



US Army Corps  
of Engineers®

SAN FRANCISCO DISTRICT  
**PUBLIC NOTICE**

**NATIONWIDE PERMIT REISSUANCE  
DRAFT REGIONAL CONDITIONS  
REQUEST FOR COMMENTS**

Regulatory Branch  
333 Market Street  
San Francisco, CA 94105-2197

DATE: 4 OCTOBER 2006

On September 26, 2006, the U.S. Army Corps of Engineers published in the Federal Register its proposal to reissue its nationwide permits (NWP).

Nationwide permits are general permits issued on a nationwide basis to streamline the authorization of activities that result in minimal individual and cumulative adverse effects on the aquatic environment. Many of the proposed NWPs require notification to the district engineer before commencing the work, to ensure that the activities authorized by those NWPs have minimal individual and cumulative adverse impacts on the aquatic environment.

National Issues Concerning the Proposed NWPs: The Federal Register notice is the public's opportunity to comment on the proposed NWPs, general conditions, and definitions. Comments on national issues relating to these NWPs should be submitted to docket number COE-2006-0005 at [www.regulations.gov](http://www.regulations.gov). Instructions for submitting comments are provided in the September 26, 2006 Federal Register notice. Comments on the proposed NWPs are due by November 27, 2006.

Regional Issues Concerning the Proposed NWPs, Including Regional Conditioning: Division engineers are authorized to add regional conditions specific to the needs and/or requirements of a particular region or state. Regional conditions are important mechanisms to ensure that impacts to the aquatic environment authorized by the NWPs are minimal, both individually and cumulatively. Division engineers may also suspend or revoke specific NWPs in certain geographic areas (e.g., states or watersheds) or high-value aquatic systems where impacts authorized by those NWPs may be more than minimal. An enclosure for this public notice (Enclosure 1) lists the proposed regional conditions currently under consideration by the South Pacific Division for the San Francisco District. The San Francisco District is seeking comments on the proposed regional conditions and seeking comments on the need for additional regional conditions to help ensure that impacts authorized by the proposed NWPs are minimal. Unless otherwise noted, all proposed regional conditions listed on this enclosure are applicable for activities in the San Francisco District. Comments on regional issues relating to the proposed NWPs and regional conditions are to be sent to San Francisco District, Regulatory Branch, 333 Market Street, 8<sup>th</sup> floor, San Francisco, CA 94105-2197, Attn: Justin Yee [(415) 977-

8497]. Comments relating to regional conditions are due by November 20, 2006. Similar public notices proposing regional conditions in other regions or States are being published concurrently by other division or district offices.

In conjunction with the Federal Register notice, Corps districts will be announcing proposed regional conditions for these NWP's for public comment. When the final NWP's are issued, the final regional conditions will be issued at the same time so that the States and Tribes can make their Clean Water Act Section 401 water quality certification and Coastal Zone Management Act (CZMA) consistency determination decisions. The 401/CZMA decisions must be made within 60 days of the Federal Register notice announcing the issuance of the NWP's. After that 60-day period, the NWP's and the regional conditions will become effective.

Draft decision documents, which include environmental documentation required by the National Environmental Policy Act, have been prepared by Corps Headquarters. The decision documents will address compliance of the NWP's with the requirements for issuance under general permit authority. These documents, as well as the proposed NWP's, are available for viewing at the San Francisco District at the above address or on the Internet at the [www.regulations.gov](http://www.regulations.gov) site (docket ID number COE-2006-0005). Final decision documents will be prepared for those NWP's that are issued. In addition, supplemental decision documents will be issued by division engineers to address their determinations concerning regional conditions for the NWP's.

Enclosed is an index of the proposed NWP's and conditions. Anyone wishing to provide comments may obtain a full text copy of the NWP's through [www.regulations.gov](http://www.regulations.gov) (docket ID number COE-2006-0005), the Corps home page or the Federal Register address listed below.

Internet addresses:

Copies of the Federal Register notice and the draft decision documents will also be available at <http://www.regulations.gov> in docket ID number COE-2006-0005.

The Corps home page is: <http://www.usace.army.mil/inet/functions/cw/cecwo/reg/> .

As an alternate, internet users can access the Federal Register through the Government Printing Office (GPO) at <http://www.gpoaccess.gov/fr/index.html> .

# Index of Proposed Nationwide Permits, Conditions, and Definitions

## Proposed 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
7. Outfall Structures and Associated Intake Structures
8. Oil and Gas Structures on the Outer Continental Shelf
9. Structures in Fleeting and Anchorage Areas
10. Mooring Buoys
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 Operations
22. Removal of Vessels
23. Approved Categorical Exclusions
24. Indian Tribe or State Administered Section 404 Programs
25. Structural Discharges
26. [Reserved]
27. Aquatic Habitat Restoration, Establishment, and Enhancement Activities
28. Modifications of Existing Marinas
29. Residential Developments
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. Commercial and Institutional Developments
40. Agricultural Activities
41. Reshaping Existing Drainage Ditches
42. Recreational Facilities
43. Stormwater Management Facilities
44. Mining Activities
  - A. Emergency Repair Activities
  - B. Discharges into Ditches and Canals
  - C. Pipeline Safety Program Designated Time Sensitive Inspections and Repairs
  - D. Commercial Shellfish Aquaculture Activities
  - E. Coal Remining Activities
  - F. Underground Coal Mining Activities

## **Proposed Nationwide Permit General Conditions**

1. Navigation
2. Aquatic Life Movements
3. Spawning Areas
4. Migratory Bird Breeding Areas
5. Shellfish Beds
6. Suitable Material
7. Water Supply Intakes
8. Adverse Effects from Impoundments
9. Management of Water Flows
10. Fills Within 100-Year Floodplains
11. Equipment
12. Soil Erosion and Sediment Controls
13. Removal of Temporary Fills
14. Proper Maintenance
15. Wild and Scenic Rivers
16. Tribal Rights
17. Endangered Species
18. Historic Properties
19. Designated Critical Resource Waters
20. Mitigation
21. Water Quality
22. Coastal Zone Management
23. Regional and Case-by-Case Conditions
24. Use of Multiple Nationwide Permits
25. Transfer of Nationwide Permit Verifications
26. Compliance Certification
27. Pre-Construction Notification

## Proposed Nationwide Permit Definitions

Best management practices (BMPs)  
Compensatory mitigation  
Currently serviceable  
Enhancement  
Ephemeral stream  
Establishment (creation)  
Independent utility  
Intermittent stream  
Loss of waters of the United States  
Non-tidal wetland  
Open water  
Perennial stream  
Practicable  
Pre-construction notification  
Preservation  
Re-establishment  
Rehabilitation  
Restoration  
Riffle and pool complex  
Riparian areas  
Single and complete project  
Stormwater management  
Stormwater management facilities  
Stream bed  
Stream channelization  
Structure  
Tidal wetland  
Vegetated shallows  
Waterbody

DRAFT

**SAN FRANCISCO DISTRICT  
CORPS OF ENGINEERS  
REGIONAL CONDITIONS FOR NATIONWIDE PERMITS**

A. Regional Conditions that apply to **all** NWP's in the San Francisco District:

1. Notification to the Corps (as per General Condition No. 27) is required for any activity permitted by NWP if it will take place in waters or wetlands of the U.S. that are within the San Francisco Bay diked baylands (undeveloped areas currently behind levees that are within the historic margin of the Bay. Diked historic baylands are those areas on the Nichols and Wright map below the 5-foot contour line, National Geodetic Vertical Datum (NGVD) (see Nichols, D.R., and N. A. Wright. 1971. Preliminary map of historic margins of marshland, San Francisco Bay, California. U.S. Geological Survey Open File Map)). The notification shall explain how avoidance and minimization of losses of waters or wetlands are taken into consideration to the maximum extent practicable (see General Condition 20(a)).
2. Notification to the Corps (as per General Condition No. 27), including a compensatory mitigation plan, is required for any activity permitted by NWP if it will take place in eelgrass beds.
3. Notification to the Corps (as per General Condition No. 27) is required for any activity permitted by NWP in Essential Fish Habitat (EFH) designated by the Pacific Fishery Management Council (examples of designated EFH are, but not limited to: the Pacific Ocean, estuaries like Tomales, San Francisco and Humboldt Bays, and watersheds utilized by coho and chinook salmon). Notification under this regional condition is not required if another Federal agency completed consultation with the National Marine Fisheries Service on EFH, and the project is either authorized by a non-reporting NWP, or does not require notification by another regional condition.
4. Mitigation that is required by special condition to the permitted activity shall be completed before or concurrent with project construction. Where project mitigation involves the use of a mitigation bank or in-lieu fee, the required payment must be made before commencing construction of the permitted activity. If the permittee cannot comply with this condition, the permittee shall provide the Corps with sound reasons why this condition cannot be met, and shall propose reasonable alternatives to ensure the required mitigation will be fully met and completed in a timely manner.
5. General Condition No. 27(b), Contents of Pre-Construction Notification: Drawings are always required. The drawings can be schematic but should contain, at minimum, an appropriate title block, legends and scales (if practical), amount (in cubic yards) and size (in acreage or fraction thereof) of fill or activity in Corps jurisdiction, including both permanent and temporary fills/structures. If a waterbody is involved, the ordinary high water mark, estimated highest tide line or mean high water mark should be shown (in feet), if possible, based on NGVD or other appropriate referenced elevation. The drawings should clearly depict the project location, and include plan and cross-section views.

B. Regional Conditions that apply to specific nationwide permits:

**3. MAINTENANCE:**

1. To the extent practicable, excavation equipment shall work from an upland site (e.g., from the top of the bank, the road bed of the bridge or culverted road crossing) to minimize adding fill into waters of the U.S. If it is not practicable to work from an upland site, or if working from the upland site would cause more environmental damage than working in the stream channel, the excavation equipment can be located within the stream channel but it must minimize disturbance to the channel (other than the removal of accumulated sediments or debris). As part of the notification to the Corps (General Condition No. 27), an explanation as to the need to place excavation equipment in waters of the U.S. is required, as well as a statement of any additional necessary fill (e.g., cofferdams, access road, fill below the OHW mark for a staging area, etc.).

2. If the activity is proposed in a special aquatic site, the notification shall include an explanation of why the special aquatic site cannot be avoided, and the measures to be taken to minimize impacts to the special aquatic site.

**11. TEMPORARY RECREATIONAL STRUCTURES:**

1. Notification to the Corps is required (as per General Condition No. 27) if any temporary structures are proposed in wetlands or vegetated shallow water areas (e.g. in eelgrass beds). The notification shall include the type of habitat and areal extent affected by the structures.

**12. UTILITY LINE ACTIVITIES:**

1. The upper 12 inches of the trench dug for placement or removal of utility lines shall be backfilled with native material taken from the trench. Where trenches are dug in wetlands, the upper 12 inches of material must be stored separately from other material removed from the trench. This upper 12 inches of material shall be placed back into the trench as the last material added to restore the original contour.
2. Excess material removed from the trench shall be disposed of at an upland site away from any wetlands or other waters of the U.S. so as to prevent this material from being washed into aquatic areas.
3. For discharges in the Santa Rosa Plain (see Figure 1), the notification shall include a complete Habitat Quality Evaluation performed according to the most recent version of the "Training Manual to Evaluate Habitat Quality of Vernal Pool Ecosystem Sites in Santa Rosa Plain."
4. This permit does not authorize the construction of substation facilities because utility line substations generally do not require being sited in waters or wetlands.

**13. BANK STABILIZATION:**

1. Where the removal of wetland vegetation (including riparian wetland trees, shrubs and other plants) or submerged, rooted, aquatic plants over a cumulative area greater than 1/10 acre is proposed, the Corps shall be notified in accordance with General Condition No. 27. The notification shall include the type of vegetation and extent (e.g., areal dimension or number of trees) of the proposed removal.
2. This permit allows excavating a toe trench in waters of the U.S., and, if necessary, to use the material for backfill behind the stabilizing structure. Excess material is to be disposed of in a manner that will have only minimal impacts to the aquatic environment.
3. For man-made banks, roads or levees damaged by storms or high flows, the one cubic yard per running foot limit for NWP 13 is counted only for that additional fill which encroaches (extends) beyond the pre-flood or pre-storm shoreline condition of the waterway. It is not counted for the fill that would be placed just to reconstruct the original dimensions of the eroded, man-made shoreline.
4. For natural berms and banks, the one cubic yard per running foot limit applies to any added armoring.
5. To the maximum extent practicable, any new or additional bank stabilization must incorporate structures or modifications beneficial to fish and wildlife (e.g., soil bioengineering or biotechnical design, root wads, large woody debris, etc.). Where these structures or modifications are not used, the applicant shall demonstrate why they were not considered practicable.
6. As part of the notification requirement for bank stabilization activities in excess of 500 feet in length, the project proponent shall address the effect of the bank stabilization on the stability of the opposite side of the streambank (if it is not part of the stabilization activity), and on adjacent property upstream and downstream of the activity.

**14. LINEAR TRANSPORTATION PROJECTS:**

1. This permit does not authorize construction of new airport runways and taxiways.
2. To the maximum extent practicable, any new or additional bank stabilization required for the crossing must incorporate structures or modifications beneficial to fish and wildlife (e.g., soil bioengineering or biotechnical design, root wads, large woody debris, etc.) Notification: The requirements of General Condition 27 will apply to this regional condition.
3. For discharges in the Santa Rosa Plain (see Figure 1), notification is required to discharge into seasonal wetlands (including vernal pools) even for proposed losses of 1/10 acre or less. The notification shall include a complete Habitat Quality Evaluation performed according to the most recent version of the "Training Manual to Evaluate Habitat Quality of Vernal Pool Ecosystem Sites in Santa Rosa Plain." The requirements of General Condition 27 will apply to this regional condition.

### **18. MINOR DISCHARGES:**

1. For discharges in the Santa Rosa Plain (see Figure 1), notification is required to discharge into seasonal wetlands (including vernal pools) even for proposed losses of 1/10 acre or less. The notification shall include a complete Habitat Quality Evaluation performed according to the most recent version of the "Training Manual to Evaluate Habitat Quality of Vernal Pool Ecosystem Sites in Santa Rosa Plain." The requirements of General Condition 27 will apply to this regional condition.

### **23. APPROVED CATEGORICAL EXCLUSIONS:**

Use of this NWP requires notification to the Corps. The Pre-Construction Notification (PCN) shall include the following:

- a. A copy of the Federal Categorical Exclusion (Cat/Ex) document signed by the appropriate federal agency. If the Cat/Ex is signed by a state or local agency representative instead of by a federal agency representative, then copies of all documentation authorizing alternative agency signature shall be on file at the San Francisco District Regulatory Branch.
- b. Only activities specifically described in the Cat/Ex project description will be covered by the NWP 23 authorization. If other activities not described in the Cat/Ex project description will be performed (e.g., dewatering, slope protection, etc.), these activities must receive separate NWP authorizations, if applicable.
- c. The lead Federal agency (Cat/Ex signatory) or its designated non-Federal representative shall perform all formal and/or informal consultation required pursuant to Section 7 of the Endangered Species Act (ESA), as amended. All documentation resulting from such consultation shall be provided along with the PCN.
- d. If the project would not result in impacts to federally-listed species, then the federal lead agency (Cat/Ex signatory) or its designated non-Federal representative shall provide written documentation of no effect along with the PCN.
- e. Written description of Corps authority (e.g., Section 10 of the Rivers and Harbors Act and/or Section 404 of the Clean Water Act.)
- f. List of conditions described in the Cat/Ex and/or attachments outlining measures that must be taken prior to, during or after project construction to minimize impacts to the aquatic environment, if any.
- g. A copy of the jurisdictional delineation performed by qualified specialists showing the project limits and the location (delineated boundaries) of Corps jurisdiction within the overall project limits.
- h. A map(s) showing the locations of potentially permanent and temporary project impacts to areas within Corps jurisdiction.
- i. A clear and concise description of all project impacts including, but not necessarily limited to,
  - a) quantification and description of permanent project impacts to areas within Corps jurisdiction,
  - b) quantification and description of temporary impacts to areas within Corps jurisdiction, and
  - c) linear extent of Corps jurisdiction affected by the project.
- j. General description of activities covered by the Cat/Ex that do not require Corps authorization but are connected or related to the activities in Corps jurisdiction.
- k. A complete description of any proposed mitigation and/or restoration including, but not necessarily limited to, locations of any proposed planting, short- and long-term maintenance, proposed monitoring, success criteria and contingency plans.
- l. Written justification of how the project complies with the Nationwide Permit Program including less than minimal impact to the aquatic environment and compliance with the General Conditions.
- m. For Federal Highway Administration (FHWA) Cat/Ex projects, the PCN should describe how activities described in the Cat/Ex meet the description of Cat/Ex project published in the August 28, 1987 Federal Register part 771.117 (a)(b)(c) and (d) (Volume 52, No. 167) or any updated version published in the Federal Register.

### **29. RESIDENTIAL DEVELOPMENTS:**

1. For discharges in the Santa Rosa Plain (see Figure 1), the notification shall include a complete Habitat Quality Evaluation performed according to the most recent version of the "Training Manual to Evaluate Habitat Quality of Vernal Pool Ecosystem Sites in Santa Rosa Plain."
3. Any request to waive the 300 linear foot limitation for intermittent and ephemeral streams must include an analysis of the impacts to the stream environment, measures taken to avoid and minimize losses, other measures to avoid and minimize filling but were found not to be practical, and a mitigation plan as to how the unavoidable losses will be offset.

### 33. TEMPORARY CONSTRUCTION, ACCESS, AND DEWATERING:

1. Access roads shall be designed to be the minimum width necessary.
2. The following Best Management Practices (BMPs) shall be followed to the maximum extent practicable to assure that flow and circulation patterns of waters are not impaired and adverse effects on the aquatic environment will be kept to a minimum:
  - a. Stream channelization is not authorized.
  - b. The road fill shall be designed to minimize changes to the hydraulic flow characteristics of the stream and degradation of water quality (see General Conditions 9 and 21).
  - c. The road shall be properly stabilized and maintained during and following construction to prevent erosion.
  - d. Construction of the road fill shall be made in a manner that minimizes the encroachment of trucks, tractors, bulldozers, or other heavy equipment within waters of the United States (including adjacent wetlands) that lie outside the lateral boundaries of the fill itself.
  - e. Vegetative disturbance in the waters of the U.S. shall be kept to a minimum.
  - f. Borrow material shall be taken from upland sources whenever feasible.
  - g. All temporary fills shall be removed in their entirety and the area restored to its original elevation within 6 months of project completion.

### 35. MAINTENANCE DREDGING OF EXISTING BASINS:

1. Use of this NWP will require notification to the Corps in accordance with General Condition No. 27. The notification information should be provided on the Consolidated Dredging-Dredged Material Reuse/Disposal Application. This application and instructions for its completion can be found on our web site at: <http://www.spn.usace.army.mil/conops/applications.html>. The information must include the location of the proposed upland disposal site and a jurisdictional delineation of the proposed upland disposal site prepared in accordance with the current method required by the Corps.
2. The U.S. Coast Guard will be notified by the permittee at least 14 days before dredging commences if the activity occurs in navigable waters of the U.S. (Section 10 waters).
3. The permittee will be required to provide the following information to the Corps:
  - a. **Dredge Operation Plan:** Submit, for approval by this office, no earlier than 60 calendar days and no later than 20 calendar days before the proposed commencement of dredging, a plan which includes the following: **Corps file number**, a copy of the dredging contract or description of the work under which the contractor will do the permitted work; name and telephone numbers of the dredging contractor's representative on site; proposed dredging start and completion dates; quantity of material to be removed; dredging design depth and typical cross section including overdepth; and date of last dredging episode and design depth. The Dredge Operational Plan shall also provide the following information: The controls being established to insure that dredging operations occur within the limits defined by the basin or channel dimensions and typical channel section.
  - b. **Pre-Dredge Survey:** Submit no earlier than 60 calendar days and no later than 20 calendar days before commencement of dredging, a survey with accuracy to one-tenth foot that delineates and labels the following: areas to be dredged with overdepth allowances; existing depths; estimated quantities to be dredged to the design depth; and estimated quantities for overdepth dredging. **All surveys shall be signed by the permittee to certify their accuracy. Please include the Corps file number.**
  - c. **Solid Debris Management Plan:** Submit no earlier than 60 calendar days and no later than 20 calendar days before commencement of work, a plan which describes measures to ensure that solid debris generated during any dredging operation is retained and properly disposed in areas not under Corps jurisdiction. **At a minimum, the plan shall include the following: source and expected type of debris; debris retrieval method; Corps file number; disposal method and site; schedule of disposal operations; and debris containment method to be used, if floatable debris is involved.**

**(Please note that failure to provide all of the information requested in a, b, and c above may result in delays to your project. When your Dredge Operation Plan has been approved, you will receive a written authorization to commence with your project.)**

- d. **Post-Dredge Survey:** Submit, **within 30 days of the last disposal activity** ("last" is defined as that activity after which no further activity occurs for 15 calendar days), a survey with accuracy to one-tenth foot that delineates and labels the areas dredged and provides the dredged depths. **Also, include the Corps file number, actual dates of dredging commencement and completion, actual quantities dredged for the project to the design depth, and actual quantities of overdepth.** The permittee shall substantiate the

total quantity dredged by including calculations used to determine the volume difference (in cubic yards) between the Pre- and Post-Dredge Surveys and **explain any variation in quantities greater than 15% beyond estimated quantities or dredging deeper than is permitted (design plus overdepth allowance).** **All surveys shall be accomplished by a licensed surveyor and signed by the permittee to certify their accuracy.** A copy of the post dredge survey should be sent to the National Ocean Service for chart updating:

NOAA/National Ocean Service,  
Nautical Data Branch  
N/CS26, SSMC3, Room 7230  
1315 East-West Highway  
Silver Spring, Maryland 20910-3282.

**e. The permittee or dredge contractor shall inform this office when: 1) a dredge episode actually commences, 2) when dredging is suspended (suspension is when the dredge contractor leaves the dredge site for more than 48 hours for reasons other than equipment maintenance), 3) when dredging is restarted, and 4) when dredging is complete. Each notification should include the Corps file number.** Details for submitting these notifications will be provided in the verification letter (to whom and how).

#### **39. COMMERCIAL AND INSTITUTIONAL DEVELOPMENTS:**

1. For discharges in the Santa Rosa Plain (see Figure 1), the notification shall include a complete Habitat Quality Evaluation performed according to the most recent version of the "Training Manual to Evaluate Habitat Quality of Vernal Pool Ecosystem Sites in Santa Rosa Plain."
2. Any request to waive the 300 linear foot limitation for intermittent and ephemeral streams must include an analysis of the impacts to the stream environment, measures taken to avoid and minimize losses, other measures to avoid and minimize filling but were found not to be practical, and a mitigation plan as to how the unavoidable losses will be offset.

#### **40. AGRICULTURAL ACTIVITIES:**

1. This NWP does not authorize fills or discharges into the channel of a perennial or intermittent watercourse that could impede high flows. This limitation does not include narrow, intermittent or ephemeral watercourses that flow only when there is an irregular, extraordinary flood event.
2. For discharges in the Santa Rosa Plain (see Figure 1), the notification shall include a complete Habitat Quality Evaluation performed according to the most recent version of the "Training Manual to Evaluate Habitat Quality of Vernal Pool Ecosystem Sites in Santa Rosa Plain."
3. Any request to waive the 300 linear foot limitation for intermittent and ephemeral streams must include an analysis of the impacts to the stream environment, measures taken to avoid and minimize losses, other measures to avoid and minimize filling but were found not to be practical, and a mitigation plan as to how the unavoidable losses will be offset.

#### **41. RESHAPING EXISTING DRAINAGE DITCHES:**

1. Compensatory mitigation may be required if the Corps determines there will be a detrimental impact to aquatic habitat.
2. Notification to the Corps is required if the applicant proposes to regrade, discharge, install channel lining, or redeposit fill material. The requirements of NWP General Condition 27 will apply to this regional condition.
3. For discharges in the Santa Rosa Plain (see Figure 1), notification is required to discharge into seasonal wetlands (including vernal pools) even for proposed losses of 500 feet or less. The notification shall include a complete Habitat Quality Evaluation performed according to the most recent version of the "Training Manual to Evaluate Habitat Quality of Vernal Pool Ecosystem Sites in Santa Rosa Plain." The requirements of General Condition 27 will apply to this regional condition.
4. The notification shall include an explanation of the project's benefit to water quality.

#### **42. RECREATIONAL FACILITIES:**

1. This permit does not authorize ski areas.
2. If buildings are proposed to be built in waters of the United States, including wetlands, the applicant must demonstrate that there is no on-site practicable alternative that is less environmentally damaging as defined by the Section 404(b)(1) guidelines.

3. For discharges in the Santa Rosa Plain (see Figure 1), the notification shall include a complete Habitat Quality Evaluation performed according to the most recent version of the "Training Manual to Evaluate Habitat Quality of Vernal Pool Ecosystem Sites in Santa Rosa Plain."
4. Any request to waive the 300 linear foot limitation for intermittent and ephemeral streams must include an analysis of the impacts to the stream environment, measures taken to avoid and minimize losses, other measures to avoid and minimize filling but were found not to be practical, and a mitigation plan as to how the unavoidable losses will be offset.

**43. STORMWATER MANAGEMENT FACILITIES:**

1. For the Santa Rosa Plain (see Figure 1), notification is required for all activities proposing to discharge into seasonal wetlands (including vernal pools). The notification shall include a complete Habitat Quality Evaluation performed according to the most recent version of the "Training Manual to Evaluate Habitat Quality of Vernal Pool Ecosystem Sites in Santa Rosa Plain." The requirements of General Condition 27 will apply to this regional condition.
2. Any request to waive the 300 linear foot limitation for intermittent (including ephemeral) streams must include an analysis of the impacts to the stream environment, measures taken to avoid and minimize losses, other measures to avoid and minimize filling but were found not to be practical, and a mitigation plan as to how the unavoidable losses will be offset.

**44. MINING ACTIVITIES:**

Nationwide Permit 44 is revoked.

**PROPOSED NATIONWIDE PERMITS:**

**B. DISCHARGES IN DITCHES AND CANALS:**

Nationwide Permit B is revoked.

**C. PIPELINE SAFETY PROGRAM DESIGNATED TIME SENSITIVE INSPECTIONS AND REPAIRS:**

No regional conditioning of this Nationwide Permit is allowed.

**D. COMMERCIAL SHELLFISH AQUACULTURE ACTIVITIES:**

Nationwide Permit D is revoked. A Regional General Permit is being developed for commercial shellfish aquaculture activities in Washington, Oregon, and California.

Figure 1. Map of the Santa Rosa Plain, Sonoma County, California.

