

SAN FRANCISCO DISTRICT
CORPS OF ENGINEERS
REGIONAL CONDITIONS FOR NATIONWIDE PERMITS

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

1. Notification to the Corps (in accordance with 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 (in accordance with 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 **Santa Rosa Plain** (see figure 1). The notification will explain how avoidance and minimization of losses of waters or wetlands are taken into consideration to the maximum extent practicable in accordance with General Condition No. 20(a).
3. Notification to the Corps (in accordance with General Condition No. 27), including a compensatory mitigation plan, habitat assessment, and extent of proposed-project impacts to Eelgrass Beds are required for any activity permitted by NWP if it will take place within or adjacent to **Eelgrass Beds**.
4. Notification to the Corps (in accordance with 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 shall include a habitat assessment and extent of proposed-project impacts to EFH. Notification under this regional condition is not required if another federal agency has 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.
5. 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, 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 reasoning 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.
6. Any request to waive the 300 linear foot limitation for intermittent and ephemeral streams must include the following:
 - a) an analysis of the impacts to the stream environment;
 - b) measures taken to avoid and minimize losses;
 - c) other project alternatives that would be considered but were found not to be practicable;
 - d) a mitigation plan as to how the unavoidable losses will be offset.

7. Notification to the Corps (in accordance with General Condition No. 27) shall include: Accurate drawings are **always** required. The drawings can be schematic but should contain, at minimum, an appropriate title block, legends and scales, 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 (in accordance with 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 to the Corps (in accordance with General Condition No. 27) 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.
3. 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.

11. TEMPORARY RECREATIONAL STRUCTURES:

1. Notification to the Corps (in accordance with General Condition No. 27) is required 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. 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.
2. This NWP permit does not authorize the construction of substation facilities. Utility line substations can usually be constructed in uplands.

13. BANK STABILIZATION:

1. Notification to the Corps (in accordance with General Condition No. 27) is required for all activities stabilizing greater than 300 linear feet of channel. 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 or 300 linear feet 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. The notification to the Corps (in accordance with General Condition No. 27) shall include location of the disposal site.
3. For man-made banks, roads, or levees damaged by storms or high flows, the one cubic yard per running foot limit 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 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 to the Corps (in accordance with General Condition No. 27) requirement for bank stabilization activities in excess of 300 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. Notification to the Corps (in accordance with General Condition No. 27) is required for all projects filling greater than 300 linear feet of channel.
2. This permit does not authorize construction of new airport runways and taxiways.
3. 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.). Where these structures or modifications are not used, the applicant shall demonstrate why they were not considered practicable. Bottomless and embedded culverts are encouraged over traditional culvert stream crossings.
4. As part of the notification to the Corps (in accordance with General Condition No. 27) requirement for stream crossing activities filling an excess of 300 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.

23. APPROVED CATEGORICAL EXCLUSIONS:

1. Use of this NWP requires notification to the Corps (in accordance with General Condition No. 27). The notification 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 provided.

- b) Written description of Corps authority (e.g., Section 10 of the Rivers and Harbors Act and/or Section 404 of the Clean Water Act.);
 - c) a 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;
 - d) 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;
 - e) map(s) showing the locations of potentially permanent and temporary project impacts to areas within Corps jurisdiction;
 - f) 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;
 - g) a 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;
 - h) 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;
 - i) 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.
 - j) For Federal Highway Administration (FHWA) Cat/Ex projects, the notification should describe how activities described in the Cat/Ex meet the description of the 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.
2. 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.
 3. Notification to the Corps (in accordance with General Condition 27) must include a copy of the signed Cat/Ex document and final agency determinations regarding compliance with Section 7 of the Endangered Species Act (ESA), Essential Fish Habitat (EFH) under the Magnusson-Stevens Act, and Section 106 of the National Historic Preservation Act.

33. TEMPORARY CONSTRUCTION, ACCESS, AND DEWATERING:

1. Access roads shall be designed to be the minimum width necessary and shall be designed to minimize changes to the hydraulic flow characteristics of the stream and degradation of water quality (in accordance with General Conditions 9 and 21).
 - a) The road shall be properly stabilized and maintained during and following construction to prevent erosion.

b) Construction of the road fill shall occur 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.

2. Vegetative disturbance in the waters of the U.S. shall be kept to a minimum.

3. Borrow material shall be taken from upland sources whenever feasible.

4. Stream channelization is not authorized by this NWP.

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. A jurisdictional delineation of the proposed upland disposal site prepared in accordance with the current method required by the Corps may also be required.
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).

40. AGRICULTURAL ACTIVITIES:

1. This NWP does not authorize discharge of fill into the channel of a perennial or intermittent watercourse that could impede high flows. This limitation does not apply to watercourses that flow only when there is an irregular, extraordinary flood event.

41. RESHAPING EXISTING DRAINAGE DITCHES:

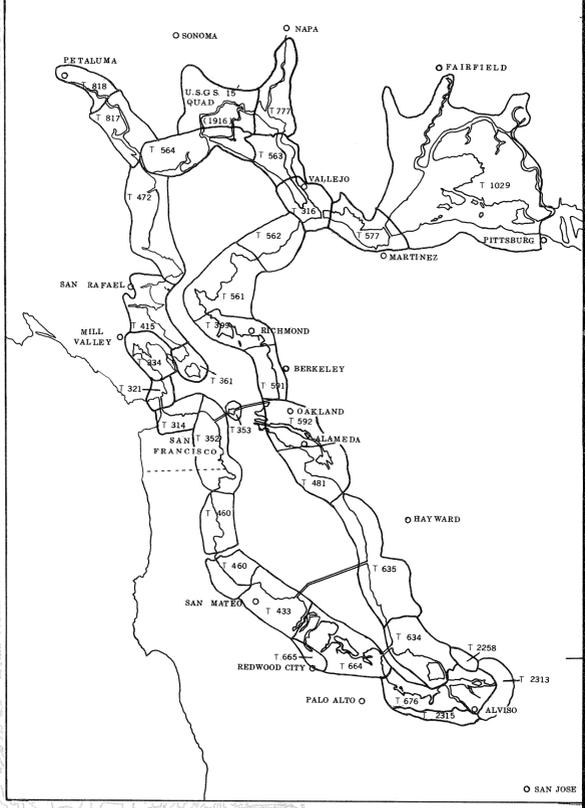
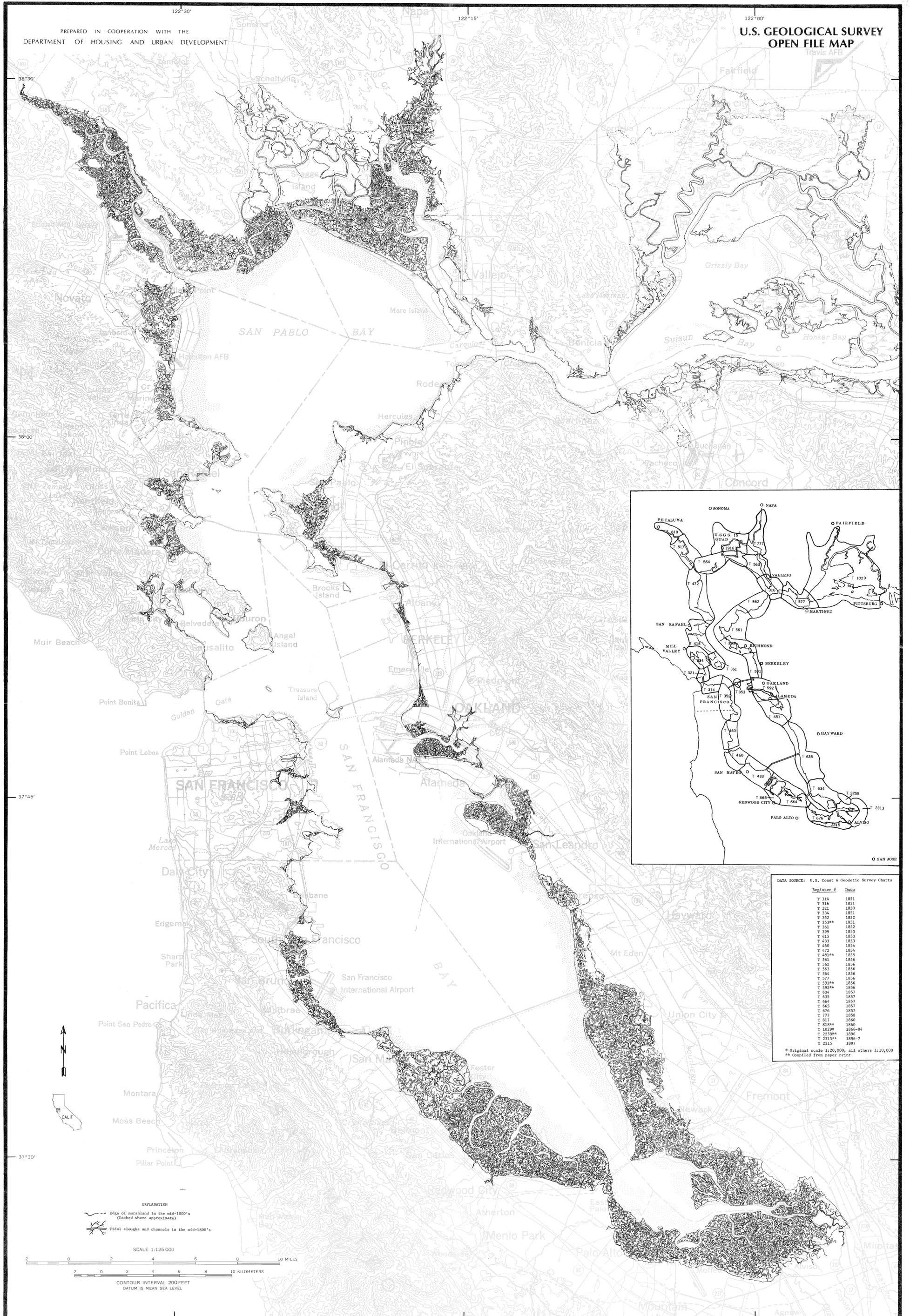
1. Compensatory mitigation may be required if the Corps determines there will be a detrimental impact to aquatic habitat.
2. Notification to the Corps (in accordance with General Condition 27) is required if the applicant proposes to re-grade, discharge, install channel lining, or redeposit fill material.
3. The notification to the Corps (in accordance with General Condition 27) shall include an explanation of the project's benefit to water quality.

42. RECREATIONAL FACILITIES:

1. 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.

44. MINING ACTIVITIES:

1. This NWP is revoked for mining activities in Humboldt and Del Norte Counties.



DATA SOURCE: U.S. Coast & Geodetic Survey Charts

Register #	Date
T 314	1851
T 316	1851
T 321	1850
T 334	1851
T 352	1852
T 353**	1851
T 361	1852
T 399	1853
T 415	1853
T 433	1853
T 460	1854
T 472	1854
T 481**	1855
T 561	1856
T 562	1856
T 563	1856
T 564	1856
T 577	1856
T 591**	1856
T 592**	1856
T 634	1857
T 635	1857
T 664	1857
T 665	1857
T 676	1857
T 777	1858
T 817	1860
T 818**	1860
T 1029*	1866-84
T 2258**	1896
T 2313**	1896-7
T 2315	1897

* Original scale 1:20,000; all others 1:10,000
** Compiled from paper print

EXPLANATION
 Edge of marshland in the mid-1800's
 (Dashed where approximate)
 Tidal sloughs and channels in the mid-1800's

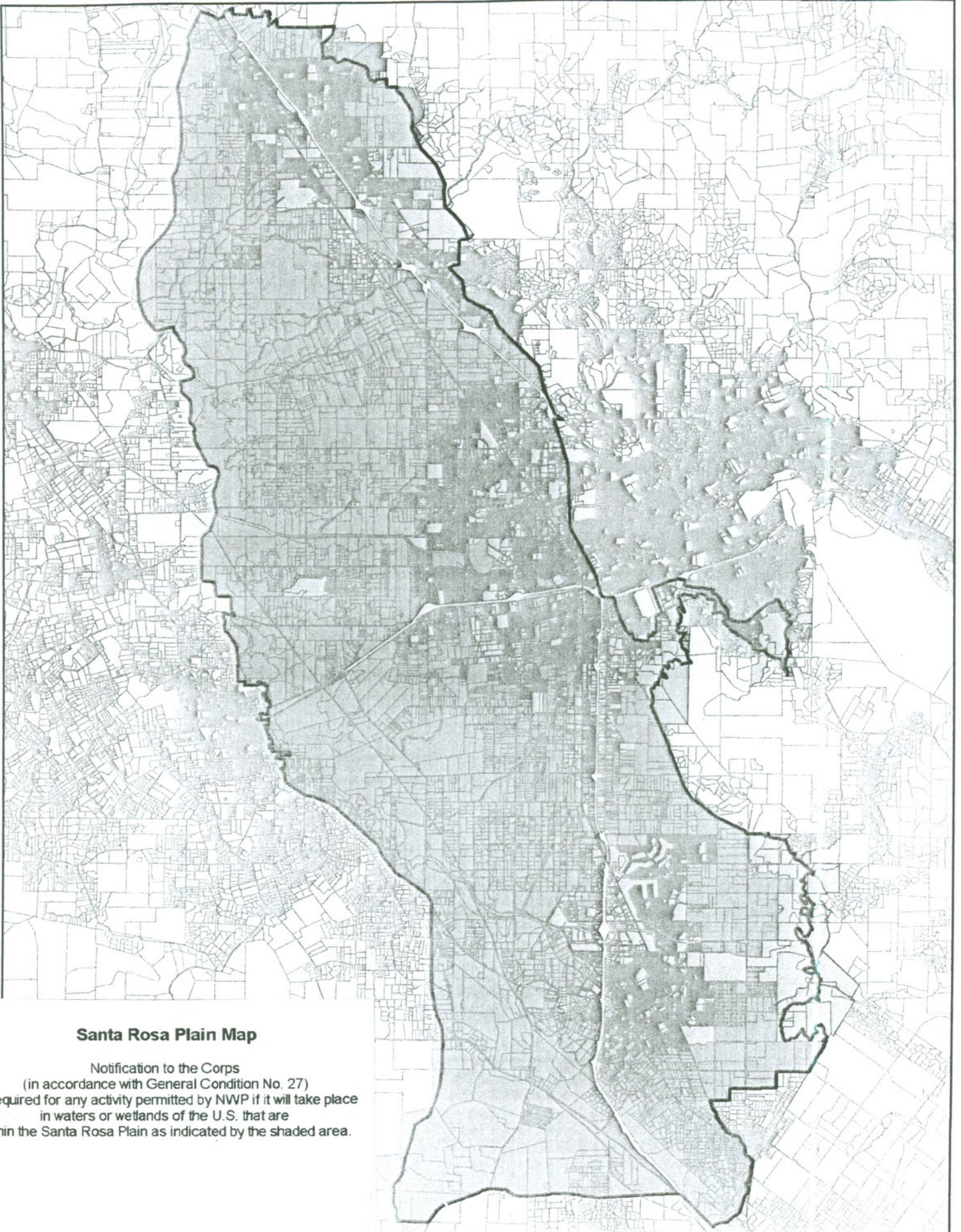
SCALE 1:125 000
 0 2 4 6 8 10 MILES
 0 2 4 6 8 10 KILOMETERS
 CONTOUR INTERVAL 200 FEET
 DATUM IS MEAN SEA LEVEL

PRELIMINARY MAP OF HISTORIC MARGINS OF MARSHLAND
SAN FRANCISCO BAY, CALIFORNIA

By
Donald R. Nichols and Nancy A. Wright
1971

This map is preliminary and has not been reviewed for conformity with U.S. Geological Survey standards and nomenclature.

Figure 1.



Santa Rosa Plain Map

Notification to the Corps
(in accordance with 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 Santa Rosa Plain as indicated by the shaded area.