



PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS
LOS ANGELES DISTRICT

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APPLICATION FOR REISSUANCE OF REGIONAL GENERAL PERMIT (RGP) NO. 80 ROUTINE MAINTENANCE ACTIVITIES CITY OF SANTA MARIA

Public Notice/Application No.: SPL-2015-00191-CLH

Comment Period: March 30, 2015-April 30, 2015

Project Manager: Crystal L.M. Huerta (805) 585-2143 crystal.huerta@usace.army.mil

Applicant

Shannon Sweeney
City of Santa Maria
2065 East Main Street
Santa Maria, California 93458

Contact

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Sage Institute, Inc.
2801 Towngate Road, Suite 213
Westlake Village, California 91361

Location

The proposed project is located in various waters of the United States throughout the city of Santa Maria, Santa Barbara County, California.

Activity: The proposed regional general permit would authorize routine maintenance activities that would include: vegetation management and weed control (both mechanical and chemical methods); clearing vegetation for maintaining design conveyance and capacity for storm flows around inlets and outlets; clearing, dredging, excavating accumulated soil and sediment in basins, ditches, and around structures to maintain design conveyance and capacity for storm water flows; grading and contouring existing ditches and basins to maintain design conveyance and capacity for storm water flows; maintenance, repair, modification, and replacement of inlet and outlet structures, culverts, storm water pipes, cross gutters, and/or other facilities as needed; vector control and management including, but not limited to BTi and liquid garlic products; debris removal from basins, ditches, and around inlets and outlets; installation of dry wells and infiltration structures within appropriate collection basins to increase infiltration; landscaping with non-native plants in urban and recreational park settings; native plant installation for the creation of forebays and vegetated basins (riparian and emergent vegetation) for water quality benefits and habitat enhancement where feasible to maintain conveyance and capacity of facilities.

Discharges of fill for new construction in waters of the U.S., beyond established maintenance limits, or that would adversely affect threatened or endangered species or result in destruction or adverse modification of critical habitat, or adversely affect cultural resources, and activities taken in response to emergencies are not considered routine maintenance, and would not be covered under

this RGP; these actions may be authorized under other permit types. RGP No. 80 has previously been issued under the Corps File No. SPL-2009-00434-CLH. For more information see page 3 of this notice.

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 a part of the record and will be considered in the decision. This permit will be issued or denied under Section 404 of the Clean Water Act (33 U.S.C. 403) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C.). Comments should be mailed to:

U.S. Army Corps of Engineers, Los Angeles District
Regulatory Division-Ventura Field Office
ATTN: CESPL-RG-2015-00191-CLH
2151 Alessandro Drive, Suite 110
Ventura, California 93001

Alternatively, comments can be sent electronically to: crystal.huerta@usace.army.mil.

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 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 that an environmental impact statement is not required for the proposed issuance of this permit.

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 of Engineers prior to permit issuance. The applicant received a 401 certification for RGP 80 in the past. The City applied for a 401 Certification extension from the Central Coast Regional Water Quality Control Board in March 2015.

Coastal Zone Management - This project is located outside the coastal zone and preliminary review indicates that 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 whether this project affects coastal zone resources.

Essential Fish Habitat - Essential Fish Habitat (EFH), as defined by the Magnuson-Stevens Fishery Conservation and Management Act, does not occur within the project area.

Cultural Resources –The District Engineer will consult the latest version of the National Register of Historic Places. It is not anticipated that cultural resources will be found in the proposed drainage facilities due to the dynamic nature of the channel substratum and past construction and maintenance activities.

Endangered Species – The United States Fish and Wildlife Service issued a programmatic biological opinion (PBO no. 8-8-10-F-4) on February 3, 2010 addressing impacts to the California red-legged frog (CRLF, *Rana draytonii*) as well as critical habitat for CRLF resulting from activities authorized by RGP 80. Additionally the PBO addresses the drainage maintenance activities on the federally endangered California tiger salamander (*Ambystoma californiense*). The Corps has made a preliminary determination that reinitiation of formal consultation pursuant to 50 CFR 402.16 is not required but plan to enter into informal consultation with the United States Fish and Wildlife Service to ensure compliance with the Section 7 of the Endangered Species Act.

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 a public hearing shall state with particularity the reasons for holding a public hearing.

Proposed Activity for Which a Permit is Required- A regional general permit (RGP) is proposed for routine flood control maintenance activities that result in a discharge of dredged or fill material into waters of the United States such as rivers, streams, creeks, and earthen ditches conveying natural flow except as specified below. Maintenance Activities in the following drainages are proposed to be included in this authorization of this RGP:

- Sonya Drainage Ditch: Modify outlet, remove vegetation, sediment, and debris around city and county outfalls, and ditch
- Cherrywood Basin: Vegetation management, sediment removal, recontouring, revegetation with native plants for compensatory mitigation;
- Battles Road Surface Drainage Ditch: Vegetation clearing and debris/sediment removal;
- Inger Drive Park Basin: sediment and debris removal;
- Pacific Crest Basin: Vegetation clearing and debris/sediment removal;
- Jones Ditch: Vegetation clearing and debris/sediment removal, recontouring;
- Bradley Drainage ditch: Inlet culvert debris removal, repair, and/or replacement;
- Battles Ditch: Vegetation clearing and debris/sediment removal, recontouring;
- Cooley Lane Drainage Ditch: Vegetation management, sediment and debris removal;
- Stowell Drainage Ditch: Vegetation clearing and debris/sediment removal, recontouring;
- La Brea Drainage Ditch: Vegetation clearing and debris/sediment removal, recontouring;
- Santa Maria River Drainage Ditch and Outfall: Vegetation management and debris/sediment Removal;

- Foster/Blosser Culvert: Maintenance, debris removal;
- General detention basin soil aeration, removal of aeration soil pugs, sod replacement, seeding (mostly in conjunctive multi-use turf recreation field context).

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 flood control, which is considered a water dependent activity.

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 provide an efficient process for review and approval of routine flood control maintenance activities in various waters of the United States in the city of Santa Maria, Santa Barbara County.

Mitigation Proposed by the Applicant: Alternative project design or methods to meet the overall purpose would be examined by the applicant prior to performing each proposed activity. The City must conduct routine maintenance in a manner that minimizes environmental degradation to the maximum extent practicable. As a result, only projects with designs and methods meeting the requirements would likely trigger annual notification and review under the RGP. The Corps would verify on a case-by-case basis that the activities proposed for authorization under this RGP would result in minimal individual and cumulative impacts to aquatic resources. Where warranted the City would be required to stabilize all disturbed soils (i.e. bioremediation, revegetation). All temporarily impacted areas would be required to be returned to pre-project conditions. Because the proposed routine maintenance activities are generally temporary and minor in scope, the City's standard maintenance practices and proposed mitigation measures, in concert with the special conditions imposed by the Corps, would ensure that adverse impacts are minimal individually and cumulatively. The project summary reports required by the Corps ensure the ability to track annual impacts and modify the proposed RGP as needed to ensure minimal impacts.

Proposed Special Conditions

1. This RGP expires *five years from date of issuance*. Based on an ongoing evaluation of the general permit, the Corps maintains the discretion to reissue, modify, rescind, or exclude certain activities or areas from authorization by this RGP.
2. The Permittee shall submit an Annual Maintenance Report submitted to the Corps by May 1 of each year that will include: a written description of the work to be performed for that year, maintenance methodology, time of year work would occur, which drainages are proposed for maintenance activities, results of surveys for sensitive biological resources, a description of impacts to biological resources likely to result from the proposed work, measures to be implemented to minimize effects to the California red-legged frog (CRLF) and California tiger salamander (CTS), a description of the proposed mitigation measures designed to reduce impacts to aquatic resources, and proposed restoration measures to address unavoidable impacts. In addition, the Annual Report shall include a 7.5-minute topographic map or copy of the topographic map that depicts the locations of the proposed projects, any credentials of biologists who will conduct surveys, monitor, and handle CRLF and CTS should also be included in this annual report
3. No work in waters of the U.S. is authorized for any single project until the Corps has provided a signed notice to proceed (NTP).

4. Whenever possible, work areas shall be staked, flagged, or fenced to limit construction impacts outside of the work area.
5. The Permittee shall implement all mitigation measures identified for each project in the Annual Routine Maintenance Report.
6. Where a project involves manipulation of a stream bank, the Permittee shall conduct a Phase I cultural resource survey.
7. Pursuant to 36 C.F.R. section 800.13, in the event of any discoveries during construction of either human remains, archeological deposits, or any other type of historic property, the Permittee shall notify the Regulatory Project Manager (Crystal Huerta at 805.585.2143) and the Corps' Archeology staff within 24 hours (John Killeen at 213.452.3861). The Permittee shall not resume construction in the area surrounding the cultural resources until the Corps Regulatory Division re-authorizes project construction, per 36 C.F.R. Section 800.13.
8. No project authorized by this regional general permit shall significantly disrupt the movement of aquatic species indigenous to the waterway, including migrating species.
9. Heavy equipment working in wetlands must be placed on mats, or other measures must be taken to minimize soil disturbance.
10. No discharges shall occur in the proximity of a public water supply intake except where the discharge is for the repair of adjacent bank stabilization.
11. No discharge of fill material may consist of unsuitable material (e.g., trash, debris, car bodies, etc.) and material discharged must be free of pollutants in toxic amounts (see Section 307 of the Clean Water Act).
12. Discharges of fill material must be avoided and minimized to the maximum extent practicable.
13. No discharges shall occur in spawning areas during spawning seasons.
14. To the maximum extent practicable, discharges must not be permanently restrict or impede the passage of normal or expected high flows or cause relocation of water.
15. Authorization under this regional general permit does not obviate the need to obtain other Federal, State or local authorizations, nor does it grant any property rights or exclusive privileges or injury to the property or rights of others.
16. Additional project-specific special conditions may be added to each individual approval as necessary to minimize individual and cumulative impacts to aquatic resources.
17. The District Engineer reserves the right to invoke discretionary authority to require processing of a standard individual permit on a case-by-case basis as defined in 33 CFR Part 330.4(e).
18. Upon request by the Permittee and approval by the Corps, additional waterways may be added to the list of creeks to be maintained through this regional general permit after notice to applicable regulatory agencies and consideration of their comments.

For additional information, please call Crystal L. M. Huerta of my staff at 805-585-2143 or via e-mail at crystal.huerta@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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Ventura Field Office
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