PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS
LOS ANGELES DISTRICT

BUILDING STRONG®

APPLICATION FOR RENEWAL of REGIONAL GENERAL PERMIT NO. 86
City of Vista Storm Water Conveyance System Maintenance

Public Notice/Application No.: SPL-2008-00974-DJH
Project Name: City of Vista Storm Water Conveyance System Maintenance Project
Comment Period: August 22, 2014 through September 21, 2014
Project Manager: Debra Henry; 760-602-4841; Debra.J.Henry@usace.army.mil

Applicant
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Location

The proposed project activities would be located throughout Sections 7, 8, 12, 17-21, 25, 26, 29, and 30, within Township 11 South, Range 4 West of the San Luis Rey and San Marcos Quadrangles, as shown in Figure 1. The proposed work sites are existing drainage, stormwater conveyance systems, and drainage structures located throughout the City of Vista, County of San Diego, California within the San Luis Rey River, Loma Alta Creek, Buena Vista Creek, and Agua Hedionda Creek watersheds, Latitude 33.20102, Longitude -117.23171(Figures 1 and 2).

Activity

The proposed activity is the renewal of a Regional General Permit No. 86 (RGP 86) for impacts to waters of the U.S. associated with the City of Vista's (City) channel maintenance activities. The proposed work is routine maintenance to facilitate drainage through existing stormwater drainage conveyance systems in the City. Maintenance activities include removal of debris, sediment, and vegetation that obstruct storm flows. Additional activities would include repairing damaged structures such as riprap aprons, asphalt or concrete spillways, or collapsed culverts, which, if left in the current state of disrepair, pose a hazard to the culvert they are meant to support.

Interested parties are hereby notified that an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawings. Interested parties are invited to provide their views on the proposed work, which will become a 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. Comments should be mailed to:

LOS ANGELES DISTRICT, CORPS OF ENGINEERS
CARSLBAD FIELD OFFICE
5900 LA PLACE CT., SUITE 100
CARLSBAD, CALIFORNIA 92008

Alternatively, comments can be sent electronically to: Debra.J.Henry@usace.army.mil.

The mission of the U.S. Army Corps of Engineers (Corps) 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 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps 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 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 that 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 Water 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 prior to permit issuance. Applicant received water quality certification for the City of Vista Storm Water Conveyance System Maintenance projects to extend the Water Quality Certification until March 26, 2019.

Coastal Zone Management- This project is located outside the coastal zone and preliminary review indicates that it will not affect coastal zone resources. A final determination of whether this project affects coastal zone resources will be made by the Corps, in consultation with the California Coastal Commission, after review of the comments received on this Public Notice.

Cultural Resources- All sediments proposed for removal have accreted as a result of stormwater and flood flow buildup since the structures were built and maintenance was last performed. No excavations are proposed that would remove sediment below initial constructed channel conditions. Sediment would only be dug out to the elevation of the water control structure invert; therefore, the nature of the proposed activity is such that no new excavations would occur. None of the maintained structures are of historic nature and none of the existing structures are to be altered by the maintenance removal of accumulated sediments. Based on this information, preliminary determinations indicate that the proposed activity would not impact historic properties listed or suitable for listing under the National Historic Preservation Act. This review constitutes the extent of cultural resources investigations by the District Engineer, and she is otherwise unaware of the presence of such resources.

Endangered Species- Preliminary determinations indicate that the proposed activity would not affect federally-listed endangered or threatened species, or their critical habitat. Therefore, formal consultation under Section 7 of the Endangered Species Act does not appear to be required at this time.

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

The proposed activity is the creation of a Regional General Permit (RGP) for impacts to waters of the U.S. associated with the City's maintenance activities. The proposed work is routine

maintenance to facilitate drainage through existing stormwater drainage conveyance systems in the City. Maintenance activities include removal of debris, sediment, and vegetation that obstruct storm flows. The material to be removed principally consists of vegetation and debris trapped in drainages upstream, within, and at the downstream end of structure inlets. Sediment accumulation as a result of slowed flow rates through structures is also to be removed. The material removal at any given maintenance site is anticipated to require less than one day to accomplish. As a result, no staging or material storage areas are required. Material removal is expected to be accomplished by hand crews or small equipment such as a backhoe or grade all. Removed vegetation, debris and sediment will be hauled away by truck immediately following work. Where sediment removal is proposed in areas of flowing water, a downstream silt fence will be placed around the work area while sediment removal is undertaken. Upon completion of the work, the silt fence and any trapped sediments will be removed. Additional activities would include repairing damaged structures such as riprap aprons, asphalt or concrete spillways, or collapsed culverts, which, if left in the current state of disrepair, pose a hazard to the culvert they are meant to support.

The proposed activity would result in an estimated total of 0.43 acre of impacts to waters of the U.S. at approximately 32 locations spread throughout the City with recurrent disturbance of the same areas anticipated to occur as dictated by maintenance needs (see attached figures and Table 1).

Most of the identified work that would impact jurisdictional waters would involve excavation and removal of accumulated sediment that has been deposited around and within drainage structures. Maintenance would be the removal of sediment back to as-built design elevations (invert elevations for drainage structures). This would typically require the removal of 12-24 inches of sediment depth from in and around drainage structures. Two longer flood control channels would also be cleaned. In the two flood control channels, accreted sediments have reached a depth of up to 4 feet, trailing off to approximately 1 foot in depth.

Typically, the linear distance of channel through which accumulated sediment is to be removed extends approximately 20 feet upstream or downstream from structures. The exceptions to this condition are sediment accretions in the flood control channel sites (Sites #29 and #30), which extend approximately 300 feet and 150 feet in length.

For all work sites except Sites #29 and #30, the average per site sediment removal is anticipated to be approximately 6.3 cubic yards (cy) per year with a cumulative total of 195 cy per year. Sites #29 and #30 are anticipated to require a baseline removal of 1,530 cy with subsequent removals of not more than 20% of that volume accumulating and being removed annually or biannually as needed. Based on these expectations, the program would involve a onetime removal of approximately 1,725 cy of accumulated sediment that is associated with annual loading around structures and deferred maintenance within depositional storm channel reaches. Following this removal annual removal of sediment is anticipated to total not more than 500 cy of sediment annually under normal sedimentation years and up to 20% more during high rainfall years where significant watershed erosion fills channels more quickly. As a result, the maintenance program would support maximum sediment removals of 1,725 cy for the first cleaning event at maintenance sites and a subsequent limit of not more than 600 cy of material annually thereafter. Sediment removal would occur at identified sites and as yet undetermined similar sites, as needed. As such, it is not anticipated that this maximum removal volume would be regularly met during a given year.

The RGP would apply to activities with impacts that are considered to be minimal, both individually and cumulatively. Expansion, extension, or new construction not associated with standard maintenance activities is outside the scope of this RGP. Projects not covered by the

RGP would be evaluated on a case-by-case basis.

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. The basic project purpose for the proposed project is stormwater channel maintenance. The project is 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 for the proposed project is to perform routine stormwater channel and structure maintenance activities within the vicinity of the City of Vista.

Additional Project Information

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 applicant's proposed mitigation sequence (avoidance/minimization/compensation), as applied to the proposed project is summarized below:

Avoidance: A system of protocols would be implemented to avoid impacts to environmental resources to the maximum extent possible. To the extent feasible, no work would be completed during the riparian bird breeding season during each year (Jan 15 to August 31). If removal of vegetation that may support active nests is necessary during the breeding season, a qualified biologist shall conduct a pre-activity survey to determine the presence or absence of nesting birds within the work area. If nesting birds are detected by the biologist, the following measures shall be applied: 1) no work shall remove an active nest of a migratory bird, 2) no work shall occur where the work may result in a take of state or federally-listed species, and 3) no work shall occur where the activities may result in nest abandonment by a fully-protected raptor species.

In most instances, the only maintenance activities necessary are trimming/removing vegetation overhanging the culvert that is or may become a potential blockage, removing vegetative debris and accreted sediment, which ultimately impedes the function of the stormwater conveyance and flood control system, and/or repairing damaged structures such as riprap aprons, asphalt or concrete spillways, or collapsed culverts, which, if left in the current state of disrepair, pose a hazard to the culvert they are meant to support. Removal of accreted sediment will not occur in any portion of the channel beyond that which is described in Table 1. In most cases, the total area of accreted sediment proposed for removal does not extend more than 20 feet upstream or downstream out from the culvert. All trimming/removal of vegetation and debris that can be done by hand will be performed in this manner. Equipment access to remove accreted sediment from the channels will not exceed that which is necessary to perform the work. This generally means that the equipment will operate from outside of the channels and will remove sediment by extending a bucket out to extract accumulated sediment. Channel width will not be increased as a result of sediment removal, and channel elevations will not be excavated below as-built conditions necessary to restore

the original function and capacity of the system. Absent the removal of blockage a greater amount of flooding and bank scour occurs, causing erosion and transport of sediment to downstream areas.

Minimization: The material removal at any given maintenance site is generally anticipated to require less than one day to accomplish. As a result, no staging or material storage areas are required within jurisdictional areas. Material removal is expected to be accomplished by hand crews or small equipment such as a backhoe or grade-all. Removed vegetation, debris and sediment will be hauled away by truck immediately following work. Because of the small work areas and short duration of work, water quality controls will be incorporated in the immediate area of work. Where sediment removal is proposed, a downstream silt fence will be placed around the work area while sediment removal is undertaken. Upon completion of the work, the silt fence and any trapped sediments will be removed.

Compensation: Compensatory mitigation for the program as originally permitted has been implemented and is currently in the fifth year of maintenance and monitoring. Additional mitigation may be required.

Proposed Special Conditions

None are proposed at this time.

For additional information please call Debra Henry of my staff at 760-602-4841 or via e-mail at Debra.J.Henry@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.

DEPARTMENT OF THE ARMY
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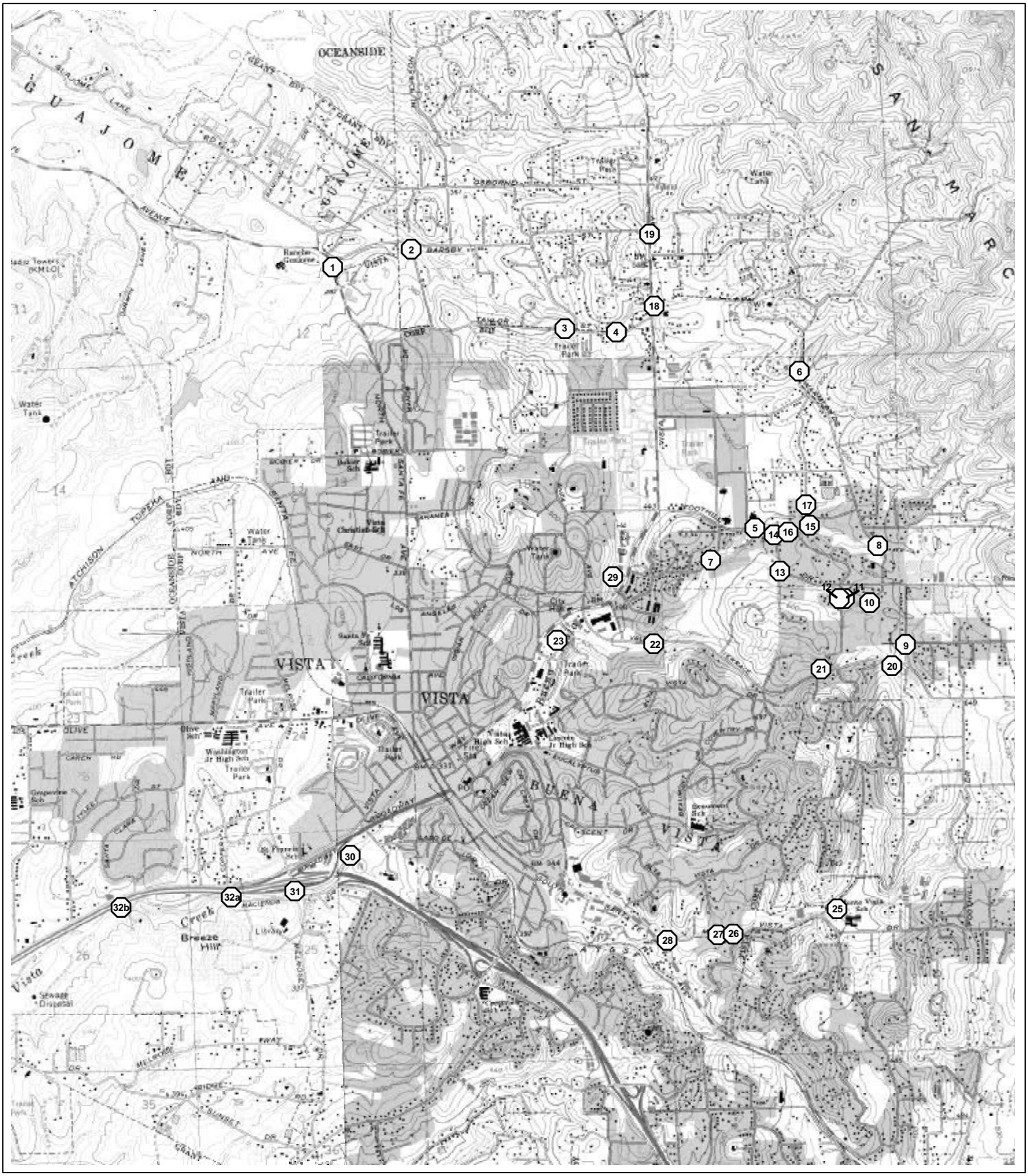

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1" = 3000'

Project Vicinity Map

City of Vista Storm Water Conveyance Structure Maintenance Project

Source: USGS 7.5' San Luis Rey & San Marcos, CA Quadrangles

Figure 1