



SANTA CLARA VALLEY
HABITAT AGENCY

Santa Clara Valley Habitat Plan Regional General Permit #18

**Training and Workshop for
Co-Permittees
April 5, 2016**

Agenda

- Welcome and Objectives (5 min.)
- Overview of Regional General Permit #18 (40 min.)
- RGP Process and Preparing Applications (20 min.)
- Examples and Discussion (20 min.)
- Co-Permittee Input and Feedback (30 min.)
- Next Steps and Wrap-up (5 min.)



SANTA CLARA VALLEY
HABITAT AGENCY



City of Gilroy

City of Morgan Hill

City of San José

County of Santa Clara

Santa Clara Valley Water District

Santa Clara Valley
Transportation Authority



Objectives

- Understand the purpose of the RGP and how it relates to the Habitat Plan
- Understand how to prepare an RGP application
- Discuss key issues that might arise during preparation of an application
- Provide feedback on the application process and how to improve it



SANTA CLARA VALLEY
HABITAT AGENCY



City of Gilroy

City of Morgan Hill

City of San José

County of Santa Clara

Santa Clara Valley Water District

Santa Clara Valley
Transportation Authority



Overview of the RGP

- Federal permit issued by the U.S. Army Corps of Engineers (Corps) to comply with Section 404 of the Clean Water Act (CWA) – **5-year permit**
- It is both a **permit** and a **permitting process** designed to compliment the Habitat Plan
- Similar to, and built upon, the nationwide permitting process



U.S. ARMY CORPS OF ENGINEERS

Regional General Permit 18

BUILDING STRONG.

Santa Clara Valley Habitat Plan Regional General Permit

EFFECTIVE: January 15, 2016
EXPIRES: (5 years from effective)

The U.S. Army Corps of Engineers, San Francisco District (District), hereby issues Regional General Permit 18 for implementation of covered activities in the Santa Clara Valley Habitat Plan (a Habitat Conservation Plan and Natural Community Conservation Plan) (U.S. Fish and Wildlife Service Native Endangered and Threatened Species Habitat Conservation Plan; Endangered and Threatened Wildlife; Migratory Birds, permit number TE94345A-O and California Natural Community Conservation Planning Act, permit number 2835-2012-002-03) in waters of the U.S. in Santa Clara County, California.

ISSUING OFFICE: U.S. Army Corps of Engineers, San Francisco District

ACTION ID: SPN-2012-00302S

AUTHORITIES: Section 10 of the Rivers and Harbors Act of 1899 for structures or work in or affecting navigable waters of the United States and Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.



SANTA CLARA VALLEY
HABITAT AGENCY



City of Gilroy

City of Morgan Hill

City of San José

County of Santa Clara

Santa Clara Valley Water District

Santa Clara Valley
Transportation Authority



RGP Issued to All of Us



SANTA CLARA VALLEY
HABITAT AGENCY



City of Gilroy

City of Morgan Hill

City of San José

County of Santa Clara

Santa Clara Valley Water District

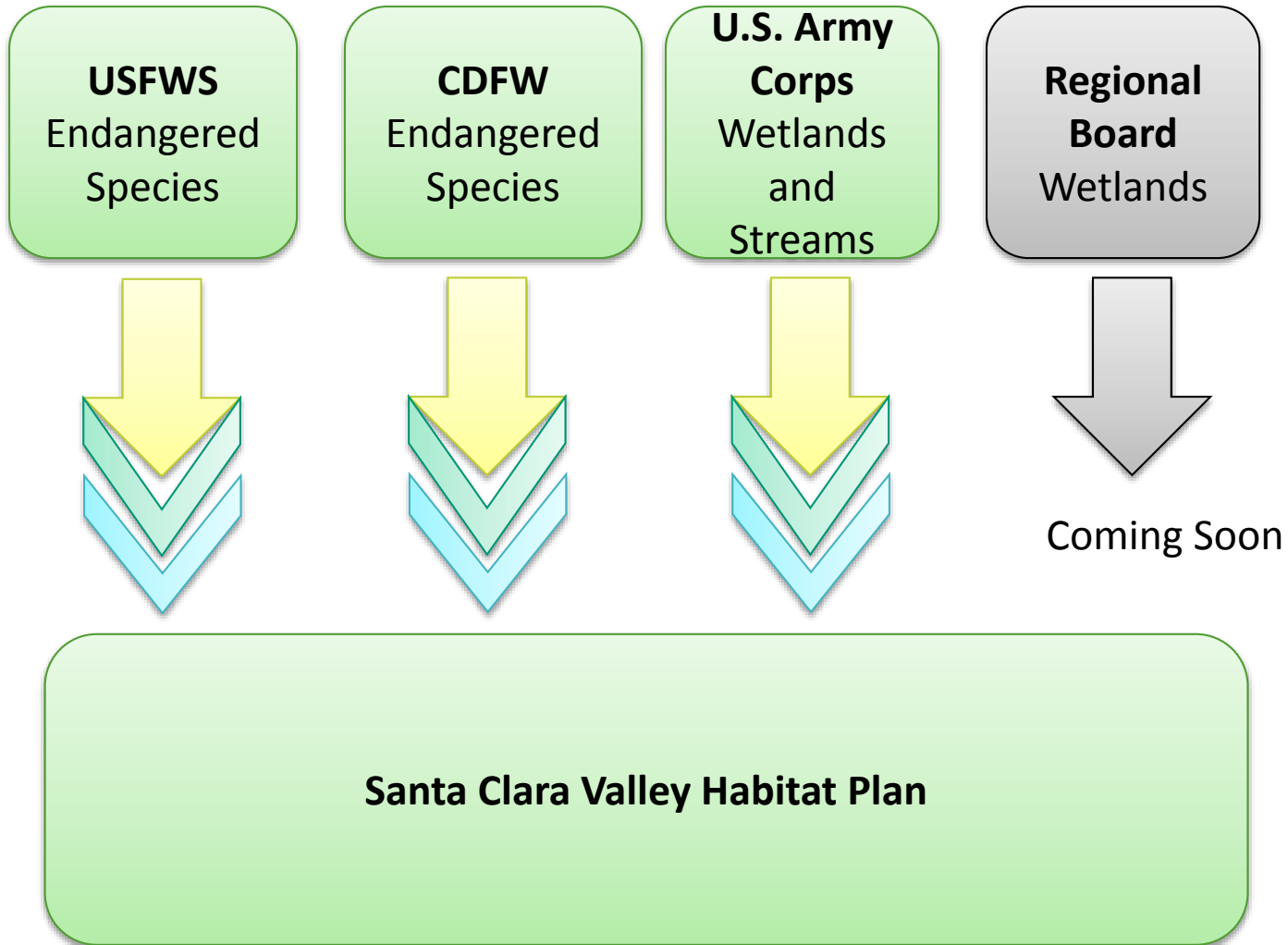
Santa Clara Valley
Transportation Authority



SANTA CLARA VALLEY
HABITAT AGENCY



Local Control and Increased Certainty for Project Permitting



RGP Covered Activities

- Habitat Plan–covered activities that also discharge fill into waters of the U.S.
- ***17 categories of activities***
- ***Activities with minimal impacts on waters of the U.S.***
 - ***0.1 – 0.5 acre*** and ***50 – 300 linear feet***



Jurisdiction under the CWA

- “Waters of the United States” under Section 404 Clean Water Act [33 CFR § 328.3(a)]
 - Wetlands are a subset of waters of the U.S.
 - 3 parameter test:
 - Hydrology
 - Soils
 - Vegetation
- “Waters of the State” under California Water Code Section 13050(e)
 - Waters of the U.S. within California
 - Isolated waters
 - 2 parameter test:
 - Hydrology
 - Soils



SANTA CLARA VALLEY
HABITAT AGENCY



City of Gilroy

City of Morgan Hill

City of San José

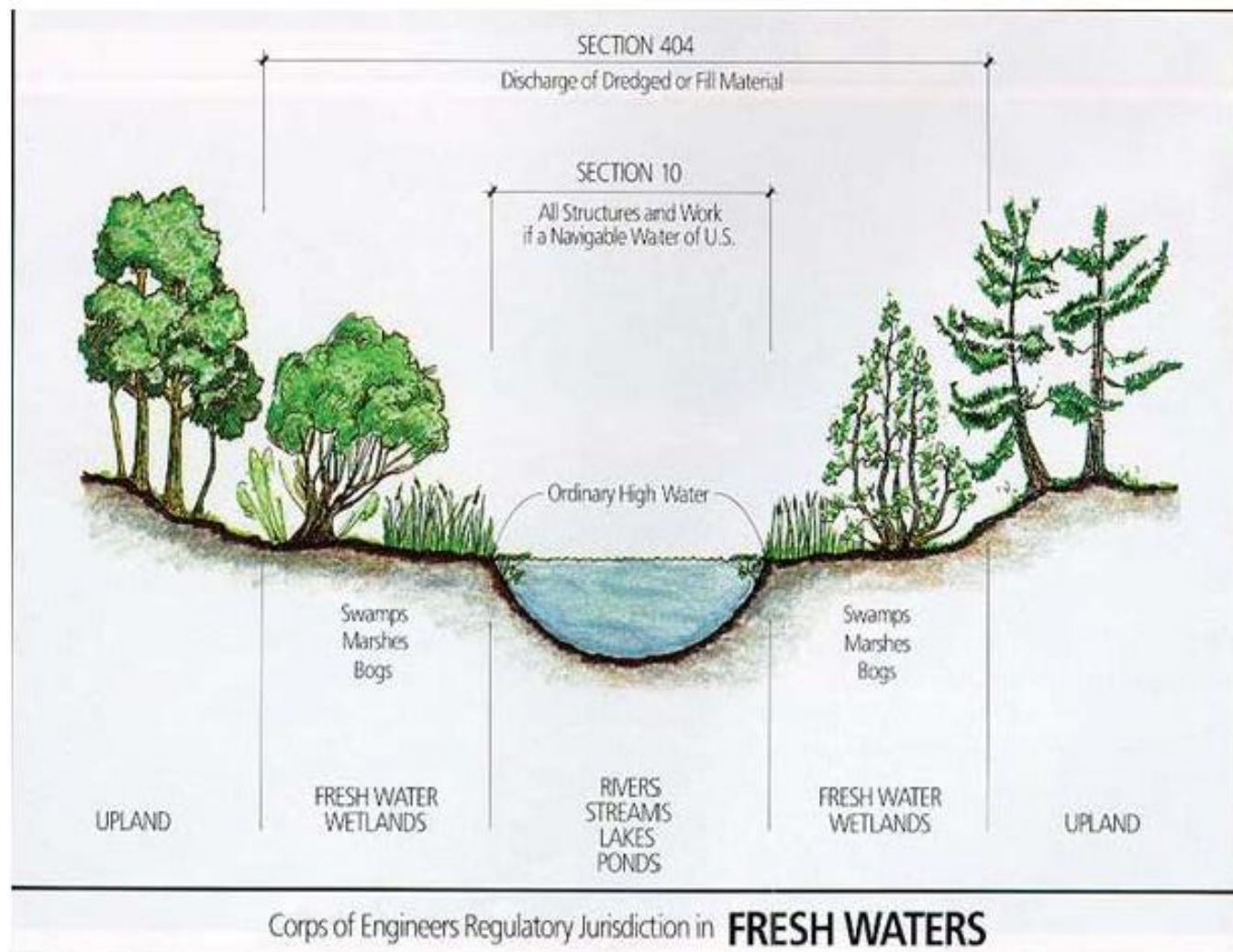
County of Santa Clara

Santa Clara Valley Water District

Santa Clara Valley
Transportation Authority



Regulatory Jurisdiction



SANTA CLARA VALLEY
HABITAT AGENCY



City of Gilroy

City of Morgan Hill

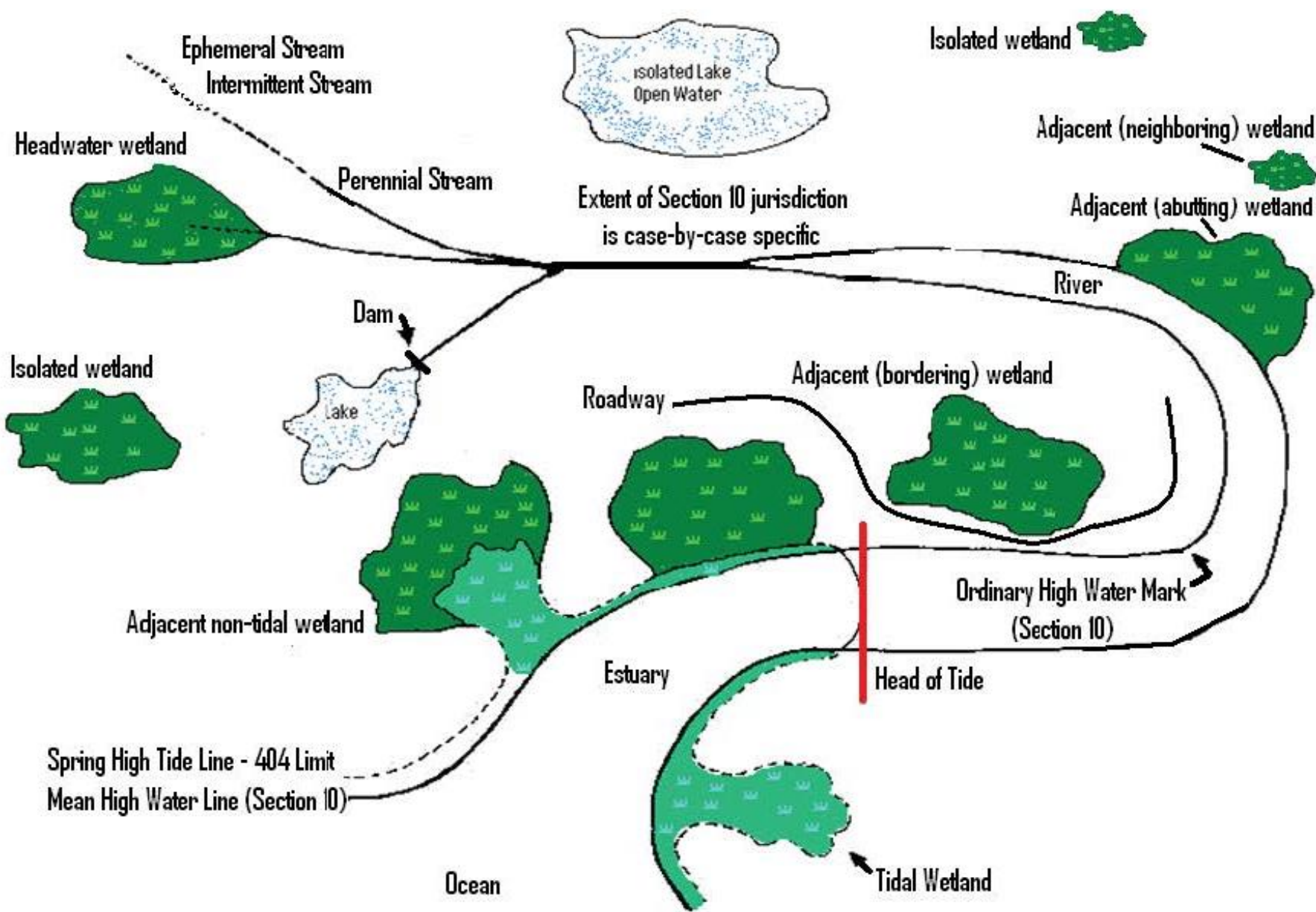
City of San José

County of Santa Clara

Santa Clara Valley Water District

Santa Clara Valley
Transportation Authority





Overview of the RGP Activities

#	Activity	Project Limits
1.	Bridge removal and repair	0.1 ac, 100 linear feet
2.	Bridge replacement, widening, and installation	0.5 ac, 300 linear feet
3.	Culvert repair, replacement, and removal	0.25 ac, 300 linear feet
4.	Culvert installation	0.5 ac, 300 linear feet
5.	Outfall repair, replacement, removal, and installation	0.1 ac, 50 linear feet
6.	Water intake structure repair, replace., and install.	0.25 ac, 100 linear feet
7.	Sediment removal	0.25 ac, 300 linear feet
8.	Removal of vegetation and storm debris	No limit, but subject to conditions
9.	Temporary construction access and dewatering	0.1 ac, 50 linear feet
10.	Recreational facility const., reconstruction, and mainten.	0.25 ac, 200 linear feet
11.	Restoration, establishment, and enhancement	No limit, but subject to conditions
12.	Installation of fish screens	0.1 ac
13.	Bank stabilization	0.1 ac, 300 linear feet
14.	Minor maintenance of levees, canals, and ditches	0.2 ac
15.	Surveying activities	0.08 ac
16.	Utility repair, removal, replacement, and installation	0.2 ac
17.	Development	0.5 ac, 300 linear feet

Does the RGP Cover my Project?

- Activities must occur in the Plan Area
- Activities must be covered by the Habitat Plan
- Activities must meet size restrictions
 - ***Greater than 0.5 acre, or over 300 linear feet not covered***
- Activities must comply with the RGP
- Activities must be listed on the RGP



SANTA CLARA VALLEY
HABITAT AGENCY



City of Gilroy

City of Morgan Hill

City of San José

County of Santa Clara

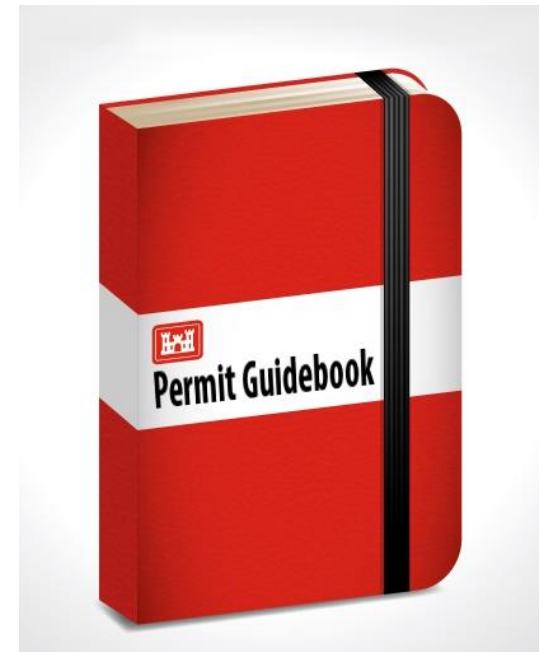
Santa Clara Valley Water District

Santa Clara Valley
Transportation Authority



Requirements of the RGP

- Similar to those under Nationwide Permits (NWP)
 - Avoidance
 - Minimization
 - Compensatory Mitigation
 - Adherence to Corps' terms:
 - *General Terms* (11 items)
 - *Special Conditions* (20 items)



SANTA CLARA VALLEY
HABITAT AGENCY



City of Gilroy

City of Morgan Hill

City of San José

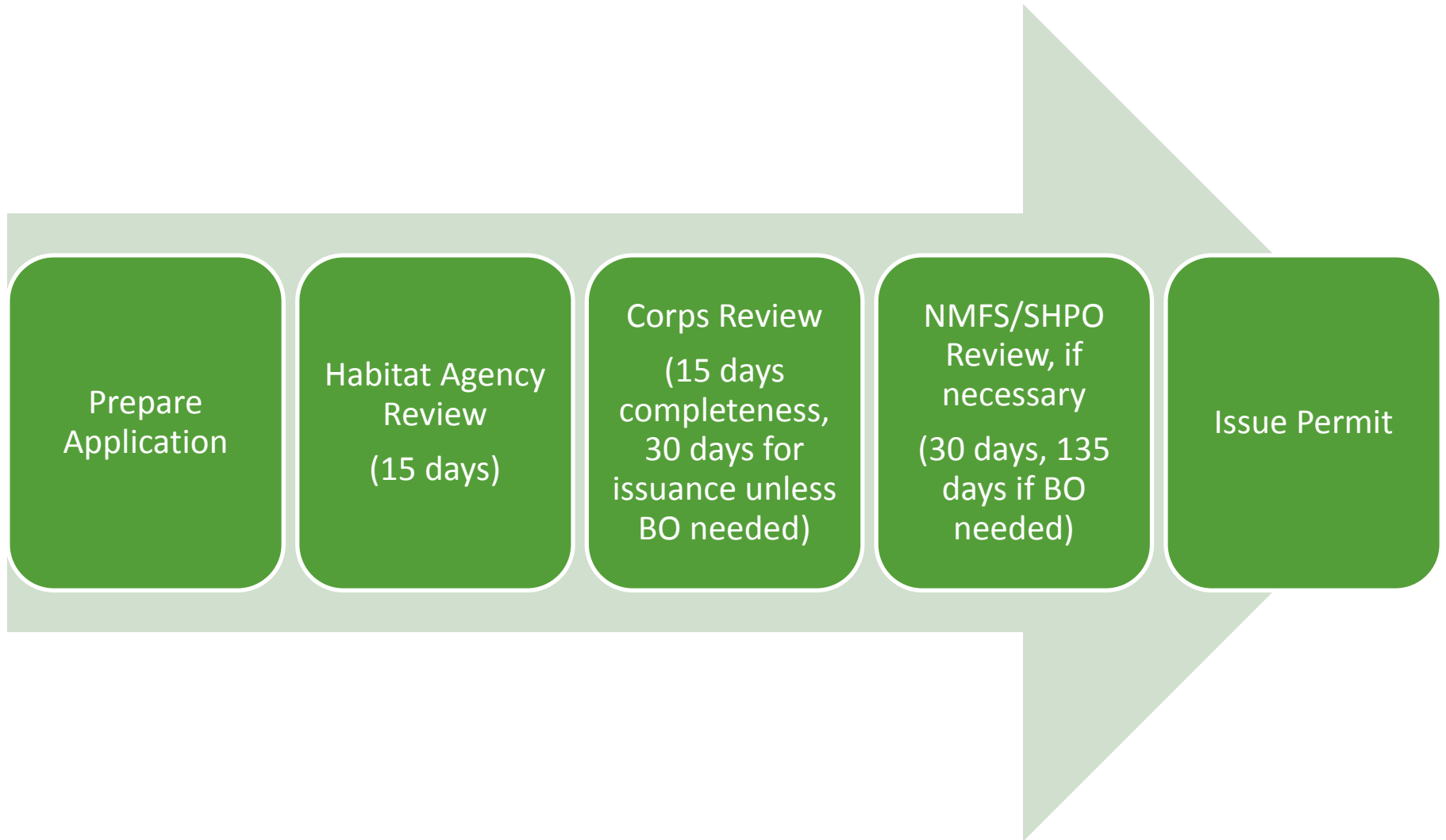
County of Santa Clara

Santa Clara Valley Water District

Santa Clara Valley
Transportation Authority



Overview of RGP Process



RGP Application

Part I. Project Overview

- Project information
- Project description: data and 12 questions
- Series of required attachments

Part II. RGP Conditions

- Checklist:
 - 11 general conditions
 - 20 special conditions

Part III. Fees

Part IV. Signature



SANTA CLARA VALLEY
HABITAT AGENCY



City of Gilroy

City of Morgan Hill

City of San José

County of Santa Clara

Santa Clara Valley Water District

Santa Clara Valley
Transportation Authority



RGP Application – Part I

- Part I. Project Overview
 - Item 1. Applicant Contact Information
 - Item 2. Project Description
 - Property
 - RGP Activity Type
 - Purpose and Need
 - Project's Impacts on Waters
 - Design to Avoid and Minimize Effects
 - Specific Considerations
 - Fill and Dredge Information
 - Type, Source, Method, Location
 - Impact Area (sf and length)



SANTA CLARA VALLEY
HABITAT AGENCY



City of Gilroy

City of Morgan Hill

City of San José

County of Santa Clara

Santa Clara Valley Water District

Santa Clara Valley
Transportation Authority



RGP Application – Part I

- Part I. Project Overview
 - Item 2. Project Description (cont.)
 - Bank Stabilization
 - Wetland Delineation
 - Mitigation
 - Applicant-Responsible
 - Habitat Plan
 - » Credits being developed, however, currently there are no credits so will need to cover temporal loss
 - Other Resource Considerations
 - Wildlife Species
 - Anadromous Fish
 - Tribal and Cultural Resources



SANTA CLARA VALLEY
HABITAT AGENCY



City of Gilroy

City of Morgan Hill

City of San José

County of Santa Clara

Santa Clara Valley Water District

Santa Clara Valley
Transportation Authority



RGP Application – Part I

- Part I. Project Overview
 - Item 3. Required Attachments
 - Wetland Delineation
 - Vicinity Map
 - Site Plan
 - Plan View and Cross-Sectional Drawings
 - Photos with Viewpoints on Drawings
 - Conditions
 - Not Likely to Adversely Affect (NLAA) Attachment
 - RGP Processing Fee
 - GIS/CAD Files
 - *Each item has specific formatting and data standards*



SANTA CLARA VALLEY
HABITAT AGENCY



City of Gilroy

City of Morgan Hill

City of San José

County of Santa Clara

Santa Clara Valley Water District

Santa Clara Valley
Transportation Authority



RGP Application – Part II

- Part II. Conditions
 - General Terms (11 items)
 - Fits within RGP
 - Mitigation provided
 - Financial assurances provided
 - Fits under Not Likely to Adversely Affect (NLAA)
 - Single and complete project
 - Not after the fact project
 - Complies with Habitat Plan
 - Corps may add conditions
 - Complete prior to December 2020
 - Corps has discretionary authority
 - Expiration date



SANTA CLARA VALLEY
HABITAT AGENCY



City of Gilroy

City of Morgan Hill

City of San José

County of Santa Clara

Santa Clara Valley Water District

Santa Clara Valley
Transportation Authority



RGP Application – Part II

- Part II. Conditions (cont.)
 - Special Conditions (20 items)
 - Threatened and Endangered Species – U.S. Fish and Wildlife Service (USFWS)
 - Habitat Plan will serve this function
 - Threatened and Endangered Species – National Marine Fisheries Services (NMFS)
 - NLAA conclusion (Attachment 2)
 - Biological Assessment (BA) needed if “may affect”
 - Notification requirements if protected species are discovered
 - CWA Section 401 compliance
 - Integration underway, but currently needed separately
 - Cannot affect historic properties
 - 15 others relating to cultural resources, floodplain, site maintenance, aquatic life, equipment, materials, etc.



SANTA CLARA VALLEY
HABITAT AGENCY



City of Gilroy

City of Morgan Hill

City of San José

County of Santa Clara

Santa Clara Valley Water District

Santa Clara Valley
Transportation Authority



RGP Application – Part III

- Part III. Fees
 - Habitat Agency is working to determine what the additional fee will be and how it will be charged
 - Habitat Agency is working to minimize additional incremental fees
 - However, additional fees may be needed because:
 - This is a new permit, under the CWA
 - Restoration success monitoring is more rigorous than that required by the Habitat Plan
 - Additional staff time is required to process and review these applications



SANTA CLARA VALLEY
HABITAT AGENCY



City of Gilroy

City of Morgan Hill

City of San José

County of Santa Clara

Santa Clara Valley Water District

Santa Clara Valley
Transportation Authority



RGP Application – Part IV

- Part IV. Signature
 - Similar to commitment required for all Corps' permits
 - Legal commitment that the information is true, complete, and accurate
 - Allows assignment of an agent



SANTA CLARA VALLEY
HABITAT AGENCY



City of Gilroy

City of Morgan Hill

City of San José

County of Santa Clara

Santa Clara Valley Water District

Santa Clara Valley
Transportation Authority



Process After Application Submittal

- Habitat Agency review
 - 15 day review for completeness
 - Respond to any questions from the Habitat Agency
- Corps review
 - 15 day review for completeness
 - 30 days for issuance, if application is complete and there are no fish or cultural issues
- NMFS review, if necessary
 - 60 days for issuance, if application is complete and fish issues are addressed in NLAA
 - 135 + 30 days for issuance, if application is complete and fish issues require a Biological Opinion
- Permit issuance
 - Corps notices Habitat Agency
 - Habitat Agency notices applicant



SANTA CLARA VALLEY
HABITAT AGENCY



City of Gilroy

City of Morgan Hill

City of San José

County of Santa Clara

Santa Clara Valley Water District

Santa Clara Valley
Transportation Authority



#5 Outfall Replacement

- City of San Jose – Replacement of eight outfalls



SANTA CLARA VALLEY
HABITAT AGENCY



City of Gilroy

City of Morgan Hill

City of San José

County of Santa Clara

Santa Clara Valley Water District

Santa Clara Valley
Transportation Authority



#3 Culvert Repair

- Santa Clara Valley Water District – Culvert repair on watershed conservation lands – Site 4



SANTA CLARA VALLEY
HABITAT AGENCY



City of Gilroy

City of Morgan Hill

City of San José

County of Santa Clara

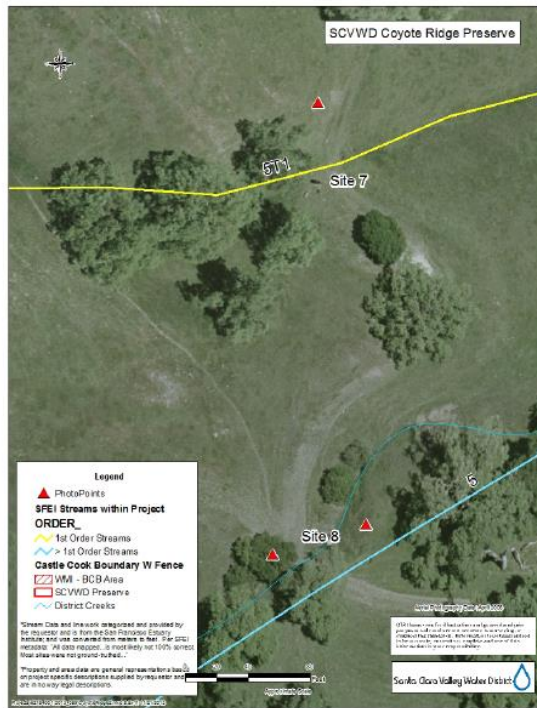
Santa Clara Valley Water District

Santa Clara Valley
Transportation Authority



#3 Culvert Repair

- Santa Clara Valley Water District – Culvert repair on watershed conservation lands – Site 8



Group Discussion

- Pop Quiz
 - Is the RGP a permit or process?
 - How long is the RGP good for?
 - Are projects over 0.5 acre allowed?
 - Are projects over 300 linear feet allowed?
 - How long will it take to get a project-specific permit?
- Break-out Session
 - Which projects and activities can use the RGP?



SANTA CLARA VALLEY
HABITAT AGENCY



City of Gilroy

City of Morgan Hill

City of San José

County of Santa Clara

Santa Clara Valley Water District

Santa Clara Valley
Transportation Authority



Input and Feedback

- Do you feel ready to prepare an application?
- What concerns do you have about the program?
- Do you have recommendations to overcome these concerns?



SANTA CLARA VALLEY
HABITAT AGENCY



City of Gilroy

City of Morgan Hill

City of San José

County of Santa Clara

Santa Clara Valley Water District

Santa Clara Valley
Transportation Authority



Input and Feedback

- How does the application look?
 - Approachable?
 - Easy to read?
 - Too long?
- What challenges do you expect will arise?
 - Activities?
 - Project limits?
 - Fees?
 - Applicant-responsible compensatory mitigation?
 - Other?



SANTA CLARA VALLEY
HABITAT AGENCY



City of Gilroy

City of Morgan Hill

City of San José

County of Santa Clara

Santa Clara Valley Water District

Santa Clara Valley
Transportation Authority



Next Steps and Wrap-up

- Today we discussed:
 - Purpose of the RGP and how it relates to the Habitat Plan
 - How to prepare an RGP application
 - How to talk about key issues that might arise during preparation of an application
- Thank you for your feedback on the application process and how to improve it
 - Follow-up survey?
 - Follow-up working group?



SANTA CLARA VALLEY
HABITAT AGENCY



City of Gilroy

City of Morgan Hill

City of San José

County of Santa Clara

Santa Clara Valley Water District

Santa Clara Valley
Transportation Authority

