



Santa Clara Valley Habitat Plan Regional General Permit (RGP 18) Notification and Program Management Process

Notification Requirements

The following information relates to notification requirements. Applicants shall not begin an activity until they have received notification from the Corps that their project is authorized under this RGP.

Contents of Project Applications

Project proponents requesting authorization under the RGP will provide project-specific information as required by the Habitat Plan and the Corps. The required contents of the project applications are generally consistent with the Nationwide Permit pre-construction notification requirements. Applications will include the information listed below.

Habitat Plan Requirements

1. An application form for coverage under the Plan.
2. A brief project description and map of the project.
 - a. Location.
 - b. Assessor's parcel number.
 - c. Construction activity or maintenance methods.
 - d. Timing of the project.
 - e. Vicinity map.
 - 1) Provide enough information to locate the site within the study area.
 - 2) Include streams or water bodies (identify if the water body is federal or state jurisdiction).
 - f. Project detail map.
 - 1) Show the full parcel if inside the urban service area or development area if outside the urban service area.
 - 2) Include relevant landforms, roads, water bodies, and existing and proposed structures that will be affected by the proposed project.
3. Land cover map.
 - a. Desk or field verified map showing land covers on the project site.
 - b. Include acres of each land cover type.
4. Map of wetlands and waters.

- a. A map of all coastal and valley freshwater marsh, seasonal wetlands, ponds, riparian woodland, and streams on the project site.
- b. Identification of proposed or approved federal or state waters.
5. Results of applicable surveys for selected covered species.
 - a. Identify all required surveys and results of such surveys.
 - b. Identify all construction monitoring requirements, if any.
6. Documentation of any additional avoidance and minimization requirements that will be implemented.

RGP Requirements

1. Name, address, telephone numbers, and signature of the project applicant and the project applicant's agent (if any).
2. Project street address and location of the proposed project (with latitude and longitude), including vicinity and project site maps.
3. Directions to the project site.
4. Name of nearest waterbody.
5. Identification of the RGP 18 covered activity type, including a description of the complete proposed project (including associated work such as placement of cofferdams, access roads, pilings, staging areas, and all other structures) and the project's purpose and need.
6. A delineation of waters of the United States on the project site, conducted by a qualified professional, is required to be submitted before or when the application is submitted. Wetland delineations must be prepared in accordance with the *Corps of Engineers Wetland Delineation Manual* (U.S. Army Corps of Engineers 1987) and the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region* (U.S. Army Corps of Engineers 2008). Activities in freshwater creeks, rivers and ponds must show the Ordinary High Water Mark (OHWM), including width and length of stream affected within the OHWM. Activities in wetlands must show wetland boundaries. The application package should indicate if the Corps has made a jurisdictional determination.
7. A written statement describing how the activity has been designed to avoid and minimize adverse effects (temporary, permanent, direct, and indirect) to waters of the United States.
8. Drawings, including plan and cross section views, clearly depicting the location, size and dimensions of the proposed activity, as well as the location of delineated waters of the United States on the project site. If dredging will occur, cross section graphics must show existing and proposed bottom depths. The drawings shall contain a title block, legend, scale, and amount (in cubic yards) and area (in acres) of fill in Corps jurisdiction,

including both permanent and temporary fills/structures. The OHWM should be shown (in feet), based on National Geodetic Vertical Datum (NGVD) or other appropriate referenced elevation.

9. If fill will be placed as part of the project, indicate the type and source of fill, method of placement, cubic yardage of each type of fill, surface area and linear feet of each type of fill, and a description of whether fill is temporary or permanent. Temporary fill is fill that will be removed within one growing season.
10. If dredging will occur as part of the project, indicate the amount of dredge/excavation (volume and area), type and source of material to be extracted, the method of dredging/excavation (type of equipment and construction methodology), where spoils will be stored, if applicable, and the ultimate disposal site of spoils. All dredged or excavated materials must be deposited and retained in an area that has no waters of the United States unless otherwise specifically approved by the district engineer under separate authorization.
11. Numbered and dated pre-project color photographs showing all waters proposed to be impacted on the project site. The compass angle and position of each photograph shall be documented on a plan-view drawing.
12. For each general condition of this RGP, a brief narrative describing how the activity would comply with the condition, or a statement that the condition does not apply.
13. A compensatory mitigation plan for projects that would permanently adversely affect greater than 1/10-acre of potential waters of the U.S. The applicant may submit a conceptual or detailed mitigation plan.
14. If any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, the project notification must include the name(s) of those endangered or threatened species that might be affected by the proposed work or the designated critical habitat that may be affected by the proposed work. The Habitat Agency will confirm the project is covered by the Habitat Plan. If the project may affect a listed species or critical habitat managed by the NMFS or may adversely affect essential fish habitat (EFH), the Habitat Agency will determine whether the project is covered by an existing consultation or if separate consultation is required. The Habitat Agency will provide the Corps with a biological resources assessment if separate consultation is required. If another federal agency has initiated or will initiate compliance with Section 7 of the Endangered Species Act (ESA) and/or Section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act, the Habitat Agency will provide the Corps with documentation of that compliance.
15. For an activity that might have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties, the project notification must include an inventory of cultural resources prepared by a qualified archaeologist and, if applicable, preliminary eligibility and effects

determinations. The Corps will make the final eligibility and effects determinations. If another federal agency has initiated or will initiate compliance with Section 106 of the National Historic Preservation Act, the Habitat Agency will provide the Corps with documentation of that compliance.

Notification of Project Changes

The Corps will be notified as soon as possible if there is a change in the project description or impacts are expected to differ from those that were authorized under this RGP. The applicant will submit a project-change memorandum that outlines how the project has changed, including:

1. A written statement describing how the activity has been designed to avoid and minimize adverse effects (temporary, permanent, direct, and indirect) to waters of the United States.
2. Revised drawings, including plan and cross section views, clearly depicting the location, size, and dimensions of the proposed activity relative to potential waters of the United States on the project site.
3. Revised description of activities in potential waters of the U.S., including type and source of fill and the method of placement.
4. Evaluation as to whether impacts to listed species, cultural resources, or EFH have changed.

The Habitat Agency will then contact the Corps to secure an amended authorization. The project will then be reviewed under the timelines established in the review process section of this document. Project changes may require additional consultation with NMFS, SHPO, or tribal groups.

Program Management, Reporting, and Tracking Process

Notification

The Habitat Agency will submit electronic copies of applications and annual reports to both the current RGP project manager and the District's general email address: CESP-Regulatory-Info@usace.army.mil.

Review Process for the Corps

Within 15 days of receiving an RGP 18 project notification, the Corps will confirm that the project is a covered activity under RGP 18 and review the notification for completeness and adequacy. If the project is not a covered activity, the Corps will transfer the application to the Nationwide Permit process or individual permit process and notify the Habitat Agency and the applicant. If the project is a covered activity, the Corps will notify the Habitat Agency and the applicant of any additional information needs or interagency coordination/consultation (e.g., tribal, SHPO, NMFS, etc.) requirements necessary to make a permit decision. The Corps will make a permit decision within 30 days of completing any necessary interagency coordination/consultation and receiving all necessary information.

Annual Reporting

The Habitat Agency will provide an annual report to the Corps by March 15th of each year. The annual report will contain the following information.

1. A summary of the previous year's activities (January 1 to December 31) including:
 - a. Total number of projects, categorized by covered activity type.
 - b. Total quantity of impacts to waters of the U.S. authorized, categorized into impacts with a permanent adverse effect and impacts without a permanent adverse effect. Impacts with a permanent adverse effect will be further categorized into impacts resulting in a conversion of waters to uplands and impacts not resulting in a conversion to uplands.
 - c. Total quantity of compensatory mitigation required for impacts to waters of the U.S., categorized into mitigation type (mitigation bank, in-lieu fee, or permittee-responsible mitigation)
2. An accounting of the total permanent adverse effects authorized per covered activity type versus the Program Limits.
3. A summary of any issues related to using the RGP (e.g., review timing, consultation process, activity sizes, forecast of potential future need, etc.).
4. Detailed information regarding each authorized activity:
 - a. Project name
 - b. Corps permit number
 - c. Authorized impacts to waters of the U.S.
 - d. Location of impact by HUC
 - e. Brief description of action
 - f. Location coordinates (latitude, longitude)
 - g. Permittee(s)
 - h. Waterway name
 - i. NMFS and SHPO consultation requirements
 - j. Status of construction (not constructed, under construction, or completed)
 - k. Compensatory mitigation requirements