



**US Army Corps
of Engineers®**

PUBLIC NOTICE

Applicant:
City of San Diego Transportation &
Stormwater

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Expires: **November 19, 2025**

**Los Angeles District
Permit Application No. SPL-2018-00652**

TO WHOM IT MAY CONCERN: The Los Angeles District of the U.S. Army Corps of Engineers (Corps) has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403). The purpose of this public notice is to solicit comments from the public regarding the work described below:

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San Diego, California 92105

AGENT: Philip Lizzi
City of San Diego Stormwater Department
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WATERWAY AND LOCATION: The project would affect waters of the United States and/or navigable waters of the United States throughout 8 watersheds (6 Watershed Management Areas; 7 Hydrologic Units) within approximately 101 various stormwater management facilities and channels maintained by the City of San Diego Stormwater Department (SWD) within the city of San Diego, San Diego County, California (Figure 3).

EXISTING CONDITIONS: The Regional General Permit (RGP) would include maintenance work throughout the City of San Diego within various stormwater facilities. These facilities include a network of storm drainpipes, culverts, outlet and inlet structures (e.g., headwalls), detention basins, ditches, and channels. In most cases, these facilities either existed naturally or were designed and installed concurrently with land development in the area. In several locations, no previous design or as-built plans for the facilities exist. At these locations, stormwater is generally conveyed between a storm drain outlet and another storm drain inlet or receiving water via undeveloped land that often forms a natural channel or drainage pattern.

PROJECT PURPOSE:

Basic: 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 for the proposed project is to maintain existing stormwater infrastructure. The project is not water dependent.

Overall: 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 RGP is to perform routine maintenance activities to maintain flood control capacity, ensure public safety, and support the long-term functionality of municipal stormwater infrastructure throughout the greater San Diego area.

PROPOSED WORK: The Corps originally issued RGP 102 on June 24, 2021, and it is set to expire on June 17, 2026. The proposed renewal of RGP 102 would reauthorize activities under the RGP for an additional five-year period.

The RGP would authorize the discharges of dredged and/or fill material into waters of the U.S. associated with maintenance of approximately 101 existing City of San Diego operated stormwater facilities within greater San Diego. This RGP would cover activities that result in a discharge of dredged or fill materials associated with routine maintenance activities including direct removal or management of vegetation, grading to support both flood control capacity, the establishment of temporary staging and stockpile areas, ground-disturbing activities to remove accumulated sediment within facilities, concrete repair, bank repair, fill and/or dredge activities, temporary access/loading areas, flow diversions, and post-maintenance erosion control measures. See Table 1 for more details.

Table 1. Municipal Waterways Maintenance Plan- Facility Management Plan Activities that May Result in a Discharge of Dredged or Fill Material into Waters of the U.S.

Activities	Activity Description	Loss of Function
Vegetation Management	Discharges of dredged or fill material into Waters of the U.S. in association with mechanized vegetation removal	Authorized "Vegetation Management" activities are limited to those activities that may result in Temporary Impacts to aquatic resource functions. "Vegetation Management" activities which may result in permanent losses of aquatic resource function are not authorized by this RGP.

Activities	Activity Description	Loss of Function
Invasive Plant Species Management	Discharges of dredged or fill material into Waters of the U.S. in association with mechanized vegetation removal	Authorized "Invasive Plant Species Management" activities are limited to those activities that may result in Temporary Impacts to aquatic resource functions.
Sediment/Debris Removal	Discharges of dredged or fill material into Waters of the U.S. in association with mechanized sediment/debris removal	Authorized "Sediment/Debris Removal" activities are limited to those activities that may result in Temporary Impacts to aquatic resource functions. Sediment/Debris Removal activities that result in permanent losses of aquatic resource function are not authorized by this RGP..
Structural and/or Debris/Trash-Fence Clearing and/or Repair	Discharges of dredge fill material into Waters of the U.S. in association with mechanized sediment/debris removal	Authorized "Structural and/or Debris/Trash-Fence Clearing and/or Repair" activities are limited to those activities that may result in Temporary Impacts to aquatic resource Functions authorized by this RGP.
Culvert Clearing	Discharges of fill material into Waters of the U.S. in association with hand and/or vactor truck removal from within culvert structure	Authorized "Culvert Clearing" activities are limited to those activities that may result in Temporary Impacts to aquatic resource functions. Culvert Clearing activities which may result in permanent losses of aquatic resource function are not authorized by this RGP.
Concrete Repair	Discharges of fill material into Waters of the U.S. in association with repairing concrete infrastructure.	Authorized "Concrete Repair" activities are limited to those activities that will not result in any temporary or permanent impacts or losses to aquatic resource functions.
Bank Repair	Discharges of fill material into Waters of the U.S. in association with the placement of riprap or other stabilization materials or mechanized grading	Potential permanent and/or temporary loss of function
Access/Loading	Discharges of fill material into Waters of the U.S. in association with construction of temporary access ramps or loading pads by grading or placement of fill material	Authorized "Access/Loading" activities are limited to those activities that may result in Temporary Impacts to aquatic resource functions. "Access/Loading" activities which may result in permanent losses of aquatic resource function are not authorized by this RGP.
Flow Diversion	Discharges of fill material into Waters of the U.S. in association with the placement of sandbags or other diversion structures	Authorized "Flow Diversion" activities are limited to those activities that may result in Temporary Impacts to aquatic resource functions. "Flow Diversion" activities which may result in permanent losses of aquatic

Activities	Activity Description	Loss of Function
		resource function are not authorized by this RGP.
Post-Maintenance Erosion Control	Discharges of fill material into Waters of the U.S. in association with the construction of check dams or installation of channel lining materials	Authorized "Post-Maintenance Erosion Control" activities may include activities which result in permanent and/or temporary loss of aquatic resource function.
Compensatory Mitigation	Discharges of fill material into Waters of the U.S. in association with the construction of compensatory mitigation including floodplain expansion and/or removal/control of invasive species	Authorized "Compensatory Mitigation" activities are limited to those activities that result in a net gain of aquatic resource function and/or area.

AVOIDANCE AND MINIMIZATION: The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: The city would avoid impacts to waters of the United States to the maximum extent practicable and no work authorized under the RGP would exceed the minimum necessary to maintain the stormwater facility. Site specific avoidance measures will be determined on a case-by-case basis.

COMPENSATORY MITIGATION: It is not anticipated that activities authorized under the RGP would result in losses of waters of the U.S. However, in the event that an individual projects authorized under the RGP would result in losses of waters of the United States that are more than minimal, compensatory mitigation will be required prior to the initiation of construction. Any compensatory mitigation that is required to off-set impacts to waters of the U.S. will comply the 2008 mitigation rule.

CULTURAL RESOURCES: The Corps evaluated the undertaking pursuant to Section 106 of the National Historic Preservation Act (NHPA) utilizing its existing program-specific regulations and procedures along with 36 CFR Part 800. The Corps' program-specific procedures include 33 CFR 325, Appendix C, and revised interim guidance issued in 2005 and 2007, respectively. The District Engineer consulted district files and records and the latest published version of the National Register of Historic Places and initially determines that:

Should historic properties (i.e., properties listed in or eligible for inclusion in the National Register of Historic Places) be present within the Corps' permit area, the proposed activity requiring the DA permit (the undertaking) is a type of activity that has no potential to cause an effect to an historic property. However, upon receipt of a pre-construction notification from the applicant, the Corps would review the documentation to confirm whether the activity indeed has no potential to cause effects.

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO and/or THPO, as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps-identified permit area.

ENDANGERED SPECIES: The Corps has performed an initial review of the application materials and determined that the activity may affect federally listed species and their designated critical habitat, specifically the coastal California gnatcatcher (*Polioptila californica californica*) Ridgway's rail (*Rallus obsoletus levipes*), California least tern (*Sternula antillarum browni*) and least Bell's vireo (*Vireo bellii pusillus*). Pursuant to Section 7 of the Endangered Species Act (ESA), the Corps previously completed informal consultation with the U.S. Fish and Wildlife Service (FWS) in accordance with 50 CFR Part 402 on December 16, 2021 (FWS-SDG-20B0083-21I1395). The Corps has determined that reinitiation of consultation is not necessary at this time, as the proposed activities have not changed. As part of the pre-construction notification, the applicant must provide documentation confirming compliance with the existing consultation, including continued adherence to all conservation measures.

This notice serves as a request to the FWS for any additional information on whether any species not previously considered, listed or proposed to be listed as endangered or threatened species, or critical habitat, may be present in the area affected by the proposed activity.

ESSENTIAL FISH HABITAT: Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act 1996, the Corps reviewed the project area, examined information provided by the applicant, and consulted available species information.

The Corps has determined the proposal would have no effect on any Essential Fish Habitat (EFH). The activities do not occur within areas that contain EFH. Therefore, no consultation with the National Marine Fisheries Service on EFH as required by the Magnuson-Stevens Fishery Conservation and Management Act 1996 is required.

NAVIGATION: The proposed structure or activity is not located in the vicinity of a federal navigation channel.

SECTION 408: The applicant will not require permission under Section 14 of the Rivers and Harbors Act of 1899 (33 USC 408) because the activity, in whole or in part, would not alter, occupy, or use a Corps Civil Works project.

WATER QUALITY CERTIFICATION: The applicant is required to obtain a Water Quality Certification from the San Diego Regional Water Quality Control Board (RWQCB). The applicant obtained a Section 401 WQC. From the RWQCB on May 13, 2021 (R9-2021-0115).

NOTE: This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The geographic extent of aquatic resources within the proposed project area that either are, or are presumed to be, within the Corps jurisdiction has not been verified by Corps personnel.

EVALUATION: 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 benefits, 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 cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food, and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act or the criteria established under authority of Section 102(a) of the Marine Protection Research and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

COMMENTS: 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 determination, comments are used to assess impacts to 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 (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The Los Angeles District will receive written comments on the proposed work, as outlined above, until **November 19, 2025**. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Max Roseman at Max.E.Roseman@usace.army.mil.

Please refer to the permit application number in your comments.

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

public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

