DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, CORPS OF ENGINEERS
SAN DIEGO FIELD OFFICE
6010 HIDDEN VALLEY RD., SUITE 105
CARLSBAD, CA 92011

July 27, 2011

REPLY TO
ATTENTION OF
Office of the Chief
Regulatory Division

Nelson Olivas
County of San Diego
Department of Public Works
5469 Kearny Villa Rd, Suite 305
San Diego , California 92123

Dear Mr. Nelson

Enclosed you will find a signed copy of your Department of the Army Regional General Permit No. 82 (RGP 82). Please retain this copy for your files (Corps File No. SPL-2009-00128-RRS).

Thank you for participating in our regulatory program. If you have any questions, please contact Robert Smith of my staff at (760) 602-4831 or via e-mail at Robert.R.Smith@usace.army.mil.

Please be advised that you can now comment on your experience with Regulatory Division by accessing the Corps web-based customer survey form at: http://per2.nwp.usace.army.mil/survey.html.

Sincerely,

Robert Smith
Senior Project Manager

Enclosure(s)

LOS ANGELES DISTRICT
U.S. ARMY CORPS OF ENGINEERS

DEPARTMENT OF THE ARMY PERMIT
COUNTY OF SAN DIEGO
DEPARTMENT OF ENVIRONMENTAL HEALTH (COUNTY)
REGIONAL GENERAL PERMIT NOS. 82 (RGP 82)
VECTOR HABITAT REMEDIATION PROGRAM (VHRP)

Permittee(s): County of San Diego, Department of Environmental Health (County); Other permittees may include any RGP 82 user (RGP 82 user is defined as any County funded public or private user in the San Diego County area who is approved by the County and the Corps to use RGP 82 as a part of the VHRP program).

Permit Number: SPL-2009-00128-RRS

Issuing Office: Los Angeles District Regulatory Division Carlsbad Field Office

Note: The term "you" and its derivatives, as used in this permit, means the permittee(s) or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: The County's Vector Control Program (VCP) was implemented to monitor and control mosquitoes and other disease carrying insects and rodents in San Diego County, CA. The VHRP will be a primary VCP tool for addressing long term solutions that reduce mosquito breeding habitat. The VHRP will implement mosquito breeding habitat remediation projects throughout the County, including both developed and natural areas, in a manner that balances the water quality, biologic, aesthetic, and hydrologic values of wetlands with the need to protect human populations and animals from vector borne diseases. Each year the County will compile information and receive proposals and approve up to 10 projects for funding and approval. The County shall also make a determination of whether the project is a priority project based on the following three criteria: 1) proximity to known mosquito breeding location, 2) mosquito species type and abundance, 3) proximity to urban areas and sensitive receptors. All projects shall also comply with the County's four step process which includes 1) Meeting Permitting Criteria, 2) Compliance with CEQA, 3) Two-Tier screening process, and 4) Submittal of required technical documents.

The VHRP authorizes three types of activities: 1) Wetland and Water Quality treatment design activities, 2) Water Management activities, and 3) Sediment and Vegetation manipulation activities. VHRP projects shall have to comply with Attachment A – Avoidance, Minimization, and Mitigation Criteria Flow Chart, Attachment B – VHRP Permitting and CEQA review, and Attachment C - Implementation Plan for the VHRP. The Corps shall issue a separate RGP 82 confirmation letter for each RGP 82 approved project(s) with project specific conditions on an annual or as needed basis to each RGP 82 user as appropriate.

Specifically, you are authorized to:

To permanently discharge fill in up to 0.6 acre(s) of waters of the U.S. annually in total projects approved by the Corps/County in the VHRP at various locations within the County. All annual VHRP projects must be constructed from September 16 to February 14th. All Corps/County approved VHRP projects will not permanently impact more than 0.1-acre and 300 linear ft. of waters of the U.S. per project. The Corps may allow for a waiver of the requirement that every project not exceed the 300 ft. linear ft. rule if the project has minimal impacts to waters of the U.S. All temporary discharges of fill into waters of the U.S. shall be approved per project on an annual basis. No impacts to vernal pools, cismontane alkali marsh, salt marsh, brackish marsh, Oak trees, or native trees that have a diameter at breast height of greater than 2 inches are authorized.

All work shall occur outside of the bird breeding season (February 15 – September 15). No projects shall be located adjacent to a project previously authorized under RGP 82. No projects are authorized where there would be a net loss to native, sensitive habitats. No work is authorized within the coastal zone as defined in the Coastal Zone Management Act and the California Coastal Commission as shown on the attached drawing.

Three types of activities shall be authorized as follows:

1.Wetland and Water Quality Treatment Design Improvement Activities: Wetland and Water Quality design would involve one-time changes to the physical characteristics of aquatic systems such as enhanced flow conveyance, removal of shallow and stagnant water, enhanced vector control, and other creative and adaptive management concepts. No activities are allowed that include replacement or repairs to existing hardscape drainage facilities or expansion of such facilities.

2.Water Management Activities: Activities that would design and maintain drainage systems, such as created wetlands and stormwater facilities to result in a reduction of water retention time in aquatic areas of less than 72 hours and avoid clogging of drains, pipes, and outfalls, provided that there are no adverse hydrologic impacts to wetlands or aquatic vegetated areas. Other water circulation devices such as circulators, water wheels, re-circulating water sprinklers, pumps, sprayers, and fountains are also authorized to provide water circulation and wave action in water-bodies to destroy mosquito larvae.

3.Vegetation Manipulation/Re-vegetation and Sediment, Trash, and Debris Removal Activities: Activities that would mow or clear and then remove vegetation (including invasive plants) to restore flow regimes, either one time, or on a recurring basis. Re-vegetation activities are also included and removal of trash, sediment, rocks, debris, sand, mulch, and stockpiled vegetation from waters of the U.S. without redeposit back into waters of the U.S. Removal of sediments is limited to less than 2000 cubic yards of accumulated sediment per project and some projects may require submittal of a haul route plan for disposal of materials to be removed as required by the Corps. All materials to be removed must be deposited at an approved upland disposal site.

Project Location: In various wetlands, streams, ponds, creeks, rivers, channels, basins, waterways, and storm water facilities within San Diego County, California. Locations of each specific authorized project approved on an annual basis by the Corps/County shall be determined each year of this RGP. RGP 82 cannot be used on tribal or federal lands including military lands.

Permit Conditions:

General Conditions:

1. The time limit for completing the authorized activity ends on July 20, 2016. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification from this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. A conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished with the terms and conditions of your permit.

Special Conditions:

Construction:

1.Prior to initiating construction in waters of the U.S., the Permittee shall submit to the Corps Regulatory Division a complete set of final detailed grading/construction plans showing all work and structures in waters of the U.S. unless otherwise approved by the Corps. All plans shall be in compliance with the Final Map and Drawing Standards for the Los Angeles District Regulatory Division dated September 21, 2009 (http://www.spl.usace.army.mil/regulatory/pn/SPL-RG_map-drawing-standard_final_w-fig.pdf). All plan sheets shall be signed, dated, and submitted on paper no larger than 11x 17 inches. No work in waters of the U.S. is authorized until the Permittee receives, in writing (by letter or e-mail), Corps Regulatory Division approval of the final detailed grading/construction plans. The Permittee shall ensure that the project is built in accordance with the Corps-approved plans.

2.The Permittee shall clearly mark the limits of each project workspace with flagging or similar means to ensure mechanized equipment does not enter preserved waters of the U.S. and riparian wetland/habitat areas shown on drawings or figures to be approved by the Corps. Adverse impacts to waters of the U.S. beyond the Corps-approved construction footprint are not authorized. Such impacts could result in permit suspension and revocation, administrative, civil or criminal penalties, and/or substantial, additional, compensatory mitigation requirements

3. If another entity wishes to assume responsibility for the mitigation or maintenance measures described in the conceptual mitigation plan that entity must send a letter to the Corps indicating their acceptance of said responsibilities.

4. The permittee, unless otherwise approved by the Corps, shall retain a Corps approved qualified biologist(s) to: 1) oversee all aspects of grading and construction monitoring and mitigation plan implementation that pertain to biological resource protection and proper avoidance of restricted areas, 2) ensure compliance with the mitigation measures, 3) implement and monitor the mitigation plan and conditions of this permit, and 4) ensure that any adverse hydrologic changes to wetlands or vegetated waters of the U.S. adjacent to or in the project area are documented and the Corps is notified so that appropriate remediation can be taken. The Corps shall receive monthly written, email, or verbal status reports as to permittee compliance with these permit conditions during and after construction.

5. The permittee shall insure that the biological monitor shall insure that all sensitive areas are avoided and that invasive plants are removed per the final approved mitigation plan if needed.

6. The permittee shall implement a permittee/contractor education program to ensure that contractors and all construction personnel are fully informed of the biologically sensitive resources associated with the project site and are aware of the terms and conditions of this authorization. A copy of this authorization, with the Special Conditions, shall be included in all bid packages for the project and will be available at the work site at all times during periods of work and must be presented upon request by any Corps personnel with a reasonable reason for making such a request.

7. The permittee shall ensure that all vehicle maintenance, staging, storage, and dispensing of fuel occurs in designated upland areas. The permittee shall ensure that these designated upland areas are located in such a manner as to prevent any runoff from entering waters of the U.S.

8. The permittee shall not commence work on any of the projects until written verification with this RGP is received from the Corps. The Corps shall issue a RGP 82 verification letter for each project that the County approves via the VHRP. You must allow representatives from the Corps to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in compliance with the terms and conditions of the permit.

Mitigation:

9.The Permittee and other Corps/County approved users of RGP 82 shall mitigate for impacts to waters of the U. S., through implementation of a mitigation action per the mitigation criteria flowchart as described in Attachment A. that is also supplemented by a Corps required minimum mitigation ratio of 3:1 for all projects unless the Corps receives and approves a functional assessment and/or mitigation checklist that adjusts the mitigation ratio accordingly. If the mitigation action includes purchasing credits at a Corps approved wetlands bank or in-lieu fee program (ILFP) then prior to initiating construction in waters of the U.S., the Permittee shall provide documentation verifying purchase of Corps approved credits for impacts from each project. Such credits shall be from a Corps-approved mitigation bank or ILFP. The Permittee shall not initiate work in waters of the U.S. prior to receiving written confirmation (by letter or e-mail) from the Corps Regulatory Division as to compliance with this special condition. The permittee retains responsibility for providing the compensatory mitigation until the number and resource type of credits described above have been secured from a sponsor and the district engineer has received documentation that confirms that the sponsor has accepted the responsibility for providing the required compensatory mitigation. This documentation may consist of a letter or form signed by the sponsor, with the permit number and a statement indicating the number and resource type of credits that have been secured from the sponsor.

If a conceptual mitigation plan is required by the Corps and the County, responsible parties would be as follows: a) Implementation: County or RGP 82 user; b) Performance: County or RGP 82 user; c) Long-term management: County or RGP 82 user. The Permittee or RGP 82 user retains ultimate legal responsibility for meeting the requirements of the final mitigation plan. Detailed

mitigation objectives, performance standards, and monitoring requirements shall be described in the conceptual mitigation plan. Any requirements for financial assurances and/or long-term management provisions are also described in the conceptual mitigation plan. If a conceptual mitigation plan is required, prior to initiating construction in waters of the U.S., the Permittee shall submit to the Corps a conceptual mitigation plan prepared in accordance with the Corps' Los Angeles District Mitigation Guidelines and Monitoring Requirements, dated April 19, 2004 and the Mitigation Rule (33 C.F.R. Part 332; 73 FR 19670-19687 (April 10, 2008)). The final mitigation plan shall address the permanent/temporary impact to waters of the U.S. through restoration/establishment/enhancement of waters of the U.S. in accordance with the mitigation ratios in the VHRP. All maps and drawings shall be in compliance with the Final Map and Drawing Standards for the Los Angeles District Regulatory Division dated September 21, 2009 (http://www.spl.usace.army.mil/regulatory/pn/SPL-RG_map-drawing-standard_final_w-fig.pdf). No work in waters of the U.S. is authorized until the Permittee receives, in writing (by letter or e-mail), Corps approval of the final mitigation plan. The Permittee shall complete site preparation and planting and initiate monitoring as described in the final, approved mitigation plan concurrently with impacts to waters of the U.S. Your responsibility to complete the required compensatory mitigation as set forth in this Special Condition will not be considered fulfilled until you have demonstrated compensatory mitigation project success and have received written verification of that success from the U.S. Army Corps of Engineers.

Section 401 Water Quality Certification:

10. The permittee shall implement, employ, and abide by all standard Best Management Practices (BMPs) and conditions of the Section 401Water Quality Certification No. 10C-050 dated May 20, 2011 as prepared by the California Regional Water Quality Control Board – San Diego Region. Permittee shall also implement BMPs to control dust, erosion, toxic materials, silt, and sedimentation through incorporation into the design plans to minimize and prevent sediment or debris from entering waterways.

Endangered Species Act:

11. This Corps permit does not authorize you to take any threatened or endangered species, in particular any listed/threatened species in the County's RGP 82 project areas or adversely modify designated critical habitat (or proposed designated critical habitat) in these project areas. In order to legally take a listed species, you must have separate authorization under the Endangered Species Act (ESA) (e.g. ESA Section 10 permit, or a Biological Opinion (BO) under ESA Section 7, with "incidental take" provisions with which you must comply). All permittees shall submit appropriate biological and focused surveys of the project areas to the Corps and the County to insure that no potential impacts to federally listed or threatened species or designated critical habitat occur (includes proposed designated critical habitat). If a proposed project has an effect to a listed threatened or endangered species or impacts designated critical or proposed critical habitat then the project is not authorized.

Cultural Resources:

12. The County and all permitted users of RGP 82 shall submit a cultural resource survey for every project submitted on an annual basis to the Corps unless the Corps determines that there is "No Potential to Cause an Effect" (NPTCE) to any cultural resources due to previous site disturbances. All permitted users who will not obtain a NPTCE determination from the Corps shall submit the following information to the Corps: 1) Cultural resource survey, 2) aerial map showing the proposed project and Area of Potential Effect, and 3) description of proposed impacts to cultural resources. The Corps will submit a request with this information to the Native American Heritage Commission (NAHC) for a list of tribal groups who may be affected by the project. The Corp will then request comments on the proposed action within 30 days from each tribal group affected. After tribal coordination the Corps will then submit the following information to the State Historic Preservation Officer (SHPO):

1) Enclosure 1: Aerial map showing the proposed project;
2) Enclosure 2: Figure showing the Area of Potential Effect (APE);
3) Enclosure 3: Appropriate cultural resource survey or letter;
4) Enclosure 4: A sacred lands file and Native American contacts list from the Native American Heritage Commission (NAHC); and
5) Enclosure 5: Any comments or letters received from any tribal organizations as a result of our tribal coordination.

The SHPO will have 30 days to review and provide comments to the Corps. The Corps will then coordinate SHPO's comments and make a final determination under Section 106 of the NHPA with the County and the other RGP users for each proposed project submitted on an annual basis.

Pursuant to 36 C.F.R. section 800.13, in the event of any discoveries during construction of either human remains, archeological deposits, or any other type of historic property, the Permittee shall notify the Corps' Archeology Staff within 24 hours (Steve Dibble at 213-452-3849 or John Killeen at 213-452-3861). The Permittee shall immediately suspend all work in any area(s) where potential cultural resources are discovered. The Permittee shall not resume construction in the area surrounding the potential cultural resources until the Corps Regulatory Division re-authorizes project construction, per 36 C.F.R. Section 800.13.

Further Information:

1. Congressional Authorities. You have been authorized to undertake the activity described above pursuant to:

( ) Section 10 of the River and Harbor Act of 1899 (33 U.S.C. 403).

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data. The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and

conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measure ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give you favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

PERMITTEE

DATE 7/22/11

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

Therese O. Bradford
Chief, South Coast Branch
Regulatory Division

DATE 7/27/11

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

TRANSFEREE

DATE

LOS ANGELES DISTRICT
U.S. ARMY CORPS OF ENGINEERS

NOTIFICATION OF COMMENCEMENT OF WORK FOR DEPARTMENT OF THE ARMY PERMIT

Permit Number: *SPL-2009-00128-RRS*
Name of Permittee: *County of San Diego, Department of Environmental Health; Jack Miller*
Date of Issuance: *July21, 2011*

Date work in waters of the U.S. will commence: _____
Estimated construction period (in weeks): _____
Name & phone of contractor (if any): _____

Please note that your permitted activity is subject to a compliance inspection by an Army Corps of Engineers representative. If you fail to comply with this permit you may be subject to permit suspension, modification, or revocation.

I hereby certify that I, and the contractor (if applicable), have read and agree to comply with the terms and conditions of the above referenced permit.

_____ _____
Signature of Permittee Date

At least ten (10) days prior to the commencement of the activity authorized by this permit, sign this certification and return it using any ONE of the following three (3) methods:

(1) E-MAIL a statement including all the above information to: Robert.R.Smith@usace.army.mil
OR
(2) FAX this certification, after signing, to: [760 602-4831]
OR
(3) MAIL to the following address:

U.S. Army Corps of Engineers
Regulatory Division
ATTN: CESPL-RG-SPL-2009-00128-RRS
LOS ANGELES DISTRICT, CORPS OF ENGINEERS
SAN DIEGO FIELD OFFICE
6010 HIDDEN VALLEY RD., SUITE 105
CARLSBAD, CA 92011

LOS ANGELES DISTRICT
U.S. ARMY CORPS OF ENGINEERS

NOTIFICATION OF COMPLETION OF WORK AND CERTIFICATION OF COMPLIANCE WITH DEPARTMENT OF THE ARMY PERMIT

Permit Number: *SPL-2009-00128-RRS*
Name of Permittee: *County of San Diego, Department of Environmental Health; Jack Miller*
Date of Issuance: *July 21, 2011*

Date work in waters of the U.S. completed: _____
Construction period (in weeks): _____
Name & phone of contractor (if any): _____

Please note that your permitted activity is subject to a compliance inspection by an Army Corps of Engineers representative. If you fail to comply with this permit you may be subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of said permit.

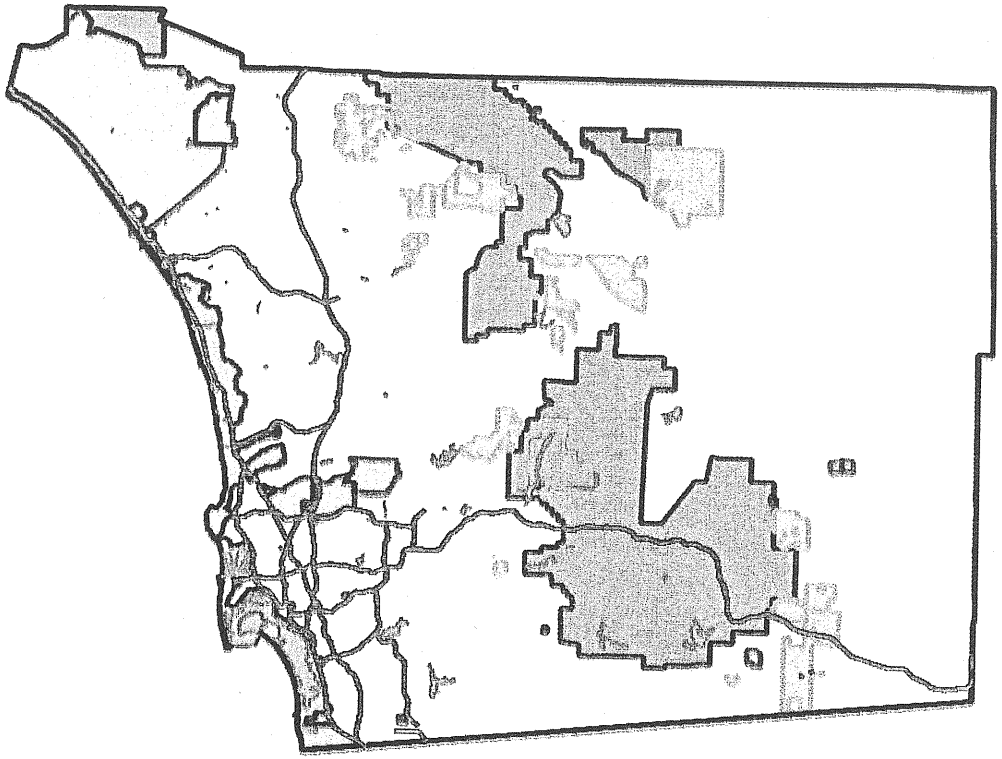
_____ _____
Signature of Permittee Date

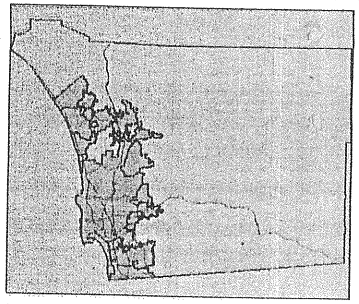
Upon completion of the activity authorized by this permit, sign this certification and return it using any ONE of the following three (3) methods:

(1) E-MAIL a statement including all the above information to: Robert.R.Smith@usace.army.mil
OR
(2) FAX this certification, after signing, to: [760-602-4848]
OR
(3) MAIL to the following address:

U.S. Army Corps of Engineers
Regulatory Division
ATTN: CESPL-RG-SPL-2009-00128-RRS
LOS ANGELES DISTRICT, CORPS OF ENGINEERS
SAN DIEGO FIELD OFFICE
6010 HIDDEN VALLEY RD., SUITE 105
CARLSBAD, CA 92011

RGP-82 Authorized/Unauthorized Areas





Legend

- Freeways
- Water Bodies
- Water Bodies
- Coastal Overlay Zone
- Indian Reservations
- Military Bases
- Cleveland NF Boundary
- County Boundary2

0 18 36 km.

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Map center: 33°1' N, 116°50' W

N

Scale: 1:1,033,287

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County of San Diego
Department of Planning and Land Use
DPLU GIS