



LOS ANGELES DISTRICT
U.S. ARMY CORPS OF ENGINEERS

**DEPARTMENT OF THE ARMY
REGIONAL GENERAL PERMIT NO. 45
MAINTENANCE – SEDIMENT ENTRAPMENT BASINS
(LOS ANGELES COUNTY)**

Permittee: This Regional General Permit applies to:

1) the Los Angeles County Department of Public Works (LACDPW) at their 116 soft bottomed sediment control facilities (115 sediment entrapment (debris) basins and 1 debris retaining inlet, see Figure 1 and Table 1); and

2) other applicants within Los Angeles County and additional LACDPW projects. With additional requirements, the U. S. Army Corps of Engineers, Los Angeles District Regulatory Branch (Corps) will also consider requests for maintenance and sediment removal, at other sediment entrapment sites and by other applicants within Los Angeles County (see Special Condition A).

Permit Number: 2003-00411-AOA

Issuing Office: Los Angeles District

Effective Date: January 26, 2004

Expiration Date: January 26, 2009

DESCRIPTION OF PROJECT

The District Engineer, Los Angeles District U.S. Army Corps of Engineers hereby issues Regional General Permit (RGP) No. 45.

This regional general permit (RGP) authorizes sediment removal and maintenance of soft bottomed sediment entrapment basins, access roads, and other appurtenances such as, but not limited to the following: inlet chutes, trash racks, facing slabs, gage boards, slow and down drains, outlet towers, and a small channel and area around the outlet tower as described below.

(1) This RGP authorizes sediment removal under the following two situations:

(1) when the quantity of sediment in a sediment entrapment basin has reached 25% capacity or more, as identified in the permit application.

(2) when a sediment entrapment basin has reached 5% or more of the basin's capacity and more than 20% of the watershed of the sediment entrapment basin has burned within the previous 5 years.

maintenance of these facilities usually involves excavation, fill, and land clearing activity. Occasionally, such removal may involve non-mechanical means such as hand clearing. But, in almost all cases, the work is performed within existing and defined right-of-way easements. The sediment/debris removal operation at any one basin may occur infrequently (once every few years), several times during a storm season, or several times during and following a single storm event, depending upon the size of the sediment control facility, amount or intensity of the rains, and amount of sediment/debris produced by the watershed.

(2) This RGP authorizes maintenance (including reconstruction) of existing access roads to sediment basins covered by the RGP provided that the footprint does not change and the width and length of the road are the minimum necessary to access the sediment removal. Reconstruction and maintenance of fences and other appurtenances are also be authorized.

(3) This RGP also authorizes maintenance, for basins covered by the RGP, of a small (no more than 10 feet wide) entrainment channel and a 15 foot wide area immediately around outlet towers to prevent clogging and direct the low flow discharge to the outlet tower.

(4) The RGP authorizes the removal of vegetation on the upstream and downstream jurisdictional faces of the sediment retention dam and abutments as necessary to comply with dam safety requirements of the California Department of Water Resources, Division of Safety of Dams or to ensure the integrity of the embankment.

(5) This RGP authorizes weed control that is consistent with the terms and conditions of Regional General Permit No. 41, with no further review by the Corps of Engineers, and normal weed removal above the 25%-capacity area for fire control.

DEFINITIONS AND ACRONYMS FOR PURPOSES OF THIS RGP.

Definitions:

Sediment Entrapment (debris) Basin - Sediment entrapment basin is a more accurate term than debris basin, but both are used synonymously in this document. A sediment entrapment basin is an engineered structure designed to capture sediments (i.e. mud, silt, sand, soil, rock, and dislodged vegetation), eroded from the steep hillside watershed above, before they can enter and block the downstream flood control systems. These basins are located at or near the canyon mouth. For example, in Los Angeles County the vast majority of the basins are located along the foothill areas at the base of the San Gabriel Mountains and Verdugo Hills. For the purposes of this RGP, a sediment entrapment basin is assumed to have a "soft bottom", i.e., a natural bottom as opposed to a concrete bottom (Maintenance of existing concrete bottom basins is exempt from regulation.).

Capital Flood - Capital flood designations within Los Angeles County are made according to County of Los Angeles Department of Public Works standards. In layman terms, for a mountain watershed, a capital flood is the runoff from a 50-year rainfall storm event falling on a saturated watershed.

25%- and 100%-Capacity Areas and Lines - The current LACDPW design capacity for a basin is equal to the volume of sediment produced by a capital flood. The amount of sediment expected from a capital flood depends on the characteristics of the watershed above and rainfall data for the area. (LACDPW is currently in the process of bringing their existing sediment entrapment basins to "design" standards.) The area occupied by the sediment expected from a capital flood is determined by the basin topography.

Design Capacity - The total volume of sediment expected to be contained by a sediment entrapment basin when it is full.

25% Capacity - One fourth of the design capacity.

25%-Capacity Area - The area occupied by the entrapped sediment and debris when the basin is one-fourth full.

25%-Capacity Line - The outline (on the surrounding hillside or side slopes) of the area estimated to be inundated with water, sediment and debris when the basin is 25% full.

100% Capacity - Same as design capacity.

100%-Capacity Area - The area occupied by the entrapped sediment and debris when the basin is full.

100%-Capacity Line - The outline (on the surrounding hillside or side slopes) of the area expected to be inundated with water, sediment and debris when the basin is full.

Perennial Stream - For the purposes of this RGP, a perennial stream is a stream in which water on the surface of the basin flows year round from the upstream side of the basin or canyon mouth to water/sediment control structure (usually a dam).

Acronyms

CDFG - California Department of Fish and Game
Corps - U. S. Army Corps of Engineers, Los Angeles District Regulatory Branch
FWS - U. S. Fish and Wildlife Service
ACNE - Implementation Without Conditions Notification
LACDPW - Los Angeles County Department of Public Works
RGP - Regional General Permit
RWQCB - Regional Water Quality Control Board
SPS - Sediment Placement Site

PERMIT CONDITIONS:

General Conditions:

1. 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 4 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 from this permit from this office, which may require restoration of the area.

2. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

3. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

4. The Los Angeles Regional Water Quality Control Board (RWQCB) has issued Wastewater Discharge Requirements (WDR's) in lieu of a 401 Certification for the LACDPW projects; LACDPW shall comply with the conditions specified in the WDR's.

5. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure it is being or has been accomplished according to the terms and conditions of your permit.

Special Conditions:

A. Prospective permittees for projects other than those listed in Table 1 - Applicants/prospective permittees for projects other than those listed in Table 1 or for enlarging sites in Table 1 shall initially submit a "complete notification package" to the Corps that includes the following information:

1. Name, address, and telephone number of the applicant/prospective permittee;
2. Location of the proposed project, including a vicinity map;
3. Project purpose such as sediment removal, road maintenance, entrapment channel maintenance, etc. or all of the above;
4. Citation of this RGP;
5. Other information: a) a brief description of the proposed project, b) the extent of work being proposed, c) latitude and longitude, c) a copy of the US Geological Survey 7 1/2 minute quadrangle map showing the watershed of the proposed sediment entrapment basin, d) names of the drainages from the basin to the drainage which enters the Pacific Ocean, e) whether the drainage at the sediment entrapment basin is perennial or seasonal (see definition above), f) acreage and volumes of the 25%- and 100%-capacity areas, g) a diagram and photographs of the subject sediment entrapment basin with the 25%- and 100%-capacity areas clearly noted, h) a discussion of the 5%-capacity area; (Note: 25% and 100%- lines may be approximate.)

6. A copy of a letter to the State Historic Preservation Office (SHPO) inquiring about the presence or absence of listed and/or eligible sites for listing in the National Historic Register in the proposed project area that may be affected by the proposed activity;

7. A copy of a letter to the U.S. Fish and Wildlife Service (FWS) inquiring about the presence or absence of any federally-listed endangered or threatened species or designated critical habitat in the proposed project area that may be affected by the proposed activity;

8. A migratory bird and endangered species survey. If initial construction work for a proposed sediment control facility must occur between March 15 and August 15, a migratory bird and endangered species survey must be initiated during the appropriate season and be submitted to the Corps and FWS. Survey personnel, timing, and protocol shall be coordinated and approved by the Corps in consultation with FWS prior to initiation of the regulated activity to insure appropriate survey results;

9. A 401 Water Quality Certification, WDR's, or waiver from the Regional Water Quality Control Board (RWQCB). A complete application for the proposed activity should be submitted simultaneously to the RWQCB. The 401 Water Quality Certification, WDR's, or waiver from the RWQCB shall be obtained and submitted to the Corps prior to final project verification by the Corps under this RGP;

10. The standard individual permit application form (Form ENG 4345) may be used as the notification but must clearly indicate that it is a RGP notification, and must include all of the information mentioned above. Work may not commence until verification of compliance with this RGP is received from the Corps, or forty-five days have passed since the Corps received a complete notification package;

11. Once an applicant receives verification that maintenance/cleanout of their sediment control facility meets the requirements for this RGP, the applicant may thereafter follow the conditions listed under Special Condition B below for verified RGP holders.

B. Maintenance Operations for Sediment Retention Basins for which the Corps has Verified Use of this RGP (Table 1).

1. The permittee shall maximize avoidance of any natural areas above the 25% capacity area including areas within the 25%- to 100%-capacity area, slopes, and areas in uplands. The 25%- to 100%- capacity area shall not be disturbed by any means unless approved exotic species removal is occurring or sediment deposition has occurred in that area such that sediment must be removed to restore capacity. Within the 25%-to 100%-capacity area, willows, oaks, and sycamores shall not be disturbed unless 90% of their height has been inundated by sediment. To the maximum extent practicable, with the exception of small entrainment channels and outlet tower clearing, native riparian vegetation shall be avoided in all areas while still maintaining basin capacities. Except during rainfall events, until such time as a training program is developed and implemented (see special condition No. 8), flagging will be installed around the outside perimeter of the work area prior to initiation of work. (Standard herbaceous weed control activities for fire prevention outside of the 25%-capacity area are exempted from the flagging requirement.)

2. Sediment removal in all sediment entrapment basins will occur between August 16 and March 15 of any given storm season unless prior approval is received from the Corps, in

consultation with the FWS. Work in progress on March 15th will continue uninterrupted for two weeks or until completed, whichever is shorter.

In sediment entrapment basins where the 25%-capacity area is greater than 3 acres in size, pre-cleanout migratory bird and endangered species surveys must be completed semi-annually by a Corps approved biologist(s) during appropriate seasons for potential species of concern. This requirement can be waived depending on the status of the habitat. The completed report must be submitted to the Corps and FWS for approval prior to cleanout.

3. No activity is authorized under this RGP which is likely to jeopardize the continued existence of a threatened or endangered species or species proposed for such designation, as identified under the Federal Endangered Species Act. Nor is activity authorized which is likely to destroy or adversely modify the critical habitat of such species. Federal Agencies should follow their own procedures for complying with the Endangered Species Act. Non-federal permittees shall notify the District Engineer if any listed species or critical habitat might be affected or is in the vicinity of the project. Permittees shall not begin work on the activity until notified by the District Engineer that the requirements of the Endangered Species Act have been satisfied and that the activity is authorized. Information on the location of threatened and endangered species and their critical habitat can be obtained from the U.S. Fish and Wildlife Service and National Marine Fisheries Service.

4. No activity is authorized which may adversely affect historic properties listed, or eligible for listing, in the National Register of Historic Places until the District Engineer has complied with the provisions of 33 CFR 325, Appendix C. The prospective permittee must notify the District Engineer if the authorized activity may affect any historic properties listed, determined to be eligible, or which the prospective permittee has reason to believe may be eligible for listing on the National Register of Historic Places. the prospective permittee shall not begin the activity until notified by the District Engineer that the requirements of the National Historic Preservation Act have been satisfied and that the activity is authorized. Information on the location and existence of historic resources can be obtained from the State Historic Preservation Office and the National Register of Historic Places (see 33 CFR 330.4(g)). Federal permittees should follow their own procedures for compliance with the requirements of the National Historic Preservation Act and other Federal historic preservation laws.

5. No mechanized equipment, rubber-tired or track vehicles, or other materials shall be stored in waters of the U.S. including wetlands, or within the 100%-capacity line or adjacent native habitat. Equipment shall be stored in previously disturbed areas.

6. All appropriate Best Management Practices must be used to preclude increased turbidity and to ensure that road construction does not restrict or impede the passage of normal or expected high flows.

7. This RGP cannot be used where herbicides have been used on native species within the 100%-capacity line or adjacent native habitat.

8. Permittees operating under this RGP shall maintain copies of the terms and conditions of this RGP on each site and will provide training to all personnel doing work on a site to insure that the conditions are implemented.

9. Permittees operating under this RGP shall develop a training program for field personnel performing activities regulated under this RGP and their managers, planning personnel, and other appropriate managers and staff. The training program shall cover Best Management Practices including management oriented for water quality, management oriented for wildlife, native flora and fauna expected on the site and mechanisms for avoidance, a discussions of nesting season, native plants vs. invasive weeds, and endangered species protocol. The training program shall be developed in coordination with the Corps, EPA, RWQCB, FWS, and CDFG (California Department of Fish and Game) and be approved by the Corps. Appropriate personnel (see above) shall receive training prior to September 15, 1998. Certification that said training has been completed shall be transmitted to Corps Regulatory prior to October 1, 1998. Invasive weeds to be considered are those listed in RGP 41, i.e. giant reed, salt cedar, tree tobacco, castor bean, Russian thistle, star thistle, artichoke thistle, thistle, pampas grass, fountain grass, or cocklebur. Smaller weeds that might be considered for sensitive removal to control fire are mustards, introduced annual grasses, sweet clover, and some composites such as ox tongue.

10. This condition is a result of site inspections of specific LACDPW basins. Mention of basins in this condition does not eliminate any Proposed General Condition or Special Condition for the Table 1 basins or any other basins.

Big Dalton - LACDPW shall a) clean between August 15th and November 15th; and b) leave major trees where at all possible, even when cleaning within the 25%-100% area.

Englewild - same as Big Dalton

Hook East - LACDPW shall avoid habitat on side slopes.

Sawpit - LACDPW shall avoid tributaries entering the debris basin unless they are inundated with sediment.

Santa Anita - LACDPW shall a) clean between August 15th and November 15th, and b) avoid existing large willows near the dam on both sides of the basin. Willows on the upstream dam face may be removed for dam safety purposes.

Mullally - An exception will be made for Mullally Debris Basin. Mullally may be cleaned when at 5% capacity regardless of the condition of the upstream watershed. This exception is due to the fact that Mullally is significantly undersized at this time. Should the facility be redesigned, LACDPW shall consult with the Corps on the proposed capacity in order to allow area for riparian vegetation to develop. This special condition will be void if the basin is redesigned and built.

11. Permittees shall dispose of all excavated sediment and debris at a legal disposal point. Disposal of sediment on adjacent native habitat areas, State or federal "waters" is prohibited.

12. If the permittee proposes to remove any native vegetation beyond those areas cited above, the permittee shall submit a request to the Corps with an accompanying letter from Dam Safety stating the need and reasons for the additional vegetation removal. The permittee shall not initiate any removal of native vegetation beyond those areas cited above unless the Corps of Engineers has provided written approval for the additional vegetation removal.

C. Emergency Sediment Removal without Condition(s) - Emergency situations are those situations where a basin has filled more rapidly than expected and must be cleared in response to a public safety need. In the event that any emergency sediment removal is to be implemented without use of any of the Special Conditions above:

1. The permittee must notify, in advance, the Regulatory Branch, North Coast Section Chief, or the Senior Project Manager for Los Angeles County by telephone or voice mail, (805/585-2141, 213/452-3413, respectively,) of the project, location, the condition(s) that will not be implemented, and the reason the for the action without conditions;

2. The permittee must submit an Implementation Without Conditions Notice (ACNE) to the Corps within three working days to obtain approval of the work, or to obtain remediation measures for the work. The ACNE shall be submitted on pink paper and include a brief summary of activities that occurred including the location, the condition that was not implemented, and justification for implementation without condition. If the corps and permittee disagree on whether and emergency existed, the Corps will confer with the permittee prior to making a final decision.

D. Non-emergency sediment removal without Condition(s) - In the event that any non-emergency sediment removal is proposed without any of the Special Conditions in B above, the permittee shall notify the Corps and receive prior approval.

This RGP does not preclude the use of Nationwide Permit 31 (33 CFR Part 330) or other Nationwide Permits (33 CFR Part 330) provided that the project meets the terms and conditions for the Nationwide Permits, including a 401 water quality certification and Coastal Commission consistency determination, if appropriate.

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 RGP 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 any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. Failure 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;

d. Reevaluation. Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measure ordered by this office. If you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise, and bill you for the cost;

6. Extensions. Work/activities authorized under RGP 45 expire June 24, 2003. The Corps will normally give favorable consideration to a request for an extension of this time limit. It is expected that a five-year extension of this permit will be requested. A report summarizing the work performed and the impacts thereof must be submitted for evaluation of an extension. Among other considerations, the Corps must determine if individual and cumulative impacts

were and are expected to be minimal. If such an extension will be requested, submit your request for a time extension along with the report to this office for consideration at least six months before the above date is reached.

This permit, RGP 45 (2003-00411-AOA) becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

Aaron O. Allen, Ph.D.
Acting Chief, Regulatory Branch

Date

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

TRANSFEREE

DATE

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

**ANNUAL CERTIFICATION OF COMPLIANCE WITH
DEPARTMENT OF THE ARMY PERMIT**

Permit Number: Regional General Permit No. 45 (2003-00411-AOA)

Name of Permittee: Los Angeles County - Department of Public Works

Date of Issuance: January 26, 2004

Annually, upon completion of the activities authorized by this permit, sign this certification and return it to the following address:

Regulatory Branch - Los Angeles District Office
ATTN: CESPL-CO-R-2003-00411-AOA, RGP45
P.O. Box 2711
Los Angeles, California 90053-2352

Please note that your permitted activity is subject to a compliance inspection by an Army Corps of Engineers representative. If you fail to comply with this permit you may be subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above referenced permit has been completed for the _____ flood season in accordance with the terms and conditions of said permit.

Signature of Permittee

Date