



**US Army Corps  
of Engineers®**

## **SPECIAL PUBLIC NOTICE APRIL 19, 2002**

*LOS ANGELES DISTRICT*

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### **REISSUANCE OF THE NATIONWIDE PERMITS AND ISSUANCE OF REGIONAL CONDITIONS FOR THE LOS ANGELES DISTRICT**

On 15 January 2002, in Part II of the Federal Register (67FR 2020- 2095), the U.S. Army Corps of Engineers announced the reissuance of all existing Nationwide Permits (NWP), General Conditions, and definitions with some modifications, and one new General Condition (copy enclosed).

After the publication of this Federal Register notice, Corps districts began finalizing their regional conditions (see the attached page 4 for the final version of the Los Angeles District's Regional Conditions) for the new and modified Nationwide Permits. Regional conditions will provide additional protection for the aquatic environment, by ensuring that the NWPs authorize only those activities with minimal adverse effects on the aquatic environment. Regional conditions will also help ensure protection of high value waters within the Los Angeles District. On 8 April 2002, the South Pacific Division Engineer approved the Los Angeles District decision documents for the Nationwide Permits and Regional Conditions. The reissued NWPs became effective on **18 March 2002** and the attached regional conditions for the Los Angeles District will apply to all Nationwide Permit applications received on or after the date of this public notice, **19 April 2002**.

The publication of this Federal Register notice on 15 January 2002 also began a 60-day process for States and Tribes to make their Section 401 water quality certification and Coastal Zone Management Act (CZMA) consistency determination decisions. On 5 March 2002, the California Coastal Commission decided the proposed Nationwide Permits were not consistent with Section 30233 of the Coastal Act and, as a result, the Coastal Commission will continue to make a consistency determination for each Nationwide Permit application on a case-by-case basis. On 12 March 2002, the State Water Resources Control Board issued certification for 17 Nationwide Permits (1,4,5,6,9,10, 11,20,22,24,28,29,30,32,34,36 and 38), provided the applicant complies with the stated conditions and notification requirements. The State Water Resources Control Board denied certification without prejudice for the remaining 26 Nationwide Permits and, as a result, the Regional Water Quality Control Boards would have to issue individual certifications for any projects authorized under Nationwide Permits 2,3,7,8,12,13,14,15,16,17, 18,19,21,23,25,27,31,33,35,37,39,40,41,42,43 and 44.

The 15 January 2002 Federal Register notice is available for viewing at the Los Angeles District at 911 Wilshire Boulevard (11<sup>th</sup> Floor), Los Angeles, California 90053 or on the Internet at <http://www.usace.army.mil/inet/functions/cw/cecwo/reg/2002nwps.pdf>. As an alternate, World Wide Web users can access the Federal Register through the U.S. Government Printing Office at [http://www.access.gpo.gov/su\\_docs/aces/aces140.html](http://www.access.gpo.gov/su_docs/aces/aces140.html).

The Corps has also issued final decision documents for the new and modified Nationwide Permits described in the 15 January 2002 Federal Register. These documents are also available on the Internet at <http://www.usace.army.mil/inet/functions/cw/cecwo/reg/nw2002dd/index.htm> and at the above Corps district office. Furthermore, the Nationwide Permit decision documents will be supplemented by Division Engineers to

address decisions concerning regional conditioning of the Nationwide Permits. The decision documents for the Los Angeles District are also available for viewing at the above District office address. Enclosed is a copy of the final Nationwide Permits and conditions. They are also available through Corps Home Page or the Federal Register.

## Index of Nationwide Permits, Conditions, Further Information, and Definitions

### Nationwide Permits

1. Aids to Navigation
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4. Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities
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11. Temporary Recreational Structures
12. Utility Line Activities
13. Bank Stabilization
14. Linear Transportation Projects
15. U.S. Coast Guard Approved Bridges
16. Return Water From Upland Contained Disposal Areas
17. Hydropower Projects
18. Minor Discharges
19. Minor Dredging
20. Oil Spill Cleanup
21. Surface Coal Mining Activities
22. Removal of Vessels
23. Approved Categorical Exclusions
24. State Administered Section 404 Programs
25. Structural Discharges
26. [Reserved]
27. Stream and Wetland Restoration Activities
28. Modifications of Existing Marinas
29. Single-family Housing
30. Moist Soil Management for Wildlife
31. Maintenance of Existing Flood Control Facilities
32. Completed Enforcement Actions
33. Temporary Construction, Access and Dewatering
34. Cranberry Production Activities
35. Maintenance Dredging of Existing Basins
36. Boat Ramps
37. Emergency Watershed Protection and Rehabilitation
38. Cleanup of Hazardous and Toxic Waste
39. Residential, Commercial, and Institutional Developments
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42. Recreational Facilities
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## Nationwide Permit General Conditions

1. Navigation
2. Proper Maintenance
3. Soil Erosion and Sediment Controls
4. Aquatic Life Movements
5. Equipment
6. Regional and Case-by-Case Conditions
7. Wild and Scenic Rivers
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27. Construction Period

## Further Information

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Stormwater Management Facilities  
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Vegetated Buffer  
Vegetated Shallows  
Waterbody

**Final Regional Conditions for the Los Angeles District (these regional conditions will apply to all Nationwide Permit application received after 18 April 2002):**

The following regional conditions would be effective throughout the Los Angeles District unless stated otherwise. The Los Angeles District is comprised of the coastal drainages of San Luis Obispo County, the eastern drainages of Mono County to the Conway Summit north of Mono Lake, the eastern drainages of Inyo County, all of Kern, San Bernardino, Riverside, Imperial, Santa Barbara, Ventura, Los Angeles, Orange and San Diego counties in California, and all of the State of Arizona.).

- (1) For coastal watersheds from the southern reach of the Santa Monica Mountains in Los Angeles County to the San Luis Obispo County/Monterey County boundary, all road crossings must employ a bridge crossing design that ensures passage and/or spawning of steelhead (*Oncorhynchus mykiss*) is not hindered in any way. In these areas, bridge designs that span the stream or river, including designs for pier- or pile-supported spans, or designs based on use of a bottomless arch culvert simulating the natural stream bed (i.e., substrate and streamflow conditions in the culvert are similar to undisturbed stream bed channel conditions) shall be employed unless it can be demonstrated the stream or river does not support resources conducive to the recovery of federally listed anadromous salmonids, including migration of adults and smolts, or rearing and spawning. This proposal also excludes approach embankments into the channel unless they are determined to have no detectable effect on steelhead.
- (2) For the State of Arizona and the Mojave and Sonoran (Colorado) desert regions of California in Los Angeles District (generally north and east of the San Gabriel, San Bernardino, San Jacinto, and Santa Rosa mountain ranges, and south of Little Lake, Inyo County), no nationwide permit, except Nationwide Permits 1 (Aids to Navigation), 2 (Structures in Artificial Canals), 3 (Maintenance), 4 (Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities), 5 (Scientific Measurement Devices), 6 (Survey Activities), 9 (Structures in Fleeting and Anchorage Areas), 10 (Mooring Buoys), 11 (Temporary Recreational Structures), 20 (Oil Spill Cleanup), 22 (Removal of Vessels), 27 (Stream and Wetland Restoration Activities), 30 (Moist Soil Management for Wildlife), 31 (Maintenance of Existing Flood Control Projects), 32 (Completed Enforcement Actions), 35 (Maintenance Dredging of Existing Basins), 37 (Emergency Watershed Protection and Rehabilitation), and 38 (Cleanup of Hazardous and Toxic Waste), or other nationwide or regional general permits that specifically authorize maintenance of previously authorized structures or fill, can be used to authorize the discharge of dredged or fill material into a jurisdictional special aquatic site as defined at 40 CFR Part 230.40-45 (sanctuaries and refuges, wetlands, mudflats, vegetated shallows, coral reefs, and riffle-and-pool complexes).
- (3) For all projects proposed for authorization by nationwide or regional general permits where prior notification to the District Engineer is required, applicants must provide color photographs or color photocopies of the project area taken from representative points documented on a site map. Pre-project photographs and the site map would be provided with the permit application. Photographs should represent conditions typical or indicative of the resources before impacts.

- (4) Notification pursuant to general condition 13 shall be required for projects in all special aquatic sites as defined at 40 CFR Part 230.40-45 (sanctuaries and refuges, wetlands, mudflats, vegetated shallows, coral reefs, and riffle-and-pool complexes), and in all perennial watercourses or waterbodies in the State of Arizona and the Mojave and Sonoran (Colorado) desert regions of California in Los Angeles District (generally north and east of the San Gabriel, San Bernardino, San Jacinto, and Santa Rosa mountain ranges, and south of Little Lake, Inyo County), excluding the Colorado River from Davis Dam downstream to the north end of Topock and downstream of Imperial Dam.
- (5) Notification pursuant to general condition 13 shall be required for projects in all areas designated as Essential Fish Habitat by the Pacific Fishery Management Council (i.e., all tidally influenced areas).
- (6) Notification pursuant to general condition 13 shall be required for projects in all watersheds in the Santa Monica Mountains in Los Angeles and Ventura counties bounded by Calleguas Creek on the west, by Highway 101 on the north and east, and by Sunset Boulevard and Pacific Ocean on the south.
- (7) Individual permits shall be required for all jurisdictional vernal pools.
- (8) Individual permits shall be required in Murrieta Creek and Temecula Creek watersheds in Riverside County for new permanent fills in perennial and intermittent watercourses otherwise authorized under NWP 39, 42 and 43, and in ephemeral watercourses for these NWPs for projects that impact greater than 0.1 acre.
- (9) Individual permits shall be required in San Luis Obispo Creek and Santa Rosa Creek in San Luis Obispo County for bank stabilization projects, and in Gaviota Creek, Mission Creek and Carpinteria Creek in Santa Barbara County for bank stabilization projects and grade control structures.

For additional information please contact Dr. Aaron O. Allen at (805) 585-2148 or Mr. Russ Kaiser at (213) 452-3293. This public notice is issued by the Chief, Regulatory Branch.