



PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS
LOS ANGELES DISTRICT

BUILDING STRONG®

APPLICATION FOR PERMIT Channel Maintenance Work Activities

Public Notice/Application No.: SPL-2019-00709-DSG

Project: Re-Issuance of Regional General Permit for City of Escondido Channel Maintenance Work Activities

Comment Period: March 25, 2020 through April 25, 2020

Project Manager: Daniel Grijalva; (760) 602-4838; Daniel.S.Grijalva@usace.army.mil

Applicant

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Contact

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Location

The proposed channel maintenance sites for the City of Escondido's (City) regional general permit (RGP) are located at various locations throughout the city of Escondido, San Diego County, California. Figure 1 provides an overview of the maintenance site locations while Figure 2 provides a regional reference for the 81 sites.

Activity

The City of Escondido has applied for re-issuance of a Regional General Permit (RGP) that would authorize discharges of dredged and fill materials associated with routine maintenance activities that include: the excavation of accumulated sediment and herbaceous vegetation within concrete channels, earthen streams/creeks, culvert inlets, and outlets; nonnative trees will be removed within specified facility locations; and accumulated sediment and vegetation within a basin will be excavated. For more information see Additional Project Information section below.

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. Comments should be mailed to:

DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS
REGULATORY DIVISION

ATTN: Daniel Grijalva
5900 LA PLACE COURT, SUITE 100
CARLSBAD, CA 92008

Alternatively, comments can be sent electronically to: Daniel.S.Grijalva@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 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.

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- The Corps will initiate consultation with the State Historic Preservation Officer (SHPO) pursuant to Section 106 of the National Historic Preservation Act (NHPA), as needed, to address any potential adverse effects to Historic Properties as a result of the authorization of discharges of fill material into waters of the United States associated with the implementation of the proposed covered activities.

Endangered Species- Previous Section 7 Consultation was completed in 2014 with a finding of not likely to adversely affect species and critical habitat (FWS-SDG-12BO115-14I0169) for the previously authorized 57 locations. The Corps will initiate consultation with the U.S. Fish and Wildlife Service (USFWS) pursuant to Section 7 of the Endangered Species Act (ESA), for the additional locations, to address any potential adverse effects to federally listed species and their designated critical habitat as a result of the authorization of discharges of fill material into waters of the United States associated with the implementation of the proposed covered activities.

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 for the proposed project is flood control. The project is not 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 conducting channel maintenance activities in order to maintain the effectiveness of the city of Escondido’s Channel Maintenance facilities.

Additional Project Information

Baseline information- The Channel Maintenance Work Activities RGP includes work throughout the City of Escondido within channel maintenance facilities as shown in Enclosure 1. Channel Maintenance facilities include a network of earthen streams/creeks and storm water channels, concrete bottom channels, culverts with associated inlets and outlets, and a storm water basin. 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 discharges of fill material associated with Routine Maintenance Activities. Routine Maintenance Activities include direct removal of accumulated sediment and debris within facilities, tree removal, and basin excavation. See Table 1 below for a list of proposed covered activities that may result in a discharge of fill material into waters of the U.S. Work activities include maintenance at 80 locations (57 previously permitted and 23 additional locations).

Table 1. Proposed Covered Activities that May Result in a Discharge of 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 in the jurisdictional waters	Potential temporary loss of function only	This RGP does not authorize discharges of fill materials associated with activities that would result in the loss of waters of the U.S.
Tree Removal	Mechanized vegetation removal with equipment operated in the jurisdictional waters	Potential temporary loss of function only	
Basin Excavation	Mechanized sediment/debris removal with equipment operated in the 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 impacts to waters of the United States to the maximum extent practicable. Site specific avoidance measures will be determine on a case by case basis.

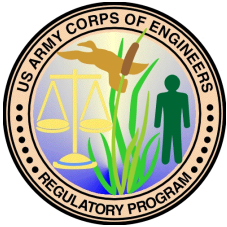
Minimization: Channel Maintenance would minimize impacts to waters of the United States to the maximum extent practicable when avoidance is not possible. Site specific minimization measures will be determine on a case by case basis.

Compensation: In cases where impacts to waters are more than minimal, compensatory mitigation will be required. Any compensatory mitigation that is required to off-set impacts to waters of the U.S. will comply 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 will be considered during permit evaluation period. Any resulting permit special conditions will be directly related to the impacts of the proposal, appropriate to the scope and degree of those impacts, and reasonably enforceable.

For additional information please call Daniel Grijalva of my staff at (760) 602-4838 or via e-mail at Daniel.S.Grijalva@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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CARLSBAD, CA 92008

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