



# Regional General Permit 105

U.S. ARMY CORPS OF ENGINEERS  
BUILDING STRONG®

## DRAINAGE MAINTENANCE ACTIVITIES WITHIN WATERS OF THE UNITED STATES IN WESTERN PINAL COUNTY, ARIZONA

**EFFECTIVE:** January 21, 2025  
**EXPIRES:** January 20, 2030

The U.S. Army Corps of Engineers, Los Angeles District, hereby issues Regional General Permit 105, authorizing activities involving the discharge of dredged or fill material into waters of the United States (U.S.), including wetlands, within the Los Angeles District Regulatory Area of Responsibility.

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

**ISSUING OFFICE:** U.S. Army Corps of Engineers, Los Angeles District

**ACTION ID:** SPL-2024-00578

**AUTHORITIES:** Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the U.S.

**LOCATION:** This RGP is applicable within specific watersheds as defined by hydrologic unit codes (HUCs) primarily located in western Pinal County, Arizona (see Figure 1). The applicable HUCs are:

- HUC 1505030305 (Lower Vekol Wash),
- HUC 1505030306 (Lower Santa Cruz Wash),
- HUC 1505030604 (Lower Santa Rosa Wash), and
- HUC 150503030309 (Lower Greene Wash).

**PURPOSE:** This geographic area consists of lands that have been historically developed for use as agricultural cropland and, in more recent decades, some areas have also become heavily urbanized. The area is a generally low-gradient area drained by streams that have been largely channelized to allow for cropland production and

urbanization and efficiently manage stormwater flows through the watersheds. The low-gradient nature of this area and the substantial sediment loading that occurs upstream from and within this area results in the regular accumulation of sediments within these drainages, which reduces stormwater conveyance capacity and necessitates regular maintenance by flood control agencies to minimize the threat of flooding. In addition, some reaches of these drainages experience substantial vegetative growth in response to the regular release of water to local drainages in the form of agricultural tailwater and from water/wastewater treatment activities. Surface water also accumulates in some areas following storm events that generate substantial runoff that doesn't fully drain from the area because of obstructions (bridges, culverts, etc.) or low stream gradients. This vegetative growth, which can predominately consist of invasive species, also adversely affects stormwater conveyance capacity. To address these issues, this RGP was established to provide a streamlined permitting process for routine drainage maintenance activities in this geographic area.

### **AUTHORIZED ACTIVITIES:**

This RGP may be used to authorize activities in waters of the U.S. involving the discharge of fill materials associated with the removal of accumulated sediments, removal of vegetation, and other minor maintenance-related activities associated with channelized/engineered drainages within the area designated for this permit.

The following activities are authorized within all drainages that have been historically channelized as of the date of this permit or would be channelized or have been channelized under an appropriate Department of the Army permit after the date of this RGP:

1. *Removal of accumulated sediments to match the original design invert elevation for the constructed channel.* If this elevation is not available from previous as-built plans, the post-project invert elevation must be established consistent with upstream and downstream invert elevations associated with road crossings, culverts, bridge aprons, grade control structures, etc. within that drainage.
2. *Maintenance transitioning.* In addition to sediment removal within a specified reach, this RGP authorizes a continuation of sediment removal up to 200 feet upstream and downstream of the specified reach for gradient transitioning purposes.
3. *Removal of vegetation affecting stormwater flows.* This RGP does not restrict the method for vegetation removal; however, adherence to general and special conditions (see below) is required.
4. *Other minor maintenance activities.* This RGP authorizes minor maintenance and repair of existing stormwater facilities associated with these drainages including culverts, bridge aprons, grade control structures, permanent access roads, fencing, stormwater outfalls, bank protection, channel linings, channel cross-section repairs, and similar structures as long as there is no expansion of the permanent footprint or changes in elevations or flow capacities.

5. *Temporary access roads.* These roads may be constructed as needed to provide construction access during maintenance activities but shall be limited to the minimum width and length needed to perform the maintenance activities.
6. *Temporary stockpiles.* Soils, debris, and vegetation may be temporarily stockpiled during project construction within portions of the channel that have been disturbed by the permitted project but only during dry channel conditions.
7. *Unlined low-flow channels.* This RGP authorizes the creation of unlined low-flow channels within previously channelized streams to improve drainage efficiency and reduce future maintenance requirements.

### **ACTIVITIES NOT AUTHORIZED.**

The following specific activities are not authorized under this RGP and would require separate review/permitting if activities would occur within waters of the U.S.

1. *New bank stabilization.* New bank stabilization or extensions of existing bank stabilization are not authorized under this RGP.
2. *New channel bottom lining.* Stream reaches that are currently unlined cannot be lined under this RGP. This includes extensions of existing areas of channel bottom lining.
3. *New facilities or expanded existing facilities.* New or expanded drainage facilities such as culverts or stormwater outfalls are not authorized under this RGP.
4. *New channelization.* Streams that are not currently channelized cannot be authorized for channelization under this permit. If channelization is authorized and permitted separately, that stream would become subject to the provisions of this RGP.
5. *Wetlands.* No work within jurisdictional wetlands is allowed under this RGP.

**Notification requirement** - A Pre-Construction Notification (PCN) shall be submitted to the Corps for all activities proposed under this RGP. The PCN should include a signed ENG 4345 (or ENG 6082) form complete with the following information:

1. Name, address and telephone number of the prospective permittee
2. Location of the proposed project, including a vicinity map
3. Project purpose
4. Brief description of the proposed project
5. Citation of this RGP
6. Permission from affected landowners, as appropriate.
7. Summary of pre-project coordination activities

Work may not commence until the prospective permittee receives verification of compliance with this RGP from the Corps or thirty (30) days have passed since the

Corps receives a complete notification package. The Corps retains discretion to add Special Conditions to RGP verifications to clarify compliance with the terms and conditions of this RGP or to ensure that the proposed project would have only minimal individual and cumulative adverse environmental effects. In cases where the proposed project does not comply with the terms and conditions of this RGP or the Corps determines that the proposed project would be contrary to the public interest or would result in greater than minimal individual or cumulative adverse environmental effects, the applicant will be notified by the Corps within thirty (30) days of receipt of a complete notification. Under these circumstances, an individual permit would likely be required to perform the proposed work.

#### **GENERAL CONDITIONS:**

1. The permittee shall make every effort to ensure that vegetation nodes, root stalks, rhizoids, or other debris resulting from the activity do not enter or remain in the affected waterbody.
2. Temporary stockpiles are only allowed during dry conditions and must be removed from waters of the U.S. prior to the completion of construction.
3. Temporary access roads shall be removed/recontoured and the ground elevation restored to its pre-project elevation at the completion of the project.
4. No activity or its operation that is authorized may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights. For projects proposed on or affecting tribal lands, the permittee shall submit an approval letter from the tribe with their notification package and shall obtain Section 401 water quality certification, or waiver, from the U.S. Environmental Protection Agency. For projects on or affecting lands controlled by the Gila River Indian Community, the prospective permittee must obtain Section 401 water quality certification, or waiver, directly from that tribe.
5. No activity is authorized under this RGP that is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act, or which is likely to destroy or adversely modify the designated critical habitat of such species. Federal agencies should follow their own procedures for complying with the Endangered Species Act. Non-federal permittees shall notify the District Engineer if any listed species or critical habitat may be affected or is in the vicinity of the project area and shall not begin work on the activity until notified by the District Engineer that the requirements of the Endangered Species Act have been satisfied and that the activity is authorized. Information on the location of the threatened and endangered species and their critical habitat can be obtained from the USFWS. The Corps may require focused endangered species surveys be performed prior to verification of compliance with this RGP.

6. No activity is authorized which may adversely affect historic properties listed, or eligible for listing, on the National Register of Historic Places until the District Engineer has complied with the provisions of 33 CFR 325, Appendix C and any applicable guidance or regulation. The prospective permittee must notify the District Engineer if the authorized activity may affect any historic properties listed, determined to be eligible, or which the prospective permittee has reason to believe may be eligible for listing in the National Register of Historic Places, and shall not begin the activity until notified by the District Engineer that the requirements of the National Historic Preservation Act have been satisfied and that the activity is authorized. Information on the location and existence of historic properties can be obtained from the State Historic Preservation Office and the National Register of Historic Places (see 33 CFR 330.4(g)). Federal permittees should follow their own procedures for compliance with the requirements of the National Historic Preservation Act and tribal coordination policies. If you discover any previously undiscovered historic or archaeological remains while completing an authorized activity, you must immediately suspend all work in any area where potential cultural resources are discovered and notify this office of the discovery within 24 hours. The Corps will initiate the Federal, state, and tribal coordination required to determine if the remains warrant a recovery effort or if the site may be eligible for listing on the National Register of Historic Places.

7. No mechanized equipment, rubber-tired vehicles, track vehicles, or other equipment shall be stored, staged, or fueled in waters of the U.S., including wetlands.

8. The permittee shall not commence work until verification of compliance with this RGP is received from the Corps or 30 days have passed since the Corps received a complete notification package. The Corps maintains discretion to add Special Conditions to RGP verifications to clarify compliance with the terms and conditions of this RGP or to ensure that the proposed project would have only minimal individual and cumulative adverse impacts on aquatic habitats.

9. The permittee shall ensure that all contractors receive a copy of this RGP and are made aware of the conditions and restrictions within. The permittee shall 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 in compliance with the terms and conditions of the RGP.

10. You must maintain the activity authorized by this RGP in good condition. You are not relieved of conformance with the terms and conditions of this RGP if you abandon the permitted activity, although you may make a good faith transfer to a third party. 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 the permit from this office, which may require restoration of the area.

11. Prior to submitting a PCN to the Corps, the Applicant will coordinate as

appropriate with the flood control agency(ies) immediately downstream from the project in question to notify them of proposed changes to the affected drainage(s). A summary of this coordination activity will be provided as part of the PCN submittal to the Corps.

12. Environmental Protection Agency (EPA) Water Quality: The EPA issued its certification on January 13, 2025, for projects occurring within tribal lands for the Ak-Chin Indian Community and the Tohono O’odham Nation. The permittee shall comply with the terms and conditions of the Clean Water Act Section 401 Water Quality Certification (WQC), which is hereby incorporated by reference.

13. Gila River Indian Community (GRIC) Water Quality: Projects under this RGP occurring on GRIC tribal lands must obtain a Clean Water Act Section 401 WQC from GRIC prior to proceeding with any work under this RGP.

14. State of Arizona Water Quality: The ADEQ issued its certification on December 3, 2024, for RGP projects on nontribal lands. The permittee shall comply with the terms and conditions of the Clean Water Act Section 401 WQC, which is hereby incorporated by reference.

#### **FURTHER INFORMATION:**

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

- ( ) Section 10 of the Rivers and Harbors 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 projects.

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. **Re-evaluation of RGP 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 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 measures 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.

**DISCRETIONARY AUTHORITY:** This office has the discretion to suspend, modify, or revoke authorizations under this permit. This discretionary authority may be used by us to further condition or restrict the applicability of this permit for cases in which we have concerns associated with the Clean Water Act Section 404(b)(1) Guidelines, or regarding any factor of the public interest. Should we determine that a proposed activity may have more than minimal individual or cumulative adverse impacts to waters of the United States or otherwise be contrary to the public interest, we will modify the authorization to reduce or eliminate those adverse effects or notify you that the proposed activity is not authorized by this permit and provide instructions on how to apply for authorization under another type of DA permit. Activities not meeting the terms and conditions of this permit may be authorized through another type of permit from us, such as a Nationwide Permit, Regional General Permit, Letter of Permission, or Standard Permit. We will determine on a case-by-case basis whether an activity has a more than minimal

impact, individually or cumulatively, on the aquatic environment or may be contrary to the public interest. We may include additional special conditions to a verification under this permit to ensure the activity has minimal impact. We may also restore authorization under this RGP at any time we determine the reason for asserting discretionary authority has been resolved or satisfied by a condition, project modification, or new information. We may also use our discretionary authority to modify, suspend, or revoke this permit at any time.

**PERMIT DURATION:** This permit is valid for five years from issuance and will expire on January 20, 2030. This office may re-evaluate the terms and conditions of this permit at any time it deems necessary to protect the public interest. If we have not reissued the RGP by the expiration date, the RGP will no longer be valid. This RGP may also be modified, suspended, or revoked by this office at any time deemed necessary. In such instance, a public notice would be issued concerning the proposed action. This RGP may be reissued, after public notice and documentation of the decision. Activities requiring PCN must be verified in writing by this office. Verification letters are valid until the expiration date of this RGP.

**EXTENSIONS:** 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.

**CONTACTS:**

For questions, please contact the Arizona Branch office at (602)-230-6949 or via email at [splregulatoryaz@usace.army.mil](mailto:splregulatoryaz@usace.army.mil).

**ATTACHMENTS:**

1. Figure 1. Geographic Applicability.
2. Clean Water Act Section 401 Water Quality Certification: Environmental Protection Agency
3. Clean Water Act Section 401 Water Quality Certification: Arizona Department of Environmental Quality

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

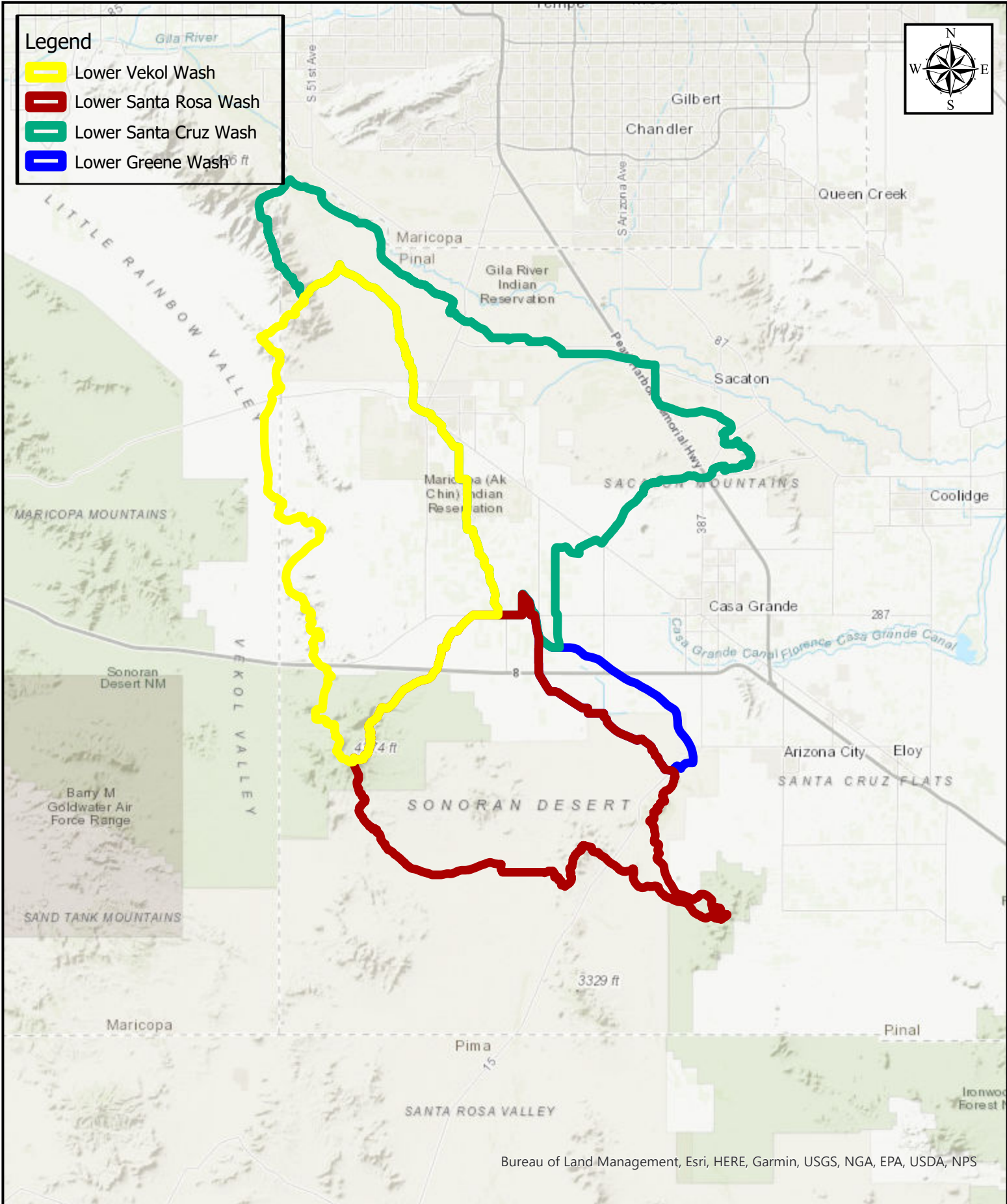


Sallie Diebolt  
Chief, Arizona Branch  
Regulatory Division

21 January 2025

Date







## REGION 9

SAN FRANCISCO, CA 94105

U.S. Army Corps of Engineers, Los Angeles District  
Attn: Michael Langley  
Senior Project Manager, Arizona Office  
3636 N. Central Ave, Suite 900  
Phoenix, Arizona 85012-1939

**Subject: Clean Water Act (CWA) Section 401 Water Quality Certification for U.S. Army Corps of Engineers, Los Angeles District Regional General Permit 105 for drainage maintenance activities within waters of the United States in western Pinal County, Arizona, U.S. EPA File No. 2024-514**

Dear Michael Langley,

The U.S. Environmental Protection Agency (EPA) hereby grants the Subject water quality certification consistent with Section 401 of the Clean Water Act (CWA). The RGP authorizes activities involving the discharge of dredged or fill material into waters of the United States associated with the removal of accumulated sediments, removal of vegetation, and other minor maintenance-related activities associated with channelized and engineered drainages within the areas of Western Pinal County, Arizona.

Section 401(a)(1) of the CWA requires applicants for Federal permits that may result in discharges into Waters of the United States to obtain certification that the potential discharge will comply with applicable provisions of the CWA, including sections 301, 302, 303, 306 and 307. Where no state agency or tribe has authority to give such certification, the EPA is the certifying authority. The Ak-Chin Indian Community of the Maricopa Indian Reservation and Tohono O'odham Nation of Arizona do not have authority to provide CWA section 401 certification for discharges occurring within Tribal Lands, therefore, EPA is providing the certification on behalf of these Tribes for discharges that may result from the proposed project.

EPA reviewed the draft permit and posted a public notice of the proposed project on the EPA Region 9 website from October 25 through December 2, 2024. No public comments were received. EPA offered government to government consultation to the Ak-Chin Indian Community of the Maricopa Indian Reservation and Tohono O'odham Nation of Arizona on November 19, 2024, and received no requests for consultation.

Based on the protection, minimization, and mitigation measures required by RGP 105, EPA has determined that there is a reasonable assurance that the activity will comply with the applicable provisions of sections 301, 302, 303, 306 and 307 of the CWA, and any appropriate requirements of tribal law. On behalf of the Ak-Chin Indian Community of the Maricopa Indian Reservation and Tohono O'odham Nation of Arizona Tribes, EPA certifies this project in accordance with section 401(a)(1) of the CWA.

If you have any questions about this water quality certification, please contact Russell Huddleston at [huddleston.russell@epa.gov](mailto:huddleston.russell@epa.gov).



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Tomás Torres  
Director, Water Division



Katie Hobbs  
Governor

# Arizona Department of Environmental Quality



Karen Peters  
Deputy Director

Michael Langley  
U. S. Army Corps of Engineers  
Arizona Regulatory Branch

*Via Electronic Mail*

Re: Clean Water Act § 401 Water Quality Certification for the Issuance of Regional General Permit No. 105 for Western Pinal County Drainage Maintenance

Dear Mr. Langley:

On September 25, 2024, the Arizona Department of Environmental Quality (ADEQ) received the U.S. Army Corps of Engineers (USACE) public notice for the authorization of a new Regional General Permit (RGP) No. 105 (SPL-2024-00578), for the maintenance of channelized and/or engineered drainages in western Pinal County. These drainages include the following washes and any associated tributaries to these washes: *Lower Vekol Wash, Lower Santa Cruz Wash, Lower Santa Rosa Wash and Lower Greene Wash*. Based on the USACE public notice activities and conditions, ADEQ certifies the activities in the RGP105 will not violate applicable Surface Water Quality Standards in the project area waters.

At this time, there are no impaired or not-attaining waters or lakes in the project area that would be subject to this RGP. However, the Clean Water Act section 303(d) List of Impaired Waters is updated every two (2) years. If one of the project area waters is added to a future 303(d) List of Impaired Waters during the life of this permit, the project proponent must submit an application to ADEQ for certification. ADEQ will review the application's activities and the location of discharge(s) and will grant a "conditional water quality certification" indicating that requirements for § 401 Water Quality Certification are met, if the project proponent adheres to all conditions in the USACE RGP No. 105.

Information on ADEQ's CWA § 401 WQC, and impaired or not-attaining waters or lakes, can be found on our website at <https://www.azdeq.gov/cwa401>.

## Required Actions

The applicant is responsible for complying with all general conditions specified in the USACE Regional General Permit #105; and the applicable USACE Regional Conditions for Arizona.

## Recommendations

The issuance of a State 401 Water Quality Certification does not imply or suggest that requirements for other environmental permits have been met or superseded. Other environmental permits include, but are not limited to: Aquifer Protection Permits, Arizona Pollutant Discharge

Elimination System Permits, Construction General Permits, De Minimis Permits, Pesticide General Permits, and Reclaimed Water permits. Applicant should contact ADEQ via email at [azpdes@azdeq.gov](mailto:azpdes@azdeq.gov) or call 602-771-1440 and leave a message on the AZPDES Hotline for additional information on all applicable permits.

Correspondence

For any correspondence regarding this project, the ADEQ mailing address is:

Arizona Department of Environmental Quality  
Attn: Rosi Sherrill, Surface Water Permits  
1110 West Washington Street, Phoenix, Arizona 85007

For questions or general comments:

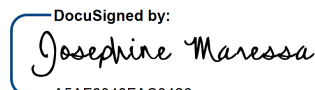
Email: [sherrill.laurie@azdeq.gov](mailto:sherrill.laurie@azdeq.gov) Voice: (602) 771-4409

In any correspondence, please reference:

RGP 105 – Western Pinal County Drainage Maintenance  
ADEQ ID: 105715  
USACE ID: SPL-2024-00587

Thank you for complying with Arizona's environmental requirements. Should you have any comments or questions regarding this matter, please do not hesitate to contact Rosi Sherrill at 602-771-4409 or via [sherrill.laurie@azdeq.gov](mailto:sherrill.laurie@azdeq.gov).

Sincerely,

DocuSigned by:  
  
A5AF6048FAC8426...

Josephine Maressa, Deputy Director  
Water Quality Division  
Arizona Department of Environmental Quality

12/3/2024

Date

electronic copies: USEPA – Wetlands Regional Office