

DEPARTMENT OF THE ARMY PERMIT

Permittee: Bureau of Reclamation; Chris Wallis

Project Name: Regional General Permit 22 (RGP 22) -- Aquatic and Wetland Enhancement Activities, Lower Colorado River (LCR), California (CA) and Arizona (AZ)

Permit Number: SPL-1994-4015400

Issuing Office: Los Angeles District

Note: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description:

To construct structures and/or conduct work in or affecting "navigable waters of the United States" pursuant to Section 10 of the Rivers and Harbors Act of 1899, and to discharge fill into waters of the U.S., pursuant to Section 404 of the Clean Water Act of 1972, in association with the RGP 22- Aquatic and Wetland Enhancement Activities, LCR, CA and AZ Project as shown on the attached drawings.

Specifically, you are authorized to:

1. **DREDGING OF CHANNEL OR BACKWATER WATERWAYS:** Rehabilitation shall be accomplished by dredging of channels in backwaters cut off from the mainstem of the Colorado River by using hydraulic dredges, and/or amphibious or "cookie cutter" excavators. The purpose of this activity is to reestablish meandering channel waterways which feed overgrown and sediment laden lakes and wetlands using mechanical means and/or to create new habitat for wildlife species that inhabit the lower Colorado River. To the extent practicable, channel depths will conform to dimensions which existed when created in the 1960's. Channel depths for newly created habitat areas will be dependent on channel geometry based on river operations and covered species requirements. The dredge spoil shall be placed on older spoil piles unless these are being used as mitigation or for revegetation. If new areas are to be used for the placement of dredge spoil, then the vegetation shall be mapped so that spoil is placed on the lowest value habitat. Berms shall be placed around the spoil piles to prevent increases in turbidity of return water. Cattail habitats having actual; or potential Yuma Ridgeway's rail habitat shall be avoided during dredging operations.

2. CREATION OF CATTAIL WETLAND FRINGE HABITATS: Creation of cattail/bulrush wetland fringe habitats and edges, to include the creation of new backwaters, channels, and wetlands, shall be accomplished by modifying banklines and building islands. Excavation shall be accomplished using ground-based equipment (bulldozers, etc.). The excavated area shall support saturated soil so that wetland vegetation will become established. It shall not be excavated deeper than 6 ft. below the normal surface water elevation in order to accommodate wetland plants. Dredge spoil shall be placed in an upland location on older spoil piles or on lowest quality vegetation. Berms shall be placed around the spoil piles to prevent increases in turbidity of return water.

3. PERMEABLE WATER INLET STRUCTURES AND WATER CONTROL STRUCTURES: Water inlet/outlet structures shall be constructed by either placing boulders or large rocks (permeable structures) in openings of levees, installing culverts (including water control structures), placing a combination of permeable structure with culverts, and/or establishing open inlets/outlets to permit water from the main stem of the Colorado River to flow and circulate through the backwaters. The type of structure to be placed shall be designed to avoid and minimize becoming plugged with sediment and debris. In addition, water control structures may also be used for the same purpose under this RGP where water must be regulated. The placement of these structures shall not create a navigable hazard, impair any existing wetlands, or cause cottonwood, willow or mesquite trees to be removed. Maintenance of structures previously authorized under this RGP is allowable provided it is done to the originally authorized structure specifications.

4. MAINTENANCE DREDGING: Maintenance dredge backwaters previously authorized and dredged under this RGP to originally authorized depths and profiles. Enlarging of backwaters is not authorized under this specific activity of this RGP.

5. REVEGETATION ACTIVITIES: Revegetation activities covered under this RGP are those which occur below the OHWM high water mark or in wetlands. Salt cedar may be removed by mechanical means (i.e. bulldozer), provided it is replaced with native riparian trees. This RGP does not authorize the replacement of cattails by riparian trees. Decadent cattails persisting above the water table where the water surface elevation has dropped since 1983 shall be restored as part of these revegetation activities in cooperation with the FWS Yuma Ridgeway's rail recovery plan. New project areas may be developed as conservation areas for which site-specific restoration development and monitoring plans will be created to include a revegetation plan which complies with the requirements within this authorized activity.

Project Location: In backwaters along the Lower Colorado River (LCR) from Davis Dam (RM 276) in Arizona to San Luis Rio Colorado (RM 0) bordering Sonora, Mexico and Arizona.. Access points to various backwaters located along the LCR are many; see below Interstate exits.

- From Interstate 8: Exit at the 4th Avenue exit in Yuma, AZ to access river to the Mexico/US border and areas above Imperial Dam.
- From Interstate 10: Exit at the Ehrenberg/Parker exit on the AZ side of the river, and Intake Blvd/Hwy 95 exit to access backwater sites downstream and upstream of the Blythe area on the CA side.
- From Interstate 40: Exit at the Golden Shores/Oatman Rd exit on the AZ side of the river, and the J Street exit in Needles, CA for the CA side.

Permit Conditions:**General Conditions:**

1. The time limit for completing the authorized activity ends on June 3, 2027. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification from this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished with the terms and conditions of your permit.
7. You must notify this office as to the dates of commencement (within 10 days prior to the start of construction) and completion of the activity (within 10 days following the end of construction) using the enclosed forms.

Special Conditions:

1. Any permittee who desires to perform activities under this RGP shall notify the Corps at the address below. Public review is not required; however, the permittee shall request written approval from the Corps prior to commencement of any activity

authorized under this RGP by submitting written plans, drawings, ground level photographs of the project area, and any other documents required within these special conditions to the following address:

US Army Corps of Engineers
Regulatory Division, Arizona/Nevada Area Office
3636 N. Central Avenue, Suite 900
Phoenix, Arizona. 85012
Attention: Therese Carpenter, (602)230-6952
Email: anne.t.carpenter@usace.army.mil

The permittee shall provide written plans and drawings to Reclamation for review to ensure proposed projects will not impact the integrity of the Reclamation River Control Structures (e.g. levees and banklines). These plans shall be submitted to:

U.S. Bureau of Reclamation, Yuma Area Office
7301 Calle Agua Salada
Yuma Arizona 85364
Attn: Christopher Wallis, (928) 343-8215
Email: cwallis@usbr.gov

The permittee shall also provide written plans, drawings, and photographs to the FWS and the appropriate state/tribal wildlife agency. The contact phone numbers are provided below:

U.S. Fish and Wildlife Service, (602) 242-0210
Arizona Game and Fish Department, Region III, (928) 692-7700
Arizona Game and Fish Department, Region IV, (928) 342-0091
California Department of Fish and Game, (760) 922-6508
Colorado River Indian Tribes; Planning Department, (928) 669-1358

If any work authorized under this RGP will affect lands owned by the Chemehuevi Indian Tribe, Cocopah Indian Tribe, Fort Mojave Indian Tribe, or Quechan Indian Tribe, please contact the Corps for further information.

Once the permittee has received a letter of concurrence from Reclamation, the FWS, and the appropriate state/tribal agency, he/she shall submit this letter to the Corps *with the application* and other required documentation. Work may not commence until the Corps has issued written approval of the specific project.

2. Any Federal permittee proposing work under this RGP shall complete, on their own, all Section 106 (NHPA) compliance. With the application package submitted to the Corps, the prospective permittee shall provide written concurrence from the SHPO regarding completion of Section 106. For Federal agencies, the SHPO addresses are:

Arizona State Parks
State Historic Preservation Office
1300 W. Washington
Phoenix, Arizona 85007
(602) 542-7141

California Department of Parks/Recreation
State Historic Preservation Office
P.O. Box 942896
Sacramento, California 94296-0001
(916) 445-7050

For Section 106 compliance, any non-Federal permittee shall coordinate all proposed actions with the Corps. The permittee shall notify the Corps regarding all proposed actions early in the planning process to allow completion of the Section 106 process well in advance of the commencement of the proposed undertaking.

3. Any Federal permittee proposing work under this RGP shall complete, on their own, all Section 7 (ESA) compliance. As part of the application package submitted to the Corps, the prospective permittee shall provide documentation of a “no effect” finding or written concurrence from the FWS that Section 7 consultation is complete. For Federal agencies, the FWS address is:

U. S. Fish and Wildlife Service
Arizona Ecological Services Office
2321 W. Royal Palm Road, Suite 103
Phoenix, Arizona 85021-4951
(602) 242-0210

For Section 7 compliance, any non-Federal prospective permittee shall coordinate all proposed actions with the Corps. The permittee shall notify the Corps regarding all proposed actions early in the planning process to allow completion of the Section 7 process well in advance of the commencement of the proposed undertaking.

4. The permittee shall develop and submit with the application package to the Corps a water use budget to demonstrate there will be no increase to the net evaporative surface area of the Colorado River and show the existing water rights are valid. This requirement is waived if the project involves maintenance dredging of a backwater previously authorized under this RGP to previously authorized depths and profiles.
5. The permittee, with the application package, shall identify on a map the locations where dredge spoil is to be placed. The permittee shall demonstrate the least damaging location for dredge spoil placement is chosen. Preferred dredge spoil locations are on existing dredge spoil piles and vegetation having the lowest value habitat. The permittee shall construct berms to surround the dredge spoil sites. These are to be placed above the OHWM to reduce runoff and eliminate impacts caused by turbidity or mixing zones.
6. The permittee, in their application package to the Corps, shall demonstrate avoidance of existing special aquatic sites.

7. The permittee shall submit with the application package a detailed revegetation plan and/or a restoration development and monitoring plan to include location of revegetation, species to be planted, densities of each species, irrigation methods, etc. The permittee shall, annually for five years, provide to the Corps a monitoring report which shall indicate by use of % canopy cover, DBH, or other methodology the vegetation is in a living and growing condition. Survivability requirements are 80%. If the Corps determines revegetation efforts are not successful, the Corps may require modifications to the revegetation plan. Revegetation shall commence within 30 days of completion of the activities authorized by this RGP.
8. Water quality certification shall be obtained by the appropriate agencies as required prior to initiating activities under this permit authority.

ADEQ issued a conditional Section 401 certification for RGP 22, dated April 21, 2022, for activities occurring within the State of Arizona on non-tribal lands.

The California RWQCB has not issued a Section 401 water quality certification for this RGP. Any activity occurring within the State of California will require the permittee to apply and receive a separate Section 401 water quality certification before the Corps can issue a Letter of Verification.

Applications for a Section 401 water quality certification in California shall be sent to the Board at:

California Regional Water Quality Control Board
Colorado River Basin Region
73-720 Fred Waring Drive, Suite 100
Palm Desert, California 92260
Attn: Kai Dunn and/or Logan Raub

EPA has waived Section 401 water quality certification for this general permit on Tribal lands (May 23, 2022).

9. The permittee shall contact the Arizona State Land Department at the following address to determine whether the activity occurs on State sovereign land. If so, the prospective permittee shall be required to obtain a lease or a written statement from that agency that no lease is required:

Arizona State Land Department
1616 West Adams
Phoenix, Arizona 85007
(602) 542-1133

For work on any Tribal lands, the permittee shall obtain approval from the relevant Tribe(s) prior to the commencement of the activity.

10. The permittee shall not dredge between the period of January 1 and June 30 to avoid impacts to endangered fish species during spawning unless the permittee obtains clearances from the FWS and consults with the appropriate state wildlife agency and provides the clearance to the Corps with the application package.
11. The permittee shall maintain the permeable water inlet structures and water control structures after they have been put in place for the life of the project. These structures shall be constructed during or immediately after completion of dredging.
12. This permit shall be valid for 10 years after which time a new RGP shall be issued if Federal, State, and local agencies and the public support its reissuance.
13. This RGP may be modified in the future if: (1) new species become Federally listed or new critical habitat designated which could be adversely affected by the permitted activities or (2) additional information indicates activities permitted under this RGP cause significant environmental impacts.

Further Information:

1. Congressional Authorities. You have been authorized to undertake the activity described above pursuant to:

(X) Section 10 of the River and Harbor Act of 1899 (33 U.S.C. 403).

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

() Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data. The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measure ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a

prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give you favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

CHRISTOPHER
WALLIS

Digitally signed by CHRISTOPHER
WALLIS
Date: 2022.06.10 12:12:06 -07'00'

6/10/22

PERMITTEE

DATE

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

Sallie Diebolt

6/14/22

DATE

ON BEHALF OF:

JULIE A. BALTEN
District Engineer
Colonel, U.S. Army

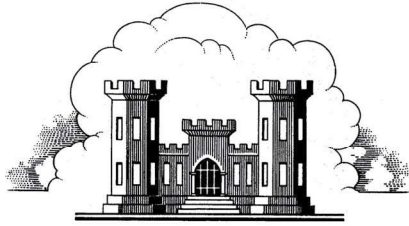
When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

Sallie Diebolt

6/14/22

TRANSFEEEE

DATE



LOS ANGELES DISTRICT
U.S. ARMY CORPS OF ENGINEERS

**NOTIFICATION OF COMMENCEMENT OF WORK
DEPARTMENT OF THE ARMY PERMIT**

Permit Number: *SPL-1994-4015400*
Name of Permittee: *Chris Wallis, Bureau of Reclamation*
Date of Issuance: *June 3, 2022*

Date work in waters of the U.S. will commence: _____

Estimated construction period (in weeks): _____

Name & phone of contractor (if any): _____

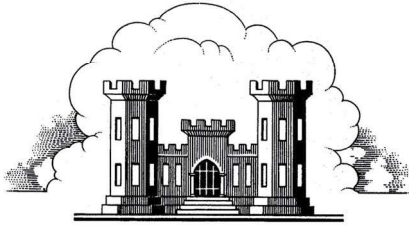
Please note that your permitted activity is subject to a compliance inspection by an Army Corps of Engineers representative. If you fail to comply with this permit you may be subject to permit suspension, modification, or revocation.

I hereby certify that I, and the contractor (if applicable), have read and agree to comply with the terms and conditions of the above referenced permit.

Signature of Permittee

Date

At least ten (10) days prior to the commencement of the activity authorized by this permit, sign this certification and email it to Anne.T.Carpenter@usace.army.mil or splregulatory@usace.army.mil.



LOS ANGELES DISTRICT
U.S. ARMY CORPS OF ENGINEERS

**NOTIFICATION OF COMPLETION OF WORK AND
CERTIFICATION OF COMPLIANCE WITH
DEPARTMENT OF THE ARMY PERMIT**

Permit Number: *SPL-1994-4015400*
Name of Permittee: *Chris Wallis, Bureau of Reclamation*
Date of Issuance: *June 3, 2022*

Date work in waters of the U.S. completed: _____

Construction period (in weeks): _____

Name & phone of contractor (if any): _____

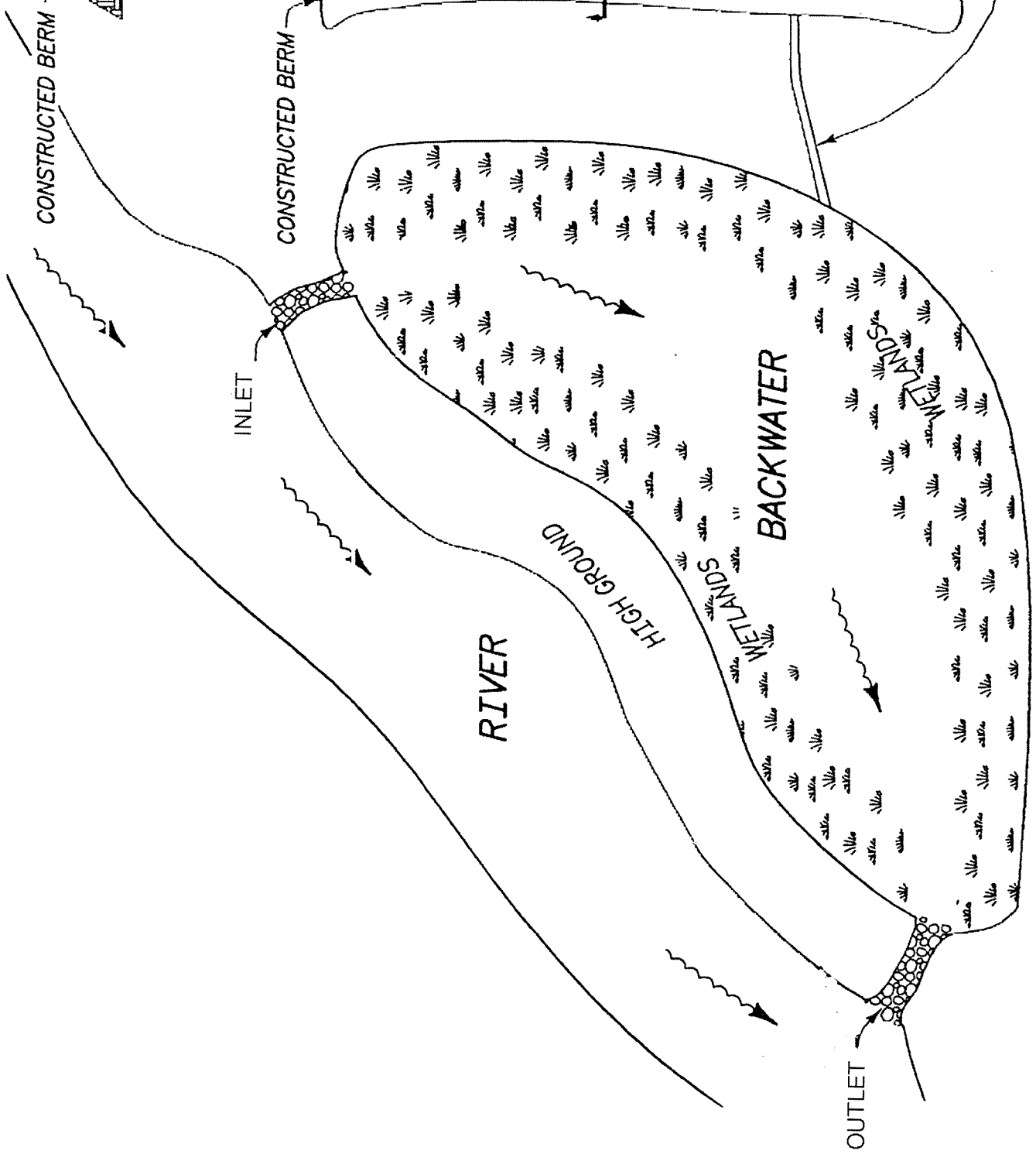
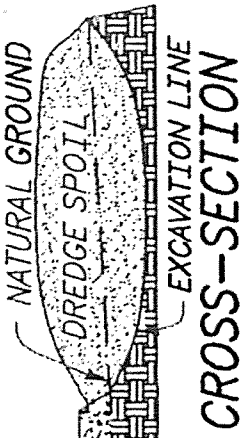
Please note that your permitted activity is subject to a compliance inspection by an Army Corps of Engineers representative. If you fail to comply with this permit you may be subject to permit suspension, modification, or revocation.

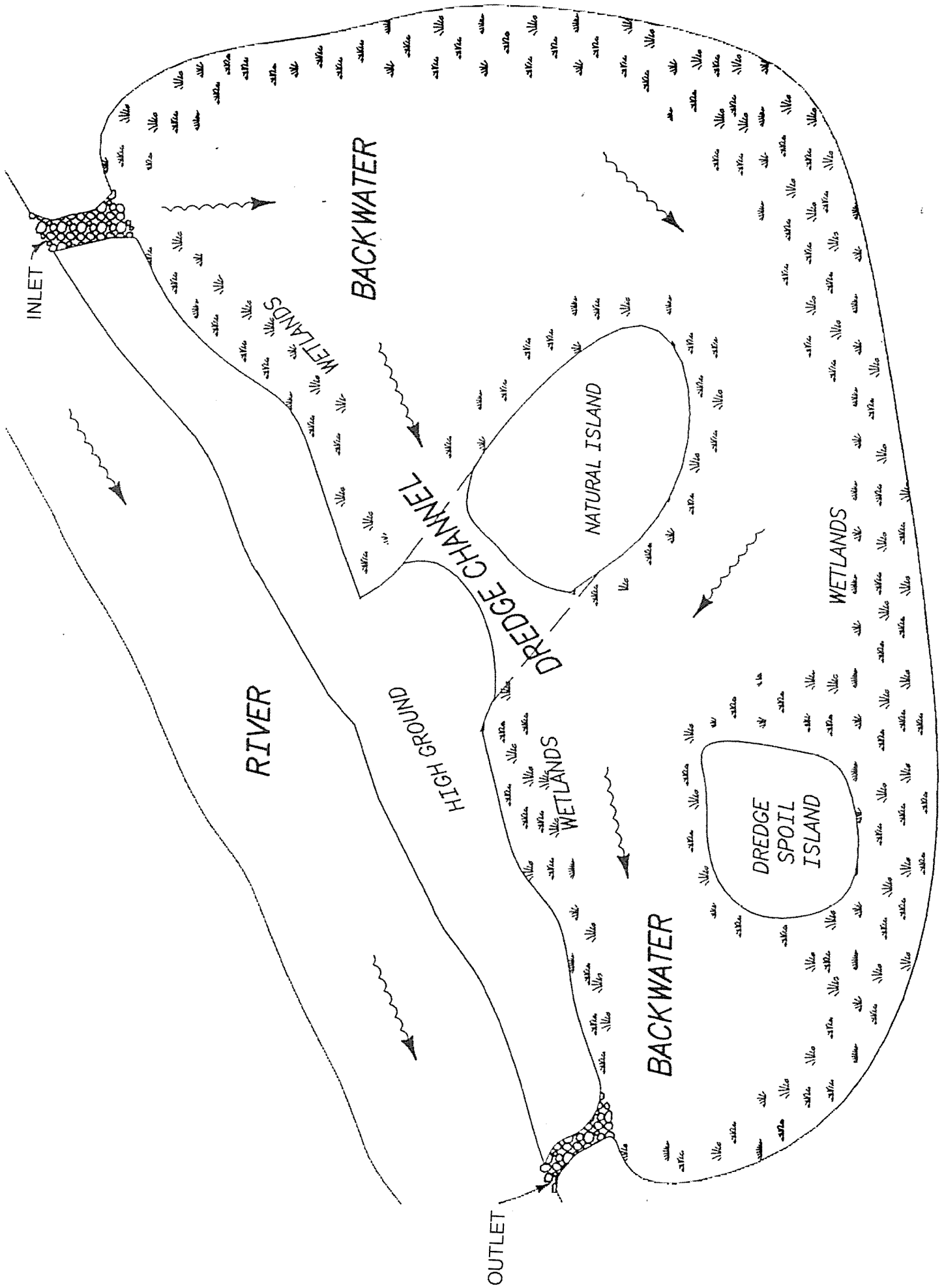
I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of said permit.

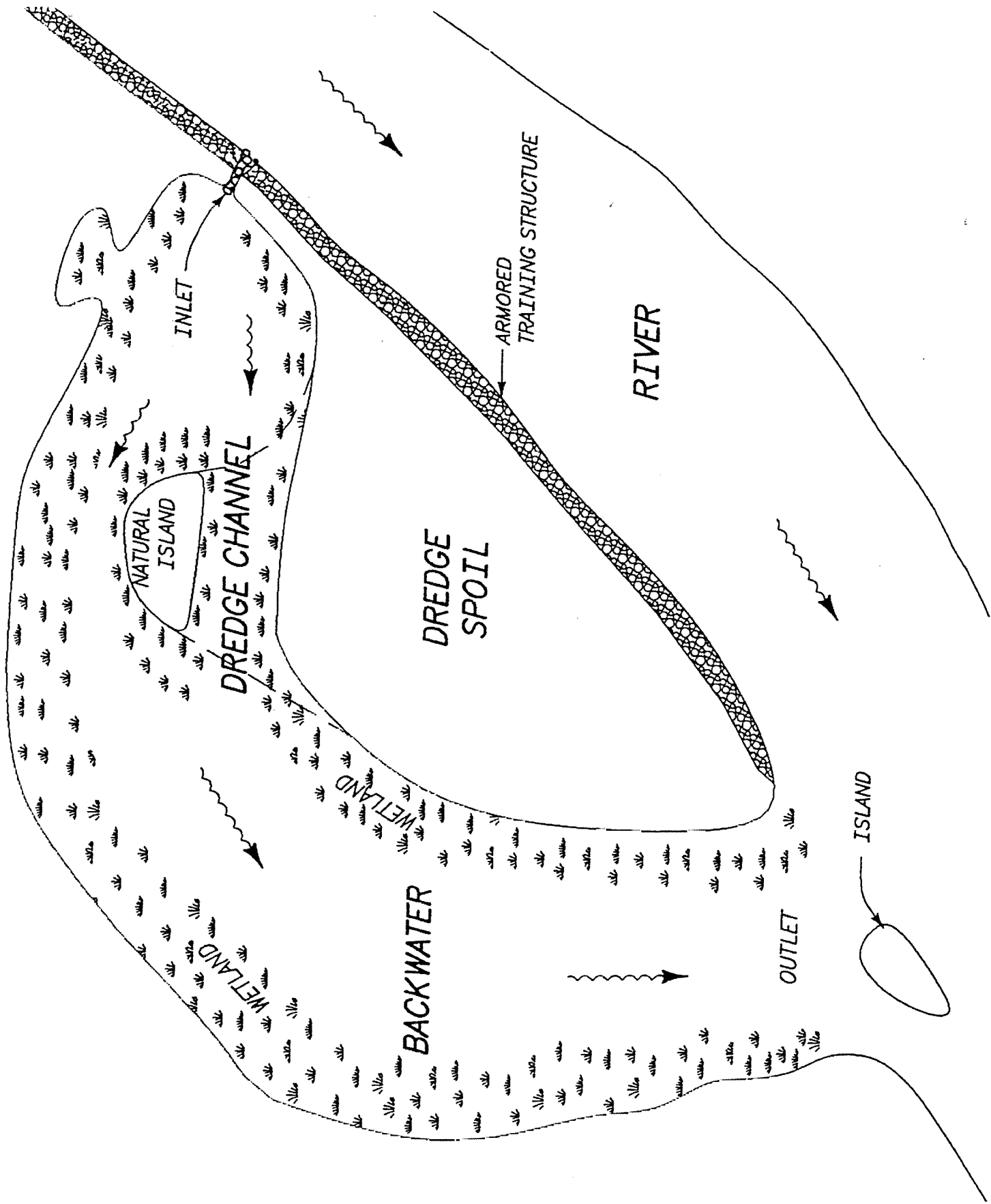
Signature of Permittee

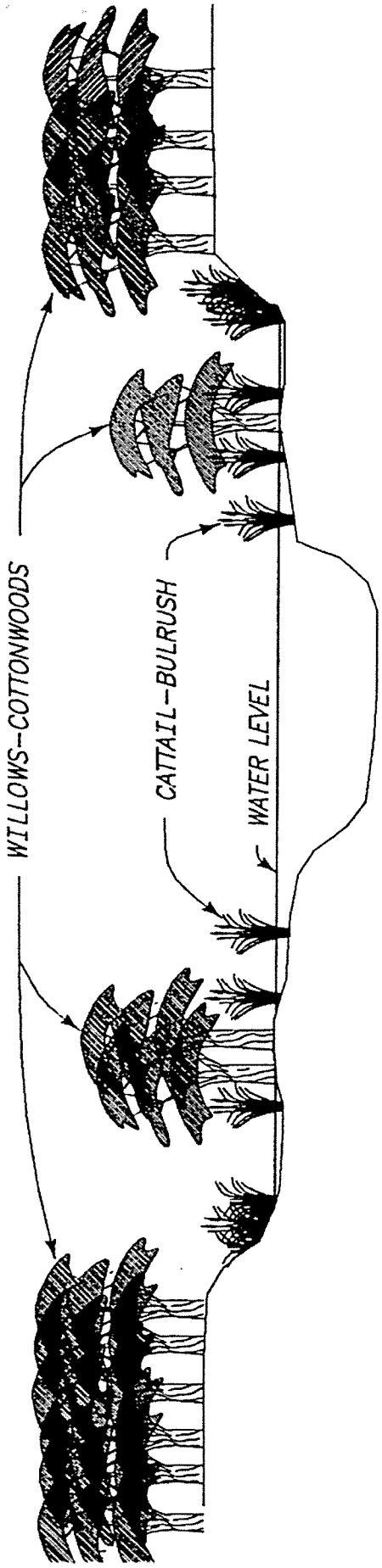
Date

Upon completion of the activity authorized by this permit, sign this certification and email it to Anne.T.Carpenter@usace.army.mil or splregulatory@usace.army.mil.



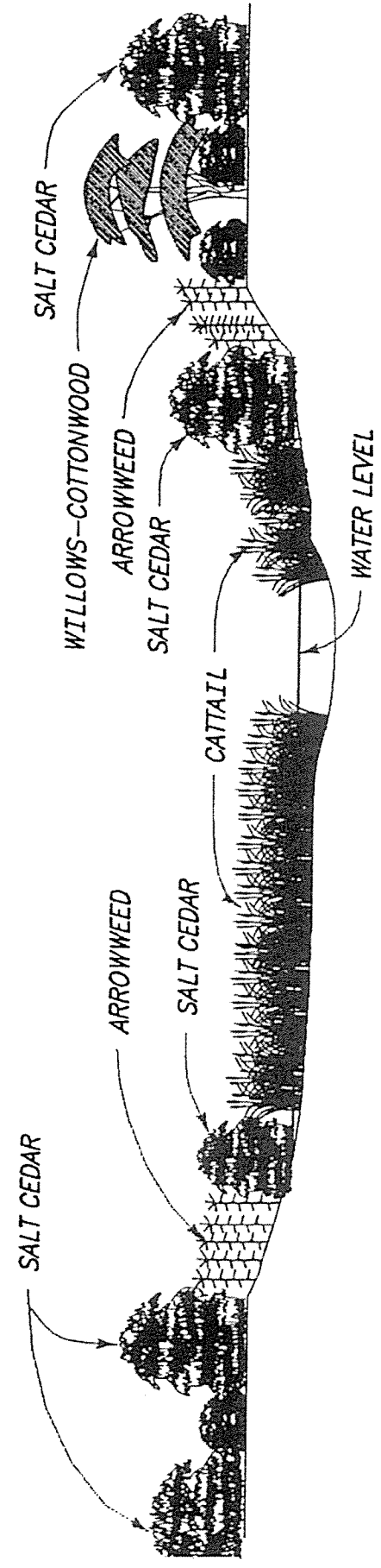




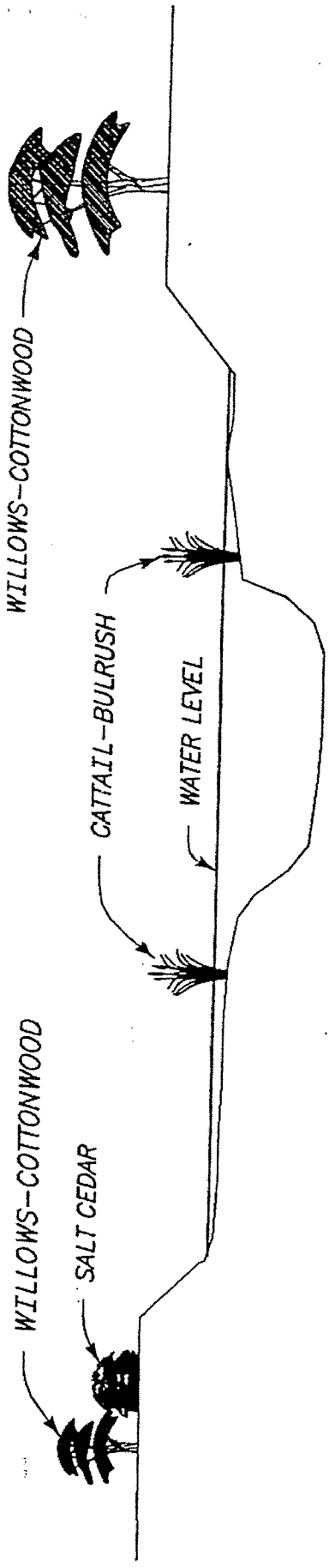


1 - HISTORICAL

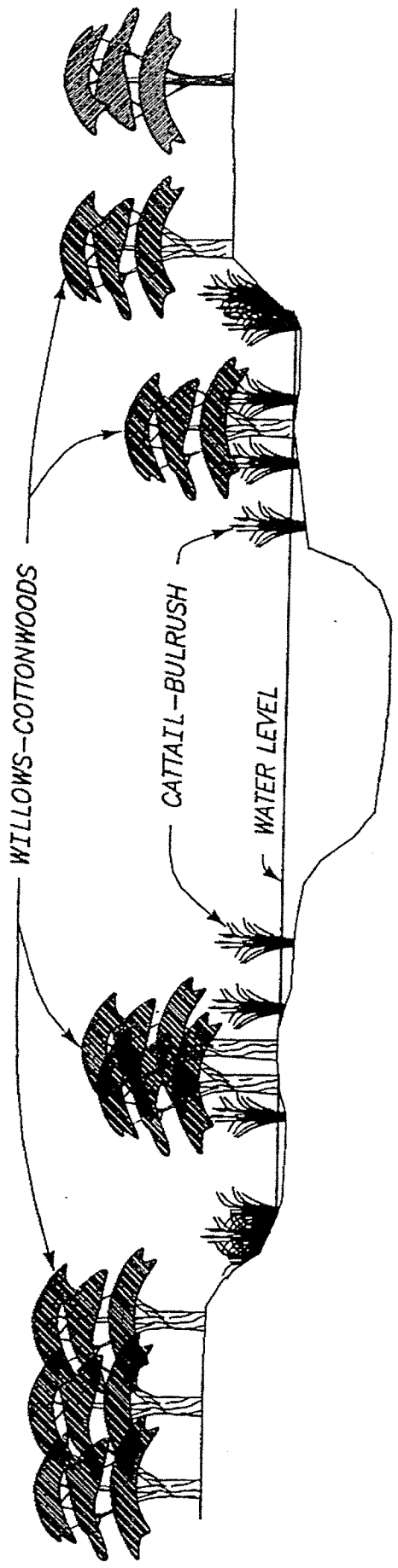
(PRIOR TO 1964)



2 - EXISTING



3 - DREDGED



4 - RESTORED

Carpenter, Anne Therese (Therese) CIV USARMY CESPL (USA)

From: Raub, Logan@Waterboards <Logan.Raub@waterboards.ca.gov>
Sent: Tuesday, May 24, 2022 9:47 AM
To: Carpenter, Anne Therese (Therese) CIV USARMY CESPL (USA)
Cc: Dunn, Kai@Waterboards
Subject: [URL Verdict: Neutral][Non-DoD Source] Re: Link To California's Statewide Restoration General Order under development

Hello Therese,

We looked at the anticipated activities scheduled for the next decade, and talked about what we plan to do. It looks like there are three or four projects anticipated. We do not plan to issue an RGP for these, but will instead use the statewide general permit for restoration projects. If a project comes up before the general permit is adopted we will permit the project with an individual 401 WQC. Let us know if you want to discuss this further. Thank you.

From: Carpenter, Anne Therese (Therese) CIV USARMY CESPL (USA) <Anne.T.Carpenter@usace.army.mil>
Sent: Monday, May 23, 2022 9:14 AM
To: Raub, Logan@Waterboards <Logan.Raub@waterboards.ca.gov>
Cc: Dunn, Kai@Waterboards <Kai.Dunn@waterboards.ca.gov>
Subject: RE: Link To California's Statewide Restoration General Order under development

EXTERNAL:

Good morning,

Please find attached a list of anticipated activities by Reclamation in the near- and long-term over the next decade. If you have questions or need additional information, please let me know. I look forward to your response, and moving forward with the RGP.

I hope this finds you both happy and well!

All the best,

Therese Carpenter, Project Manager
Regulatory Division, Arizona Branch
Los Angeles District, U.S. Army Corps of Engineers
Anne.T.Carpenter@usace.army.mil

Office: (602) 230-6952
Government Mobile: (602) 621-7037

Please do not mail hard copy documents to any Regulatory staff or office. For further details on corresponding with us, please view our special public notice at:
https://www.spl.usace.army.mil/Portals/17/docs/publicnotices/COVID19%20Regulatory_SPN.pdf?ver=2020-03-19-134532-833

Assist us in better serving you! Please complete our brief customer survey, located at the following link:
<https://regulatory.ops.usace.army.mil/customer-service-survey/>

From: Raub, Logan@Waterboards <Logan.Raub@waterboards.ca.gov>
Sent: Thursday, May 5, 2022 11:28 AM
To: Carpenter, Anne Therese (Therese) CIV USARMY CESPL (USA) <Anne.T.Carpenter@usace.army.mil>
Cc: Dunn, Kai@Waterboards <Kai.Dunn@waterboards.ca.gov>
Subject: [URL Verdict: Neutral][Non-DoD Source] Re: Link To California's Statewide Restoration General Order under development

Hello Therese,

Responding to your questions and clarifications. I don't think that there is a restriction on the size of the project, and the State Board is completing the CEQA for the GO. Attachment A of the draft GO talks about the types of projects that the Order covers and other eligibility requirements and restrictions. The comment period for the GO has ended. And I asked Kai about when to expect the GO to be adopted and he says Fall 2022.

Thank you

From: Carpenter, Anne Therese (Therese) CIV USARMY CESPL (USA) <Anne.T.Carpenter@usace.army.mil>
Sent: Thursday, May 5, 2022 8:40 AM
To: Raub, Logan@Waterboards <Logan.Raub@waterboards.ca.gov>
Cc: Dunn, Kai@Waterboards <Kai.Dunn@waterboards.ca.gov>
Subject: RE: Link To California's Statewide Restoration General Order under development

EXTERNAL:

Good morning Logan, Kai,

Thank you both for taking the time to meet. I understand from our conversation that it is likely that the Waterboard will move to utilize the General Order for Small Habitat Restoration Projects cited below for RGP22, provided the projects meet project size and CEQA eligibility requirements, correct? It is also my understanding that, while the GO is not yet in effect, the comment period has closed, and it is anticipated to be in effect in the Fall of 2022.

If you could please confirm these items for me, to ensure that I have clarity, and I will ensure that I convey this information to Reclamation at our meeting on May 9th.

Thank you again, I very much appreciate your time in this matter, and having the opportunity to meet one another!

All the best,

Therese Carpenter, Project Manager
Regulatory Division, Arizona Branch
Los Angeles District, U.S. Army Corps of Engineers
Anne.T.Carpenter@usace.army.mil

Office: (602) 230-6952
Government Mobile: (602) 621-7037

Please do not mail hard copy documents to any Regulatory staff or office. For further details on corresponding with us, please view our special public notice at:

https://www.spl.usace.army.mil/Portals/17/docs/publicnotices/COVID19%20Regulatory_SPN.pdf?ver=2020-03-19-134532-833

Assist us in better serving you! Please complete our brief customer survey, located at the following link:
<https://regulatory.ops.usace.army.mil/customer-service-survey/>

From: Raub, Logan@Waterboards <Logan.Raub@waterboards.ca.gov>
Sent: Tuesday, May 3, 2022 3:03 PM
To: Carpenter, Anne Therese (Therese) CIV USARMY CESPL (USA) <Anne.T.Carpenter@usace.army.mil>
Cc: Dunn, Kai@Waterboards <Kai.Dunn@waterboards.ca.gov>
Subject: [Non-DoD Source] Link To California's Statewide Restoration General Order under development

Hello Therese,

Thank you for meeting with Kai and myself to discuss RGP22. Below is a link to the General Order for restoration projects that we were talking with you about.

https://www.waterboards.ca.gov/water_issues/programs/cwa401/generalordersunderdev.html

Clean Water Act Section 401 – Certification and Wetlands Program

General Orders Under Development. Projects that involve discharges to waters of the state in more than one region are the jurisdiction of the State Water Resources Control Board (State Water Board).

www.waterboards.ca.gov

Have a nice day.

Carpenter, Anne Therese (Therese) CIV USARMY CESPL (USA)

From: Carpenter, Anne Therese (Therese) CIV USARMY CESPL (USA)
Sent: Monday, May 23, 2022 9:41 AM
To: R9CWA401@epa.gov
Cc: 'Wallis, Christopher (Chris)'; DeSantiago, Julian
Subject: 401 Waiver Notification - Regional General Permit (RGP) No. 22 (SPL-1994-4015400)
Attachments: 20220228_1994_4015400_401-RPOT_EPA-CRWQCB-ADEQ_EmailTransmission.pdf;
UPDATE: 401 Certification and RPOT - Regional General Permit (RGP) No. 22
(SPL-1994-4015400)

Good morning,

A complete permit application per 40 CFR Section 121.5(b) was received by the Los Angeles District for reissuance of Regional General Permit No. 22 (RGP22) on January 24, 2022. We communicated the Reasonable Period of Time (RPT) to your office, set at 60 days, on February 28, 2022, which was later extended on April 27, 2022 to account for the regulatory changes which reinstated the 2020 Clean Water Act section 401 Water Quality Certification Rule on April 6, 2022. In accordance with 40 CFR Section 121.9(c) a copy of the RPT notice and the extension are attached to this email. The RPT expired on May 19, 2022 and we did not receive notice of a 401 WQC certification or denial from your office. Therefore, in accordance with 40 CFR Section 121.9(2)(i) the 401 certification requirement for this project is waived.

Additionally, in accordance with 40 CFR Section 121.9(c), the EPA and project proponent are included in this email notification.

Please let me know if you have any questions.

Thank You,

Therese Carpenter, Project Manager
Regulatory Division, Arizona Branch
Los Angeles District, U.S. Army Corps of Engineers
Anne.T.Carpenter@usace.army.mil

Office: (602) 230-6952
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