

PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS
LOS ANGELES DISTRICT

BUILDING STRONG®

APPLICATION FOR PERMIT City of Vista Channel Maintenance RGP

Public Notice/Application No.: SPL-2014-00733-MBS

Project: Regional General Permit for the City of Vista Channel Maintenance

Comment Period: September 17, 2020 through October 17, 2020

Project Manager: Max Roseman; Email: Max.E.Roseman@usace.army.mil Phone: (760)583-3770

Applicant

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Contact

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Location

The proposed channel maintenance sites for the City of Vista's (city) regional General permit (RGP) are located at various locations through the city of Vista San Diego County, California. Figure 2 provides an overview of the maintenance site five locations.

Activity

The proposed Regional General Permit (RGP) would authorize the discharge of fill material into Waters of the United States for the purpose of conducting specific activities associated with the maintenance of five flood control channels located in the city of Vista. Specific activities include the routine mechanical removal of sediment, debris, and vegetation within specific facility locations (see attached figure 2). For more information see Additional Project Information section below.

Submittal of Public Comments

Interested parties are hereby notified an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawing(s). We invite you to review today's public notice and provide views on the proposed work. 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.

During the Coronavirus Health Emergency, Regulatory Program staff are teleworking. Please do not mail hard copy documents, including comments to any Regulatory staff. Instead, your comments should be submitted electronically to: Max.E.Roseman@usace.army.mil. Should you have any questions or concerns about the Corps' proposed action or our comment period, you may contact Max Roseman directly at 760-583-3770.

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 Water Act, from the California Regional Water Quality Control Board. Section 401 requires any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers prior to permit issuance.

Coastal Zone Management- This project is located outside the coastal zone and preliminary review indicates it would not affect coastal zone resources. After a review of the comments received on this public notice and in consultation with the California Coastal Commission, the Corps will make a final determination of whether this project affects coastal zone resources after review of the comments received on this Public Notice.

Essential Fish Habitat- No Essential Fish Habitat (EFH), as defined by the Magnuson-Stevens Fishery Conservation and Management Act, occurs within the project area and no EFH is affected by the proposed project.

Cultural Resources- A preliminary determination indicates the proposed activity would have little likelihood to effect historic properties. Pursuant to 33 CFR 325 App. C (3)(b)(1) the area has been extensively modified by previous work. In such areas historic properties may have at one time existed within the permit area is presumed to have been lost unless specific information indicates the presence of such a property. The proposed work would occur within the limits of the previously disturbed maintenance channels.

Endangered Species- Preliminary determinations indicate 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

This Regional General Permit (RGP) proposes to authorize the temporary discharge of fill material into Waters of the United States to conducting specific associated with maintenance of 5 flood control channel facilities within the city of Vista. Specific activities include the mechanical removal of sediment, vegetation and debris. No loss of waters would occur.

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). Because no fills are proposed within special aquatic sites, identification of the basic project purpose is not necessary. The basic project purpose for the proposed project is flood control. 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 maintain the existing channel facilities in order to maintain the effectiveness of the city of Vista's Channel Maintenance Facilities.

Additional Project Information

Baseline information- The channel maintenance work activities RGP includes work throughout the City of Vista within channel maintenance facilities as shown on figure 2. Channel maintenance facilities include earthen streams and stormwater channels. In most cases, these facilities were existing naturally and/or designed and installed concurrently with land development of the area.

Project description- The purpose of this RGP is to authorize the temporary discharge of fill material associated with routine maintenance activities. Routine maintenance activities include the direct removal of accumulated sediment, debris, and vegetation. See table 1 for a list of proposed activities that may result in a discharge of fill material into waters of the U.S. Work activities would include maintenance at 5 locations of the 42 previously authorized channels.

Table 1. Proposed Covered Activities that May Result in a Discharge of Dredge or Fill Material into Waters of the U.S.

Activities	Activity Description	Loss of Function	Loss of Area
Sediment/ Debris Removal	Mechanized vegetation removal with equipment operated within jurisdictional waters.	Potential temporary loss of function only.	This RGP does not authorize the discharge of dredge or fill materials associated with activities that would result in a loss of waters of the U.S.
Vegetation removal	Mechanized vegetation removal with equipment operated within jurisdictional waters.	Potential temporary loss of function only.	

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: Channel maintenance would avoid impact to waters of the U.S. to the maximum extent perceptible. Site specific avoidance measures would be determined on a case by case basis.

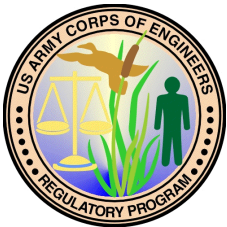
Minimization: Channel maintenance activities would minimize impacts to waters of the United States to the maximum extent practicable when avoidance is not possible. Site specific minimization measures would be determined by a case by case basis.

Compensation: In cases where impacts to waters are more than minimal, compensatory mitigation would be required. Any compensatory mitigation that is required to off-set impacts to waters of the U.S. would comply with the 2008 mitigation rule.

Proposed Special Conditions

Special conditions may be added to a Department of the Army permit when such conditions are necessary to satisfy legal requirements or to otherwise satisfy the public interest requirement. The need for permit special conditions would be considered during permit evaluation period. Any resulting permit special condition would be directly related to the impacts of the proposal, appropriate to the scope and degree of those impacts, and reasonable enforceable

For additional information please call Max Roseman of my staff at 780-583-3770 or via e-mail at Max.E.Roseman@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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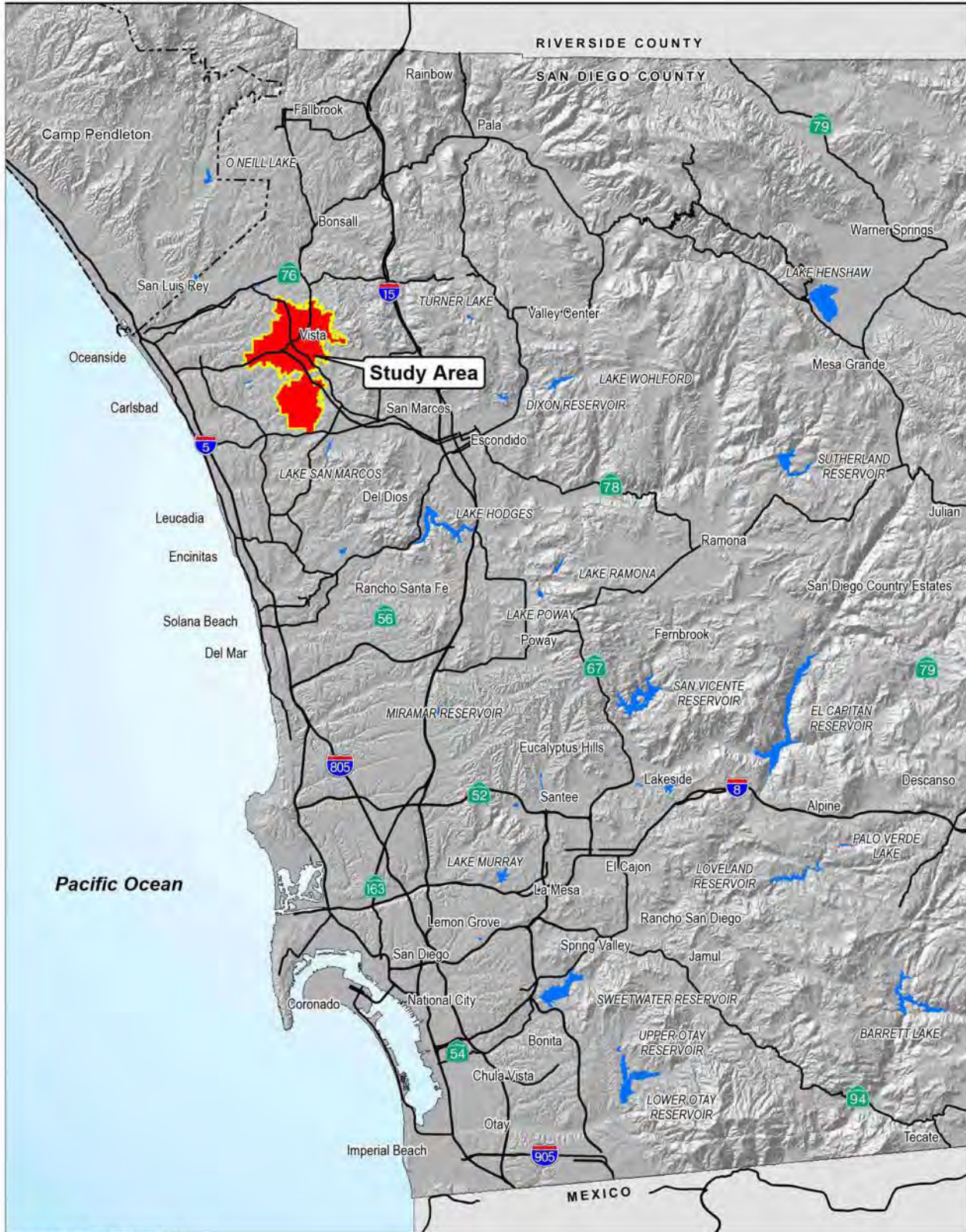


Figure 1
Regional Location Map

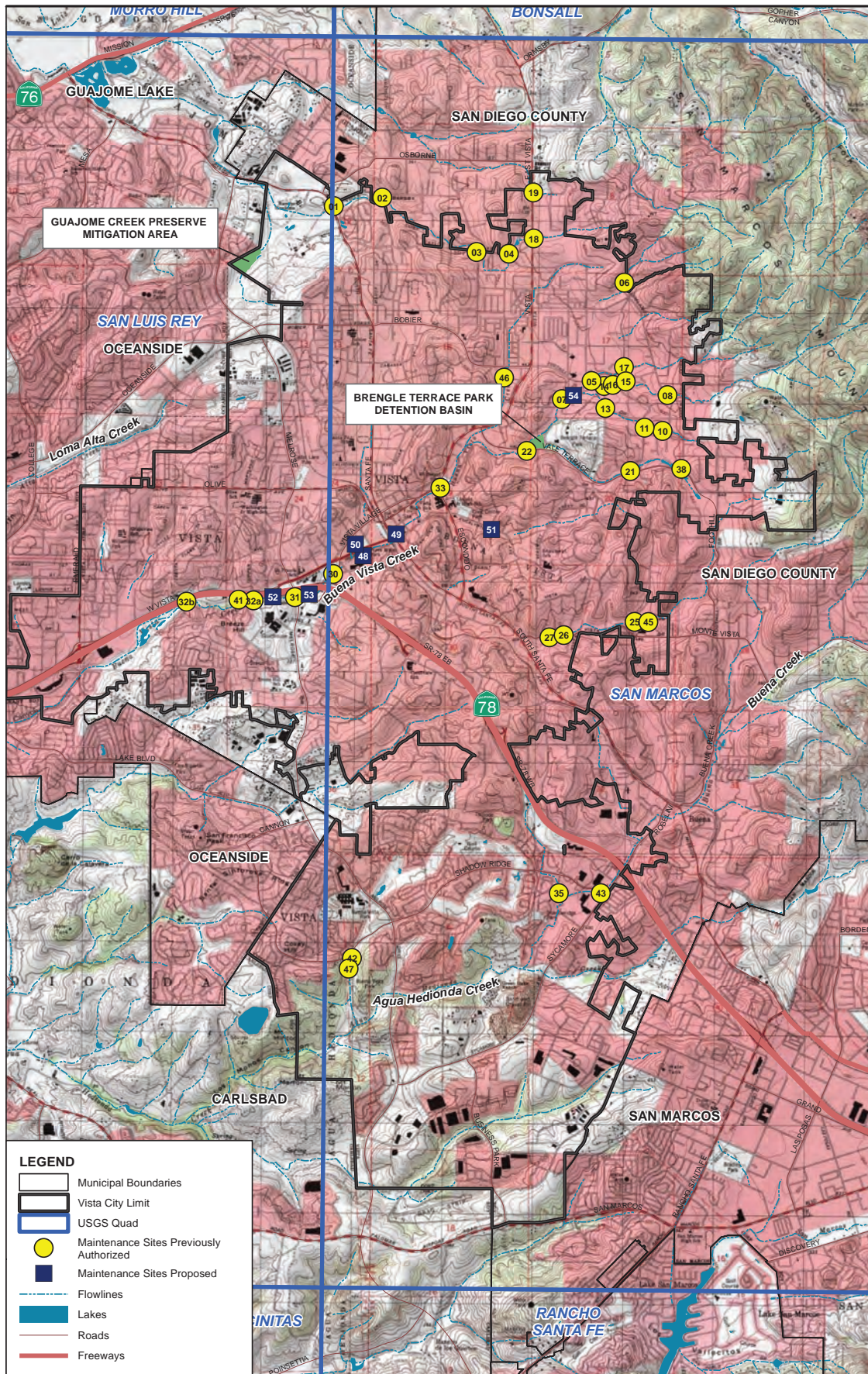


Figure 2
Study Area Vicinity