



# SPECIAL PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS  
LOS ANGELES DISTRICT

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## APPLICATION FOR REAUTHORIZATION OF REGIONAL GENERAL PERMIT (RGP) No. 41 REMOVAL OF INVASIVE, EXOTIC PLANTS

**Public Notice/Application No.:** SPL-2003-01094-EBR

**Project:** Reissuance of RGP 41 - Removal of Invasive Plants

**Comment Period:** 04/03/2019 through 05/02/2019

**Project Manager:** Emma Ross; (805) 350-4157; [emma.b.ross@usace.army.mil](mailto:emma.b.ross@usace.army.mil)

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**Location:** The proposed Reissuance of RGP 41 would continue to be located within the portions of California in the Los Angeles District of the Corps of Engineers (Los Angeles, Orange, Riverside, San Diego, San Bernardino, Imperial, Ventura, Santa Barbara, Mono, Inyo, Kern, and San Luis Obispo counties).

**Activity:** The District Engineer, Los Angeles District Corps of Engineers is proposing to re-authorize Regional General Permit (RGP) No. 41, which authorizes the mechanized removal of invasive, exotic plants (exotics) from waters of the U.S., including wetlands. This general permit has been issued under Section 404 of the Clean Water Act of 1972 (33 U.S.C. 403) and Section 10 and applies to anyone requesting to remove exotics in a manner which is consistent with the terms and conditions of this RGP.

RGP 41 was originally issued August 15, 1996 for a two-year trial basis. It was subsequently reissued for a period of five years and expired on August 15, 2003. It was renewed for an additional five-year period in August 2003, June 2009, and April 2014. This authorization will expire April 7, 2019. The Corps is proposing to re-issue RGP 41 for an additional period of five years.

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Interested parties are hereby notified that the Los Angeles District is proposing to reissue a Department of the Army permit for the activity described herein. Interested parties are invited to provide their views on the proposed work, which will become part of the record and will be considered in the decision. By providing substantive, site-specific comments to the Corps Regulatory Division, you provide information that supports the Corps' decision-making process. All comments received during the comment period become part of the record and will be considered in the decision. This permit will be issued, issued with special conditions, or denied under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act. Comments should be mailed to:

DEPARTMENT OF THE ARMY  
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS  
REGULATORY DIVISION  
ATTN: Emma Ross  
60 South California Street, Suite 201  
Ventura, CA 93001

Alternatively, comments can be sent electronically to: [emma.b.ross@usace.army.mil](mailto:emma.b.ross@usace.army.mil)

The mission of the U.S. Army Corps of Engineers Regulatory Program is to protect the Nation's aquatic resources, while allowing reasonable development through fair, flexible and balanced permit decisions. The Corps evaluates permit applications for essentially all construction activities that occur in the Nation's waters, including wetlands. The Regulatory Program in the Los Angeles District is executed to protect aquatic resources by developing and implementing short- and long-term initiatives to improve regulatory products, processes, program transparency, and customer feedback considering current staffing levels and historical funding trends.

Corps permits are necessary for any work, including construction and dredging, in the Nation's navigable water and their tributary waters. The Corps balances the reasonably foreseeable benefits and detriments of proposed projects, and makes permit decisions that recognize the essential values of the Nation's aquatic ecosystems to the general public, as well as the property rights of private citizens who want to use their land. The Corps strives to make its permit decisions in a timely manner that minimizes impacts to the regulated public.

During the permit process, the Corps considers the views of other Federal, state and local agencies, interest groups, and the general public. The results of this careful public interest review are fair and equitable decisions that allow reasonable use of private property, infrastructure development, and growth of the economy, while offsetting the authorized impacts to the waters of the United States. The permit review process serves to first avoid and then minimize adverse effects of projects on aquatic resources to the maximum practicable extent. Any remaining unavoidable adverse impacts to the aquatic environment are offset by compensatory mitigation requirements, which may include restoration, enhancement, establishment, and/or preservation of aquatic ecosystem system functions and services.

### **Evaluation Factors**

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the EPA Guidelines (40 CFR Part 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts

of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

### **Preliminary Review of Selected Factors**

**EIS Determination**- A preliminary determination has been made an environmental impact statement is not required for the proposed work.

**Water Quality**- The applicant is required to obtain water quality certification, under Section 401 of the Clean Air Act, from the California Regional Water Quality Control Board. Section 401 requires that any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers prior to permit issuance. For any proposed activity on most tribal land in SPL in California that is subject to Section 404 jurisdiction, the applicant will be required to obtain water quality certification from the U.S. Environmental Protection Agency. The exceptions are tribal lands of the Big Pine Paiute Tribe of Owens Valley, the Bishop Paiute Tribe, and the Twenty-nine Palms Band of Mission Indians, each of which implement their independent Section 401 certification program, and which would have to issue Section 401 certifications for projects on their lands.

On April 2, 2014, the State Water Resources Control Board issued a Section 401 Certification for the current iteration of RGP41. The Corps will request recertification as part of the reissuance of the RGP.

**Coastal Zone Management**- For those projects affecting uses or resources of the coastal zone, the Federal Coastal Zone Management Act (CZMA) requires that the Permittee obtain concurrence from the California Coastal Commission that the project is consistent with the State's certified Coastal Management Program. On September 17, 2013 the California Coastal Commission concurred with the Corps of Engineers that current iteration of RGP 41 is consistent with the California Coastal Zone Management Program. The District Engineer hereby requests the California Coastal Commission's concurrence or nonoccurrence with the proposal to reissue this RGP.

**Essential Fish Habitat**- Activities authorized under this RGP could occur in tidal waters. Therefore, prospective Permittees would be required to investigate the potential impact of their proposed project on essential fish habitat and provide this information to the Corps prior to the use of this RGP.

**Cultural Resources**- The latest version of the National Register of Historic Places will be consulted along with other site-specific information to determine if any of the identified proposed project may affect a cultural resource listed or potentially eligible for listing on the National Register of Historic Places. If such a resource is determined to be potentially affected by a particular project, the Corps shall enter into consultation with the State Historic Preservation Office pursuant to Section 106 of the National Historic Preservation Act.

**Endangered Species**- Activities authorized under this RGP would occur in areas dominated by exotic, invasive plants which often degrade suitable habitat for federally listed endangered or threatened species. However, areas which contain a mixture of exotic and native plants may support these species. In addition, some of the areas affected by this RGP have been designated as critical

habitat. Therefore, prospective permittees must investigate the potential impact of their proposed project on federally listed endangered or threatened species, species as proposed for listing as endangered or threatened or designated critical habitat and provide this information to the Corps prior to use of this RGP. If the Corps determines that a proposed project may affect a federally listed species or designated critical habitat, a Section 7 consultation with the U.S. Fish and Wildlife Service or the National Marine Fisheries Service will be initiated.

**Public Hearing-** Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

### **Proposed Activity for Which a Permit is Required**

**Basic Project Purpose-** The basic project purpose comprises the fundamental, essential, or irreducible purpose of the proposed project, and is used by the Corps to determine whether the applicant's project is water dependent (i.e., requires access or proximity to or siting within the special aquatic site to fulfill its basic purpose). Establishment of the basic project purpose is necessary only when the proposed activity would discharge dredged or fill material into a special aquatic site (e.g., wetlands, pool and riffle complex, mudflats, coral reefs). The basic project purpose is wetland and riparian habitat restoration and enhancement, which is considered water dependent.

**Overall Project Purpose-** The overall project purpose serves as the basis for the Corps' 404(b)(1) alternatives analysis and is determined by further defining the basic project purpose in a manner that more specifically describes the applicant's goals for the project, and which allows a reasonable range of alternatives to be analyzed. The overall project purpose is to establish a streamlined process to authorize the removal of exotic vegetation under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act.

### **Additional Project Information**

**Baseline information-** The presence of *Arundo donax*, *Tamarix* and other invasive, exotic species in watersheds throughout California can substantially affect water quality, water conservation, native biological resources, flood control and fire risk in the main-stem of a river as well as its tributaries. With the removal of invasive non-native plant species there would be benefits to all the above environmental parameters. As a result, the proposed removal of non-native species would provide important benefits to the general public both through reduced risk to fire and flood as well as increased physical and biological functions to aquatic and riparian habitat throughout the upper watershed.

**Project description-** This Regional General Permit would authorize the mechanized removal of the following invasive, exotic plants from waters of the U.S. including wetlands, within the California portion of the Los Angeles District of the Corps of Engineers, for the purposes of habitat recovery:

giant reed - *Arundo donax*  
salt cedar - *Tamarix spp.*  
tree tobacco - *Nicotiana glauca*  
castor bean - *Ricinus communis*  
Russian thistle - *Salsola tragus*  
Italian thistle – *Carduus pycnocephalus*  
milk thistle – *Silybum marianum*  
tocalote – *Centaurea melitensis*

star thistle - *Centaurea solstitialis*  
 artichoke thistle - *Cynara cardunculus*  
 thistle - *Cirsium arvense and vulgare only*  
 bristly ox-tongue – *Picris echioides*  
 fountain grass - *Pennisetum setaceum*  
 cape ivy - *Delaireia odorata* (formerly called German Ivy, *Senecio mikanioides*)  
 alligator weed - *Alternanthera philoxeroides*  
 perennial pepperweed - *Lepidium latifolium*  
 white top, hoary cress - *Cardaria draba*  
 Russian olive - *Elaeagnus angustifolia*  
 myoporum - *Myoporum laetum*  
 eucalyptus – *Eucalyptus spp.*  
 evergreen ash – *Fraxinus udhei*  
 bottle brush – *Callistemon citrinus*  
 California (Peruvian) pepper – *Schinus molle*  
 Brazilian pepper- *Schinus terebinthifolius*  
 carrotwood – *Cupaniopsis anacardiodes*  
 Chinese elm – *Ulmus parvifolia*  
 oleander – *Nerium oleander*  
 Mexican fan palm – *Washingtonia robusta*  
 Canary Island date palm – *Phoenix canariensis*  
 Geraldton carnation weed – *Euphorbia terracina*  
 edible fig (*Ficus carica*)  
 blue crown passion flower (*passiflora caerulea*)  
 pecan (*Carya illinoensis*)  
 fennel- *Foeniculum vulgare*  
 water hyacinth-Eichlornia crassipes  
 Spanish sunflower- *Pulicaria paludosa*  
 Kikuyu grass- *Pennisetum clandestinum*  
 pampass grass- *Cortaderia selloana*  
 Andean pampass grass- *Cortaderia jubata*  
 Himalayan blackberry- *Rubus discolor*  
 Spanish broom- *Spartium junceum*  
 purple loosestrife- *Lynthrum salicaria*  
 olive- *Olea europea*  
 virginia creeper (*Parthenocissus quinquefolia*)  
 stinkwort (*Dittrichea graveolens*)

For the purposes of this RGP, areas are classified as “fully infested stands” if they contain 80% or more relative or canopy cover of exotics. Areas that contain 50% to 80% relative or canopy cover of exotics are classified as “partially infested stands.” This RGP is not applicable in areas that have less than 50% relative or canopy cover of exotics. For a parcel to be considered a “stand” it must be at least 0.5 acre in size or completely isolated from contiguous native riparian habitat. Following flood, fire, disease, or other natural event which scours or destroys an area; the area shall be classified based on the areal coverage of exotics immediately prior to natural disturbance.

The following activities are authorized on a year-round basis in “fully-infested stands”:

1. Broadcast foliar application of herbicides which are approved by the U.S. Environmental Protection Agency (USEPA) for use in wetlands and by the California Department of Pesticide Regulation for use within the State. Application of herbicides in any area supporting

threatened and/or endangered species should be consistent with the USEPA's Office of Pesticide Programs, Endangered Species Protection Program county bulletins. To reduce potential impacts to migratory birds using parcels adjacent to "fully infested stands," no aircraft (e.g. helicopter) based application may occur between March 15 and September 15.

2. Mechanized land clearing, mechanical mulching (*i.e.* Hydro-Ax), mechanized removal, chipping, and excavation of living or dead invasive plants and any associated debris. Native riparian vegetation should be avoided to the maximum extent practicable. Any native riparian trees 3-inches DBH (diameter at breast height) or larger which are removed from fully infested stands, must be replaced on-site at a 2:1 ratio.

3. Stockpiling of invasive plants and associated debris which have been excavated, except during the flood season (November 15- April 15), when stockpiling is prohibited. Stockpiles must be placed in previously disturbed or degraded areas, cannot be placed within 50 feet of flowing water, must be placed in such a manner that it is not dispersed by currents or other forces, and must be disposed of within 3 months of initial creation of the stockpile by either removal to an appropriate upland disposal area or by burning. Prior to upland disposal or burning of any stockpiles or debris, all appropriate state and local permits must be obtained. To reduce potential impacts to migratory birds using parcels adjacent to "fully infested stands", burning cannot occur within 1,000 feet of native riparian or wetland habitat areas between March 15 and September 15.

4. Construction of access roads provided that the width and length of the road are the minimum necessary for access to the exotics removal site. Native woody riparian vegetation in the access road alignment must be flagged and avoided. Placement of fill, such as decomposed granite, gravel, or concrete, on newly constructed or existing access roads within waters of the U.S. is not authorized under this RGP. 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 or cause the relocation of the water. Access roads which are no longer necessary for site monitoring, restoration, maintenance, or treatment, or abandoned access roads must be restored with appropriate native riparian or wetland vegetation.

The following activities are authorized on a seasonal basis, between September 16 and March 14, in "partially infested stands":

1. Plant-specific application of herbicides which are currently approved by the USEPA for use in wetlands. Application of herbicides in any area supporting threatened and/or endangered species should be consistent with the USEPA's Office of Pesticide Programs, Endangered Species Protection Program county bulletins. Plant specific techniques may consist of application via a backpack sprayer and/or the cut/paint technique (cutting of the plant, followed by immediate direct application of herbicide to the freshly cut stump). No herbicide may be applied to native riparian vegetation.

2. Mechanized land clearing, mechanical mulching (*i.e.* Hydro-Ax), mechanized removal, chipping, and excavation of living or dead invasive plants and any associated debris. Native riparian vegetation must be flagged prior to commencement of any mechanized activities and must be avoided.

3. Construction of access roads provided that the width and length of the road are the minimum necessary for access to the exotics removal site. Native woody riparian vegetation

must be flagged and avoided. Placement of fill, such as decomposed granite, gravel, or concrete, on newly constructed or existing access roads within waters of the U.S. is not authorized under this RGP. 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 or cause the relocation of the water. Access roads which are no longer necessary for site monitoring, restoration, maintenance, or treatment or abandoned access roads must be restored with appropriate native riparian or wetland vegetation.

4. Broadcast foliar application of herbicide and stockpiling are prohibited in "partially infested stands". Hand clearing (including use of chain saws) is generally not subject to Corps jurisdiction under Section 404. However, if hand clearing occurs in "partially infested stands" native riparian vegetation should be flagged and avoided.

5. Invasive plant removal from "partially infested stands" during the migratory bird breeding season (March 15 - September 15) may be authorized by the Corps under this RGP on a case-by-case basis. Prior to requesting such authorization, the proposed project area must be surveyed by a qualified biologist in accordance with all appropriate U.S. Fish and Wildlife Service protocols. Results of these surveys must be submitted to the Corps as part of the Notification requirement.

**Notification requirement** - notification to the Corps requesting authorization under this RGP shall include the following information:

- a. Name, address and telephone number of the prospective permittee;
- b. Location of the proposed project, including a vicinity map;
- c. Project purpose;
- d. Brief description of the proposed project, including the areal extent of work being proposed and the method of biomass removal/disposal;
- e. Acreage of "fully infested stands" and "partially infested stands" which would be affected by the proposed project;
- f. Citation of this RGP;
- g. 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;
- h. Copy of a letter to the U.S. Fish and Wildlife Service (USFWS) and/or the National Marine Fisheries Service (NMFS) 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;
- i. For work occurring on tribal land, an approval letter from the tribe;
- j. Results of a migratory bird survey (if work is being proposed in "partially infested stands" between March 15 and September 15).

A copy of this notification package should be sent to the USFWS, NMFS (if appropriate), California Department of Fish and Wildlife, California Coastal Commission (for projects that may affect the coastal zone), State Water Resources Control Board, and the appropriate Regional Water Quality Control Board.

Work may not commence until verification of compliance with this RGP is received from the Corps or thirty days have passed since the Corps receives a complete notification package. The Corps maintains discretion to add Special Conditions to RGP verifications to clarify compliance with the terms and conditions of this RGP or to ensure that the proposed project would have only minimal

individual and cumulative adverse impacts to the environment. In cases where the proposed project does not comply with the terms and conditions of this RGP or the Corps determines that the proposed project would be contrary to the public interest or would result in greater than minimal individual or cumulative adverse impacts to the environment, the applicant will be notified by the Corps of Engineers within thirty days of receipt of a complete notification. Under these circumstances, an individual permit would likely be required to perform the proposed work.

Proposed Mitigation– The proposed mitigation may change as a result of comments received in response to this public notice, the applicant's response to those comments, and/or the need for the project to comply with the 404(b)(1) Guidelines. In consideration of the above, the proposed mitigation sequence (avoidance/minimization/compensation), as applied to the proposed project is summarized below:

**Avoidance and Minimization:** The proposed RGP is designed to minimize adverse impacts to aquatic resources that are commonly associated with invasive weed removal. This RGP avoids and minimizes impacts to waters of the U.S. to the maximum extent practicable and is expected to be a beneficial impact to aquatic resources.

To address the potential for reinfestation of cleared sites, the RGP would include a condition requiring two years of monitoring and follow-up invasive weed control at the end of this two year period, the site must result in less than 5% relative coverage of the invasive species covered by the RGP.

The RGP requires that in partially infested stands, native riparian trees 3 inches DBH or larger would need to be flagged and avoided to the maximum extent practicable. In “fully infested stands” native riparian trees 3-inches BDH or larger would need to be flagged and avoided to the maximum extent practicable. Any native riparian trees of 3 inches DBH or larger which are removed from fully infested stands must be replaced on site at a 2:1 ratio.

To further mitigate potential impacts of the RGP, no work would be allowed during the avian breeding season of March 15 through September 15 in partially infested stands that support migratory birds. In addition, when access roads are no longer necessary for site monitoring, restoration, maintenance or treatment, or if the road is abandoned, the permittee would be required to restore it with appropriate native riparian or wetland vegetation.

**Compensation:** Compensatory mitigation is not anticipated as the proposed activities are intended to improve overall aquatic habitat conditions.

### **Proposed Special Conditions**

1. No activity may substantially disrupt the movement of those species of aquatic life indigenous to the water body, including those species which normally migrate through the area.
2. No activity may cause more than minimal adverse effects on navigation and activities shall not interfere with the public's right to free navigation on all navigable waters of the United States. For projects occurring in navigable waters of the United States, the permittee shall provide appropriate notifications to the U.S. Coast Guard as described below at least two weeks prior to start of activity and 30 days if buoys are to be placed:

Commander, 11th Coast Guard District (dpw)  
TEL: (510) 437-2980  
E-mail: d11LNM@uscg.mil  
Website: <http://www.uscg.mil/dp/lnmrequest.asp>

U.S. Coast Guard, Sector LA-LB (COTP)  
TEL: (310) 521-3860  
E-mail: john.p.hennigan@uscg.mil

Notification should include the following information:

- a. Project description;
  - b. Location of the work site;
  - c. VHF-FM radio frequencies monitored by vessels on scene, if applicable;
  - d. Point of contact and 24 -hour phone number;
  - e. Potential hazards to navigation; and
  - f. Project schedule.
3. The Permittee shall make every effort to ensure that vegetation nodes, root stalks, or other debris resulting from their activity do not enter or remain in any actively flowing watercourse.
  4. The Permittee shall not stockpile invasive plants and associated debris during the flood season (November 15 to April 15). Stockpiling is allowed between April 16 and November 14; however, it must occur in previously disturbed or degraded areas. Stockpiles cannot be placed within 50 feet of flowing water, must be placed in such a manner that is not dispersed by currents or other forces, and must be disposed of within 3 months of initial creation of the stockpile by either removal to an appropriate upland disposal area or by burning. Prior to upland disposal or burning of any stockpiles or debris, all appropriate state and local permits must be obtained.
  5. Burning of stockpiles shall not occur within 1,000 feet of native riparian or wetland habitat areas between March 15 and September 15.
  6. Access roads which are no longer necessary for site monitoring, restoration, maintenance, or treatment or are abandoned must be restored with appropriate native riparian or wetland vegetation.
  7. No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights. For projects proposed on most tribal lands, the Permittee shall submit an approval letter from the tribe with their notification package and shall obtain Section 401 water quality certification, or waiver thereof, from the U.S. Environmental Protection Agency. For projects proposed on lands controlled by the Pine Paiute Tribe of Owens Valley, the Bishop Paiute Tribe, or the Twenty-Nine Palms Band of Mission Indians, the prospective permittee must obtain Section 401 water quality certification, or waiver thereof, directly from those tribes.
  8. No activity is authorized under this RGP which is likely to 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, or 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 and 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 the threatened and endangered species and their critical habitat can be obtained from the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. The Corps may require focused endangered species surveys be performed prior to verification of compliance with this RGP. In addition, the USFWS may require the submittal of an Integrated Pest Management Plan.

9. 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 in the National Register of Historic Places, and 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. 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 the discovery. 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.
10. Discharges must not permanently restrict or impede the passage of normal or expected high flows or cause the relocation of water.
11. In partially infested stands, native riparian vegetation must be flagged prior to commencement of any mechanized activities and must be avoided. In fully infested stands, native riparian vegetation should be avoided to the maximum extent practicable. Any native riparian trees of 3 inches DBH (diameter at breast height) or larger that are removed from fully infested stands must be replaced on site at a 2:1 ratio.
12. The permittee shall ensure all project sites are marked in such a way as to warn the public about the local use of herbicides during project implementation.
13. All pesticide mixing shall occur outside waters of the U.S. or at locations devoid of vegetation.
14. No mechanized equipment, rubber tired vehicles, track vehicles, or other equipment shall be stored, staged, or fueled in waters of the U.S., including wetlands.
15. Following the use of this General Permit, permittees shall ensure that the project site contains less than 5% relative coverage of invasive non-native vegetation (i.e., the invasive species covered by this RGP) for a period of two years from completion of the initial vegetation removal. At the end of this two-year period, the permittee shall submit to the Corps a brief description of the status of the site including photo documentation and an estimate of the degree of infestation and amount of native flora before and after the project.
16. Permittees shall take steps to secure, as appropriate, a Streambed Alteration Agreement with the California Department of Fish and Wildlife (CDFW) for activities involving the mechanized

removal of invasive exotic species. In order to ensure that beneficial uses associated with State fish and wildlife and especially those state-listed species' habitats are adequately protected, a copy of the full notification package prepared by prospective permittees for the Corps shall be sent concurrently to the CDFW. For projects in Santa Barbara, Ventura, Los Angeles, Orange, and San Diego Counties, the package should be sent to the Department of Fish and Wildlife, 3883 Ruffin Road., San Diego, California 92123. For projects in Inyo, Mono, San Bernardino and Riverside Counties, packages should be sent to 3602 Inland Empire Boulevard, Suite C-220, Ontario, California 91764. For projects in Kern and San Luis Obispo Counties, the package should be sent to the Central Region Headquarters Office, 1234 E. Shaw Avenue, Fresno, California. 93710. Addresses can be verified at [www.wildlife.ca.gov](http://www.wildlife.ca.gov).

17. The Permittee shall not commence work until verification of compliance with this RGP is received from the Corps or thirty days have passed since the Corps received a complete notification package (Special Condition No. 2). The Corps maintains discretion to add Special Conditions to RGP verifications to clarify compliance with the terms and conditions of this RGP or to ensure that the proposed project would have only minimal individual and cumulative adverse impacts to the environment.
18. The Permittee shall ensure that all contractors receive a copy of this RGP and are made aware of the conditions and restrictions within. 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 in compliance with the terms and conditions of the permit.
19. You must maintain the activity authorized by this permit in good conditions of this permit. You are not relieved of this 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. 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 the permit from this office, which may require restoration of the area.
20. This RGP is certified pursuant to Section 401 of the Clean Water Act (Water Quality Certification) subject to the standard conditions that apply to all certifications as well as the following additional conditions:
  - a. Applicants of projects proceeding under RGP 41 shall provide a copy of the "Notification" package to the State Board and the appropriate Regional Water Quality Control Board (Regional Board). These copies shall be mailed at the same time to:

Program Manager  
401 Certification and Wetlands Unit  
Division of Water Quality  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, California 95812-0100

Program Manager  
CWA Section 401 Water Quality Certification Program  
Address and Appropriate Regional Board (addresses enclosed)

The applicant shall provide a fee of \$145.00 (fee subject to change) for review and processing of the notice per CCR Title 23, section 2200. If the applicant is not

contacted by the Regional Board within 30 days of the postmarked date of the notification, the applicant may assume that the project meets the conditions of this certification and may proceed with the project.

- b. **Extracted Plant Material Stockpile:** Extracted plant materials stockpiled at sites known to experience flash flooding outside the flood season (November 15-April 15) shall be removed within 15 days of the initial creation of the stockpile in order to contain the potential spread of exotic, invasive plant material in such flash-flood prone areas.
- c. **Other State Permits:** Projects proceeding under RGP41 shall comply with all applicable National Pollutant Discharge Elimination System permits and Waste Discharge Requirements.
- d. **California Environmental Quality Act (CEQA):** Projects permitted under RGP 41 shall comply with CEQA.
- e. **California Endangered Species Act:** The discharge shall not result in the taking of any State endangered species, threatened species, or candidate species, or the habitat of any such species unless the activity is authorized by the California Department of Fish and Wildlife pursuant to a permit, memorandum of understanding, or other document or program in accordance with Fish and Game Code sections 2081, 2081.1, or 2086.
- f. **Pollution:** The discharge shall not cause pollution, contamination, or nuisance as defined in California Code Section 13050.
- g. **Cumulative Impact:** The discharge by itself or in combination with other discharges shall not have a significant cumulative effect or degrade water quality or beneficial uses.
- h. **Channel Destabilization:** The Discharge shall not directly or indirectly destabilize the channel or bed of receiving water.
- i. **Toxic Substances:** The discharge shall not include substances in concentrations toxic to human, plant, animal or aquatic life or produce detrimental physiological responses.
- j. **Hazardous substances:** The discharge shall not include waste classified a “hazardous” or “designated waste” as defined in Title 22 CCRs section 66261 and California Water Code Section 13173.

For additional information please call Emma Ross of my staff at (805) 350-4157 or via e-mail at [emma.b.ross@usace.army.mil](mailto:emma.b.ross@usace.army.mil). This public notice is issued by the Chief, Regulatory Division.



*Regulatory Program Goals:*

- To provide strong protection of the nation's aquatic environment, including wetlands.
- To ensure the Corps provides the regulated public with fair and reasonable decisions.
- To enhance the efficiency of the Corps' administration of its regulatory program.

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