



Public Notice of Request for Water Quality Certification for U.S. Army Corps of Engineers' Regional General Permit 41 for Eradication and Removal of Invasive, Non-Native Plant and Algal Species from Waters of the U.S.

State Water Resources Control Board
Division of Water Quality
Water Quality Certification Program
Date Posted: April 10, 2024

Project Name: Regional General Permit 41 for Eradication and Removal of Invasive, Non-Native Plant and Algal Species from Waters of the U.S.

Affected Counties: All counties within the U.S. Army Corps of Engineers Los Angeles District boundaries - the coastal drainages of San Luis Obispo County; all of Imperial, Inyo, Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Diego, and Ventura Counties; Mono County to the Conway Summit above Mono Lake; and the southern slopes of the Tehachapi Mountains in Kern County.

The following information is provided in satisfaction of the public notice requirements of Section 3861, Title 23, of the California Code of Regulations, which govern the State's Water Quality Certification Program.

The State Water Resources Control Board (State Water Board) is proposing to certify Regional General Permit 41 for Eradication and Removal of Invasive, Non-Native Plant and Algal Species from Waters of the U.S. pursuant to Section 401 of the Clean Water Act (33 USC 1341) and the Porter-Cologne Water Quality Control Act. **The State Water Board will consider all comments submitted in writing and received by the contact listed below during a 45-day comment period that begins on the date of issuance of this notice (April 10, 2024) and ends at 5:00 p.m. on May 28, 2024.** Electronic submittals are strongly encouraged.

State Water Board Contact:

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E. JOAQUIN ESQUIVEL, CHAIR | ERIC OPPENHEIMER, EXECUTIVE DIRECTOR

Background: On February 21, 2024, the U.S. Army Corps of Engineers (USACE), Los Angeles District, published a Special Public Notice for reissuance of Regional General Permit 41 for Eradication and Removal of Invasive, Non-Native Plant and Algal Species from Waters of the U.S. On March 11, 2024, the USACE Los Angeles District submitted a request for water quality certification under Section 401 of the Clean Water Act to the State Water Board.

Pursuant to federal law Clean Water Act Section 401, applicants for a federal license or permit for activities which may discharge to waters of the United States must seek water quality certification from the state or Indian tribe with jurisdiction. Such certification is based on a finding that the discharge will meet water quality standards and other applicable requirements. In California, Regional Water Quality Control Boards (Regional Water Boards) issue or deny certifications for discharges within their geographical jurisdiction. The State Water Board has this responsibility for projects affecting waters within multiple Regional Water Board jurisdictions.

Project Description: The USACE Los Angeles District proposes to reissue Regional General Permit 41 (RGP 41) which authorizes the eradication and removal of invasive, non-native plant and algal species from waters of the U.S., including wetlands. This RGP 41 would be authorized under Section 404 of the Clean Water Act of 1972 (33 U.S.C. 403) and Section 10 of the Rivers and Harbors Act of 1899 and would apply to any applicant proposing to remove invasive plant and algal species in waters of the U.S. to do so in a manner consistent with the terms and conditions of RGP 41. The current authorization will expire September 5, 2024. The USACE Los Angeles District is proposing to reissue RGP 41 for an additional five years and expand applicability to include algal species.

Applicant: United States Army Corps of Engineers, Los Angeles District

Applicant Contact: Alexandra Ryan

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KEEP INFORMED OF PROJECT MILESTONES

To be informed of milestones in the development of this proposed water quality certification, any interested persons should enroll in the State Water Board's 401 Program e-mail notification service.

Click the "Subscribe to the 401 Water Quality Certification and Wetlands Program Email List" button on the [401 Program Webpage](#) at:

http://www.waterboards.ca.gov/water_issues/programs/cwa401/index.shtml

By enrolling in this list, you will receive notices for future 401 applications. You will need a valid e-mail address to use this service. If you do not have internet access or do not wish to participate in the email list, contact the staff person named in the notice to express your interest in receiving notices by other means. You can enroll or un-enroll at any time.