

State Water Resources Control Board
Division of Water Quality --- Water Quality Certification Program

**Public Notice of Application for
Water Quality Certification**

U.S. Army Corps of Engineers file no. SPL-2013-00609-BAH

Pursuant to federal law (Title 33, United States Code, Section 1341; 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 Certification for discharges within their geographical jurisdiction. The State Water Resources Control Board (State Water Board) has this responsibility for projects affecting waters within two or more Regional Water Board jurisdictions.

The following information is provided in satisfaction of the public notice requirements of Section 3858, Title 23, of the California Code of Regulations, which govern the State's Certification Program.

Applicant: U.S. Army Corps of Engineers, Los Angeles District Office

Applicant Contact: Mr. Bruce Henderson

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Project Name: US Army Corps of Engineers, Regulatory Branch, Los Angeles District
Reauthorization of Regional General Permit (RGP) No. 63 for Emergency Situations

Project Description: The Los Angeles District (District) of the US Army Corps of Engineers is proposing to reauthorize its Regional General Permit (RGP) 63 for emergency actions to provide an expedited response to public agencies and private parties for necessary emergency repair and protection measures in waters of the United States, including wetlands, pursuant to Section 404 of the Clean Water Act and Section 10 of the River and Harbor Act of 1899, where there is a sudden, unexpected occurrence involving a clear and imminent threat to life or property (such as those situations that could potentially result in an unacceptable hazard to life or a significant loss of property if corrective action requiring a permit is not undertaken immediately) demanding immediate action to prevent or mitigate loss of, or damage to life, health, property, or essential public services. Modifications from the previously authorized RGP 63 include:

1. Extension of work initiation following authorization from 7 days to 14 days. Public works agencies and others must often prioritize allocation of personnel, equipment, and material among several pressing situations. A 7-day window to initiate a response can be insufficient.
2. Generally, it is anticipated that authorized actions to respond to an imminent threat would be allowed to remain in place, presuming that to remove the authorized fill would potentially effect a return of the threat under similar conditions. If the Regulatory project manager determines the fill would provide a temporary solution to the imminent threat, such as a berm to protect a project under construction, or a future project that addresses the matter, the temporary fill would be expected to be removed upon completion of this other project.

Project Location and Affected Counties: In any jurisdictional waters of the United States throughout the Los Angeles District of the U.S. Army Corps of Engineers, including the coastal drainages of San Luis Obispo County, all of Santa Barbara, Ventura, Los Angeles, San Bernardino, Riverside, Orange, San Diego, Imperial and Inyo counties, Mono County to the Conway Summit above Mono Lake, and the southern slopes of the Tehachapi Mountains in Kern County. In the event of future modifications to District boundaries, this permit would also apply in any areas so revised.

Public Review Period: State Board staff are proposing to regulate this project pursuant to Section 401 of the Clean Water Act (33 USC 1341) and/or Porter-Cologne Water Quality Control Act authority. In addition, staff will consider all comments submitted in writing and received at this office by mail during a 21-day comment period that begins on the first date of issuance of this letter and ends at 5:00 p.m. on the last day of the comment period. If you have any questions, please contact staff member Brian Dailey at (916) 341-5462, or at Brian.Dailey@waterboards.ca.gov within 21 days of the posting of this notice.

Date Posted: September 27, 2013

State Water Resources Control Board Staff Contact:

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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 button under the "Quick Links" section of the 401 Program Webpage at: http://www.waterboards.ca.gov/water_issues/programs/cwa401/index.shtml

Select "CWA 401 Certification and Wetlands Program." By enrolling in this list, you will receive notices for all current 401 project applications, including the project announced in this notice. 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 Lyris 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. The State Water Board will not disclose your name or e-mail information to any outside parties, and will not use this information for any other purpose.

Note: No regulatory decision on the application is implied or intended in this public notice.