

Final 2021 Nationwide Permit (NWP) Regional Conditions
for the State of California

(NWPs 12, 21, 29, 39, 40, 42-44, 48, 50-52, and 55-58)

1. The permittee shall submit a pre-construction notification (PCN) for all 2021 NWPs, in accordance with General Condition 32, in the following circumstances:
 - a. Activities involving new bank stabilization that do not incorporate bioengineering techniques. Bioengineering techniques include using live plants alone or in combination with dead or inorganic materials, including rock, sand, or gravel;
 - b. Activities resulting in a discharge of dredged or fill material in waters of the U.S. on Tribal Lands;
 - c. Activities involving the permanent channelization, realignment, or relocation of streams; and,
 - d. Activities that have the potential to adversely affect Essential Fish Habitat (EFH), as designated by the Pacific Fishery Management Council. The PCN shall include an EFH assessment and analysis of effects of the action on EFH, in accordance with 50 C.F.R. § 600.920 (e). For Federal permittees, if a PCN is required for the proposed activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with the Magnuson-Stevens Fishery Conservation and Management Act.
2. In the desert regions of Los Angeles District (USGS Hydrologic Unit Code accounting units: *Lower Colorado* - 150301, *Northern Mojave* - 180902, *Southern Mojave* - 181001, and *Salton Sea* - 181002), the use of NWP 12, 21, 29, 39, 40, 42, 42, 44, 50, 51, 52, 57 and 58 resulting in greater than 0.10-acre loss of wetlands, mudflats, vegetated shallows, or riffle and pool complexes, as defined at 40 CFR Part 230.40-45, is prohibited.
3. In the Los Angeles District, NWPs 29, 39, 42 and 43, and NWP 14 combined with any of those NWPs, cannot authorize a loss of waters of the United States greater than 0.25 acre Within the Murrieta Creek and Temecula Creek watersheds in Riverside County.
4. In the Los Angeles District, all 2021 NWPs are revoked within the Special Area Management Plan areas of the San Diego Creek Watershed and San Juan Creek/Western San Mateo Creek Watersheds in Orange County, California.
5. In the Los Angeles District, the permittee shall submit a pre-construction notification (PCN) for all 2021 NWPs, in accordance with General Condition 32, in the following circumstances:
 - a. Activities that would result in a loss of waters of the United States within the Murrieta and Temecula Creek watersheds in Riverside County, California; and,

- b. Activities that would result in a loss of waters of the United States within Santa Clara River watershed in Los Angeles and Ventura County, California, including but not limited to Aliso Canyon, Agua Dulce Canyon, Sand Canyon, Bouquet Canyon, Mint Canyon, South Fork of the Santa Clara River, San Francisquito Canyon, Castaic Creek, Piru Creek, Sespe Creek and the main-stem of the Santa Clara River; and,
 - c. Activities that would result in a loss of waters of the United States within all watersheds in the Santa Monica Mountains in Los Angeles and Ventura County, California, bounded by Calleguas Creek on the west, by Highway 101 on the north and east, and by Sunset Boulevard and Pacific Ocean on the south; and,
 - d. Activities that would result in a loss of waters of the United States within all perennial waterbodies and special aquatic sites.
6. In the San Francisco District, the use of NWP 29 and 39 is prohibited within the San Francisco Bay diked baylands* (see figure 1).
7. In the San Francisco District, the permittee shall submit a pre-construction notification (PCN), in accordance with General Condition 32, for all 2021 NWP activities that will take place in waters or wetlands of the U.S. that are within the San Francisco Bay diked baylands* (see figure 1).
8. In the Sacramento District, the use of any 2021 NWP authorizing the discharge of dredged or fill material in peatlands** containing histosols, including bogs and fens, is prohibited.

* The San Francisco Bay diked baylands are defined as undeveloped areas that are currently behind levees and are within the historic margin of the Bay. The historic margin of the Bay is defined as areas on the Nichols and Wright map (see figure 1) below the 5-foot contour line, National Geodetic Vertical Datum (NGVD) (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).

** A peatland is defined as a wetland with saturated organic soil (greater than or equal to 16 inches in thickness) that is classified as a histosol in the Natural Resources Conservation Service (NRCS) Field Indicators of Hydric Soils in the United States (Version 8.0, 2016). A copy of the document can be obtained from the NRCS at:
http://www.nrcs.usda.gov/Internet/_DOCUMENTS/nrcs142p2_053171.pdf