



*LOS ANGELES DISTRICT  
U.S. ARMY CORPS OF ENGINEERS*

**DEPARTMENT OF THE ARMY PERMIT  
REGIONAL GENERAL PERMIT 90  
ORANGE COUNTY WATER DISTRICT REGIONAL MAINTENANCE PROGRAM  
FOR SANTA ANA RIVER BASIN RECHARGE FACILITIES**

**Permittee:** Orange County Water District (OCWD)  
**Permit Number:** Regional General Permit (RGP) No. 90 (SPL-2012-00066-JPL)  
**Issuing Office:** Los Angeles District  
**Issuance Date:** July 31, 2014

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 discharge fill material permanently into no more than 4.42 acres of waters of the U.S., and to discharge fill material temporarily into no more than 1,005 acres of waters of the U.S., in association with the completion of various routine maintenance activities in order to maintain functionality of the existing OCWD groundwater recharge structures, as shown on the attached drawings. Examples include, but are not limited to the following activities:

1. **Sediment Disturbance and Removal:** Sediment disturbance could occur under a dry condition or wet condition. Under the dry condition, the recharge facilities would be drained and dried out, and sediment and silt on the bottom and side walls of the basins would be broken up and/or scraped and removed by heavy construction equipment. Under wet conditions, a submerged cleaning device would vacuum silt from the basin bottom simultaneous with its accumulation. This type of system would operate while the basin remains full to allow percolation through its bottom.
2. **Vegetation Removal:** Vegetation removal would occur through native and non-native vegetation removal along the banks of existing recharge basin facilities and around existing water conveyance structures. A combination of hand tools, mechanical vegetation cutters, and heavy equipment would be used to remove vegetation.

3. **Maintenance and Repair of Existing Access Roads and Ramps:** Maintenance and repair of existing access roads and ramps would consist of heavy equipment such as dozers and scrapers being used to re-grade and repair access roads and ramps.
4. **Maintaining Existing Water Conveyance Structures:** The maintenance of existing water conveyance structures, includes the clearing and replacement in-kind of culverts, transfer tubes, inlet and outlet structures, weirs, flumes, sluice gates, trash racks, rubber dams, rip rap, grade stabilizers, sump pumps, and valves. Maintenance activities exclude the construction of new water conveyance structures, or the replacement of existing structures that would involve a larger construction footprint.
5. **Sand Levee Creation and Repair:** Heavy construction equipment would be permitted to operate in the water to create and repair sand levees for diversion and retention of water for recharge.

**Project Location:** The proposed activity would occur within the service area boundaries of the OCWD, Orange County, California. Within the service area, OCWD presently conducts groundwater management operations at 24 earthen groundwater recharge basins and along segments of the Santa Ana River and Santiago Creek, as shown in the table below.

<b>Facility</b>	<b>Size (Acres)</b>	<b>Latitude/ Longitude</b>
Anaheim Lake	74.0	33 51 58/ 117 50 51
Burris Basin	99.2	33 49 31/ 117 52 13
Conrock Basin	19.6	33 51 20/ 117 49 36
Five Coves Dam	32.2	33 50 27/ 117 51 38
Fletcher Basin	4.89	33 49 41/ 117 51 35
Huckleberry Basin	21.7	33 51 26/ 117 49 17
Kraemer Basin	29.0	33 51 37/ 117 51 27
La Jolla Basin	5.6	33 51 38/ 117 52 09
Lincoln Basin	8.3	33 55 02/ 117 51 55
Little Warner Basin	9.8	33 51 02/ 117 50 03
Miller Basin	20.9	33 51 52/ 117 51 21
Mini Anaheim Lake	5.5	33 51 59/ 117 50 35
Miraloma Basin	13.0	33 51 40/ 117 49 31
Off-River Basin	64.4	33 51 12/ 117 49 31
Olive Basin	4.6	33 50 59/ 117 50 25
Placentia Basin	6.9	33 51 28/ 117 53 10
Raymond Basin	13.3	33 50 55/ 117 54 29
Riverview Basin	3.5	33 49 26/ 117 51 58
Santa Ana River Reach 2	96.2	33 51 23/ 117 48 49
Santa Ana River Reach 3	73.2	33 50 38/ 117 51 08
Santa Ana River Reach 4	50.8	33 49 29/ 117 52 00
Santa Ana River Reach 5	52.6	33 47 59/ 117 52 38

<b>Facility</b>	<b>Size (Acres)</b>	<b>Latitude/ Longitude</b>
Santa Ana River Reach 6	18.79	33 47 28/ 117 52 51
Santiago Basin	166.2	33 48 15/ 117 48 23
Santiago Creek Reach 1	2.7	33 47 22/ 117 49 41
Santiago Creek Reach 2	4.9	33 46 55/ 117 50 01
Santiago Creek Reach 3	2.6	33 46 44/ 117 50 49
Warner Basin	68.4	33 51 14/ 117 49 54
Weir Pond 1	5.4	33 51 24/ 117 48 11
Weir Pond 2	6.4	33 51 26/ 117 48 09
Weir Pond 3	15.7	33 51 24/ 117 48 56
Weir Pond 4	4.0	33 51 21/ 117 49 05

**Permit Conditions:**

**General Conditions:**

1. The time limit for completing the authorized activity ends on **July 31, 2019**. 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.

**Special Conditions:**

1. Verification for Permanent Impacts: No maintenance activity authorized under this RGP which would result in permanent impacts to jurisdictional waters of the U.S. shall be implemented until the permittee receives written notification from the Corps (in the form of a notice to proceed) verifying compliance with the terms and conditions of the RGP. The Corps may at its discretion include additional project-specific special conditions in the notice to proceed to ensure impacts are minimal. The Corps' notice to proceed will also indicate whether any specific maintenance activity or activities do not comply with the RGP. The permittee may elect to modify such activities to meet the terms and conditions of the RGP or to apply for separate authorization under an alternative permit process (i.e. nationwide permit, standard individual permit, or other RGP).
2. Annual Pre-Construction Reporting Requirements: The permittee shall submit annual maintenance plans by April 1 of each year providing the following information for all maintenance activities proposed for the upcoming maintenance year. Supplemental plans may be submitted to address maintenance actions that are unforeseen at the time of the annual plan submission. Activities proposed in any supplemental plan(s) shall also require written verification from the Corps before work is authorized to begin. Annual maintenance plans and any supplements shall include the following information:
  - a. List of proposed maintenance activities to be implemented during the upcoming maintenance year including the name of each facility where maintenance is proposed and the need for each maintenance activity;
  - b. Maps and drawings clearly depicting location, proposed work limits and impacts of each maintenance activity prepared in accordance with the Corps Los Angeles District Map and Drawing Standards;
  - c. Environmental Best Management Practices (BMPs) to be implemented at each maintenance activity;
  - d. Total area of temporary impacts to waters of the United States and associated habitat types at each maintenance activity;
  - e. Total area of permanent impact to waters of the United States and associated habitat types at each maintenance activity;
  - f. Approximate dates and duration of each maintenance activity;
  - g. Proposed compensatory mitigation (if required);
  - h. Extent of any suitable habitat for federally listed threatened and endangered species in the project vicinity including but not limited to designated critical habitat;
  - i. Disposal sites for any sediment/debris excavated from a facility in excess of 25 cubic yards.



3. Annual Post-Construction Reporting Requirements: The permittee shall submit a compliance report of all maintenance activities authorized under the RGP during the previous maintenance year no later than April 1 following each maintenance year during which maintenance activities authorized under this RGP are conducted. Providing this report is mandatory. These reports enable us to track the use of this RGP to verify that the minimal effects determination is being met, as required by section 404(e) of the Clean Water Act. Failure to provide timely annual reports would constitute non-compliance with this Special Condition and would be considered a violation (33 C.F.R. §326.4(d)). Furthermore, failure to provide these annual reports will jeopardize the possibility of re-authorizing this permit when it expires. The compliance report shall include the following information:
  - a. Summary of all authorized maintenance activities completed under the RGP;
  - b. Summary of any authorized maintenance activities not completed and their status (postponed, in-progress, etc.);
  - c. Compliance with BMPs applied to each completed maintenance activity;
  - d. Results of pre-project biological surveys and biological monitoring during construction;
  - e. Compliance with RGP special conditions;
  - f. Representative photographs of completed maintenance activities;
  - g. All instances of non-compliance with the terms and conditions of the RGP and/or special conditions included in the notice to proceed.
4. Avoidance and Minimization: The Permittee shall clearly mark the limits of the workspace with flagging or similar means to ensure mechanized equipment does not enter preserved waters of the U.S. and riparian wetland/habitat areas. Adverse impacts to waters of the U.S. beyond the Corps-approved construction footprint are not authorized. Such impacts could result in permit suspension and revocation, administrative, civil or criminal penalties, and/or substantial, additional, compensatory mitigation requirements.
5. Endangered Species: This Corps permit does not authorize you to take any threatened or endangered species, in particular the California least tern (*Sternula antillarum browni*), least Bell's vireo (*Vireo bellii pusillus*), coastal California gnatcatcher (*Poliophtila californica californica*), and the Santa Ana sucker (*Catostomus santaanae*), or adversely modify its designated critical habitat. In order to legally take a listed species, you must have separate authorization under the Endangered Species Act (ESA) (e.g. ESA Section 10 permit, or a Biological Opinion (BO) under ESA Section 7, with "incidental take" provisions with which you must comply). Pursuant to the U.S. Fish and Wildlife Service (FWS) correspondence dated November 19, 2012 [FWS-OR-13B0009-13100 17], including the required avoidance and minimization measures, the Corps Regulatory Division has determined and the FWS has concurred that your activity is not likely to adversely affect the above species. Your authorization under this Corps permit is conditional upon your compliance with all of the required avoidance and minimization measures, which are incorporated by reference in this permit. Failure to comply with the required avoidance and minimization measures would constitute non-compliance with your Corps permit.

6. **Biological Monitor:** A qualified biologist shall be onsite to monitor all activities that result in the clearing of sensitive habitat as well as grading, excavation, dewatering, and/or other ground-disturbing activities in jurisdictional areas. The Permittee shall flag the limits of the access roads and maintenance areas, perform necessary surveys, and take photographs during the construction process. The biological monitor is required to halt construction activities if threatened or endangered species are identified and notify the Corps Regulatory Project Manager and FWS immediately.
7. **Historic Properties:** 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 Corps' Archeology Staff within 24 hours (Steve Dibble at 213-452-3849 or John Killeen at 213-452-3861). The Permittee shall immediately suspend all work in any area(s) where potential cultural resources are discovered. The Permittee shall not resume construction in the area surrounding the potential cultural resources until the Corps Regulatory Division re-authorizes project construction, per 36 C.F.R. section 800.13.
8. **Compensatory Mitigation:** The Permittee has proposed to mitigate for impacts to waters of the U.S., through implementation of the draft compensatory mitigation plan: "Orange County Water District Habitat Management Plan" (dated June 2013, and prepared by OCWD). According to the draft mitigation plan, responsible parties would be as follows: a) Implementation: OCWD; b) Performance: OCWD; c) Long-term management: OCWD. The Permittee retains ultimate legal responsibility for meeting the requirements of the final mitigation plan. Detailed mitigation objectives, performance standards, and monitoring requirements are described in the above mitigation plan, or as subsequently finalized upon written approval by the Corps.
9. **Monitoring Reports:** You shall submit monitoring reports for all compensatory mitigation sites as described in the final, approved mitigation plan by April 1 of each year following the construction of mitigation. To assure compensatory mitigation success, you shall monitor the mitigation area(s) for at least five (5) consecutive growing seasons after construction or until the Corps determines the final performance standards are met (monitoring shall be for a minimum of 5 years unless the Corps agrees earlier that success has been reached and maintained for a sufficient time period, or, if success is not demonstrated to the Corps' satisfaction after the 5th year of monitoring, additional monitoring may be required by the Corps as determined at that time). Additionally, you shall demonstrate continued success of the compensatory mitigation site(s), without human intervention, for at least two consecutive years during which interim and/or final performance standards are met. The compensatory mitigation project will not be deemed successful until this criterion has been met.
10. **Geospatial Data:** Within 60 days following permit issuance, you shall provide to this office GIS data (polygons only) depicting the boundaries of all compensatory mitigation sites, as authorized in the final mitigation plan referenced above. All GIS data and associated metadata shall be provided on a digital medium (CD or DVD) or via file transfer protocol (FTP), preferably using the Environmental Systems Research Institute (ESRI) shapefile format. GIS data for mitigation sites shall conform to the Mitigation\_SPD.xlsx data table, as specified in the

Final Map and Drawing Standards for the South Pacific Division Regulatory Program dated August 6, 2012 (<http://www.spd.usace.army.mil/Portals/13/docs/regulatory/standards/map.pdf>), and shall include a text file of metadata, including datum, projection, and mapper contact information. Within 60 days following completion of compensatory mitigation construction activities, if any deviations have occurred, you shall submit as-built GIS data (polygons only) accompanied by a narrative description listing and explaining each deviation.

11. Water Quality: The Permittee shall implement and abide by Section 401 Water Quality Certification dated December 27, 2012 [File No. 30-2012-01], as prepared by the Santa Ana Water Quality Control Board.

**Further Information:**

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

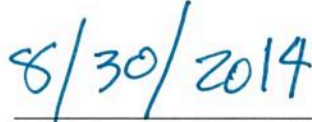
Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance 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.

  
\_\_\_\_\_  
PERMITTEE

  
\_\_\_\_\_  
DATE

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

  
\_\_\_\_\_  
David J. Castanon  
Chief, Regulatory Division

  
\_\_\_\_\_  
DATE

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.

\_\_\_\_\_  
TRANSFeree

\_\_\_\_\_  
DATE



*LOS ANGELES DISTRICT  
U.S. ARMY CORPS OF ENGINEERS*

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

**Permit Number:** SPL-2012-00066-JPL  
**Name of Permittee:** Orange County Water District; Daniel Bott  
**Date of Issuance:** July 31, 2014

**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 return it using any ONE of the following three (3) methods:

(1) E-MAIL a statement including all the above information to:

Jason.P.Lambert@usace.army.mil

OR

(2) FAX this certification, after signing, to: (213) 452-4196

OR

(3) MAIL to the following address:

U.S. Army Corps of Engineers  
Regulatory Division  
ATTN: CESPL-RG-SPL-2012-00066-JPL  
Los Angeles District, Corps of Engineers  
915 Wilshire Boulevard, Suite 930  
Los Angeles, California 90017



*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-2012-00066-JPL  
**Name of Permittee:** Orange County Water District; Daniel Bott  
**Date of Issuance:** July 31, 2014

**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 return it using any ONE of the following three (3) methods:

- (1) E-MAIL a statement including all the above information to:  
Jason.P.Lambert@usace.army.mil  
OR  
(2) FAX this certification, after signing, to: (213)452-4196  
OR  
(3) MAIL to the following address:

U.S. Army Corps of Engineers  
Regulatory Division  
ATTN: CESPL-RG-SPL-2012-00066-JPL  
Los Angeles District, Corps of Engineers  
915 Wilshire Boulevard, Suite 930  
Los Angeles, California 90017



