blvd	2,700'	3,296
31	Los Angeles River	58292	Los Angeles-Ventura County Boundary	3000' W of Thousand Oaks Blvd	2,700'	3,296
32	Los Angeles River	58292	Los Angeles-Ventura County Boundary	3000' W of Thousand Oaks Blvd	2,700'	3,296
33	Los Angeles River	58292	Los Angeles-Ventura County Boundary	3000' W of Thousand Oaks Blvd	2,700'	3,296
34	Los Angeles River	58292	Los Angeles-Ventura County Boundary	3000' W of Thousand Oaks Blvd	2,700'	3,296
35	Los Angeles River	58292	Los Angeles-Ventura County Boundary	3000' W of Thousand Oaks Blvd	2,700'	3,296
36	Los Angeles River	58292	Los Angeles-Ventura County Boundary	3000' W of Thousand Oaks Blvd	2,700'	3,296
37	Los Angeles River	58292	Los Angeles-Ventura County Boundary	3000' W of Thousand Oaks Blvd	2,700'	3,296
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41	Los Angeles River	58292	Los Angeles-Ventura County Boundary	3000' W of Thousand Oaks Blvd	2,700'	3,296
42	Los Angeles River	58292	Los Angeles-Ventura County Boundary	3000' W of Thousand Oaks Blvd	2,700'	3,296
43	Los Angeles River	58292	Los Angeles-Ventura County Boundary	3000' W of Thousand Oaks Blvd	2,700'	3,296
44	Los Angeles River	58292	Los Angeles-Ventura County Boundary	3000' W of Thousand Oaks Blvd	2,700'	3,296
45	Los Angeles River	58292	Los Angeles-Ventura County Boundary	3000' W of Thousand Oaks Blvd	2,700'	3,296
46	Los Angeles River	58292	Los Angeles-Ventura County Boundary	3000' W of Thousand Oaks Blvd	2,700'	3,296
47	Los Angeles River	58292	Los Angeles-Ventura County Boundary	3000' W of Thousand Oaks Blvd	2,700'	3,296
48	Los Angeles River	58292	Los Angeles-Ventura County Boundary	3000' W of Thousand Oaks Blvd	2,700'	3,296
49	Los Angeles River	58292	Los Angeles-Ventura County Boundary	3000' W of Thousand Oaks Blvd	2,700'	3,296
50	Los Angeles River	58292	Los Angeles-Ventura County Boundary	3000' W of Thousand Oaks Blvd	2,700'	3,296
51	Los Angeles River	58292	Los Angeles-Ventura County Boundary	3000' W of Thousand Oaks Blvd	2,700'	3,296
52	Los Angeles River	58292	Los Angeles-Ventura County Boundary	3000' W of Thousand Oaks Blvd	2,700'	3,296
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56	Los Angeles River	58292	Los Angeles-Ventura County Boundary	3000' W of Thousand Oaks Blvd	2,700'	3,296
57	Los Angeles River	58292	Los Angeles-Ventura County Boundary	3000' W of Thousand Oaks Blvd	2,700'	3,296
58	Los Angeles River	58292	Los Angeles-Ventura County Boundary	3000' W of Thousand Oaks Blvd	2,700'	3,296
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Legend

- Watershed Management Boundary
- Major Channel
- Soft Bottom Reaches
- Flood Maintenance Yards
 - East
 - South
 - West

MPM-GIS Services

0 1 2 4 6 MILES

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Last updated (08/07/14)

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1	Bell Creek- MTD 963 M.C.I.		Non-sensitive	The reach clearing work will involve hand cutting a 15-foot wide "tunnel" through the vegetation to the right-of-way boundary to train flows to the center of the reach inlet.	No change.
2	Dry Canyon (Calabasas) PD T1845		Non-sensitive	The reach clearing work will involve maintaining and clearing a 20-foot-wide path along the centerline of the reach. A canopy of vegetation (trees along both banks) will be left in place. Hand clearing will be performed annually to keep the center portion of the reach clear and vegetation will be removed from the openings in the crib walls to the extent necessary to prevent structural damage to the crib walls.	No change.
3	Santa Susana Creek M.C.I.		Non-sensitive	Hand cutting and clearing vegetation and trees will be done in an 18-foot-wide area by 75-foot long area at the inlet to the reach. Oak trees will be left in place.	No change.
4	Browns Creek		Non-sensitive	Mechanical equipment will be used to keep clear all vegetation from bank to bank within the rail and timber revetment.	No change.
5	Caballero Creek M.C.I. (West Fork)		Non-sensitive	The vegetation clearing work will involve hand clearing a 20-foot-wide path along the centerline of the reach.	No change.
6	Caballero Creek M.C.I. (East Fork)		Non-sensitive	The vegetation clearing work will involve hand clearing a 20-foot-wide path along the centerline of the channel.	No change.
8	Hayvenhurst Drain - Project 470 Outlet		Non-sensitive	All vegetation in this reach will be cleared annually using mechanical or manual methods.	No change.
9	Project 106 Outlet		Non-sensitive	Brush and tree trimming will be performed where needed to keep growth at the levels that were left in November 1997.	No change.

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10	Project No. 469		Non-sensitive	Vegetation will be cleared annually to the extent necessary to prevent restricting flows in the storm drain upstream of Victory Boulevard. This will require mechanical clearing of vegetation in the reach for approximately 4,000 feet downstream of Victory Boulevard. Reach work will also include mechanical grading to train flows to centerline of reach.	The vegetation in this reach consists almost entirely of non-native ruderal (weedy) vegetation. The maintenance plan has not been fully implemented for this reach because of a conflict between the maintenance plan and the permits. Issuance of the 1997 CDFW permit coincided with a toxic spill in this reach and resulted in the incorrect conclusion that "no work was done in 1997." Since that time, the monitoring biologist has worked with LACFCD personnel to implement partial clearing strategies designed to meet flood-control concerns and to retain as much vegetation as possible. A rotating pattern of clearing was implemented that allowed ruderal vegetation to remain on one bank each year. As a result, the ruderal vegetation cleared each year was two years old. After several years, however, the monitoring biologist found that the bank of mowed ruderal vegetation responded favorably to the mowing and provided more "biological value" than the older (two year old) ruderal vegetation. Therefore, the monitoring biologist discontinued the rotating clearing pattern at this reach and full clearing was resumed.
13	Project No. 5215 Unit 1		Non-sensitive	The reach clearing work involves mechanically clearing the earthen outlet reach with a backhoe and hand cutting all vegetation from the first 250 feet of the reach bottom (12-foot wide) downstream at the end of Christie Avenue. Bank vegetation and the remaining 300 feet of the reach will not be cleared.	No change. Identified as a potential SAS reach during initial informal consultation with the USFWS, but surveys by Dr. Baskin and Dr. Haglund determined that this reach has no potentially suitable habitat for SAS.
15	Pacoima Wash		Non-sensitive	Mechanical equipment and hand cutting will be used to keep the reach cleared of all vegetation.	No change.
16	Verdugo Wash-Las Barras Canyon (channel inlet)		Non-sensitive	Hand clearing work will be used to keep the reach clear of all vegetation.	No change.
18	Engleheard Channel		Non-sensitive	Hand clearing work will only involve dead vegetation and tree branches from between the pipe and wire revetments. All vegetation will be cleared by manual methods during the dry season.	No change.
19	Pickens Canyon		Non-sensitive	Manual removal of all vegetation adjacent to or growing out of the crib structures will be performed.	No change. Identified as a potential LBV reach during initial informal consultation with the USFWS, but surveys by BonTerra biologist Brian E. Daniels determined no potential habitat for this species existed at the reach and focused LBV surveys were not warranted.
20	Webber Channel (Storm @ Private Bridge)		Non-sensitive	Mechanical equipment will be used to keep the reach clear of all vegetation.	No change.

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21	Webber Channel (Main Channel Inlet d/s Bridge)		Non-sensitive	Hand clearing work will be performed to keep the reach clear of all vegetation.	No change. Identified as a potential LBV reach; results of focused surveys have been negative to date.
22	Halls Canyon		Non-sensitive	Manual removal of all vegetation adjacent to or growing out of the crib structures will be performed.	No change.
24	Compton Creek	*	Non-sensitive	Removal of all vegetation from reach and/or restore hydraulic conveyance capacity of channel by driving tracked equipment over vegetated areas.	Years of scraping the vegetation has resulted in small amounts of the soil on the invert being removed. As this minor removal happened year after year, it resulted in the invert being lower than intended and beginning to expose the toe of the grouted rip rap slopes. To compensate for this, the proposed maintenance activity will leave the "tracked" vegetation in place (which will eventually break down naturally and turn into soil). The slight roughness of the vegetation and root systems allow some sediment flowing downstream to be trapped. All invasive plants are removed before tracking to reduce them from spreading.
25	(a) Los Angeles River - Willow to PCH (East/Left Bank)		Non-sensitive	Using mechanical equipment, all exotic vegetation will be removed throughout this reach. Riparian vegetation will be kept in place at the level that was left in November 1997.	No change. Reach has been split into (a) and (b) components.
25	(b) Los Angeles River - Willow to PCH (West/Right Bank)		Non-sensitive	Using mechanical equipment, all exotic vegetation will be removed throughout this reach. Riparian vegetation will be kept in place at the level that was left in November 1997.	No change. Reach has been split into (a) and (b) components.
26	Project 740		Non-sensitive	The reach will be cleared using hand labor. Hand labor will be used to trim the vegetation which has been allowed to remain since 1997. New growth will not be allowed to become established and will be removed annually by manual methods.	No change.
29	Las Virgenes Creek (PD T1684) M.C.I.		Non-sensitive	The reach clearing work will involve hand clearing a 30-foot-wide strip along the watercourse low flow reach from the debris posts to the right-of-way boundary.	No change. Previous CDFW comments have indicated a concern for the western pond turtle at this reach. The monitoring biologist has not yet detected any western pond turtles during annual pre-clearing visits to this reach; however, these pre-clearing visits are not performed in conjunction with the actual clearing activities. In order to comply with the HACCP plan developed by the LACFCD for the WDR and adopted on February 4, 2010, by the Los Angeles RWQCB, pre-clearing aquatic invasive species surveys will be conducted in the reaches of the Malibu Creek Watershed. Note that the WDR expires in February 2015 and any new conditions will be implemented into the Maintenance Plan at that time.

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32	Stokes Canyon Channel (PD T043)		Non-sensitive	The work will involve hand clearing of all vegetation between the pipe and wire. Embankment vegetation outside the pipe and wire channel will be left in place.	<p>No change.</p> <p>In order to comply with the HACCP plan developed by the LACFCD for the WDR and adopted on February 4, 2010, by the Los Angeles RWQCB, pre-clearing aquatic invasive species surveys will be conducted in the reaches of the Malibu Creek Watershed. Note that the WDR expires in February 2015 and any new conditions will be implemented into the Maintenance Plan at that time.</p>
33	Medea Creek (PD T1378 U.2)		Non-sensitive	The work will involve mechanical or manual clearing of all vegetation in the concrete-lined part of the reach.	<p>The maintenance plan has not been implemented in this reach since 1999 due to sensitive resources and expected mitigation requirements. The western pond turtle potentially occurs at this reach. The cattails in this channel reach were cleared in 1998 and were included in the overall mitigation under the agreement signed in 1997. As a result, the cattails and other vegetation in the concrete-lined part of this reach can be cleared without any additional mitigation. However, the willow dominated riparian vegetation upstream has not been cleared post-1997.</p> <p>A one-time vegetation clearing and repair project is in the process of approval under CDFW Streambed Alteration Agreement Number 1600-2012-0193-R5. A special condition of this agreement includes a qualified biologist conducting trapping surveys for the western pond turtle, a California special species of concern potentially present in the reach, prior to the commencement of maintenance activities in the channel. Blocking nets shall be utilized upstream to prevent wildlife from entering the project site.</p>
34	Medea Creek (PD T1005) Main Channel Outlet (Chumasa Park)		Non-sensitive	Hand clearing work will be performed to keep the reach clear of all vegetation.	<p>No change.</p> <p>Identified as a potential LBV reach during initial informal consultation with the USFWS. Focused surveys conducted with negative results in 2002 and 2003. Private development outside the channel eliminated upland habitats necessary at this location to provide potential habitat for LBV. BonTerra biologist Brian E. Daniels therefore determined potential habitat for LBV no longer existed at this reach and further focused LBV surveys were not warranted.</p> <p>In order to comply with the HACCP plan developed by the LACFCD for the WDR and adopted on February 4, 2010, by the Los Angeles RWQCB, pre-clearing aquatic invasive species surveys will be conducted in the reaches of the Malibu Creek Watershed. Note that the WDR expires in February 2015 and any new conditions will be implemented into the Maintenance Plan at that time.</p>

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35	Medea Creek M.C.I.- under Route 101		Non-sensitive	Hand clearing will be performed to keep the reach clear of all vegetation.	No change. In order to comply with the HACCP plan developed by the LACFCD for the WDR and adopted on February 4, 2010, by the Los Angeles RWQCB, pre-clearing aquatic invasive species surveys will be conducted in the reaches of the Malibu Creek Watershed. Note that the WDR expires in February 2015 and any new conditions will be implemented into the Maintenance Plan at that time.
36	Cheseboro Main Channel Inlet	*	Non-sensitive	The clearing work will involve clearing dead vegetation and trimming riparian vegetation that would obstruct flows. Tree canopy will remain, but with a clear "tunnel" path to convey flows. New vegetation will be cleared annually to prevent blockage of the inlet.	Language changed to reflect current on-site conditions. In order to comply with the HACCP plan developed by the LACFCD for the WDR and adopted on February 4, 2010, by the Los Angeles RWQCB, pre-clearing aquatic invasive species surveys will be conducted in the reaches of the Malibu Creek Watershed. Note that the WDR expires in February 2015 and any new conditions will be implemented into the Maintenance Plan at that time.
37	Medea Creek/Cheseboro Creek Outlet		Non-sensitive	Hand clearing work will be performed to keep the reach clear of all vegetation.	No change. In order to comply with the HACCP plan developed by the LACFCD for the WDR and adopted on February 4, 2010, by the Los Angeles RWQCB, pre-clearing aquatic invasive species surveys will be conducted in the reaches of the Malibu Creek Watershed. Note that the WDR expires in February 2015 and any new conditions will be implemented into the Maintenance Plan at that time.
38	Lindero M.C.O.		Non-sensitive	Hand clearing work will be performed to keep the reach clear of all vegetation.	No change. In order to comply with the HACCP plan developed by the LACFCD for the WDR and adopted on February 4, 2010, by the Los Angeles RWQCB, pre-clearing aquatic invasive species surveys will be conducted in the reaches of the Malibu Creek Watershed. Note that the WDR expires in February 2015 and any new conditions will be implemented into the Maintenance Plan at that time.
40	(a) San Gabriel River – Santa Fe Dam to I-10 Freeway		Non-sensitive	From Santa Fe Dam to the San Bernardino Freeway, most of the vegetation consists of mule fat interspersed with various exotic species. In this reach, 10-foot-wide strips were hand cleared along the toe of each levee to provide room to maintain and inspect the levee. The 10-foot-wide strips along the levee toes will be kept clear of all vegetation annually using a combination of mechanical equipment and hand labor. In the center of the reach, the mule fat was mowed using various types of mowing equipment. The root structures of the plants were not disturbed. Two strips of vegetation, 50	No change. Reach is split into (a) and (b) components.

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41	Walnut Creek		Non-sensitive	Mechanical clearing of vegetation will be used to keep the channel clear of all vegetation, except for the riparian habitat allowed to remain in November 1997. Hand work will be necessary to remove some of the vegetation growing in the rock riprap along the reach sides and on the riprap at the downstream end of the concrete reach. Some trimming of the riparian vegetation may be necessary to reduce the impact on flow in the reach as future growth occurs.	No change.
42	San Jose Creek d/s 1000' from end of concrete channel		Non-sensitive	The vegetation will be cleared using mechanical equipment, except for riparian vegetation allowed to remain in November 1997. Trimming of the riparian vegetation may be necessary in the future as growth occurs. This process will be repeated annually.	No change.
44	San Gabriel River - Rubber Dams		Non-sensitive	Mechanical equipment will be used to keep the reach clear of all vegetation, except for the riparian vegetation allowed to remain in November 1997. Trimming of the riparian vegetation may be necessary in the future as growth occurs.	Identified as a potential LBV reach during initial informal consultation with the USFWS, but surveys by BonTerra biologist Brian E. Daniels have found a lack of suitable nesting habitat (except for large trees, all vegetation is mowed which removes the dense layer of understory shrubs necessary for nesting LBV); it was therefore determined that focused LBV surveys were not warranted at this reach.
45	Sand Canyon (PD T1307) Main Channel Inlet		Non-sensitive	Mechanical clearing will be performed to keep reach clear of all vegetation.	Identified as a potential LBV reach during initial informal consultation with the USFWS, but surveys by BonTerra biologist Brian E. Daniels determined no potential habitat for this species existed at the reach and focused LBV surveys were not warranted.
46	Sand Canyon (PD T1307) Main Channel Outlet		Non-sensitive	Mechanical clearing will be performed to keep reach clear of all vegetation.	No change.
48	Mint Canyon Channel between Sierra Highway & Adon Avenue		Non-sensitive	Mechanical and hand clearing work will be performed to keep reach clear of all vegetation.	No change.
49	Mint Canyon Channel between Adon Avenue & Scherzinger Lane		Non-sensitive	All vegetation in this reach will be cleared annually using mechanical and manual methods.	No change.
50	Mint Canyon Channel between Solamint & Soledad		Non-sensitive	Mechanical and hand clearing work will be performed to keep reach clear of all vegetation.	No change.
52	Sierra Highway Road Drainage (CDR 523.203)		Non-sensitive	Mechanical and hand clearing work will be performed to keep reach clear of all vegetation.	No change.

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53	Santa Clara River Non-Main Channel (PD 832) Main Channel Inlet		Non-sensitive	Mechanical and hand clearing work will be performed to keep reach clear of all vegetation.	Identified as a potential UTS reach during initial informal consultation with the USFWS, but surveys by Dr. Baskin and Dr. Haglund determined that this reach has no potentially suitable habitat for UTS.
57	Whites Canyon (PD T704 M.C.I.)		Non-sensitive	Mechanical or hand clearing work will be performed to keep reach clear of all vegetation.	No change.
72	South Fork- SCR (Smizer Ranch M.C.I.)		Non-sensitive	The reach clearing work will involve hand clearing dead vegetation and cutting invasive and trimming riparian vegetation that would obstruct flows. Tree canopy will be retained, yet a clear "tunnel" path will be provided to convey flows.	Identified as a potential UTS reach during initial informal consultation with the USFWS, but surveys by Dr. Baskin and Dr. Haglund determined that this reach has no potentially suitable habitat for UTS (the drop structure under the Valencia Bridge prevents UTS from migrating upstream in the South Fork Santa Clara River).
73	Wildwood Canyon Channel (PD T361) Main Channel Inlet		Non-sensitive	Mechanical and hand clearing work will be performed to keep reach clear of all vegetation.	No change.
74	Wildwood Canyon Channel (PD T361)		Non-sensitive	Mechanical or hand clearing work will be performed to keep reach clear of all vegetation.	No change.
76	Pico Canyon (PD 813)		Non-sensitive	The reach clearing work will involve bank-to-bank removal of vegetation using mechanical equipment.	No change.
77	Newhall Creek Outlet		Non-sensitive	Mechanical equipment will be used to maintain the reach clear of all vegetation.	Identified as a potential LBV reach during initial informal consultation with the USFWS, but surveys by BonTerra biologist Brian E. Daniels determined no potential habitat for this species existed at the reach and focused LBV surveys were not warranted.
78	Placerita Creek		Non-sensitive	Mechanical equipment will be used to maintain the reach clear of all vegetation.	Identified as a potential LBV reach during initial informal consultation with the USFWS, but surveys by BonTerra biologist Brian E. Daniels determined no potential habitat for this species existed at the reach and focused LBV surveys were not warranted.
88	Hasley Canyon Upper (PD T1496)		Non-sensitive	The reach clearing work will involve mechanical equipment to remove all vegetation from bank to bank from Sharp Road to 755 feet upstream. From 330 feet downstream of Sharp Road to Sharp Road, hand clearing will be done.	Identified as a potential LBV reach during initial informal consultation with the USFWS, but surveys by BonTerra biologist Brian E. Daniels determined no potential habitat for this species existed at the reach and focused LBV surveys were not warranted.

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Last updated (08/07/14)

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89	Hasley Canyon South Fork (PD T1496)		Non-sensitive	The reach clearing work will involve hand labor clearing of alluvial sage scrub.	Identified as a potential LBV reach during initial informal consultation with the USFWS, but surveys by BonTerra biologist Brian E. Daniels determined no potential habitat for this species existed at the reach and focused LBV surveys were not warranted.
90	Hasley Canyon Lower (North Fork PD T1496)		Non-sensitive	The reach clearing work will involve hand clearing and mechanized removal of vegetation. Portions of the reach bottom will be denuded of vegetation while leaving the earthen bank vegetated, clusters of mature growth in the channel bottom will remain to the level it was left in November 1997.	No change.
91	San Martinez Chiquito Canyon Channel u/s of Keningston Road		Non-sensitive	The reach clearing work will involve removal of all the vegetation within the pipe and wire reach using hand labor, but the embankment vegetation will be left in place.	No change.
92	San Martinez Chiquito Canyon (North Fork) unnamed		Non-sensitive	The reach clearing work will involve removal of all the vegetation within the pipe and wire reach using hand labor, but the embankment vegetation will be left in place.	Identified as a potential LBV reach during initial informal consultation with the USFWS, but surveys by BonTerra biologist Brian E. Daniels determined no potential habitat for this species existed at the reach and focused LBV surveys were not warranted.
93	San Martinez Chiquito Canyon between Keningston Road and Val Verde Park		Non-sensitive	The reach clearing work will involve removal of all the vegetation within the pipe and wire reach using hand labor, but the embankment vegetation will be left in place.	No change.
94	San Martinez Chiquito Canyon between Val Verde Park to d/s of Madison Street		Non-sensitive	The reach clearing work will involve removal of all the vegetation within the pipe and wire reach using hand labor, but the embankment vegetation will be left in place.	No change.
95	Project No. 1224		Non-sensitive	The reach clearing work will involve removal of all vegetation within the pipe and wire reach using mechanical equipment, but the embankment vegetation will be left in place.	No change.
96	PD 1591, Calabasas		Non-sensitive	The reach clearing will involve removing all vegetation from the inlet and outlet approaches to the box culvert under Vicasa Drive. Clearing work will be done by hand labor and only within the dedicated right of way.	No change.
98	Walnut Creek – Channel Inlet		Non-sensitive	To the extent that storm flows do not keep the inlet free of vegetation, mechanical equipment will be used to keep the inlet clear of all vegetation. No regrowth will be allowed to remain.	No change.
99	Kagel Canyon – Tujunga Wash		Non-sensitive	Hand clearing work will be performed to keep all vegetation clear in this reach.	No change.

August 7, 2014 Soft-Bottom Channels Permitting Summary Table Reaches 1-100

Last updated (08/07/14)

NO.	REACH NAME	AUGUST 7, 2014 MAINTENANCE PLAN UPDATE TO 2005 PLAN APPROVED BY WDR	FEDERALLY SENSITIVE/NON-SENSITIVE REACH (MAY REQUIRE USFWS CONSULTATION)	AUTHORIZED 2005 OR UPDATED AUGUST 7, 2014 MAINTENANCE ACTIVITIES BY REACH; PERMIT CONDITIONS FROM AGENCIES TO BE INCLUDED	EXPLANATION OF CHANGES TO UPDATED ACTIVITY AND/OR BIOLOGICAL RESOURCES SINCE LAST APPROVED MAINTENANCE PLAN AND/OR PERMIT
100	Dry Canyon, Calabasas Creek Inlet		Non-sensitive	The reach clearing work will involve hand clearing all vegetation at the reach inlet. Bank vegetation will be left in place.	No change.

Recommended Updates and Revisions to Existing Maintenance Plan for the Annual Clearing of Earth-Bottom Flood Control Channels

February 23, 2005

This section provides recommended updates to the County of Los Angeles Department of Public Works' (Public Works) existing maintenance plan for the annual clearing of earth-bottom flood control channels to maintain design flood flow capacity. The maintenance standards were established by Public Works in November 1997 for the 100 channel reaches identified in the 1997 permits issued by the U.S. Army Corps of Engineers (ACOE), the California Department of Fish and Game (CDFG), and the California Regional Water Quality Control Board (RWQCB) to clear vegetation from the earth-bottom channels throughout the County. Since 1997, land use changes in the various watersheds have resulted in the loss of some channel reaches and also the addition of new channel reaches. In addition we need to resolve inconsistencies between the permits and the existing maintenance plan. This 2005 update of Public Works' existing maintenance plan includes these additions and deletions, and it also proposes new language for the maintenance plan intended to resolve the inconsistencies.

The following discussion addresses each reach separately. The first two sections are the existing maintenance plan followed by the CDFG permit requirements. Next is the background section that is provided to summarize BonTerra Consulting's survey and monitoring experience at each reach since 1997. The last section includes proposed changes to the Maintenance Plan text.

Reach No. 1: Bell Creek - MTD 963 MCI, SD3

Existing Maintenance Plan Language:

The channel clearing work will involve hand cutting a 15-foot-wide "tunnel" through the vegetation to the right-of-way boundary to train flows to the center of the channel inlet.

CDFG Permit Requirement:

Reach 1: The Operator shall not impact the 0.27 acre of vegetation that was allowed to remain in 1997. All removal shall be done by hand operated tools.

Background:

Maintenance plan has been fully implemented and there are no outstanding issues.

Proposed New Maintenance Plan Language:

No Change Needed.

Reach No. 2: Dry Canyon (Calabasas) PD T1845, SD3

The channel clearing work will involve maintaining and clearing a 20-foot-wide path along the centerline of the channel. A canopy of vegetation (trees along both banks) will be left in place. Hand clearing will be performed annually to keep the center portion of the channel clear and vegetation will be removed from the openings in the crib walls to the extent necessary to prevent structural damage to the crib walls.

CDFG Permit Requirement:

Reach 2: The Operator shall not impact the 0.39 acre of vegetation that was allowed to remain in 1997. All removal shall be done by hand operated tools. The width of clearing shall not exceed 20 feet and trees with a 3-inch DBH or greater shall not be removed. All exotics shall be selectively removed from the area during maintenance activities.

Background:

Maintenance plan has been fully implemented and there are no outstanding issues. Note that there are a number of exotic or ornamental trees within this channel reach that could be removed if Public Works was so inclined.

Proposed New Maintenance Plan Language:

No Change Needed.

Reach No. 3: Santa Susana Ck MCI, SD5

Hand cutting and clearing vegetation and trees will be done in an 18-foot-wide area by 75-foot-long area at the inlet to the channel. Oak trees will be left in place.

CDFG Permit Requirement:

Reach 3: Removal of vegetation shall be done by hand clearing only.

Background:

Maintenance plan has been fully implemented and there are no outstanding issues.

Proposed New Maintenance Plan Language:

No Change Needed.

Reach No. 4: Browns Creek, SD5

Mechanical equipment will be used to keep clear all vegetation from bank to bank within the rail and timber revetment.

CDFG Permit Requirement:

Although the CDFG Permit lists no specific requirements for this reach, general conditions and measures of permits apply.

Background:

Maintenance plan has been fully implemented and there are no outstanding issues.

Proposed New Maintenance Plan Language:

No Change Needed.

Reach No. 5: Caballero Creek MCI (West Fork) and Reach No. 6: Caballero Creek MCI (East Fork), SD3

The vegetation clearing work will involve hand clearing a 20-foot-wide path along the centerline of the channel.

CDFG Permit Requirement:

Reaches 5 & 6: The total amount of area impacted due to maintenance activities, for both reaches combined, was a 20-foot-wide path along the centerline of the channel for a total of 812 Linear feet (0.37 acre). The Operator shall use hand clearing only. Exotics shall be removed during maintenance activities. The vegetation (0.36 acre) that was allowed to remain in 1997 shall not be impacted during future maintenance activities.

Background:

Maintenance plan has been fully implemented and there are no outstanding issues.

Proposed New Maintenance Plan Language:

No Change Needed.

Reach No. 7: Bull Creek MCO, SD3

The work will involve hand clearing dead vegetation and trimming tree limbs along the banks to ensure clear flow within the channel. This work will be done only in the first 400 feet of natural channel downstream from the concrete channel outlet to ensure that flow does not back up into the concrete channel upstream of Victory Boulevard.

CDFG Permit Requirement:

Reach 7: The trimming and removal of dead vegetation along the banks within the 400 linear feet shall not exceed a width of 15 feet on each bank. The Operator shall not impact the 1.45 acres of vegetation that was allowed to remain in 1997.

Background:

Maintenance plan has been fully implemented. In 1997, the monitoring biologist found that the vegetation in this channel reach was dominated by ornamental and other non-native species. So at the request of the monitoring biologist, ornamental and other non-native species in this channel reach are being removed and replaced by native riparian species through the natural recruitment process (i.e. young reproductive growth that occurs naturally in every reach). Selected native species consist mostly of willows, although some mule fat has also been identified for replacement. The selected young willows and mule fat were done so by the monitoring biologist in concert with Public Works. The location of the native species selected for protection was the primary determining factor (i.e. outside the channel invert so as not to obstruct water flow).

Proposed New Maintenance Plan Language:

The work will involve *mechanical or manual methods to clear* dead vegetation and tree limbs along the banks to ensure clear flow within the channel. *Mechanical clearing is necessary due to hazardous conditions. The mechanical clearing will be accomplished from the top of bank. No equipment will be driven on the invert.* This work will be done only in the first 400 feet of natural channel downstream from the concrete channel outlet to ensure that flow does not back up into the concrete channel upstream of Victory Boulevard. *A biologist will monitor clearing activities in order to facilitate replacement of ornamental vegetation with native riparian vegetation.*

Reach No. 8: Project 470 Outlet, SD3

All vegetation in the channel will be kept clear during the dry season using mechanical or manual methods.

CDFG Permit Requirement:

Reach 8: Hand clearing only.

Background:

Maintenance plan has been fully implemented and there are no outstanding issues. Since the dry season in southern California overlaps the breeding season for birds, the phrase "cleared annually" is preferred.

Proposed New Maintenance Plan Language:

All vegetation in this channel reach will be *cleared annually* using mechanical or manual methods.

Reach No. 9: Project 106 Outlet, SD3

Brush and tree trimming will be performed where needed to keep growth at the levels that were left in November 1997.

CDFG Permit Requirement:

Reach 9: Hand Clearing Only. Impacts shall not exceed 0.12 acre.

Background:

Maintenance plan has been fully implemented and there are no outstanding issues.

Proposed New Maintenance Plan Language:

No Change Needed.

Reach No. 10: Project No 469, SD3

Due to a recent toxic spill, no work was performed in November 1997, since virtually all of the vegetation was killed. Vegetation and dead vegetation will be mechanically removed to the extent necessary to prevent restricting flows in the storm drain upstream of Victory Boulevard.

This will require clearing the channel for approximately 4,000 feet downstream of Victory Boulevard. The reach will be maintained clear of all vegetation during the dry season.

CDFG Permit Requirement:

Reach 10: No work was done in 1997. The Operator shall not impact 2.11 acres of vegetation that was allowed to remain in the channel in 1997.

Background:

The maintenance plan has not been fully implemented for this channel reach because of a conflict between the maintenance plan and the permits. Issuance of the original CDFG permit coincided with a toxic spill in this channel reach and the statement that "no work was done in 1997." The result was the CDFG permit condition that stated "Operator shall not impact 2.11 acres of vegetation that was allowed to remain in the channel in 1997." Since the total area of this channel reach is about 2.11 acres, any meaningful clearing would not be in compliance with this condition. With direction from the monitoring biologist, Public Works has performed some clearing activities in this channel reach that have focused on removal of vegetation from the invert, protecting native riparian vegetation, and allowing some of the ruderal (weedy) vegetation to remain. This channel reach is dominated by ruderal vegetation with very limited amounts of native riparian vegetation. This channel reach needs structural repair as water can pond substantially, even after clearing of vegetation from the invert.

Proposed New Maintenance Plan Language:

The following would seem appropriate for this channel reach after structural repairs are complete.

Vegetation will be cleared annually to the extent necessary to prevent restricting flows in the storm drain upstream of Victory Boulevard. This will require mechanical clearing of vegetation in the channel for approximately 4,000 feet downstream of Victory Boulevard. Channel work will also include mechanical grading to train flows to the centerline of the channel.

Reach No. 11: Rowley Channel, SD5

No vegetation existed in November 1997. Mechanical or manual clearing methods will be used to maintain the reach clear of all vegetation during the dry season.

CDFG Permit Requirement:

Reach 11: No work was done in 1997. No vegetation was present in the channel.

Background:

Maintenance plan has been fully implemented and there are there are no outstanding issues. Since the dry season in southern California overlaps the breeding season for birds, the phrase "cleared annually" is preferred.

Proposed New Maintenance Plan Language:

All vegetation in this channel reach will be *cleared annually* using mechanical or manual

methods.

Reach No. 12: Haines Cyn MCO, SD5

Hand clearing of all vegetation will be used to keep the reach clear of vegetation, except for vegetation that was allowed to remain. This process will be repeated annually to prevent growth from restricting flows at the outlet to the channel.

CDFG Permit Requirement:

Reach 12: Hand Clearing Only.

Background:

Maintenance plan has been fully implemented. The 2002 focused surveys did not find the Santa Ana sucker in this channel reach; however, it was determined that this channel reach could support the Santa Ana sucker in subsequent years. Therefore, if suitable habitat is present (i.e. water is present), Santa Ana sucker surveys are required prior to any clearing activities. Due to concerns for sensitive or special status plant and wildlife species, the CDFG designated this as a "hand clearing only" reach. Substantial sediment build-up has occurred at this reach and has resulted in ponding water that not only is a public hazard (i.e., West Nile Virus), but also is not favorable habitat conditions for the Santa Ana sucker. Fall 2004 surveys found the Santa Ana sucker was not present and sediment removal was proposed with appropriate minimization measures. However, the proposed action could not be accomplished in a timely manner.

Proposed New Maintenance Plan Language:

Hand clearing of all vegetation will be used to keep the reach clear of vegetation, except for vegetation that was allowed to remain. This process will be repeated annually to prevent growth from restricting flows at the outlet to the channel. *If surface water is present, then surveys for the Santa Ana sucker are required prior to initiation of clearing activities.*

Reach No. 13: Project No 5215 unit 1, SD5

The channel clearing work involve mechanical clearing the earthen outlet channel with a backhoe and hand cutting all vegetation from the first 250 feet of channel bottom (12-feet wide) downstream at the end of Christie Avenue. Bank vegetation and the remaining 300 feet of channel will not be cleared.

CDFG Permit Requirement:

Although the CDFG Permit lists no specific requirements for this reach, general conditions and measures of permits apply.

Background:

Maintenance plan has been fully implemented and there are no outstanding issues.

Proposed New Maintenance Plan Language:

No Change Needed.

Reach No. 14: May Channel (MCO into Pacoima Canyon), SD3

Hand clearing work will be performed to keep reach clear of all vegetation.

CDFG Permit Requirement:

Reach 14: No work was done in 1997 and 0.5 acre of vegetation was in the channel. The Operator shall not impact the 0.5 acre of vegetation that was allowed to remain in 1997.

Background:

Maintenance plan has been fully implemented and there are no outstanding issues.

Proposed New Maintenance Plan Language:

No Change Needed.

Reach No. 15: Pacoima Wash, SD3

Mechanical equipment and hand cutting will be used to keep the reach cleared of all vegetation.

CDFG Permit Requirement:

Reach 15: No work was done in 1997 and 0.01 acre of vegetation was in the channel. The Operator shall not impact 0.01 acre of vegetation that was allowed to remain in 1997.

Background:

Maintenance plan has been fully implemented and there are no outstanding issues.

Proposed New Maintenance Plan Language:

No Change Needed.

Reach No. 16: Verdugo Wash - Las Barras Cyn (chnl inlet), SD5

Hand clearing work will be used to keep the reach clear of all vegetation.

CDFG Permit Requirement:

Reach 16: Hand Clearing Only. Impacts shall not exceed 0.07 acre.

Background:

Maintenance plan has been fully implemented and there are no outstanding issues.

Proposed New Maintenance Plan Language:

No Change Needed.

Reach No. 17: Sheep Corral Chnl, SD5

All vegetation will be hand cleared within the channel bottom and portions of the banks for a length of 300 feet.

CDFG Permit Requirement:

Reach 17: Hand Clearing Only. Impacts shall not exceed 0.14 acre.

Background:

Maintenance plan has been fully implemented and there are no outstanding issues.

Proposed New Maintenance Plan Language:

No Change Needed.

Reach No. 18: Engleheard Chnl, SD5

Hand clearing work will only involve dead vegetation and tree branches from between the pipe and wire revetments. All vegetation will be cleared by manual methods during the dry season.

CDFG Permit Requirement:

Reach 18: Hand Clearing Only.

Background:

Maintenance plan has been fully implemented and there are no outstanding issues. Since the dry season in southern California overlaps the breeding season for birds, the phrase "cleared annually" is preferred.

Proposed New Maintenance Plan Language:

Hand clearing work will *remove* dead vegetation and tree branches from *the area* between the pipe and wire revetments. All vegetation will be *cleared annually* by manual methods.

Reach No. 19: Pickens Cyn, SD5

Manual removal of all vegetation adjacent to or growing out of the crib structures will be performed.

CDFG Permit Requirement:

Reach 19: Hand Clearing Only.

Background:

Maintenance plan has been fully implemented and there are no outstanding issues.

Proposed New Maintenance Plan Language:

No Change Needed.

Reach No. 20: Webber Chnl (strm @ private bridge), SD5

Mechanical equipment will be used to keep the channel clear of all vegetation.

CDFG Permit Requirement:

Reach 20: Impacts shall not exceed 0.13 acre (115 linear feet by 50 feet wide).

Background:

Maintenance plan has been fully implemented and there are no outstanding issues.

Proposed New Maintenance Plan Language:

No Change Needed.

Reach No. 21: Webber Chnl (main channel inlet d/s bridge), SD5

Hand clearing work will be performed to keep the reach clear of all vegetation.

CDFG Permit Requirement:

Reach 21: Hand Clearing Only. Impacts shall not exceed 0.03 acre.

Background:

Maintenance plan has been fully implemented and there are no outstanding issues.

Proposed New Maintenance Plan Language:

No Change Needed.

Reach No. 22: Halls Canyon, SD5

Manual removal of all vegetation adjacent to or growing out of the crib structures will be performed.

CDFG Permit Requirement:

Reach 22: Hand Clearing Only.

Background:

Maintenance plan has been fully implemented and there are no outstanding issues.

Proposed New Maintenance Plan Language:

No Change Needed.

Reach No. 23: Flint Cyn MCO, SD5

Hand clearing work will be performed to keep the reach clear of all invasive vegetation.

CDFG Permit Requirement:

Reach 23. Hand Clearing Only. Impacts shall not exceed 0.13 acre.

Background:

This channel reach has a grouted rock rubble bottom rather than an earth bottom and should be removed from Public Works' earth-bottom channel list.

Reach No. 24: Compton Creek - Los Angeles River to Artesia Freeway, SD2

Mechanical equipment will be used to keep the channel clear of all vegetation.

CDFG Permit Requirement:

Although the CDFG Permit lists no specific requirements for this reach, general conditions and measures of permits apply.

Background:

Maintenance plan has been fully implemented and there are no outstanding issues.

Proposed New Maintenance Plan Language:

No Change Needed.

Reach No. 25: Los Angeles River - Willow Street to Pacific Coast Highway, SD4

Using mechanical equipment, all exotic vegetation will be removed throughout this reach. Riparian vegetation will be kept in place at the level that was left in November 1997.

CDFG Permit Requirement:

Reach 25: The Operator shall not impact the 9.37 acres of vegetation that was allowed to remain in 1997 and maintenance activities shall not extend beyond the area cleared in 1997.

Background:

Maintenance plan has been fully implemented. However, a substantial amount of the riparian vegetation (9.37 acres) that was allowed to remain in 1997 was cleared in 2000 by the maintenance branch of the ACOE. The riparian vegetation that was not cleared in 2000 consisted of the larger willow trees. The clearing pattern established by the ACOE in 2000 has been maintained since then by Public Works.

Proposed New Maintenance Plan Language:

Using mechanical equipment, all exotic vegetation will be removed throughout this reach. Riparian vegetation *allowed to remain in 2000 shall not be impacted by future maintenance activities. Trimming of the riparian vegetation may be necessary in the future as growth occurs.*

Reach No. 26: Project 74 - 500-foot Upstream of Vermont Avenue to Dominguez Channel, SD2

The channel will be cleared using hand labor. Hand labor will be used to trim the vegetation which has been allowed to remain. New growth will not be allowed to become established and will be removed annually by manual methods.

CDFG Permit Requirement:

Reach 26: Hand Clearing Only.

Background:

Maintenance plan has been fully implemented and there are no outstanding issues.

Proposed New Maintenance Plan Language:

No Change Needed.

Reach No. 27: Wilmington Drain, Harbor Freeway to Pacific Coast Highway, SD4

All vegetation from the channel in the area upstream of Lomita Boulevard will be kept cleared. Between Lomita Boulevard and Pacific Coast Highway, vegetation will be kept clear from the two channels, but the island will remain. The work will be done with mechanical equipment.

CDFG Permit Requirement:

Although the CDFG Permit lists no specific requirements for this reach, general conditions and measures of permits apply.

Background:

Maintenance plan has been fully implemented and there are no outstanding issues. The channel outlet is in Ken Malloy Regional Park, on the downstream side of Pacific Coast Highway, and is not included in the description for Reach No. 27. The clearing in Ken Malloy Regional Park is performed under a separate permit (SBAA 5-353-96) from Reach No. 27. Therefore, the maintenance plan language will limit itself to the areas upstream of Pacific Coast Highway.

Proposed New Maintenance Plan Language:

No Change Needed.

Reach No. 28: Triunfo Ok (PD T2200), SD3

The channel clearing work will involve removing all vegetation from the ungrouted rock levee, hand clearing all vegetation along the levee from the base to a distance of 20 feet.

CDFG Permit Requirement:

Reach 28: Hand clearing only. The Operator shall avoid impacts to southwestern pond turtles. Clearing shall not extend beyond the area that was cleared in 1997 or as stated in the maintenance plan without

prior approvals from the Department. Surveys for sensitive species (i.e., pond turtles) may be required if additional clearing is needed. No native trees shall be removed with a 2 inch diameter at breast height or greater. The 0.2 acre of vegetation that was allowed to remain in 1997 shall not be impacted during future maintenance activities.

Background:

Maintenance plan has been fully implemented. Previous CDFG comments have indicated a concern for southwestern pond turtle and the need for "training" of Public Works personnel. The monitoring biologist has not yet detected any southwestern pond turtles during annual pre-clearing visits to this reach; however, these pre-clearing visits are not performed in conjunction with the actual clearing activities. BonTerra Consulting recommends that biological monitoring be conducted during clearing activities to avoid any potential impacts to the southwestern pond turtle.

Proposed New Maintenance Plan Language:

The channel clearing work will involve removing all vegetation from the ungrouted rock levee *and hand clearing of all vegetation along the levee from the base to an outward distance of 20 feet. A biologist will monitor clearing activities as existing conditions warrant, to avoid impacts on the southwestern pond turtle.*

Reach No. 29: Las Virgenes Creek (PD T1684) MCI, 803

The channel clearing work will involve hand clearing a 30-foot-wide strip along the watercourse low flow from the debris posts to the right-of-way boundary.

CDFG Permit Requirement:

Reach 29: Hand clearing only. The Operator shall avoid impacts to southwestern pond turtles. The Operator shall not impact the 0.61 acre of vegetation that was allowed to remain in 1997. No native trees shall be removed with a 2 inch diameter at breast height or greater.

Background:

Maintenance plan has been fully implemented. Previous CDFG comments have indicated a concern for southwestern pond turtle and the need for "training" of Public Works personnel. The monitoring biologist has not yet detected any southwestern pond turtles during annual pre-clearing visits to this reach; however, these pre-clearing visits are not performed in conjunction with the actual clearing activities. BonTerra Consulting recommends that biological monitoring be conducted during clearing activities to avoid any potential impacts to the southwestern pond turtle.

Proposed New Maintenance Plan Language:

The channel clearing work will involve hand clearing a 30-foot-wide strip along the watercourse low flow *channel* from the debris posts to the right-of-way boundary. *A biologist will monitor clearing activities as existing conditions warrant, to avoid impacts on the southwestern pond turtle.*

Reach No. 30: Las Virgenes Creek (PD T1350 unit 2) Outlet, SD3

Hand clearing work will be performed to keep the reach clear of all vegetation.

CDFG Permit Requirement:

Reach 30: Hand Clearing Only. Impacts shall not exceed 0.11 acre. No native trees shall be removed with a 2 inch diameter at breast height or greater.

Background:

This channel reach has been quitclaimed to the City of Calabasas and should be removed from Public Works' earth-bottom channel list.

Reach No. 31: Las Virgenes Creek (PD T2055), 503

Hand clearing work will be performed to keep the reach clear of all vegetation.

CDFG Permit Requirement:

Reach 31: Hand Clearing Only. Impacts shall not exceed 0.09 acre. No native trees shall be removed with a 2 inch diameter at breast height or greater.

Background:

Maintenance plan has not been fully implemented at this reach due to lack of access. Public Works is in the process of determining the appropriate course of action for this reach.

Proposed New Maintenance Plan Language:

No Change Needed.

Reach No. 32: Stokes Cyn Channel (PD T043), SD3

The work will involve hand clearing of all vegetation between the pipe and wire. Embankment vegetation outside the pipe and wire channel will be left in place.

CDFG Permit Requirement:

Reach 32: Hand Clearing Only. No vegetation was allowed to remain in 1997.

Background:

Maintenance plan has been fully implemented and there are no outstanding issues.

Proposed New Maintenance Plan Language:

No Change Needed.

Reach No. 33: Medea Creek (PD T1378 u.2), SD3

The work will involve mechanical clearing of all the vegetation in the channel.

CDFG Permit Requirement:

Reach 33: The Operator shall avoid vegetation clearing due to sensitive resources. If any vegetation needs to be cleared during future maintenance activities, the Operator shall provide additional mitigation for those impacts. The entire 0.69 acre mod. area is vegetated. Therefore, if clearing all vegetation, need to mitigate for an additional 0.69 acre of riparian vegetation. Vegetation shall be removed by hand clearing only. No native trees shall be removed with a 2 inch diameter at breast height or greater.

Background:

Maintenance plan has not been implemented in this channel reach since 1999 due to sensitive resources and expected mitigation requirements. Review of photo-documentation indicates that native riparian vegetation dominates the concrete-lined part of the channel reach with cattails (*Typha* sp.) and upstream in the natural part of the channel reach with willows (*Salix* sp.). Exotic or non-native species appear to be a minor component of the vegetation in this channel reach. Although the sensitive resources referred to in the CDFG permit are not identified, it assumed to be the southwestern pond turtle. Therefore, as with Reaches 28 and 29, BonTerra Consulting recommends that biological monitoring be conducted during clearing activities to avoid any potential impacts to the southwestern pond turtle. Furthermore, clearing of the cattails that presently "choke" the concrete-lined part of this channel reach were cleared in 1998 and were presumably mitigated for under the agreement signed in 1997. As a result, the cattails and other vegetation in the concrete-lined part of this channel reach can be cleared without any additional mitigation. However, the willow dominated riparian vegetation upstream has not been cleared post-1997; CDFG would probably require mitigation if these areas are to be cleared.

Proposed New Maintenance Plan Language:

The work will involve mechanical *or manual* clearing of all vegetation in *the concrete-lined part of the channel. A biologist will monitor clearing activities as existing conditions warrant, in order to avoid impacts to the southwestern pond turtle.*

Reach No. 34: Medea Creek (PD T1005) Main Channel Outlet, SD3

Hand clearing work will be performed to keep reach clear of all vegetation.

CDFG Permit Requirement:

Reach 34: Hand Clearing Only. Impacts shall not exceed 0.19 acre. No native trees shall be removed with a 2 inch diameter at breast height or greater.

Background:

Maintenance plan has been fully implemented and there are no outstanding issues.

Proposed New Maintenance Plan Language:

No Change Needed.

Reach No. 35: Medea Creek Main Channel Inlet, Under Route 101, SD3

Hand clearing will be performed to keep reach clear of all vegetation.

CDFG Permit Requirement:

Reach 35: Hand Clearing Only. Impacts shall not exceed 0.14 acre. No native trees shall be removed with a 2 inch diameter at breast height or greater.

Background:

Maintenance plan has been fully implemented and there are no outstanding issues.

Proposed New Maintenance Plan Language:

No Change Needed.

Reach No. 36: Cheseboro Main Channel Inlet, SD3

The clearing work will involve hand cutting/trimming three two-inch diameter trees. New vegetation will be cleared annually to prevent blockage of the inlet during the dry season.

CDFG Permit Requirement:

Reach 36: Hand Clearing Only. The Operator shall not impact the 0.05 acre of vegetation that was allowed to remain in 1997. The vegetation that was allowed to remain in 1997 shall not be impacted during future maintenance activities.

Background:

Maintenance plan has been fully implemented and there are no outstanding issues. However, since the dry season in southern California overlaps the breeding season for birds, the phrase "cleared annually" is preferred.

Proposed New Maintenance Plan Language:

The clearing work will involve hand cutting/trimming three two-inch diameter trees. New vegetation will be cleared annually to prevent blockage of the inlet.

Reach No. 37: Medea Ck/Cheseboro Ck Outlet, SD3

Hand clearing work will be performed to keep reach clear of all vegetation.

CDFG Permit Requirement:

Reach 37: No work was done and 0.25 acres of vegetation was present in the channel in 1997. The vegetation that was allowed to remain in

1997 shall not be impacted during future maintenance activities.

Background:

Maintenance plan has been fully implemented and there are no outstanding issues.

Proposed New Maintenance Plan Language:

No Change Needed.

Reach No. 38: Lindero MCO, SD3

Hand clearing work will be performed to keep reach clear of all vegetation.

CDFG Permit Requirement:

Reach 38: Hand Clearing Only. Impacts shall not exceed 0.19 acre. No native trees shall be removed with a 2 inch diameter at breast height or greater.

Background:

Maintenance plan has been fully implemented and there are no outstanding issues.

Proposed New Maintenance Plan Language:

No Change Needed.

Reach No. 39: Beatty Channel Outlet @ SGR 25+99.00 SD1

This is not an earth-bottom channel. Mechanical equipment will be used to keep the channel outlet clear of all vegetation.

CDFG Permit Requirement:

Although the CDFG Permit lists no specific requirements for this reach, general conditions and measures of permits apply.

Background:

Maintenance plan has been fully implemented. The 2002 focused surveys did not find the Santa Ana sucker in this channel reach; however, it was determined that this channel reach could support the Santa Ana sucker in subsequent years because water flow is contiguous with the natural stream bed downstream. Therefore, if suitable habitat is present (i.e. water is present), Santa Ana sucker surveys are required prior to any clearing activities.

Proposed New Maintenance Plan Language:

This is not an earth-bottom channel. Mechanical equipment will be used to keep the channel outlet clear of all vegetation. *If surface water is present, then surveys for the Santa Ana sucker are required prior to initiation of clearing activities.*

Reach No. 40: San Gabriel River - Santa Fe Dam to Thienes Ave., SD1

From Santa Fe Dam to the San Bernardino Freeway, most of the vegetation consists of mule fat interspersed with various exotic species. In this reach, a 10-foot-wide strip was hand cleared along the toe of each levee to provide room to maintain and inspect the levee. The 10-foot-wide strips along the levee toes will be kept clear of all vegetation annually using a combination of mechanical equipment and hand labor. In the center of the channel, the mule fat was mowed using various types of mowing equipment. The root structures of the plants were not disturbed. Two strips of vegetation, varying from 50 to 75 feet in width, were allowed to remain along each side of the channel invert. In subsequent years, mowing will be accomplished in alternate cycles between the center portion of the channel and the two strips of vegetation.

From the San Bernardino Freeway to Thienes Avenue, portion of the reach will be kept clear of all vegetation using mechanical equipment and hand labor, except for the riparian vegetation allowed to remain in place in November 1997. This process will be repeated annually.

CDFG Permit Requirement:

Reach 40 (Santa Fe Dam - San Bernardino Freeway): If the Department determines that interim habitat is provided, no additional mitigation will be required for the 44.2 acres. However, if the Department determines that it does not provide interim habitat, the Operator shall provide additional mitigation at a 1:1 ratio.

Background:

Maintenance plan has been fully implemented. Some of the riparian vegetation allowed to remain in place in November 1997, has been lost due to natural causes. For example, many willow trees have died recently due to drought conditions that stressed trees so that they became susceptible to a wood borer infestation. In 2003 and 2004, the monitoring biologist, in conjunction with Public Works' personnel, identified young willow trees at selected locations for replacement of lost trees. The trees have occurred through the natural recruitment process (i.e. young reproductive growth that occurs naturally in every reach), and were selected primarily due to location (i.e. located away from structure bases and not located in center of low-flow channels).

The riparian habitat in the portion of this reach from San Bernardino Freeway to Thienes Avenue, referred to as Reach 40b in the BonTerra Consulting 2002 focused survey results report, has been occupied by the least Bell's vireo. It is a migratory species that is not present during the fall when Public Works' annual clearing activities occur. However, the permits require protection of the habitat during clearing and require a biological monitor familiar with least Bell's vireo habitat requirements.

Proposed New Maintenance Plan Language:

From Santa Fe Dam to the San Bernardino Freeway (*Reach 40a*), most of the vegetation consists of mule fat interspersed with various exotic species. In this reach, 10-foot-wide strips were hand cleared along the toe of each levee to provide room to maintain and inspect the levee. The 10-foot-wide strips along the levee toes will be kept clear of all vegetation annually using a combination of mechanical equipment and hand labor. In 2004, two strips of vegetation varying from 50 to 75 feet in width, was mowed using various types of mowing equipment. The root structures of the plants were not disturbed. The mule fat in the center of the channel was

allowed to remain in 2004. In subsequent years, mowing will be accomplished in alternate cycles between the center portion of the channel and the two strips of vegetation. *The young willow trees selected in 2003 as replacements for riparian trees lost due to natural causes, will be protected as long as they do not become a maintenance problem.*

From San Bernardino Freeway to Thienes Avenue (*Reach 40b*), this portion of the reach will be kept clear of all vegetation using mechanical equipment and hand labor, except for the riparian vegetation allowed to remain in place in November 1997. This process will be repeated annually *and will be monitored by a biologist familiar with least Bell's vireo habitat requirements. The young willow trees selected in 2003 as replacements for riparian trees lost due to natural causes, will be protected as long as they do not become a maintenance problem.*

From Santa Fe Dam to Thienes Avenue (Reaches 40a and 40b), grading to reestablish baseline conditions will be performed on an as needed basis to maintain access ramps and low-flow channels from side outlets.

Reach No. 41: Walnut Creek - San Gabriel River to Baldwin Park Boulevard, SD1

Mechanical equipment will be used to keep the channel clear of all vegetation, except for the riparian habitat allowed to remain in November 1997. Hand work will be necessary to remove some of the vegetation growing in the rock riprap along the channel sides and on the riprap at the downstream end of the concrete channel. Some trimming of the riparian vegetation may be necessary to reduce the impact on flow in the channel as future growth occurs.

CDFG Permit Requirement:

Although the CDFG Permit lists no specific requirements for this reach, general conditions and measures of permits apply.

Background:

Maintenance plan has been fully implemented. Some of the riparian vegetation allowed to remain in place in November 1997, has been lost due to natural causes. As with the contiguous San Gabriel River reaches, many willow trees have recently died due to drought conditions that stressed trees enough that they became susceptible to a wood borer infestation. In 2003, the monitoring biologist, in conjunction with Public Works' personnel, has identified young willow trees at selected locations for replacement of lost trees. The trees were selected primarily due to location (i.e. located away from structure bases and not located in center of channel).

Proposed New Maintenance Plan Language:

No Change Needed.

Reach No. 42: San Jose Creek - Outlet of concrete channel downstream 700 ft., SD1

The vegetation will be cleared using mechanical equipment, except for riparian vegetation allowed to remain in November 1997. Trimming of the riparian vegetation may be necessary in the future as growth occurs. This process will be repeated annually.

CDFG Permit Requirement:

Although the CDFG Permit lists no specific requirements for this reach, general conditions and measures of permits apply.

Background:

Maintenance plan has been fully implemented. Some of the riparian vegetation allowed to remain in place in November 1997, has been lost due to natural causes. The loss of willow trees in this channel is believed to be a result of high water flows during winter storms. The monitoring biologist, in conjunction with Public Works' personnel, has identified young willow trees within the same "line" of protected riparian trees in this channel reach that can be used to offset the loss of willows due to natural causes.

Proposed New Maintenance Plan Language:

The vegetation will be cleared using mechanical equipment, except for riparian vegetation allowed to remain in November 1997. Trimming of the riparian vegetation may be necessary in the future as growth occurs. *This process will be repeated annually. The young willow trees selected in 2002 as replacements for riparian trees lost due to natural causes will be protected as long as they do not become a maintenance problem.*

Reach No. 43: San Gabriel River - Whittier Narrows Dam to Beverly Boulevard, SD1

Mechanical equipment will be used to keep the channel clear of all vegetation, except for the riparian vegetation allowed to remain in November 1997. Trimming of the riparian vegetation may be necessary in the future as growth occurs.

CDFG Permit Requirement:

Reach 43: Maintenance activities shall not extend beyond the area cleared in 1997. The vegetation (5.27 acres) that was allowed to remain in 1997 shall not be impacted during future maintenance activities.

Background:

Maintenance plan has been fully implemented. The riparian habitat in this reach has been occupied by the least Bell's vireo. It is a migratory species that is not present during the fall when Public Works' annual clearing activities occur. However, the permits require protection of the habitat during clearing and require a biological monitor familiar with least Bell's vireo habitat requirements.

Proposed New Maintenance Plan Language:

Mechanical equipment will be used to keep the channel clear of all vegetation, except for the riparian vegetation allowed to remain in November 1997. Trimming of the riparian vegetation may be necessary in the future as growth occurs. *The young willow trees selected in 2003 as replacement for riparian trees lost due to natural causes will be protected as long as they do not become a maintenance problem. Channel clearing activities in this channel reach will be monitored by a biologist familiar with least Bell's vireo habitat requirements.*

Reach No. 44: San Gabriel River - Rubber Dams, SD1, 4

Mechanical equipment will be used to keep the channel clear of all vegetation, except for the riparian vegetation allowed to remain in November 1997. Trimming of the riparian vegetation may be necessary in the future as growth occurs.

CDFG Permit Requirement:

Reach 44: Maintenance activities shall not extend beyond the area cleared in 1997. The vegetation (5.70 acres) that was allowed to remain in 1997 shall not be impacted during future maintenance activities.

Background:

Maintenance plan has been fully implemented and there are no outstanding issues.

Proposed New Maintenance Plan Language:

No Change Needed.

Reach No. 45: Sand Canyon (PD T1307) Main Channel Inlet, SD5

Mechanical clearing will be performed to keep reach clear of all vegetation.

CDFG Permit Requirement:

Reach 45: Impacts shall not exceed 0.05 acre. No native trees shall be removed with a 2 inch diameter at breast height or greater.

Background:

Maintenance plan has been fully implemented and there are no outstanding issues.

Proposed New Maintenance Plan Language:

No Change Needed.

Reach No. 46: Sand Canyon (PD T1307) Main Channel Outlet, SD5

Mechanical clearing will be performed to keep reach clear of all vegetation.

CDFG Permit Requirement:

Reach 46: Impacts shall not exceed 0.06 acre. No native trees shall be removed with a 2 inch diameter at breast height or greater. If additional areas need to be impacted, the areas shall be quantified in the annual report and mitigation for impacts to vegetation will be required.

Background:

Maintenance plan has been fully implemented and there are no outstanding issues.

Proposed New Maintenance Plan Language:

No Change Needed.

Reach No. 47: Santa Clara River Main Channel (PDT 1733-Unit 1) SD5

The channel clearing work will involve mechanical removal of all vegetation within 20 feet from the levee slope lining along the entire reach.

CDFG Permit Requirement:

Reach 47: The Operator shall not impact the 4.51 acres of vegetation that was allowed to remain in 1997. Impacts shall not exceed 0.76 acre (1656 linear feet by 20 feet wide along each levee). Clearing shall not extend more than 20 feet beyond the toe of the levee.

Background:

Maintenance plan has been fully implemented. The 2002 focused surveys did not find the unarmored threespine stickleback in this channel reach; however, it was determined that this channel reach could support the unarmored threespine stickleback in subsequent years. Therefore, if suitable habitat is present (i.e. water), unarmored threespine stickleback surveys are required prior to any clearing activities.

Proposed New Maintenance Plan Language:

The channel clearing work will involve mechanical removal of all vegetation within 20 feet from the levee slope lining along the entire reach. *If surface water is present, then surveys for the unarmored threespine stickleback are required prior to initiation of clearing activities.*

Reach No. 48: Mint Cyn Channel between Sierra Highway & Adon Avenue, SD5

Mechanical and hand clearing work will be performed to keep reach clear of all vegetation.

CDFG Permit Requirement:

Although the CDFG Permit lists no specific requirements for this reach, general conditions and measures of permits apply.

Background:

Maintenance plan has been fully implemented and there are no outstanding issues.

Proposed New Maintenance Plan Language:

No Change Needed.

Reach No. 49: Mint Cyn Channel between Adon Ave. & Scherzinger Lane, SD5

Mechanical and hand clearing work will be performed to keep reach clear of all vegetation. This process will be repeated annually during the dry season.

CDFG Permit Requirement:

Reaches 48-49: No work was done in 1997 and no vegetation was present in the channel.

Background:

Maintenance plan has been fully implemented and there are no outstanding issues. Since the dry season in southern California overlaps the breeding season for birds, the phrase "cleared annually" is preferred.

Proposed New Maintenance Plan Language:

All vegetation in this channel reach will be *cleared annually* using mechanical and manual methods.

Reach No. 50: Mint Cyn Channel between Solamint & Soledad, SD5

Mechanical and hand clearing work will be performed to keep reach clear of all vegetation.

CDFG Permit Requirement:

Reach 50: No work was done in 1997 and 0.01 acre of vegetation was present in the channel. The vegetation (0.01 acre) that was allowed to remain in 1997 shall not be impacted during future maintenance activities.

Background:

Maintenance plan has been fully implemented and there are no outstanding issues.

Proposed New Maintenance Plan Language:

No Change Needed.

Reach No. 51: Mint Cyn MCO (PD 1894)/Santa Clara River Main Channel, SD5

The channel clearing work will involve mechanical removal of all vegetation within 20 feet from the levee slope lining along the entire reach.

CDFG Permit Requirement:

Reach 51: Impacts shall not exceed 0.9 acre (932 linear feet by 20 feet wide along each levee). Clearing shall not extend more than 20 feet beyond the toe of the levee. The vegetation (0.01 acre) that was allowed to remain in 1997 shall not be impacted during future maintenance activities.

Background:

Maintenance plan has been fully implemented and there are no outstanding issues.

Proposed New Maintenance Plan Language:

No Change Needed.

Reach No. 52: Sierra Hwy Rd Drainage (CDR 523. 203), SD5

Mechanical and hand clearing work will be performed to keep reach clear of all vegetation.

CDFG Permit Requirement:

Reach 52: Hand Clearing Only. Impacts shall not exceed 0.4 acre.

Background:

Maintenance plan has been fully implemented and there are no outstanding issues.

Proposed New Maintenance Plan Language:

No Change Needed.

Reach No. 53: Santa Clara River Non-main Channel (PD 832) Main Channel Inlet, SD5

Mechanical and hand clearing work will be performed to keep reach clear of all vegetation.

CDFG Permit Requirement:

Reach 53: Impacts shall not exceed 0.03 acre.

Background:

Maintenance plan has been fully implemented. Under high flow conditions, water in this reach can be contiguous with the Santa Clara River which harbors the unarmored threespine stickleback. Although this reach was not included in the fish surveys, it seems possible that surface waters here could serve as a reservoir for the stickleback.

Proposed New Maintenance Plan Language:

Mechanical and hand clearing work will be performed to keep reach clear of all vegetation. *If adequate surface water is present, surveys for the unarmored threespine stickleback are required prior to initiation of clearing activities.*

Reach No. 54: Santa Clara River Non-main Channel (PD 832) Main Channel Outlet, SD5

Mechanical and hand clearing work will be performed to keep reach clear of all vegetation.

CDFG Permit Requirement:

Reach 54: Impacts shall not exceed 0.31 acre.

Background:

Maintenance plan has been fully implemented. Under high flow conditions, water in this reach can be contiguous with the Santa Clara River which harbors the unarmored threespine stickleback. Although this reach was not included in the fish surveys, it seems possible that surface waters here could serve as a reservoir for the stickleback.

Proposed New Maintenance Plan Language:

Mechanical and hand clearing work will be performed to keep reach clear of all vegetation. *If adequate surface water is present, surveys for the unarmored threespine stickleback are required prior to initiation of clearing activities.*

Reach No. 55: Santa Clara River Main Channel – Right Bank Reach (PD’s 374, 910, 1339, 1758, & 1562 Unit 2)

The channel clearing work will involve mechanical removal of all vegetation within 20 feet from the levee slope lining along the entire reach.

CDFG Permit Requirement:

Reach 55: Impacts shall not exceed [**x**] acres. Clearing shall not extend more than 20 feet beyond the toe of the levee.

Background:

Maintenance plan has been fully implemented. The 2002 focused surveys did not find the unarmored threespine stickleback in this channel reach; however, it was determined that this channel reach could support the unarmored threespine stickleback in subsequent years. Therefore, if suitable habitat is present (i.e. water), unarmored threespine stickleback surveys are required prior to any clearing activities.

Note that this is a new reach formed by combining previous Reaches 55, 58, 59 and 60 into one reach in order to reduce the paper work load. Its upstream limit is the Sierra Highway and downstream limit is Porretta Channel Outlet. These four reaches are continuous along the right bank of the Santa Clara River, have an identical maintenance plan, and biological constraints are also identical. The CDFG Permit Requirements for this new “Right Bank Reach” are not expected to change, although a new acre limit for impacts will need to be determined.

Proposed New Maintenance Plan Language:

The channel clearing work will involve mechanical removal of all vegetation within 20 feet from the right-side levee slope lining along the entire reach. *If surface water is present, then surveys for the unarmored threespine stickleback are required prior to initiation of clearing activities.*

Reach No. 56: Santa Clara River Main Channel – Left Bank Reach (PD 1832)

The channel clearing work will involve mechanical removal of all vegetation within 20 feet from the levee slope lining along the entire reach.

CDFG Permit Requirement:

Reach 56: Impacts shall not exceed [**x**] acre. Clearing shall not extend more than 20 feet beyond the toe of the levee.

Background:

Maintenance plan has been fully implemented. The 2002 focused surveys did not find the unarmored threespine stickleback in this channel reach; however, it was determined that this channel reach could support the unarmored threespine stickleback in subsequent years. Therefore, if suitable habitat is present (i.e. water), unarmored threespine stickleback surveys are required prior to any clearing activities.

Note that this reach has now changed to only include the left bank of the Santa Clara River. Its upstream limit is the outlet of PD 832 and downstream limit is the terminus of the levee. The CDFG Permit Requirements for this "Left Bank Reach" are not expected to change, although a new acre limit for impacts will need to be determined.

Proposed New Maintenance Plan Language:

The channel clearing work will involve mechanical removal of all vegetation within 20 feet from the left-side levee slope lining along the entire reach. *If surface water is present, then surveys for the unarmored threespine stickleback are required prior to initiation of clearing activities.*

Reach No. 57: Whites Cyn (PD T704 MCI), SD5

Mechanical or hand clearing work will be performed to keep reach clear of all vegetation.

CDFG Permit Requirement:

Reach 57: No work was done in 1997 and 0.42 acre of vegetation was present in the channel. The vegetation that was allowed to remain in 1997 shall not be impacted during future maintenance activities.

Background:

Maintenance plan has been fully implemented and there are no outstanding issues.

Proposed New Maintenance Plan Language:

No Change Needed.

Reach No. 61: Santa Clara River Main Channel (PD 659), SD5

The channel clearing work will involve mechanical removal of all vegetation within 20 feet from the levee slope lining along the entire reach.

CDFG Permit Requirement:

Reach 61: Impacts shall not exceed 0.75 acre. Clearing shall not extend more than 20 feet beyond the toe of the levee.

Background:

Maintenance plan has been fully implemented. The 2002 focused surveys did not find the unarmored threespine stickleback in this channel reach; however, it was determined that this channel reach could support the unarmored threespine stickleback in subsequent years. Therefore, if suitable habitat is present (i.e. water), unarmored threespine stickleback surveys are required prior to any clearing activities.

Proposed New Maintenance Plan Language:

The channel clearing work will involve mechanical removal of all vegetation within 20 feet from the levee slope lining along the entire reach. *If surface water is present, then surveys for the unarmored threespine stickleback are required prior to initiation of clearing activities.*

Reach No. 62: Santa Clara River Main Channel (PD 659 & 754), SD5

The channel clearing work will involve mechanical removal of all vegetation within 20 feet from the levee slope lining along the entire reach.

CDFG Permit Requirement:

Reach 62: Impacts shall not exceed 2.80 acre. Clearing shall not extend more than 20 feet beyond thy toe of the levee.

Background:

Maintenance plan has been fully implemented. The 2002 focused surveys did not find the unarmored threespine stickleback in this channel reach; however, it was determined that this channel reach could support the unarmored threespine stickleback in subsequent years. Therefore, if suitable habitat is present (i.e. water), unarmored threespine stickleback surveys are required prior to any clearing activities.

Proposed New Maintenance Plan Language:

The channel clearing work will involve mechanical removal of all vegetation within 20 feet from the levee slope lining along the entire reach. *If surface water is present, then surveys for the unarmored threespine stickleback are required prior to initiation of clearing activities.*

Reach No. 63: Oak Ave Rd Drainage (CDR 523.081), SD5

The channel clearing work will involve mechanized removal of all vegetation bank to bank.

CDFG Permit Requirement:

Reach 63: Impacts shall not exceed 0.85 acre.

Background:

Maintenance plan has been fully implemented. Under high flow conditions, water in this reach can be contiguous with the Santa Clara River, which harbors the unarmored threespine stickleback. Although this reach was not included in the fish surveys, it seems possible that surface waters here could serve as a reservoir for the stickleback.

Proposed New Maintenance Plan Language:

The channel clearing work will involve mechanized removal of all vegetation bank to bank. *If adequate surface water is present, surveys for the unarmored threespine stickleback are required prior to initiation of clearing activities.*

Reach No. 64: Soledad Cyn Rd Drainage (CDR 523.071 D Outlet), SD5

The channel clearing work will involve clearing an 8-foot-wide path along the centerline of the channel. All vegetation will be removed by hand labor.

CDFG Permit Requirement:

Reach 64: Impacts shall not exceed 0.10 acre (8 feet wide by 577 linear feet).

Background:

Maintenance plan has been fully implemented. Previous clearing in this reach has been accomplished by backhoe, staged at the access road, with the attached bucket reaching into the channel to remove vegetation. The impacts for this clearing method are not considered to be greater than a hand crew walking through the channel to remove vegetation by hand. Under high flow conditions, water in this reach can be contiguous with the Santa Clara River, which harbors the unarmored threespine stickleback. Although this reach was not included in the fish surveys, it seems possible that surface waters here could serve as a reservoir for the stickleback.

Proposed New Maintenance Plan Language:

The channel clearing work will involve *mechanical and manual methods* to clear an 8-foot-wide path along the centerline of the channel. *If adequate surface water is present, surveys for the unarmored threespine stickleback are required prior to initiation of clearing activities.*

Reach No. 65: Soledad Cyn Rd Drainage (CDR 523.071 E Outlet), SD5

The channel clearing work will involve clearing a 12-foot-wide path along the centerline of the channel. All vegetation will be removed by hand labor.

CDFG Permit Requirement:

Reach 65: Hand Clearing Only. Impacts shall not exceed 0.08 acre.

Background:

This channel reach has been developed and should be removed from Public Works' earth-bottom channel list.

Reach No. 66: Santa Clara River Main Channel (PD 1538), SD5

The channel clearing will involve mechanized removal of all vegetation within 20 feet from the slope lining along the entire reach.

CDFG Permit Requirement:

Reach 66: No vegetation was allowed to remain in 1997. Clearing shall not extend more than 20 feet beyond the toe of the levee.

Background:

Maintenance plan has been fully implemented. The 2002 focused surveys did not find the unarmored threespine stickleback in this channel reach; however, it was determined that this channel reach could support the unarmored threespine stickleback in subsequent years. Therefore, if suitable habitat is present (i.e. surface water), unarmored threespine stickleback surveys are required prior to any clearing activities.

Proposed New Maintenance Plan Language:

The channel clearing work will involve mechanical removal of all vegetation within 20 feet from the levee slope lining along the entire reach. *If surface water is present, then surveys for the unarmored threespine stickleback are required prior to initiation of clearing activities.*

Reach No. 67: Bouquet Cyn (PD's 451, 625, 700B, 722, 773, 802, 1201, 1065, 1930 MCI)

The channel clearing work will involve mechanical clearing and grading of all vegetation, except for a 10-foot-wide strip near the centerline of the channel. This process will be repeated annually, except that the 10-foot strip left will alternate from one side of the channel to the other.

CDFG Permit Requirement:

Reach 67: The vegetation (1.33 acres + 0.62 acre + 0.02 acre) that was allowed to remain in 1997 shall not be impacted during future maintenance activities.

Background:

Maintenance plan has been fully implemented. However, the continued protection of the 10-foot-wide strip of vegetation near the center of the channel is considered to be a liability for this channel reach. Therefore, a new clearing program is proposed for this channel reach. The clearing will be conducted in a rotational pattern where half the channel is cleared one year and then the other half is cleared the following year. This clearing pattern will consequently clear vegetation that is two years old. This clearing pattern will produce a dense growth of riparian herb vegetation and not allow the tall growth that can become a liability under high flow conditions. From a biological standpoint, the 10-foot-wide strip of vegetation is considered too narrow to attract the sensitive or special status bird species that breed in mature riparian habitats. In addition, as this narrow strip of riparian vegetation continues to grow, it becomes less dense near the ground and provides less cover for wildlife coming to the low-flow channel for water. It is BonTerra Consulting's position that for this channel reach, the young dense growth of riparian herb vegetation that would be present with the alternating clearing pattern, would be more productive for wildlife than the ageing narrow strip of willow riparian habitat.

The 2002 focused surveys did not find the unarmored threespine stickleback in this channel reach; however, it was determined that this channel reach could support the unarmored threespine stickleback in subsequent years. Therefore, if suitable habitat is present (i.e. surface water), unarmored threespine stickleback surveys are required prior to any clearing activities.

Note that this is a new reach formed by combining previous Reaches 67, 69 and 70 into one reach in order to reduce the paper work load. Its upstream limit is the Hobb Avenue and downstream limit is Bouquet Canyon Road at Festividad Drive. These three reaches are continuous, have an identical maintenance plan, and biological constraints are also identical. The CDFG permit requirements for this new Bouquet Canyon Reach are not expected to change, although the acre limit for impacts will need to be adjusted.

Proposed New Maintenance Plan Language:

The channel clearing work will involve *an alternating pattern of mechanical clearing of vegetation. Only one-half of the channel will be cleared each year. The other one-half of the channel will be cleared the following year. Channel clearing work will also include mechanical grading of sediment to train flows to the centerline of the channel. Outlet structures will be*

graded to drain each year. If adequate surface water is present, surveys for the unarmored threespine stickleback are required prior to initiation of clearing activities.

Reach No. 68: Haskell Cyn Chnl (PD T1930 MCI), SD5

Mechanical clearing work will be performed to keep reach clear of all vegetation.

CDFG Permit Requirement:

Reach 68: No work was done in 1997. The vegetation (0.61 acres) that was allowed to remain in 1997 shall not be impacted during future maintenance activities.

Background:

This channel reach has been developed and should be removed from Public Works' earth-bottom channel list.

Reach No. 71: Santa Clara River Main Channel (PD 1946), SD5

The channel clearing work will involve mechanized removal of all vegetation within 20 feet from the base of the slope lining along the entire reach.

CDFG Permit Requirement:

Reach 71: Clearing shall not extend more than 20 feet beyond the toe of the levee.

Background:

Maintenance plan has been fully implemented, except that clearing activities were not conducted in 2003/2004. The ACOE permit dated December 9, 2003, did not authorize clearing activities in Reaches 71 and 82 because these reaches are considered occupied by the arroyo toad. Note that the 2003 focused surveys found the arroyo toad within one kilometer of this reach, which the survey protocol defines as occupied habitat (i.e., suitable habitat within one kilometer of a toad sighting is considered to be occupied). The 2003 surveys did not find the arroyo toad within the maintained part of the reach (i.e., the 20 feet at toe of slope lining where vegetation is mechanically removed), although aestivating individuals would not have been detectable. However, maintenance activities have resulted in compacted soils that are considered unsuitable for burrowing by toads. So despite the maintenance activities being carried out in an area considered "occupied" by the toad, the pre-clearing surveys are considered sufficient to avoid impacts on the toad. BonTerra Consulting therefore recommends that Public Works use the proposed new maintenance plan language.

The 2002 and 2003 focused surveys did not find the unarmored threespine stickleback in this channel reach; however, it was determined that this channel reach could support the unarmored threespine stickleback in subsequent years. Therefore, if suitable habitat is present (i.e. surface water), unarmored threespine stickleback surveys are required prior to any clearing activities. Note that the December 9, 2003 ACOE permit included the unarmored threespine stickleback with the arroyo toad as reasons for not authorizing clearing activities in Reaches 71 and 82. The addition of the stickleback appears to be unnecessary since there appears to be no clear difference between these two reaches and the other stickleback reaches maintained by the Department (i.e., they have potential to support the stickleback when water is present and the

survey results for 2002 and 2003 were all negative).

Proposed New Maintenance Plan Language:

The channel clearing work will involve mechanized removal of all vegetation within 20 feet from the base of the slope lining along the entire reach. *If surface water is present, then surveys for the unarmored threespine stickleback and arroyo toad are required prior to initiation of clearing activities. Additionally, whether or not surface water is present, a qualified toad biologist must be present during clearing activities to salvage any adult arroyo toads that may appear during the clearing activities.*

Reach No. 72: South Fork-Santa Clara River (Smizer Ranch MCI), SD5

The channel clearing work will involve hand clearing dead vegetation and cutting invasive and trimming riparian vegetation that would obstruct flows. Tree canopy will be retained, yet a clear "tunnel" path will be provided to convey flows.

CDFG Permit Requirement:

Although the CDFG Permit lists no specific requirements for this reach, general conditions and measures of permits apply.

Background:

Maintenance plan has been fully implemented and there are no outstanding issues.

Proposed New Maintenance Plan Language:

No Change Needed.

Reach No. 73: Wildwood Cyn Chnl (PD T361) Main Channel Inlet SD5

Mechanical and hand clearing work will be performed to keep reach clear of all vegetation.

CDFG Permit Requirement:

Reach 73: Impacts shall not exceed 0.05 acre.

Background:

Maintenance plan has been fully implemented and there are no outstanding issues.

Proposed New Maintenance Plan Language:

No Change Needed.

Reach No. 74: Wildwood Cyn Chnl (PD T361), SD5

Mechanical or hand clearing work will be performed to keep reach clear of all vegetation.

CDFG Permit Requirement:

Reach 74: Impacts shall not exceed 0.02 acre.

Background:

Maintenance plan has been fully implemented and there are no outstanding issues.

Proposed New Maintenance Plan Language:

No Change Needed.

Reach No. 75: South Fork - Santa Clara River (PD's 725, 916, 1041, & 1300), SD5

The channel clearing work will involve mechanical clearing and grading of all vegetation bank to bank from Lyons Avenue to Orchard Village Road.

Mechanical grading and clearing of invasive vegetation from bank to bank will be performed from Orchard Village Road to the confluence with Newhall Creek.

Mechanical clearing of all vegetation will be done along the base of the concrete levee from the confluence with Newhall Creek to Magic Mountain Parkway. A 20-foot-wide strip will be maintained clear along the entire length of the levee and 45 degree grading of low-flow channels from side outlets to the center of the watercourse will also be maintained clear of all vegetation to minimize pounding and blockage of side outlet flows. A centerline watercourse low flow 12-feet wide will be maintained clear of all vegetation and will be graded along the entire length in this reach. Two island areas supporting mature trees will be left in place as well as the riparian vegetation. Tree pruning of dead branches and limbs that could obstruct flow will be removed by hand labor.

CDFG Permit Requirement:

Reach 75: The vegetation (15.37 acres) that was allowed to remain in 1997 shall not be impacted during future maintenance activities.

Background:

Maintenance plan has been fully implemented and there are no outstanding issues.

Proposed New Maintenance Plan Language:

No Change Needed.

Reach No. 76: Pico Cyn (PD 813), SD5

The channel clearing work will involve bank-to-bank removal of all vegetation using mechanical equipment.

CDFG Permit Requirement:

Although the CDFG Permit lists no specific requirements for this reach, general conditions and measures of permits apply.

Background:

Maintenance plan has been fully implemented and there are no outstanding issues.

Proposed New Maintenance Plan Language:

No Change Needed.

Reach No. 77: Newhall Ck outlet, SD5

Mechanical equipment will be used to maintain the reach clear of all vegetation.

CDFG Permit Requirement:

Reach 77: No work was done 1997 and 0.89 acre of vegetation was present in the channel. The vegetation (0.89 acre) that was allowed to remain in 1997 shall not be impacted during future maintenance activities.

Background:

Maintenance plan has been fully implemented. As with many other channel reaches, the methods used to arrive at the acreage total for vegetation allowed to remain in 1997 are unknown. For this reach, the 0.89 acre of vegetation that was allowed to remain in 1997 must be located downstream of its confluence with Placerita Creek as all vegetation upstream of this confluence is cleared. It is assumed that to change the acreage total(s) in the CDFG permit, maps would need to be provided to the CDFG that would show the extent of clearing within the well defined channel reach limits.

Proposed New Maintenance Plan Language:

No Change Needed.

Reach No. 78: Placerita Creek, SD5

Mechanical equipment will be used to maintain the reach clear of all vegetation.

CDFG Permit Requirement:

Reach 78: No work was done in 1997 and 0.01 acre of vegetation was present in the channel. The vegetation (0.01 acre) that was allowed to remain in 1997 shall not be impacted during future maintenance activities.

Background:

Maintenance plan has been fully implemented and there are no outstanding issues.

Proposed New Maintenance Plan Language:

No Change Needed.

Reach No. 79: South Fork - Santa Clara River (Valencia Blvd Bridge Stabilizer), SD5

Mechanical equipment will be used to maintain the reach clear of all vegetation.

CDFG Permit Requirement:

Reach 79: No work was done in 1997 and 0.02 acre of vegetation was present in the channel. The vegetation (0.02 acre) that was allowed to remain in 1997 shall not be impacted during future maintenance activities.

Background:

Maintenance plan has been fully implemented. The unarmored threespine stickleback cannot move upstream past the stabilizer under the Valencia Blvd. bridge. All waters upstream are unoccupied by the stickleback; all of the fish that have been observed occur only up to the base of the stabilizer.

Proposed New Maintenance Plan Language:

Mechanical equipment will be used to maintain the reach clear of all vegetation. *If adequate surface water is present downstream of the Valencia Blvd Bridge stabilizer, surveys for the unarmored threespine stickleback are required prior to initiation of clearing activities downstream of the bridge.*

Reach No. 80: South Fork - Santa Clara River (PD's 1947 & 1946), SD5

The channel clearing work will involve mechanical removal of all vegetation within 20 feet from the toe of the concrete levee along the entire length.

CDFG Permit Requirement:

Reach 80: Clearing shall not extend more than 20 feet beyond the toe of the levee. The vegetation (2.05 acres) that was allowed to remain in 1997 shall not be impacted during future maintenance activities.

Background:

Maintenance plan has been fully implemented, except that clearing activities were not conducted in 2003/2004. The ACOE permit dated December 9, 2003, did not authorize clearing activities in Reaches 71 and 82 because these reaches are considered occupied by the arroyo toad. Note that the 2003 focused surveys found the arroyo toad within one kilometer of this reach, which the survey protocol defines as occupied habitat (i.e., suitable habitat within one kilometer of a toad sighting is considered to be occupied). Reach 80 is contiguous with Reach 71 and the distinction between the two has not always been clear in the survey efforts; however, Reach 80 is within 1 kilometer of the toad sighting and would be considered occupied as well. Since Reach 80 is contiguous with Reach 71, it is probably best that the maintenance plan group this Reach 80 with Reaches 71 and 82 as reaches occupied by the arroyo toad.

Since this ACOE permit stated that the existing minimization measures are "not adequate to avoid possible take of the arroyo toad," it appears that something else will be required. The 2003 surveys did not find the arroyo toad within the maintained part of the reach (i.e., the 20 feet at toe of slope lining where vegetation is mechanically removed), although aestivating individuals would not have been detectable. However, maintenance activities have resulted in compacted soils that are considered unsuitable for burrowing by toads. So despite the maintenance activities being carried out in an area considered occupied by the toad, the pre-clearing surveys are considered sufficient to avoid impacts on the toad. BonTerra Consulting therefore recommends that Public Works use the proposed new maintenance plan language.

The 2002 and 2003 focused surveys did not find the unarmored threespine stickleback in this channel reach; however, it was determined that this channel reach could support the unarmored threespine stickleback in subsequent years. Therefore, if suitable habitat is present (i.e. water), unarmored threespine stickleback surveys are required prior to any clearing activities. Note that the December 9, 2003 ACOE permit included the unarmored threespine stickleback with the arroyo toad as reasons for not authorizing clearing activities in Reaches 71 and 82. The addition of the stickleback appears to be unnecessary since there appears to be no clear difference between these two reaches and the other stickleback reaches maintained by Public Works (i.e., they have potential to support the stickleback when water is present and the survey results for 2002 and 2003 were all negative).

Proposed New Maintenance Plan Language:

The channel clearing work will involve mechanical removal of all vegetation within 20 feet from the toe of the concrete levee along the entire length. *If surface water is present, then surveys for the unarmored threespine stickleback and arroyo toad are required prior to initiation of clearing activities. Additionally, whether or not surface water is present, a qualified toad biologist must be present during clearing activities to salvage any adult arroyo toads that may appear during the clearing activities.*

Reach No. 81: Santa Clara River Non-main Channel (PD 2138), SD5

Mechanical equipment will be used to maintain the reach clear of all vegetation.

CDFG Permit Requirement:

Reach 81: No work was done in 1997 and no vegetation was present in the channel.

Background:

This channel reach has been developed and should be removed from Public Works' earth-bottom channel list.

Reach No. 82: Santa Clara River Main Channel (PD 2278), SD5

Channel clearing work will involve mechanically removing all vegetation within 20 feet of the toe of the concrete levee along the entire reach.

CDFG Permit Requirement:

Reach 82: No work done in 1997 and no vegetation was present in the channel. Future maintenance activities shall involve mechanical means and shall not extend more than 20 feet beyond the toe of the levee, impacts within this reach shall not exceed 0.40 acre.

Background:

Maintenance plan has been fully implemented, except that clearing activities were not conducted in 2003/2004. The ACOE permit dated December 9, 2003, did not authorize clearing activities in Reaches 71 and 82 because these reaches are considered occupied by the arroyo toad. Note that the 2003 focused surveys found the arroyo toad within this reach, although not

within the maintained part of this reach. Since this ACOE permit stated that the existing minimization measures are "not adequate to avoid possible take of the arroyo toad," it appears that something else will be required. The 2003 surveys did not find the arroyo toad within the maintained part of the reach (i.e., the 20 feet at toe of slope lining where vegetation is mechanically removed), although aestivating individuals would not have been detectable. However, maintenance activities have resulted in compacted soils that are considered unsuitable for burrowing by toads. So despite the maintenance activities being carried out in an area considered occupied by the toad, the pre-clearing surveys are considered sufficient to avoiding impacts on the toad. BonTerra Consulting therefore recommends that Public Works use the following language below for the new maintenance plan

The 2002 and 2003 focused surveys did not find the unarmored threespine stickleback in this channel reach; however, it was determined that this channel reach could support the unarmored threespine stickleback in subsequent years. Therefore, if suitable habitat is present (i.e. surface water), unarmored threespine stickleback surveys are required prior to any clearing activities. Note that the December 9, 2003 ACOE permit included the unarmored threespine stickleback with the arroyo toad as reasons for not authorizing clearing activities in Reaches 71 and 82. The addition of the stickleback appears to be unnecessary since there appears to be no clear difference between these two reaches and the other stickleback reaches maintained by Public Works (i.e., they all have potential to support the stickleback when water is present and the survey results for 2002 and 2003 were all negative).

Proposed New Maintenance Plan Language:

Channel clearing work will involve mechanical removal of all vegetation within 20 feet from the toe of the concrete levee along the entire length. *If surface water is present, then surveys for the unarmored threespine stickleback and arroyo toad are required prior to initiation of clearing activities. Additionally, whether or not surface water is present, a qualified toad biologist must be present during clearing activities to salvage any adult arroyo toads that may appear during the clearing activities.*

Reach No. 83: Santa Clara River Non-main Channel (PD T1074) Lateral A.8 Inlet, SD5

Mechanical equipment will be used to maintain the reach clear of all vegetation.

CDFG Permit Requirement:

Reach 83: Impacts shall not exceed 0.33 acre (103 linear feet by 140 feet wide).

Background:

This channel reach has been developed and should be removed from Public Works' earth-bottom channel list.

Reach No. 84: Santa Clara River Non-main Channel (PD T1074) Main Channel Inlet, SD5

Mechanical equipment will be used to keep all vegetation clear in this reach.

CDFG Permit Requirement:

Reach 84: No work was done in 1997 and 0.02 acre of vegetation was present in the channel. The vegetation (0.02 acre) that was allowed

to remain in 1997 shall not be impacted during future maintenance activities.

Background:

This channel reach has been developed and should be removed from Public Works' earth-bottom channel list.

Reach No. 85: Santa Clara River Non-main Channel (PD T1074) Main Channel Inlet, SD5

Mechanical equipment will be used to maintain the reach clear of all vegetation.

CDFG Permit Requirement:

Reach 85: Impacts shall not exceed 0.16 acre (140 linear feet by 50 feet wide).

Background:

This channel reach has been developed and should be removed from Public Works' earth-bottom channel list.

Reach No. 86: Violin Cyn MCO, SD5

Mechanical equipment will be used to maintain the reach clear of all vegetation.

CDFG Permit Requirement:

Reach 86: No work was done in 1997 and 0.41 acre of vegetation was present in the channel. The vegetation (0.41 acre) that was allowed to remain in 1997 shall not be impacted during future maintenance activities.

Background:

Maintenance plan has been fully implemented. The 2002 focused surveys did not find the unarmored threespine stickleback in this channel reach; however, it was determined that this channel reach could support the unarmored threespine stickleback in subsequent years. Therefore, if suitable habitat is present (i.e. surface water), unarmored threespine stickleback surveys are required prior to any clearing activities.

Proposed New Maintenance Plan Language:

Mechanical equipment will be used to maintain the reach clear of all vegetation. *If surface water is present, then surveys for the unarmored threespine stickleback are required prior to initiation of clearing activities.*

Reach No. 87: Castaic - The Old Road Drainage (CDR 525.021D) Outlet, SD5

The channel clearing work will involve hand cutting and clearing a 20-foot path from the riprap outlet to the main watercourse, Castaic Creek.

CDFG Permit Requirement:

Although the CDFG Permit lists no specific requirements for this reach, general conditions and measures of permits apply.

Background:

Maintenance plan has been fully implemented and there are no outstanding issues. The 2002 focused surveys did not find the unarmored threespine stickleback in this channel reach; however, it was determined that this channel reach could support the unarmored threespine stickleback in subsequent years. Therefore, if suitable habitat is present (i.e. water), unarmored threespine stickleback surveys are required prior to any clearing activities.

Proposed New Maintenance Plan Language:

The channel clearing work will involve hand cutting and clearing a 20-foot path from the riprap outlet to the main watercourse, Castaic Creek. *If surface water is present, then surveys for the unarmored threespine stickleback are required prior to initiation of clearing activities.*

Reach No. 88: Hasley Canyon Upper (PD T1496), SD5

The channel clearing work will involve mechanical equipment to remove all vegetation from bank to bank from Sharp Road to 755 feet upstream. From 330 feet downstream of Sharp Road to Sharp Road, hand clearing will be done.

CDFG Permit Requirement:

Reach 88: Impacts shall not exceed 0.42 acre (1085 linear feet by 17 feet wide).

Background:

Maintenance plan has been fully implemented and there are no outstanding issues.

Proposed New Maintenance Plan Language:

The channel clearing work will involve mechanical equipment to remove all vegetation from bank to bank from Sharp Road to 755 feet upstream. From 330 feet downstream of Sharp Road to Sharp Road, hand clearing will be done.

Reach No. 89: Hasley Canyon South Fork (PD T1496), SD5

The channel clearing work will involve hand labor clearing of alluvial sage scrub.

CDFG Permit Requirement:

Reach 89: The vegetation (0.02 acre) that was allowed to remain in 1997 shall not be impacted during future maintenance activities.

Background:

Maintenance plan has been fully implemented and there are no outstanding issues.

Proposed New Maintenance Plan Language:

No Change Needed.

Reach No. 90: Hasley Canyon Lower (North Fork PD T1496), SD5

The channel clearing work will involve hand clearing and mechanized removal of vegetation. Portions of the channel bottom will be denuded of vegetation while leaving the earthen bank vegetated, clusters of mature growth in the channel bottom will remain to the level it was left in November 1997.

CDFG Permit Requirement:

Reach 90: The vegetation (0.19 acre) that was allowed to remain in 1997 shall not be impacted during future maintenance activities.

Background:

Maintenance plan has been fully implemented and there are no outstanding issues.

Proposed New Maintenance Plan Language:

No Change Needed.

Reach No. 91: San Martinez Chiquito Cyn Chnl u/s of Keningston Rd, SD5

The channel clearing work will involve removal of all the vegetation within the pipe and wire channel using hand labor, but the embankment vegetation will be left in place.

CDFG Permit Requirement:

Although the CDFG Permit lists no specific requirements for this reach, general conditions and measures of permits apply.

Background:

Maintenance plan has been fully implemented and there are no outstanding issues.

Proposed New Maintenance Plan Language:

No Change Needed.

Reach No. 92: San Martinez Chiquito Cyn Chnl unnamed tributary, u/s of Keningston Rd (N. Fork), SD5

The channel clearing work will involve removal of all the vegetation within the pipe and wire channel using hand labor, but the embankment vegetation will be left in place.

CDFG Permit Requirement:

Although the CDFG Permit lists no specific requirements for this reach, general conditions and measures of permits apply.

Background:

Maintenance plan has been fully implemented and there are no outstanding issues.

Proposed New Maintenance Plan Language:

No Change Needed.

Reach No. 93: San Martinez Chiquito Cyn Chnl between Keningston Road and Val Verde Park, SD5

The channel clearing work will involve removal of all the vegetation within the pipe and wire channel using hand labor, but the embankment vegetation will be left in place.

CDFG Permit Requirement:

Although the CDFG Permit lists no specific requirements for this reach, general conditions and measures of permits apply.

Background:

Maintenance plan has been fully implemented and there are no outstanding issues.

Proposed New Maintenance Plan Language:

No Change Needed.

Reach No. 94: San Martinez Chiquito Cyn Chnl between Val Verde Park to d/s of Madison St, SD5

The channel clearing work will involve removal of all the vegetation within the pipe and wire channel using hand labor, but the embankment vegetation will be left in place.

CDFG Permit Requirement:

Reach 94: No work was done in 1997 and no vegetation was present in the channel.

Background:

Maintenance plan has been fully implemented and there are no outstanding issues.

Proposed New Maintenance Plan Language:

No Change Needed.

Reach No. 95: Project No 1224, SD5

The channel clearing work will involve removal of all vegetation within the pipe and wire channel using mechanical equipment, but the embankment vegetation will be left in place.

CDFG Permit Requirement:

Although the CDFG Permit lists no specific requirements for this reach, general conditions and measures of permits apply.

Background:

Maintenance plan has been fully implemented and there are no outstanding issues.

Proposed New Maintenance Plan Language:

No Change Needed.

Reach No. 96: PD 1591, Calabasas, SD3

The channel clearing will involve removing all vegetation from the inlet and outlet approaches to the box culvert under Vicasa Drive. Clearing work will be done by hand labor and only within the dedicated right of way.

CDFG Permit Requirement:

Reach 96: Hand Clearing Only. No vegetation was allowed to remain in 1997.

Background:

Maintenance plan has been fully implemented and there are no outstanding issues.

Proposed New Maintenance Plan Language:

No Change Needed.

Reach No. 97: PD T1982, Castaic Creek, SD5

The channel clearing work will involve hand cutting and mechanized removal of all vegetation and trees along the entire length of the levee at a width of 20 feet and clearing and grading 45-degree, 12-foot-wide low flows from the side outlets to the center of the main watercourse.

CDFG Permit Requirement:

Reach 97: The Operator shall leave a total of 1.17 acre of vegetation. The vegetation (1.17 acres) that was allowed to remain in 1997 shall not be impacted during future maintenance activities.

Background:

Maintenance plan has been fully implemented. The 2002 focused surveys did not find the unarmored threespine stickleback in this channel reach; however, it was determined that this channel reach could support the unarmored threespine stickleback in subsequent years. Therefore, if suitable habitat is present (i.e. surface water), unarmored threespine stickleback surveys are required prior to any clearing activities. Note that the BonTerra Consulting 2002 focused survey results report did not list this channel reach separately; however, it is contiguous with and was included in the survey of Reach 87. Therefore, the survey results for Reach 87 apply also to Reach No. 97.

Proposed New Maintenance Plan Language:

The channel clearing work will involve hand cutting and mechanized removal of all vegetation and trees along the entire length of the levee at a width of 20 feet and clearing and grading 45-degree, 12-foot-wide low flows from the side outlets to the center of the main watercourse. *Surveys for the unarmored threespine stickleback are required prior to initiation of clearing activities.*

Reach No. 98: Walnut Creek - Channel Inlet, SD1

To the extent that storm flows do not keep the inlet free of vegetation, mechanical equipment will be used to keep the inlet clear of all vegetation. No regrowth will be allowed to remain.

CDFG Permit Requirement:

Reach 98: Impacts shall not exceed 0.03 acre.

Background:

Maintenance plan has been fully implemented and there are no outstanding issues.

Proposed New Maintenance Plan Language:

No Change Needed.

Reach No. 99: Kagel Canyon - Tujunga Wash, SD5

Hand clearing work will be performed to keep all vegetation clear in this reach.

CDFG Permit Requirement:

Reach 99: No work was done in 1997 and no vegetation was present in the channel.

Background:

Maintenance plan has been fully implemented and there are no outstanding issues.

Proposed New Maintenance Plan Language:

No Change Needed.

Reach No. 100: Dry Canyon, Calabasas Creek Inlet, SD3

The channel clearing work will involve hand clearing all vegetation at the channel inlet. Bank vegetation will be left in place.

CDFG Permit Requirement:

Although the CDFG Permit lists no specific requirements for this reach, general conditions and measures of permits apply.

Background:

Maintenance plan has been fully implemented and there are no outstanding issues.

Proposed New Maintenance Plan Language:

No Change Needed.

SEVEN NEW SOFT-BOTTOM CHANNEL REACHES:

Reach No. 101: Violin Cyn (PD 2312)

Due to the design criteria that were used for the channel, the vegetation that exists in the entire invert of the channel will be removed every two years (each year half of the soft bottom will be cleared of vegetation). On the side that is not being cleared, a 12-foot path along the toe of the lining and 12-foot training channels will be cut to aid in levee inspection and draining the inlets.

CDFG Permit Requirement:

Although not included with the prior CDFG Permit, the general conditions and measures of permits are expected to apply.

Background:

BonTerra Consulting's May 12, 2004 report titled "Habitat Assessment Reconnaissance Surveys of Debris Basins, Debris Retaining Inlets and Soft-bottom Channels" determined that this reach contains habitats that potentially support three Threatened and Endangered species: two plant species, the San Fernando Valley spineflower and slender-horned spineflower, and one wildlife species, the arroyo toad. However, BonTerra Consulting conducted focused surveys for the spineflower in 2003 and the survey results were negative. Although surveys for the toad were not recommended at that time, the Critical Habitat for the arroyo toad now includes a small portion of this reach. Therefore, surveys for the arroyo toad are recommended (survey window is during the breeding season which is from March 15 to July 1).

Implementation of the proposed maintenance plan would require clearing of vegetation that has not been impacted. As a result, the resource agencies would be expected to require mitigation for these impacts. However, repeating the current maintenance practice at the channel may not require mitigation from the resource agencies.

Proposed New Maintenance Plan Language:

The channel clearing work will involve *an alternating pattern of mechanical clearing of vegetation. Only one-half of the channel will be cleared each year. The other one-half of the channel will be cleared the following year.* In addition vegetation will be mechanically removed along a 12-foot path along the toe of the levee lining and 12-foot training channels will be cut to aid in levee inspection and draining the inlets.

Reach No. 102: Violin Cyn (PD 2275)

Every year mechanically remove vegetation bank to bank from the concrete invert (Station 12+40) to the furthest downstream invert (Station 14+32) and all vegetation within 20 feet of the right bank side slope lining upstream of that stabilizer. This amount of clearing equals 0.63 acres. The remaining 1.73 acres within our easement would only be cleared if sediment accumulates in the channel to a level where it is no longer capable of containing a capital flood event.

CDFG Permit Requirement:

Although not included with the prior CDFG Permit, the general conditions and measures of permits are expected to apply.

Background:

BonTerra Consulting's May 12, 2004 report titled "Habitat Assessment Reconnaissance Surveys of Debris Basins, Debris Retaining Inlets and Soft-bottom Channels" determined that this reach contains habitats that potentially support two Threatened and Endangered species outside the currently maintained area. Therefore, no focused surveys are required if maintenance activities are restricted to previously maintained areas.

The current maintenance practice appears to be what is described above as the proposed maintenance plan. Therefore, mitigation requirements from the resource agencies would not be expected.

Proposed New Maintenance Plan Language:

Every year, all vegetation within 20 feet of the right bank slope lining will be mechanically removed. In addition, the vegetation will be mechanically removed, bank to bank, from the furthest downstream stabilizer (Station 14+32) to the concrete invert (Station 12+40).

Reach No. 103: Bouquet Cyn Channel (PD2225)

Annual mechanized removal of all vegetation and accumulated sediment within 12 feet from the base of the slope lining on both sides of the channel from 150 feet downstream of the edge of Newhall Ranch Road Bridge to the Santa Clara River confluence. In addition, within the first 500 feet downstream of the bridge to where channel width is 200 feet wide, one half of the channel will be cleared alternating years by mechanized removal of all vegetation and the removal of accumulated sediment within the fully concrete portion and grouted rip-rap portion. In addition, from 500 feet downstream to the confluence of the Santa Clara River the channel will be cleared in thirds by mechanized removal of all vegetation, with the third year in the center of the channel.

CDFG Permit Requirement:

This reach is currently maintained under an amendment to MOU 5-076-99.

Background:

A new clearing program is proposed for this channel reach in order to lend to continuity and ease of clearing in the field. The clearing will be conducted in a rotational pattern where half the channel is cleared one year and then the other half is cleared the following year. This clearing pattern will consequently clear vegetation that is two years old. This clearing pattern will produce a dense growth of riparian herb vegetation and not allow the tall growth that can become a liability under high flow conditions.

BonTerra Consulting's May 12, 2004 report titled "Habitat Assessment Reconnaissance Surveys of Debris Basins, Debris Retaining Inlets and Soft-bottom Channels" determined that this reach contains habitats that potentially support three Threatened and Endangered species: unarmored threespine stickleback, southwestern willow flycatcher, and least Bell's vireo. Focused surveys for these species were recommended to determine their presence or absence.

Focused surveys for the unarmored threespine stickleback and the southwestern willow flycatcher were completed by Chambers Group, and the results are shown in the November 2004 report titled "Results of Focused Wildlife Surveys Conducted at Various LADPW Debris Basins, Debris Retaining Inlets, and Soft-Bottom Channels in Los Angeles County, California." The survey window for the vireo is April 10 through July. Note that one Threatened and Endangered species, the slender-horned spineflower, has the potential to occur immediately outside of the maintenance area.

Proposed New Maintenance Plan Language:

The channel clearing work will involve *an alternating pattern of mechanical clearing of vegetation. Only one-half of the channel will be cleared each year. The other one-half of the channel will be cleared the following year. Channel clearing work will also include mechanical grading of sediment to train flows to the centerline of the channel. Outlet structures will be graded to drain each year. If adequate surface water is present, surveys for the unarmored threespine stickleback are required prior to initiation of clearing activities.*

Reach No. 104: Castaic Creek (PD 2441 Unit 2)

The channel clearing will involve mechanized removal of all vegetation within 20 feet of the left bank side slope lining along the entire reach. In addition, grade to drain a 12-foot wide training channel from the tributary underground storm drains to the easement line. The training channel will be at a 45 degree angle to the side slope lining. This amount of clearing equals 1.2 acres of area. The remaining 3.3 acres within our easement would be cleared if sediment accumulates in the channel to a level where it is no longer capable of containing a capital flood event.

CDFG Permit Requirement:

Although not included with the prior CDFG Permit, the general conditions and measures of permits are expected to apply.

Background:

BonTerra Consulting's May 12, 2004 report titled "Habitat Assessment Reconnaissance Surveys of Debris Basins, Debris Retaining Inlets and Soft-bottom Channels" determined that this reach contains habitats that potentially support four Threatened and Endangered wildlife species: unarmored threespine stickleback, arroyo toad, southwestern willow flycatcher, and least Bell's vireo. Focused surveys for these species would be required prior to starting any maintenance activities. Focused surveys for the unarmored threespine stickleback and the southwestern willow flycatcher were completed by Chambers Group, and the results are shown in the November 2004 report titled "Results of Focused Wildlife Surveys Conducted at Various LADPW Debris Basins, Debris Retaining Inlets, and Soft-Bottom Channels in Los Angeles County, California."

Implementation of the proposed maintenance plan would require clearing of some riparian vegetation, including vegetation that may be part of a mitigation site. Since this reach is within Critical Habitat for the arroyo toad and least Bell's vireo, the resource agencies would be expected to require maximum mitigation ratios for any impacts within this reach.

Proposed New Maintenance Plan Language:

The channel clearing will involve mechanized removal of all vegetation within 20 feet of the left bank side slope lining along the entire reach. In addition, grading to drain a 12-foot wide

training channel from the tributary underground storm drains to the easement line will be prepared. The training channel will be at a 45-degree angle to the side slope lining.

Reach No. 105: San Francisquito Cyn Channel (PD 2456)

The channel clearing will involve mechanized removal of all vegetation within 20 feet of the side slope lining along both banks throughout the entire reach. In addition, grade to drain a 20-foot wide training channel from the left bank outlet at station 7 + 34 to the easement line. The training channel will be at a 45 degree angle to the side slope lining. This amount of clearing equals 0.74 acres of area. The remaining 2.11 acres within our easement would only be cleared if accumulates in the channel to a level where it is no longer capable of containing a capital flood event.

CDFG Permit Requirement:

Although not included with the prior CDFG Permit, the general conditions and measures of permits are expected to apply.

Background:

BonTerra Consulting's May 12, 2004 report titled "Habitat Assessment Reconnaissance Surveys of Debris Basins, Debris Retaining Inlets and Soft-bottom Channels" determined that this reach contains habitats that potentially supports two Threatened and Endangered species: unarmored threespine stickleback and arroyo toad. Focused surveys for these species would be required prior to starting any maintenance activities. Focused surveys for the unarmored threespine stickleback were completed by Chambers Group, and the results are shown in the November 2004 report titled "Results of Focused Wildlife Surveys Conducted at Various LADPW Debris Basins, Debris Retaining Inlets, and Soft-Bottom Channels in Los Angeles County, California." If suitable habitat is present (i.e. surface water), unarmored threespine stickleback surveys would be required prior to any clearing activities.

The current maintenance practice appears to be what is described above as the proposed maintenance plan. Therefore, mitigation requirements from the resource agencies would not be expected, unless clearing activities extend outside the area currently maintained.

Proposed New Maintenance Plan Language:

The channel clearing will involve mechanized removal of all vegetation within 20 feet of the side slope lining along both banks throughout the entire reach. In addition, grade to drain a 20-foot wide training channel from the left bank outlet at station 7 + 34 to the easement line. The training channel will be at a 45 degree angle to the side slope lining. *If surface water is present, then surveys for the unarmored threespine stickleback and arroyo toad are required prior to initiation of clearing activities. Additionally, whether or not surface water is present, a qualified toad biologist must be present during clearing activities to salvage any adult arroyo toads that may appear during the clearing activities.*

Reach No. 106: Castaic Drain Outlet (RMD Reach)

The channel clearing at this location will primarily affect the concrete and grouted rip-rap portion of the channel. A portion of the soft-bottom channel will be affected to create maintenance access. Clearing activities will include mechanized removal of vegetation along a 12 foot-wide access path aligned along toe of east bank; in addition Public Works will install and maintain crushed aggregate base for an equipment access path.

CDFG Permit Requirement:

Although not included with the prior CDFG Permit, the general conditions and measures of permits are expected to apply.

Background:

BonTerra Consulting's July 28, 2004 report titled "Results of Habitat Assessment for PD2012 Outlet, Castaic Drain Outlet, and The Old Road Channel, Los Angeles County, California" determined that this reach contains habitats that potentially support three Threatened and Endangered wildlife species: arroyo toad, southwestern willow flycatcher, and least Bell's vireo. Focused surveys for these three species were recommended.

Proposed New Maintenance Plan Language:

The channel clearing will involve mechanized removal of vegetation along 12 foot-wide access path aligned along toe of east bank; install and maintain crushed aggregate base equipment access path.

Reach No. 107: The Old Road Channel (RMD Reach)

The channel clearing will involve mechanized or hand-labor removal of all vegetation up to approximately 8 feet high from bank to bank within the 943-foot long soft bottom channel.

CDFG Permit Requirement:

Although not included with the prior CDFG Permit, the general conditions and measures of permits are expected to apply.

Background:

BonTerra Consulting's July 28, 2004 report titled "Results of Habitat Assessment for PD2012 Outlet, Castaic Drain Outlet, and The Old Road Channel, Los Angeles County, California" determined that this reach contains habitats that potentially support two Threatened and Endangered wildlife species: southwestern willow flycatcher and least Bell's vireo. Focused surveys for these two avian species were recommended.

Proposed New Maintenance Plan Language:

Mechanical equipment or hand labor will be used to clear all vegetation up to approximately 8 feet high from bank to bank within the 943-foot long soft bottom channel. *If surface water is present, then surveys for the unarmored threespine stickleback and arroyo toad are required prior to initiation of clearing activities. Additionally, a qualified toad biologist must be present during clearing activities to salvage any adult arroyo toads that may appear during the clearing activities.*

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Updates to the 2005 Maintenance Plan for the Annual Clearing of Soft-Bottom Flood Control Facilities and Submittal of Biological Permitting Summary Table

August 7, 2014

The 2005 Maintenance Plan was approved by the Regional Water Quality Control Board (RWQCB) on February 4, 2010 (Order # R4-2010-0021) for reaches 1-110. Maintenance activities are covered under a Waste Discharge Requirements (WDR) permit that is set to expire on February 4, 2015. RWQCB is currently reviewing the WDR to see if it can be extended. Once expired, a new Maintenance Plan will be prepared for all agencies with updated maintenance activities and once approved, permit amendments will be submitted. Reaches 112-119 will be permitted through a Section 401 Water Quality Certification.

Currently, the US Army Corps of Engineers (ACOE) only authorizes work in “non-sensitive” reaches 1-100 (permit # SPL-2013-00723-DPS), and is in the process of being revised to include all reaches 1-100 (file # SPL-2013-00723-BLR). The categorization of “sensitive” to a reach is determined based on the reach’s potential to support a federally threatened or endangered species, and is used to assist coordination with US Fish and Wildlife Service (USFWS). This permit is set to expire either with the WDR or on March 18, 2017, when all Nationwide permits (NWP) expire. A modified NWP will be used to address reaches 101-119.

California Department of Fish and Wildlife (CDFW) approved portions of the 2005 Maintenance Plan (Reaches 1-100) but has been in the process of permitting reaches 101-119 with Los Angeles County Flood Control District (LACFCD). An extension of Streambed Alteration Agreement #5-076-99 was submitted to CDFW on August 5, 2014 since the permit is set to expire on September 1, 2014. Separate amendments will be submitted to CDFW to include reaches 101-119. It is the goal of LACFCD to obtain a 1605 Long-term Maintenance Agreement from the CDFW within the next few years.

This document serves to clarify biological resources, organization of reaches, and permit conditions for reaches 1-100. Reaches 112-119 will be discussed separately. The 2005 Maintenance Plan has been slightly modified to include the following:

- 1) Corrections and/or modifications of reaches that exhibit a potential for federally threatened/endangered species to occur;
- 2) Modifications to maintenance activity language in 8 reaches to reflect actual on-site conditions, provide clarification of methodology that is less impactful, and/or better protects the resources; and
- 3) Corrections to reaches that have been removed, separated, or combined due to land use changes and/or resource management.
 - a. Reaches that have been removed (no longer maintained by LACFCD) include reaches 11, 17, 23, 30, 31, 65, 68, 81, 83, 84 and 85 (11 total).
 - b. Reaches that have been combined include Reach 59 into Reach 58 and Reach 62 into Reach 61.

- c. Reaches 25, 40, and 43 now have both an (a) and (b) component and are discussed separately.
- d. Reaches 60, 59, and 58 are no longer combined with 55, Reaches 67 and 69 are no longer combined, and Reaches 70 and 68 are no longer combined.
- e. Consequently, there are 13 reaches no longer listed within the table and 3 reaches that have been added (due to the a/b component).
- f. Within discussion of reaches 1-100, therefore, are 90 active reaches.

Additionally, the LACFCD would like to potentially use goat mowing as a clearing alternative. Goat mowing would only be utilized in non-sensitive and dry reaches. During goat mowing, goats are contained in a designated mowing area surrounded by an electric fence. Special status plants identified by the biologists, if applicable, are fenced off prior to clearing activities to prevent the goats from grazing on them.

Grazing areas are sectioned off into different mowing areas to accommodate the goats' abilities to fully graze an area in seven days or less. Following the completion of goat mowing in a section, water sampling occurs at the recently grazed section and the goats are moved to a new section where the process is repeated. The goats graze from sunup to sundown and are corralled overnight in a pen located outside the jurisdictional portion of the soft-bottom reach. The pen is also enclosed with an electric fence and patrolled by the goat mowing contractor. The pens are raked twice a week by the goat rancher, and the waste is properly disposed of or recycled off site. Notification of this activity will be included in the email notification sent to the agencies prior to the beginning of work with the soft-bottom channel maintenance schedule.

A biological permitting summary table is attached to provide consistency between agencies and to facilitate the acquisition of necessary permits. Columns include:

1. Reach number and name
2. Indication of 2005 Maintenance Plan language update
3. Designation of sensitive/non-sensitive
4. Potential or known occurrence of special status species (note red text indicates permits that have previously listed potential for species in reaches that were originally misidentified or have been shown to no longer provide habitat for)
5. Reach location in relation to critical habitat
6. Potential affect to species and/or critical habitat
7. Date of last focused species survey (where applicable) and results
8. Approved (via 2005 Maintenance Plan) maintenance activities or updated maintenance activity language
9. Explanation of updated maintenance activity and/or changes to biological resources

Since LACFCD is in the process of obtaining new permits from ACOE and CDFW, special conditions listed within previous permits from these agencies have not been included, but will be once permits have been edited/amended.

Due to the biological history and focused survey results of the soft-bottom channels, the following federal and/or state listed species have the potential to occur as listed below:

1. Santa Ana sucker (*Catostomus santaanae*): Reaches 12 and 39 (2 total)
2. Unarmored threespine stickleback (*Gasterosteus aculeatus williamsoni*): Reaches 47, 51, 54, 55, 56, 58, 60, 61, 63, 64, 66, 67, 69, 70, 71, 79, 80, 82, 86, 87 and 97 (21 total)
3. Arroyo toad (*Anaxyrus californicus*): Reaches 71, 75, 79, 80, 82, 86, 87 and 97 (8 total)
4. Least Bell's vireo (*Vireo bellii pusillus*) and/or southwestern willow flycatcher (*Empidonax traillii extimus*): Reaches 7, 12, 14, 27, 28, 39, 40(b), 43(a), 43(b), 71, 75, 79, 80, 82, 86, 87 and 97 (17 total)

Known territory for the least Bell's vireo exists at: Reaches 14, 27, 39, 40(b), 43(a) and 43(b) (6 total)

Therefore, 31 reaches are considered to be sensitive and the remaining 59 are considered non-sensitive.

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: LAC Soft-bottom non-sensitive reaches		File Number: SPL-2013-00723-BLR	Date: SEP 03, 2014
Attached is:			See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
	PERMIT DENIAL	C	
	APPROVED JURISDICTIONAL DETERMINATION	D	
X	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://www.usace.army.mil/cecw/pages/reg_materials.aspx or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

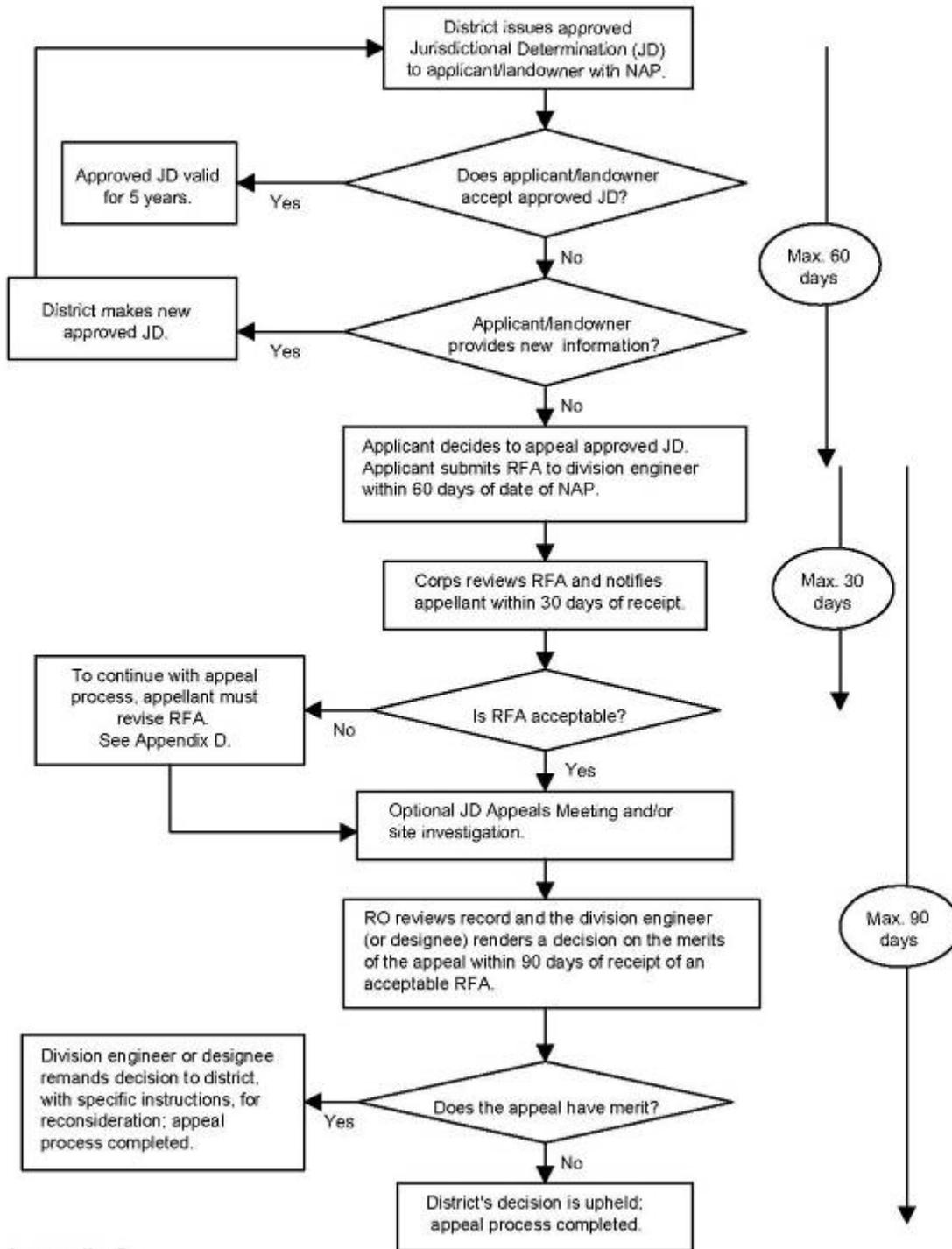
If you have questions regarding this decision and/or the appeal process you may contact: Bonnie Rogers
Project Manager
U.S. Army Corps of Engineers
Los Angeles District
915 Wilshire Blvd Ste 930 LA, CA 90017
Phone: 213-452-3372
Email: bonnie.l.rogers@usace.army.mil

If you only have questions regarding the appeal process you may also contact: Thomas J. Cavanaugh
Administrative Appeal Review Officer,
U.S. Army Corps of Engineers
South Pacific Division
1455 Market Street, 2052B
San Francisco, California 94103-1399
Phone: (415) 503-6574 Fax: (415) 503-6646
Email: thomas.j.cavanaugh@usace.army.mil

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

<hr/> Signature of appellant or agent.	Date:	Telephone number:
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Administrative Appeal Process for Approved Jurisdictional Determinations



Appendix C