



**US Army Corps
of Engineers®**

South Pacific Division

FINAL

**PROGRAMMATIC ENVIRONMENTAL ASSESSMENT OF
REGIONAL CATEGORICAL PERMISSION FOR SECTION 408 REQUESTS**

**U.S. Army Corps of Engineers
South Pacific Division**

Prepared for
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Acronyms

AQCR	air quality control region
BMP	best management practice
CAA	Clean Air Act
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
CLSM	controlled low-strength material
CO	carbon monoxide
CWA	Clean Water Act
dB	decibels
dBA	A-weighted decibels
EA	environmental assessment
EC	Engineer Circular
EFH	essential fish habitat
EIS	environmental impact statement
EO	executive order
EPA	U.S. Environmental Protection Agency
ESA	Endangered Species Act
FPPA	Farmland Protection Policy Act
ft	feet
HAPC	habitat area of particular concern
HDD	horizontal directional drilling
HQUSACE	USACE Headquarters
HUC	hydrologic unit code
m	meters
MSA	Magnuson-Stevens Fishery Conservation and Management Act
NAAQS	National Ambient Air Quality Standards
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NMFS	National Marine Fisheries Service
NO ₂	nitrogen dioxide
NOAA	National Oceanic and Atmospheric Administration
NPDES	National Pollutant Discharge Elimination System
O ₃	ozone
Pb	lead
PM _{2.5}	particulate matter smaller than 2.5 microns in diameter
PM ₁₀	particulate matter smaller than 10 microns in diameter
RCP	regional categorical permission
SHPO	State Historic Preservation Officer
SO ₂	sulfur dioxide
SPD	South Pacific Division
THPO	Tribal Historic Preservation Officer
U.S.	United States (adjective only)
U.S.C.	United States Code
USACE	U.S. Army Corps of Engineers
USFWS	U.S. Fish and Wildlife Service

1.0 PURPOSE OF AND NEED FOR ACTION

1.1 INTRODUCTION

There are numerous U.S. Army Corps of Engineers (USACE) Civil Works projects within the boundaries of the South Pacific Division (SPD). These projects have been federally authorized by the U.S. Congress and, for projects with a non-federal sponsor, then turned over to a non-federal sponsor to operate and maintain. Projects include coastal projects, such as sea walls, beach nourishment, navigation channels, and breakwater; flood risk management projects, such as dams, levees, and channels; and ecosystem restoration projects, located in both rural and urban areas.

The SPD's area of responsibility covers a wide geographic area that includes Arizona, California, New Mexico, and portions of Colorado, Idaho, Nevada, Oregon, Texas, Utah, and Wyoming. USACE federally authorized Civil Works projects ("USACE projects") within the SPD's boundaries are in Arizona, California, Colorado, Nevada, New Mexico, Texas, and Utah (**Figure 1-1**).

Each year, the districts within the SPD (Albuquerque, Los Angeles, Sacramento, and San Francisco) receive requests through the non-federal sponsors from private, public, tribal, and other federal entities (requesters) to alter USACE projects pursuant to 33 U.S.C. 408 (Section 408). Section 408 allows USACE to grant permission for permanent or temporary alterations or uses of USACE projects by other entities. Most minor alterations requested are changes to an embankment or a channel, such as installing irrigation pipes or horizontal directional drilling (HDD) for the placement of utility lines, trails, roads, fences, and landscaping.

When a district receives a request to alter a USACE project, it follows the review process outlined in Engineer Circular (EC) 1165-2-220, *Policy and Procedural Guidance for Processing Requests to Alter US Army Corps of Engineers Civil Works Projects Pursuant to 33 USC 408*.¹ To simplify the review process and reduce review times, EC 1165-2-220 states that a USACE district, division, or USACE Headquarters (HQUSACE) can develop a "categorical permission" for potential alterations that are similar in nature and have similar effects on a USACE Civil Works project or on the environment. The USACE Director of Civil Works has extended the use of EC 1165-2-220 until the Section 408 policy is published in the Code of Federal Regulations (CFR).²

The Proposed Action (Preferred Alternative) is to implement a regional categorical permission (RCP) to simplify the review process for requests for minor alterations to USACE projects within the Civil Works boundary of the SPD, excluding consultation required under Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA) (Title 54 of the United States Code [U.S.C.] § 306108), Magnuson-Stevens Fishery Conservation and Management Act of 1976 as amended (MSA) (16 U.S.C. § 1801 *et seq.*), Section 7 of the Endangered Species Act of 1973, as amended (ESA) (16 U.S.C. § 1531 *et seq.*), or other consultations required under applicable federal law. If approved, the RCP will apply for a period of 5 years, after which time it may be renewed or revised, as appropriate. While there is a definite plan for a comprehensive review of the RCP at 5 years, nothing precludes USACE from

¹ https://www.publications.usace.army.mil/Portals/76/Publications/EngineerCirculars/EC_1165-2-220.pdf?ver=2018-09-07-115729-890.

² <https://usace.contentdm.oclc.org/utis/getfile/collection/p16021coll11/id/6583>.

reevaluating it after a shorter time if conditions warrant. It does not apply to any USACE-owned reservoir or lake projects.

To address the potential environmental impacts of implementing the RCP, as required under the National Environmental Policy Act of 1969, as amended (NEPA) (42 U.S.C. § 4321 *et seq.*), the SPD has prepared this programmatic environmental assessment (PEA) in accordance with NEPA, USACE Engineer Regulation (ER) 200-2-2 (33 CFR § 230), and Council on Environmental Quality (CEQ) guidance on the Effective Use of Programmatic NEPA Reviews (79 FR 76986, December 23, 2014; CEQ 2014).



Figure 1-1. USACE SPD Civil Works Boundary.

1.2 SECTION 408 AUTHORITY AND GUIDANCE

The authority to grant permission for temporary or permanent use, occupation, or alteration of any USACE federally authorized Civil Works project is contained in Section 14 of the Rivers and Harbors Appropriation Act of 1899, as amended, which is codified in 33 U.S.C. § 408 (“Section 408”). Section 408 authorizes the Secretary of the Army, on the recommendation of the USACE Chief of Engineers, to grant permission for the use, occupation, or alteration of a USACE project if the Secretary determines the activity will not be injurious to the public interest and will not impair the usefulness of the project. Under EC 1165-2-220, an alteration in this context is “any action by any entity other than USACE that

builds upon, alters, improves, moves, obstructs, or occupies an existing USACE project.” Section 408 authority applies only to alterations proposed within the lands and real property interests identified and acquired for the USACE project and to lands available for USACE projects under the navigation servitude. According to EC 1165-2-220, “[m]aintenance and repair activities conducted by non-federal sponsors on the USACE project for which they have operation and maintenance responsibilities do not require Section 408 permission but may require coordination or concurrence from the USACE district.”

The Secretary of the Army’s authority under Section 408 has been delegated to the USACE Chief of Engineers. The USACE Chief of Engineers has further delegated the authority to the USACE Directorate of Civil Works, division and district commanders, and supervisory division chiefs depending upon the nature of the activity. The Commander and Division Engineer of the SPD, USACE is the approval authority for the RCP for Section 408 requests received for alterations to USACE projects in the SPD.

In EC 1165-2-220, USACE has issued policy and guidance for processing Section 408 requests. EC 1165-2-220 clarifies that a decision on a Section 408 request is a federal action and, therefore, subject to NEPA and other environmental compliance requirements. Additionally, EC 1165-2-220 outlines the options for requesting Section 408 permission and the process by which Section 408 requests are reviewed. A USACE review team reviews the Section 408 request and determines if the proposed alteration would impair the usefulness of the project, would be injurious to the public interest, and meets all legal and policy requirements. The review team determines if the proposed alteration would limit the ability of the USACE project to function as authorized or compromise or change any authorized project conditions, purposes, or outputs. For an alteration to be approved, the requester must demonstrate that the alteration would not impair the usefulness of the federally authorized project. The district bases its decision to approve an alteration on whether the alteration’s benefits are commensurate with its risks. Following the technical review, the district develops a summary of findings (content and format scalable to the alteration) that provides the district’s rationale and conclusions for recommending approval or denial.

When USACE processes a Section 408 request for which the decision will be made at the district level, it implements a single-phased review in the following way.

1. The requester submits the Section 408 Request package directly to the district 408 Coordinator or, if there is a non-federal sponsor, through the non-federal sponsor to the district 408 Coordinator.
2. The 408 Coordinator conducts an initial review of the request package and determines what technical reviews are needed.
 - Environmental technical reviews for all relevant federal laws are conducted or coordinated by natural resource specialists.
 - Requests requiring an embankment safety review is sent to the district Levee Safety Section for a technical review.
 - Requests requiring a hydraulics review is sent to the district Hydraulic Analysis staff for a technical review.
 - Requests requiring civil, structural and geotechnical review are sent to the specific sections in Engineering Division.
 - Real estate documents are sent for review to the district Real Estate Section.

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3. Once all technical reviews are complete, the 408 Coordinator prepares a summary of findings and compiles the engineering technical reviews and environmental compliance documentation into a routing package.
 4. The routing package is reviewed and signed by the 408 Coordinator and applicable Section, Branch, and Division Chiefs, with the final decision made by the District Commander, or his or her delegated approval authority.
Note: Guidance at the time this PEA was being prepared allows for the District Commander to delegate decision authority for Section 408 alterations to a Supervisory Division Chief. As of November 24, 2017, this guidance has been implemented in SPD districts, with the District Commander delegating decision authority for Section 408 alterations to the Division Engineer.
 5. Final notification is transmitted to the non-federal sponsor following signature by the deciding official.

1.3 PURPOSE OF AND NEED FOR THE DECISION

Each year, the SPD districts receive Section 408 requests to alter civil works projects. Most of these requests are for relatively minor alterations of an embankment or channel, such as trails, roadways, fences, the placement of utility lines, private recreational boat docks, and landscaping. Many of the project descriptions for proposed alterations are similar and the effects of the alterations tend to be negligible. The current review and approval process, however, is time intensive and can take more than 1 year from receipt of the request to issuance of the permission decision. The purpose of and need for the Proposed Action (Preferred Alternative) are to establish an RCP to expedite and streamline qualifying reviews under this RCP by eliminating the need for alteration-specific public notices and review plans, and by programmatically making certain findings under the NEPA.

1.4 PROJECT AREA

The alternatives being considered are (1) approving an RCP to simplify the review process for Section 408 requests that aligns with one or more of the proposed types of alteration listed in Section 2.1.3 of this PEA and (2) the no action alternative, which is continuing with the existing Section 408 process as set forth in Section 1.2. For detailed descriptions of the alteration types, refer to the RCP document (USACE 2024).

The geographic scope of the proposed RCP applies to USACE Albuquerque, Los Angeles, Sacramento, and San Francisco district federal projects and only to federal embankment, channel, and coastal alteration projects. It does not apply to any USACE-owned reservoir or lake projects.

1.5 SCOPING AND ISSUES

In accordance with NEPA requirements and USACE guidance in EC 1165-2-220, the SPD prepared two separate public notices (Appendix A). The first public notice announced scoping for the RCP. The second public notice announced the availability of the draft RCP, which described activities covered by the RCP for review and comment. The public notices inviting comments were posted on SPD district websites and distributed by email to members of the public who had previously self-identified as having interest in USACE permitting actions in the SPD. Notifications inviting scoping comment also were sent to 2,545 federal and state agencies, county and city governments, reclamation districts, levee districts, flood control districts, special interest groups, nonprofit organizations, other potentially interested entities,

and 186 tribes. Appendix A provides a summary of the comments received, the USACE response to each substantive comment, and the comments in their entirety.

1.5.1 Resource Areas Analyzed in Detail

The Section 408 Coordinators from each district identified issues associated with the following 14 resource areas: air quality, noise, water quality, wetlands and other waters, fish and wildlife, floodplains, invasive species, threatened and endangered species, vegetation, aesthetics, cultural resources, farmland/agriculture, recreation, and transportation and traffic.

As simplifying the Section 408 review process would not involve any on-the-ground work, no direct effects on environmental resources are anticipated resulting from implementing the RCP. The types of alterations that SPD would review under the draft RCP document, however, have the potential to impact the 14 relevant resource areas. Therefore, in Section 3.0, this PEA discusses the major broad and general issues relating to those resources.

1.5.2 Resource Areas Eliminated from Detailed Analysis

Determining which issues to analyze in detail in this PEA and which ones not to carry forward for detailed analysis is part of the PEA scoping process generally described in 33 CFR § 230.12. The following environmental resource areas were found to have no significance to the Preferred Alternative or No Action Alternative, as there would be no or negligible potential for direct, indirect, or cumulative effects considered with other foreseeable future actions because of implementing the Preferred Alternative or No Action Alternative: geology, hazardous materials, land use, and socioeconomics.

Geological Resources. The Preferred Alternative is not expected to result in any appreciable effects on geological resources. The proposed projects would be in previously disturbed and developed or graded locations. Ground-disturbing activities would be temporary and standard erosion control measures would be implemented to reduce or eliminate any potential impacts on geology and soils. Proposed activities would not significantly alter the topography of the existing terrain, nor would they be located near identified geological hazards. Their effects would be negligible; therefore, the SPD did not carry forward geological resources for detailed analysis in this PEA.

Hazardous Materials. The Preferred Alternative is not expected to result in any appreciable effects on hazardous materials. The Preferred Alternative may have short-term adverse effects regarding the presence of hazardous materials associated with construction equipment near the project sites (e.g., batteries and petroleum products). Those effects would be temporary and standard best management practices (BMPs) would be implemented to reduce or eliminate any potential impacts related to environmental protection and worker safety. Long-term effects would be negligible as there would be no permanent use of hazardous materials or generation of hazardous waste because of the Preferred Alternative; therefore, the SPD did not carry forward hazardous materials for detailed analysis in this PEA.

Land Use. The Preferred Alternative is not expected to result in any appreciable effects on land use. The Preferred Alternative would not change current land-use patterns. The proposed activities would occur within the boundaries of USACE projects and would not alter the land-use classifications or zoning. The Preferred Alternative is consistent with USACE project planning policies and guidelines and projects that

have been designed and sited to be compatible with current land use. The effects would be negligible; therefore, the SPD did not carry forward land use for detailed analysis in this PEA.

Socioeconomics. The Preferred Alternative would have no appreciable effects on the local or regional socioeconomic environment. It would have negligible, short-term beneficial effects associated with employment of construction personnel and purchases of construction equipment, materials, and supplies. The Preferred Alternative would not result in a long-term permanent increase or decrease in employment or population, as the action does not include changes in the number of military or civilian operations personnel. Therefore, the SPD did not carry forward socioeconomics for detailed analysis in this PEA.

2.0 ALTERNATIVES

This section describes the alternatives consistent with EC 1165-2-220, which clarifies that for Section 408, reasonable alternatives should focus on two scenarios: (1) the preferred alternative: action to simplify the review process of Section 408 requests and (2) the no action alternative. Per NEPA (42 USC §4332(C)(i)) and Appendix C to 33 CFR Part 230, only reasonable alternatives should be discussed in detail.

2.1 PREFERRED ALTERNATIVE

Under the Preferred Alternative, in accordance with EC 1165-2-220, an RCP would be utilized to simplify the review process for a category of Section 408 requests. This RCP would encompass a list of potential alterations that are similar in nature and have similar effects. The specific alterations are outlined in Section 2.1.3 and in the RCP document. **Figure 2-1** illustrates common terms used throughout the alteration descriptions. For a proposed alteration to be evaluated under the RCP, it must align with one or more of the alteration types included in the RCP, be designed in accordance with the standards described in the RCP document, have no disqualifying circumstances as listed in Section 2.1.1 of this PEA, and meet the engineering and environmental conditions described in Section 2.1.2.

A proposed project may combine multiple categories of alterations based on the project description and still be eligible for the proposed RCP. For example, a project proposing construction of a maintenance shed with fence and a utility pole could use RCP alterations RCP-6, RCP-11 and RCP-24 (see Section 2.1.3). Within the overall project, each individual alteration type must adhere to the size limitations for that specific type and the project's total area must not exceed the size limit of the largest alteration.

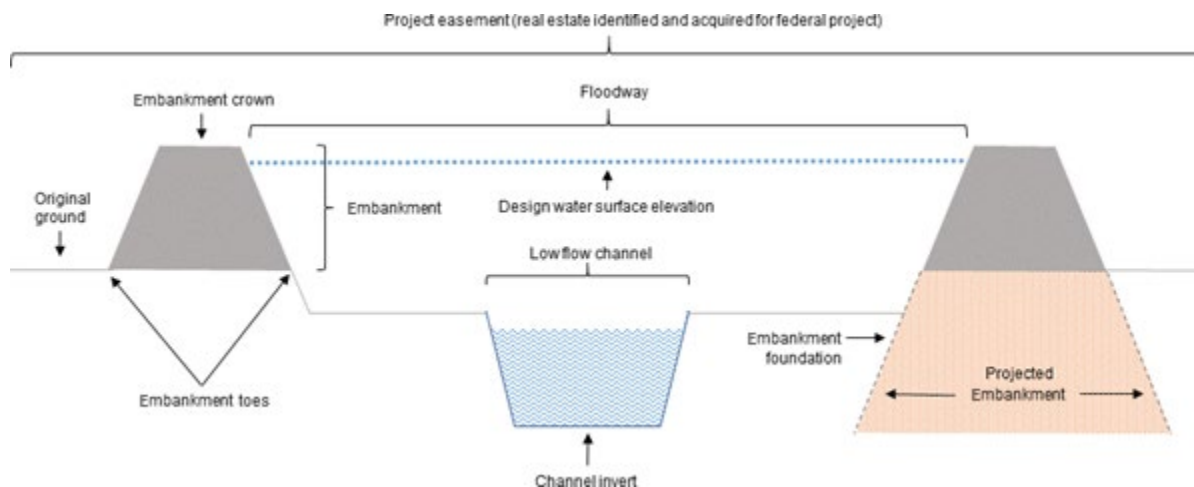


Figure 2-1. Illustration of Common Terms for USACE Projects.

2.1.1 Disqualifying Circumstances

The following circumstances would disqualify the use of this RCP:

- The alteration could not be decided at the district level.
- The alteration is controversial or known to have considerable public or tribal interest.
- The alteration would result in a direct or indirect cause for jeopardy to a species that is listed or proposed for listing.
- The alteration would result in a loss of sensitive habitat or a net loss in riparian habitat.
- The alteration would exceed federal *de minimis* air quality standards.
- The alteration would construct a new structure for human habitation.
- The alteration would adversely impact a public use facility.
- The alteration would induce development in a floodplain.

2.1.2 Engineering and Environmental Conditions for Approval

For the RCP to apply, a Section 408 request must incorporate a plan that includes the engineering and environmental conditions discussed in this section into the alteration. Proposed alterations that do not meet these conditions would be evaluated under one of the other options outlined in EC 1165-2-220. USACE may impose project-specific conditions in addition to the conditions below. d

2.1.2.1 Engineering Conditions

ENG-1. The alteration must not interfere with the integrity or hydraulic capacity of the flood risk management project; easement access; or maintenance, inspection, and flood-fighting procedures.

ENG-2. If an alteration would affect the hydraulic capacity of the floodway whatsoever, the requester must prepare a blockage calculation or hydraulic analysis for review in accordance with current USACE guidance.

ENG-3. Construction or other work in the floodway cannot take place during the flood season unless approved in writing by the non-federal sponsor.³

ENG-4. No equipment, stockpiles of materials, temporary buildings, or temporary staging can remain on the levee or in the floodway during flood season unless written approval has been obtained by the non-federal project sponsor.

ENG-5. Construction and other kinds of work must be coordinated with other work in the area.

ENG-6. Drilling and excavations must meet federal, state, and local criteria, USACE standards, and USACE Safety and Occupational Health Office standards.

³ For information on what is considered the flood season for a particular location, the 408 Coordinator for the USACE district with jurisdiction over the area should be contacted.

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- ENG-7. The requester is responsible for removal and disposal of trees or brush cleared during construction. Removal and disposal must be to areas outside the limits of the federal project easement.
- ENG-8. The requester is responsible for protecting the embankment from damage by construction activities, construction vehicles, equipment, and storage of materials.
- ENG-9. All fill material used on embankment slopes or the crown must be acceptable cohesive material (Unified Soil Classification System CL, CL-ML, or SC)⁴ and free of organics or other materials harmful to the embankment.
- ENG-10. The proposed alteration should be backfilled under and around with controlled low-strength material (CLSM). Backfill above the alteration should consist of CLSM or suitable material compacted in 4- to 6-inch lifts, unless otherwise specified by USACE.
- ENG-11. All structures, facilities, related equipment, and other appurtenances must be securely anchored or tethered to prevent flotation within the floodway during high water.
- ENG-12. All agencies and companies with existing utilities in the proposed construction area(s) must be contacted to determine if relocation of or modification to accommodate the proposed alteration is needed or whether those utilities pose a hazard to construction workers or equipment.
- ENG-13. Necessary property rights must be acquired for the construction, operation, and maintenance of the alteration.
- ENG-14. Disturbed areas must be restored to preconstruction conditions once the alteration construction work is complete.
- ENG-15. The Section 408 request must include:
- Construction drawings showing details of all proposed activities within the project easement area, including any excavation details.
 - A cross section of the embankment or channel affected by the proposed alteration and associated appurtenances.
 - A plan view of the existing Civil Works project features overlaid with the proposed alteration.
- ENG-16. Any damage caused by removal or modification of any alteration must be repaired as part of the removal or modification activity.
- ENG-17. The preferred method for abandoning alterations is complete removal.

2.1.2.2 Environmental Conditions

- ENV-1. Previously disturbed areas must be used to access the proposed alteration site as much as practicable, such as existing access ramps, driveways, the levee crown, or roads.

⁴ <https://dot.ca.gov/-/media/dot-media/programs/maintenance/documents/office-of-concrete-pavement/pavement-foundations/uscs-a11y.pdf>.

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- ENV-2. Upland areas should be temporarily cleared to the minimum extent practicable. Preference should be given to already developed or disturbed areas before siting staging and stockpiling in an area that needs to be cleared.
- ENV-3. If vegetation must be removed, minimize the amount of vegetation taken out. Restore disturbed areas with native vegetation to the extent practicable.
- ENV-4. The removal and disposal of excess construction material must be done outside the boundaries of the federal project easement.
- ENV-5. Proposed alterations must be designed to minimize the introduction of exotic animal and plant species and only seed mixes of native species approved by the local sponsor shall be used in site restoration.
- ENV-6. Proposed alterations must incorporate BMPs that meet federal, state, and local criteria to control stormwater runoff, erosion, and contaminant spills (e.g., diesel fuel spills).
- ENV-7. If an environmental spill occurs, the requester must notify USACE, the non-federal sponsor, and the appropriate state agency immediately. The requester is responsible for any cleanup and repair.
- ENV-8. If artifacts or other culturally sensitive materials are found during excavation, work must stop immediately and USACE and the non-federal sponsor must be notified.
- ENV-9. Landowner permission and any other applicable federal, state, and local permits must be secured before work can begin.
- ENV-10. To avoid effects to migratory birds, and bald and golden eagles, the requester shall perform biological pre-construction surveys and avoid vegetation removal during the primary nesting season. The requester is responsible for contacting the appropriate local office of the U.S. Fish and Wildlife Service to determine what measures, if any, are necessary or appropriate to reduce adverse effects to migratory birds or eagles, including whether "incidental take" permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.

2.1.3 Implementing Regional Categorical Permission

The process for reviewing individual alteration requests under the RCP:

1) Alteration Request:

- a) The requester must provide justification for the RCP.
- b) The USACE district will review and verify the alteration is covered under the RCP and identify additional information required to process the request.
- c) The USACE district will notify non-federal sponsors if an application from a private developer or other entity is received for a project managed by a non-federal sponsor. A signed statement of no objection is required from the non-federal sponsor.

2) Technical and Environmental Reviews:

- a) The USACE district will complete all necessary and applicable reviews.

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- b) This includes initiating any required consultations.

3) Validation

- a) The 408 Coordinator will complete the *Section 408 Validation of Categorical Permission Memorandum*, including supporting technical review memoranda as needed.
- b) If approved, the decision-making authority will sign the *Section 408 Validation Memorandum* and the *Decision Letter* for the individual alteration request.
- c) Requirements resulting from Section 7 of the Endangered Species Act, Essential Fish Habitat or National Historic Preservation Act consultations, or other consultations required under applicable federal law, will be included to the validation of this categorical permission.

2.1.4 List of Alterations

For detailed descriptions of the types of alterations, refer to the RCP document (USACE 2024). The proposed RCP would encompass the following types:

- RCP-1. Agriculture and Landscaping
- RCP-2. Beach Nourishment
- RCP-3. Soil Investigations, Borings, Explorations, and Instrumentation
- RCP-4. Borrow Areas
- RCP-5. Bridges
- RCP-6. Buildings and Other Structures
- RCP-7. Ditches and Canals
- RCP-8. Docks
- RCP-9. Environmental Restoration
- RCP-10. Erosion Control
- RCP-11. Fences, Gates, and Signage
- RCP-12. Fiber Optic and Dry Utility Pipes
- RCP-13. Fish Screens
- RCP-14. Gravity Pipes
- RCP-15. Horizontal Directional Drilling
- RCP-16. Landside Pump Stations
- RCP-17. Pressurized Pipes
- RCP-18. Research and Monitoring
- RCP-19. Retaining Walls, Seawalls, and Other Wall Structures
- RCP-20. Seepage and Stability Berms
- RCP-21. Stairs and Handrails
- RCP-22. Swimming Pools

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- RCP-23. Trails, Roads, and Ramps
 - RCP-24. Utility Poles
 - RCP-25. Water Side Pump Stations
 - RCP-26. Wells

2.2 NO ACTION ALTERNATIVE

Under the No Action Alternative, each district within the SPD would continue to review all Section 408 requests using the process set forth in EC 1165-2-220 and Section 1.2 of this PEA. Currently, districts review all 408 requests for minor alterations following the single-phase or multi-phase procedures outlined in EC 1165-2-220. Division review and HQUSACE review are not required for alterations that can be approved at the USACE district level.

This PEA does not cover proposed alterations that require HQUSACE review or “Division Review and Decision”, as defined in EC 1165-2-220. This PEA only covers Section 408 requests that can be approved at the district level. Requests approved at the district level undergo an environmental compliance review as well as engineering reviews, including for hydraulics or levee safety, as detailed in Section 1.2. Upon completion of these technical reviews, a summary of findings is assembled and undergoes multiple internal reviews within the district organization and to the Office of Counsel for a legal review before final signature by the Engineering Division Chief and Levee Safety Officer.

3.0 AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

3.1 INTRODUCTION

This section discusses the existing conditions in the analysis area and the environmental consequences of the alternatives by resource. Only relevant physical resources, biological resources, and social resources are discussed here. Relevant resources are those resources that would be affected by or would affect the alternatives. Relevant physical resources are air quality, noise, water quality, and wetlands. Relevant biological resources are fish and wildlife, invasive species, threatened and endangered species, and vegetation. Relevant social resources are aesthetics, cultural resources, farmland/agriculture, recreation, and transportation/traffic.

3.1.1 Affected Environment and Environmental Consequences Summary

CEQ guidance directs agencies to succinctly describe the environment of the area(s) that could be affected by the alternatives and discuss the environmental effects of the alternatives (CEQ 2014). For programmatic NEPA reviews, CEQ guidance states that a broad regional or landscape description may suffice for characterizing the affected environment and directs agencies to focus reviews on the broad environmental consequences relevant at the programmatic level (CEQ 2014). Additionally, CEQ guidance states that “site- or project-specific impacts need not be fully evaluated at the programmatic level when the decision to act on a site development or its equivalent is yet to be made” (CEQ 2014).

Additionally, CEQ guidance states that “the depth and detail in programmatic analyses will reflect the major broad and general impacts that might result from making broad programmatic decisions” (CEQ 2014). Following this guidance, the affected environment section describes the existing conditions in a general sense and provides the baseline for comparison in the environmental consequences section.

As the implementation of an RCP to simplify the Section 408 review process would not involve any on-the-ground work, there are no anticipated direct effects on environmental resources resulting from implementing the RCP. It is important to note that the decision to be made on the RCP is independent of any Section 408 request and would not authorize any specific Section 408 requests or any ground-disturbing work.

The decision to implement the proposed RCP would have no direct effects on resources. However, the types of alterations described under the proposed RCP have the potential to affect the relevant resources listed above. Therefore, the environmental consequences reflect the broad and general effects that could result from the types of alterations described under the proposed RCP. In accordance with CEQ guidance, the description of the scope and range of effects is qualitative in nature (CEQ 2014).

The environmental consequences are discussed in terms of direct, indirect, and cumulative effects.

The significance of environmental effects is assessed in terms of context and intensity. The environmental effects are characterized as negligible, less than significant, significant, or beneficial. The effect may also be short-term or long-term in nature.

- **Negligible** – This effect would cause no discernible change in the environment as measured by the applicable significant criteria; therefore, no mitigation would be required.

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- Less than Significant – This effect would cause no substantial adverse change in the environment as measured by the applicable significance criteria; in general, no mitigation would be required but may be incorporated as a best practice or to meet other regulatory requirements.
 - Significant – This effect would cause a substantial adverse change in the physical, biological, and/or social conditions or as otherwise defined based on the significance criteria. Significant effects are categorized into two types: (1) effects that can be mitigated to reduce environmental impacts to less than significant levels, and (2) effects that lack feasible mitigation options or remain significant despite feasible mitigation measures. Effects that cannot be reduced to a less than significant level by mitigation are identified as significant and unavoidable.
 - Beneficial – This effect would provide benefit to the environment as defined for that resource.
 - Short-term – The nature of this effect would be temporary and would not result in permanent a long-term beneficial or adverse effect on a resource. For example, temporary construction-related effects (e.g., an increase in dust, noise, or traffic congestion) that no longer occur once construction is complete. May be less than significant, significant, adverse, or beneficial in nature.
 - Long-term – The nature of this effect on a resource would be permanent (or for most of the project life) beneficial or adverse. For example, permanent conversion of a wetland to a parking lot. May be less than significant, significant, adverse, or beneficial in nature.

3.1.2 Cumulative Effects Summary

According to past CEQ direction, the purpose of the cumulative effects analysis is to ensure that federal decisions consider the full range of consequences of actions. The premise of the cumulative effects analysis is that cumulative impacts can result from actions with individually minor but collectively significant actions taking place over a period of time. Cumulative effects are the total effect of all actions taken, regardless of the agency (federal, non-federal, or private) or person who has taken the action, and they may be additive or interactive.

Cumulative effects must be analyzed in terms of the specific resource, ecosystem, and/or human community being affected. To accomplish this, one of the first steps of the cumulative effects analysis is to define the geographic and temporal scope. The boundaries for cumulative effects analysis generally do not line up with political or administrative boundaries, such as agency jurisdictional area, and must instead use natural ecological or sociocultural boundaries that are appropriate to each specific resource.

The cumulative effects analysis in this document will consider past, present, and reasonably foreseeable future actions that influence the geographic areas where USACE projects exist. Per CEQ guidance, the geographic scope for cumulative effects analysis in this document may vary by resource. The temporal scope of analysis for all resources extends 5 years into the future (the proposed initial length of the RCP before it is reevaluated) and 50 years into the past. In accordance with CEQ guidance, the cumulative effects analysis in this PEA will focus on major broad and general impacts and will be qualitative in nature. **Table 3-1** summarizes the past, present, and reasonably foreseeable activities that may contribute to cumulative effects as well as the general effects these activities may have on the three

major resource categories. Cumulative effects are discussed in more detail in each of the resource-specific sections.

Table 3-1. Summary of Activities Contributing to Cumulative Effects

Past, Present, and Reasonably Foreseeable Future Actions	General Effects on Physical Resources	General Effects on Biological Resources	General Effects on Social Resources
Agricultural Activities	<ul style="list-style-type: none"> • Generation of criteria air pollutants • Increased dust • Increased noise • Loss of wetland habitat • Contaminated water 	<ul style="list-style-type: none"> • Direct mortality or injury • Behavioral disturbance • Noise effects • Habitat loss • Habitat disturbance • Introduction of invasive species 	<ul style="list-style-type: none"> • Visual effects • Disturbance of cultural resources • Effects on recreation • Effects on farmland
Construction Activities	<ul style="list-style-type: none"> • Generation of criteria pollutants • Increased dust • Increased noise • Water contamination • Loss of wetland habitat 	<ul style="list-style-type: none"> • Direct mortality or injury • Behavioral disturbance • Noise effects • Habitat loss • Habitat disturbance • Introduction of invasive species 	<ul style="list-style-type: none"> • Visual effects • Disturbance of cultural resources • Increased vehicle traffic • Effects on recreation • Effects on farmland
Fishing (including recreational and commercial)	<ul style="list-style-type: none"> • Generation of criteria pollutants • Increased noise • Increased turbidity • Water contamination • Generation of debris 	<ul style="list-style-type: none"> • Direct mortality or injury • Behavioral effects • Noise effects • Habitat disturbance • Altered or reduced prey sources • Behavioral disturbance • Introduction of invasive species 	<ul style="list-style-type: none"> • Increased recreation
Industry (not including construction activities)	<ul style="list-style-type: none"> • Generation of criteria pollutants • Increased dust • Increased noise • Increased turbidity and sedimentation • Water contamination • Loss of wetland habitat 	<ul style="list-style-type: none"> • Direct mortality or injury • Behavioral disturbance • Noise effects • Habitat loss • Habitat disturbance 	<ul style="list-style-type: none"> • Visual effects • Disturbance of cultural resources • Increased vehicle traffic • Effects on recreation • Effects on farmland
Levee and Channel Operations and Maintenance	<ul style="list-style-type: none"> • Generation of criteria pollutants • Increased dust • Increased noise • Increased or decreased turbidity and sedimentation • Water contamination 	<ul style="list-style-type: none"> • Direct mortality or injury • Behavioral disturbance • Noise effects • Habitat loss • Habitat disturbance • Introduction and/or removal of invasive species 	<ul style="list-style-type: none"> • Visual effects • Disturbance of cultural resources • Effects on recreation • Effects on farmland
Recreation	<ul style="list-style-type: none"> • Generation of criteria pollutants • Increased noise • Increased turbidity • Water contamination 	<ul style="list-style-type: none"> • Direct mortality or injury • Behavioral disturbance • Noise effects • Habitat loss • Habitat disturbance • Altered or reduced prey sources • Introduction of invasive species 	<ul style="list-style-type: none"> • Disturbance of cultural resources • Increased recreation
Restoration	<ul style="list-style-type: none"> • Improved water quality • Increase in wetland habitat 	<ul style="list-style-type: none"> • Direct mortality or injury • Behavioral disturbance • Increase in habitat • Improvement of existing habitat • Habitat disturbance • Increase in native vegetation • Introduction and/or removal of invasive species 	<ul style="list-style-type: none"> • Visual effects • Disturbance of cultural resources • Improved recreational opportunities • Effects on farmland
Scientific Research	<ul style="list-style-type: none"> • Generation of criteria pollutants 	<ul style="list-style-type: none"> • Direct mortality or injury • Behavioral disturbance 	<ul style="list-style-type: none"> • Disturbance of cultural resources

Past, Present, and Reasonably Foreseeable Future Actions	General Effects on Physical Resources	General Effects on Biological Resources	General Effects on Social Resources
	<ul style="list-style-type: none"> Increased turbidity Water contamination 	<ul style="list-style-type: none"> Habitat disturbance 	
Vehicle Traffic	<ul style="list-style-type: none"> Generation of criteria pollutants Increased dust Increased noise Water contamination 	<ul style="list-style-type: none"> Direct mortality or injury Behavioral disturbance Noise effects 	<ul style="list-style-type: none"> Disturbance of cultural resources Effects on transportation

3.2 AIR QUALITY

3.2.1 Affected Environment

Air quality is determined by a variety of factors, including the locations of air pollutant sources, the amounts of pollutants emitted, topography, and meteorological conditions, such as temperature and wind speed. The Clean Air Act of 1970, as amended (CAA) (42 U.S.C. § 7401–7671q) regulates air emissions from stationary and mobile sources and authorizes the U.S. Environmental Protection Agency (EPA) to establish National Ambient Air Quality Standards (NAAQS) to protect public health and welfare and to regulate emissions of hazardous air pollutants. The EPA has established NAAQS for six criteria pollutants: lead (Pb), ozone (O₃), carbon monoxide (CO), nitrogen dioxide (NO₂), sulfur dioxide (SO₂), and particulate matter (particulate matter smaller than 10 microns in diameter [PM₁₀] and particulate matter smaller than 2.5 microns in diameter [PM_{2.5}]). Additionally, the CAA requires that federal, state, local, and tribal governments implement the Act in partnership.

States and tribes submit recommendations to the EPA on whether an area is attaining the NAAQS for criteria pollutants. Areas that meet or exceed the national standard for a pollutant are designated as “attainment areas” for that pollutant. Areas that do not meet the national standard for a pollutant are designated as “nonattainment areas” for that pollutant. A “maintenance area” is an area that was previously designated as in nonattainment but has been redesignated as in attainment and has an approved maintenance plan (40 CFR § 93.152). Nonattainment and maintenance areas are further classified as “marginal,” “moderate,” “severe,” or “extreme.” States and tribes also are responsible for developing state and tribal implementation plans to meet the NAAQS (USEPA 2017a).

Section 176(C) of the CAA prohibits federal agencies from carrying out, funding, or permitting any activity in a nonattainment or maintenance area “which does not conform to an implementation plan after it has been approved or promulgated” (42 U.S.C. § 7506). This is known as the General Conformity rule. Under the rule, federal agencies must work with state, local, and tribal governments in nonattainment and maintenance areas to ensure that federal actions conform to established air quality implementation plans. Federal actions that result in the emission of air pollutants in attainment areas or undesignated areas are not subject to the requirements of the General Conformity rule. Many federal actions in nonattainment and maintenance areas do not result in significant increases in emissions; therefore, the EPA has designated *de minimis* emissions levels based on an area’s designation and classification for each criteria pollutant. If the total direct and indirect emissions resulting from a proposed federal action are below *de minimis* levels, the action is exempt from conformity determination requirements. If the total direct and indirect emissions resulting from a proposed federal action are above *de minimis* levels, then a General Conformity analysis is required (USEPA 2017a). To

achieve conformity, a federal action must conform to the applicable state and tribal implementation plans and not “contribute to new violations of standards for ambient air quality, increase the frequency or severity of existing violations, or delay timely attainment of standards in the area of concern” (USDOE 2000).

The EPA divides the United States into air quality control regions (AQCRs) to evaluate NAAQS compliance (**Table 3-2**). States further divide areas for compliance. California is divided into air districts that have local jurisdiction over air quality. New Mexico tracks air quality through three districts, while Texas is organized into 16 regions. Air quality in Arizona, Colorado, Nevada, and Utah is tracked at the county level. The geographic scope of analysis for this document will be the SPD’s area of responsibility and the USACE projects within the SPD.

3.2.2 Direct and Indirect Effects

3.2.2.1 Preferred Alternative

Emissions from the alterations described under the proposed RCP are generally negligible and limited to construction and thus short-term. Alterations of similar scale and scope that have received Section 408 permissions in the past have generally had emissions below *de minimis* levels. **Table 3-3** presents the emissions from a typical alteration where 15 acres was disturbed during construction over a period of one month. Under the Preferred Alternative, districts would continue to conduct a General Conformity review for each individual Section 408 alteration request. The proposed RCP would only be applicable to proposed alterations that have emissions below the *de minimis* levels for criteria air pollutants and are thus exempted by 40 CFR § 93.153. If emissions from a proposed alteration are expected to exceed *de minimis* levels, then the proposed RCP would not apply and the Section 408 alteration request would undergo a standard review process.

Indirect effects to air quality would vary depending on the type of alteration. The indirect effects of large infrastructure projects would be expected from changes in energy demand or production or changes in traffic volumes or patterns. These actions would be expected to undergo environmental review separate from their need for a Section 408 permission. Other indirect effects would be expected from changes to operations and maintenance activities or changes in land use that would indirectly effect air quality.

3.2.2.2 No Action Alternative

Under the No Action Alternative, the SPD would not implement the proposed RCP and would continue to review Section 408 requests employing the same process used at the time this PEA was prepared. Each Section 408 request would be individually evaluated for compliance with environmental laws, and NEPA documentation would be prepared at the appropriate level (categorical exclusion, environmental assessment [EA], or environmental impact statement [EIS]). The potential air quality effects related to proposed alterations under the No Action Alternative would be greater than, or similar to, the effects described for the Preferred Alternative. At the time of this PEA, the SPD districts conducted a General Conformity review of each individual Section 408 alteration request. Under the No Action Alternative, that practice would continue, and General Conformity analyses would be conducted as appropriate.

Table 3-2. NAAQS Status of AQCRs for Criteria Pollutants (current as of August 31, 2024)

AQCR Code	Area	PM _{2.5} (2012 Standard)	PM ₁₀ (1987 Standard)	8-hour O ₃ (2008 Standard)	Pb (2008 Standard)	NO ₂ (1971 Standard)	SO ₂ (2010 Standard)	CO (1971 Standard)
012	AZ-NM Southern Border	Attainment	Moderate nonattainment (Dona Ana, NM; Santa Cruz (P) and Cochise (P) counties, AZ)	Attainment	Attainment	Attainment	Attainment	Attainment
013	Clark-Mohave (AZ and NV)	Attainment	Serious maintenance (Las Vegas Planning Area, NV)	Attainment	Attainment	Attainment	Attainment	Serious maintenance (Las Vegas, NV)
014	Four Corners (AZ, CO, NM, UT)	Attainment	Moderate maintenance (Telluride, CO)	Attainment	Attainment	Attainment	Attainment	Attainment
015	Phoenix-Tucson (AZ)	Attainment	Serious nonattainment (Maricopa and Pinal counties, AZ)	Moderate nonattainment (Maricopa and Pinal counties, AZ)	Attainment	Attainment	Attainment	Serious maintenance (Phoenix, AZ)
023	Great Basin Valley (CA)	Attainment	Moderate maintenance (Coso Junction, CA) Serious nonattainment (Owens Valley Planning Area, CA)	Attainment	Attainment	Attainment	Attainment	Attainment
024	Metropolitan Los Angeles (CA)	Serious nonattainment	Attainment	Nonattainment (Riverside and San Diego counties: Moderate; Los Angeles, Orange, Riverside, and San Bernadino counties: Extreme; Morongo Band of Mission Indians: Severe-15)	Nonattainment (Los Angeles County, CA)	Moderate maintenance	Attainment	Serious maintenance
028	Sacramento Valley (CA)	Attainment	Moderate maintenance (Sacramento County, CA)	Nonattainment (Butte County and the City of Tuscan Buttes, CA: Marginal; Sacramento, Solano [partial], Sutter, and Yolo counties: Severe)	Attainment	Attainment	Attainment	Moderate maintenance (cities of Chico and Sacramento, CA)
029	San Diego (CA)	Attainment	Attainment	Severe-15 Nonattainment	Attainment	Attainment	Attainment	Attainment
030	San Francisco Bay Area (CA)	Attainment	Attainment	Marginal nonattainment	Attainment	Attainment	Attainment	Moderate maintenance
031	San Joaquin Valley (CA)	Serious nonattainment	Serious nonattainment (Kern County, CA)	Nonattainment (Kern County: Severe-15; Fresno, Kern (P), Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare counties: Extreme)	Attainment	Attainment	Attainment	Moderate maintenance (Stockton, CA)

AQCR Code	Area	PM _{2.5} (2012 Standard)	PM ₁₀ (1987 Standard)	8-hour O ₃ (2008 Standard)	Pb (2008 Standard)	NO ₂ (1971 Standard)	SO ₂ (2010 Standard)	CO (1971 Standard)
032	South Central Coast (CA)	Attainment	Attainment	Marginal nonattainment (San Luis Obispo, CA)	Attainment	Attainment	Attainment	Attainment
033	Southeast Desert (CA)	Moderate nonattainment (Imperial County, CA)	Serious maintenance (Imperial Valley, CA)	Nonattainment (Imperial County, CA: Moderate; Los Angeles and San Bernadino counties, CA: Severe-15)	Serious nonattainment (Coachella Valley Planning Area, CA)	Attainment	Attainment	Attainment
035	Grand Mesa (CO)	Attainment	Moderate maintenance (Aspen, CO)	Attainment	Attainment	Attainment	Attainment	Attainment
039	San Luis (CO)	Attainment	Moderate maintenance (Pagosa Springs, CO)	Attainment	Attainment	Attainment	Attainment	Attainment
040	Yampa (CO)	Attainment	Moderate maintenance (Steamboat Springs, CO)	Attainment	Attainment	Attainment	Attainment	Attainment
147	Nevada	Attainment	Serious maintenance (Reno Planning Area, NV)	Attainment	Attainment	Attainment	Attainment	Not classified maintenance (Lake Tahoe, NV)
152	Albuquerque-Mid Rio Grande (NM)	Attainment	Attainment	Attainment	Attainment	Attainment	Attainment	Moderate maintenance (Albuquerque, NM)
153	El Paso-Las Cruces-Alamogordo (NM, TX)	Attainment	Moderate nonattainment	Attainment	Attainment	Attainment	Attainment	Moderate maintenance (El Paso, TX)
220	Wasatch Front (UT)	Attainment	Moderate maintenance (Salt Lake and Utah counties; Ogden, UT)	Attainment	Attainment	Attainment	Attainment	Maintenance (Ogden and Provo, UT: Moderate; (Salt Lake City, UT: Not classified)

Source: USEPA 2024a.

Notes: (P) = The AQCR is only partially included in the air monitoring area.

Data is shown only for AQCRs in which a USACE SPD Civil Works project is located.

Table 3-3. Typical Emissions from one 15-Acre Alteration over a One-Month Period of Construction (current as of August 31, 2024)

Pollutant	Action Emissions (ton/yr)	INSIGNIFICANCE INDICATOR	
		Indicator (ton/yr)	Exceedance (Yes or No)
Volatile organic compounds	0.04	250	No
Nitrogen oxides	0.40	250	No
CO	0.40	250	No
Sulphur oxides	0.001	250	No
Particulate Matter	PM ₁₀	250	No
	PM _{2.5}	250	No
Pb	0.00	25	No
Ammonia	0.001	250	No

Source: USAF 2024.

Note: The U.S. Air Force Air Conformity Applicability Model (ACAM) was used to calculate air emissions.

3.2.3 Cumulative Effects

The geographic boundaries for the cumulative effects analysis are the AQCRs listed in **Table 3-2**, all of which contain at least one USACE project. The major past activities affecting air quality in this geographic analysis area are agriculture, construction, industry, and vehicle traffic. In addition to those activities, the major present and reasonably foreseeable future activities that could potentially affect air quality in this geographic analysis area are fishing (recreational and commercial), levee and channel operation and maintenance, recreation, restoration, and scientific research. All these activities, barring restoration activities, could generate emissions of criteria pollutants and some could result in increased dust.

Simplifying the Section 408 review process through implementing the proposed RCP could result in the issuance of a slightly higher number of Section 408 permissions per year. As the RCP would apply only to alterations with emissions below *de minimis* levels, implementing the proposed RCP would result in either no contribution or a less than significant contribution to cumulative effects on air quality in the geographic analysis area. Given the No Action Alternative's potential air quality effects could be greater than or similar to the Preferred Alternative's effects, the No Action Alternative is expected to result in either no contribution or a less than significant contribution to cumulative effects on air quality in the geographic analysis area.

3.3 NOISE

3.3.1 Affected Environment

Sound results from vibrations introduced into a medium such as air that stimulate the auditory nerves of a receptor to produce the sensation of hearing. Sound is undesirable if it interferes with communication, is intense enough to damage hearing, or diminishes the quality of the environment. Noise is unwanted sound. Human responses to sound vary with the types and characteristics of the sound source, the distance between the source and receptor, receptor sensitivity, the background sound level, the time of day, and other factors. Sound may be intermittent or continuous, steady or impulsive, and generated by stationary sources such as generators or mobile sources (e.g., cars or aircraft).

Sound varies by both intensity and frequency. Sound pressure level, described in decibels (dB), is used to quantify sound intensity. The dB is a logarithmic unit that expresses the ratio of a sound pressure level

to a standard reference level. Hertz are used to quantify sound frequency. The human ear responds differently to different frequencies. “A-weighting,” or measured in A-weighted decibels (dBA), approximates a frequency response expressing the perception of sound by humans. **Table 3-4** provides sounds encountered in daily life and their sound levels.

Table 3-4. Common Sounds and Their Levels

Outdoor	Sound Level (dBA)	Indoor
Jet flyover at 1,000 ft (305 m)	100	Rock band
Gas lawnmower at 3 ft (0.9 m)	90	Food blender at 3 ft (0.9 m)
Downtown (large city)	80	Garbage disposal
Heavy traffic at 150 ft (48 m)	70	Vacuum cleaner at 10 ft (3 m)
Normal conversation	60	Normal speech at 3 ft (0.9 m)
Quiet urban daytime	50	Dishwasher in next room
Quiet urban nighttime	40	Theater, large conference room

Source: Harris 1998.

Notes: ft = feet; m = meter.

The Noise Control Act of 1972, as amended (42 U.S.C. § 4901 *et seq.*) established a national policy to promote an environment for all Americans free from noise that jeopardizes their health or welfare. Background noise levels at USACE projects within the SPD are dependent on where the project is located. Noise levels at projects, regardless of location, tend to be governed by boat traffic on nearby waterways, agricultural equipment, light-to-moderate traffic on local roads, and moderate-to-heavy traffic on nearby interstates and high-volume highways. In addition, some projects are located near airports, which may have elevated noise levels due to air traffic. Locations where people live or where the presence of elevated noise levels could significantly affect the use of the land are noise-sensitive areas. Noise-sensitive receptors can include residents near the USACE project, schools, hospitals, nursing homes or assisted living facilities, parks, and businesses. Many of the USACE projects within the SPD, particularly those in suburban or urban settings, are located near one or more sensitive receptors.

3.3.2 Direct and Indirect Effects

3.3.2.1 Preferred Alternative

All the alterations described in this PEA would result in some level of noise during construction that would rise above existing conditions. The overall effect of the Preferred Alternative on noise would be less than significant and short-term.

Elevated noise levels could have different types of impacts depending on where the proposed alteration is located. If it is located near a sensitive receptor, usually common in urban and suburban settings, noise could directly impact that receptor.

Noise can have several effects on human health and well-being. Excessive exposure to elevated noise levels can result in hearing loss, interfere with communication, disturb sleep, and act as a biological stressor, resulting in nonauditory physiological responses (USEPA 1981).

Fish and wildlife also can be affected by elevated noise levels. Species differ in their sensitivities and responses to noise exposure, and there can even be differences in sensitivity within species due to life-

history stage and behavioral context. Noise stimuli may act as a distraction, startle animals into fleeing or hiding, and mask biologically relevant sounds used for communication, detection of threats or prey, and spatial navigation (Francis and Barber 2013). Fish are sensitive to loud noises in waterways, with sound generated from percussive pile driving having particularly negative impacts. Exposure to increased sound levels, either low levels over long periods of time or high levels for shorter periods of time, may result in damage to fish auditory tissue and may even result in temporary hearing loss (Caltrans 2020). Increased sound levels may alter fish behavior or even lead to mortality.

The effects of noise associated with the alterations described in this PEA could range from non-noticeable from the existing conditions to noticeable. Proposed alterations would be subject to local noise ordinances, which may restrict the days of the week and/or the times of day during which construction may take place.

Indirect effects to noise would vary depending on the type of alteration. Effects would be expected from changes to operations and maintenance activities. Other indirect effects would be expected to wildlife, recreation, and the quality of life of nearby residential communities if load noise, greater than 60 dBA, from the alteration persisted after construction.

3.3.2.2 *No Action Alternative*

Under the No Action Alternative, the SPD would not implement the proposed RCP and would continue to review Section 408 requests employing the same process used at the time this PEA was prepared. Each Section 408 request would be individually evaluated for compliance with environmental laws, and NEPA documentation would be prepared at the appropriate level (categorical exclusion, EA, or EIS). The No Action Alternative's proposed alterations to potential noise effects are the same as the effects described for the Preferred Alternative.

3.3.3 Cumulative Effects

The geographic analysis area for cumulative effects includes all areas within 1 mile of a USACE project within the SPD. One mile is estimated to be the maximum distance that noise created by an alteration to the USACE project could be heard. The primary activities that could potentially affect noise in this geographic analysis area are agriculture, construction, fishing (recreational and commercial), industry, levee and channel operation and maintenance, recreation, restoration, scientific research, and vehicle traffic. All these activities could result in increased levels of noise.

Simplifying the Section 408 review process through implementing the proposed RCP could result in the issuance of a slightly higher number of Section 408 permissions per year. The issuance of more Section 408 permissions could result in the construction of more alterations per year. Given the general direct and indirect effects, implementing the proposed RCP would result in either no contribution or a less than significant contribution to cumulative effects on noise in the geographic analysis area. Given that the potential effects on noise that the No Action Alternative could have are essentially the same as the effects described for the Preferred Alternative, the No Action Alternative is expected to result in either no contribution or a less than significant contribution to cumulative effects on noise in the geographic analysis area. Compliance with applicable state and local noise ordinances will be the responsibility of the requester.

3.4 WATER QUALITY

3.4.1 Affected Environment

Individual states have the responsibility to manage water quality within their states. Section 303(d) of the Clean Water Act (CWA) (33 U.S.C. § 1251 *et seq.*) requires states to identify waterbodies within their borders for which current pollution control methods alone cannot bring the water quality up to the waterbody's standards. Every 2 years, states are required to submit a list of impaired waters to EPA; states also must establish total maximum daily loads of pollutants for impaired waters on their list (40 CFR § 130.7).

USACE projects in the SPD are located along diverse watersheds across 31 major basins in seven states.

- The majority of the USACE projects are in California, within the Sacramento (both Upper and Lower), San Joaquin, Santa Ana, and Ventura-San Gabriel Coastal basins, with fewer projects located in the Central California Coastal, Klamath, Laguna-San Diego Coastal, Lower Colorado, Mojave (both Northern and Southern), Northern Coastal California, Salton Sea, San Francisco Bay, and Tulare-Buena Vista Lakes basins.

Many stream segments within the Central California Coastal, Klamath, Laguna-San Diego Coastal, Northern California Coastal, Sacramento, Salton Sea, and San Francisco Bay basins are listed under CWA Section 303(d) as impaired waterbodies (USEPA 2022b). The probable sources contributing to impairments are varied and include agriculture, hydromodification, mining, and silviculture. Reasons for water quality impairment are varied and depend upon the specific watershed.

- SPD projects in Arizona are in the Little Colorado, Lower Gila-Agua Fria, Salt, Santa Cruz, and Upper Gila basins. Many stream segments within the Little Colorado, Lower Gila-Agua Fria, Salt, and Santa Cruz basins are listed as impaired under CWA Section 303(d) (USEPA 2022a).
- SPD projects in Colorado are in the Colorado Headwaters, Rio Grande Headwaters, and Upper Arkansas basins. Numerous stream and river segments in those basins are listed as impaired on Colorado's 2012 list of impaired waters stream segments listed under CWA Section 303(d) as listed or impaired waterbodies in categories 4a and 5 (USEPA 2022c). The probable sources contributing to impairments are varied and include agriculture, mining, natural geologic factors, silviculture, and urban development.
- SPD projects in Nevada are in the Humboldt and Truckee basins. Many stream segments within those basins are listed as impaired under CWA Section 303(d) (USEPA 2022d).
- SPD projects in New Mexico are in Little Colorado, Lower Pecos, Rio Grande-Elephant Butte, Rio Grande - Mimbres, basins. Numerous stream segments within the two basins are listed as impaired under Section 303(d) of the CWA (USEPA 2024b).
- SPD projects in Texas are in the Rio Grande-Amistad, Rio Grande-Caballo, Rio Grande-Fort Quitman basins. Many stream segments within the three basins are listed as impaired under CWA Section 303(d) (USEPA 2022e).
- SPD projects in Utah are in the Escalante Desert-Sevier Lake and Jordan basins. Many stream segments in those basins are listed as impaired under CW Section 303(d) (USEPA 2022f). Some

factors influencing water quality in those basins are agriculture, habitat modification, hydromodification, mining, natural geologic formations, oil and gas, streambank erosion, and urban stormwater runoff.

Reasons for water quality impairment are varied and depend upon the specific watershed. **Table 3-5** presents some of the major contributors to river and stream impairment by hydrologic unit code (HUC).

Table 3-5 – Major Contributors to River and Stream Water Quality Impairment by HUC 6 Basin

HUC 6 Basin	State	Pollutant
Little Colorado	Arizona	Toxicity
Lower Gila-Agua Fria	Arizona	Metals, Pathogens
Salt	Arizona	Metals, Pathogens
Santa Cruz	Arizona	Metals, pH, Pathogens
Upper Gila	Arizona	Metals, Nutrients, Pathogens, Sediment, Temperature
Central California Coastal	California	Nutrients, pH, Pathogens, Pesticides, Sedimentation, Temperature, Turbidity
Klamath	California	Metals, Nutrients, pH, Pathogens, Sediment, Temperature
Laguna-San Diego Coastal	California	Pathogens, Sedimentation
Lower Colorado	California	Pesticides, Turbidity
Lower Sacramento	California	Metals, Nutrients, Organic enrichment, Sediment, Temperature
Northern Coastal California	California	Metals, Sedimentation, Siltation, Temperature
Northern Mojave	California	Nutrients, Metals
Salton Sea	California	Pesticides
San Francisco Bay	California	Nutrients, Metals, Pathogens, Pesticides, Sediment
San Joaquin	California	Metals, Pathogens, Pesticides, Temperature
Santa Ana	California	Nutrients, Metals, Pathogens, Pesticides
Southern Mojave	California	Nutrients, Metals, Pathogens
Tulare-Buena Vista	California	Metals, pH, Pesticides
Upper Sacramento	California	Metals, Nutrients, Organic enrichment, Sediment, Temperature
Ventura-San Gabriel Coastal	California	Nutrients, Metal, Pathogens, Sedimentation
Colorado Headwaters	Colorado	Metals, Temperature
Rio Grande Headwaters	Colorado	Metals, Temperature
Upper Arkansas	Colorado	Metals, Pathogens, Pesticides
Humboldt	Nevada	Metals, Nutrients, Pathogens, Temperature, Turbidity
Truckee	Nevada	Nutrients, Temperature, Turbidity
Brazos Headwaters	New Mexico	Temperature
Little Colorado	New Mexico	Nutrients, Pathogens, Temperature
Lower Pecos	New Mexico	Metals, Nutrients, Pathogens, Sediment, Temperature
Middle Canadian	New Mexico	Organic enrichment, Sediment
Mimbres	New Mexico	Metals, Nutrients, Pathogens, Temperature
Prairie Dog Town Fork Red	New Mexico	Turbidity, Temperature
Rio Grande-Capallo	New Mexico	Metals, Nutrients, Organic enrichment, Pathogens, Temperature
Rio Grande Closed Basins	New Mexico	Temperature
Rio Grande-Elephant Butte	New Mexico	Metals, Nutrients, Pathogens, pH, Sediment, Temperature, Turbidity

HUC 6 Basin	State	Pollutant
Upper Beaver	New Mexico	Nutrients,
Upper Canadian	New Mexico	Nutrients, Organic enrichment, Pathogens, pH, Sediment, Temperature, Turbidity
Upper Cimarron	New Mexico	Nutrients, Pathogens, Temperature
Upper Gila	New Mexico	Metals, Nutrients, Pathogens, pH, Sediment, Temperature, Turbidity
Upper Pecos	New Mexico	Metals, Nutrients, Organic enrichment, Pathogens, pH, Sediment, Temperature, Turbidity
Upper Rio Grande	New Mexico	Metals, Nutrients, Organic enrichment, Pathogens, pH, Sediment, Temperature, Turbidity
Upper San Juan	New Mexico	Nutrients, Pathogens, pH, Sediment, Temperature, Turbidity
Escalante Desert-Sevier Lake	Utah	Metals, Nutrients, Sediment, Temperature
Jordan	Utah	Metals, Nutrients, Pathogens
Rio Grande-Amistad	Texas	Salinity
Rio Grande-Caballo	Texas	Pathogens
Rio Grande-Fort Quitman	Texas	Pathogens, Salinity

Sources: USEPA 2022a, 2022b, 2022c, 2022d, 2022e, 2022f, 2024a, 2024b.

Note: HUC 6 = hydrologic unit code for a basin.

3.4.2 Direct and Indirect Effects

3.4.2.1 Preferred Alternative

Some Section 408 requests that districts receive are for alterations that are landside of a levee or are not located in or near water and do not have any effect on water quality. Many of the types of alterations described under the proposed RCP could have effects on water quality. In some cases, proposed alterations could have a negative effect on water quality, but in other cases proposed alterations could have an overall beneficial effect.

The construction of proposed alterations could negatively affect water quality by causing erosion into nearby surface water, increasing turbidity, and decreasing water clarity. Turbidity can contribute to poor water quality and can be one of the leading causes of impaired water quality within a waterway. Erosion can also mobilize heavy metals in the soil, leading to contamination of nearby water. Besides contributing to erosion, construction equipment can spill fuel or other fluids, potentially leading to water contamination. For a proposed alteration to fit under the RCP, BMPs to minimize contaminant spills (e.g., diesel fuel spills), erosion, and control point source discharges or stormwater runoff would be incorporated into construction plans in accordance with any required National Pollutant Discharge Elimination System (NPDES) permits or equivalent state permits; the effects of the Preferred Alternative would, therefore, be less than significant for short durations during construction.

The NPDES stormwater program regulates some stormwater discharges from three potential sources: municipal separate storm sewer systems, construction activities, and industrial activities. Operators of these sources may be required to obtain a permit before they can discharge stormwater. Additionally, any water quality impacts of construction of proposed alterations are expected to be short-term. The operations and maintenance of some proposed alterations may also negatively affect water quality. For example, stormwater outfalls can release water contaminated by pollutants or highly turbid water into waterways, decreasing water quality. Those types of water quality impacts are expected to be short-

term. In some areas, municipal stormwater discharges from the outfalls are regulated by state or federal environmental agencies through a permitting process.

Although construction activities generally have the potential to negatively affect water quality temporarily, some proposed alterations may have long-term beneficial effects on water quality. For example, erosion control and bank stabilization projects are expected to result in less erosion into waterways over time, positively contributing to water quality. Environmental restoration projects are another example of alterations that could have short-term less than significant effects, but long-term beneficial effects, on water quality. Overall, although less than significant effects are anticipated through the implementation of the RCP, it is important to note that any proposed alteration would still have to undergo an environmental compliance review to ensure it would have less than significant effects on water quality and that all necessary permits have been obtained.

Indirect effects to water quality would vary depending on the type of alteration. Effects would be expected from changes to operations and maintenance activities. Other indirect effects would be expected from changes to impervious surface that would indirectly effect water quality.

3.4.2.2 *No Action Alternative*

Under the No Action Alternative, districts in the SPD would not implement the proposed RCP and would continue to review Section 408 requests employing the same process used at the time this PEA was being prepared. Each Section 408 request would be individually evaluated for compliance with environmental laws, including obtaining any required permits, and NEPA documentation would be prepared at the appropriate level (categorical exclusion, EA, or EIS). Proposed alterations processed under the No Action Alternative could have effects greater than or similar to those described for the Preferred Alternative.

3.4.3 Cumulative Effects

The geographic boundaries for the cumulative effects analysis are HUC 6 basins containing USACE projects within the SPD's Civil Works boundary (**Figure 1-1**). The major past activities affecting water quality in this geographic analysis area are agriculture, construction, and industry. The major present, and reasonably foreseeable future activities that could potentially affect water quality in this geographic analysis area, are agriculture, construction, fishing (including recreational and commercial), industry, levee and channel operation and maintenance, recreation, restoration, scientific research, and vehicle traffic.

Runoff from agricultural fields is a source of impaired water quality across the geographic analysis area. Past contamination has contributed to existing poor conditions and present and future contamination is expected to continue influencing water quality. Past industrial runoff, particularly waste from mining operations, has been a major contributor to poor water quality in many areas throughout the SPD. Although industrial runoff is regulated, contamination from mining and other industries still contributes to poor water quality and is expected to continue. Construction activities can contribute temporarily to poor water quality by increasing sedimentation and turbidity and introducing contaminants into the water system. Additionally, construction of projects like dams, housing developments, and stormwater drainage systems can lead indirectly to long-term contributions to poor water quality.

Hunting and fishing, levee and channel maintenance, lock and dam operations and maintenance, recreation, scientific research, and vehicle traffic all are expected to contribute to poor water quality currently and into the future. These types of activities can increase turbidity and sedimentation and can introduce contaminants, such as pesticides and vehicle fluids, into the water system. Scientific research has the potential to positively influence water quality by increasing scientific knowledge regarding water quality issues in the geographic analysis area. Habitat restoration also has the potential to positively influence water quality by restoring ecological function to degraded areas.

Simplifying the Section 408 review process through implementing the proposed RCP could result in the issuance of a slightly higher number of Section 408 permissions per year. These types of alterations generally have less than significant and temporary highly localized effects on water quality; therefore, implementation of the proposed RCP would result in a less than significant contribution to cumulative effects on water quality in the geographic analysis area. Both alternatives would be expected to result in a less than significant contribution to cumulative effects on water quality in the geographic analysis area because the No Action Alternative's potential effects on water quality are the same as the Preferred Alternative's effects.

3.5 WETLANDS AND OTHER WATERS

3.5.1 Affected Environment

Wetlands and other waters, such as streams and rivers, are frequently located in the vicinity of USACE projects. Many of these waters, particularly wetlands, are highly productive and biologically diverse. Waters provide important habitat for flora and fauna and provide a variety of functions and services. For example, some of the functions that wetlands provide are nutrient and sediment removal, shoreline erosion control, flood-peak attenuation, and groundwater recharge (Zedler 2000). These functions then lead to services that contribute to human welfare, such as aesthetics, recreation, flood protection, improved water quality, and biodiversity support (King et al. 2000).

Wetlands in the states within the SPD's Civil Works boundary have decreased significantly in acreage in the past 200 years. In Arizona, wetlands cover less than 1 percent of the state. More than one-third of the state's original wetlands have been drained or modified. Most Arizona wetlands are lacustrine, palustrine, or riverine (USGS 2024a). In California, wetlands cover approximately 454,000 acres or 0.4 percent of the state. More than 90 percent of the state's original wetlands have been drained or modified, largely for agricultural purposes. Most California wetlands are estuarine, lacustrine, marine, palustrine, or riverine (USGS 2024b). In Colorado, wetlands cover approximately 1 million acres or 1.5 percent of the state. More than one-half of the state's original wetlands have been drained or modified. Lacustrine, palustrine, and riverine are Colorado's predominant wetland types (USGS 2024c). In Nevada, wetlands cover less than 1 percent of the state. More than one-half of the state's original wetlands have been drained or modified. Most Nevada wetlands are lacustrine, palustrine, or riverine (USGS 2024d). In New Mexico, wetlands cover approximately 482,000 acres or 0.6 percent of the state. Approximately one-third of the state's original wetlands have been drained or modified. Lacustrine, palustrine, and riverine are New Mexico's predominant wetland types (USGS 2024e). In Texas, wetlands cover 7.6 million acres or 4.4 percent of the state. More than half of the state's original wetlands have been drained or modified. Most Texas wetlands are estuarine, lacustrine, marine, palustrine, or riverine (USGS

2024f). In Utah, wetlands cover approximately 558,000 acres or 1 percent of the state. More than 30 percent of the state's original wetlands have been drained or modified. Common Utah wetlands are lacustrine, palustrine, or riverine (USGS 2024g).

CWA Section 404 (33 U.S.C. § 1344 *et seq.*) regulates the discharge of dredged or fill material into waters of the United States, including wetlands. The USACE Regulatory Program evaluates applications for activities proposed in waters of the United States. CWA Section 401 requires that applicants for federal permits provide certification from the state that discharges will comply with the Act and state-established water quality standards (Copeland 2015).

In addition, the USACE Regulatory Program also ensures unobstructed navigation through regulation of activities in navigable waters, many of which in the SPD lie adjacent to USACE federal levees. Under Section 10 of the Rivers and Harbors Act of 1899, USACE regulates all work in, over, and under navigable waters of the U.S.

3.5.2 Direct and Indirect Effects

3.5.2.1 Preferred Alternative

Some of the alterations described under the proposed RCP could result in the discharge of fill or dredged material to wetlands or other waters of the United States. Some of these alterations could result in long-term effects on waters, while others would result in short-term less than significant effects on waters.

Under the Preferred Alternative, the district 408 Coordinator would continue to individually evaluate each Section 408 request and coordinate with the district Regulatory Division to ensure compliance with the CWA and Rivers and Harbors Act. If a permit under Section 404 or Section 10 is necessary for a proposed alteration, the 408 Coordinator and Regulatory Division staff would coordinate the two actions to ensure consistency. The 408 Coordinator would document this coordination process using the *Section 408 Validation Memorandum*. For any alteration requiring a CWA Section 401 Water Quality Certification, the 408 Coordinator would ensure that this certification has been obtained or waived, as required under law, before Section 408 permission is granted.

Indirect effects to wetlands would vary depending on the type of alteration. Indirect effects may be expected from changes to operations and maintenance activities that influence hydrologic conditions.

3.5.2.2 No Action Alternative

Under the No Action Alternative, the SPD would not implement the proposed RCP and would continue to review Section 408 requests employing the same process used at the time this PEA was prepared. Each Section 408 request would be individually evaluated for compliance with environmental laws, and NEPA documentation would be prepared at the appropriate level (categorical exclusion, EA, or EIS). The potential effects on waters of the No Action Alternative proposed alterations could have effects greater than or similar to the Preferred Alternative. CWA Section 404 requires authorization from USACE for activities that would result in discharge of dredged or fill material into waters of the United States, including wetlands, while work proposed in navigable waters requires authorization under Section 10 of the Rivers and Harbors Act.

Before a Section 408 permission is issued, the district 408 Coordinator works with the Regulatory Division to determine if the proposed alteration requires authorization under Section 404 or Section 10. If a permit under Section 404 or Section 10 is needed, the 408 Coordinator and Regulatory Program staff coordinate the two actions to ensure consistency. In addition, EC 1165-2-220 specifies that if a CWA Section 401 Water Quality Certification is necessary for an alteration, then the Section 408 permission cannot be granted until the Section 401 certification has been obtained or waived. The Regulatory Division also requires compliance with Section 401 before authorization under Section 404.

3.5.3 Cumulative Effects

The geographic analysis area for cumulative effects consists of the USACE project areas within the SPD. The major past, present, and reasonably foreseeable future activities that have affected or could potentially affect waters in this geographic analysis area are agriculture, construction, industry, levee and channel operations, maintenance, recreation, restoration, and vehicle traffic. Past construction, agricultural and industrial activities, levee and channel operation and maintenance, recreation, and vehicle traffic have resulted in the loss or degradation of waters throughout the geographic analysis area. These activities continue to impact waters and are expected to continue.

Simplifying the Section 408 review process through implementing the proposed RCP could result in issuance of a slightly higher number of Section 408 permissions per year. These types of alterations are generally covered by regulatory nationwide permits and have less than significant environmental effects. Additionally, the Preferred Alternative includes conditions that would minimize the potential for significant effects on waters. Therefore, implementing the proposed RCP would result in a less than significant contribution to cumulative effects on waters in the geographic analysis area. Given that the potential effects on wetlands that the No Action Alternative could have greater than or similar to the effects described for the Preferred Alternative, both alternatives are expected to result in a less than significant contribution to cumulative effects on waters in the geographic analysis area.

3.6 FISH AND WILDLIFE

3.6.1 Affected Environment

On USACE project embankments within the SPD, grasses are generally controlled by a variety of methods and trees are discouraged. USACE project channels generally consist of more natural habitat that is regularly dredged but less frequently maintained than embankment vegetation. In some parts of the SPD, large areas primarily consist of agricultural land, but also contain areas of natural vegetation that may provide habitat for wildlife species. Numerous species of wildlife may use the USACE projects within the SPD for a variety of activities, including denning, burrowing, and feeding, and as migratory corridors. Most of the wildlife species that use USACE projects are common; however, some may be threatened or endangered. Other sensitive species, such as bald and golden eagles, may also use USACE projects for a variety of activities.

Many migratory birds protected under the Migratory Bird Treaty Act (16 U.S.C. § 703 *et seq.*) also are known to use USACE projects for a variety of activities, including nesting. Many of these migratory birds require riparian habitat for nesting and migration. In many areas, USACE projects may provide the only

remnant riparian habitat for miles. These remnant riparian corridors may serve as migratory corridors for several migratory bird species.

USACE projects and waters adjacent to them also provide habitat for many fish species, including several listed or proposed for listing as threatened and endangered species under the ESA (see Section 3.8). The MSA (16 U.S.C. § 1801 *et seq.*) is the primary law governing marine fisheries management in the U.S. and requires that fishery management councils identify as essential fish habitat (EFH), those areas necessary for fish to perform their basic life functions. The MSA also requires that federal agencies consult with National Oceanic and Atmospheric Administration (NOAA) Fisheries when their actions may adversely impact EFH. Several USACE project waterways within California provide EFH for highly migratory and coastal pelagic species, including Pacific salmon and Pacific Coast groundfish; others contain habitat areas of particular concern (HAPCs) (79 FR 75449, December 18, 2014). HAPCs are discrete subsets of EFH that are high-priority areas for conservation, management, or research because they are rare, sensitive, stressed by development, or important to ecosystem function (NOAA Fisheries Service 2012). Pacific salmon have five designated HAPCs: (1) complex channels and floodplain habitats, (2) thermal refugia, (3) spawning habitat, (4) estuaries, and (5) marine and estuarine submerged aquatic vegetation (Pacific Fishery Management Council 2014).

The Fish and Wildlife Coordination Act of 1934, as amended (FWCA) (16 U.S.C. § 661 *et seq.*) was enacted for “the purpose of recognizing the vital contribution of our wildlife resources to the Nation” and to “provide that wildlife conservation shall receive equal consideration and be coordinated with other features of water-resource development programs.” The FWCA requires federal agencies to consult with the U.S. Fish and Wildlife Service (USFWS) and the head of the agency administering the wildlife resources of the particular state, “whenever the waters of any stream or other body of water are proposed or authorized to be impounded, diverted, the channel deepened, or the stream or other body of water otherwise controlled or modified for any purpose whatever” (16 U.S.C. § 662(a)).

3.6.2 Direct and Indirect Effects

3.6.2.1 Preferred Alternative

The alterations described under the proposed RCP could affect fish and wildlife in several ways. Noise from construction activities could startle individuals, causing them to vacate the immediate area. Those effects are expected to be mostly temporary and are described in more detail in Section 3.3.2.1. For each individual proposed alteration, small areas may be temporarily cleared for staging of equipment and materials during construction, which could temporarily remove wildlife habitat. Those effects would be expected to be short-term and less than significant.

A condition of the RCP is that any disturbed area be returned to its preconstruction state following construction; therefore, any staging area effects on wildlife habitat are expected to be temporary. Under the Preferred Alternative, the Migratory Bird and Treaty Act (50 CFR § 10.13) and the Bald and Golden Eagle Protection Act (50 CFR § 22) could be addressed by adding standard environmental conditions to require biological pre-construction surveys, avoid vegetation removal during the primary nesting season, and if the requester consults with the USFWS to minimize effects to migratory birds and bald and golden eagles.

Projects requiring formal consultation do fit under the RCP as long as the project will not jeopardizes the existence of the species. See Section 3.8 for full discussion of Threatened and Endangered Species.

The footprints of the proposed alterations themselves may permanently affect fish and wildlife habitat. In some cases, such as in restoration projects, the effects may result in a net positive benefit for fish and/or wildlife habitat. In other cases, the proposed alterations may result in the permanent removal or alteration of fish and/or wildlife habitat.

Many of the alterations described under the RCP could result in effects on EFH; however, for most of the alterations, those effects are not expected to be adverse. Under the Preferred Alternative, the district would continue to evaluate each Section 408 request individually for potential effects on EFH. If adverse effects are anticipated, the district would consult with NOAA Fisheries pursuant to the MSA. In some cases, potential effects on fish species could in fact be beneficial. For example, the installation of fish screens on irrigation pipes can reduce or prevent fish entrainment, resulting in a long-term beneficial effect.

Some of the alterations described under the RCP could result in permanent modifications to streams or other bodies of water, which could permanently affect (potentially in positive or negative ways, depending on the type of project) habitat for both fish and wildlife species. Under the Preferred Alternative, the district would evaluate each Section 408 request individually to determine if the waters of any stream or other body of water are proposed or authorized to be impounded or diverted, the channel deepened, or the stream or other body of water otherwise controlled or modified for any purpose. If applicable, the district would consult with the USFWS and the appropriate state agency pursuant to the FWCA.

Indirect effects to fish and wildlife would vary depending on the type of alteration. Effects would be expected from changes to operations and maintenance activities. Other indirect effects would be expected if changes persisted after construction of the alteration that would indirectly effect fish and wildlife.

3.6.2.2 No Action Alternative

Under the No Action Alternative, the SPD would not implement the proposed RCP and would continue to review Section 408 requests employing the same process used at the time this PEA was prepared. Each Section 408 request would be individually evaluated for compliance with environmental laws, and NEPA documentation would be prepared at the appropriate level (categorical exclusion, EA, or EIS). The No Action Alternative's potential effects on fish and wildlife are greater than or similar to the effects described for the Preferred Alternative. Currently, districts in the SPD evaluate each Section 408 request individually for potential effects on EFH and, as appropriate, conduct consultation under the MSA with NOAA Fisheries. Additionally, districts also evaluate each Section 408 request individually for consultation needs under the FWCA and, as appropriate, consult with the USFWS and the appropriate state agency.

3.6.3 Cumulative Effects

The geographic analysis area for cumulative effects consists of the USACE project areas within the SPD. The major past, present, and reasonably foreseeable future activities that have affected or could potentially affect fish and wildlife in this geographic analysis area are agriculture, construction, fishing (including recreational and commercial), industry, levee and channel operation and maintenance, recreation, restoration, scientific research, and vehicle traffic. As previously discussed, many past activities, including agriculture, urban expansion (i.e., construction), and industry, have reduced the amount and degraded the quality of much of the natural habitat across USACE SPD projects.

Construction and the continued operations and maintenance of project levees and channels also have contributed to habitat loss. Alternatively, past restoration activities have added or improved habitat, generally resulting in a beneficial effect on fish and wildlife species.

All previously mentioned activities have the potential to kill or injure fish and/or wildlife in a variety of ways. Vehicle strikes, recreational hunting and fishing are a common sources of injury or death of individuals. One aspect of levee and channel maintenance is animal control, particularly the control of rodents, whose burrowing can damage levees. All the activities also have the potential to alter the behavior of fish and/or wildlife. Loud noises generated by construction or vehicle traffic might alter physiology or force individuals to vacate certain areas. The presence of humans may cause nesting birds to vacate their nests. Fishing and hunting activities may reduce or alter prey sources for different species, potentially leading to decreased fitness or causing individuals to vacate an area.

Scientific research generally has short-term negative effects on individuals but may result in long-term beneficial effects by increasing scientific knowledge about species.

Simplifying the Section 408 review process through implementing the proposed RCP could result in the issuance of a slightly higher number of Section 408 permissions per year.

These types of alterations generally have short-term less than significant effects (positive and/or negative) on fish and wildlife; therefore, implementing the proposed RCP would result in a less than significant contribution to cumulative effects on fish and wildlife in the geographic analysis area. Given that the potential effects on fish and wildlife that the No Action Alternative could have are greater than or similar to the effects described for the Preferred Alternative, the No Action Alternative is expected to result in a less than significant contribution to cumulative effects on fish and wildlife in the geographic analysis area.

3.7 INVASIVE SPECIES

3.7.1 Affected Environment

Invasive species are organisms that are not native to a location and, once introduced, quickly spread and cause harm to the environment, economy, or human health. EO 13751, Safeguarding the Nation from the Impacts of Invasive Species, states that it:

...is the policy of the United States to prevent the introduction, establishment, and spread of invasive species, as well as to eradicate and control populations of invasive species that are established.

Furthermore, EO 13112, *Invasive Species*, requires that federal agencies identify their actions that may affect the status of invasive species and

...not authorize, fund, or carry out actions that it believes are likely to cause or promote the introduction or spread of invasive species in the United States or elsewhere unless, pursuant to guidelines that it has prescribed, the agency has determined and made public its determination that the benefits of such actions clearly outweigh the potential harm caused by invasive species; and that all feasible and prudent measures to minimize risk of harm will be taken in conjunction with the actions.

In 2023, the Assistant Secretary of the Army (Civil Works) updated the USACE Invasive Species Policy memorandum providing invasive species guidance, with the goal to “prevent or reduce establishment of invasive and non-native species” (ASA(CW) 2023).

Many invasive and non-native species, including plants, animals, and insects, occur across the SPD. Invasive and non-native plant and aquatic species tend to be the most common invaders on USACE project embankments and channels. Invasive and non-native species can impact the environment by changing ecosystem processes, decreasing the abundance and diversity of native species, decreasing water quality, changing hydrologic cycles, and even altering nutrient cycling.

Each of the states within SPD’s Civil Works boundaries has numerous invasive species:

- Arizona has 724 different invasive species (EDDMapS 2024).
- California has 1,804 different invasive species.
- Colorado has 618 different invasive species.
- Nevada has 518 different invasive species.
- New Mexico has 503 different invasive species.
- Texas has over 877 different invasive species.
- Utah has 716 different invasive species.

In accordance with the Plant Protection Act of 2000 (7 U.S.C. § 7701 *et seq.*), the federal government has designated specific plants as noxious weeds, defined in the Act as:

...any plant or plant product that can directly or indirectly injure or cause damage to crops (including nursery stock or plant products), livestock, poultry, or other interests of agriculture, irrigation, navigation, the natural resources of the United States, the public health, or the environment.

There are currently 114 species of plants on the federal noxious weed list (USDA 2010).

Additionally, the individual states within the SPD have designated certain plants as legally noxious:

- Arizona with 53 species (AZDA 2017).
- California with 183 species (CDFA 2016).
- Colorado with 82 species (CDA 2023).

-
- Nevada with 47 species (NDA 2024).
 - New Mexico with 42 species (NMDA 2020).
 - Texas with 26 species (TXDA 2015).
 - Utah with 56 species (UDAF 2020).

Many of the USACE projects within the SPD have existing populations of both federally and state-designated noxious weeds.

3.7.2 Direct and Indirect Effects

3.7.2.1 Preferred Alternative

All the types of alterations described under the proposed RCP have the potential to affect invasive and non-native species in some way. Many of the types of alterations may have the potential to introduce new non-native or invasive species to an area or exacerbate existing invasive and non-native populations. Noxious weed seeds may be introduced to an area through unwashed equipment or seed mixes that have not been certified as weed free. Many invasive and non-native plant species respond positively to disturbance, particularly if a population is already established in an area that is disturbed by construction (Larson 2003). Construction of alterations often results in ground disturbance, which could lead to new invasions of construction sites or exacerbation of existing noxious weed populations. Both aquatic and terrestrial non-plant invasive and non-native species also may be introduced to a site through construction equipment, including barges, or worker vehicles.

Some of the types of alterations, such as restoration projects, may reduce invasive and non-native species populations. Many restoration projects involve invasive and non-native species removal components, typically through chemical application or manual removal methods. These types of projects could result in reducing or complete eradicating existing populations of invasive and non-native species.

Under the Preferred Alternative, all alterations must be designed to minimize the introduction of invasive and non-native species (both plant and animal) and any seed mixes used for site restoration must consist only of native species. All construction equipment must be cleaned prior to being brought to the construction site to minimize accidental transmission of invasive and non-native species. These measures would help minimize the introduction of new populations of invasive and non-native species to proposed construction areas. The effects of the Preferred Alternative on invasive species would be less than significant.

3.7.2.2 No Action Alternative

Under the No Action Alternative, the SPD would not implement the proposed RCP and would continue to review Section 408 requests using the same process used at the time this PEA was prepared. Each Section 408 request would be individually evaluated for compliance with environmental laws, and NEPA documentation would be prepared at the appropriate level (categorical exclusion, EA, or EIS). The potential effects that proposed alterations processed under the No Action Alternative could have are similar to the effects described for the Preferred Alternative, with one exception. Currently, Section 408 permissions do not typically include a standard condition requiring requesters to design projects to

minimize the introduction of invasive or non-native species or to ensure that all seed mixes used consist only of native species. Individual requesters may include these measures in their proposed project designs, but there is not currently a standard condition regarding invasive and non-native species.

3.7.3 Cumulative Effects

The geographic analysis area for cumulative effects consists of the USACE project areas within the SPD Civil Works boundary. The major past, present, and reasonably foreseeable future activities that have affected or could potentially affect invasive species in this geographic analysis area are agriculture, construction, hunting and fishing (including recreational and commercial fishing), industry, levee and channel operation and maintenance, lock and dam operation and maintenance, navigation (including recreational and commercial), recreation, restoration, scientific research, and vehicle traffic. Human activities have introduced most of the infestations of invasive species throughout the United States, and the SPD is no exception. All the activities have contributed in some manner to current invasive species infestations at USACE projects within the SPD and are expected to continue to contribute to them. All the activities have the potential to introduce new invasive species, spread invasive species, and exacerbate existing infestations. Restoration activities are unique in that they have the potential to contribute to invasive species infestations but also have the potential to diminish or fully eradicate local infestations.

Simplifying the Section 408 review process through implementing the proposed RCP could result in the issuance of a slightly higher number of Section 408 permissions per year. These types of alterations generally have less than significant effects on invasive species. Additionally, the Preferred Alternative includes a condition that specifies that all alterations must be designed to minimize the introduction of non-native species (both plant and animal) and any seed mixes used for site restoration activities must consist only of native species. Therefore, implementing the proposed RCP would result in a less than significant contribution to cumulative effects on invasive species in the geographic analysis area. Given that the potential effects on invasive species that the No Action Alternative could have are the same as the effects described for the Preferred Alternative, both alternatives are expected to result in a less than significant contribution to cumulative effects on invasive species in the area.

3.8 THREATENED AND ENDANGERED SPECIES

3.8.1 Affected Environment

Section 7 of the federal ESA requires federal agencies to consult with the USFWS and/or NOAA Fisheries, as appropriate, when their actions may affect threatened or endangered species or their designated critical habitat. Designated critical habitat is defined under the ESA as specific areas that have physical or biological features essential to the conservation of the species and that might require special management considerations or protection.

The SPD spans multiple states and SPD projects are in 21 major Level III ecoregions, or areas where ecosystems are generally similar. Numerous species, both aquatic and terrestrial, are listed or proposed for listing as threatened or endangered under the ESA that might occur in the vicinity of USACE projects within the SPD. The RCP footprint includes approximately 409 listed species and 208 designated critical habitats protected by the USFWS (USFWS 2024) and approximately 22 listed species and 10 designated

critical habitats protected by the National Marine Fisheries Service (NMFS), a division of NOAA Fisheries, including: three species of salmonids, including eight evolutionary significant units (ESUs) of Chinook Salmon, two ESUs of Coho Salmon, and five ESUs of Steelhead Trout (NMFS 2024.). See Appendix B for the IPaC resource list and NOAA Fisheries species directory.

3.8.2 Direct and Indirect Effects

3.8.2.1 Preferred Alternative

The Preferred Alternative is for the SPD to implement the proposed RCP that would simplify the review process of Section 408 requests for minor alterations to USACE projects. As implementing a simplified review process would not involve any on-the-ground work, there are no anticipated effects on threatened and endangered species resulting from the proposal; therefore, no effect would be expected on threatened and endangered species.

The proposed RCP, however, would cover a variety of actions that are similar in nature and effect. Many of these individual actions could affect threatened or endangered species. Because of the large geographical area covered by the proposed RCP as well as the large number of federally listed species or species proposed for listing that could occur in that area, it is not practical or appropriate to discuss the potential project-specific effects of each of these actions on threatened and endangered species. Under the Preferred Alternative, districts in the SPD would continue to evaluate each Section 408 request individually on a case-by-case basis for potential effects on threatened and endangered species (and their designated critical habitat) listed or proposed for listing under the federal ESA and, as appropriate, consult under Section 7 of the ESA with the USFWS or NMFS.

3.8.2.2 No Action Alternative

Under the No Action Alternative, the SPD would not implement the proposed RCP and would continue to review Section 408 requests using the same process used at the time this PEA was prepared. Each Section 408 request would be individually evaluated for compliance with environmental laws, and NEPA documentation would be prepared at the appropriate level (categorical exclusion, EA, or EIS). The potential effects on threatened and endangered species that proposed alterations processed under the No Action Alternative could have are greater than or similar to the effects described for the Preferred Alternative. Currently, districts evaluate each Section 408 request individually for potential effects on threatened and endangered species listed under the federal ESA and, as appropriate, conduct consultation under ESA Section 7 with either the USFWS or NMFS.

3.8.3 Cumulative Effects

The geographic analysis area for cumulative effects consists of the USACE project areas within the SPD Civil Works boundary. The major past, present, and reasonably foreseeable future activities that have affected or could potentially affect threatened and endangered species in this geographic analysis area are agriculture, construction, fishing (including recreational and commercial), industry, levee and channel operation and maintenance, recreation, restoration, scientific research, and vehicle traffic. Most of these activities have negatively affected, and are expected to continue to negatively affect, threatened and endangered species, either through habitat loss or direct mortality.

Simplifying the Section 408 review process through implementing the proposed RCP could result in the issuance of a slightly higher number of Section 408 permissions per year. These types of alterations generally are expected to have less than significant effects on threatened and endangered species, additionally, under the Preferred Alternative, the SPD would evaluate each proposed alteration individually and consult under ESA Section 7 as appropriate. Therefore, implementing the proposed RCP would result in a less than significant contribution to cumulative effects on threatened and endangered species and designated critical habitat in the geographic analysis area. Given that the potential effects on threatened and endangered species that the No Action Alternative could have are greater than or similar to the effects described for the Preferred Alternative, both alternatives are expected to result in a less than significant contribution to cumulative effects on threatened and endangered species in the geographic analysis area.

3.9 VEGETATION

3.9.1 Affected Environment

This section describes vegetation very broadly, based on vegetation descriptions for Level III ecoregions within SPD's Civil Works boundary. As previously mentioned, SPD projects are in 22 Level III ecoregions, or areas in which ecosystems are generally similar. Level I ecoregions are the broadest, with only 10 in the continental United States, and Level IV ecoregions are the finest scale, with 967 in the continental United States. The SPD covers a large geographical area encompassing a wide variety of different ecosystems and microhabitats. The Level III ecoregions within the SPD Civil Works boundary are:

- Arizona/New Mexico Mountains
- Arizona/New Mexico Plateau
- Cascade
- Central Basin and Range
- Central California Foothills and Coastal Mountains
- Central California Valley
- Chihuahuan Deserts
- Coast Range
- Colorado Plateaus
- Eastern Cascades Slopes and Foothills
- High Plains
- Klamath Mountains/California High North Coast Range
- Madrean Archipelago
- Mojave Basin and Range
- Northern Basin and Range
- Sierra Nevada
- Sonoran Basin and Range

-
- Southern California Mountains
 - Southern California/Northern Baja Coast
 - Southern Rockies
 - Southwestern Tablelands
 - Wasatch and Uinta Mountains

USACE project embankments are operated and maintained by local maintaining agencies, which are tasked with maintaining a certain standard for vegetation on the levees. In general, levees are vegetated with largely nonnative grasses and forbs that are regularly mowed or otherwise controlled to allow for inspection of the levees. Trees and large shrubs are discouraged on levees, but do occur, because the root systems pose a threat to the structure of the levee. USACE project floodplains are often used for agricultural purposes, including annual row crops and orchards. The vegetation growing on and alongside embankments, within channels, and floodplains is generally characteristic of the ecoregions within which the projects are located. This vegetation is often, but not always, riparian, with common tree species across ecoregions, including cottonwood (*Populus* sp.) and willow (*Salix* sp.).

3.9.2 Direct and Indirect Effects

3.9.2.1 Preferred Alternative

All the types of alterations described under the RCP could have less than significant direct effects on vegetation if they occur in vegetated areas. Many of the alterations involve excavation, which would likely kill any vegetation growing in the excavated area. Some of the alterations (e.g., borrow areas) specifically call for clearing and grubbing all vegetation on the proposed excavation site. One or more small areas might be cleared temporarily for staging of equipment and materials during construction. A condition of the proposed RCP, however, is that the disturbed area(s) used for staging must be returned to their preconstruction state following construction. As previously discussed, any seed mixes used in site restoration must consist solely of native plant species. Therefore, while staging areas would have short-term less than significant effects on vegetation, the requirement to replant the areas with native vegetation if they were vegetated preconstruction would offset those effects.

Many of the alteration types also may indirectly affect vegetation through soil compaction, which is common when heavy equipment is used. Soil compaction can persist for many years and can alter soil structure and hydrology, inhibiting seed germination and seedling growth and lead to physiological effects on mature plants. The intensity of effects of compaction on vegetation is largely dependent on site-specific soil texture, the soil water regime, and the degree of compaction (Gomez et al. 2002).

Although vegetation may be removed during construction, the proposed RCP requires that alterations be designed to minimize the amount of woody vegetation removal. Woody vegetation, including both shrubs and trees, is often used by birds for nesting and can shade nearby waterways, lowering water temperatures and enhancing habitat for fish. Woody vegetation is discouraged on USACE levees; however, it is common in floodways and may exist on the slopes of less maintained levees across the Sacramento District. The removal of woody vegetation from those habitats would directly kill vegetation and could indirectly affect fish and wildlife species.

Construction equipment and vehicles driving around and to and from the construction site could directly affect vegetation by crushing plants, compacting the soil, and increasing dust levels. One of the conditions of the proposed RCP is that access to the proposed alteration site must occur in previously disturbed areas, such as using existing roads, access ramps, driveways, or the levee crown. This condition would reduce the potential for vehicle effects on vegetation by restricting access routes to previously disturbed routes, which are generally unvegetated.

Some of the proposed alterations, such as environmental restoration, may have beneficial effects on vegetation. Many environmental restoration alterations contain a native vegetation planting component, usually of grasses, forbs, and shrubs. In some cases, small trees might be planted as a component of a proposed alteration.

3.9.2.2 *No Action Alternative*

Under the No Action Alternative, the SPD would not implement the proposed RCP and would continue to review Section 408 requests using the same process used at the time this PEA was prepared. Each Section 408 request would be individually evaluated for compliance with environmental laws, and NEPA documentation would be prepared at the appropriate level (categorical exclusion, EA, or EIS). The potential effects on vegetation that proposed alterations processed under the No Action Alternative could have are greater than or similar to the effects described for the Preferred Alternative.

3.9.3 Cumulative Effects

The geographic analysis area for cumulative effects consists of the USACE project areas within the SPD. The major past, present, and reasonably foreseeable future activities that have affected or could potentially affect vegetation in this geographic analysis area are agriculture, construction, industry, levee and channel operation and maintenance, recreation, restoration, scientific research, and vehicle traffic.

As previously discussed, agriculture and construction activities have had significant effects on native habitat throughout the SPD. These activities have resulted in the loss of much of the native vegetation in the geographic analysis area. The effects of these activities on vegetation are often direct, such as the direct removal of vegetation during a construction project or the conversion of native vegetation to agriculture. Often the effects on vegetation are indirect, however, including through soil compaction and pollution. Within the geographic analysis area, levee and channel maintenance has a large impact on vegetation. Local maintaining agencies are tasked with maintaining the USACE projects to standards specified in the O&M manual for each specific USACE project. Those standards generally include maintaining sod cover, mowing vegetation, and preventing trees and brush from persisting on the levees. Although most of the activities result in negative effects on vegetation, restoration generally results in long-term beneficial effects as most restoration activities involve native vegetation plantings.

Simplifying the Section 408 review process through implementing the proposed RCP could result in the issuance of a slightly higher number of Section 408 permissions per year.

Those alterations generally have short-term less than significant effects on vegetation, and additionally, the Preferred Alternative incorporates several conditions to minimize effects on vegetation (see conditions ENG-16, ENV-1, ENV-3, and ENV-5 in Section 2.1.2). Therefore, implementing the proposed

RCP would result in a less than significant contribution to cumulative effects on vegetation in the geographic analysis area. Given that the potential effects on vegetation that the No Action Alternative could have are greater than or similar to the effects described for the Preferred Alternative, the No Action Alternative is expected to result in a less than significant contribution to cumulative effects on vegetation in the geographic analysis area.

3.10 AESTHETICS

3.10.1 Affected Environment

When evaluating the aesthetic value of an area, it is important to consider the visual character and quality of that area as well as the viewer's response to it. "Visual character" is defined by the visible attributes of a scene or object typically described in artistic terms, such as form, line, color, and texture. It can be influenced by many different resources, including atmospheric, geologic, hydrologic, botanical, wildlife, recreation, and urban features. "Visual quality" is defined as what viewers like and dislike about visual resources that compose the visual character of a particular scene. Different viewers may evaluate specific visual resources differently based on their unique, individual interests in natural harmony, cultural order, and project coherence (FHWA 2015). Additionally, the point from which the viewer is observing the scene or object as well as the viewing distance play an important role in how the individual evaluates visual resources.

USACE projects within the SPD are in a wide variety of settings and landscapes ranging from mixed-conifer forests in southern Oregon to vast desert plains in southwest Texas. The visual character and quality of the projects are highly varied and site specific. Many projects are in agricultural settings, with foreground views of waterways and agricultural fields and background views of local mountain ranges.

Urban and suburban settings also are common within the SPD; the views in those areas are often restricted by buildings and vegetation. The primary viewer groups in the SPD are people living or conducting business near the numerous USACE projects; travelers using the interstates, highways, and smaller local roads (including those on levee crowns); and recreational users of USACE projects.

Some areas within the SPD may be particularly sensitive in terms of aesthetics including cultural resources, scenic highways, and many other viewsheds depending on the perspective of the viewer. For example, many historic districts and properties are located within the SPD and often have unique or notable aesthetic values. Many recreation areas, including national parks and monuments, wilderness areas, and marine protected areas safeguarded and valued by the public for their visual qualities, also are located within the SPD.

The National Scenic Byways Program, established by the Intermodal Surface Transportation Efficiency Act of 1991 (Pub. L. 102-240) recognizes roadways that are often valued specifically for their visual quality. To be designated under the program, a road must possess characteristics of at least one of six intrinsic qualities: archaeological quality, cultural quality, historic quality, natural quality, recreational quality, or scenic quality (NPS 2002). There are many national scenic byways within the SPD, including nine in Colorado, eight in New Mexico, eight in Utah, five in California, three in Nevada, three in Arizona, and one in Oregon.

3.10.2 Direct and Indirect Effects

3.10.2.1 Preferred Alternative

The types of alterations covered by the proposed RCP have the potential to affect aesthetics in a variety of ways. Construction of most of those types could temporarily adversely affect visual quality by degrading visual resources or obstructing or altering views.

Construction of the proposed alteration could result in short-term visual effects caused by the presence of heavy construction equipment, new facilities and infrastructure in various stages of construction and demolition, and possibly increased dust. Cranes used during construction and temporary construction laydown areas also would create short-term visual effects. Those activities might obstruct or alter views in the short-term.

Additionally, many of the alterations could have long-term adverse effects on visual resources. Development and improvements would be driven by function and purpose and generally would be similar in visual appearance to the existing built environment. Furthermore, many projects are extensions, modifications, and/or replacements of the existing built environment. Although adverse effects are possible, the proposed alterations also could result in long-term beneficial effects on visual quality by either enhancing visual resources or creating better views of those resources. Net effects of proposed alterations on aesthetics are expected to be less than significant.

USACE staff meeting the Secretary of the Interior's Qualifications would evaluate potential aesthetic effects on historic properties and consult on those effects with the appropriate State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Officer (THPO) on a case-by-case basis (see Section 3.11.3). The types of alterations covered by the proposed RCP are not expected to affect the intrinsic values of the designated national scenic byways adjacent to or intersecting USACE projects within the SPD.

Indirect effects to aesthetics would vary depending on the type of alteration. Effects would be expected from changes to operations and maintenance activities.

3.10.2.2 No Action Alternative

Under the No Action Alternative, the SPD would not implement the proposed RCP and would continue to review Section 408 requests using the same process used at the time this PEA was prepared. Each Section 408 request would be individually evaluated for compliance with environmental laws, and NEPA documentation would be prepared at the appropriate level (categorical exclusion, EA, or EIS). As the Preferred Alternative modifies only the procedural aspects of the review process, without altering the volume or classification of projects, the potential effects on aesthetics under the No Action Alternative would be equivalent to those identified for the Preferred Alternative.

3.10.3 Cumulative Effects

The geographic analysis area for cumulative effects consists of the viewsheds surrounding USACE project areas within the SPD. The major past, present, and reasonably foreseeable future activities that have affected or could potentially affect aesthetics in this geographic analysis area are agriculture, construction, industry, levee and channel operation and maintenance, and restoration. Some of those

activities have resulted in improved aesthetic quality, and some have resulted in diminished aesthetic quality.

Simplifying the Section 408 review process through implementing the proposed RCP could result in the issuance of a slightly higher number of Section 408 permissions per year.

As aesthetics are a subjective resource, with quality depending on the viewer, the effects of proposed alterations can be difficult to quantify; however, these types of alterations generally have less than significant effects on aesthetics. Therefore, implementing the proposed RCP would result in a less than significant contribution to cumulative effects on aesthetics in the geographic analysis area. Given that the potential effects on aesthetics that the No Action Alternative could have are the same effects as described for the Preferred Alternative, the No Action Alternative is expected to result in a less than significant contribution to cumulative effects on aesthetics in the geographic analysis area.

3.11 CULTURAL RESOURCES

3.11.1 Affected Environment

Issuing a Section 408 permission is a federal action and is thus subject to compliance with Section 106 of the NHPA. Section 408 permissions also are subject to other laws and executive orders (EOs) pertaining to cultural resources, including the American Indian Religious Freedom Act, Archaeological and Historic Preservation Act, Archaeological Resources Protection Act, and Native American Graves and Repatriation Act and EO 13007, *Indian Sacred Sites*; and EO 13175, *Consultation with Indian Tribes, Alaska Natives, and Native Hawaiians*. These laws and EOs are described in Section 5.0, “Regulatory Setting.” Cultural resources can be defined as a site, structure, landscape, object, or natural feature of significance to a group of people traditionally associated with it. The NHPA defines a “historic property” as:

...any prehistoric or historic district, site, building, structure, or object included on, or eligible for inclusion in, the National Register, including artifacts, records, and material remains relating to the district, site, building, structure, or object (54 U.S.C. § 300308).

When a federal action has the potential to cause effects on historic properties, NHPA Section 106 requires the agency to consult with the appropriate SHPO or THPO as well as with any tribes that might attach religious or cultural significance to historic properties in the area of potential effects (36 CFR § 800).

The cultural setting across the entire SPD comprises a vast area in which numerous Native American groups have an interest and a multitude of historical periods of significance. Research has determined that 186 federally recognized tribes have interests in lands within the SPD Civil Works boundary.

3.11.2 Direct and Indirect Effects

3.11.2.1 Preferred Alternative

The Preferred Alternative is for the SPD to implement the proposed RCP, which would simplify the review process of Section 408 requests for minor alterations to USACE projects. As the implementation of a simplified review process would not involve any on-the-ground work, the proposal does not have

the potential to affect historic properties. Many of the alterations covered by the RCP, however, have the potential to affect cultural resources. Because of the large geographical area proposed to be covered by the RCP, it is not practical or appropriate to discuss the potential project-specific effects of each of these actions on cultural resources. Under the Preferred Alternative, qualified district staff would continue to evaluate each Section 408 request individually on a case-by-case basis for the potential to affect cultural resources and, when that potential exists, consult with the appropriate SHPO or THPO pursuant to NHPA Section 106. In addition, when a proposed alteration has the potential to affect cultural resources, districts would identify and consult with all potentially interested federally recognized Native American tribes.

3.11.2.2 *No Action Alternative*

Under the No Action Alternative, the SPD would not implement the proposed RCP and would continue to review Section 408 requests using the same process used at the time this PEA was prepared. Each Section 408 request would be individually evaluated for compliance with environmental laws, and NEPA documentation would be prepared at the appropriate level (categorical exclusion, EA, or EIS). The potential effects on cultural resources that proposed alterations processed under the No Action Alternative could be the same as the effects described for the Preferred Alternative. Currently, Secretary of the Interior-qualified cultural resources staff (qualified staff) within the SPD evaluate each Section 408 request individually for its potential to affect cultural resources and, when that potential exists, consult with the appropriate SHPO or THPO pursuant to Section 106 of the NHPA. When a proposed alteration has the potential to affect cultural resources, potentially interested Native American tribes identified through the Native American Heritage Commission would be included in the consultation process.

3.11.3 Cumulative Effects

The geographic analysis area for cumulative effects consists of the USACE project areas within the SPD. The major past, present, and reasonably foreseeable future activities that have affected, or could potentially affect, cultural resources in this geographic analysis area are agriculture, construction, fishing (including recreational and commercial), industry, levee and channel operation and maintenance, recreation, restoration, scientific research, and vehicle traffic.

Simplifying the Section 408 review process through implementing the proposed RCP could result in the issuance of a slightly higher number of Section 408 permissions per year.

These types of alterations are expected to have less than significant effects on cultural resources. Therefore, implementing the proposed RCP would result in a less than significant contribution to cumulative effects on cultural resources in the geographic analysis area. Given that the potential effects on cultural resources that the No Action Alternative could have are the same as the effects described for the Preferred Alternative, the No Action Alternative is expected to result in a less than significant contribution to cumulative effects on resources in the geographic analysis area.

3.12 FARMLAND AND AGRICULTURE

3.12.1 Affected Environment

Although USACE federal embankments are generally not considered to be farmland, some of the federal floodways contain farmland and are actively used for agriculture. In Arizona and California, orchards are often planted in the floodway between levees. Some of the floodways in the SPD, such as the Yuba River Floodway and Butte Basin in California or Painted Rock in Arizona, are thousands of acres in size, much of which is farmland. Farmland located within USACE projects in the SPD may be used in a variety of ways, including for grain and hay crops, grazing, fruit and nut orchards, rice, row crops, and vegetable production.

The Farmland Protection Policy Act of 1984 (FPPA) (7 U.S.C. § 4201 *et seq.*) was enacted to:

...minimize the extent to which Federal programs contribute to the unnecessary and irreversible conversion of farmland to nonagricultural uses, and to assure that Federal programs are administered in a manner that, to the extent practicable, will be compatible with State, unit of local government, and private programs and policies to protect farmland.

Federal permitting for activities on private and non-federal lands, however, is not considered to be a federal program under the FPPA (7 CFR § 658.2). Requesters are encouraged to engage in pre-application meetings with their USACE District, non-federal sponsors and any other stakeholders that may have an interest in the proposed alteration. All Section 408 requests are for activities on private or non-federal land, excluding them from review under the FPPA. A Section 408 does not apply to federal lands, USACE would conduct a real estate review for alterations to federal lands in compliance with the FPPA regulations 14 (7 CFR § 658)

3.12.2 Direct and Indirect Effects

3.12.2.1 Preferred Alternative

As implementing the simplified review process for Section 408 requests, as proposed under the Preferred Alternative, would not involve any on-the-ground work, the proposal does not have the potential to affect farmland or agriculture. The proposed RCP, however, would be for a variety of actions that are similar in nature and effect (see Section 2.1.3 for a list). While some of those individual actions would have the potential to affect farmland or agriculture, the effects of the Preferred Alternative would be less than significant because of the conditions qualifying actions for the simplified review process.

Some of the alterations described under the proposed RCP, particularly the construction of buildings, borrow sites, environmental restoration projects, and seepage and stability berms could result in the conversion of private farmland to nonagricultural uses. Other alterations described under the proposed RCP, however, could positively affect farmland and agriculture. For example, alterations to ditches and canals, utility pipes, water supply pump stations, and wells could all directly enhance farm irrigation systems, resulting in a beneficial effect on agriculture. One of the alterations described under the Preferred Alternative is specifically for agriculture, covering a variety of activities including grazing, irrigation line installation, orchard installation, and planting of row crops. That alteration would directly

benefit agriculture and farmland by increasing the square footage of farmland in one area, improving irrigation systems, and improving existing farmland.

Indirect effects to farmland and agriculture would vary depending on the type of alteration. Effects would be expected from changes to operations and maintenance activities.

3.12.2.2 No Action Alternative

Under the No Action Alternative, the SPD would not implement the proposed RCP and would continue to review Section 408 requests using the same process used at the time this PEA was prepared. Each Section 408 request would be individually evaluated for compliance with environmental laws, and NEPA documentation would be prepared at the appropriate level (categorical exclusion, EA, or EIS). The potential effects on farmland and agriculture that proposed alterations processed under the No Action Alternative could have are the same as the effects described for the Preferred Alternative.

3.12.3 Cumulative Effects

The geographic analysis area for cumulative effects consists of the USACE project areas within the SPD. The major past, present, and reasonably foreseeable future activities that have affected, or could potentially affect, farmland and agriculture in this geographic analysis area are agriculture, construction, industry, levee and channel operation and maintenance, and restoration. Those activities have both increased and decreased the amount of farmland in the geographic analysis area in the past and are expected to continue to do so into the future.

Simplifying the Section 408 review process through implementing the proposed RCP could result in the issuance of a slightly higher number of Section 408 permissions per year.

These types of alterations generally would have less than significant effects on farmland and agriculture. Therefore, implementing the proposed RCP would result in a less than significant contribution to cumulative effects on farmland and agriculture in the geographic analysis area. Given that the potential effects on farmland and agriculture that the No Action Alternative could have are the same as the effects described for the Preferred Alternative, the No Action Alternative is expected to result in a less than significant contribution to cumulative effects on those resources in the geographic analysis area.

3.13 RECREATION

3.13.1 Affected Environment

Rivers, beaches, and upland areas of the SPD are often used by the public for recreation. Many levees feature pedestrian and bicycle trails on the crown, and in urban and suburban areas, they often abut public parks, sports fields, or golf courses. Some floodplains have public recreation lands located within them. These recreational areas are used in varying degrees by the public, ranging from heavy usage to very light usage, depending on the area.

Publicly accessible recreation areas located within the Civil Works boundary of the SPD may be managed by federal, state, or local agencies. States periodically complete statewide comprehensive outdoor recreation plans (SCORPs) to receive funds from the Land and Water Conservation Fund. SCORPs survey recreation users to establish priorities to meet the recreation needs of local communities. They are a

comprehensive resource for understanding regional and statewide recreation (Arizona State Parks 2023; California Department of Parks and Recreation 2021; Colorado Parks and Wildlife 2018; Idaho Department of Parks and Recreation 2018; Nevada Division of State Parks 2021; New Mexico Energy, Minerals and Natural Resources Department 2021; Oregon Parks and Recreation Department 2018; Texas Parks and Wildlife Department 2017; Utah Division of Outdoor Recreation 2019; Wyoming State Parks, Historic Sites, & Trails 2024).

The Wild and Scenic Rivers Act of 1968 was enacted to protect certain rivers “which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural or other similar values” (16 U.S.C. § 1273 *et seq.*). Rivers are classified as wild, scenic, or recreational under the Act and are administered by either a federal or state agency (IWSRCC 1998). Although the Act neither prohibits development nor gives the federal government control over private property, it does prohibit federal support for actions that would harm a river's free-flowing condition, water quality, or outstanding resource values. Section 7 of the Wild and Scenic Rivers Act directs federal agencies to protect the free-flowing condition and other functions of designated rivers and congressionally authorized study rivers. Specifically, the Act prohibits federal agencies from assisting in the construction of any water resources project that would have a direct and adverse effect on a designated river or congressionally authorized study river. Water resources projects include dams, water diversion projects, fisheries habitat and watershed restoration/enhancement projects, bridges and other roadway construction/reconstruction projects, bank stabilization projects, channelization projects, levee construction, recreation facilities, and activities requiring a Section 404 permit from USACE. Federal assistance includes, but is not limited to, a license, permit, or other authorization granted by USACE (IWSRCC 2004). Wild and scenic rivers can be found across six states within the SPD (IWSRCC 2024).

If a project is proposed in the bed or on the banks of a designated river or congressionally authorized study river and is proposed by a federal agency or requires some type of federal assistance, a determination regarding the project's effects is required under Section 7 of the Wild and Scenic Rivers Act. Additionally, if a federally proposed or assisted project is proposed in the bed or on the banks of a river below, above, or on a stream tributary to a designated river or congressionally authorized study river and the project is likely to result in effects on a designated river or congressionally authorized study river, a determination regarding the project's effects also is required under Section 7. Section 7 requires consultation between the river-administering agency and the federal agency assisting the construction of the project. Responsibilities of the assisting federal agency typically include analysis of potential effects on wild and scenic rivers in pertinent NEPA or permitting documents, and the river-administering agency is responsible for conducting the Section 7 analysis and making the determination under the statute. The Section 7 determination should be conducted when sufficient alternative detail and discussion of environmental consequences is available in a NEPA document (Interagency Wild and Scenic Rivers Coordinating Council 2004).

3.13.2 Direct and Indirect Effects

3.13.2.1 Preferred Alternative

Construction of the types of alterations described under the RCP could have effects on recreation if they occur in areas typically used for recreation. In some cases, entrances to recreation areas may be

restricted or areas may be closed temporarily during construction. Noise from construction equipment may disturb any public recreating in the vicinity of an alteration and may temporarily deter the public from using the specific area for recreation. In-water construction may disrupt boating on waterways, particularly if barges are used. Although construction may disrupt recreation in the vicinity of an alteration, any disruptions would be temporary as alterations proposed under the RCP must not result in permanent closures of public recreational facilities.

Although construction could temporarily disrupt recreation, some alterations may result in an improvement in the amount or quality of a recreational area and, therefore, may have a long-term beneficial impact on recreation. For example, new pedestrian or bicycle trails may be installed on the levee crown, increasing public access to recreation. New signage and lighting may be installed in association with trails on the levee crown, improving the quality of a recreational area. Additionally, new stairs may be installed on the levee slopes, potentially improving public access to recreation. Construction of these types of alterations could result in short-term closures or disruptions of recreation but would result in a long-term beneficial impact on recreation.

Under the Preferred Alternative, the SPD would continue to evaluate each Section 408 request individually for the applicability of Section 7 of the Wild and Scenic Rivers Act and would consult with the river-administering agency as appropriate. Docks and associated access structures must not be installed in a component of the National Wild and Scenic River System or a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, unless the appropriate agency with direct management responsibility for the river has determined, in writing, that the proposed dock and/or associated access structure will not adversely affect the designation or study status.

Indirect effects to recreation would vary depending on the type of alteration. Effects would be expected from changes to operations and maintenance activities.

3.13.2.2 *No Action Alternative*

Under the No Action Alternative, the SPD would not implement the proposed RCP and would continue to review Section 408 requests using the same process used at the time this PEA was prepared. Each Section 408 request would be individually evaluated for compliance with environmental laws, and NEPA documentation would be prepared at the appropriate level (categorical exclusion, EA, or EIS). Currently, districts evaluate each Section 408 request individually to determine if the protections of Section 7 of the Wild and Scenic Rivers Act apply. If Section 7 of the Act applies, the district consults with the river-administering agency regarding potential effects on the designated river. As the Preferred Alternative modifies only the procedural aspects of the review process, without altering the volume or classification of projects, the potential effects on recreation under the No Action Alternative would be equivalent to those identified for the Preferred Alternative.

3.13.3 Cumulative Effects

The geographic analysis area for cumulative effects consists of the USACE project areas as well as any designated recreation areas abutting USACE projects within the SPD. The major past, present, and reasonably foreseeable future activities that have affected or could potentially affect recreation in this

geographic analysis area are agriculture, construction, fishing (including recreational and commercial), industry, levee and channel operation and maintenance, recreation, and restoration. Past construction activities have resulted in numerous recreation areas located on and adjacent to USACE projects. Current and future construction activities could result in temporary closures of recreation areas in the geographic analysis area; however, some of the activities could in fact result in new or improved recreational facilities. Besides construction, all the aforementioned activities have the potential to either obstruct or enhance recreation.

Simplifying the Section 408 review process through implementing the proposed RCP could result in the issuance of a slightly higher number of Section 408 permissions per year.

These types of alterations generally have short-term less than significant effects on recreation; therefore, implementing the proposed RCP would result in a less than significant contribution to cumulative effects on recreation in the geographic analysis area. Given that the potential effects on recreation that the No Action Alternative could have the same effects as described for the Preferred Alternative, the No Action Alternative is expected to result in a less than significant contribution to cumulative effects on recreation in the geographic analysis area.

3.14 TRANSPORTATION AND TRAFFIC

3.14.1 Affected Environment

USACE projects in the SPD are located in a wide variety of areas, ranging from urban (e.g., San Francisco, Los Angeles, Phoenix, Salt Lake City, and Albuquerque) to agricultural (e.g., the California's Central Valley, Arizona's Yuma Valley, and Utah's Cache Valley) to remote (e.g., Big Wash Levee in Utah, the Mojave Desert stretching across California and Nevada, Arizona's Sonoran Desert, Guadalupe Mountains National Park in Texas, and New Mexico's Gila Wilderness).

USACE projects in urban areas oftentimes have major highways bordering them, bridges crossing over them, and even highways located on them. These USACE projects may see large volumes of traffic and may even play a key role in local or regional transportation, particularly the projects with a highway located on them. Project embankments located in more rural agricultural areas may have agricultural access roads located on their crowns and may be used by farm traffic.

Embankments and floodplains in rural agricultural areas also may have highways located on them and be used by local or regional traffic. There are also a few USACE projects in the SPD located in remote areas that generally see only small volumes of local traffic.

3.14.2 Direct and Indirect Effects

3.14.2.1 Preferred Alternative

Construction of the types of alterations described under the RCP could have short-term effects on traffic during the construction phase of the alterations.

Construction of most alterations would require vehicles to transport equipment, material, and construction personnel. The vehicles would increase the volume of traffic in the vicinity of a proposed

alteration. Some alterations may take place on or near roadways, potentially requiring temporary lane closures or traffic detours during construction.

Bridge replacement projects in particular have a high potential to disrupt traffic during construction. Some types of alterations, however, could have long-term beneficial effects on transportation. For example, bridge replacement or road widening projects may have short-term less than significant effects on traffic during construction, but generally improve transportation once construction is complete. Alterations that involve construction of bicycle or pedestrian trails may improve traffic by providing opportunities for alternative forms of transportation, reducing the number of vehicles on nearby roads.

Construction activities associated with the types of alterations covered by the proposed RCP are expected to affect transportation and traffic by increasing the number of vehicles using nearby roads and potentially resulting in lane or entire road closures. Once construction is complete, however, the types of alterations covered by the proposed RCP are expected to have either neutral or beneficial long-term effects on transportation and traffic. Following construction, alterations are not expected to have long-term negative effects.

3.14.2.2 No Action Alternative

Under the No Action Alternative, the SPD would not implement an RCP and would continue to review Section 408 requests using the same process used at the time this PEA was prepared. Each Section 408 request would be individually evaluated for compliance with environmental laws, and NEPA documentation would be prepared at the appropriate level (categorical exclusion, EA, or EIS). As the Preferred Alternative modifies only the procedural aspects of the review process, without altering the volume or classification of projects, the potential effects on traffic and transportation under the No Action Alternative would be equivalent to those identified for the Preferred Alternative.

Indirect effects to transportation and traffic would vary depending on the type of alteration. Effects would be expected from changes to operations and maintenance activities.

3.14.3 Cumulative Effects

The geographic analysis area for cumulative effects consists of the USACE project areas and adjacent roadways within the SPD. The major past, present, and reasonably foreseeable future activities that have affected or could potentially affect transportation and traffic in this geographic analysis area are construction, industry, and vehicle traffic. Past construction has resulted in new and improved roadways, and additional roadways are expected to be constructed in the future. Present and future construction activities may result in temporary road closures, resulting in short-term less than significant effects on traffic; however, the long-term effects of construction on transportation and thus traffic are expected to be beneficial. Industry generally results in additional traffic on the roads.

Simplifying the Section 408 review process through implementing the proposed RCP could result in the issuance of a slightly higher number of Section 408 permissions per year.

These types of alterations generally have short-term less than significant effects on transportation and traffic; therefore, implementing the proposed RCP would result in a less than significant contribution to cumulative effects on transportation and traffic in the geographic analysis area. Given that the potential

effects on transportation and traffic of the No Action Alternative could have the same effects as described for the Preferred Alternative, the No Action Alternative is expected to result in a less than significant contribution to cumulative effects on transportation and traffic in the geographic analysis area.

4.0 ENVIRONMENTAL CONSEQUENCES SUMMARY

This section summarizes the findings of the environmental consequences analysis from the sections above. **Table 4-1** shows the potential effects of implementing the Preferred Alternative for the environmental resources evaluated versus the No Action Alternative. Overall, implementing the Preferred Alternative would result in less than significant effects.

Table 4-1. Summary of Environmental Consequences

Environmental Resource	No Action Alternative	Preferred Alternative
Air Quality	Greater than or similar to the Preferred Alternative	Less than significant, primarily short-term effects associated with construction
Noise	The same as described for the Preferred Alternative	Less than significant, primarily short-term effects associated with construction
Water Quality	Greater than or similar to the Preferred Alternative	Less than significant, primarily short-term effects associated with construction
Wetlands and Other Waters	Greater than or similar to the Preferred Alternative	Less than significant, primarily short-term effects associated with construction
Fish and Wildlife	Greater than or similar to the Preferred Alternative	Less than significant, primarily short-term effects associated with construction
Invasive Species	The same as described for the Preferred Alternative	Less than significant
Threatened and Endangered Species	The same as described for the Preferred Alternative	Less than significant
Vegetation	Greater than or similar to the Preferred Alternative	Less than significant
Aesthetics	The same as described for the Preferred Alternative	Less than significant, primarily short-term effects associated with the presence of heavy construction equipment and facilities and infrastructure in various stages of construction and demolition
Cultural Resources	The same as described for the Preferred Alternative	Less than significant
Farmland and Agriculture	Less than significant	Less than significant
Recreation	The same as described for the Preferred Alternative	Less than significant, short-term effects associated with restricted recreational access during construction
Transportation and Traffic	The same as described for the Preferred Alternative	Less than significant, short-term effects stemming from traffic detours, delays, and/or closures during construction

5.0 REGULATORY SETTING

Table 5-1 lists federal laws and EOs relevant to the Preferred Alternative and with which the Preferred Alternative would be compliant. The SPD would evaluate each Section 408 request individually on a case-by-case basis for its potential effects.

Table 5-1. Federal Laws and EOs Relevant to the Preferred Alternative

Federal law or EO	Description
American Indian Religious Freedom Act of 1978, as amended (42 U.S.C. § 1996 <i>et seq.</i>)	This law was created to protect and preserve the traditional religious rights, including the access of sacred sites, of American Indians, Eskimos, Aleuts, and Native Hawaiians. Under the Preferred Alternative, the SPD would consult with Native American tribes on proposed alterations that would have the potential to affect cultural resources. This consultation process would provide tribes with the opportunity to identify sacred sites that may be affected by proposed alterations and raise concerns.
Archaeological and Historic Preservation Act of 1974, as amended (54 U.S.C. § 312501 <i>et seq.</i>)	This law requires that a federal agency must notify the Secretary of the Interior if its actions may "cause irreparable loss or destruction of significant scientific, prehistoric, historical, or archeological data." Under the Preferred Alternative, the SPD would evaluate each Section 408 request on a case-by-case basis for its potential effects on cultural resources. The SPD would consult with the appropriate SHPO or THPO on any proposed alterations that would have the potential to affect historic properties. If a proposed alteration is found to have the potential to cause irreparable loss or destruction of significant scientific, prehistoric, historical, or archaeological data, the SPD would notify the Secretary of the Interior before proceeding.
Archaeological Resources Protection Act of 1979, as amended (ARPA) (16 U.S.C. § 470 <i>et seq.</i>)	This law is intended to secure the protection of archaeological resources and sites on federal and Indian lands. The ARPA states that the excavation or removal, and any activities associated with such excavation or removal, of any archaeological resource located on federal or Indian lands requires a permit. Under the Preferred Alternative, the SPD would continue to individually evaluate each Section 408 request for compliance with the ARPA and, for any proposed activity that would result in the excavation or removal of archaeological resources located on federal or Indian lands, a permit would be required.
Bald and Golden Eagle Protection Act of 1940, as amended (16 U.S.C. § 668 <i>et seq.</i>)	This law prohibits anyone, without a permit issued by the Secretary of the Interior, from "taking" bald or golden eagles, including their parts, nests, or eggs. ("Take" is defined as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb"). Under the Preferred Alternative, the SPD would continue to individually evaluate each Section 408 request for compliance with the Bald and Golden Eagle Protection Act.
Clean Air Act of 1970, as amended (CAA) (42 U.S.C. § 7401–7671q)	This law regulates air emissions from stationary and mobile sources. CAA Section 176(C), also known as the General Conformity rule, prohibits federal agencies from carrying out, funding, or permitting any activity in a nonattainment or maintenance area "which does not conform to an implementation plan after it has been approved or promulgated" (42 U.S.C. § 7506). Under the Preferred Alternative, the SPD would continue to conduct a General Conformity review of each individual Section 408 alteration request. The proposed RCP would be applicable only to proposed alterations that are expected to have emissions below the <i>de minimis</i> levels for criteria air pollutants and are, thus, exempted by 40 CFR § 93.153.
Clean Water Act (CWA) (33 U.S.C. § 1251 <i>et seq.</i>)	CWA Section 404 regulates the discharge of dredged or fill material into waters of the United States, including wetlands. The EPA promulgates Section 404 regulations; however, the USACE Regulatory Program evaluates and issues permits for proposed activities in waters of the United States. CWA Section 401 requires that applicants for federal permits or licenses provide certification from the state that any discharges will comply with state-established water quality standard requirements. Requesters must obtain a Section 401 certification for the preferred alternative before USACE can issue a Section 408 permission and before the USACE Regulatory Program can authorize a permit under Section 404. EC 1165-2-220 specifies that USACE will coordinate internally to ensure that the Section 404 permit and the Section 408 permissions are consistent. Under the Preferred Alternative, the SPD would continue to individually evaluate each Section 408 request and coordinate with the USACE Regulatory Program to ensure compliance with the CWA.

Federal law or EO	Description
Coastal Zone Management Act of 1972 (CZMA) (16 U.S.C. § 1451 <i>et seq.</i>)	This law requires federal agencies to consult with NOAA when their actions may affect preservation, protection, development, or restoration of the nation's coastal zones, and recommends states develop and implement management plans for their coastal areas.
Endangered Species Act of 1973, as amended (ESA) (16 U.S.C. § 1531 <i>et seq.</i>)	This law requires federal agencies to consult with the USFWS and/or NOAA Fisheries when their actions may affect federally threatened or endangered species or their designated critical habitat. Under the Preferred Alternative, the SPD would continue to individually evaluate each Section 408 request for potential effects on threatened and endangered species (and their designated critical habitat) listed under the federal ESA and, as appropriate, conduct consultation under ESA Section 7 with the USFWS and/or NOAA Fisheries. Additionally, in the future, the SPD may complete programmatic consultation(s) with the USFWS and/or NOAA Fisheries.
Farmland Protection Policy Act of 1984 (FPPA) (7 U.S.C. § 4201 <i>et seq.</i>)	This law was enacted to: ...minimize the extent to which Federal programs contribute to the unnecessary and irreversible conversion of farmland to nonagricultural uses, and to assure that Federal programs are administered in a manner that, to the extent practicable, will be compatible with State, unit of local government, and private programs and policies to protect farmland. Federal permitting for activities on private and non-federal lands is not considered to be a federal program under the FPPA (7 CFR § 658.2).
Fish and Wildlife Coordination Act of 1958, as amended (FWCA) (16 U.S.C. § 661 <i>et seq.</i>)	This law requires federal agencies to consult with the USFWS and the head of the agency exercising administration over the wildlife resources of the particular state: ...whenever the waters of any stream or other body of water are proposed or authorized to be impounded, diverted, the channel deepened, or the stream or other body of water otherwise controlled or modified for any purpose whatever" (16 U.S.C. § 662). Under the Preferred Alternative, the SPD would continue to individually evaluate each Section 408 request for the potential to impound, divert, deepen, control, or modify a stream or other body of water and, as appropriate, consult with the USFWS.
Intermodal Surface Transportation Efficiency Act of 1991 (Pub. L. 102-240)	This law established the National Scenic Byways Program, implemented by the Federal Highway Administration (FHWA). It does not have regulatory authority over federal actions affecting National Scenic Byways. Additionally, the types of alterations covered by the proposed RCP are not expected to affect the intrinsic values of the designated National Scenic Byways adjacent to or intersecting USACE projects within the SPD.
Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended (MSA) (16 U.S.C. § 1801 <i>et seq.</i>)	This law is the primary law governing marine fisheries management in U.S. federal waters. It requires that fishery management councils identify as EFH those areas necessary for fish to perform their basic life functions. The MSA also requires that federal agencies consult with NOAA Fisheries when their actions may adversely impact EFH. Under the Preferred Alternative, the SPD would continue to individually evaluate each Section 408 request for potential adverse effects on EFH and would consult with NOAA Fisheries as appropriate.
Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 <i>et seq.</i>)	This law established: ...that it is unlawful to pursue, hunt, take, capture or kill; attempt to take, capture or kill; possess, offer to or sell, barter, purchase, deliver or cause to be shipped, exported, imported, transported, carried or received any migratory bird, part, nest, egg or product, manufactured or not. Under the Preferred Alternative, the SPD would continue to individually evaluate each Section 408 request for potential effects on migratory birds and to ensure compliance with the Migratory Bird Treaty Act.
National Environmental Policy Act of 1969, as amended (NEPA) (42 U.S.C. § 4321 <i>et seq.</i>)	This law requires federal agencies to assess the environmental effects of their preferred alternatives prior to decision-making. This PEA has been prepared following the NEPA statute (42 U.S.C. § 4321 <i>et seq.</i>), USACE's NEPA implementing regulations (33 C.F.R. part 230), and the CEQ guidance on the Effective Use of Programmatic NEPA Reviews (CEQ 2014) and satisfies the NEPA requirement. Under the Preferred Alternative, the applicability of this PEA to individual proposed alterations would be validated using the validation memo described in Section 2.3.
National Historic Preservation Act of 1966, as amended (NHPA) (54 U.S.C. § 300101 <i>et seq.</i>)	NHPA Section 106 requires federal agencies to take into account the effects of their actions on historic properties and afford the Advisory Council on Historic Preservation a reasonable opportunity to comment on such actions (54 U.S.C. § 306108). Under the Preferred Alternative, the SPD would continue to individually evaluate each Section 408 request on a case-by-case basis for the potential to affect cultural resources and, when that potential does exist, conduct consultation with the appropriate SHPO or THPO and Native American tribes pursuant to NHPA Section 106. Additionally, the SPD may develop programmatic agreements with the appropriate SHPO(s) and tribe(s).
Native American Graves and Repatriation Act of 1990 (NAGPRA) (25 U.S.C. § 3001 <i>et seq.</i>)	This law provides protection of Native American burial sites and control over the removal of Native American human remains, funerary objects, sacred objects, and items of cultural patrimony on federal and tribal lands. Under the Preferred Alternative, if proposed alterations are located on federal or tribal land, they would be reviewed on a case-by-case basis for compliance under the NAGPRA. A plan of action for inadvertent discoveries of Native American cultural items would be prepared for all proposed alterations located on federal or tribal land.

Federal law or EO	Description
Noise Control Act of 1972, as amended (42 U.S.C. § 4901 <i>et seq.</i>)	This law established a national policy to promote an environment for all Americans free from noise that jeopardizes their health or welfare. The RCP proposed under the Preferred Alternative is in compliance with the Noise Control Act.
Plant Protection Act of 2000 (7 U.S.C. § 7701 <i>et seq.</i>)	<p>This law states that:</p> <p>...the detection, control, eradication, suppression, prevention, or retardation of the spread of plant pests or noxious weeds is necessary for the protection of the agriculture, environment, and economy of the United States.</p> <p>Furthermore, the Act prohibits the import, entrance, export, or movement in interstate commerce of any plant pest, unless authorized by permit issued by the Secretary of Agriculture (7 U.S.C. § 7711). The proposed RCP would not result in the import, entrance, export, or interstate movement of plant pests; additionally, under the RCP, requesters would be required to use seed mixes containing only native plant species.</p>
Rivers and Harbors Appropriation Act of 1899 (33 U.S.C. § 403 <i>et seq.</i>)	Section 10 of this law requires that the construction of any structure in, over, or under any navigable water in the United States receive a permit. This applies to all structures and any dredging or disposal of dredged materials, excavation, filling, rechannelization, or any other modification of a navigable water of the U.S. Additionally, Section 10 applies outside of navigable water if any structure or work will affect the course, location, or condition of a navigable water. The USACE Regulatory Program is responsible for the issuance of permits under Section 10. EC 1165-2-220 specifies that USACE will coordinate internally to ensure that the Section 10 permit and the Section 408 permissions are consistent. Under the Preferred Alternative, the SPD would continue to individually evaluate each Section 408 request and coordinate with the USACE Regulatory Program to ensure compliance with Section 10.
Wild and Scenic Rivers Act of 1968 (16 U.S.C. § 1273 <i>et seq.</i>)	<p>This law is intended to preserve, in a free-flowing condition, certain rivers with outstanding natural, cultural, and recreational values. Specifically, it prohibits federal agencies from assisting in the construction of any water resources project that would have a direct and adverse effect on a designated river or congressionally authorized study river. Under the Preferred Alternative, the SPD would continue to individually evaluate each Section 408 request for applicability of Section 7 of the Wild and Scenic Rivers Act and would consult with the appropriate river-administering agency as appropriate.</p> <p>Docks and/or associated access structures must not be installed in a component of the National Wild and Scenic River System or a river officially designated by Congress as a study river for possible inclusion in the system while the river is in an official study status, unless the appropriate agency with direct management responsibility for such river has determined, in writing, that the proposed dock and/or associated access structure will not adversely affect the Wild and Scenic River designation or study status.</p>
EO 11988, Floodplain Management	<p>This EO requires that each agency"</p> <p>...avoid to the extent possible the long- and short-term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct or indirect support of floodplain development wherever there is a practicable alternative.</p> <p>The guidelines for implementing the EO outline an eight-step process for complying with it (FEMA 2015):</p> <p>Step 1: Determine if the preferred alternative is in a floodplain. Most USACE projects located within the SPD are located within a floodplain.</p> <p>Step 2: Provide public review. Section 2 of the EO requires federal agencies to provide opportunity for early public review prior to taking an action, provide public notice explaining a preferred alternative, and prepare and circulate a notice of findings and explanation prior to taking an action. The EO requirements for public participation are primarily being accomplished under existing USACE regulations.</p> <p>Step 3: Identify and evaluate practicable alternatives to the preferred alternative or to locating the preferred alternative in the floodplain.</p> <p>Step 4: Identify the effects of the preferred alternative.</p> <p>Step 5: Develop measures to minimize impacts and restore and preserve the floodplain as appropriate if impacts cannot be avoided.</p> <p>Step 6: Reevaluate alternatives.</p> <p>Step 7: Issue findings and a public explanation. Step 8: Implement the action.</p>

Federal law or EO	Description
	No proposed alteration may induce additional development within the floodplain as a condition of the preferred alternative. Further, the SPD would conduct individual review of all proposed alterations covered by the proposed RCP to ensure that they comply with the EO.
EO 11990, Protection of Wetlands	This EO directs federal agencies to "minimize the destruction, loss or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands." Although it does not apply to the issuance by federal agencies of permits to private parties for activities involving wetlands on non-federal property, it does apply to activities involving wetlands on federal property. Under the Preferred Alternative, the SPD would continue to individually evaluate each Section 408 request and coordinate with the USACE Regulatory Program to ensure compliance with the CWA.
EO 13007, Indian Sacred Sites	This EO requires that, when managing federal lands, executive branch agencies shall: ... (1) accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and (2) avoid adversely affecting the physical integrity of such sacred sites. Under the Preferred Alternative, the SPD would continue to individually evaluate each Section 408 request on a case-by-case basis for the potential to affect cultural resources and, when there is the potential to affect Indian sacred sites, conduct consultation with the appropriate Native American tribes.
EO 13175, Consultation with Indian Tribes, Alaska Natives, and Native Hawaiians	This EO requires that federal agencies seek "meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications." Under the Preferred Alternative, the SPD would continue to individually evaluate each Section 408 request on a case-by-case basis for the potential to affect cultural resources and, when that potential exists, coordinate with the appropriate Native American tribes.
EO 13186, Responsibilities of Federal Agencies to Protect Migratory Birds	This EO aims to integrate migratory bird conservation principles into agency activities and minimize adverse effects on migratory birds. The SPD would continue to individually evaluate each proposed alteration on a case-by-case basis for potential effects on migratory birds and bald and golden eagles.
EO 13751, Safeguarding the Nation from the Impacts of Invasive Species	This EO amends EO 13112, <i>Invasive Species</i> , stating that it: ... is the policy of the United States to prevent the introduction, establishment, and spread of invasive species, as well as to eradicate and control populations of invasive species that are established. Under the Preferred Alternative, the SPD would require requesters to use seed mixes containing only native plant seeds. The SPD would not issue Section 408 permission for actions that are likely to cause or promote the introduction or spread of invasive species.

6.0 COORDINATION AND REVIEW OF THE RCP

Per NEPA requirements and USACE guidance in EC 1165-2-220, the SPD prepared two separate public notices regarding the Preferred Alternative: scoping and public review of the draft RCP.

6.1 SCOPING

A scoping notice was posted on the SPD division and district websites from early September through October 4, 2024. The scoping notice described the alternatives, the list of alterations covered by the proposed RCP, and the potential environmental effects being considered. The notification also was emailed to 2,545 stakeholders and tribes as described in Section 1.5 of this PEA. USACE received 14 responses from tribes, nongovernmental organizations, and local and state agencies. Appendix A summarizes the comments received and the USACE response to each substantive comment, as well as the comments in their entirety.

6.2 PUBLIC REVIEW OF THE DRAFT RCP

The notice of availability for public review of the draft RCP was published in December 2024. The notice was posted on the district and division websites and distributed directly to tribes and the stakeholder email list (for a total of 2,544 points of contact). Comments received during the public review were considered in finalizing the RCP.

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APPENDIX A PUBLIC COMMENTS

SEPTEMBER 2024 PUBLIC NOTICE



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SOUTH PACIFIC DIVISION
450 GOLDEN GATE AVE.
SAN FRANCISCO CA 94102

PUBLIC NOTICE

CATEGORICAL PERMISSION FOR SECTION 408 REQUESTS
U.S. ARMY CORPS OF ENGINEERS, SOUTH PACIFIC DIVISION

PUBLIC NOTICE COMMENT PERIOD:

Begins: September 4, 2024

Ends: October 4, 2024

AUTHORITY: The authority to grant permission for temporary or permanent use, occupation, or alteration of any U.S. Army Corps of Engineers (USACE) Civil Works project is contained in Section 14 of the Rivers and Harbors Act of 1899, as amended, codified in 33 U.S.C. § 408 ("Section 408"). Section 408 authorizes the Secretary of the Army, on the recommendation of the USACE Chief of Engineers, to grant permission for the use, occupation, or alteration of a USACE project if the Secretary determines that the activity will not be injurious to the public interest and will not impair the usefulness of the project. The Secretary of the Army's authority under Section 408 has been delegated to the USACE Chief of Engineers. The USACE Chief of Engineers has further delegated the authority to the USACE Directorate of Civil Works, division and district commanders, and supervisory division chiefs, depending upon the nature of the activity. Colonel James J. Handura, PMP, Commander and Division Engineer of the South Pacific Division, USACE is the approval authority for the categorical permission for Section 408 requests in the South Pacific Division.

INTRODUCTION: There are numerous USACE Civil Works projects within the boundaries of the South Pacific Division. These projects have been federally authorized by the U.S. Congress and then turned over to a nonfederal sponsor to operate and maintain.

Projects may include flood risk reduction projects, such as embankments and channels located in both rural and urban areas, as well as coastal projects, such as seawalls and beach nourishment. Each year the districts within the South Pacific Division receive requests through the nonfederal sponsors from private, public, tribal, and other federal entities (requesters) to alter USACE federally authorized Civil Works projects (USACE projects) pursuant to Section 408.

When a district receives a request to alter a USACE project, it follows a review process outlined in Engineer Circular (EC) 1165-2-220, *Policy and Procedural Guidance for Processing Requests to Alter US Army Corps of Engineers Civil Works Projects Pursuant to 33 USC 408* (https://www.publications.usace.army.mil/Portals/76/Publications/EngineerCirculars/EC_1165-2-220.pdf?ver=2018-09-07-115729-890). To simplify the review process and reduce review times, EC 1165-2-220 states that USACE districts can develop categorical permissions to potential alterations that are similar in nature and have similar effects on a USACE Civil Works project or on the environment. The USACE, Director of Civil Works has extended the use of EC 1165-2-220 until the Section 408 policy is published in the Code of Federal Regulations (<https://usace.contentdm.oclc.org/utis/getfile/collection/p16021coll11/id/6583>).

South Pacific Division districts receive numerous Section 408 requests for minor alterations to USACE projects each year, most of which are for changes to an embankment or channel such as installation of irrigation pipes or horizontal directional drilling for the placement of utility lines. Many of the project descriptions for proposed alterations are similar and the effects tend to be negligible. The current review and approval process, however, is time intensive and can take months. USACE South Pacific Division proposes to reduce Section 408 request review times by simplifying engineering and environmental analysis for specific categories of minor alterations within the division's boundaries (Figure 1), excluding consultation required under Section 106 of the National Historical Preservation Act.

A programmatic environmental assessment is being prepared in conjunction with the proposed categorical permissions to identify, analyze and evaluate environmental impacts of the potential alterations.



Figure 1. USACE South Pacific Division Area with Civil Works Projects

ALTERNATIVES: The decision options are to continue with the current process or establish a categorical permission to facilitate review of alterations to USACE Civil Works projects.

SCOPE OF THE DECISION: The division's area of responsibility covers a wide geographic area and includes portions of Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oregon, Texas, Utah, and Wyoming (Figure 1). The decision does not apply to any USACE-owned reservoir or lake project. The temporal scope of the decision to be made is for 5 years; after 5 years, the decision would be reevaluated and may be renewed or revised, if appropriate.

PROPOSED CATEGORICAL PERMISSION: The proposed categorical permission covers a list of potential alterations with similar effects on a USACE project and on the environment. If a separate environmental assessment (EA) or environmental impact statement (EIS) is needed for the National Environmental Policy Act (NEPA) documentation of a proposed alteration, the proposed categorical permission would not apply, and the Section 408 request would be reviewed and a decision made following the current process described in EC 1165-2-220. Furthermore, the proposed categorical permission neither alters nor removes consultation with Native American tribes required under the National Historic Preservation Act or other laws, Executive Orders, or Army regulations or guidance.

For the categorical permission to apply, a Section 408 request must incorporate standard mitigation measures and best management practices into the project plan. Projects would be required to minimize disturbance to surrounding vegetation, return disturbed areas to pre-project conditions, remove spoils, control stormwater runoff and erosion, and not exceed federal *de minimis* levels of criteria air pollutants or precursors.

The proposed categorical permission would encompass the following types of alterations:

1. Agriculture and Landscaping
 - Variety of standard agricultural activities may occur.
 - Total area of work not to exceed 350 acres for agricultural activities and 5 acres for landscape activities.
 - Applicable only to prior converted agricultural lands; does not cover new land use type conversion to cultivated land.
2. Beach Nourishment
 - Placement of suitable fill material to stabilize coastal shorelines and eroding beaches.
3. Borings, Explorations, and Instrumentation
 - Variety of geotechnical boring or exploratory activities and instrumentation may be used in the floodway, on the embankment, and adjacent to the toe.
 - Drilling Program Plan required for activities in the embankment or embankment foundation.
4. Borrow Areas
 - Excavation activities.
 - Total area of work not to exceed 5 acres or occur within 300 feet of toe.
 - Geotechnical investigation required.

5. Bridges
 - Construction, modification, and replacement of pedestrian, railroad, and vehicular bridges, including the approach.
 - Total area of ground disturbance not to exceed 15 acres.
 - Slope stability analysis required.
6. Buildings and Other Structures
 - Construction and modification of buildings and other structures, including artwork, decks, patios, and solar arrays.
 - Total area of work not to exceed 5 acres.
 - No habitable buildings or structures.
 - Geotechnical investigation, slope stabilization, and seepage analysis required for new building construction within 300 feet of the levee on native soils.
 - An existing structure damaged more than 50 percent of market value must receive approval of the nonfederal sponsor before reconstruction.
 - Nonfederal sponsor must be notified of removal plans for any building or structure.
7. Ditches and Canals
 - Construction, fill, and modification of ditches and canals.
 - Must be located outside the levee embankment.
 - Total length not to exceed 1,000 linear feet.
8. Docks
 - Construction, modification, and removal of debris boom, floating dock structure, gangways, landing structures, and riprap.
 - Total area not to exceed 2,000 square feet.
9. Environmental Restoration
 - Variety of restoration activities may occur.
 - Total area of work not to exceed 500 acres for non-channel restoration activities or 5,000 linear feet for channel restoration activities.
10. Erosion Control
 - Variety of erosion control activities.
 - Total area of work not to exceed 2,000 linear feet of bank.
 - Maintenance is required to preserve functionality.
11. Fences, Gates, and Signage
 - Installation, modification, and replacement of fences, gates, and signage.
 - Gates must be accessible to USACE, nonfederal sponsor, or the local maintaining agency and of sufficient size not to inhibit levee construction, inspection, high-water patrol and flood-fighting, or maintenance personnel, equipment, and vehicles.

12. Fiber Optic and Dry Utility Pipes

- Installation, modification, and replacement of dry utility pipes.
- Total area not to exceed 5 acres.
- Pipe location and orientation must be clearly marked.

13. Fish Screens

- Installation, modification, and replacement of fish screens on water intake pipes and associated facilities (maintenance structures, supports, and walkways).
- Total area not to exceed 5 acres.

14. Gravity Pipes

- Installation, modification, and replacement of gravity pipes and culverts.
- Total area not to exceed 5 acres.

15. Horizontal Directional Drilling

- Installation of pipes by horizontal directional drilling.
- Total area not to exceed 15 acres.
- Entry and exit points at no less than 300 feet from the landside levee toe.

16. Landside Pump Stations

- Installation, modification, and replacement of landside pump stations and associated facilities.
- Total area not to exceed 5 acres.

17. Pressurized Pipes

- Installation, modification, and replacement of pressurized pipes.
- Total area of work not to exceed 5 acres.

18. Research and Monitoring

- Installation, operation, and replacement of devices whose purpose is to measure and record data, including meteorological stations; seismic, sonar, and staff gauges; tide and current gauges; and water quality and chemical and biological observation devices.
- Once monitoring is complete, all measuring devices, associated structures, and equipment must be removed and the site restored to pre-alteration conditions.

19. Retaining Walls, Seawalls, and Other Wall Structures

- Construction, modification or repair, and replacement of retaining walls, seawalls, and other wall structures.

20. Seepage and Stability Berms

- Construction, modification, and replacement of seepage and stability berms within the easement of the floodway.
- Total area not to exceed 10 acres.

21. Stairs and Handrails

- Installation, modification, and replacement of stairs and handrails.

22. Swimming Pools

- Installation, modification, and replacement of swimming pools and associated support facilities.
- Total area not to exceed 1 acre.
- Geotechnical analysis required if located within 300 feet of the levee toe.

23. Trails, Roads, and Ramps

- Installation, modification, and replacement of access ramps, roads, trails, and associated lighting, signage, and so forth within the easement of the floodway.
- Total area of ramps not to exceed 5 acres and 5 miles in length for roads and trails.

24. Utility Poles

- Installation, modification, and replacement of utility poles and towers.
- Total area not to exceed 5 acres.

25. Water Supply Pump Stations

- Installation, modification, and replacement of water supply pump stations and associated facilities.
- Total area not to exceed 5 acres.

26. Wells

- Installation of wells and associated structures.
- Not to be located within 300 feet of the landside levee toe or 15 feet of the waterside levee toe.
- Any new surface area of a concrete pad not to exceed 200 square feet.

ENVIRONMENTAL IMPACTS OF PROPOSED ACTION: The South Pacific District will prepare a programmatic EA in compliance with NEPA. As implementation of the categorical permission would not involve any on-the-ground work, there are no anticipated direct effects on environmental resources. Although the categorical permission would be for a variety of alteration types that individually could result in effects on resources, it is important to note that the decision to be made on the categorical permission would not authorize any specific Section 408 requests. If the proposed categorical permission is approved, future Section 408 requests would be individually reviewed to determine if they fit under the categorical permission.

Under the proposed categorical permission, each individual Section 408 request would be evaluated on a case-by-case basis for compliance with all applicable environmental laws. Additionally, adequacy of the programmatic EA for the categorical permission would be verified for each request. If the existing NEPA documentation is not adequate, a separate NEPA analysis would be conducted. Section 408 requests for alterations that are not described in the categorical permission (see descriptions in Attachment 3) or that do not adhere to the standard mitigation measures would be evaluated using the current review process for an individual request as described in EC 1165-2-220.

Although the decision whether to implement the proposed categorical permission would not have direct effects on resources, the types of alterations described under the proposed categorical permission have the potential to affect several different resources. Resources that could potentially be affected by these types of alterations include aesthetics, air quality, cultural resources, fish and wildlife, floodplains, invasive species, noise, recreation, threatened and endangered species, transportation and traffic, vegetation, water quality, and wetlands. It is expected that the effects associated with the types of alterations covered by the categorical permission described in Attachment 3 would be minor or negligible. If a proposed alteration is determined to involve more than minor effects or would not meet the parameters identified in the project description, the categorical permission would not apply and a categorical exclusion, EA, or EIS would be prepared, as appropriate.

Under the proposed categorical permission, the district would continue to individually evaluate each Section 408 request for the potential to affect cultural resources and, when there is the potential for effects, consult with the appropriate State or Tribal Historic Preservation Officer and interested Native American tribes pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. § 306108 *et seq.*).

Under the proposed categorical permission, the districts within the South Pacific Division would continue to individually evaluate Section 408 requests for potential effects on threatened and endangered species (and their designated critical habitat) listed under the federal Endangered Species Act of 1973, as amended (ESA) (16 U.S.C. § 1531 *et seq.*) and, as appropriate, conduct consultation pursuant to Section 7 of the ESA with the U.S. Fish and Wildlife Service or the National Marine Fisheries Service (NMFS). The district also would continue to individually evaluate each Section 408 request for potential adverse effects on essential fish habitat. If adverse effects on essential fish habitat are anticipated, the district would consult with NMFS pursuant to the Magnuson- Stevens Fishery Conservation and Management Act of 1976, as amended (16 U.S.C. § 1801 *et seq.*).

Additionally, the district would continue to individually evaluate Section 408 requests for environmental compliance with the Clean Water Act, the Coastal Zone Management Act of 1972, the Marine Mammal Protection Act of 1972, the Migratory Bird Treaty Act of 1918, and other applicable environmental regulations.

PUBLIC INVOLVEMENT: The purpose of this notice is to solicit comments from federal, state, and local agencies and officials; the public; and other interested parties regarding the proposed Section 408 categorical permission. Sovereign Native American Tribes have been contacted separately. Comments received within 30 days of publication of this notice will be used in the evaluation of potential impacts of the proposed action on important resources.

SUBMITTING COMMENTS: Written comments, referring to “Section 408 Categorical Permission,” must be submitted by email or mail to the office listed below on or before October 4, 2024.

Brian Dela Barre, Section 408 Coordinator
U.S. Army Corps of Engineers, South Pacific Division
RE: Section 408 Regional Categorical Permission
450 Golden Gate Avenue
San Francisco, CA 94102

Email: SPD408@tetrattech.com

COMMENT RESPONSE MATRIX

Comment Type	Date Received	Affiliation Type	Affiliation Other Description	Topic	Other/Multi Topic Description	Comment	Response
List of Alterations	9/25/2024		Local government		Alteration-Bridges	A large quantity of District permits for utility crossings on bridges are found to be innocuous but have had to go through the lengthy 408 permission process in the past. The current 408 Categorical Permissions does not appear to have a distinct 408 permission for common bridge utility work. The District recommends that such categorical permission be included.	Each proposed alteration requested under the Categorical Permission will require individual review using the CP process. That requirement includes alterations for common bridge utility work described in the CP (e.g., fiber optic and dry utilities, gravity pipes, pressurized pipes, and utility poles).
List of Alterations	9/25/2024		Local government		Alteration-General	It is unclear if this 408 Categorical Permission will also be applicable to previous and current activity, activity that was done without permits, and in code violation cases; or if the categorical permissions only apply to new projects started at a specified adoption date.	The CP will apply to any alterations that meet the specified conditions, whether they exist or are proposed. The requester will need to prove to the district's satisfaction that an existing alteration meets those conditions. The district will need to weigh removing the existing alteration against permitting it as-is. In general, removal of an alteration or a code violation does not require a Section 408 permission; coordination with the NFS is required.
List of Alterations	9/25/2024		Local government		Alteration-Erosion Control	Erosion Control, Erosion and Sediment Control Plans, and Stormwater Pollution Prevention Plans are ubiquitous and the District typically requires erosion control for all categories listed in your proposal. For example, an Environmental Restoration project may be required to also have Erosion and Sediment Control Plans along its entire length. The District feels that Categorical Exception #10 - Erosion Control should have metrics consistent with item #9 Environmental Restoration, and the linear length be increased to 5000 feet as this would increase consistency within the proposed program.	SWPPPs and sediment control plans are temporary until ground cover is established at most projects and are/should be addressed within the individual alteration. For example, an SWPPP at a bridge is included within the bridge alteration and does not use the #10, Erosion Control, description. #9, Environmental Restoration, is a permanent action for protection of a USACE project that will remain in the ground long term because the alteration description cites the need for the alteration to withstand the stresses and velocities of the USACE project at the design flow.
List of Alterations	9/25/2024		Local government		Alteration-Multiple	The following Categorical Exceptions: #12 Fiber Optic and Dry Utility Pipes, #14 Gravity Pipes, #15 Horizontal Directional Drilling, #17 Pressurized Pipes, #20 Seepage, and Stability Berms, and #24 Utility Poles, do not currently have metrics for linear length. These types of activities are typically described and best represent by a linear length, and not by area alone. The District recommends that a linear metric be included for these types of activities.	Linear metrics are USACE project feature-dependent. The noted alterations are typically perpendicular to USACE project features and the floodways can have varying widths. The seepage and stability berms can vary in width, so the most consistent method to use to account for impacts would be calculating an area.

Comment Type	Date Received	Affiliation Type	Affiliation Other Description	Topic	Other/Multi Topic Description	Comment	Response
List of Alterations	9/26/2024	State government		Other	Notification	<p>There is no statutory requirement for an applicant or USACE to obtain input from DWR prior approving alterations to existing projects. However, DWR would like to be notified of alterations to projects either via public notice or email, particularly alterations bolded above, to provide opportunity for comments (3. Borrow areas (e.g. excavation activities not to exceed 5 acres or occur within 300 feet of toe); 6. Construction, fill, and modification of ditches and canals outside the levee embankment not to exceed 1,000 linear feet; 7. Construction, modification, and removal of debris boom, floating dock structure, gangways, landing structures, and riprap not to exceed a total area of 2,000 square-feet; 8. Environmental restoration activities not to exceed 500 acres for non-</p> <p>channel restoration activities or 5,000 linear feet for channel restoration activities; 9. Erosion control work not to exceed 2,000 linear feet of bank; 10. Installation, modification, and replacement of the following: d. gravity pipes and culverts not to exceed 5 acres; e. landside pump stations not to exceed 5 acres; k. water supply pump stations not to exceed 5 acres;13. Construction, modification or repair, and replacement of: a. retaining walls and other wall structures; b. seepage and stability berms within the easement of the floodway not to exceed 10 acres; 14.And the installation of wells and associated structures not to be located within 300 feet of a landside levee toe or 15 feet of a waterside levee toe). Such comments may point out a potential for the proposed activities to be subject to an order by DWR, activities that may conflict with water administration, a need to obtain DWR-issued permits, or other information relevant to the operation of the plan. Additional information about</p> <p>DWR's position on restoration/mitigation projects is available on the Pond Management & Restoration Projects page of our website.</p>	Standard conditions for all Section 408 permissions state: "This permission does not obviate the need to obtain other federal, state, or local authorizations required by law."

Comment Type	Date Received	Affiliation Type	Affiliation Other Description	Topic	Other/Multi Topic Description	Comment	Response
List of Alterations	9/26/2024	State government		Other	Notification	Lastly, applicants and project operations are encouraged to keep the local Division office and/or water commissioner up to date with project activities. Contact information for DWR offices are located on the Contact Us page of our website.	Acknowledged.
List of Alterations	10/2/2024	Nongovernment		General comment for (support for the Proposed Action)		This correspondence is in support of the proposed section 408 categorical permission (CP) in the Corps' South Pacific Division. Many projects - and their subordinate tasks - within the Corps' purview can be considered similar in nature and are defined in the Public Notice for the proposed categorical permission. Those projects that are similar in nature can be evaluated by engineering staff with a priority toward minimizing the impact on Corps' resources, while ensuring that the activity will not be injurious to the public interest and will not impair the usefulness of the project. We support the proposed categorical permission, and encourage Colonel Handura to authorize that CP. It will facilitate review of alterations to Corps' civil works projects while conserving the Corps' resources and allowing continued oversight of USACE civil works projects.	Acknowledged.
List of Alterations	10/3/2024	State government		Other	Permits	ADEQ has no concerns or comments relative to the Corps initiating 408 Categorical Permissions, however, any disturbances above the ordinary high water mark that incur 1 acre or more of earth disturbing activities, and have a discharge from the site to a Protected Surface Water, may require a Construction General Permit for stormwater discharges. Applicants should contact ADEQ via email at azpdes@azdeq.gov or call 602-771-1440 and leave a message on the AZPDES Hotline for additional information on all applicable permits.	Acknowledged. All applicable state and local permits and authorizations need to be obtained prior to starting work.

Comment Type	Date Received	Affiliation Type	Affiliation Other Description	Topic	Other/Multi Topic Description	Comment	Response
List of Alterations	10/4/2024	Local government		General comment for (support for the Proposed Action)		<p>The City of Phoenix (Phoenix) is in receipt of the Public Notice for Categorical Permission for Section 408 Requests in the South Pacific Division, dated September 4, 2024. We appreciate the opportunity to review the information in the public notice and provide comments. Phoenix engages with the U.S. Army Corps of Engineers (USACE) Los Angeles (LA) District within the South Pacific Division for 33 U.S.C. 408 (Section 408) permissions in two ways: • Phoenix is the local sponsor and Operations & Maintenance (O&M) Operator for two existing USACE Civil Works flood management and ecosystem restoration projects in the Salt and Gila rivers (Rio Salado Phoenix and Tres Rios), and we are the primary Section 408 permittee for projects in these areas. Phoenix is also the local sponsor for a third authorized Salt River ecosystem restoration project currently undergoing a General Re-evaluation Report (Rio Salado Oeste) which would be subject to Section 408</p> <p>permitting following construction. These projects are all river ecosystem restoration efforts that include low flow channel widening, invasive species removal, wetland construction, irrigation ponds, native plant re-establishment, trailheads, and trails. A section of the north bank at Tres Rios also has a constructed levee. • Phoenix is a third-party permittee under Section 408 for projects within USACE Civil Works project areas for which the Flood Control District of Maricopa County is the local sponsor and O&M Operator. Phoenix recognizes and appreciates the federal investment in these areas but agrees with the need to streamline the Section 408 permitting process, especially for projects with no potential to impact significant engineered structures like levees. After reviewing the Public Notice, Phoenix offers the following comments.</p>	Acknowledged.

Comment Type	Date Received	Affiliation Type	Affiliation Other Description	Topic	Other/Multi Topic Description	Comment	Response
List of Alterations	10/4/2024	Local government		Alteration-General		Provide Draft Categorical Permissions for Review: This public notice does not have sufficient detail to be able to review important details related to categorical permissions, such as the standard mitigation measures and best management practices that will be required and specific activities and associated limitations that may be permitted under each general category of activity listed in the Public Notice. The draft Categorical Permissions should be provided for specific public review and comment prior to being finalized and implemented.	The Draft Categorical Permission will be provided in the second public notice.
List of Alterations	10/4/2024	Local government		Other	Permits	Primary Permittee Designation: Under the current Section 408 permitting procedure, the LA District 408 office requires Phoenix to be the primary permittee for any third-party project that occurs within the Civil Works project areas for which we are the local O&M Operator. Phoenix requests that for categorical permissions, the third-party act as the primary permittee with a letter of approval/concurrence from the O&M Operator for the proposed action to be submitted with the categorical permission application. The third-party project owner would still need to acquire any access rights and enter into any needed long-term O&M agreement with the O&M Operator prior to construction occurring.	This CP does not restrict use by origin of requester; however, all alteration requests require a statement of no objection (SNO) from the nonfederal sponsor.
List of Alterations	10/4/2024	Local government		Alteration-General		Clarify Temporary and Permanent Ground Disturbance: Throughout the document, there are several references to "disturbed areas" related to returning areas to pre-construction conditions or to the allowed acreage of impacts. For example, on page 3 of the Public Notice, the 2nd paragraph under Proposed Categorical Permission, it reads, "...return disturbed areas to pre-project conditions" and on page 4 under #5 Bridges, it reads, "Total area of ground disturbance not to exceed 15 acres". It is critical to clarify in the actual categorical permissions when the intent is for temporary ground disturbance vs permanent ground disturbance. It would not make any sense, for example, to return an area to pre-project conditions when the intent of the project is to make a permanent alteration. Returning to pre-project conditions should be clarified to temporary ground disturbance. On the other hand, total area of ground disturbance for bridges should be no more than 15 acres	Context should be sufficient to determine whether the reference is to temporary ground disturbance. Any uncertainty can be resolved in discussions between USACE and the NFS.

Comment Type	Date Received	Affiliation Type		Affiliation Other Description	Topic	Other/Multi Topic Description	Comment	Response
							of permanent ground disturbance since any temporary ground disturbance would be returned to pre-project conditions through the standard mitigation measures.	
List of Alterations	10/4/2024	Local government			Alteration-General		Clarify use of terms Embankment and Toe: Throughout the public notice the terms, “embankment” and “toe” are used multiple times without specific reference to a levee. Reading between the lines, it appears the intent is for these to apply specifically to levee embankments and toes, but that needs to be clarified for permittee certainty. It is also sometimes unclear when water-side levee toe, land-side levee toe or both is intended. Both “embankment” and “toe” can be applied generically to non-levee embankment and toes of slope so when they are intended specifically to reference levees, that needs to be made clear in the categorical permission.	"Embankment" is used to capture both dams and levees. "Toe" is specific to the location on the embankment.
List of Alterations	10/4/2024	Local government			Alteration-General		Avoid Unintended Consequences of Specific Location Language: There are several instances in the activity categories where use of specific location language would exclude much of the Phoenix ecosystem restoration areas from being permitted under these categorical permissions. This appears to be unintentional but would severely restrict the applicability of the categorical permission. For example, activity category #23 “Trails, Roads, and Ramps” specifically references that the permission would apply “within the easement of the floodway”. Because that is the only location referenced, this categorical permission could not be used for any trails, roads, or ramps outside the floodway, on the banks or terraces of the river, etc. It would be impossible to list all potential locations where roads and trails would be allowed across all the types of Civil Works project areas. Instead, Phoenix recommends only using specific location language to exclude an area	Alterations proposed within the real property identified and acquired for the USACE project may be reviewed for eligibility under the RCP. Refer to the jurisdictional area of the federal project.
							from consideration under a categorical permission. This will avoid unintentional restrictions on the use of the categorical permission with no benefit to the project, the USACE, or the local O&M Operator. An example of the use of location language to exclude from categorical permission can be found in #7 “Ditches and Canals”, which reads, “Must be located outside the levee embankment.” That is a more effective use of specific location language.	

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List of Alterations	10/4/2024	Local government		Alteration-General		<p>Non-Notifying Permission Option: Some activities, particularly those with negligible general impacts and no impacts to significant engineered features like levees, would seem to have the potential to be permitted using a non-notifying categorical permission. The USACE Clean Water Act Section 404 regulatory program provides an excellent example of how such permissions could be established with appropriate limitations for USACE notification and approval. For example, development of a native material walking trail on a desert river terrace that involves minimal grading would have such a negligible potential for impact on the Civil Works project that a non-notifying option makes sense. There are multiple other examples of small-scale projects within various activity categories that would make sense for a non-notifying permit option. Phoenix advocates for the inclusion of non-notifying permission options. For any such permissions, Phoenix requests</p> <p>that a standard condition be included stating the need for a third-party permittee to get necessary approvals and permissions from the local O&M Operator.</p>	We do not have that delegated authority.
List of Alterations	10/4/2024	Local government		General comment for (support for the Proposed Action)		<p>The comments Phoenix is making in this letter are to provide initial feedback based on the limited information in the Public Notice. Phoenix generally concurs with the activity categories included, although more specific information is needed for each to provide more robust comments. Phoenix looks forward to providing such comments upon release of the draft categorical permissions for public comment. We are also happy to be engaged in stakeholder working groups or technical review teams to assist the USACE in developing these categorical permissions in a manner that will be effective for the USACE and the local O&M Operator.</p>	Acknowledged.

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List of Alterations	10/3/2024	Nongovernment	NA	General comment for (support for the Proposed Action)		<p>Many NAFSMA members are currently working with the Corps on studies or construction of flood control or environmental restoration projects, or alternatively, are responsible for operating and maintaining Corps-partnered projects in SPD. It is important to note that once a federally partnered project is turned over to the non-federal sponsor, only the sponsor can apply for a 408 permit on these projects. As a result, the process authorized under Section 14 of the Rivers and Harbors Act of 1899, as amended, codified in 33 U.S.C. Sec. 408 is critically important to NAFSMA members. The Corps review process for 408 permissions has become increasingly difficult, time consuming and costly for local sponsors. In recent years sponsors have been asked by USACE to contribute to the processing of these permissions through their existing Section 214 agreements. These agreements were originally set up to reduce the time needed to process Section 404 permits</p> <p>and have been expanded in recent years to include 408 permission reviews. With this level of local investment in the program, there is naturally a strong interest in the Section 408 process.</p>	<p>Acknowledged.</p> <p>Anyone can apply for a 408. However, 408 approval requires a letter of no objection from the Non-federal Sponsor.</p> <p>In 2023, the Corps published four process guides to assist external stakeholders with Section 408 requests. In addition to the guides, the Corps has held Webinars for external stakeholders to assist the Section 408 process.</p> <p>Funding for the Section 408 Program has been reduced over the years which result in delays. In order to avoid these delays, a requester may opt to enter into a Section 408 funding agreement with the Corps of Engineers.</p>
List of Alterations	10/3/2024	Nongovernment	NA	General comment for (support for the Proposed Action)		<p>The delegation of final decision-making for most Section 408 permissions to Corps Districts and Divisions since 2017 has not been as successful as anticipated as a tool to reduce delays in 408 reviews and decisions. NAFSMA is pleased, however, to see the recent outreach and initiatives put forward from USACE headquarters to address sponsor concerns with the Section 408 process. Steps taken to issue process guides for the program, pre-application meetings and a standard permission application template should help achieve positive changes with the program could provide more empowerment as the District and Division levels. The selection of SPD for the development of the Categorical Permission (CP) for Section 408 was especially well received by NAFSMA members.</p>	<p>Acknowledged</p>

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List of Alterations	10/3/2024	Nongovernment	NA	Alteration-General		NAFSMA very much appreciates the opportunity to comment on the proposed CP for SPD and has reached out to its members in the Division for input on the following comments. The association understands that some of the listed alterations covered in this CP may need to be different in other USACE Divisions. Alternation activities identified under the CP need to reflect standards and thresholds appropriate to the region.	Acknowledged. The alteration activities meet the standards and thresholds appropriate to SPD.
List of Alterations	10/3/2024	Nongovernment	NA	Alternation-Process		The difference between the current process for review of a Section 408 permission request and the new process that applies when using a CP needs to be more clearly explained. NAFSMA urges USACE to provide an opportunity for public agencies to provide input on the review process itself. The public notice does not provide a clear picture of how the categorical permissions will improve the process. An explanation of when a 408 permission is not required for O&M activities to meet performance standards outlined in an O&M manual is needed.	If the activity is an O&M action, as defined by the O&M manual, then Section 408 permission is not required. We can clearly state that, but the CP should not define this situation anymore because these actions do not require Section 408.
List of Alterations	10/3/2024	Nongovernment	NA	Alternation-Process		Also unclear in the public notice is who makes the determination that a proposed alteration meets one of the listed categorical permissions, now how this determination is made. This needs to be clarified as the categorical permissions are further developed for SPD.	The district makes this determination based upon information in the request. The more clear the request is that the conditions of the CP have been met, the quicker that determination can be made. This decision could be made at any point along the way throughout the review process. The sooner, the better, but there is no requirement to decide this at a specific time.
List of Alterations	10/3/2024	Nongovernment	NA	Alternation-Process		It would be helpful if the role of the non-federal sponsor in the 408 process, and in the application of the CP, was clearly outlined. Although local sponsors are referenced under individual categorical permissions such as Building and Other Structures and Fences, Gages, and Signage, clarifying the process could help to improve the process.	Acknowledged. Roles and responsibilities are listed in the EC 1165-2-220. The Regional CP is not the document where this should be listed. Additionally, the Section 408 Process is included in the EC 1165-2-220.
List of Alterations	10/3/2024	Nongovernment	NA	Alternation-Process		It should be clearly stated under the introduction to the CP, that a local sponsor needs to be notified and must sign off with a letter of no objection on a 408 application from a private developer or other entity. NAFSMA requests that under listed alteration six. Building and Other Structures – the last bullet should be deleted indicating that a nonfederal sponsor must be notified of removal plans for any building or structure. Calling out this alteration makes it seem that such notification is not required under the other listed alterations.	A statement of no objection is required regardless of CP or not. Statements of no objection apply to every single Section 408 request to include any/all alteration types. The purpose of the Regional CP is not to repeat the Section 408 processes already defined and described in the EC 1165-2-220.

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List of Alterations	10/3/2024	Nongovernment	NA	Fish and wildlife resources		District consultation with other federal resource agencies including the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (NMFS) on the federal Endangered Species Act (ESA) requirements and with the appropriate State or Tribal Historic Preservation Officer on Section 106 Historic Preservation requirements needs to come at the beginning of the 408 process. It would be most helpful if the Categorical Permission document calls for this upfront action by USACE Districts and Divisions. Too often this consultation comes at the end of the 408 process and results in slowdowns on critical projects.	This should occur as soon as the district is comfortable that the project description is not going to change. This comment is not specific to a CP and is more Section 408 program related.
List of Alterations	10/3/2024	Nongovernment	NA	Alternation-Process		The public notice document states that applicants must “return disturbed areas to pre-project conditions.” NAFSMA asks that this be clarified. For example, if a sponsor mows around a basin, are they required to replant the area, or is acceptable to allow vegetation to grow back naturally?	Mowing (the given example) sounds like an O&M action. O&M actions do not require Section 408 permission. Alterations that disturb the ground should return the disturbed ground to the pre-project condition.
List of Alterations	10/3/2024	Nongovernment	NA	Alteration-General		Also called for in the public notice is the incorporation of standard mitigation practices, Best Management Practices (BMPs), and the minimization of disturbance and impacts. As the development of the CP moves forward, clarification of how much, and what, information is required needs to be provided to meet these requirements.	As required to comply with local rules, laws, and regulations. We should not specify as we may conflict with local rules on BMPs. CP language is written to be flexible to comply with all the various BMP requirements within the region.
List of Alterations	10/3/2024	Nongovernment	NA	Alternation-Process		A review of USACE standards is recommended so that the continued use of existing standards could be a checklist for approval. This list of approved standards would help expedite and reduce the cost of the review and approval process.	The CP is calling out the standards for the most typical alteration types. Following the CP alterations will expedite and reduce the cost of review and approval. Districts will provide guidance and or checklists.
List of Alterations	10/3/2024	Nongovernment	NA	Alternation-Process		NAFSMA has questions about when and how nonfederal sponsors will be engaged further in the process of development of the categorical permission for SPD.	The draft CP will be released to the public for comment. The Public Notice will be placed on district and division webpages, along with emails to many agencies and individuals.
List of Alterations	10/3/2024	Nongovernment	NA	Alteration-General		Proposed Activities to be Added Under SPD Categorical Permission: The installation and maintenance of raptor perches and owl boxes needs to be added to eligible alternations under the categorical permission. They could be added under the utility pole related activities or after the fish screen section, as both are related to habitat and maintenance issues.	This activity is included as #6, Buildings and Other Structures.

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List of Alterations	10/3/2024	Nongovernment	NA	Alteration-General		Proposed Activities to be Added Under SPD Categorical Permission: Pipeline Crossings – The CP needs to include work (around, through and under) levees, floodwalls, flood risk reduction channels and navigation channels. This should include horizontal directional drills, jack, and bore, open cuts, ramp overs, and floodwall penetrations.	These are alterations: #12, Fiber Optics/Dry Utilities; #14, Gravity Pipes; #15, HDD; #17, Pressurized Pipelines. No change to the document is needed.
List of Alterations	10/3/2024	Nongovernment	NA	Alteration-General		Proposed Activities to be Added Under SPD Categorical Permission: Riprap and Grouted Stone in Channels and Around Structures	This is alteration #10, Erosion Control. No change to the document is needed.
List of Alterations	10/3/2024	Nongovernment	NA	Alteration-General		Proposed Activities to be Added Under SPD Categorical Permission: Diversion Structures for Water Quality or Water Supply Projects	These are #6, Buildings and Other Structures. Could also be under gravity pipes, pressurized pipes, or pumps. No change to the document is needed.
List of Alterations	10/3/2024	Nongovernment	NA	Alteration-General		Proposed Activities to be Added Under SPD Categorical Permission: New Alteration Type for Gates, Valves and Appurtenances (applicable only when the extent of the work falls outside of normal O&M activities.	These are covered in #12, Fiber Optics/Dry Utilities; #14, Gravity Pipes; #15, HDD; #17, Pressurized Pipelines, depending on the type of pipeline. No change to the document is needed.
List of Alterations	10/3/2024	Nongovernment	NA	Alteration-General		Proposed Edits to Listed Alterations Included Under Proposed Categorical Permission for SPD (Adds are Bold and Italicized) 1. Agricultural, Landscaping <i>and Site Grading</i> 2. Beach Nourishment 3. <i>Soil Investigations</i> , Borings, Explorations, and Instrumentation - <i>Will there be a depth limitation for boring/monitoring wells? - Include cone penetration tests, piezometers, and inclinometers. - Include lined channels as one of the locations where categorical permission applies.</i> 4. Borrow Areas - <i>Include excavation activities adjacent to, or within, a predefined distance of lined channels.</i> 5. Bridges - <i>Include bridge widening and pier nose extensions. - Include bicycle and equestrian bridges.</i> 6. Buildings and Other Structures - <i>Delete Notification of Nonfederal sponsor as they should be</i>	1. Included within #1, Agriculture and Landscaping. 3. All included in #3, Borings, Explorations, and Instrumentation. 4. Current language says: Borrow areas should be located far enough from the channel to prevent migration of water into the borrow area. 5. Included in #5, Bridges. 6. This is included in #5, Bridges 7. This is included in #14, Gravity Pipes. 9. This is included in #9, Environmental Restoration. 10. Included in #10, Erosion Control. 12. Many in this list are not dry utilities. The wet utilities will be included in #14, Gravity Pipes, or #17, Pressurized Pipes. 17. Included in #17, Pressurized Pipes. 18. No limit. Included in #18, Research and Monitoring. 19. Seems like this would be #10, Erosion Control. 20. This would be in #10, Erosion Control. 23. Included in #23, Trails, Roads, and Ramps. Signs and light poles are in #6, Buildings and Other Structures. 24. Underground line work would be in #12, Fiber Optic and Dry Utility Pipes. This is referencing maintenance of a permitted alteration. 26. Water supply is included in #26, Wells, and monitoring is in #3, Borings, Exploration, and Instrumentation. Included in #26 is a general description so the kind of well does not matter.

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						notified of, and need to provide letter of approval, for all proposed alternation activity requesting 408 permission. - Include bridge activities adjacent to, or within, lined channels. 7. Ditches, Canals, Drainage Pipes and Draining Connection/Tie-Ins 8. Docks 9. Environmental and Floodway Restoration 10. Erosion Control - Include erosion control features and repairs. 11. Fences, Gates, and Signage - Include bollards, poles, posts, and station markers that individually require less than 1 square foot of surface disturbance. 12. Fiber Optic and Dry Utility Pipes - Include fiber optic cable, potable, recycled water, stormwater/drainage, sanitary sewer, brine line, natural gas, cable, and electrical. - Conduit installations for gas, sewer, electrical and minor excavation should be checklist approval. 13. Fish Screens 14. Gravity Pipes 15. Horizontal Directional Drilling 16. Landslide Pump Stations 17. Pressurized Pipes - Include natural gas pipes.	
						18. Research and Monitoring - Will there be limitations as to how much area is covered? - Include wet weather/water quality monitoring samplers/stations? - Include data logger installations, including flow meters, water quality samplers, temperature gages. 19. Retaining Walls, Seawalls, and Other Wall Structures - Include lined channel walls and inverts. 20. Seepage, Stability Berms, and Bank Stabilization 21. Stairs and Handrails 22. Swimming Pools 23. Trails, Roads, and Ramps - Include bike, jogging and walking trails. - Include signage, lighting, and other similar operational, recreational, and decorative features. - Include levee ramps, maintenance roads and crossings. 24. Utility Poles and Line Work - Include utility line work both underground and above ground. - Include associate structures and support poles. - If you use the same hole then this should be a checklist approval. 25. Water Supply Pump Stations 26. Wells - Include water supply, monitoring, and cathodic wells.	

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List of Alterations	10/4/2024		State government		General comment for (support for the Proposed Action)	Thank you for the opportunity to provide comments on the proposed Categorical Permission (CP) for Section 408 Requests regulated by districts within the U.S. Army Corps of Engineers (USACE) South Pacific Division. The State of California Central Valley Flood Protection Board (Board) is the State nonfederal sponsor responsible for operating and maintaining State Plan of Flood Control projects within California's Central Valley that have been federally authorized by the United States Congress. Board staff has reviewed the public notice Comment Letter on Categorical Permission for Section 408 Requests U.S. Army Corps of Engineers, South Pacific Division provided by the Department of the Army. We understand the proposed categorical permissions are intended to expedite review of minor alterations to USACE projects. We support efforts by the South Pacific Division to simplify and shorten time periods to review these minor alterations that have negligible effects.	Acknowledged.
List of Alterations	10/4/2024		State government		General comment for (support for the Proposed Action)	The proposed categorical exemptions are a good start, but we believe that there are additional minor alterations that should be included, and that some of the proposed categories could be made broader or require clarification. We offer the following comments for your consideration in finalizing the Categorical Permissions for the South Pacific Division:	Acknowledged.
List of Alterations	10/4/2024		State government		Alteration-Ag & Landscaping	Agriculture and Landscaping a. Landscaping – Please define what is included in landscaping. For instance, are irrigation lines included within the category of landscaping activities?	The alteration description will have the definition clarified; irrigation lines are pressurized pipes.
List of Alterations	10/4/2024		State government		Alteration-Ditches and Canals	Ditches and Canals a. The total length of ditches and canals is not to exceed 1,000 linear feet. Please elaborate on the engineering rationale for this limitation.	The rationale is based on previously issued letters of permission.
List of Alterations	10/4/2024		State government		Alteration-Docks	Docks a. Please add "replacement" after "modification".	The alteration description has been updated.

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List of Alterations	10/4/2024	State government		Alteration-HDD		Horizontal Directional Drilling a. Please check the 300-foot requirement and modify as needed for cases where a seepage/stability berm exist adjacent to the levee. Recommend distances less than 300-feet with adequate seepage/stability analyses.	No change made. Under 300-foot requirement was reviewed under standard analysis, not the CP.
List of Alterations	10/4/2024	State government		Alteration-Buildings and Other Structures		Swimming Pools a. Please add the bold text in the following sentence “Entry and exit points at no less than 300 feet from the landside levee toe or seepage/stability berm toe ”.	Change text to "300 feet from the landside embankment toe or berm toe, if appropriate."
List of Alterations	10/4/2024	State government		Alteration-Utility Poles		Utility Poles a. Utility poles are typically installed along the levee alignment. How is the 5 acre limitation calculated?	Question noted. Clarifying language was added to the alteration description.
List of Alterations	10/4/2024	State government		Alteration-Water Supply Pump Stations		Water Supply Pump Stations a. Recommend modifying this permission to “Water Side Pump Stations” for broader alignment with condition 16.	Change to "Water Side Pump Stations" as suggested.
List of Alterations	10/4/2024	State government		Alteration-Wells		Wells a. Recommend shorter distances than 300-feet from landside toe where seepage/stability berms exist, or levee cutoff walls have been installed. Proper seepage analysis should be provided to justify shorter than 300-foot distances.	No change made. Under 300 feet reviewed under standard analysis, not the CP.
List of Alterations	10/4/2024	State government		Alteration-General		Furthermore, it would be helpful if South Pacific Division more clearly explained the difference between the current process for review of a Section 408 permission request and the new process that applies when using a categorical permission. The public notice does not provide a clear picture of how the categorical permissions will improve the process. An explanation of when a 408 permission is not required for O&M activities to meet performance standards outlined in an O&M manual is needed.	Noted. Adjust the RCP introduction to clarify the purpose/benefit of the RCP.
List of Alterations	10/4/2024	State government		Other		Lastly, in the first paragraph of the last page, an attachment was referenced but not attached. Please provide that attachment. Also, we note that some categorical permissions are already used by the USACE Sacramento District. It would be a useful to clarify whether the South Pacific Division's categorical permissions replace those currently used by the Sacramento District. Thank you again for the opportunity to provide comments on this document.	Acknowledged.

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List of Alterations	10/4/2024		Local government		Alteration-General	The Flood Control District of Maricopa County (FCDMC) appreciates the opportunity to provide input to the proposed Section 408 Regional Categorical Permission and highly support such efforts. As such FCDMC would like to provide a list of the following feedback: Some portions of the proposal indicate "levee", some reference "levee toe", and other reference "toe". Do we assume that "toe" is a levee toe? The question is raised since FCDMC also manages Section 408 dams and dikes which have toes.	No change. "Toe" may refer to any berm/structure. Clarification added in CP where necessary.
List of Alterations	10/4/2024		Local government		Alteration-General	Also, if there is a categorical limitation related to a "levee" or "toe", if the Section 408 Structure has neither, would that limitation be ignored? For example the statement, "total area of work not to exceed 5 acres or occur within 300 feet of toe", would there be no limitation to the borrow area work if the adjacent Section 408 Structure was a lined channel?	The same limitation on the no levee condition will remain so that excessive loading on channel lining is evaluated.
List of Alterations	10/4/2024		Local government		Alteration-General	The categorical permissions seem to be focused on levees or there is much more flexibility for other types of structures. Is this an oversight, or do we need to think about Section 408 channels, storm drains, dams, dikes, inundation areas, basins, and similar structures? Are there limits around those structures?	The SPD RCP applies to all federally authorized civil works projects. The SPD RCP is grouping actions more broadly and does not exclude any action that requires a Section 408 review.
List of Alterations	10/4/2024		Local government		Alteration-General	Consider not tying the proximity to the levee toe at the 300-foot minimum distance as this would negate it's benefit in most situations as the Project Right-of-Way typically does not extend that far. If a height/distance relationship was looked at that was palatable like a 5 to 1 or a 10 to 1, maybe it would work better. For example, a 1-foot-tall levee with a 10-foot setback is likely ok from a structural consideration.	Acknowledged. Will consider.
List of Alterations	10/4/2024		Local government		Cultural resources	Consider specifically calling out that cultural resources would be assumed to not be impacted under the placement of fill and the non-disturbance of native soils. Also permitting the allowance for minimal scarification and recompaction exemptions of 6 to 12 inches in depth.	We cannot assume that fill has no effect; not all resources are prehistoric or buried. The district lacks the legal authority to institute scarification/recompaction exemptions.
List of Alterations	10/4/2024		Local government		Fish and wildlife resources	Consider exclusions to critical habitat reviews in urbanized, already disturbed areas.	No exclusions for critical habitat.

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List of Alterations	10/4/2024		Local government		Alteration-General	Consider the placement of fill at elevations above the project design flow line qualify for categorical permission, for example fringe areas and banks of channels.	Acknowledged.
List of Alterations	10/4/2024		Local government		Alteration-General	Deminimus placement of fill for landscape or park furniture foundation purposes or for the placement of concrete foundations for fencing falls under a categorical permission. For example, a cubic yard of fill placed in a detention large basin, for things like landscaping, should be able to be reviewed under a categorical permission without triggering a cultural or environmental review.	Environmental/cultural review required. No change.
List of Alterations	10/4/2024		Local government		Alteration-General	With the listed 26+ different categories, we would ask that a single project that involved items from multiple categories could still qualify for a categorical permission.	This language currently is part of the 60%.
List of Alterations	10/4/2024		Local government		Alteration-Buildings and Other Structures	On the buildings and Other Structures Category, include callout additional items such as press boxes, bike racks, EV charging stations, bathrooms, and ramadas as being categorically included.	"Structures" left general and may include these. No change.
List of Alterations	10/4/2024		Local government		Alteration-General	Include categories that allow for some minor modifications to address vector issues, nuisance water (tailwater), and improved safety access for maintenance for flood fight or ease of post-storm clean-up.	Appears to be O&M. No change.
List of Alterations	10/4/2024		Local government		Alteration-General	Consider categorical permissions that allow for work around Section 408 Structures within paved, concrete, road rights-of-way, or already heavily developed areas.	Acknowledged.
List of Alterations	10/4/2024		Local government		Alteration-General	Expand the location that geotechnical work can be performed. It suggested it is currently limited to floodway, embankment, and toe. Many, if not most, of our structures fall outside those limits.	Comment not clear. Geotechnical borings applicable anywhere within the jurisdictional area of the federal project.
List of Alterations	10/4/2024		Local government		Alteration-General	Do we need a categorical permission to allow special events, temporary access, surveys, testing, and additional non-impacting activities within channels, basins, or other Section 408 Right-of-Ways as the process suggests?	No change. The district will determine the need for Section 408 permission.

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List of Alterations	10/4/2024	Local government		Alteration-General		In general, this appears to be really focused on levees or water-side locations. Maricopa County does have levees, but that is only a portion of Section 408 Structure that we maintain and need to permit around. We appreciate the efforts towards seeking a more efficient process. The timeframes between our two agencies can be a major factor in the success of projects and shared use around our facilities.	Acknowledged.
List of Alterations	10/4/2024	Local government	Stormwater Department	Other		Would the categorical permissions proposed herein supersede the existing categorical permissions for the Sacramento District?	It will be applied division-wide.
List of Alterations	10/4/2024	Local government	Stormwater Department	Other		What disqualifying circumstances would apply to this set of categorical permissions? How would the disqualifying circumstances for the South Pacific Division vary from the existing disqualifying circumstances for the Sacramento District Categorical Permissions?	Disqualifying circumstances are outlined in the RCP.
List of Alterations	10/4/2024	Local government	Stormwater Department	Other		Provide more detail to clarify when and whether a project could qualify for the categorical permission (similar to the NWP terms and conditions). This would allow projects to be planned/designed accordingly.	Acknowledged. Additional detail now in RCP.
List of Alterations	10/4/2024	Local government	Stormwater Department	Other		Define the terms and conditions for categorical permission use – describe the covered activities, any limitations, thresholds, planting limitations, excavation depths, etc. Confirm when certain types of equipment would be allowed; that planting can or cannot occur on a levee; and, whether there would be limitations on the type of vegetation to be planted (e.g., woody, herbaceous), etc.	Acknowledged. Additional detail now in RCP.
List of Alterations	10/4/2024	Local government	Stormwater Department	Other		Request the categorical permission process clearly list the information needed for an application and whether there are specific analyses that need to be submitted with the request for categorical approval. For example, would an applicant need to provide a design, pre-project, and post-project hydrology/hydraulic analysis to demonstrate compliance?	Requests are varied and evaluated individually. There is no set list of analyses that would lead a 408 permission to qualify for an RCP. If a 408 permission is determined to qualify under the RCP, SPD would issue additional guidance to clarify/facilitate implementation (e.g., checklist).

Comment Type	Date Received	Affiliation Type	Affiliation Other Description	Topic	Other/Multi Topic Description	Comment	Response
List of Alterations	10/4/2024	Local government	Stormwater Department	Other		<u>USACE South Pacific Division proposes to reduce Section 408 request review times by simplifying engineering and environmental analysis for specific categories of minor alterations within the division's boundaries (Figure 1), excluding consultation required under Section 106 of the National Historical Preservation Act. (Page 2):</u> Would the reduction in time include a set time frame (i.e. 90-days) so that there could be some expectation of timing for planning and scoping purposes? Clearly define review timelines with the categorical review process. How much certainty will the applicant get regarding timing for authorization?	Required timelines are specified in EC-1165-2-220.
List of Alterations	10/4/2024	Local government	Stormwater Department	Other		<u>For the categorical permission to apply, a Section 408 request must incorporate standard mitigation measures and best management practices into the project plan. (Page 3):</u> Is there a reference or list (as an example) for what would be considered "standard mitigation measures"?	Acknowledged. BMPs/mitigation measures will be included with final RCP.
List of Alterations	10/4/2024	Local government	Stormwater Department	Alteration-Ag & Landscaping		AGRICULTURE AND LANDSCAPE (PAGE 3) <u>Total area of work not to exceed 350 acres for agricultural activities and 5 acres for landscape activities.</u> Does this line mean - 350 acres... and 5 acres... within the Flood Control ROW/408 Jurisdiction, or do those totals refer to the entire acreage of a proposed project (regardless of the acreage in or out of the Flood Control ROW/408 Jurisdiction)?	Actions calculated within the jurisdictional area only.
List of Alterations	10/4/2024	Local government	Stormwater Department	Alteration-Beach Nourishment		BEACH NOURISHMENT (PAGE 3) <u>General comment:</u> What types of activities would be considered Beach Nourishment, and how would those activities differ from Environmental Restoration activities?	Final RCP will provide additional detail on types of activities.
List of Alterations	10/4/2024	Local government	Stormwater Department	Alteration-Boring, Explore, & Instrumentation		BORINGS, EXPLORATIONS, AND INSTRUMENTATION (PAGE 3) <u>Variety of geotechnical boring or exploratory activities and instrumentation may be used in the floodway, on the embankment, and adjacent to the toe.</u> Does this mean the toe can be touched, or does this mean within a defined distance near the toe (not actually touching the toe)? Please confirm because per item #4 below (Borrow Areas), it notes that the toe cannot be touched.	No limits within the jurisdictional area. Additional information may be required.

Comment Type	Date Received	Affiliation Type	Affiliation Other Description	Topic	Other/Multi Topic Description	Comment	Response
List of Alterations	10/4/2024	Local government	Stormwater Department	Alteration-Env Restoration		<p>ENVIRONMENTAL RESTORATION (PAGE 4)</p> <p><u>Total area of work not to exceed 500 acres for non-channel restoration activities or 5,000 linear feet for channel restoration activities.</u> Does this mean that there are no acreage/lateral limits on in-channel environmental restoration activities?</p> <p><u>General comments:</u> What types of projects would fall under this category?</p> <p>Does environmental restoration include sediment removal to restore a facility to as-built conditions? Does it include addition of large woody debris or rock to stabilize or create other types of resources?</p> <p>Confirm environmental restoration activities include restoration activities implemented as part of compensatory mitigation projects.</p> <p>Are long-term maintenance and management activities associated with the covered environmental restoration activities also programmatically covered?</p>	No acreage limit in channel. Projects falling under this RCP will be determined by district staff on a case-by-case basis.
List of Alterations	10/4/2024	Local government	Stormwater Department	Alteration-Erosion Control		<p>EROSION CONTROL (PAGE 4)</p> <p><u>Total area of work not to exceed 2,000 linear feet of bank.</u> Does this mean that there are no acreage and lateral limits for Erosion Control?</p>	Lateral limits would be 2,000 linear feet.
List of Alterations	10/4/2024	Local government	Stormwater Department	Alteration-Gravity Pipes		<p>GRAVITY PIPES (PAGE 5)</p> <p><u>Total area not to exceed 5 acres.</u> A network of gravity pipes within the Flood Control ROW could span several hundred/thousand linear feet. Would a conversion be needed or does this item intend to have no linear limit?</p>	Gravity pipes must be perpendicular to the levee system. Parallel lines are not allowed.
List of Alterations	10/4/2024	Local government	Stormwater Department	Alteration-Research and Monitoring		<p>RESEARCH AND MONITORING (PAGE 5)</p> <p><u>General comment.</u> Although these efforts would be considered small footprint / no-impact items, would there be a limit to the number of installations or the total lateral/linear footage?</p>	There are no limits.
List of Alterations	10/4/2024	Local government	Stormwater Department	Alteration-Retaining walls, sea walls, and other walls		<p>RETAINING WALLS, SEAWALLS, AND OTHER WALL STRUCTURES (PAGE 5)</p> <p><u>General comment.</u> Would there be any acreage/lateral/linear limits on this effort?</p>	There are no limits.
List of Alterations	10/4/2024	Local government	Stormwater Department	Alteration-Stairs and Handrails		<p>STAIRS AND HANDRAILS (PAGE 6)</p> <p><u>General comment.</u> Would there be any linear limits on this effort?</p>	There are no linear limits. Actions are perpendicular to the levee. The width of a typical set of stairs would be the linear limit.
List of Alterations	10/4/2024	Local government	Stormwater Department	Alteration-Trails, Roads, and Ramps		<p>TRAILS, ROADS, AND RAMPS (PAGE 6)</p> <p><u>General comment.</u> Would this also include the general paving of areas on the land side within the Flood Control ROW?</p>	Paving for the purpose of constructing a trail, road, or ramp.

Comment Type	Date Received	Affiliation Type	Affiliation Other Description	Topic	Other/Multi Topic Description	Comment	Response
List of Alterations	10/4/2024	Local government	Stormwater Department	Alteration-Water Supply Pump Stations		WATER SUPPLY PUMP STATIONS (PAGE 6) <u>General comment.</u> Does this item include stormwater pump stations as well?	Refer to alteration description for #16, Landside Pump Stations.
List of Alterations	10/4/2024	Nongovernment	Southern California - Orange, San Bernadino, Santa Barbara, and Ventura Counties	Alteration-General		We look forward to discussing our comments at our November 7, 2025, meeting with the LA District. Attached letter from NAFSMA. See NAFSMA comment/response.	Acknowledged.
List of Alterations	10/4/2024	Nongovernment	California Central Valley Flood Control Association	Alternation-General		The Association is concerned with the length of time it takes to complete the Section 408 review process and appreciates the South Pacific Division's proposed Categorical Permission for certain Section 408 requests as the Section 408 review process in order to streamline what has become a time consuming and costly process for local project proponents. This letter serves as a summary of the comments and feedback based on our collective experience with the Section 408 Program through the Sacramento District (SPK).	Acknowledged
List of Alterations	10/4/2024	Nongovernment	California Central Valley Flood Control Association	Cultural resources		Section 106 - While Categorical Permission may streamline reviews for certain requests, it does not address the timing and process for Section 106 consultation. While Section 106 consultation typically takes at least 3 months to complete, District staff often take several months to even initiate the process, further delaying Section 408 reviews. Further, District staff treat each application as if it is the first time they have engaged tribes in a project area when in many cases, consultation on previous efforts along the same levee segment have already been performed, and the Tribe(s) have already established that they want to be the main POC. Instead of recognizing that relationship, District staff start over again. The Tribes have asked for a better partnership with USACE.	The district must comply with the Section 106 process and consult on the undertaking from the Section 408 request.
List of Alterations	10/4/2024	Nongovernment	California Central Valley Flood Control Association	Cultural resources		There are a few items that could be considered to streamline Section 106 consultations: i. Consider that California has AB52 consultations with the Tribes and allow Section 106 to utilize these consultations that are typically already completed in the Section 106 reviews. Rather than initiating completely new consultation, Districts can provide or reference any consultations that have previously been completed, either through AB52 and/or previous Section 106 consultations, to allow the Tribes the ability to determine if any additional reviews are required or if the previous consultations adequately address their concerns.	The district must comply with the Section 106 process.

Comment Type	Date Received	Affiliation Type	Affiliation Other Description	Topic	Other/Multi Topic Description	Comment	Response
List of Alterations	10/4/2024	Nongovernment	California Central Valley Flood Control Association	Cultural resources		The Division Commander should establish a more active working relationship with CA SHPO and establish a Programmatic Agreement for any Categorical Permission pursued either at the Division or District levels to streamline the Section 106 process.	Acknowledged.
List of Alterations	10/4/2024	Nongovernment	California Central Valley Flood Control Association	Authority		The public notice states, "Colonel James J. Handura, PMP, Commander and Division Engineer of the South Pacific Division, USACE is the approval authority for the categorical permission for Section 408 requests in the South Pacific Division." We strongly encourage authority for Categorical Permission to be delegated to the District Commanders to avoid delays associated with Division reviews, which can often be duplicative of District reviews, as well as additional time to route for final approvals through the vertical chain.	Acknowledged.
List of Alterations	10/4/2024	Nongovernment	California Central Valley Flood Control Association	Authority		If a proposed project triggers a separate EA/EIS, can it still be approved through Categorical Permission? It is unclear whether the need for supplemental environmental reviews means a project is ineligible for Categorical Permission or not. Suggest clarifying language.	A project requiring a separate EA/EIS cannot be approved through a CP.
List of Alterations	10/4/2024	Nongovernment	California Central Valley Flood Control Association	Alternation - General		All Categorical Permissions should require both the Non-Federal Sponsor and the LMA/Levee Owner to sign off on or endorse the action to be considered.	The nonfederal sponsor must provide the statement of no objection.
List of Alterations	10/4/2024	Nongovernment	California Central Valley Flood Control Association	Alteration-Borings		Borings, Explorations, Instrumentation - A DIPP is still required which also involves major time hurdles. Suggest allowing certain types of explorations such as auger with no pressure, CPT testing, or test pits without the need for DIPP to streamline this process. Also, does coverage under the Programmatic EA cover DIPP's that do not trigger additional environmental reviews?	Requesters would need to refer to Engineer Regulation 1110-1-1807, Drilling in Earth Embankment Dams and Levees. The PEA covers only activities that meet the RCP requirements.
List of Alterations	10/4/2024	Nongovernment	California Central Valley Flood Control Association	Alteration-Borrow Areas		Borrow Areas – appears to only apply for areas not within 300-feet of toe. Suggest clarifying this is the levee toe. Also, USACE should clarify whether borrow areas outside of the Project easements are subject to Section 408 review since numerous borrow areas outside of the Project footprint, but within 300 feet of the levee toe, are typical throughout the system. We would presume Categorical Permission is not intended to expand the Section 408 authority to outside of the Project's real estate interests, please confirm/clarify?	Alterations proposed within the real property identified and acquired for the USACE project may be reviewed for eligibility under the RCP. Refer to the jurisdictional area of the federal project.

Comment Type	Date Received	Affiliation Type	Affiliation Other Description	Topic	Other/Multi Topic Description	Comment	Response
List of Alterations	10/4/2024	Nongovernment	California Central Valley Flood Control Association	Alteration-Bridges		Bridges – While we appreciate the intent to streamline the process for bridges, it concerns us that bridges can have significant impacts to the flood control project levees and channels and require extensive engineering analysis to ensure there are no significant impacts to the Project. We would question whether Bridges should be included for Categorical Permission? At a minimum, Bridges should also require geotechnical analysis, scour analysis, and hydraulic impacts analysis in addition to stability analysis.	No change. All necessary analyses will be required to justify the effects of the proposed alterations whether they are determined to be CP eligible or not.
List of Alterations	10/4/2024	Nongovernment	California Central Valley Flood Control Association	Alteration-Buildings		Buildings and Other Structures – Again, due to the wide variety of potential impacts and uniqueness of building and structures, we question whether they should be included for Categorical Permission. However, if they are included, the following comments are provided: i. For the 50 percent of market value clause, who would be required to enforce this? If the USACE is approving Categorical Permission, would it be USACE? This would be difficult for responsible flood control agencies to enforce. ii. Suggest adding a structural analysis or FEMA wet floodproofing to the list of requirements for buildings/structures within the floodway. iii. Again, we presume the 300-feet is not intended to expand Section 408 jurisdiction on the landside of the levees outside of the existing real estate interests, please confirm/clarify?	We do not have jurisdiction outside out the federal footprint.
List of Alterations	10/4/2024	Nongovernment	California Central Valley Flood Control Association	Alteration-Ditches and Canals		Ditches/Canals - Second Bullet – does this mean outside of the levee or berm embankment toe which is typically not acceptable because it interferes with Project OMRR&R access and creates a potential seepage path. Ditches/canals should be located outside of the landside real estate footprint or a minimum of 300-feet from a levee toe without extensive seepage and stability analysis demonstrating that it does not lessen levee performance.	No change. All necessary analyses will be required to justify the effects of the proposed alterations whether they are determined to be CP eligible or not.
List of Alterations	10/4/2024	Nongovernment	California Central Valley Flood Control Association	Alteration-Fiber Optic and Dry Utility Pipes		Fiber Optic and Dry Utilities – Suggest language requiring the fiber optic or dry utility owner to provide inspections at regular intervals that meet USACE requirements and that results of those inspections be supplied to the NFS and LMA.	Conditioned in the letter of permissions.

Comment Type	Date Received	Affiliation Type	Affiliation Other Description	Topic	Other/Multi Topic Description	Comment	Response
List of Alterations	10/4/2024	Nongovernment	California Central Valley Flood Control Association	Alteration-Gravity Pipes		Gravity Pipes - Suggest language requiring the pipe owner to provide inspections at regular intervals that meet USACE requirements and that results of those inspections be supplied to the NFS and LMA.	Conditioned in the letter of permissions.
List of Alterations	10/4/2024	Nongovernment	California Central Valley Flood Control Association	Alteration-HDD		Horizontal Directional Drilling – Should include requirement for minimum depth below project features (levees, berms, channel Thalweg, etc.) or a geotechnical analysis for a shallower penetration demonstrating that it does not lessen Project performance.	50 feet below invert is the requirement.
List of Alterations	10/4/2024	Nongovernment	California Central Valley Flood Control Association	Alteration-Landside Pump Stations		Landside Pump Station – suggest adding language as to minimum requirements for positive closure, distance from levee toe, seepage and stability analysis, etc.	This language is included in the description for #16, Landside Pump Stations. Closure requirements are included in #17, Pressurized Pipes.
List of Alterations	10/4/2024	Nongovernment	California Central Valley Flood Control Association	Alteration-Pressurized Pipes		Pressurized Pipes - Suggest language requiring the pipe owner to provide inspections at regular intervals that meet USACE requirements and that results of those inspections be supplied to the NFS and LMA.	This language is included in the description for #17, Pressurized Pipes.
List of Alterations	10/4/2024	Nongovernment	California Central Valley Flood Control Association	Alteration-Buildings and Other Structures		Swimming Pools – While we support the requirement for geotechnical analysis for swimming pools (or borrow areas) within 300-feet of a levee toe we are not sure how USACE or the NFS can enforce these requirements outside of the real estate interests of the flood control Project?	No 408 Permission would be required outside the real property of the civil works project.
List of Alterations	10/4/2024	Nongovernment	California Central Valley Flood Control Association	Alteration-Water Supply Pump Stations		Water Supply Pumpstations – see comments for landside pump stations. They should also apply to waterside pump stations for water supply.	This language is included in description for #25, Water Side Pump Stations. Closure requirements are included in #17, Pressurized Pipes.
List of Alterations	10/4/2024	Nongovernment	California Central Valley Flood Control Association	Alteration-Wells		Wells – Again, while we support the requirement for geotechnical analysis for wells within 300-feet of a levee toe we are not sure how USACE or the NFS can enforce these requirements outside of the real estate interests of the flood control Project?	No 408 Permission would be required outside the real property of the civil works project.

COMMENT LETTERS



Flood Control District

www.SBCounty.gov

Noel Castillo, P.E.
Chief Flood Control Engineer

David Doublet, M.S., P.E.
Assistant Director

September 25, 2024

File: 1.01

Department of the Army
U.S. Army Corps of Engineers, South Pacific Division
Attn: Brian Dela Barre, Section 408 Coordinator
450 Golden Gate Ave.
San Francisco CA 94102

**RE: RESPONSE TO CATEGORICAL PERMISSION FOR SECTION 408 REQUESTS
U.S. ARMY CORPS OF ENGINEERS, SOUTH PACIFIC DIVISION**

Dear Mr. Brian Dela Barre:

This letter is in response to the Public Notice on 408 Categorical Permission dated September 4, 2024. San Bernardino County Flood Control District (District) has the following comments:

- 001-SBC01 1. A large quantity of District permits for utility crossings on bridges are found to be innocuous but have had to go through the lengthy 408 permission process in the past. The current 408 Categorical Permissions does not appear to have a distinct 408 permission for common bridge utility work. The District recommends that such categorical permission be included.
- 001-SBC02 2. It is unclear if this 408 Categorical Permission will also be applicable to previous and current activity, activity that was done without permits, and in code violation cases; or if the categorical permissions only apply to new projects started at a specified adoption date.
- 001-SBC03 3. Erosion Control, Erosion and Sediment Control Plans, and Stormwater Pollution Prevention Plans are ubiquitous and the District typically requires erosion control for all categories listed in your proposal. For example, an Environmental Restoration project may be required to also have Erosion and Sediment Control Plans along its entire length. The District feels that Categorical Exception #10 - Erosion Control should have metrics consistent with item #9 Environmental Restoration, and the linear length be increased to 5000 feet as this would increase consistency within the proposed program.

BOARD OF SUPERVISORS

COL. PAUL COOK (RET.)
Vice Chairman, First District

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DAWN ROWE
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CURT HAGMAN
Fourth District

JOE BACA, JR.
Fifth District

Luther Snoke
Chief Executive Officer

- 001-SBC04 4. The following Categorical Exceptions: #12 Fiber Optic and Dry Utility Pipes, #14 Gravity Pipes, #15 Horizontal Directional Drilling, #17 Pressurized Pipes, #20 Seepage, and Stability Berms, and #24 Utility Poles, do not currently have metrics for linear length. These types of activities are typically described and best represent by a linear length, and not by area alone. The District recommends that a linear metric be included for these types of activities.

If you have any questions regarding the above, please contact Mariano Mosquera at (909) 387-8212 or e-mail at Mariano.Mosquera@dpw.sbcounty.gov.

Sincerely,

A handwritten signature in black ink that reads "Johnny D. Gayman". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Johnny D. Gayman, P.E., Chief
Permits Division

JG:MM:cs



September 26, 2024

Brian Dela Barre, Section 408 Coordinator
U.S. Army Corps of Engineers, South Pacific Division
450 Golden Gate Avenue, San Francisco, CA 94102
Transmitted via email: SPD408@tetrattech.com

Re: Categorical Permission for Section 408 Requests
U.S. Army Corps of Engineers, South Pacific Division
CDWR Assigned Referral No. 32483

Dear Brian Dela Barre:

The Colorado Division of Water Resources (CDWR or DWR) has reviewed the public notice concerning the proposal to establish categorical permission to alter the review and approval process for alterations to existing U.S. Army Corps (USACE) Civil Works projects. The proposed process would shorten the review time for proposed alterations by simplifying engineering and environmental analysis for specific categories of minor alterations.

According to the notice, alterations which would qualify under the proposed process include:¹

1. Agricultural and landscaping not to exceed 350 acres for agricultural activities and 5 acres for landscape activities;
2. Borings, explorations, and instrumentation (e.g. variety of geotechnical boring or exploratory activities and instrumentation);
3. **Borrow areas (e.g. excavation activities not to exceed 5 acres or occur within 300 feet of toe);**
4. Construction, modification, and replacement of bridges not to exceed 15 acres of ground disturbance;
5. Construction and modification of buildings and other structures not to exceed 5 acres or to be inhabited;
6. **Construction, fill, and modification of ditches and canals outside the levee embankment not to exceed 1,000 linear feet;**
7. **Construction, modification, and removal of debris boom, floating dock structure, gangways, landing structures, and riprap not to exceed a total area of 2,000 square-feet;**
8. **Environmental restoration activities not to exceed 500 acres for non-channel restoration activities or 5,000 linear feet for channel restoration activities;**
9. **Erosion control work not to exceed 2,000 linear feet of bank;**
10. Installation, modification, and replacement of the following:

¹ Activities along coastal environments are not included in this list since they would not be applicable in Colorado.



- a. fences, gates, and signage;
- b. dry utility pipes not to exceed 5 acres;
- c. fish screens over water intake pipes and associated facilities not to exceed 5 acres;
- d. **gravity pipes and culverts not to exceed 5 acres;**
- e. **landside pump stations not to exceed 5 acres;**
- f. pressurized pipes not to exceed 5 acres;
- g. stairs and handrails;
- h. swimming pools and associated support facilities not to exceed an area of 1 acre;
- i. trails, roads, and ramps not to exceed 5 acres and 5 miles in length;
- j. utility poles;
- k. **water supply pump stations not to exceed 5 acres;**
- 11. Installation of pipes by horizontal directional drilling not to exceed 15 acres;
- 12. Installation, operation, and replacement of monitoring devices;
- 13. Construction, modification or repair, and replacement of:
 - a. **retaining walls and other wall structures;**
 - b. **seepage and stability berms within the easement of the floodway not to exceed 10 acres;**
- 14. **And the installation of wells and associated structures not to be located within 300 feet of a landside levee toe or 15 feet of a waterside levee toe.**

002-CDWR01

There is no statutory requirement for an applicant or USACE to obtain input from DWR prior approving alterations to existing projects. **However, DWR would like to be notified of alterations to projects either via public notice or email, particularly alterations bolded above, to provide opportunity for comments.** Such comments may point out a potential for the proposed activities to be subject to an order by DWR, activities that may conflict with water administration, a need to obtain DWR-issued permits, or other information relevant to the operation of the plan. Additional information about DWR's position on restoration/mitigation projects is available on the [Pond Management & Restoration Projects](#) page of our website.

002-CDWR02

Lastly, applicants and project operations are encouraged to keep the local Division office and/or water commissioner up to date with project activities. Contact information for DWR offices are located on the [Contact Us](#) page of our website.

If you have any questions, please contact me at Wenli.Dickinson@state.co.us or (303) 866-3581 x8206.

Sincerely,



Wenli Dickinson, P.E.

Water Resource Engineer

Ec: Sarah Brucker, Deputy State Engineer, sarah.brucker@state.co.us

From: [Ugan, Andrew S CIV USARMY CESPCK \(USA\)](#)
To: [Eiselt, Sunday](#); martha.martinez@srpmic-nsn.gov; angela.garcia-lewis@srpmc-nsn.gov; [CESPD-RCP-TRIBAL](#)
Cc: [Anton, Shane](#)
Subject: RE: Initial Notice and Request for Comment, Proposed USACE 408 Categorical Permission, USACE South Pacific Division
Date: Thursday, September 12, 2024 11:35:52 AM
Attachments: [image001.png](#)

Dear Sunday. Thank you very much for your response. We really appreciate your taking the time to get back with us.

Best,

Andrew

Andrew Ugan
Senior Archaeologist, 408 Program
USACE - Sacramento District (CESPK)
1325 J St.
Sacramento, CA 95814
Office: (916) 557-6695
Cell : (530) 908-2774

From: Eiselt, Sunday
Sent: Thursday, September 12, 2024 10:30 AM
To: Ugan, Andrew S CIV USARMY CESPCK (USA)
CESPD-RCP-TRIBAL
Cc: Anton, Shane
Subject: [Non-DoD Source] RE: Initial Notice and Request for Comment, Proposed USACE 408 Categorical Permission, USACE South Pacific Division

Dear Andrew. The SRPMIC THPO has reviewed the Proposed USACE 408 Categorical Permissions and has no further comment at this time.

Thank you for consulting with the SRPMIC THPO

B. Sunday Eiselt Ph.D
Acting THPO, THPO Archaeologist
Salt River Pima-Maricopa Indian Community
10,005 E. Osborn Road
[Scottsdale, AZ 85256](#)



From: Ugan, Andrew S CIV USARMY CESPCK (USA)

Sent: Wednesday, August 28, 2024 2:46 PM

To: Eiselt, Sunday _____

Cc: Anton, Shane <

Subject: RE: Initial Notice and Request for Comment, Proposed USACE 408 Categorical Permission, USACE South Pacific Division

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Good afternoon,

Please find attached an initial notice and request for comment regarding a proposal to implement a Regional Categorical Permission (RCP) for 408 requests within the U.S. Army Corps of Engineers (USACE) South Pacific Division. The proposed permission seeks to reduce review times for categories of recurring activities that have negligible impacts on USACE Civil Works Projects. The proposal may be of particular interest where there are USACE projects on tribal lands or where the tribe or its members regularly engage the 408 process. Please note that the proposed changes will not affect or alter USACE tribal consultation as required by statute, regulation, or executive order, including consultation under Section 106 of the National Historic Preservation Act.

USACE has established a dedicated email address should you have any questions or wish to provide comments (CESPD-RCP-TRIBAL@usace.army.mil; cc'd above). Please reference "Section 408 Regional Categorical Permission" in any response so that your comments can be directed appropriately.

Very Respectfully,

Andrew Ugan

N.B. USACE will be issuing a Public Notice of this same action within a week of this tribal notification. As some tribes may be included in that public notice, please be aware of the possibility of duplicate notification. Should you wish to comment on the proposed RCP proposal, we

encourage that you reply to this notice.

From: Anton, Shane

Sent: Wednesday, August 28, 2024 2:25 PM

To: Ugan, Andrew S CIV USARMY CESP (USA)

Subject: [Non-DoD Source] Automatic reply: Initial Notice and Request for Comment, Proposed USACE 408 Categorical Permission, USACE South Pacific Division

I am currently on approved medical leave for an extended period time, (ending August 29, 2024) Please reach out to other THPO staff during this time:

Sunday Eiselt, THPO Archaeologist,

Martha Martinez, NAGPRA Coordinator,

Angela Garcia Lewis, Cultural Compliance Supervisor,

Thank you for your patience and understanding.

Shane Anton, Tribal Historic Preservation Officer
Salt River Pima-Maricopa Indian Community

From: [Peter Steere](#)
To: [Ugan, Andrew S CIV USARMY CESPK \(USA\)](#)
Subject: [Non-DoD Source] RE: Consultation with the Tohono O'odham Nation for USACE 408 Permissions under the proposed South Pacific Division Regional Categorical Permission (RCP)
Date: Thursday, September 12, 2024 11:59:24 AM

Andrew

Thank you

peter

From: Ugan, Andrew S CIV USARMY CESPK (USA)
Sent: Thursday, September 12, 2024 11:32 AM
To: Peter Steere
Subject: Consultation with the Tohono O'odham Nation for USACE 408 Permissions under the proposed South Pacific Division Regional Categorical Permission (RCP)

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good morning Mr. Steere,

Thank you for your response regarding USACE's proposed Regional Categorical Permission (RCP) for our South Pacific Division. To clarify, adoption of the RCP would include preparation of a programmatic environmental assessment in accordance with the National Environmental Policy Act (NEPA). That programmatic assessment would cover each of the actions listed in our original letter, to include minor borrow areas (currently envisioned as less than 5 acres in extent). Subsequent 408 applications would no longer involve separate environmental assessments or public noticing for these actions. Internal USACE review for potential effects to the relevant levee, channel, or other federal project would also be simplified, allowing the permit to be processed more rapidly. I would add that use of the categorical permission is also not automatic and that USACE may require a standard environmental assessment and public notice should circumstances require.

While the RCP would simplify the NEPA process and eliminate the need to notify the general public for these minor actions, it would not alter USACE's tribal consultation obligations. USACE recognizes the sovereign status of the Tohono O'odham Nation as distinct from the general public and would continue to notify and consult with you regarding all 408 Permissions on traditional tribal lands, whether issued using the RCP or otherwise. Under the RCP, the general public might not be notified of every minor borrow pit needing a 408 Permission, but the Tohono O'odham Nation would and you would be asked to comment or consult accordingly. The same is true for all other actions covered by the RCP.

In your response below, you note borrow areas as your one area of concern regarding the RCP. Could you please clarify that concern and your preferred response? I believe you are concerned that USACE might issue permits for borrow pits without notifying the tribe, which would not be the case.

Am I correct in that, and are you ok the proposal to establish an RCP as described given my additional explanation? Alternatively, are you suggesting that borrow pits should not be included in any RCP? That is, every applicant requesting a 408 permit for a borrow area, no matter the size, should be required to conduct a separate environmental review and public notice.

If you could please provide your clarification within the next two weeks, we will include that information as the RCP is developed and provide a copy of the final proposed RCP for review and comment as well. Please note that the final RCP will incorporate comments solicited from 168 federally recognized tribes and the residents of each of the states served by the South Pacific Division.

Thank you very much for your time and feedback.

Respectfully,

Andrew Ugan

Andrew Ugan
Senior Archaeologist, 408 Program
USACE - Sacramento District (CESPK)
1325 J St.
Sacramento, CA 95814
Office: (916) 557-6695

From: Peter Steere
Sent: Wednesday, August 28, 2024 3:56 PM
To: Ugan, Andrew S CIV USARMY CESPK (USA)
Subject: [Non-DoD Source] RE: Initial Notice and Request for Comment, Proposed USACE 408 Categorical Permission, USACE South Pacific Division

Andrew Ugan
USACE
Sacramento, California

Thank you for consulting with the Tohono O'odham Nation

004-TON01

Please continue to consult with the Tohono O'odham Nation on ground-disturbing projects under 408 Categorical Permission that occur on the Tohono O'odham Nation's traditional lands in Arizona from Yuma Arizona to the Gila Bend area, southeast to the New Mexico border and south to the

border with Sonora, Mexico

004-TON02 In your attached document what one item of concern is the excavation of new borrow pits

Peter L. Steere
THPO
Tohono O'odham Nation

From: Ugan, Andrew S CIV USARMY CESPK (USA)
Sent: Wednesday, August 28, 2024 2:24 PM
To: CESPD-RCP-TRIBAL
Subject: Initial Notice and Request for Comment, Proposed USACE 408 Categorical Permission, USACE South Pacific Division

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good afternoon,

Please find attached an initial notice and request for comment regarding a proposal to implement a Regional Categorical Permission (RCP) for 408 requests within the U.S. Army Corps of Engineers (USACE) South Pacific Division. The proposed permission seeks to reduce review times for categories of recurring activities that have negligible impacts on USACE Civil Works Projects. The proposal may be of particular interest where there are USACE projects on tribal lands or where the tribe or its members regularly engage the 408 process. Please note that the proposed changes will not affect or alter USACE tribal consultation as required by statute, regulation, or executive order, including consultation under Section 106 of the National Historic Preservation Act.

USACE has established a dedicated email address should you have any questions or wish to provide comments (CESPD-RCP-TRIBAL@usace.army.mil; cc'd above). Please reference "Section 408 Regional Categorical Permission" in any response so that your comments can be directed appropriately.

Very Respectfully,

Andrew Ugan

N.B. USACE will be issuing a Public Notice of this same action within a week of this tribal notification. As some tribes may be included in that public notice, please be aware of the possibility of duplicate notification. Should you wish to comment on the proposed RCP proposal, we encourage that you reply to this notice.

Andrew Ugan
Senior Archaeologist, 408 Program
USACE - Sacramento District (CESPK)
1325 J St.
Sacramento, CA 95814
Office: (916) 557-6695

Andrew Ugan
Senior Archaeologist, 408 Program
USACE - Sacramento District (CESPK)
1325 J St.
Sacramento, CA 95814
Office: (916) 557-6695

005-SPL

From: [Li, Veronica C CIV USARMY CESPL \(USA\)](#)
To: [SPD408](#)
Cc: [Fuertes, Angel P CIV USARMY CESPL \(USA\)](#)
Subject: Section 408 Categorical Permission
Date: Tuesday, October 1, 2024 8:14:25 PM

SPL Regulatory Division has the following comments to provide on the SPD Section 408 Categorical Permission:

- 005-SPL01 1) On page 3, Scope of Decision, for the following sentence, "The decision does not apply to any USACE-owned reservoir or lake project.", please add "dam". The CP should not apply to dams as they are critical infrastructure. Terminology/definitions should be added to the CP to avoid confusion as to what a Districts identifies as a reservoirs, dams, or basins.
- 005-SPL02 2) On page 3, in the bullet, "4. Borrow Areas * Total area of work not to exceed 5 acres or occur within 300 feet of toe." Please clarify what "toe" is referring to specifically. Is it "levee toe" or an indirect reference to the toe of the embankment? It is non-specific and could have multiple interpretations.
- 005-SPL03 3) Page 4, 11. Fences, Gates, and Signage - Recommend this be modified to "Property Barriers such as fences and walls and associated gates and signage." Any barrier should not inhibit levee construction, inspection, high-water patrol and flood-fighting, or maintenance personnel, equipment, and vehicles.
- 005-SPL04 4) Page 4, "Gates must be accessible..." - Any barrier should be made accessible via a gate(s) of sufficient size.
- 005-SPL05 5) Page 5, "Retaining Walls, Seawalls, and other Wall Structures" - The same condition as gates should be applied here. Any barrier should not inhibit levee construction, inspection, high-water patrol and flood-fighting, or maintenance personnel, equipment, and vehicles.
- 005-SPL06 6) Page 6, Swimming pools near any part of the levee prism have a potential to compromise the levee. The same condition as Buildings and Other Structures should be applied here - "Geotechnical investigation, slope stabilization, and seepage analysis required for swimming pools within 300 feet of the levee on native soils."
- 005-SPL07 7) Page 6, "If the existing NEPA documentation is not adequate, a separate NEPA analysis would be conducted." Please clarify if a separate NEPA analysis is required, if the 408 CP can still be used. Provisions/general conditions should be made that if another lead federal agency does provide adequate NEPA documentation or compliance with a law or regulation that the programmatic EA does not cover, the Corps should be able to adopt the NEPA documentation/designate lead federal agency for compliance with the law/regulation and still be able to use the CP. This should be viewed as an efficiency and flexibility of the CP. Please mirror the Nationwide Permit General Conditions 18 and 20 as conditions for the 408 CP.
- 005-SPL08 8) Page 7, Migratory Bird Treaty Act - MBTA can be addressed with standard mitigation measures. It should only be individually evaluated if the standard mitigation measures are not enough to address project specific issues.
- 005-SPL09 9) Page 6 and 7, Attachment 3 was not attached to the public notice and not made readily available for public review.
- 005-SPL10 10) General comment: Only a few of the alterations include removal. The removal of any of the listed alterations as well as related construction activities to construct or remove the alteration should be covered as part of the CP.

Thanks,
Veronica Li
Senior Project Manager, Transportation & Special Projects Branch
Regulatory Division
Los Angeles District, U.S. Army Corps of Engineers

Office: 213-452-3292 Fax: 213-452-4196

Assist us in better serving you!

You are invited to complete our customer survey, located at the following link:

<https://regulatory.ops.usace.army.mil/customer-service-survey/>

-----Original Message-----

From: Fuertes, Angel P CIV USARMY CESPL (USA)

Sent: Tuesday, September 10, 2024 9:10 AM

Subject: Internal Review of Public Notice for Categorical Permissions For USACE Section 408 Requests

District Stakeholders for 408 Permissions,

This email is for the internal distribution of the attached Public Notice for Categorical Permission for Section 408 Requests.

SPD is preparing a Categorical Permission (CP) and Programmatic Environmental Assessment (PEA) to simplify engineering and environmental analysis of Section 408 requests for alterations that are similar in nature and have similar effects on a USACE Civil Works' project or on the environment. The proposed CP and PEA would reduce review times of 408 requests for specific categories of minor alterations within the USACE South Pacific Division's boundaries.

The purpose of the public notice is to solicit comments from federal, state, local agencies and officials; the public; and other interested parties on the proposed scope and types of alterations being considered in the CP and PEA. Comments received will be used in preparing the CP and PEA and in the evaluation of potential impacts of the proposed action on important resources.

Written comments, referring to "Section 408 Categorical Permission," must be submitted by email before October 4, 2024.

Brian Dela Barre, Section 408 Coordinator

U.S. Army Corps of Engineers, South Pacific Division

RE: Section 408 Regional Categorical Permission
450 Golden Gate Avenue

San Francisco, CA 94102

Email: SPD408@tetrattech.com <<mailto:SPD408@tetrattech.com>>

If you have any questions regarding this Public Notice please contact me below.

Angel Fuertes, PE

Section 408 Coordinator

Los Angeles District, U.S. Army Corps of Engineers

angel.p.fuertes@usace.army.mil

Office: (213) 452-3208

From: [Robert Blankenship](#)
To: [SPD408](#)
Cc: [Karen Barnett](#)
Subject: Section 408 Categorical Permission,
Date: Wednesday, October 2, 2024 1:44:39 PM

Greetings USACE South Pacific Division -

This correspondence is in support of the proposed section 408 categorical permission (CP) in the Corps' South Pacific Division.

Many projects - and their subordinate tasks - within the Corps' purview can be considered similar in nature and are defined in the Public Notice for the proposed categorical permission. Those projects that are similar in nature can be evaluated by engineering staff with a priority toward minimizing the impact on Corps' resources, while ensuring that the activity will not be injurious to the public interest and will not impair the usefulness of the project.

We support the proposed categorical permission, and encourage Colonel Handura to authorize that CP. It will facilitate review of alterations to Corps' civil works projects while conserving the Corps' resources and allowing continued oversight of USACE civil works projects.

--

Robert Blankenship, B.A.
Project Manager
Trout Unlimited - South Coast Chapter

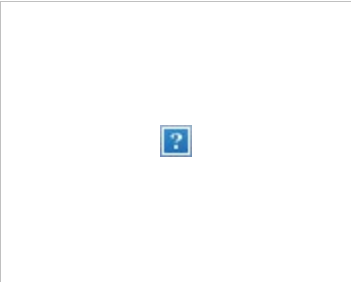
From: [Rosi Sherrill](#)
To: [SPD408](#)
Subject: Section 408 Regional Categorical Permission
Date: Thursday, October 3, 2024 10:08:41 AM

Good morning.

On September 25, 2024, the Arizona Department of Environmental Quality (ADEQ) received the public notice on the Categorical Permission for Section 408 Requests. Thank you for the opportunity to comment.

ADEQ has no concerns or comments relative to the Corps initiating 408 Categorical Permissions, however, any disturbances above the ordinary high water mark that incur 1 acre or more of earth disturbing activities, and have a discharge from the site to a Protected Surface Water, may require a Construction General Permit for stormwater discharges. Applicants should contact ADEQ via email at azpdes@azdeq.gov or call 602-771-1440 and leave a message on the AZPDES Hotline for additional information on all applicable permits.

Sincerely,



Rosi Sherrill
Environmental Scientist
Arizona Department of Environmental Quality

1110 W. Washington St., #160
Phoenix, AZ 85007

602-771-4409
AZDEQ.gov

From: [Tricia Balluff](#)
To: [SPD408](#)
Subject: 408 Categorical Permission - City of Phoenix comments
Date: Friday, October 4, 2024 6:42:23 PM
Attachments: [image001.png](#)
[408 Categorical Permission City of Phoenix Comment Letter 241004.pdf](#)

Mr. Dela Barre,

Thank you for the opportunity to review and provide comments on the public notice for South Pacific Division's proposal to create categorical permissions under 33 U.S.C. 408.

Attached please find the City of Phoenix comment letter.

Thank you,



Tricia Balluff

Environmental Programs Manager
Water, Wildlife, and NEPA
Office of Environmental Programs
City of Phoenix

Phone 602-534-1775

Web <http://www.phoenix.gov/oep>

[Book time with Tricia Balluff](#)



City of Phoenix
OFFICE OF ENVIRONMENTAL PROGRAMS

October 4, 2024

Brian Dela Barre
Section 408 Coordinator
U.S. Army Corps of Engineers, South Pacific Division
450 Golden Gate Ave.
San Francisco, CA 94102
Transmitted by email to: SPD408@tetrattech.com

Re: Section 408 Categorical Permission – City of Phoenix Comments

Dear Mr. Dela Barre:

The City of Phoenix (Phoenix) is in receipt of the Public Notice for Categorical Permission for Section 408 Requests in the South Pacific Division, dated September 4, 2024. We appreciate the opportunity to review the information in the public notice and provide comments.

Phoenix engages with the U.S. Army Corps of Engineers (USACE) Los Angeles (LA) District within the South Pacific Division for 33 U.S.C. 408 (Section 408) permissions in two ways:

- Phoenix is the local sponsor and Operations & Maintenance (O&M) Operator for two existing USACE Civil Works flood management and ecosystem restoration projects in the Salt and Gila rivers (Rio Salado Phoenix and Tres Rios), and we are the primary Section 408 permittee for projects in these areas. Phoenix is also the local sponsor for a third authorized Salt River ecosystem restoration project currently undergoing a General Re-evaluation Report (Rio Salado Oeste) which would be subject to Section 408 permitting following construction. These projects are all river ecosystem restoration efforts that include low flow channel widening, invasive species removal, wetland construction, irrigation ponds, native plant re-establishment, trailheads, and trails. A section of the north bank at Tres Rios also has a constructed levee.
- Phoenix is a third-party permittee under Section 408 for projects within USACE Civil Works project areas for which the Flood Control District of Maricopa County is the local sponsor and O&M Operator.

Phoenix recognizes and appreciates the federal investment in these areas but agrees with the need to streamline the Section 408 permitting process, especially for projects with no potential to impact significant engineered structures like levees. After reviewing the Public Notice, Phoenix offers the following comments.

008-COP01

- 1) **Provide Draft Categorical Permissions for Review:** This public notice does not have sufficient detail to be able to review important details related to categorical permissions, such as the standard mitigation measures and best management practices that will be required and specific activities and associated limitations that may be permitted under each general category of activity listed in the Public Notice. The draft Categorical Permissions should be provided for specific public review and comment prior to being finalized and implemented.

- 2) **Primary Permittee Designation:** Under the current Section 408 permitting procedure, the LA District 408 office requires Phoenix to be the primary permittee for any third-party project that occurs within the Civil Works project areas for which we are the local O&M Operator. Phoenix requests that for categorical permissions, the third-party act as the primary permittee with a letter of approval/concurrence from the O&M Operator for the proposed action to be submitted with the categorical permission application. The third-party project owner would still need to acquire any access rights and enter into any needed long-term O&M agreement with the O&M Operator prior to construction occurring.

- 3) **Clarify Temporary and Permanent Ground Disturbance:** Throughout the document, there are several references to “disturbed areas” related to returning areas to pre-construction conditions or to the allowed acreage of impacts. For example, on page 3 of the Public Notice, the 2nd paragraph under Proposed Categorical Permission, it reads, “...return disturbed areas to pre-project conditions” and on page 4 under #5 Bridges, it reads, “Total area of ground disturbance not to exceed 15 acres”. It is critical to clarify in the actual categorical permissions when the intent is for temporary ground disturbance vs permanent ground disturbance. It would not make any sense, for example, to return an area to pre-project conditions when the intent of the project is to make a permanent alteration. Returning to pre-project conditions should be clarified to *temporary* ground disturbance. On the other hand, total area of ground disturbance for bridges should be no more than 15 acres of *permanent* ground disturbance since any temporary ground disturbance would be returned to pre-project conditions through the standard mitigation measures.

- 4) **Clarify use of terms Embankment and Toe:** Throughout the public notice the terms, “embankment” and “toe” are used multiple times without specific reference to a levee. Reading between the lines, it appears the intent is for these to apply specifically to levee embankments and toes, but that needs to be clarified for permittee certainty. It is also sometimes unclear when water-side levee toe, land-side levee toe or both is intended. Both “embankment” and “toe” can be applied generically to non-levee embankment and toes of slope so when they are intended specifically to reference levees, that needs to be made clear in the categorical permission.

- 5) **Avoid Unintended Consequences of Specific Location Language:** There are several instances in the activity categories where use of specific location language would exclude much of the Phoenix ecosystem restoration areas from being permitted under these categorical permissions. This appears to be unintentional but would severely restrict the applicability of the categorical permission. For example, activity category #23 “Trails, Roads, and Ramps” specifically references that the permission would apply “within the easement of the floodway”. Because that is the only location referenced, this categorical permission could not be used for any trails, roads, or ramps outside the floodway, on the banks or terraces of the river, etc. It would be impossible to list all potential locations where roads and trails would be allowed across all the types of Civil Works

project areas. Instead, Phoenix recommends only using specific location language to *exclude* an area from consideration under a categorical permission. This will avoid unintentional restrictions on the use of the categorical permission with no benefit to the project, the USACE, or the local O&M Operator. An example of the use of location language to *exclude* from categorical permission can be found in #7 “Ditches and Canals”, which reads, “Must be located outside the levee embankment.” That is a more effective use of specific location language.

008-COP07

- 6) Non-Notifying Permission Option:** Some activities, particularly those with negligible general impacts and no impacts to significant engineered features like levees, would seem to have the potential to be permitted using a non-notifying categorical permission. The USACE Clean Water Act Section 404 regulatory program provides an excellent example of how such permissions could be established with appropriate limitations for USACE notification and approval. For example, development of a native material walking trail on a desert river terrace that involves minimal grading would have such a negligible potential for impact on the Civil Works project that a non-notifying option makes sense. There are multiple other examples of small-scale projects within various activity categories that would make sense for a non-notifying permit option. Phoenix advocates for the inclusion of non-notifying permission options. For any such permissions, Phoenix requests that a standard condition be included stating the need for a third-party permittee to get necessary approvals and permissions from the local O&M Operator.

The comments Phoenix is making in this letter are to provide initial feedback based on the limited information in the Public Notice. Phoenix generally concurs with the activity categories included, although more specific information is needed for each to provide more robust comments. Phoenix looks forward to providing such comments upon release of the draft categorical permissions for public comment.

008-COP08

We are also happy to be engaged in stakeholder working groups or technical review teams to assist the USACE in developing these categorical permissions in a manner that will be effective for the USACE and the local O&M Operator.

If you have questions or would like to discuss our comments in more detail, please reach out to me at 602-534-1775 or by email at tricia.balluff@phoenix.gov.

Sincerely,



Tricia Balluff

Environmental Program Manager

c: Nancy Allen, City of Phoenix Office of Environmental Programs
Jarod Rogers, City of Phoenix Parks and Recreation Department
Cindy Smith, City of Phoenix Water Services Department



National Association of Flood & Stormwater Management Agencies

PO Box 4336, Silver Spring, MD 20914 202-289-8625 www.nafsma.org

October 3, 2024

TO: Brian Dela Barre, Section 408 Coordinator, U.S. Army Corps of Engineers (USACE), South Pacific Division, SPD408@tetrattech.com

FROM: National Association of Flood and Stormwater Management Agencies (NAFSMA)

SUBJECT: NAFSMA Comments on Public Notice - Categorical Permission for Section 408 Requests USACE South Pacific Division (SPD)

The National Association of Flood and Stormwater Management Agencies (NAFSMA), since its founding in 1978, has represented local, regional, and state public agencies nationwide. NAFSMA's mission for more than 45 years has been to advocate for public policy and encourage technologies in watershed management that focus on stormwater, flood protection, and floodplain management.

NAFSMA has a long history of working closely with the U.S. Army Corps of Engineers (USACE or Corps) on flood risk management issues, including policies and programs related to flood risk management structures, including levees. Many NAFSMA members have partnered with USACE to construct flood control systems and now have the responsibility to operate and maintain those structures in accordance with Operations and Maintenance (O&M) Manuals provided by USACE when the flood control project was turned over to the local sponsor after completion of construction. These local owners and operators now hold the responsibility for maintaining and operating local flood risk management projects to protect lives, property, and the environment from floods.

Many NAFSMA members are currently working with the Corps on studies or construction of flood control or environmental restoration projects, or alternatively, are responsible for operating and maintaining Corps-partnered projects in SPD. It is important to note that once a federally partnered project is turned over to the non-federal sponsor, only the sponsor can apply for a 408 permit on these projects. As a result, the process authorized under Section 14 of the Rivers and Harbors Act of 1899, as amended, codified in 33 U.S.C. Sec. 408 is critically important to NAFSMA members.

The Corps review process for 408 permissions has become increasingly difficult, time consuming and costly for local sponsors. In recent years sponsors have been asked by USACE to contribute to the processing of these permissions through their existing Section 214 agreements. These

agreements were originally set up to reduce the time needed to process Section 404 permits and have been expanded in recent years to include 408 permission reviews. With this level of local investment in the program, there is naturally a strong interest in the Section 408 process.

009-NAFSMA02 The delegation of final decision-making for most Section 408 permissions to Corps Districts and Divisions since 2017 has not been as successful as anticipated as a tool to reduce delays in 408 reviews and decisions. NAFSMA is pleased, however, to see the recent outreach and initiatives put forward from USACE headquarters to address sponsor concerns with the Section 408 process.

Steps taken to issue process guides for the program, pre-application meetings and a standard permission application template should help achieve positive changes with the program could provide more empowerment as the District and Division levels. The selection of SPD for the development of the Categorical Permission (CP) for Section 408 was especially well received by NAFSMA members.

009-NAFSMA03 NAFSMA very much appreciates the opportunity to comment on the proposed CP for SPD and has reached out to its members in the Division for input on the following comments. The association understands that some of the listed alterations covered in this CP may need to be different in other USACE Divisions. Alternation activities identified under the CP need to reflect standards and thresholds appropriate to the region.

GENERAL COMMENTS

009-NAFSMA04 The difference between the current process for review of a Section 408 permission request and the new process that applies when using a CP needs to be more clearly explained. NAFSMA urges USACE to provide an opportunity for public agencies to provide input on the review process itself. The public notice does not provide a clear picture of how the categorical permissions will improve the process. An explanation of when a 408 permission is not required for O&M activities to meet performance standards outlined in an O&M manual is needed.

009-NAFSMA05 Also unclear in the public notice is who makes the determination that a proposed alteration meets one of the listed categorical permissions, now how this determination is made. This needs to be clarified as the categorical permissions are further developed for SPD.

009-NAFSMA06 It would be helpful if the role of the non-federal sponsor in the 408 process, and in the application of the CP, was clearly outlined. Although local sponsors are referenced under individual categorical permissions such as Building and Other Structures and Fences, Gates, and Signage, clarifying the process could help to improve the process.

009-NAFSMA07 It should be clearly stated under the introduction to the CP, that a local sponsor needs to be notified and must sign off with a letter of no objection on a 408 application from a private developer or other entity. NAFSMA requests that under listed alteration six. Building and Other Structures – the last bullet should be deleted indicating that a nonfederal sponsor must be

notified of removal plans for any building or structure. Calling out this alteration makes it seem that such notification is not required under the other listed alterations.

009-NAFSMA08 District consultation with other federal resource agencies including the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (NMFS) on the federal Endangered Species Act (ESA) requirements and with the appropriate State or Tribal Historic Preservation Officer on Section 106 Historic Preservation requirements needs to come at the beginning of the 408 process. It would be most helpful if the Categorical Permission document calls for this upfront action by USACE Districts and Divisions. Too often this consultation comes at the end of the 408 process and results in slowdowns on critical projects.

009-NAFSMA09 The public notice document states that applicants must “return disturbed areas to pre-project conditions.” NAFSMA asks that this be clarified. For example, if a sponsor mows around a basin, are they required to replant the area, or is acceptable to allow vegetation to grow back naturally?

009-NAFSMA10 Also called for in the public notice is the incorporation of standard mitigation practices, Best Management Practices (BMPs), and the minimization of disturbance and impacts. As the development of the CP moves forward, clarification of how much, and what, information is required needs to be provided to meet these requirements.

009-NAFSMA11 A review of USACE standards is recommended so that the continued use of existing standards could be a checklist for approval. This list of approved standards would help expedite and reduce the cost of the review and approval process.

009-NAFSMA12 NAFSMA has questions about when and how nonfederal sponsors will be engaged further in the process of development of the categorical permission for SPD.

Proposed Activities to be **Added** Under SPD Categorical Permission

009-NAFSMA13 The installation and maintenance of raptor perches and owl boxes needs to be added to eligible alternations under the categorical permission. They could be added under the utility pole related activities or after the fish screen section, as both are related to habitat and maintenance issues.

009-NAFSMA14 Pipeline Crossings – The CP needs to include work (around, through and under) levees, floodwalls, flood risk reduction channels and navigation channels. This should include horizontal directional drills, jack, and bore, open cuts, ramp overs, and floodwall penetrations.

009-NAFSMA15 Riprap and Grouted Stone in Channels and Around Structures

009-NAFSMA16 Diversion Structures for Water Quality or Water Supply Projects

009-NAFSMA17 New Alteration Type for Gates, Valves and Appurtenances (applicable only when the extent of

the work falls outside of normal O&M activities.

009-NAFSMA18 Proposed Edits to Listed Alterations Included Under Proposed Categorical Permission for SPD
(Adds are Bold and Italicized)

1. Agricultural, Landscaping ***and Site Grading***
2. Beach Nourishment
3. ***Soil Investigations***, Borings, Explorations, and Instrumentation
 - ***Will there be a depth limitation for boring/monitoring wells?***
 - ***Include cone penetration tests, piezometers, and inclinometers.***
 - ***Include lined channels as one of the locations where categorical permission applies.***
4. Borrow Areas
 - ***Include excavation activities adjacent to, or within, a predefined distance of lined channels.***
5. Bridges
 - ***Include bridge widening and pier nose extensions.***
 - ***Include bicycle and equestrian bridges.***
6. Buildings and Other Structures
 - ***Delete Notification of Nonfederal sponsor as they should be notified of, and need to provide letter of approval, for all proposed alternation activity requesting 408 permission.***
 - ***Include bridge activities adjacent to, or within, lined channels.***
7. Ditches, Canals, ***Drainage Pipes and Draining Connection/Tie-Ins***
8. Docks
9. Environmental ***and Floodway*** Restoration
10. Erosion Control
 - ***Include erosion control features and repairs.***
11. Fences, Gates, and Signage
 - Include bollards, poles, posts, and station markers that individually require less than 1 square foot of surface disturbance.
12. Fiber Optic and ***Dry*** Utility Pipes
 - ***Include fiber optic cable, potable, recycled water, stormwater/drainage, sanitary sewer, brine line, natural gas, cable, and electrical.***
 - ***Conduit installations for gas, sewer, electrical and minor excavation should be checklist approval.***
13. Fish Screens
14. Gravity Pipes
15. Horizontal Directional Drilling
16. Landslide Pump Stations
17. Pressurized Pipes
 - ***Include natural gas pipes.***
18. Research and Monitoring
 - ***Will there be limitations as to how much area is covered?***
 - ***Include wet weather/water quality monitoring samplers/stations?***

- ***Include data logger installations, including flow meters, water quality samplers, temperature gages.***
- 19. Retaining Walls, Seawalls, and Other Wall Structures
 - ***Include lined channel walls and inverts.***
- 20. Seepage, Stability Berms, ***and Bank Stabilization***
- 21. Stairs and Handrails
- 22. Swimming Pools
- 23. Trails, Roads, and Ramps
 - ***Include bike, jogging and walking trails.***
 - ***Include signage, lighting, and other similar operational, recreational, and decorative features.***
 - ***Include levee ramps, maintenance roads and crossings.***
- 24. Utility Poles ***and Line Work***
 - ***Include utility line work both underground and above ground.***
 - ***Include associate structures and support poles.***
 - ***If you use the same hole then this should be a checklist approval.***
- 25. Water Supply Pump Stations
- 26. Wells
 - ***Include water supply, monitoring, and cathodic wells.***

In closing, NAFSMA very much appreciates this opportunity to comment on the proposed CP for the South Pacific Division. Please contact NAFSMA Executive Director Sunny Simpkins at sunnys@nafsma.org or 503-705-4944 with any questions.

Cc: Bonnie Jennings Bonnie.F.Jennings@usace.army.mil
 Travis Tutka Travis.C.Tutka@usace.army.mil

From: Harvey.Greg@CVFPB
To: [SPD408](#)
Cc: Lief.Chris@CVFPB (he/him); Wright.Michael@CVFPB; Buckley.Andrea@CVFPB
Subject: Section 408 Regional Categorical Permission_CVFPB Comments
Date: Friday, October 4, 2024 5:49:24 PM
Attachments: [image001.png](#)
[CVFPB_Cat_Perm_SPD_comment_letter.pdf](#)

Dear Mr. Dela Barre,

Please find the attached comment letter from the Central Valley Flood Protection Board on the Categorical Permission For Section 408 Requests U.S. Army Corps of Engineers, South Pacific Division public notice. Thank you for the opportunity to provide comments on this document.

If you have any questions please feel free to contact me.
Thank you.



Greg Harvey, P.E.
Flood System Improvement Branch
Central Valley Flood Protection Board
3310 El Camino Avenue, Suite 170
Sacramento, California 95821

STATE OF CALIFORNIA – CALIFORNIA NATURAL RESOURCES AGENCY

GAVIN NEWSOM, GOVERNOR

CENTRAL VALLEY FLOOD PROTECTION BOARD

3310 El Camino Ave., Ste. 170
SACRAMENTO, CA 95821
(916) 574-0609



October 4, 2024

Brian Dela Barre, Section 408 Coordinator
U.S. Army Corps of Engineers, South Pacific Division
RE: Section 408 Regional Categorical Permission
450 Golden Gate Avenue
San Francisco, CA 94102

Subject: Comment Letter on Categorical Permission for Section 408 Requests U.S. Army Corps of Engineers, South Pacific Division

Dear Mr. Dela Barre,

Thank you for the opportunity to provide comments on the proposed Categorical Permission (CP) for Section 408 Requests regulated by districts within the U.S. Army Corps of Engineers (USACE) South Pacific Division. The State of California Central Valley Flood Protection Board (Board) is the State nonfederal sponsor responsible for operating and maintaining State Plan of Flood Control projects within California's Central Valley that have been federally authorized by the United States Congress.

010-CVF01 Board staff has reviewed the public notice *Comment Letter on Categorical Permission for Section 408 Requests U.S. Army Corps of Engineers, South Pacific Division* provided by the Department of the Army. We understand the proposed categorical permissions are intended to expedite review of minor alterations to USACE projects. We support efforts by the South Pacific Division to simplify and shorten time periods to review these minor alterations that have negligible effects. The proposed categorical exemptions are a good start, but we believe that there are additional minor alterations that should be included, and that some of the proposed categories could be made broader or require clarification. We offer the following comments for your consideration in finalizing the Categorical Permissions for the South Pacific Division:

- 010-CVF02
1. Agriculture and Landscaping
 - a. Landscaping – Please define what is included in landscaping. For instance, are irrigation lines included within the category of landscaping activities?
 7. Ditches and Canals
 - a. The total length of ditches and canals is not to exceed 1,000 linear feet. Please elaborate on the engineering rationale for this limitation.
- 010-CVF03

Categorical Permission for Section 408 Requests, SPD

October 4, 2024

Page 2

- 010-CVF04 8. Docks
- a. Please add "**replacement**" after "modification".
- 010-CVF05 15. Horizontal Directional Drilling
- a. Please check the 300-foot requirement and modify as needed for cases where a seepage/stability berm exist adjacent to the levee. Recommend distances less than 300-feet with adequate seepage/stability analyses.
- 010-CVF06 22. Swimming Pools
- a. Please add the bold text in the following sentence "Entry and exit points at no less than 300 feet from the landside levee toe **or seepage/stability berm toe**".
- 010-CVF07 24. Utility Poles
- a. Utility poles are typically installed along the levee alignment. How is the 5 acre limitation calculated?
- 010-CVF08 25. Water Supply Pump Stations
- a. Recommend modifying this permission to "Water **Side** Pump Stations" for broader alignment with condition 16.
- 010-CVF09 26. Wells
- a. Recommend shorter distances than 300-feet from landside toe where seepage/stability berms exist, or levee cutoff walls have been installed. Proper seepage analysis should be provided to justify shorter than 300-foot distances.

010-CVF10 Furthermore, it would be helpful if South Pacific Division more clearly explained the difference between the current process for review of a Section 408 permission request and the new process that applies when using a categorical permission. The public notice does not provide a clear picture of how the categorical permissions will improve the process. An explanation of when a 408 permission is not required for O&M activities to meet performance standards outlined in an O&M manual is needed.

010-CVF11 Lastly, in the first paragraph of the last page, an attachment was referenced but not attached. Please provide that attachment. Also, we note that some categorical permissions are already used by the USACE Sacramento District. It would be a useful to clarify whether the South Pacific Division's categorical permissions replace those currently used by the Sacramento District. Thank you again for the opportunity to provide comments on this document.

If you have any questions regarding this letter, please contact me by e-mail at chris.lief@cvflood.ca.gov

Sincerely,

Chris Lief

Chris Lief
Executive Officer

From: [Tom Hanson \(FCD\)](#)
To: [SPD408](#)
Cc: [Fuertes, Angel P CIV USARMY CESPL \(USA\); US ARMY CORPS OF ENGINEERS](#)
Subject: Section 408 Categorical Permission
Date: Friday, October 4, 2024 4:01:04 PM
Attachments: [image001.png](#)
[Categorical Permission for Section 408 Requests.pdf](#)

Dear Brian Dela Barre,

The Flood Control District of Maricopa County (FCDMC) appreciates the opportunity to provide input to the proposed Section 408 Regional Categorical Permission and highly support such efforts. As such FCDMC would like to provide a list of the following feedback:

- 011-MC01
 - Some portions of the proposal indicate “levee”, some reference “levee toe”, and other reference “toe”. Do we assume that “toe” is a levee toe? The question is raised since FCDMC also manages Section 408 dams and dikes which have toes.
- 011-MC02
 - Also, if there is a categorical limitation related to a “levee” or “toe”, if the Section 408 Structure has neither, would that limitation be ignored? For example the statement, “total area of work not to exceed 5 acres or occur within 300 feet of toe”, would there be no limitation to the borrow area work if the adjacent Section 408 Structure was a lined channel?
- 011-MC03
 - The categorical permissions seem to be focused on levees or there is much more flexibility for other types of structures. Is this an oversight, or do we need to think about Section 408 channels, storm drains, dams, dikes, inundation areas, basins, and similar structures? Are there limits around those structures?
- 011-MC04
 - Consider not tying the proximity to the levee toe at the 300-foot minimum distance as this would negate it’s benefit in most situations as the Project Right-of-Way typically does not extend that far. If a height/distance relationship was looked at that was palatable like a 5 to 1 or a 10 to 1, maybe it would work better. For example, a 1-foot-tall levee with a 10-foot setback is likely ok from a structural consideration.
- 011-MC05
 - Consider specifically calling out that cultural resources would be assumed to not be impacted under the placement of fill and the non-disturbance of native soils. Also permitting the allowance for minimal scarification and recompaction exemptions of 6 to 12 inches in depth.
- 011-MC06
 - Consider exclusions to critical habitat reviews in urbanized, already disturbed areas.
- 011-MC07
 - Consider the placement of fill at elevations above the project design flow line qualify for categorical permission, for example fringe areas and banks of channels.
- 011-MC08
 - Deminimus placement of fill for landscape or park furniture foundation purposes or for the placement of concrete foundations for fencing falls under a categorical permission. For example, a cubic yard of fill placed in a detention large basin, for things like landscaping, should be able to be reviewed under a categorical permission without triggering a cultural or environmental review.
- 011-MC09
 - With the listed 26+ different categories, we would ask that a single project that involved items from multiple categories could still qualify for a categorical permission.
- 011-MC10
 - On the buildings and Other Structures Category, include callout additional items such as press boxes, bike racks, EV charging stations, bathrooms, and ramadas as being categorically included.
- 011-MC11
 - Include categories that allow for some minor modifications to address vector issues, nuisance

water (tailwater), and improved safety access for maintenance for flood fight or ease of post-storm clean-up.

- 011-MC12 • Consider categorical permissions that allow for work around Section 408 Structures within paved, concrete, road right-of-ways, or already heavily developed areas.
- 011-MC13 • Expand the location that geotechnical work can be performed. It suggested it is currently limited to floodway, embankment, and toe. Many, if not most, of our structures fall outside those limits.
- 011-MC14 • Do we need a categorical permission to allow special events, temporary access, surveys, testing, and additional non-impacting activities within channels, basins, or other Section 408 Right-of-Ways as the process suggests?

011-MC15 In general, this appears to be really focused on levees or water-side locations. Maricopa County does have levees, but that is only a portion of Section 408 Structure that we maintain and need to permit around. We appreciate the efforts towards seeking a more efficient process. The timeframes between our two agencies can be a major factor in the success of projects and shared use around our facilities. Please let me know if you would like any additional information regarding our feedback.

Thank you,



Tom Hanson, PE, MPA, RS/REHS

Division Manager

Flood Control District

Floodplain Permitting Division

2801 W Durango St Phoenix, AZ 85009

O: 602-506-2916

[Maricopa.Gov]

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DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SOUTH PACIFIC DIVISION
450 GOLDEN GATE AVE.
SAN FRANCISCO CA 94102

PUBLIC NOTICE

CATEGORICAL PERMISSION FOR SECTION 408 REQUESTS
U.S. ARMY CORPS OF ENGINEERS, SOUTH PACIFIC DIVISION

PUBLIC NOTICE COMMENT PERIOD:

Begins: September 4, 2024

Ends: October 4, 2024

AUTHORITY: The authority to grant permission for temporary or permanent use, occupation, or alteration of any U.S. Army Corps of Engineers (USACE) Civil Works project is contained in Section 14 of the Rivers and Harbors Act of 1899, as amended, codified in 33 U.S.C. § 408 ("Section 408"). Section 408 authorizes the Secretary of the Army, on the recommendation of the USACE Chief of Engineers, to grant permission for the use, occupation, or alteration of a USACE project if the Secretary determines that the activity will not be injurious to the public interest and will not impair the usefulness of the project. The Secretary of the Army's authority under Section 408 has been delegated to the USACE Chief of Engineers. The USACE Chief of Engineers has further delegated the authority to the USACE Directorate of Civil Works, division and district commanders, and supervisory division chiefs, depending upon the nature of the activity. Colonel James J. Handura, PMP, Commander and Division Engineer of the South Pacific Division, USACE is the approval authority for the categorical permission for Section 408 requests in the South Pacific Division.

INTRODUCTION: There are numerous USACE Civil Works projects within the boundaries of the South Pacific Division. These projects have been federally authorized by the U.S. Congress and then turned over to a nonfederal sponsor to operate and maintain.

Projects may include flood risk reduction projects, such as embankments and channels located in both rural and urban areas, as well as coastal projects, such as seawalls and beach nourishment. Each year the districts within the South Pacific Division receive requests through the nonfederal sponsors from private, public, tribal, and other federal entities (requesters) to alter USACE federally authorized Civil Works projects (USACE projects) pursuant to Section 408.

When a district receives a request to alter a USACE project, it follows a review process outlined in Engineer Circular (EC) 1165-2-220, *Policy and Procedural Guidance for Processing Requests to Alter US Army Corps of Engineers Civil Works Projects Pursuant to 33 USC 408* (https://www.publications.usace.army.mil/Portals/76/Publications/EngineerCirculars/EC_1165-2-220.pdf?ver=2018-09-07-115729-890). To simplify the review process and reduce review times, EC 1165-2-220 states that USACE districts can develop categorical permissions to potential alterations that are similar in nature and have similar effects on a USACE Civil Works project or on the environment. The USACE, Director of Civil Works has extended the use of EC 1165-2-220 until the Section 408 policy is published in the Code of Federal Regulations (<https://usace.contentdm.oclc.org/utis/getfile/collection/p16021coll11/id/6583>).

South Pacific Division districts receive numerous Section 408 requests for minor alterations to USACE projects each year, most of which are for changes to an embankment or channel such as installation of irrigation pipes or horizontal directional drilling for the placement of utility lines. Many of the project descriptions for proposed alterations are similar and the effects tend to be negligible. The current review and approval process, however, is time intensive and can take months. USACE South Pacific Division proposes to reduce Section 408 request review times by simplifying engineering and environmental analysis for specific categories of minor alterations within the division's boundaries (Figure 1), excluding consultation required under Section 106 of the National Historical Preservation Act.

A programmatic environmental assessment is being prepared in conjunction with the proposed categorical permissions to identify, analyze and evaluate environmental impacts of the potential alterations.



Figure 1. USACE South Pacific Division Area with Civil Works Projects

ALTERNATIVES: The decision options are to continue with the current process or establish a categorical permission to facilitate review of alterations to USACE Civil Works projects.

SCOPE OF THE DECISION: The division's area of responsibility covers a wide geographic area and includes portions of Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oregon, Texas, Utah, and Wyoming (Figure 1). The decision does not apply to any USACE-owned reservoir or lake project. The temporal scope of the decision to be made is for 5 years; after 5 years, the decision would be reevaluated and may be renewed or revised, if appropriate.

PROPOSED CATEGORICAL PERMISSION: The proposed categorical permission covers a list of potential alterations with similar effects on a USACE project and on the environment. If a separate environmental assessment (EA) or environmental impact statement (EIS) is needed for the National Environmental Policy Act (NEPA) documentation of a proposed alteration, the proposed categorical permission would not apply, and the Section 408 request would be reviewed and a decision made following the current process described in EC 1165-2-220. Furthermore, the proposed categorical permission neither alters nor removes consultation with Native American tribes required under the National Historic Preservation Act or other laws, Executive Orders, or Army regulations or guidance.

For the categorical permission to apply, a Section 408 request must incorporate standard mitigation measures and best management practices into the project plan. Projects would be required to minimize disturbance to surrounding vegetation, return disturbed areas to pre-project conditions, remove spoils, control stormwater runoff and erosion, and not exceed federal *de minimis* levels of criteria air pollutants or precursors.

The proposed categorical permission would encompass the following types of alterations:

1. Agriculture and Landscaping
 - Variety of standard agricultural activities may occur.
 - Total area of work not to exceed 350 acres for agricultural activities and 5 acres for landscape activities.
 - Applicable only to prior converted agricultural lands; does not cover new land use type conversion to cultivated land.
2. Beach Nourishment
 - Placement of suitable fill material to stabilize coastal shorelines and eroding beaches.
3. Borings, Explorations, and Instrumentation
 - Variety of geotechnical boring or exploratory activities and instrumentation may be used in the floodway, on the embankment, and adjacent to the toe.
 - Drilling Program Plan required for activities in the embankment or embankment foundation.
4. Borrow Areas
 - Excavation activities.
 - Total area of work not to exceed 5 acres or occur within 300 feet of toe.
 - Geotechnical investigation required.

5. Bridges
 - Construction, modification, and replacement of pedestrian, railroad, and vehicular bridges, including the approach.
 - Total area of ground disturbance not to exceed 15 acres.
 - Slope stability analysis required.
6. Buildings and Other Structures
 - Construction and modification of buildings and other structures, including artwork, decks, patios, and solar arrays.
 - Total area of work not to exceed 5 acres.
 - No habitable buildings or structures.
 - Geotechnical investigation, slope stabilization, and seepage analysis required for new building construction within 300 feet of the levee on native soils.
 - An existing structure damaged more than 50 percent of market value must receive approval of the nonfederal sponsor before reconstruction.
 - Nonfederal sponsor must be notified of removal plans for any building or structure.
7. Ditches and Canals
 - Construction, fill, and modification of ditches and canals.
 - Must be located outside the levee embankment.
 - Total length not to exceed 1,000 linear feet.
8. Docks
 - Construction, modification, and removal of debris boom, floating dock structure, gangways, landing structures, and riprap.
 - Total area not to exceed 2,000 square feet.
9. Environmental Restoration
 - Variety of restoration activities may occur.
 - Total area of work not to exceed 500 acres for non-channel restoration activities or 5,000 linear feet for channel restoration activities.
10. Erosion Control
 - Variety of erosion control activities.
 - Total area of work not to exceed 2,000 linear feet of bank.
 - Maintenance is required to preserve functionality.
11. Fences, Gates, and Signage
 - Installation, modification, and replacement of fences, gates, and signage.
 - Gates must be accessible to USACE, nonfederal sponsor, or the local maintaining agency and of sufficient size not to inhibit levee construction, inspection, high-water patrol and flood-fighting, or maintenance personnel, equipment, and vehicles.

12. Fiber Optic and Dry Utility Pipes

- Installation, modification, and replacement of dry utility pipes.
- Total area not to exceed 5 acres.
- Pipe location and orientation must be clearly marked.

13. Fish Screens

- Installation, modification, and replacement of fish screens on water intake pipes and associated facilities (maintenance structures, supports, and walkways).
- Total area not to exceed 5 acres.

14. Gravity Pipes

- Installation, modification, and replacement of gravity pipes and culverts.
- Total area not to exceed 5 acres.

15. Horizontal Directional Drilling

- Installation of pipes by horizontal directional drilling.
- Total area not to exceed 15 acres.
- Entry and exit points at no less than 300 feet from the landside levee toe.

16. Landside Pump Stations

- Installation, modification, and replacement of landside pump stations and associated facilities.
- Total area not to exceed 5 acres.

17. Pressurized Pipes

- Installation, modification, and replacement of pressurized pipes.
- Total area of work not to exceed 5 acres.

18. Research and Monitoring

- Installation, operation, and replacement of devices whose purpose is to measure and record data, including meteorological stations; seismic, sonar, and staff gauges; tide and current gauges; and water quality and chemical and biological observation devices.
- Once monitoring is complete, all measuring devices, associated structures, and equipment must be removed and the site restored to pre-alteration conditions.

19. Retaining Walls, Seawalls, and Other Wall Structures

- Construction, modification or repair, and replacement of retaining walls, seawalls, and other wall structures.

20. Seepage and Stability Berms

- Construction, modification, and replacement of seepage and stability berms within the easement of the floodway.
- Total area not to exceed 10 acres.

21. Stairs and Handrails

- Installation, modification, and replacement of stairs and handrails.

22. Swimming Pools

- Installation, modification, and replacement of swimming pools and associated support facilities.
- Total area not to exceed 1 acre.
- Geotechnical analysis required if located within 300 feet of the levee toe.

23. Trails, Roads, and Ramps

- Installation, modification, and replacement of access ramps, roads, trails, and associated lighting, signage, and so forth within the easement of the floodway.
- Total area of ramps not to exceed 5 acres and 5 miles in length for roads and trails.

24. Utility Poles

- Installation, modification, and replacement of utility poles and towers.
- Total area not to exceed 5 acres.

25. Water Supply Pump Stations

- Installation, modification, and replacement of water supply pump stations and associated facilities.
- Total area not to exceed 5 acres.

26. Wells

- Installation of wells and associated structures.
- Not to be located within 300 feet of the landside levee toe or 15 feet of the waterside levee toe.
- Any new surface area of a concrete pad not to exceed 200 square feet.

ENVIRONMENTAL IMPACTS OF PROPOSED ACTION: The South Pacific District will prepare a programmatic EA in compliance with NEPA. As implementation of the categorical permission would not involve any on-the-ground work, there are no anticipated direct effects on environmental resources. Although the categorical permission would be for a variety of alteration types that individually could result in effects on resources, it is important to note that the decision to be made on the categorical permission would not authorize any specific Section 408 requests. If the proposed categorical permission is approved, future Section 408 requests would be individually reviewed to determine if they fit under the categorical permission.

Under the proposed categorical permission, each individual Section 408 request would be evaluated on a case-by-case basis for compliance with all applicable environmental laws. Additionally, adequacy of the programmatic EA for the categorical permission would be verified for each request. If the existing NEPA documentation is not adequate, a separate NEPA analysis would be conducted. Section 408 requests for alterations that are not described in the categorical permission (see descriptions in Attachment 3) or that do not adhere to the standard mitigation measures would be evaluated using the current review process for an individual request as described in EC 1165-2-220.

Although the decision whether to implement the proposed categorical permission would not have direct effects on resources, the types of alterations described under the proposed categorical permission have the potential to affect several different resources. Resources that could potentially be affected by these types of alterations include aesthetics, air quality, cultural resources, fish and wildlife, floodplains, invasive species, noise, recreation, threatened and endangered species, transportation and traffic, vegetation, water quality, and wetlands. It is expected that the effects associated with the types of alterations covered by the categorical permission described in Attachment 3 would be minor or negligible. If a proposed alteration is determined to involve more than minor effects or would not meet the parameters identified in the project description, the categorical permission would not apply and a categorical exclusion, EA, or EIS would be prepared, as appropriate.

Under the proposed categorical permission, the district would continue to individually evaluate each Section 408 request for the potential to affect cultural resources and, when there is the potential for effects, consult with the appropriate State or Tribal Historic Preservation Officer and interested Native American tribes pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. § 306108 *et seq.*).

Under the proposed categorical permission, the districts within the South Pacific Division would continue to individually evaluate Section 408 requests for potential effects on threatened and endangered species (and their designated critical habitat) listed under the federal Endangered Species Act of 1973, as amended (ESA) (16 U.S.C. § 1531 *et seq.*) and, as appropriate, conduct consultation pursuant to Section 7 of the ESA with the U.S. Fish and Wildlife Service or the National Marine Fisheries Service (NMFS). The district also would continue to individually evaluate each Section 408 request for potential adverse effects on essential fish habitat. If adverse effects on essential fish habitat are anticipated, the district would consult with NMFS pursuant to the Magnuson- Stevens Fishery Conservation and Management Act of 1976, as amended (16 U.S.C. § 1801 *et seq.*).

Additionally, the district would continue to individually evaluate Section 408 requests for environmental compliance with the Clean Water Act, the Coastal Zone Management Act of 1972, the Marine Mammal Protection Act of 1972, the Migratory Bird Treaty Act of 1918, and other applicable environmental regulations.

PUBLIC INVOLVEMENT: The purpose of this notice is to solicit comments from federal, state, and local agencies and officials; the public; and other interested parties regarding the proposed Section 408 categorical permission. Sovereign Native American Tribes have been contacted separately. Comments received within 30 days of publication of this notice will be used in the evaluation of potential impacts of the proposed action on important resources.

SUBMITTING COMMENTS: Written comments, referring to “Section 408 Categorical Permission,” must be submitted by email or mail to the office listed below on or before October 4, 2024.

Brian Dela Barre, Section 408 Coordinator
U.S. Army Corps of Engineers, South Pacific Division
RE: Section 408 Regional Categorical Permission
450 Golden Gate Avenue
San Francisco, CA 94102

Email: SPD408@tetrattech.com

From: [Williams, Emir](#)
To: [SPD408](#)
Cc: angel.p.fuertes@usace.army.mil
Subject: RE: Public Notice for Categorical Permissions For USACE Section 408 Requests
Date: Friday, October 4, 2024 7:54:55 PM
Attachments: [image002.png](#)
[Section408CategoricalPermission_PublicReview_City of San Diego_04OCT2024.pdf](#)

Hello, Brian –

Thank you for sending this opportunity our way!

Please see our attached comments and questions regarding the Public Notice for Categorical Permission for Section 408 Requests.

Please let me know if you have any questions and if possible, could you please confirm receipt?

Thank you and take care!

Emir Williams
Certified Floodplain Manager
FEMA & USACE Point of Contact
Stormwater Department
City of San Diego

www.thinkblue.org



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From: Fuertes, Angel P CIV USARMY CESPL (USA)
Sent: Wednesday, September 25, 2024 11:54 AM
Subject: [EXTERNAL] FW: Public Notice for Categorical Permissions For USACE Section 408 Requests

****This email came from an external source. Be cautious about clicking on any links in this email or opening attachments.****

Please find attached a Public Notice for Categorical Permission for Section 408 Requests.

The U.S. Army Corps of Engineers South Pacific Division is preparing a Categorical Permission (CP) and Programmatic Environmental Assessment (PEA) to simplify engineering and environmental analysis of Section 408 requests for alterations that are similar in nature and have similar effects on a USACE Civil Works' project or on the environment. The proposed CP and PEA would reduce review times of 408 requests for specific categories of minor alterations within the USACE South Pacific Division's boundaries.

The purpose of this public notice is to solicit comments from federal, state, local agencies and officials; the public; and other interested parties on the proposed scope and types of alterations being considered in the CP and PEA. Comments received will be used in preparing the CP and PEA and in the evaluation of potential impacts of the proposed action on important resources.

Written comments, referring to "Section 408 Categorical Permission," must be submitted by email or mail to the office listed below on or before October 4, 2024.

Brian Dela Barre, Section 408 Coordinator
U.S. Army Corps of Engineers, South Pacific Division
RE: Section 408 Regional Categorical Permission
450 Golden Gate Avenue
San Francisco, CA 94102
Email: SPD408@tetrattech.com

If you have any questions regarding this Public Notice please contact me below.

Angel Fuertes, PE
Section 408 Coordinator
Los Angeles District, U.S. Army Corps of Engineers

Office: (213) 452-3208

October 4, 2024

Emailed to: SPD408@tetrattech.com

U.S. Army Corps of Engineers
South Pacific Division
Attention: Brian Dela Barre, Section 408 Coordinator
Re: Section 408 Regional Categorical Permission
450 Golden Gate Avenue
San Francisco, California 94102

Re: Public Notice for Categorical Permission for Section 408 Requests, U.S. Army Corps of Engineers, South Pacific Division

Dear Mr. Brian Dela Barre:

Thank you for the opportunity to express our interest in the Public Notice for Categorical Permission for Section 408 Requests, U.S. Army Corps of Engineers, South Pacific Division. We are excited about the prospect of contributing to the development of the proposed Categorical Permission Program.

GENERAL COMMENTS

- 012-SD01 Would the categorical permissions proposed herein supersede the existing categorical permissions for the Sacramento District?
- 012-SD02 What disqualifying circumstances would apply to this set of categorical permissions? How would the disqualifying circumstances for the South Pacific Division vary from the existing disqualifying circumstances for the Sacramento District Categorical Permissions?
- 012-SD03 Provide more detail to clarify when and whether a project could qualify for the categorical permission (*similar to the NWP terms and conditions*). This would allow projects to be planned/designed accordingly.
- 012-SD04 Define the terms and conditions for categorical permission use – describe the covered activities, any limitations, thresholds, planting limitations, excavation depths, etc. Confirm when certain types of equipment would be allowed; that planting can or cannot occur on a levee; and, whether there would be limitations on the type of vegetation to be planted (*e.g., woody, herbaceous*), etc.
- 012-SD05 Request the categorical permission process clearly list the information needed for an application and whether there are specific analyses that need to be submitted with the request for categorical approval. For example, would an applicant need to provide a design, pre-project, and post-project hydrology/hydraulic analysis to demonstrate compliance?

TARGETED COMMENTS

- 012-SD06 USACE South Pacific Division proposes to reduce Section 408 request review times by simplifying engineering and environmental analysis for specific categories of minor alterations within the division's boundaries (Figure 1), excluding consultation required under Section 106 of the National Historical Preservation Act. (Page 2): Would the reduction in time include a set time frame (*i.e. 90-days*) so that there could be some expectation of timing for planning and scoping purposes? Clearly define review timelines with the categorical review process. How much certainty will the applicant get regarding timing for authorization?
- 012-SD07 For the categorical permission to apply, a Section 408 request must incorporate standard mitigation measures and best management practices into the project plan. (Page 3): Is there a reference or list (*as an example*) for what would be considered "standard mitigation measures"?
1. AGRICULTURE AND LANDSCAPE (PAGE 3)
- 012-SD08 Total area of work not to exceed 350 acres for agricultural activities and 5 acres for landscape activities. Does this line mean - 350 acres... and 5 acres... within the Flood Control ROW/408 Jurisdiction, or do those totals refer to the entire acreage of a proposed project (*regardless of the acreage in or out of the Flood Control ROW/408 Jurisdiction*)?
2. BEACH NOURISHMENT (PAGE 3)
- 012-SD09 General comment: What types of activities would be considered Beach Nourishment, and how would those activities differ from Environmental Restoration activities?
3. BORINGS, EXPLORATIONS, AND INSTRUMENTATION (PAGE 3)
- 012-SD10 Variety of geotechnical boring or exploratory activities and instrumentation may be used in the floodway, on the embankment, and adjacent to the toe. Does this mean the toe can be touched, or does this mean within a defined distance near the toe (*not actually touching the toe*)? Please confirm because per item #4 below (*Borrow Areas*), it notes that the toe cannot be touched.
9. ENVIRONMENTAL RESTORATION (PAGE 4)
- 012-SD11 Total area of work not to exceed 500 acres for non-channel restoration activities or 5,000 linear feet for channel restoration activities. Does this mean that there are no acreage/lateral limits on in-channel environmental restoration activities?
- General comments: What types of projects would fall under this category?
- Does environmental restoration include sediment removal to restore a facility to as-built conditions? Does it include addition of large woody debris or rock to stabilize or create other types of resources?
- Confirm environmental restoration activities include restoration activities implemented as part of compensatory mitigation projects.
- Are long-term maintenance and management activities associated with the covered environmental restoration activities also programmatically covered?

10. EROSION CONTROL (PAGE 4)

012-SD12 **Total area of work not to exceed 2,000 linear feet of bank.** Does this mean that there are no acreage and lateral limits for Erosion Control?

14. GRAVITY PIPES (PAGE 5)

012-SD13 **Total area not to exceed 5 acres.** A network of gravity pipes within the Flood Control ROW could span several hundred/thousand linear feet. Would a conversion be needed or does this item intend to have no linear limit?

18. RESEARCH AND MONITORING (PAGE 5)

012-SD14 **General comment.** Although these efforts would be considered small footprint / no -impact items, would there be a limit to the number of installations or the total lateral/linear footage?

19. RETAINING WALLS, SEAWALLS, AND OTHER WALL STRUCTURES (PAGE 5)

012-SD15 **General comment.** Would there be any acreage/lateral/linear limits on this effort?

21. STAIRS AND HANDRAILS (PAGE 6)

012-SD16 **General comment.** Would there be any linear limits on this effort?

23. TRAILS, ROADS, AND RAMPS (PAGE 6)

012-SD17 **General comment.** Would this also include the general paving of areas on the land side within the Flood Control ROW?

25. WATER SUPPLY PUMP STATIONS (PAGE 6)

012-SD18 **General comment.** Does this item include stormwater pump stations as well?

We appreciate the invitation to express our interest in the Public Notice for Categorical Permission for Section 408 Requests, U.S. Army Corps of Engineers, South Pacific Division, and are excited about the potential collaboration. If you have any questions or concerns about our comments herein, please feel free to contact me directly at ewilliams@sandiego.gov.

Warm Regards,

Emir Williams

Emir Williams
Stormwater Department
City of San Diego

From: [Sunny Simpkins](#)
To: [SPD408](#)
Cc: [Jennings, Bonnie F CIV USARMY CEHQ \(USA\)](#); [Tutka, Travis C CIV USARMY CEHQ \(USA\)](#)
Subject: Comments from Orange, San Bernadino, Santa Barbara and Ventura Counties
Date: Friday, October 4, 2024 5:35:40 PM
Attachments: [10.4.24 Southern California 408CatPermFinal.pdf](#)

013-LAD01

We look forward to discussing our comments at our November 7, 2025, meeting with the LA District.

Please reach out with any questions.

Best,
Sunny

Sunny Simpkins
Executive Director
sunnys@nafsma.org
www.nafsma.org



National Association of Flood & Stormwater Management Agencies
PO Box 4336, Silver Spring, MD 20914 202-289-8625 www.nafsma.org

October 4, 2024

TO: Brian Dela Barre, Section 408 Coordinator, U.S. Army Corps of Engineers (USACE), South Pacific Division, SPD408@tetrattech.com

FROM: National Association of Flood and Stormwater Management Agencies (NAFSMA)

SUBJECT: NAFSMA Comments on Public Notice - Categorical Permission for Section 408 Requests USACE South Pacific Division (SPD)

Orange, San Bernardino, Santa Barbara, and Ventura Counties, which are all members of the National Association of Flood and Stormwater Management Agencies (NAFSMA) have a long history of working closely with the U.S. Army Corps of Engineers (USACE or Corps) on flood risk management issues, including policies and programs related to flood risk management structures, including levees. We have partnered with USACE to construct flood control systems and now have the responsibility to operate and maintain those structures in accordance with Operations and Maintenance (O&M) Manuals provided by USACE when the flood control project was turned over to the local sponsor after completion of construction. These local owners and operators now hold the responsibility for maintaining and operating local flood risk management projects to protect lives, property, and the environment from floods.

Our agencies are currently working with the Corps on studies or construction of flood control or environmental restoration projects, or alternatively, are responsible for operating and maintaining Corps-partnered projects in SPD. It is important to note that once a federally partnered project is turned over to the non-federal sponsor, only the sponsor can apply for a 408 permit on these projects. As a result, the process authorized under Section 14 of the Rivers and Harbors Act of 1899, as amended, codified in 33 U.S.C. Sec. 408 is critically important to NAFSMA members.

The Corps review process for 408 permissions has become increasingly difficult, time consuming and costly for local sponsors. In recent years sponsors have been asked by USACE to contribute to the processing of these permissions through their existing Section 214 agreements. These agreements were originally set up to reduce the time needed to process Section 404 permits and have been expanded in recent years to include 408 permission reviews. With this level of local investment in the program, there is naturally a strong interest in the Section 408 process.

The delegation of final decision-making for most Section 408 permissions to Corps Districts and

Divisions since 2017 has not been as successful as anticipated as a tool to reduce delays in 408 reviews and decisions. NAFSMA is pleased, however, to see the recent outreach and initiatives put forward from USACE headquarters to address sponsor concerns with the Section 408 process.

Steps taken to issue process guides for the program, pre-application meetings and a standard permission application template should help achieve positive changes with the program could provide more empowerment as the District and Division levels. The selection of SPD for the development of the Categorical Permission (CP) for Section 408 was especially well received by NAFSMA members.

NAFSMA very much appreciates the opportunity to comment on the proposed CP for SPD and has reached out to its members in the Division for input on the following comments. The association understands that some of the listed alterations covered in this CP may need to be different in other USACE Divisions. Alternation activities identified under the CP need to reflect standards and thresholds appropriate to the region.

GENERAL COMMENTS

The difference between the current process for review of a Section 408 permission request and the new process that applies when using a CP needs to be more clearly explained. NAFSMA urges USACE to provide an opportunity for public agencies to provide input on the review process itself. The public notice does not provide a clear picture of how the categorical permissions will improve the process. An explanation of when a 408 permission is not required for O&M activities to meet performance standards outlined in an O&M manual is needed.

Also unclear in the public notice is who makes the determination that a proposed alteration meets one of the listed categorical permissions, now how this determination is made. This needs to be clarified as the categorical permissions are further developed for SPD.

It would be helpful if the role of the non-federal sponsor in the 408 process, and in the application of the CP, was clearly outlined. Although local sponsors are referenced under individual categorical permissions such as Building and Other Structures and Fences, Gates, and Signage, clarifying the process could help to improve the process.

It should be clearly stated under the introduction to the CP, that a local sponsor needs to be notified and must sign off with a letter of no objection on a 408 application from a private developer or other entity. NAFSMA requests that under listed alteration six. Building and Other Structures – the last bullet should be deleted indicating that a nonfederal sponsor must be notified of removal plans for any building or structure. Calling out this alteration makes it seem that such notification is not required under the other listed alterations.

District consultation with other federal resource agencies including the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (NMFS) on the federal Endangered Species

Act (ESA) requirements and with the appropriate State or Tribal Historic Preservation Officer on Section 106 Historic Preservation requirements needs to come at the beginning of the 408 process. It would be most helpful if the Categorical Permission document calls for this upfront action by USACE Districts and Divisions. Too often this consultation comes at the end of the 408 process and results in slowdowns on critical projects.

The public notice document states that applicants must “return disturbed areas to pre-project conditions.” NAFSMA asks that this be clarified. For example, if a sponsor mows around a basin, are they required to replant the area, or is acceptable to allow vegetation to grow back naturally?

Also called for in the public notice is the incorporation of standard mitigation practices, Best Management Practices (BMPs), and the minimization of disturbance and impacts. As the development of the CP moves forward, clarification of how much, and what, information is required needs to be provided to meet these requirements.

A review of USACE standards is recommended so that the continued use of existing standards could be a checklist for approval. This list of approved standards would help expedite and reduce the cost of the review and approval process.

NAFSMA has questions about when and how nonfederal sponsors will be engaged further in the process of development of the categorical permission for SPD.

Proposed Activities to be **Added** Under SPD Categorical Permission

The installation and maintenance of raptor perches and owl boxes needs to be added to eligible alternations under the categorical permission. They could be added under the utility pole related activities or after the fish screen section, as both are related to habitat and maintenance issues.

Pipeline Crossings – The CP needs to include work (around, through and under) levees, floodwalls, flood risk reduction channels and navigation channels. This should include horizontal directional drills, jack, and bore, open cuts, ramp overs, and floodwall penetrations.

Riprap and Grouted Stone in Channels and Around Structures

Diversion Structures for Water Quality or Water Supply Projects

New Alteration Type for Gates, Valves and Appurtenances (applicable only when the extent of the work falls outside of normal O&M activities.

Proposed Edits to Listed Alterations Included Under Proposed Categorical Permission for SPD (Adds are Bold and Italicized)

1. Agricultural, Landscaping **and Site Grading**
2. Beach Nourishment
3. **Soil Investigations**, Borings, Explorations, and Instrumentation
 - ***Will there be a depth limitation for boring/monitoring wells?***
 - ***Include cone penetration tests, piezometers, and inclinometers.***
 - ***Include lined channels as one of the locations where categorical permission applies.***
4. Borrow Areas
 - ***Include excavation activities adjacent to, or within, a predefined distance of lined channels.***
5. Bridges
 - ***Include bridge widening and pier nose extensions.***
 - ***Include bicycle and equestrian bridges.***
6. Buildings and Other Structures
 - ***Delete Notification of Nonfederal sponsor as they should be notified of, and need to provide letter of approval, for all proposed alternation activity requesting 408 permission.***
 - ***Include bridge activities adjacent to, or within, lined channels.***
7. Ditches, Canals, **Drainage Pipes and Draining Connection/Tie-Ins**
8. Docks
9. Environmental **and Floodway** Restoration
10. Erosion Control
 - ***Include erosion control features and repairs.***
11. Fences, Gates, and Signage
 - Include bollards, poles, posts, and station markers that individually require less than 1 square foot of surface disturbance.
12. Fiber Optic and **Dry** Utility Pipes
 - ***Include fiber optic cable, potable, recycled water, stormwater/drainage, sanitary sewer, brine line, natural gas, cable, and electrical.***
 - ***Conduit installations for gas, sewer, electrical and minor excavation should be checklist approval.***
13. Fish Screens
14. Gravity Pipes
15. Horizontal Directional Drilling
16. Landslide Pump Stations
17. Pressurized Pipes
 - ***Include natural gas pipes.***
18. Research and Monitoring
 - ***Will there be limitations as to how much area is covered?***
 - ***Include wet weather/water quality monitoring samplers/stations?***
 - ***Include data logger installations, including flow meters, water quality samplers, temperature gages.***
19. Retaining Walls, Seawalls, and Other Wall Structures
 - ***Include lined channel walls and inverts.***
20. Seepage, Stability Berms, **and Bank Stabilization**

21. Stairs and Handrails
22. Swimming Pools
23. Trails, Roads, and Ramps
 - ***Include bike, jogging and walking trails.***
 - ***Include signage, lighting, and other similar operational, recreational, and decorative features.***
 - ***Include levee ramps, maintenance roads and crossings.***
24. Utility Poles ***and Line Work***
 - ***Include utility line work both underground and above ground.***
 - ***Include associate structures and support poles.***
 - ***If you use the same hole then this should be a checklist approval.***
25. Water Supply Pump Stations
26. Wells
 - ***Include water supply, monitoring, and cathodic wells.***

In closing, we very much appreciate this opportunity to comment on the proposed CP for the South Pacific Division. Our counties have a meeting with the LA District on November 7, 2024, and we look forward to discussing these comments and next steps. Please contact NAFSMA Executive Director Sunny Simpkins at sunnys@nafsma.org or 503-705-4944 with any questions.

Cc: Bonnie Jennings Bonnie.F.Jennings@usace.army.mil
Travis Tutka Travis.C.Tutka@usace.army.mil

From: [Thomas Engler](#)
To: [SPD408](#)
Cc: [Melinda Terry \(melinda@floodassociation.net\)](#); [cindy@floodassociation.net](#); [Tom Slater](#); [Meegan Nagy](#)
Subject: Section 408 Categorical Permission - Comments from CCVFCA
Date: Friday, October 4, 2024 4:15:30 PM
Attachments: [CCVFCA 408 Categorical Permission Comment Letter 10-4-2024.pdf](#)

Hello,

On behalf of the California Central Valley Flood Control Association, please find attached for your consideration comments to the Categorical Permission for Section 408 Requests. Please do not hesitate to contact me with any questions or concerns on the attached.

Thank you,

Tom Engler, P.E., CFM
Principal

MBK Engineers

455 University Avenue, Suite 100
Sacramento, CA 95825-6579

(916) 437-7507 direct
(916) 456-4400 office

From: CESPK-408-PN <CESPK-408-PN@usace.army.mil>

Sent: Monday, September 9, 2024 3:25 PM

Subject: Public Notice for a Categorical Permission for Section 408 Requests U.S. Army Corps of Engineers, South Pacific Division

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

South Pacific Division Public Notice

The U.S. Army Corps of Engineers (USACE), South Pacific Division has posted a public notice for a Categorical Permission for Section 408 Requests to <https://www.spd.usace.army.mil/Missions/Regulatory/Public-Notices-and-References/>

South Pacific Division districts receive numerous Section 408 requests for minor alterations to USACE projects each year. These projects have been federally authorized by the U.S. Congress and then turned over to a non-federal sponsor to operate and maintain. Projects may include flood risk reduction projects such as levees and channels located in both rural and urban areas. USACE,

pursuant to 33 U.S.C. 408 (Section 408), reviews requests to alter USACE federally authorized civil works projects. The Section 408 permission process is separate and independent of any Department of the Army Section 404 and Section 10 permitting actions.

In accordance with Engineering Circular (EC) 1165-2-220, the South Pacific Division proposes to implement a categorical permission to create efficiencies in the review process for Section 408 requests for minor alterations to USACE projects within the civil works boundaries of the South Pacific Division. The proposed categorical permission would encompass a list of potential alterations that are similar in nature and have similar impacts. The purpose of this notice is to solicit comments from federal, state, and local agencies and officials; the public; and other interested parties regarding the proposed Section 408 categorical permission. Sovereign Native American Tribes have been contacted separately.

For supporting documents and a more detailed project description, please visit: [\(FINAL_20AUG24\) LETTER_USACE SPD RCP SECTION 408 SCOPING PUBLIC NOTICE \(INTERNAL AND EXTERNAL\)_REVISED_CLEAN \(002\).DOCX \(live.com\)](#)

Written comments, referring to "Section 408 Categorical Permission," must be submitted by email or mail to the office listed below on or before October 4, 2024.

Brian Dela Barre, Section 408 Coordinator
U.S. Army Corps of Engineers, South Pacific Division
RE: Section 408 Regional Categorical Permission
450 Golden Gate Avenue
San Francisco, CA 94102

Email: SPD408@tetrattech.com



CALIFORNIA CENTRAL VALLEY
FLOOD CONTROL
 ASSOCIATION

<i>Executive</i>	MELINDA TERRY
<i>Director</i>	
<i>President</i>	THOMAS SLATER
<i>Vice President</i>	MEEGAN NAGY
<i>Treasurer</i>	MICHAEL BESSETTE

Sent Via Electronic Transmittal; SPD408@tetrattech.com

October 4, 2024

Brian Dela Barre, Section 408 Coordinator
 U.S. Army Corps of Engineers, South Pacific Division
 RE: Section 408 Regional Categorical Permission
 450 Golden Gate Avenue
 San Francisco, CA 94102

Re: Comments on Section 408 Categorical Permission

Dear USACE South Pacific Division:

The California Central Valley Flood Control Association (Association) is comprised of local flood management agencies in the California Central Valley. The majority of our members either undertake or operate and maintain projects to improve federal project levees as the Local Maintaining Agencies (LMAs) while the Central Valley Flood Protection Board serves as the non-Federal Sponsor of the flood control projects. Along with the State of California, many of our members serve as the non-Federal Partner for projects being implemented as part of the U.S. Army Corps of Engineers (USACE) Civil Works Program. The Section 408 Program plays a significant role in the ability of the state, local agencies, and non-governmental organizations (NGOs) to provide adequate protection for California citizens from loss of life and/or property damage due to flood disasters.

014-CCVFCA01

The Association is concerned with the length of time it takes to complete the Section 408 review process and appreciates the South Pacific Division's proposed Categorical Permission for certain Section 408 requests as the Section 408 review process in order to streamline what has become a time consuming and costly process for local project proponents. This letter serves as a summary of the comments and feedback based on our collective experience with the Section 408 Program through the Sacramento District (SPK). Our comments are as follows:

014-CCVFCA02

- A. Section 106 - While Categorical Permission may streamline reviews for certain requests, it does not address the timing and process for Section 106 consultation. While Section 106 consultation typically takes at least 3 months to complete, District staff often take several months to even initiate the process, further delaying Section 408 reviews. Further, District

014-CCVFCA03

- 014-CCVFC A04

- 014-CCVFCA05 B. Authority:

- 014-CCVFCA06

- 014-CCVFCA07 C. Proposed Categorical Permission:

- 014-CCVFECA08

- 014-CCVFCA09

- iii. Borrow Areas – appears to only apply for areas not within 300-feet of toe. Suggest clarifying this is the levee toe. Also, USACE should clarify whether borrow areas outside of the Project easements are subject to Section 408 review since numerous borrow areas outside of the Project footprint, but within 300 feet of the levee toe, are typical throughout the system. We would presume Categorical Permission is not

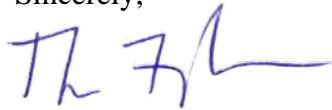
intended to expand the Section 408 authority to outside of the Project's real estate interests, please confirm/clarify?

- 014-CCVFCA10 iv. Bridges – While we appreciate the intent to streamline the process for bridges, it concerns us that bridges can have significant impacts to the flood control project levees and channels and require extensive engineering analysis to ensure there are no significant impacts to the Project. We would question whether Bridges should be included for Categorical Permission? At a minimum, Bridges should also require geotechnical analysis, scour analysis, and hydraulic impacts analysis in addition to stability analysis.
- 014-CCVFCA11 v. Buildings and Other Structures – Again, due to the wide variety of potential impacts and uniqueness of building and structures, we question whether they should be included for Categorical Permission. However, if they are included, the following comments are provided:
- i. For the 50 percent of market value clause, who would be required to enforce this? If the USACE is approving Categorical Permission, would it be USACE? This would be difficult for responsible flood control agencies to enforce.
 - ii. Suggest adding a structural analysis or FEMA wet floodproofing to the list of requirements for buildings/structures within the floodway.
 - iii. Again, we presume the 300-feet is not intended to expand Section 408 jurisdiction on the landside of the levees outside of the existing real estate interests, please confirm/clarify?
- 014-CCVFCA0\12 vi. Ditches/Canals - Second Bullet – does this mean outside of the levee or berm embankment toe which is typically not acceptable because it interferes with Project OMRR&R access and creates a potential seepage path. Ditches/canals should be located outside of the landside real estate footprint or a minimum of 300-feet from a levee toe without extensive seepage and stability analysis demonstrating that it does not lessen levee performance.
- 014-CCVFCA13 vii. Fiber Optic and Dry Utilities – Suggest language requiring the fiber optic or dry utility owner to provide inspections at regular intervals that meet USACE requirements and that results of those inspections be supplied to the NFS and LMA.
- 014-CCVFCA14 viii. Gravity Pipes - Suggest language requiring the pipe owner to provide inspections at regular intervals that meet USACE requirements and that results of those inspections be supplied to the NFS and LMA.
- 014-CCVFCA15 ix. Horizontal Directional Drilling – Should include requirement for minimum depth below project features (levees, berms, channel Thalweg, etc.) or a geotechnical analysis for a shallower penetration demonstrating that it does not lessen Project performance.
- 014-CCVFCA16 x. Landside Pump Station – suggest adding language as to minimum requirements for positive closure, distance from levee toe, seepage and stability analysis, etc.
- 014-CCVFCA17 xi. Pressurized Pipes - Suggest language requiring the pipe owner to provide inspections at regular intervals that meet USACE requirements and that results of those inspections be supplied to the NFS and LMA.

- 014-CCVFCA18 xii. Swimming Pools – While we support the requirement for geotechnical analysis for swimming pools (or borrow areas) within 300-feet of a levee toe we are not sure how USACE or the NFS can enforce these requirements outside of the real estate interests of the flood control Project?
- 014-CCVFCA19 xiii. Water Supply Pumpstations – see comments for landside pump stations. They should also apply to waterside pump stations for water supply.
- 014-CCVFCA20 xiv. Wells – Again, while we support the requirement for geotechnical analysis for wells within 300-feet of a levee toe we are not sure how USACE or the NFS can enforce these requirements outside of the real estate interests of the flood control Project?

The Association appreciates the opportunity to review and provide comments on Categorical Permission for Section 408 requests. We look forward to participating as a commenter on any future drafts of the existing policy, and assisting with the implementation of these procedures. We appreciate your consideration. The point of contact for this review is Tom Engler, who can be reached at engler@mbkengineers.com or 916-456-4400.

Sincerely,



Tom Engler, P.E.
Engineer
California Central Valley Flood Control Association

DECEMBER 2024 PUBLIC NOTICE



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SOUTH PACIFIC DIVISION
450 GOLDEN GATE AVE.
SAN FRANCISCO CA 94102

PUBLIC NOTICE

CATEGORICAL PERMISSION FOR SECTION 408 REQUESTS
U.S. ARMY CORPS OF ENGINEERS, SOUTH PACIFIC DIVISION

Unique Identification Number: PEAX-202-00-L00-1729271185

PUBLIC NOTICE COMMENT PERIOD:

Begins: December 16, 2024

Ends: January 15, 2025

AUTHORITY: The authority to grant permission for temporary or permanent use, occupation, or alteration of any U.S. Army Corps of Engineers (USACE) Civil Works project is contained in Section 14 of the Rivers and Harbors Act of 1899, as amended, codified in 33 U.S.C. § 408 ("Section 408"). Section 408 authorizes the Secretary of the Army, on the recommendation of the USACE Chief of Engineers, to grant permission for the use, occupation, or alteration of a USACE project if the Secretary determines that the activity will not be injurious to the public interest and will not impair the usefulness of the project. The Secretary of the Army's authority under Section 408 has been delegated to the USACE Chief of Engineers. The USACE Chief of Engineers has further delegated the authority to the USACE Directorate of Civil Works, division and district commanders, and supervisory division chiefs, depending upon the nature of the activity. Colonel James J. Handura, PMP, Commander and Division Engineer of the South Pacific Division, USACE is the approval authority for the categorical permission for Section 408 requests in the South Pacific Division.

INTRODUCTION: There are numerous USACE Civil Works projects within the boundaries of the South Pacific Division. These projects have been federally authorized by the U.S. Congress and then turned over to a nonfederal sponsor to operate and maintain.

Projects may include flood risk reduction projects, such as embankments and channels located in both rural and urban areas, as well as coastal projects, such as seawalls and beach nourishment. Each year the districts within the South Pacific Division receive requests through the nonfederal sponsors from private, public, tribal, and other federal entities (requesters) to alter USACE federally authorized Civil Works projects (USACE projects) pursuant to Section 408.

When a district receives a request to alter a USACE project, it follows a review process outlined in Engineer Circular (EC) 1165-2-220, *Policy and Procedural Guidance for Processing Requests to Alter US Army Corps of Engineers Civil Works Projects Pursuant to 33 USC 408* (https://www.publications.usace.army.mil/Portals/76/Publications/EngineerCirculars/EC_1165-2-220.pdf?ver=2018-09-07-115729-890). To simplify the review process and reduce review times, EC 1165-2-220 states that USACE districts can develop categorical permissions to potential alterations that are similar in nature and have similar effects on a USACE Civil Works project or on the environment. The USACE, Director of Civil Works has extended the use of EC

1165-2-220 until the Section 408 policy is published in the Code of Federal Regulations (<https://usace.contentdm.oclc.org/utis/getfile/collection/p16021coll11/id/6583>).

South Pacific Division districts receive numerous Section 408 requests for minor alterations to USACE projects each year, most of which are for changes to an embankment or channel such as installation of irrigation pipes or horizontal directional drilling for the placement of utility lines. Many of the project descriptions for proposed alterations are similar and the effects tend to be negligible. The current review and approval process, however, is time intensive and can take months. USACE South Pacific Division proposes to reduce Section 408 request review times by simplifying engineering and environmental analysis for specific categories of minor alterations within the division's boundaries (Figure 1), excluding consultation required under Section 106 of the National Historical Preservation Act and any other federally required consultations.



Figure 1. USACE South Pacific Division Area with Civil Works Projects

ALTERNATIVES: The decision options are to continue with the current process or establish a categorical permission to facilitate review of alterations to USACE Civil Works projects.

SCOPE OF THE DECISION: The division's area of responsibility covers a wide geographic area and includes portions of Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oregon, Texas, Utah, and Wyoming (Figure 1). The decision does not apply to any USACE-owned reservoir or lake project. The temporal scope of the decision to be made is for 5 years; after 5 years, the decision would be reevaluated and may be renewed or revised, if appropriate.

PROPOSED CATEGORICAL PERMISSION: Comments were received on a list of potential alterations to be covered by the proposed categorical permission in September 2024. The feedback received prior to October 4, 2024 was used to prepare the *Draft Regional Categorical Permission for Section 408 Requests* (Attachment 1).

For the categorical permission to apply, a Section 408 request must incorporate standard mitigation measures and best management practices into the project plan. Projects would be required to minimize disturbance to surrounding vegetation, return disturbed areas to pre-project conditions, remove spoils, control stormwater runoff and erosion, and not exceed federal *de minimis* levels of criteria air pollutants or precursors.

If a separate environmental assessment (EA) or environmental impact statement (EIS) is needed for the National Environmental Policy Act (NEPA) documentation of a proposed alteration, the proposed categorical permission would not apply, the Section 408 request would be evaluated using the current review process for an individual request as described in EC 1165-2-220. Furthermore, the proposed categorical permission neither alters nor removes consultation with Native American Tribes required under the National Historic Preservation Act or other laws, Executive Orders, or Army regulations or guidance. The proposed categorical permission would also not alleviate the need for other federal, state, or local permits.

ENVIRONMENTAL IMPACTS OF PROPOSED ACTION: The South Pacific Division will prepare a programmatic EA in compliance with NEPA. As implementation of the categorical permission would not involve any on-the-ground work, there are no anticipated direct effects on environmental resources. Although the categorical permission would be for a variety of alteration types that individually could result in effects on resources, it is important to note that the decision to be made on the categorical permission would not authorize any specific Section 408 requests. If the proposed categorical permission is approved, future Section 408 requests would be individually reviewed to determine if they fit under the categorical permission.

Under the proposed categorical permission, each individual Section 408 request would be evaluated on a case-by-case basis for compliance with all applicable environmental laws. Additionally, adequacy of the programmatic EA for the categorical permission would be verified for each request. If the programmatic NEPA documentation is not adequate, a separate NEPA analysis would be conducted. Section 408 requests for alterations that are not described in the categorical permission (see descriptions in Attachment 3) or that do not adhere to the standard mitigation measures would be evaluated using the current review process for an individual request as described in EC 1165-2-220.

Although the decision whether to implement the proposed categorical permission would not have direct effects on resources, the types of alterations described under the proposed categorical permission have the potential to affect several different resources. Resources that could potentially be affected by these types of alterations include aesthetics, air quality, cultural

resources, fish and wildlife, floodplains, invasive species, noise, recreation, threatened and endangered species, transportation and traffic, vegetation, water quality, and wetlands. It is expected that the effects associated with the types of alterations covered by the categorical permission described in Attachment 3 would be minor or negligible. If a proposed alteration is determined to involve more than minor effects or would not meet the parameters identified in the project description and there is not an applicable categorical exclusion, the categorical permission would not apply and an EA, or EIS would be prepared, as appropriate.

Under the proposed categorical permission, the district would continue to individually evaluate each Section 408 request for the potential to affect cultural resources and, when there is the potential for effects, consult with the appropriate State or Tribal Historic Preservation Officer and interested Native American tribes pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. § 306108 *et seq.*).

Under the proposed categorical permission, the districts within the South Pacific Division would continue to individually evaluate Section 408 requests for potential effects on threatened and endangered species (and their designated critical habitat) listed under the federal Endangered Species Act of 1973, as amended (ESA) (16 U.S.C. § 1531 *et seq.*) and, as appropriate, conduct consultation pursuant to Section 7 of the ESA with the U.S. Fish and Wildlife Service or the National Marine Fisheries Service (NMFS). The district also would continue to individually evaluate each Section 408 request for potential adverse effects on essential fish habitat. If adverse effects on essential fish habitat are anticipated, the district would consult with NMFS pursuant to the Magnuson- Stevens Fishery Conservation and Management Act of 1976, as amended (16 U.S.C. § 1801 *et seq.*).

Additionally, the district would continue to individually evaluate Section 408 requests for environmental compliance with the Clean Water Act, the Coastal Zone Management Act of 1972, the Marine Mammal Protection Act of 1972, the Migratory Bird Treaty Act of 1918, and other applicable environmental regulations.

PUBLIC INVOLVEMENT: The purpose of this notice is to solicit comments from federal, state, and local agencies and officials; the public; and other interested parties regarding Attachment 1, the *Draft Regional Categorical Permission for Section 408 Requests* (November 2024). Sovereign Native American Tribes have been contacted separately. Comments received within 30 days of publication of this notice will be used in the evaluation of potential impacts of the proposed action on important resources.

SUBMITTING COMMENTS: Written comments, referring to “Section 408 Categorical Permission,” must be submitted by email or mail to the office listed below on or before January 15, 2025.

Brian Dela Barre, Section 408 Coordinator
U.S. Army Corps of Engineers, South Pacific Division
RE: Section 408 Regional Categorical Permission
450 Golden Gate Avenue
San Francisco, CA 94102

Email: SPD408@tetrattech.com

COMMENT RESPONSE MATRIX

Comment ID	Commenter, Agency	Section Title or Number	Page Number	Line Number	Comment	Response
CCCFC-01	Thao Nguyen Nguyen, Contra Costa County Flood Control & Water Conservation District	NA	NA	NA	The Contra Costa County Flood Control District has reviewed the Public Draft RCP (dated Dec 2024) and finds that it is well-organized and facilitates easy reference to the various types of encroachments.	Acknowledged
CCCFC-02	Thao Nguyen Nguyen, Contra Costa County Flood Control & Water Conservation District	DISQUALIFYING CIRCUMSTANCES	22	16	<p>However, we would like to offer the following comment for consideration:</p> <p>In the "Disqualifying Circumstances" section, one of the conditions for disqualification states, "The alteration could not be decided at the USACE district level." (Page 22 - line 16)</p> <p>It would be helpful to provide clarification regarding the specific factors or criteria that determine whether an alteration can be decided at the USACE district level. Additionally, including examples of situations where this condition would apply would also be beneficial and enhance understanding.</p>	"Disqualifying Circumstances" for district level decisions are outlined in EC-1165-2-220.
NAFSMA-01	Sunny Simpkins, National Association of Flood and Stormwater Management Agencies (NAFSMA)	General			NAFSMA is grateful for this step in strengthening the partnership between USACE and nonfederal sponsors and creating more efficiency in the Section 408 permission process. We recognize that this process will take time to implement and look forward to working with the agency on the implementation of the new CPs and the overall Section 408 process.	Acknowledged
NAFSMA-02	Sunny Simpkins, National Association of Flood and Stormwater Management Agencies (NAFSMA)	General			As part of the effort to refine and finalize the Categorical Permission (CP), NAFSMA strongly urges USACE to provide comment tracking. This allows non-federal sponsors to understand why a requested change was not implemented in the subsequent draft or alternatively if it was inadvertently not addressed.	Acknowledged. Providing comment tracking is not required as part of the comment review process. USACE reviews and considers all received comments before finalizing documentation.
NAFSMA-03	Sunny Simpkins, National Association of Flood and Stormwater Management Agencies (NAFSMA)	General			NAFSMA also reviewed the Great Lakes and Ohio River Regional CP. Comparing the two approaches, the Great Lakes and Ohio River Regional CP is generally easier to understand and follow because of how it is organized. For instance, all the pipe permissions are addressed together, so it is easy to find the specifications. The SPD draft separates pipes into several categories, which are scattered in different areas of the document.	Acknowledged. The format of the SPD Regional CP (RCP) is based on an existing District CP implemented in Sacramento District and has proven to be helpful for the types of actions received within the region.
NAFSMA-04	Sunny Simpkins, National Association of Flood and Stormwater Management Agencies (NAFSMA)	General			In addition, it is helpful that the Great Lakes and Ohio River Regional CP separates the conditions for levee and non-levee modifications. For example, in the Great Lakes and Ohio River Regional CP, Category 2 – Vertical Drilling Activities has a simplified condition for Non-Levee Projects. The Levee Project Specific category has an expanded set of conditions, which are very similar to the SPD CP language for Permission 3 (Soil Investigations, Borings, Explorations, and Instrumentation). An alternative could be to separate the alteration description, "general" conditions (which would apply to alterations to all eligible USACE Project Types), and additional conditions that are specific to alterations to USACE Project Types (e.g., Levees/Embankments). This could allow for easier updates if additional conditions are needed for alterations to a different USACE Project Type (e.g., ecosystem restoration).	Acknowledged. The format of the SPD Regional CP (RCP) is based on an existing District CP implemented in Sacramento District and has proven to be helpful for the types of actions received within the region.

Comment ID	Commenter, Agency	Section Title or Number	Page Number	Line Number	Comment	Response
NAFSMA-05	Sunny Simpkins, National Association of Flood and Stormwater Management Agencies (NAFSMA)				Soil Investigations, Borings, Explorations, and Instrumentation: The RCP covers exploratory activities, geotechnical and similar borings, and instrumentation. Work may be conducted within the embankment, adjacent to the toe, in the floodway, or in lined channels. Borings and explorations include cone penetration testing, conventional geotechnical borings, cultural inventories, hydrovac excavation, potholing, and trenching. Installation of instrumentation such as piezometers or inclinometers and associated equipment used to monitor or test the embankment or floodway would be included in this type of alteration.	Comment not clear. This language is taken from the RCP not a comment.
NAFSMA-06	Sunny Simpkins, National Association of Flood and Stormwater Management Agencies (NAFSMA)	General (All USACE Project Types)			Open boreholes and excavations cannot be left unattended for more than 24 hours, and all open boreholes should be sealed before personnel leave the construction site at the end of a workweek.	Comment not clear. This language is taken from the RCP not a comment.
NAFSMA-07	Sunny Simpkins, National Association of Flood and Stormwater Management Agencies (NAFSMA)	General (All USACE Project Types)			Boreholes awaiting backfill should be covered to prevent entry by small animals.	Comment not clear. This language is taken from the RCP not a comment.
NAFSMA-08	Sunny Simpkins, National Association of Flood and Stormwater Management Agencies (NAFSMA)	General (All USACE Project Types)			The requester must verify that drilling equipment will not disrupt overhead wires.	Comment not clear. This language is taken from the RCP not a comment.
NAFSMA-09	Sunny Simpkins, National Association of Flood and Stormwater Management Agencies (NAFSMA)	General (All USACE Project Types)			The requester must discontinue drilling and place grout or bentonite seals in all open borings, trenches, and other excavations if the river approaches flood stage. Drilling or other explorations should not begin if the river is approaching flood stage. In preparation for unexpected river stage increases, the requester must ensure borehole sealing materials and equipment are on-hand at the site before drilling begins.	Comment not clear. This language is taken from the RCP not a comment.
NAFSMA-10	Sunny Simpkins, National Association of Flood and Stormwater Management Agencies (NAFSMA)	Additional Levee Project Specific / Embankment Project Specific			Borings in the levee, embankment, or the embankment foundation would require a Drilling Program Plan in accordance with Engineer Regulation 1110-1-1807, Drilling and Invasive Activities at Dams and Levees, as part of the technical review of the proposed alteration.	Comment not clear. This language is taken from the RCP not a comment.
NAFSMA-11	Sunny Simpkins, National Association of Flood and Stormwater Management Agencies (NAFSMA)	Additional Levee Project Specific / Embankment Project Specific			All drilling should be designed to minimize the need for drilling fluid in the embankment or the embankment foundation, reducing the possibility of damage	Comment not clear. This language is taken from the RCP not a comment.

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NAFSMA-12	Sunny Simpkins, National Association of Flood and Stormwater Management Agencies (NAFSMA)	Additional Levee Project Specific / Embankment Project Specific			NAFSMA also appreciates that the Great Lakes and Ohio River Regional CP is applicable to "federally authorized levees, channel modification projects, ecosystem restoration projects, dredging projects, and navigation projects." Currently, the SPD version only applies to "federal embankment, channel, and coastal alteration projects."	The SPD RCP applies to all federally authorized civil works projects. The SPD RCP is grouping actions more broadly and does not exclude any action that requires a Section 408 review.
NAFSMA-13	Sunny Simpkins, National Association of Flood and Stormwater Management Agencies (NAFSMA)	Additional Levee Project Specific / Embankment Project Specific			In this draft, the language seems to be primarily focused on 408 permissions for levees/embankments. Ideally, Regional CPs should include alterations to all flood risk reduction structures that are federally authorized. This includes ditches, reservoirs, etc. For example, under Permission 23: Trails, Roads, and Ramps - these alterations also frequently occur near ditches and reservoirs. As mentioned above, the Great Lakes and Ohio River Regional CP provides clear guidance for both levee and non-levee alterations. NAFSMA encourages USACE to utilize a similar framework.	The SPD RCP applies to all federally authorized civil works projects. The SPD RCP is grouping actions more broadly and does not exclude any action that requires a Section 408 review.
NAFSMA-14	Sunny Simpkins, National Association of Flood and Stormwater Management Agencies (NAFSMA)	Additional Levee Project Specific / Embankment Project Specific			NAFSMA is concerned that as written, a third party could use this process to alter a flood risk reduction system without notification or involvement of the appropriate nonfederal sponsor. To ensure that this does not happen, NAFSMA requests that the lack of a letter of no-objection from the non-federal sponsor be added as a disqualifying event.	The disqualifying circumstances applies to the use of the RCP. A standard review would still be required. A statement of no objection letter is required for any request to alter a federal project.
NAFSMA-15	Sunny Simpkins, National Association of Flood and Stormwater Management Agencies (NAFSMA)	Additional Levee Project Specific / Embankment Project Specific			Non-federal sponsors may have more rigorous specifications than what is proposed so it is critical that they review and sign off on any alterations to the system. NAFSMA requests that if a third party is proposing alterations, USACE should require that alterations meet the more rigorous requirements. If it is not possible for USACE to require the more rigorous requirements, it will be critical that not having a letter of no-objection from the non-federal sponsor is a disqualifying event to ensure that USACE, the third party, and the non-federal sponsor are coordinated on any alterations to the project.	A statement of no objection is required for all 408 applications, regardless of whether a standard application or one filed under the RCP.
NAFSMA-16	Sunny Simpkins, National Association of Flood and Stormwater Management Agencies (NAFSMA)	Additional Levee Project Specific / Embankment Project Specific			USACE requires inspections of utility lines in federal projects. NAFSMA strongly urges that utility line inspections be required and documented in the 408 permission document to third party entities to ensure that these inspections are completed by the third party.	All 408 permissions are accompanied by a list of conditions specific to the permit/action unless already specified within the O&M Manual. This would be the appropriate time/place to address any necessary utility inspections.
NAFSMA-17	Sunny Simpkins, National Association of Flood and Stormwater Management Agencies (NAFSMA)	Process			In NAFSMA's previous comments submitted on October 4, 2024, we noted that the CP process needs to be more clearly explained as to how it will expedite and add efficiency to receiving a 408 permission. NAFSMA appreciates the updated text but requests additional clarity. Specifically, NAFSMA would like more details on how the disqualifying circumstances will be determined. Regarding listed conditions for qualifying CP projects, more clarity on conditions that impose significant additional work, such as restoration, remediation, or BMPs, would be helpful. Lastly, providing further clarity on the staff level review and approval process in the implementation section would be extremely helpful to guide applicants and help them understand the process.	Will incorporate GL&OR language on pg. 1 of RCP to address need for more clarity on how RCP expedites process (Sentence 1,2 of comment). Regarding the remaining comments, the RCP is general in order to be as broadly applicable as possible.

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NAFSMA-18	Sunny Simpkins, National Association of Flood and Stormwater Management Agencies (NAFSMA)	Process			In our previous letter, NAFSMA identified that the District consultation with other federal resource agencies including the U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS) on the federal Endangered Species Act (ESA) requirements and with the appropriate State or Tribal Historic Preservation Officer on Section 106 Historic Preservation requirements needs to come at the beginning of the 408 process. It would be helpful if the CP document calls for this action upfront by SPD and its Districts, and even included a process or partnership to expedite such consultations to ensure the overall 408 permit review is as timely as possible.	These consultation processes apply to all 408 Permissions and are not exempted by the RCP. RCP is not the place to be establishing how these consultations should be undertaken. General policy under Section 106 is to engage in consultation as early as possible, but the exact timing will always be dependent on factors such as the quality of the submission and presence/adequacy of an information necessary to support that consultation, as well as existing workloads and other extrinsic factors. Regarding partnerships, USACE is actively pursuing agreements with outside agencies to streamline the process.
NAFSMA-19	Sunny Simpkins, National Association of Flood and Stormwater Management Agencies (NAFSMA)	Process			NAFSMA suggests that non-federal sponsor and/or applicant should be encouraged to coordinate with the resource agencies in advance of turning in 408 permissions documentation to expediate the process, like the language in the Great Lakes and Ohio River Regional CP. Too often this consultation comes at the end of the 408 process and results in slowdowns on critical projects. The Great Lakes and Ohio River Regional CP encourages the local sponsor to do the work ahead of the application and allows USACE to consider the applicant's work as compliance with Section 106 and Section 7. NAFSMA also recommends that SPD provide a Section 408 minimum standards guidance document for acceptance of technical reports specifically to support Section 7 consultations, similar to the Minimum Standards for Acceptance of Aquatic Resources Delineation Reports that the Los Angeles District has already implemented. NAFSMA encourages USACE to pursue programmatic permits with resource agencies to create additional efficiency in the process.	. My quick review didn't find the encouragement mentioned in the GL&OR RCP. Found statement, "If a requester coordinates with other agencies such as the State Historic Preservation Office, tribal governments, or fish and wildlife agencies, the results of that coordination will be advisory in nature and the USACE (or other lead federal agency) will initiate any necessary consultations" (GL&OR RCP, pg. 11). Requestors are required to provide, "All supporting information and documentation that the district identifies as necessary to assess environmental and cultural resources compliance" (GL&OR RCP, pg. 8). Not seeing language consistent with NAFSMA's point. The federal government is responsible for consultation, particularly government to government consultation with tribes under Section 106. USACE is pursuing programmatic agreements with other agencies where possible.
NAFSMA-20	Sunny Simpkins, National Association of Flood and Stormwater Management Agencies (NAFSMA)	Process			For the 408-permissions review process to become more efficient, USACE must provide examples of successful applications and lessons learned in an appendix that is developed during this public review process. NAFSMA members have expended tremendous resources coordinating with third party applicants on their 408 permission submissions to USACE as expectations have not been clear or consistent about what is required from the applicant. These examples will not only help applicants but also allow USACE to train staff and ensure consistency when reviewing 408 submissions. Such references would help applicants understand what a well-prepared submission looks like and avoid common mistakes or pitfalls in the application process.	Circumstances vary across USACE districts. Each district maintains a website with information on the 408 process. Requestors are encouraged to reach out to their District 408 representatives for guidance regarding any specific request.
POSD-01	Jason Gonsalves, Port of San Diego (POSD)	NA	NA	NA	The Port is thankful for the opportunity to provide comments on the proposed Categorical Permission for Section 408 requests and looks forward to future collaboration with the U.S. Army Corp of Engineers.	Acknowledged

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POSD-02	Jason Gonsalves, Port of San Diego (POSD)	NA	NA	NA	The Port of San Diego (Port) appreciates the opportunity to provide comments on the U.S. Army Corps of Engineers (USACE) South Pacific Division's Draft Regional Categorical Permission (RCP) for Section 408 Requests. The Port is a public corporation and regional government entity created in 1962 through the California State Legislature's adoption of the San Diego Unified Port District Act (Port Act). Through the Port Act, the Port was granted the state tidelands and submerged lands (tidelands) around San Diego Bay (Bay) and is entrusted to manage and protect the tidelands and diverse waterfront uses in a manner that is consistent with the Public Trust Doctrine. These public trust uses promote and balance navigation, commerce, fisheries, recreation, and environmental stewardship. As an environmental steward and fiduciary of the San Diego tidelands, the Port respectfully submits the following comments and suggestions on the proposed RCP for Section 408 requests.	Acknowledged
POSD-03	Jason Gonsalves, Jason H. Giffen, Port of San Diego (POSD)	Environmental Restoration Portion of the Section 408 RCP rules	NA	NA	Allow nature-based solutions to be included in the Environmental Restoration portion of the Section 408 RCP rules. As currently detailed in the proposed Section 408 RCP Environmental Restoration portion, nature-based solutions are not included as a qualifying project for non-federal sponsors. As a collaborating public agency, the Port respectfully requests that the USACE include nature-based solutions as a qualifying project in the Environmental Restoration portion of the Section 408 RCP rules. The Port has implemented several nature-based solution projects to mitigate the impacts of coastal erosion and flooding, improve resiliency and protection of Port assets and facilities, and which only involve minor alterations in the condition of land and water. Examples include: <ul style="list-style-type: none"> • Coastallock Shoreline Armoring Technology: This project was developed in partnership with Concrete and replaced traditional riprap, providing protection from wave action, erosion control, and shoreline stabilization, while also creating well-defined ecosystems that mimic natural tide pools. The Port relied on the California Environmental Quality Act (CEQA) categorical exemptions to implement this project: Existing Facilities (SG § 15301) (Class 1), Replacement or Reconstruction (SG § 15302)(Class 2), Minor Alterations to Land (SG § 15304) (Class 4), Information Collection (SG § 15306) (Class 6). • San Diego Bay Native Oyster Living Shoreline: This project created a biologically rich native Olympia oyster reef as a living shoreline in south San Diego Bay. It aims to serve as part of a complete marsh system that is ecologically functional and resilient to changing environmental conditions while protecting bay tidelands and the adjacent shoreline from erosion. The Port relied on CEQA categorical exemptions to establish this project: Minor Alterations to Land (SG § 15304) (Class 4), Information Collection (SG § 15306) (Class 6). The Port proposes that nature-based solution projects like the examples above, or any nature-based or engineering with nature solutions be included as alternatives per the RCP rules.	The RCP list of actions is not exclusive and may include nature-based solutions. However, the key is that the action be of a regular and recurring nature such that it fits within the RCP's intent.
POSD-04	Jason Gonsalves, Jason H. Giffen, Port of San Diego (POSD)	NA	NA	NA	Thank you for the opportunity to provide comments on the proposed RCP for Section 408 requests. The Port looks forward to future collaboration with the U.S. Army Corp of Engineers.	Acknowledged
CPW-01	Molly West, Colorado Parks and Wildlife (CPW)	NA	NA	NA	After reviewing the provided information, CPW understands that this streamlined process will assist the permitting process while ensuring no significant impacts are incurred. Those projects that may have substantial aquatic or wildlife impacts will maintain their consultation requirement with partner agencies, such as CPW, by disqualification from the categorical permission to review project-specific effects on a case-by-case basis.	Acknowledged

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CPW-02	Molly West, Colorado Parks and Wildlife (CPW)	NA	NA	NA	Colorado Parks and Wildlife has no aquatic or wildlife-related comments regarding the Section 8 Categorical Permission.	Acknowledged
COP-01	Tricia Balluff, City of Phoenix (COP)	NA	NA	NA	We support the effort to create categorical permissions and appreciate the work that has been put into this document. We hope our comments help to strengthen the clarity and usefulness of these proposed permissions.	Acknowledged
COP-02	Tricia Balluff, City of Phoenix (COP)	NA	NA	NA	<p>Phoenix engages with the U.S. Army Corps of Engineers (USACE) Los Angeles (LA) District within the South Pacific Division for 33 U.S.C. 408 (Section 408) permissions in two ways.</p> <p>1) Phoenix is the local sponsor and Operations & Maintenance (O&M) Operator for two existing USACE Civil Works flood management and ecosystem restoration projects in the Salt and Gila rivers (Rio Salado Phoenix and Tres Rios), and we are the primary Section 408 permittee for projects in these areas. Phoenix is also the local sponsor for a third authorized Salt River ecosystem restoration project currently undergoing a General Re-evaluation Report (Rio Salado Oeste) which would be subject to Section 408 permitting following construction. These projects are all river ecosystem restoration efforts that include low flow channel widening, invasive species removal, wetland construction, irrigation ponds, native plant re-establishment, trailheads, and trails. A section of the north bank at Tres Rios also has a constructed levee.</p> <p>2) Phoenix is a third-party permittee under Section 408 for projects within USACE Civil Works project areas for which the Flood Control District of Maricopa County is the local sponsor and O&M Operator.</p> <p>Phoenix recognizes and appreciates the federal investment in these areas and agrees with the need to streamline the Section 408 permitting process, especially for projects with no potential to impact significant engineered structures like levees. Phoenix supports the USACE's efforts to develop these regional categorical permissions (RCPs) and appreciates the additional detail included in the draft document. We hope the following comments help to clarify and strengthen the RCPs.</p>	Acknowledged
COP-03	Tricia Balluff, City of Phoenix (COP)	General	NA	NA	<p>Overall clarity and organization of the RCPs</p> <p>Overall, the organization of the RCP descriptions and stipulations can be confusing - it is sometimes difficult to distinguish which activities are allowed, the areas to which stipulations apply (only to levees, outside the low flow channel, etc.), acreage of impacts allowed, limitations of RCP applicability, etc. Several of the RCP's seem to apply restrictions generally that should be focused on specific areas or structures such as levees. Phoenix believes much of this confusion could be resolved with clear and consistent structure and formatting across and within each proposed RCP description. For example, add a subheading to identify the allowable activity(ies) and impact limits and add subheadings to identify the stipulations for impacts to levees vs non-levees, etc.</p>	The RCP will not be restructured at this time. In order to remain general and applicable across the entire Division, the RCP addresses categories or types of activities rather than listing specific, allowed actions. Following approval of the RCP, SPD will issue additional guidance to clarify/facilitate implementation (e.g., checklist).
COP-04	Tricia Balluff, City of Phoenix (COP)	General	NA	NA	Several of the proposed RCP's also include stipulations regarding maintenance of the permitted activity and/or the possible future removal of a structure or element being permitted for construction. Phoenix recommends clarifying that maintenance language included in the RCP stipulations are suggestions for O&M Manual updates and that the O&M Operator can propose other approaches that would similarly achieve the goal of maintaining the new structure.	The RCP is structured to be general, applicable across the Division, and not overly prescriptive. Districts will review and address specific concerns within the context of individual requests.

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COP-05	Tricia Balluff, City of Phoenix (COP)	General (RCP #6 and RCP #7)	NA	NA	Removal or fill of an existing element or structure seems to frequently be included as a stipulation of an RCP that permits construction of that structure or feature (for example, in RCP #6 and RCP #7). Instead, it would be clearer to include removal of structures/elements as a covered activity under the same RCP, add it as its own RCP, or be removed from this draft document as requiring an individual 408 permit.	Comment noted. Language being left as is.
COP-06	Tricia Balluff, City of Phoenix (COP)	General	NA	NA	The use of acreages of ground disturbance varies across the RCPs, with some RCPs having no limits, some having descriptions of "total acreage of ground disturbance", and some defining the limits by "permanent disturbance". It is unclear if "total acreage" and "permanent" are intended to be synonymous terms for the purposes of considering ground disturbance limits. Please provide definitions and consistency in use of terms across the RCPs.	Acreage is a measure of area; "permanence" refers to periods of time. They are not synonymous. Prior review determined that a most technical terms are well defined in regulation and guidance documents and that a definitions section was unnecessary.
COP-07	Tricia Balluff, City of Phoenix (COP)	Multiple RCPs (including #7, #12, #14, #16, #21, #22, #24, and #26)	NA	NA	Throughout the RCP descriptions, broad and generic phrases are used that create uncertainty for future permittees. For example, multiple RCPs (including #7, #12, #14, #16, #21, #22, #24, and #26) use the phrase " <i>certain terms and conditions</i> " to describe what activities the RCP will include or to imply stipulations or requirements of the permitted activity (i.e., "subject to certain terms and conditions"). The vague nature of this language creates uncertainty for the permittees and inhibits our ability to provide substantive public comment on the proposed RCPs, their covered activities, and the stipulations.	The RCP is structured to be general, applicable across the Division, and not overly prescriptive. Districts will review and address specific concerns within the context of individual requests.
COP-07	Tricia Balluff, City of Phoenix (COP)	General	NA	NA	Phoenix requests the USACE provide another draft of the RCPs for public comment with clarified formatting, structure, and language, including replacing overly broad and generic phrases with identified activities, requirements, and guidance.	No change.
COP-09	Tricia Balluff, City of Phoenix (COP)	#5 Bridges, #11 Fences, Gates, and Signage, and #13 Fish Screens, #10 Erosion Control	NA	NA	Clarify use of the terms replacement and repair: Several of the RCPs include the "replacement" of various structures, (e.g., #5 Bridges, #11 Fences, Gates, and Signage, and #13 Fish Screens) and "repair" of various elements, (e.g., #10 Erosion Control). Replacement and repair of structures in-kind is considered an activity under the Civil Works Projects Operation & Maintenance (O&M) responsibilities and typically does not require Section 408 permitting (see EC 1165-2-220, Section 9(c)). For the purposes of the O&M manual, replacement is defined as, "activities taken when a worn-out element or portion thereof is replaced" and repair is defined as, "activities of a routine nature that maintain the project in a well kept condition" (ER 1110-2-401, Section 5(l)). In the proposed RCPs with these terms as permitted activities, please include a definition for these terms that distinguishes them from the type of replacement and repair allowed as an O&M activity. a. If the replacement and repair activity anticipated in these draft RCPs are the same as that allowed under the O&M manual, please remove these terms because no Section 408 permit would be required for those replacement and repair activities.	Language only applies to actions requiring a 408 Permission. Actions listed in O&M manual don't require 408.

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COP-10	Tricia Balluff, City of Phoenix (COP)	Categorical Permission 3-Soil Investigations, Borings, Explorations, and Instrumentation	5	16-17	We appreciate the introduction of an RCP for Geotech investigations. Given the wide range of approaches to exploratory activities that could be appropriate, Phoenix recommends slightly revising the language in the first paragraph, third sentence from, " <i>Borings and explorations include...</i> " to " <i>Borings and explorations may include but are not limited to...</i> " This provides clarity that a broader range of potential approaches could be approved via the RCP, such as permeability testing, core testing, or seismic testing.	Agreed
COP-11	Tricia Balluff, City of Phoenix (COP)	Categorical Permission 3-Soil Investigations, Borings, Explorations, and Instrumentation	5	30-31	The fifth paragraph of this section stipulates that open boreholes should be sealed before personnel leave the construction site at the end of a workweek. For human and wildlife health and safety, Phoenix recommends updating this language to specify that any open boreholes, pits, trenches, etc., must be covered when personnel leave the site at the end of each day .	Agreed.
COP-12	Tricia Balluff, City of Phoenix (COP)	Categorical Permission 5-Bridges	7	NA	Phoenix recommends clarifying the language in the 2nd paragraph on page 7 related to bridges, which states that areas in and around the construction site must be kept clear to prevent erosion or reduction in channel capacity. As written, this could lead to unnecessary vegetation removal which, for ecosystem restoration Civil Works project areas, would be counter-productive to the overall intent of the project. Phoenix assumes, and recommends specifying in the text, that the intent of this statement is to avoid construction staging and stockpiling overnight within the channel.	No change. Review of application should address appropriateness of any proposed vegetation removal or staging areas.
COP-13	Tricia Balluff, City of Phoenix (COP)	Categorical Permission 7 Ditches and Canals:	8	16	The first paragraph of this RCP on page 8, line 16 states that a Geotech analysis would be required to determine an appropriate location and depth for the ditch. Please clarify if this is intended for all ditch and canal locations or just locations on the riverside within a certain distance of a river embankment or levee. If the latter, Phoenix requests details be added defining the geographic limits of this requirement (e.g., distance from levee, riverside vs landside, etc.).	The requester should coordinate the need for a geotechnical investigation with the district Section 408 Coordinator. The district will review the details of the full request and make a determination if the geotechnical analysis is necessary.
COP-14	Tricia Balluff, City of Phoenix (COP)	Categorical Permission 7 Ditches and Canals:	8	20	Line 20 of the same page warns that the requester must take every precaution to avoid puncturing the impervious layer during construction. Phoenix requests the addition of qualifying language to acknowledge that not every ditch or canal project will involve an impervious area. Given the wide spectrum of Civil Works projects, it is critical that these RCPs avoid unintentional consequences from an assumption that all projects will have certain elements. This comment applies across other RCPs as well since such assumptions could result in certain activities being unintentionally excluded from coverage under the	The RCP is structured to be general, applicable across the Division, and not overly prescriptive. Districts will review and address specific concerns within the context of individual requests.
COP-15	Tricia Balluff, City of Phoenix (COP)	Categorical Permission 10 Erosion Control	10-11	NA	Phoenix appreciates the inclusion of an erosion control RCP for those activities not already covered under the O&M manual. Because Phoenix's Civil Works projects are ecosystem restoration areas in the Salt and Gila river channels, the continued use of these areas for wildlife movement, foraging, and breeding is important. The inclusion of riprap across the entire width of the channel would have a negative impact on the ability of these systems to function as wildlife movement corridors since riprap is a barrier to that movement. Phoenix requests the addition of a stipulation in this permit that riprap cannot be placed across the entire width of a channel or culvert inlet/outlet or that smooth paths must be created across riprap for wildlife movement if riprap is placed across the entire width in any of these situations.	This is an issue regarding the appropriateness of a 408 request, not whether it should qualify for an RCP.

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COP-16	Tricia Balluff, City of Phoenix (COP)	Categorical Permission 10 Erosion Control	11	7-8	Page 11, line 7 and 8 define maintenance needs for erosion control. These lines imply vegetation as a nuisance for erosion control when vegetation itself can also be a form of erosion control. For Phoenix's ecosystem restoration areas, there may be times when it is appropriate to leave native vegetation in place rather than removing it for erosion control. Please include the previously requested language that these are maintenance suggestions, and the O&M Operator can submit other maintenance approaches as part of the update to the O&M manual for a specific activity would resolve Phoenix's concern.	The RCP is structured to be general, applicable across the Division, and not overly prescriptive. Districts will review and address specific concerns within the context of individual requests.
COP-17	Tricia Balluff, City of Phoenix (COP)	Categorical Permission 11 Fences, Gates, and Signage	11	NA	Phoenix supports an RCP related to fences, gates, and signage, as these are important tools for maintaining our Civil Works project areas. Fences and gates are sometimes proposed crossing a channel. Phoenix proposes a stipulation for the construction of the fence that specifies that the type of fence crossing a river channel must be evaluated to determine the potential for increased upstream flood risk and to minimize the potential for catching flood debris. Please also include a maintenance suggestion that fence in regularly flowing water is checked and debris removed on a regular basis, not just after high flows.	The RCP is structured to be general, applicable across the Division, and not overly prescriptive. Districts will review and address specific concerns within the context of individual requests.
COP-18	Tricia Balluff, City of Phoenix (COP)	Categorical Permission 14 Gravity Pipes	13	34-35	This RCP has a proposed stipulation that Phoenix would like to see across all RCPs that propose any kind of fill within our Civil Works project footprint. Page 13, lines 34-35 states, "Suitable material must be used as levee fill materials. Fill must be free of roots and other organic matter, contaminated hazardous and toxic materials, debris, frozen materials, and trash". Phoenix proposes a general condition for all the RCPs be added, such as "Suitable material must be used as fill material and must be free of contaminated hazardous and toxic materials, debris, and trash. Dirt fill from an outside source must be tested or certified clean by the supplier".	The RCP is structured to be general, applicable across the Division, and not overly prescriptive. Districts will review and address specific concerns within the context of individual requests.
COP-19	Tricia Balluff, City of Phoenix (COP)	Categorical Permission 14 Gravity Pipes	13-14	NA	This RCP only seems to consider the potential for this type of activity associated with a levee. Please also include considerations and stipulations for this and other types of pipes to be included in a Civil Works project area that has no potential to impact a levee.	Nothing about the description restricts gravity pipes to levees, although some requirements are specific to such pipes when placed within them.
COP-20	Tricia Balluff, City of Phoenix (COP)	Categorical Permission 15 Horizontal Directional Drilling	14-15	NA	Similar to RCP 14, this RCP only seems to consider the potential for this type of activity associated with a levee. Please also include considerations and stipulations for horizontal directional drilling that could occur in a Civil Works project area that has no potential to impact a levee. As written, the proposed language would allow the RCP to only be used for horizontal directional drilling under a levee, disallowing the use of the RCP for less impactful directional drilling. Phoenix uses horizontal directional drilling for a variety of situations that don't involve levees, including avoiding above-ground impacts to washes, roads, and other features. This is particularly important to include for ecosystem restoration projects, where directional drilling may be desirable to avoid aboveground impacts to restored habitat, constructed wetlands, or to go under a water conveyance feature like a culvert or stormwater swale.	The RCP is structured to be general, applicable across the Division, and not overly prescriptive. Districts will review and address specific concerns within the context of individual requests.

Comment ID	Commenter, Agency	Section Title or Number	Page Number	Line Number	Comment	Response
COP-21	Tricia Balluff, City of Phoenix (COP)	RCP 20 (Seepage and Stability Berms), RCP 21 (Stairs and Handrails), and RCP 23 (Trails, Roads, and Ramps)	NA	NA	RCP 20 (Seepage and Stability Berms), RCP 21 (Stairs and Handrails), and RCP 23 (Trails, Roads, and Ramps) are implied to only allow these features to be constructed under these RCPs if they are on levees. Please make a similar clarification for these RCPs so its clear they can cover the construction of these features even when they are not associated with levees.	Nothing about the description restricts these actions to levees, although some requirements are specific when levees are impacted.
COP-22	Tricia Balluff, City of Phoenix (COP)	Categorical Permission 18 Research and Monitoring	17	38	On page 17, line 38, this RCP states, "A device inspection schedule and a plan for navigational aids must be provided". This is unlikely to be necessary for Phoenix's ecosystem restoration projects, positioned as they are in the desert southwest with regular water flow only in the low flow channel with no vessels requiring navigation. In this and other RCPs, please be sure to qualify statements that use words like "shall" or "must" with "if applicable". This allows the RCP to be flexible to the range of circumstances present in Civil Works projects across the South Pacific Division.	If you don't need a navigation aid, you won't need an inspection schedule. The RCP is structured to be general, applicable across the Division, and not overly prescriptive. Districts will review and address specific concerns within the context of individual requests.
COP-23	Tricia Balluff, City of Phoenix (COP)	Categorical Permission 18 Research and Monitoring	18	1-3	This RCP also allows the installation of monitoring equipment, which Phoenix supports as an important method for long-term management of the project. The language on page 18, lines 1-3 implies that monitoring equipment installed would be temporary in nature. Phoenix advocates for including the option to install permanent monitoring equipment for long-term research that aids the management of the project.	If equipment permanent, then no worries about what to do when monitoring is complete. The RCP is structured to be general, applicable across the Division, and not overly prescriptive. Districts will review and address specific concerns within the context of individual requests.
COP-24	Tricia Balluff, City of Phoenix (COP)	Engineering Conditions	23	9	Page 23, Line 9 - please clarify ENG-5 to state that construction or other work must be coordinated with and approved by the local sponsor and with other planned or ongoing work in the Civil Works project area.	No project is approved w/o approval from local sponsor; "other work in the area" may be construed as either ongoing or planned.
COP-25	Tricia Balluff, City of Phoenix (COP)	Engineering Conditions	23	12-14	Page 23, Lines 12-14 please add a sentence to ENG-7 that clearing of native trees and brush within ecosystem restoration areas is restricted to the minimum necessary for the activity and temporarily disturbed areas must be revegetated as directed by the local sponsor.	The RCP is structured to be general, applicable across the Division, and not overly prescriptive. Districts will review and address specific concerns within the context of individual requests.
COP-26	Tricia Balluff, City of Phoenix (COP)	Engineering Conditions	23	20-22	Page 23, Lines 20-22 - please clarify that ENG-10 applies only to alterations impacting levees.	The RCP is structured to be general, applicable across the Division, and not overly prescriptive. Districts will review and address specific concerns within the context of individual requests.
COP-27	Tricia Balluff, City of Phoenix (COP)	Engineering Conditions	23	30-31	Page 23, Lines 30-31 - please clarify that ENG-14 is related to temporarily disturbed areas.	This distinction unnecessary.
COP-28	Tricia Balluff, City of Phoenix (COP)	Engineering Conditions	23	33-34	Page 23, Lines 33-34 please clarify the first bullet under ENG-15 to specify the stage of construction drawings the USACE needs to process a Section 408 permission request. If there is one stage allowed for permit application submittal and one stage that must be submitted to the USACE before the permit is issued, please specify both of those stages.	The RCP is structured to be general, applicable across the Division, and not overly prescriptive. Districts will review and address specific concerns within the context of individual requests.

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COP-29	Tricia Balluff, City of Phoenix (COP)	Engineering Conditions	23	33-34	Page 23, Lines 33-34 please change the first bullet under ENG-15 from the construction drawings showing all proposed activities within the project easement to within the <i>Civil Works project footprint</i> . Not all alterations will require an easement and not all Civil Works projects are operated under easements. Using a more generic term in this instance could help prevent future misunderstandings between the USACE and permit applicant.	One of the requirements of Civil Works projects is that the local sponsor have acquired all necessary real properties. Any alterations requiring a 408 would necessarily occur within the project and those areas.
COP-30	Tricia Balluff, City of Phoenix (COP)	Engineering Conditions	24	1	Page 24, Line 1 - please change the third bullet under ENG-15 from "a plan view of the existing embankment easement overlaid with the proposed alteration" to <i>"a plan view of the existing Civil Works project features overlaid with the proposed alteration"</i> . Not all Civil Works projects will have an embankment easement and the Civil Works projects for which Phoenix is responsible for O&M have more constructed features than just an embankment.	OK
COP-31	Tricia Balluff, City of Phoenix (COP)	Environmental Conditions	24	17	Page 24, Line 17 please clarify ENV-1, by adding <i>"as much as practicable"</i> after "proposed alteration site" since using previously disturbed areas may not always be practicable.	OK
COP-32	Tricia Balluff, City of Phoenix (COP)	Environmental Conditions	24	19-20	Page 24, Lines 19-20 please clarify ENV-2 to note that staging and stockpiling in upland areas may be temporarily cleared <i>to the minimum extent practicable. Preference should be given to already developed or disturbed areas before siting staging and stockpiling in an area that needs to be cleared.</i>	OK
COP-33	Tricia Balluff, City of Phoenix (COP)	Environmental Conditions	24	21-22	Page 24, Lines 21-22 please clarify ENV-3 to state that the proposed alteration design should <i>"minimize the amount of woody native vegetation removal and native vegetation should be replaced upon completion of the construction activity to the extent not otherwise permanently modified."</i>	OK
COP-34	Tricia Balluff, City of Phoenix (COP)	Environmental Conditions	24	23-24	Page 24, Lines 23-24 please clarify ENV-4 to change the word "easement" at the end of the measure to <i>"footprint."</i>	No change
COP-35	Tricia Balluff, City of Phoenix (COP)	Environmental Conditions	24	25-26	Page 24, Lines 25-26 please clarify ENV-5 to include local sponsor approval specifically, as follows: <i>"...only seed mixes of native species approved by the local sponsor shall be used in site restoration."</i>	OK
COP-36	Tricia Balluff, City of Phoenix (COP)	Environmental Conditions	24	32-33	Page 24, Lines 32-33 please clarify ENV-8 to state that the USACE <i>and the local sponsor</i> must be notified in the event of the discovery of artifacts or other culturally sensitive materials. Phoenix also recommends expanding this condition to discuss when Section 106 consultation would be required.	. Add "non-federal sponsor" as requested. Consultation under Section 106 of the NHPA and Section 7 of the ESA required for all 408 permits, CP or other (referenced page 1, footnote 1). Bring note into body of text?
COP-37	Tricia Balluff, City of Phoenix (COP)	Environmental Conditions	24	36-37	Page 24, Lines 36-37 please clarify ENV-10 to more carefully detail necessary measures to avoid impacting migratory birds and bald and golden eagles. Phoenix's recommended language is: <i>"...the requester shall perform biological pre-construction surveys if activities will occur in appropriate habitat for bald and golden eagle nests or if vegetation removal or other project activities will occur during migratory bird breeding season. Vegetation removal shall be avoided if active nests were identified during the survey. Bald and golden eagle nests are always protected under the Bald and Golden Eagle Protection Act and eagle nests should not be impacted or removed. Coordination with the U.S. Fish and Wildlife Service (USFWS) would be needed if eagle nests are</i>	No change. Any change specific to an undertaking can be included under special conditions.

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COP-38	Tricia Balluff, City of Phoenix (COP)	Environmental Conditions	25	1-2	Page 25, Lines 1-2 please clarify ENV-10, which mentions incidental take permits under the Migratory Bird Treaty Act and Bald and Golden Eagle Protection Act. Phoenix has confirmed with USFWS that incidental take permits are not currently available under those laws. Phoenix recommends removing reference to potential incidental take permits and instead provide guidance that the requester is responsible for coordinating with the USFWS on regulatory compliance under those laws.	No change.
COP-39	Tricia Balluff, City of Phoenix (COP)	Environmental Conditions	NA	NA	Phoenix recommends adding additional environmental conditions. We recommend the Clean Water Act Section 404 Nationwide Permit (NWP) Conditions issued in 2021 associated with each of the below as reasonable template language to include as 408 RCP conditions: i. Requirements on the use of suitable material (see NWP General Condition 6) ii. Requirement to comply with FEMA floodplain requirements for fill within a 100-year floodplain (See NWP General Condition 10) iii. Requirement to remove temporary structures and fill (see NWP General Condition 13). iv. Requirement to properly maintain the constructed feature (see NWP General Condition 14). Requirements related to Endangered Species Act, including when Section 7 consultation would be necessary (see	No change. We are not the Regulatory Program, and 408 requirements can differ.
COP-40	Tricia Balluff, City of Phoenix (COP)	Non-Notifying Permission Option	NA	NA	Some activities, particularly those with negligible general impacts and no impacts to significant engineered features like levees, would seem to have the potential to be permitted using a non-notifying RCP. The USACE Clean Water Act Section 404 regulatory program provides an excellent example of how such permissions could be established with appropriate limitations for USACE notification and approval. For example, development of a native material walking trail on a desert river terrace that involves minimal grading would have such a negligible potential for impact on the Civil Works project that a non-notifying option makes sense. There are multiple other examples of small-scale projects within various activity categories that would make sense for a non-notifying permit option. Phoenix advocates for the inclusion of non-notifying permission options. For any such permissions, Phoenix requests that a standard condition be included stating the need for a third-party permittee to get necessary approvals and permissions from the local O&M Operator.	No. Non-notifying Section 404 nationwide permits do not apply where there is a 408 action. No analogous, non-notifying permissions are possible, as all potential alterations require review per Section 33 USC 408, to include compliance with Section 106 of the NHPA and Section 7 of the ESA.
COP-41	Tricia Balluff, City of Phoenix (COP)	#1, Alteration Request; #2 Technical and Environmental Reviews	25	8,13	Under #1, Alteration Request (page 25, line 8) and #2 Technical and Environmental Reviews (page 25, line 13), Phoenix requests that the USACE add a number of days within which the permit applicant can expect the USACE to complete the necessary action(s) in each of those circumstances.	No change.
COP-42	Tricia Balluff, City of Phoenix (COP)	District Commander Decision	25	28-29	Page 25, lines 28-29 states, " <i>This regional categorical permission is effective immediately for all current and future qualifying alterations</i> ". Phoenix requests added language that clarifies that an RCP provided to a permit applicant would be effective for the length of the 5-year RCP term. Please also add a similar stipulation as NWPs under Clean Water Act Section 404 that an activity authorized under an RCP and started or under contract at the time of the current RCP program expiration date will be grandfathered in for 12 months or until the activity is complete, whichever comes first.	No change. Required timelines are outlined in EC-1165-2-220.

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FSIBCVFPB-01	Greg Harvey, P.E. Flood System Improvement Branch Central Valley Flood Protection Board (FSIBCVFPB)	General			Thank you for the opportunity to provide comments on the proposed Categorical Permission (CP) for Section 408 Requests regulated by districts within the U.S. Army Corps of Engineers (USACE) South Pacific Division.	Acknowledged
FSIBCVFPB-02	Greg Harvey, P.E. Flood System Improvement Branch Central Valley Flood Protection Board (FSIBCVFPB)	Process			We reiterate our support for efforts by the South Pacific Division to simplify and shorten time periods to review these minor alterations that have negligible effects. The proposed categorical exemptions are a good start, but we encourage SPD to continue exploring additional categorical permissions to make the overall 408 program more efficient and effective, especially considering continuing resource constraints on the 408 program.	Acknowledged
FSIBCVFPB-03	Greg Harvey, P.E. Flood System Improvement Branch Central Valley Flood Protection Board (FSIBCVFPB)	Process			Although streamlining technical review timelines for these categorical permissions is beneficial to overall project timelines, there are other actions necessary to reduce approval timelines. Therefore, we urge USACE to collaborate with other federal agencies, State agencies, and Tribal partners to develop standardized procedures to reduce the administrative burdens and shorten timelines for other approvals necessary for granting Section 408 permissions, specifically programmatic approaches to evaluate and establish	Acknowledged. USACE is pursuing programmatic tools to streamline the 408 process where possible.
FSIBCVFPB-04	Greg Harvey, P.E. Flood System Improvement Branch Central Valley Flood Protection Board (FSIBCVFPB)	Process			We also urge SPD and its districts to provide forums to discuss implementation of these categorical permissions and address questions from the regulated community. Thank you again for the opportunity to provide comments on this document.	Acknowledged. Each district should coordinate with their local sponsors on these initiatives.
CCVFCA-01	Tom Engler, P.E. California Central Valley Flood Control Association (CCVFCA),	General			On behalf of the California Central Valley Flood Control Association (CCVFCA), please accept the attached comments on the Section 408 Categorical Permission.	Acknowledged
CCVFCA-02	Tom Engler, P.E. California Central Valley Flood Control Association (CCVFCA),	Process			We strongly encourage a comment log showing comments received and responses to those comments so reviewers can more easily see how comments were addressed or why they could not be addressed.	A comment log will be provided.
CCVFCA-03	Tom Engler, P.E. California Central Valley Flood Control Association (CCVFCA),	Process			The Association is concerned with the length of time it takes to complete the Section 408 review process and appreciates the South Pacific Division's proposed Categorical Permission for certain Section 408 requests in order to streamline what has become a time-consuming and costly process for local project proponents. This letter serves as a summary of the comments and feedback based on our collective experience with the Section 408 Program through the Sacramento District (SPK).	Acknowledged

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CCVFCA-04	Tom Engler, P.E. California Central Valley Flood Control Association (CCVFCA),	Section 106			While Categorical Permission may streamline reviews for certain requests, it does not address the timing and process for Section 106 consultation. While Section 106 consultation typically takes at least 3 months to complete, District staff often take several months to even initiate the process, further delaying Section 408 reviews. Further, District staff treat each application as if it is the first time they have engaged tribes in a project area	While there are certain fixed timelines within the Section 106 process, the overall length of consultation varies dramatically depending on the nature of the undertaking, level of interest or concern, density and complexity of potential historic properties, and workload of the consulting parties. Much of this is outside USACE control. Each 408 application represents a unique undertaking on which USACE is required to consult separately. Initiation of the process depends on the adequacy of the submission package as well as the queue of existing projects.
CCVFCA-05	Tom Engler, P.E. California Central Valley Flood Control Association (CCVFCA),	Section 106			In many cases, consultation on previous efforts along the same levee segment have already been performed, and the Tribe(s) have already established that they want to be the main POC. Instead of recognizing that relationship, District staff start over again. The Tribes have asked for a better partnership with USACE. There are a few items that could be considered to streamline Section 106 consultations:	The fact that a particular tribe has identified that it would like to be the main point of contact does not remove the federal government's responsibility to consult with <u>all</u> tribes having a potential interest in an undertaking. As information, tribal interest, and tribal leadership often change, USACE initiates 408 consultation with all potentially interested tribes for each permission, as required by regulation.
CCVFCA-06	Tom Engler, P.E. California Central Valley Flood Control Association (CCVFCA),	Section 106			i. Consider that California has AB52 consultations with the Tribes and allow Section 106 to utilize these consultations that are typically already completed in the Section 106 reviews. Rather than initiating completely new consultation, Districts can provide or reference any consultations that have previously been completed, either through AB52 and/or previous Section 106 consultations, to allow the Tribes the ability to determine if any additional reviews are required or if the previous consultations adequately address their concerns.	Tribal consultation is a unique, Federal trust responsibility (USACE Tribal Consultation Policy; EC-1165-2-220). It is governed by the U.S. Constitution (Article 1, Section 8; Article 6), and various federal laws, executive orders, and regulations. This responsibility extends well beyond consultation under Section 106 of the NHPA. By regulation, that responsibility may not be delegated. Furthermore, USACE may or may not be aware of any outside consultation that an applicant has engaged in. Tribes are welcome to incorporate and/or share the results of any outside discussions they have had (e.g., under CEQA) if they choose.
CCVFCA-07	Tom Engler, P.E. California Central Valley Flood Control Association (CCVFCA),	Section 107			ii. The Division Commander should establish a more active working relationship with CA SHPO and establish a Programmatic Agreement for any Categorical Permission pursued either at the Division or District levels to streamline the Section 106 process.	SPK has been pursuing a PA for over 6 years. SPD is actively meeting with SHPO
CCVFCA-08	Tom Engler, P.E. California Central Valley Flood Control Association (CCVFCA),	B. Authority			i. The public notice states, "Colonel James J. Handura, PMP, Commander and Division Engineer of the South Pacific Division, USACE is the approval authority for the categorical permission for Section 408 requests in the South Pacific Division." We strongly encourage authority for Categorical Permission to be delegated to the District Commanders to avoid delays associated with Division reviews, which can often be duplicative of District reviews, as well as additional time to route for final approvals through the vertical chain.	The division commander, Col. Handura, is the signature authority of the Division CP. Responsibility for review and decision of 408 permissions eligible under the CP will be delegated to the districts.
CCVFCA-09	Tom Engler, P.E. California Central Valley Flood Control Association (CCVFCA),	B. Authority			ii. If a proposed project triggers a separate EA/EIS, can it still be approved through Categorical Permission? It is unclear whether the need for supplemental environmental reviews means a project is ineligible for Categorical Permission or not. Suggest clarifying language.	No. If a separate EA/EIS is needed, the 408 request will follow the standard 408 process.

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CCVFCA-10	Tom Engler, P.E. California Central Valley Flood Control Association (CCVFCA),	C. Proposed Categorical Permission			i. All Categorical Permissions should require both the Non-Federal Sponsor and the LMA/Levee Owner to sign off on or endorse the action to be considered.	A statement of no objection is required from the non-federal sponsor for all 408 requests.
CCVFCA-11	Tom Engler, P.E. California Central Valley Flood Control Association (CCVFCA),	C. Proposed Categorical Permission			ii. Borings, Explorations, Instrumentation - A DIPP is still required which also involves major time hurdles. Suggest allowing certain types of explorations such as auger with Page 3 no pressure, CPT testing, or test pits without the need for DIPP to streamline this process. Also, does coverage under the Programmatic EA cover DIPP's that do not trigger additional environmental reviews?	The requirement for a DIPP is an engineering requirement and not specific to Section 408. The programmatic environmental assessment (PEA) addresses the potential environmental impacts of implementing the RCP. Any alteration requiring a 408 Permission still requires additional review under the NHPA, ESA, or other federal regulations that may apply.
CCVFCA-12	Tom Engler, P.E. California Central Valley Flood Control Association (CCVFCA),	C. Proposed Categorical Permission			iii. Borrow Areas – appears to only apply for areas not within 300-feet of toe. Suggest clarifying this is the levee toe. Also, USACE should clarify whether borrow areas outside of the Project easements are subject to Section 408 review since numerous borrow areas outside of the Project footprint, but within 300 feet of the levee toe, are typical throughout the system. We would presume Categorical Permission is not intended to expand the Section 408 authority to outside of the Project's real estate interests, please confirm/clarify?	Correct. 408 review under the RCP only applies to alterations proposed within the real property identified and acquired for the USACE project. Refer to the jurisdictional area of the federal project.
CCVFCA-13	Tom Engler, P.E. California Central Valley Flood Control Association (CCVFCA),	C. Proposed Categorical Permission			iv. Bridges – While we appreciate the intent to streamline the process for bridges, it concerns us that bridges can have significant impacts to the flood control project levees and channels and require extensive engineering analysis to ensure there are no significant impacts to the Project. We would question whether Bridges should be included for Categorical Permission? At a minimum, Bridges should also require geotechnical analysis, scour analysis, and hydraulic impacts analysis in addition to stability analysis.	All necessary analyses will be required to justify the effects of any proposed alterations, whether they are ultimately found to qualify under the CP or not. Any alteration with significant impacts would likely be processed under a standard Section 408 review.
CCVFCA-14	Tom Engler, P.E. California Central Valley Flood Control Association (CCVFCA),	C. Proposed Categorical Permission			v. Buildings and Other Structures – Again, due to the wide variety of potential impacts and uniqueness of building and structures, we question whether they should be included for Categorical Permission. However, if they are included, the following comments are provided:	All necessary analyses will be required to justify the effects of any proposed alterations, whether they are ultimately found to qualify under the CP or not. Any alteration with significant impacts would likely be processed under a standard Section 408 review.
CCVFCA-15	Tom Engler, P.E. California Central Valley Flood Control Association (CCVFCA),	C. Proposed Categorical Permission			i. For the 50 percent of market value clause, who would be required to enforce this? If the USACE is approving Categorical Permission, would it be USACE? This would be difficult for responsible flood control agencies to enforce.	Comment not clear. Commenter can reach out to the district where the Section 408 request is located for more information.
CCVFCA-16	Tom Engler, P.E. California Central Valley Flood Control Association (CCVFCA),	C. Proposed Categorical Permission			ii. Suggest adding a structural analysis or FEMA wet floodproofing to the list of requirements for buildings/structures within the floodway.	Floodproofing of privately owned structure are not included in the RCP. Additional guidance is coming from USACE HQ on the applicability of Section 408 for floodproofing of private owned structures.
CCVFCA-17	Tom Engler, P.E. California Central Valley Flood Control Association (CCVFCA),	C. Proposed Categorical Permission			iii. Again, we presume the 300-feet is not intended to expand Section 408 jurisdiction on the landside of the levees outside of the existing real estate interests, please confirm/clarify?	That is correct.

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CCVFCA-18	Tom Engler, P.E. California Central Valley Flood Control Association (CCVFCA),	C. Proposed Categorical Permission			vi. Ditches/Canals - Second Bullet – does this mean outside of the levee or berm embankment toe which is typically not acceptable because it interferes with Project OMRR&R access and creates a potential seepage path. Ditches/canals should be located outside of the landside real estate footprint or a minimum of 300-feet from a levee toe without extensive seepage and stability analysis demonstrating that it does not lessen levee performance.	No change. All necessary analyses will be required to justify the effects of the proposed alterations whether they are determined to be CP eligible or not.
CCVFCA-19	Tom Engler, P.E. California Central Valley Flood Control Association (CCVFCA),	C. Proposed Categorical Permission			vii. Fiber Optic and Dry Utilities – Suggest language requiring the fiber optic or dry utility owner to provide inspections at regular intervals that meet USACE requirements and that results of those inspections be supplied to the NFS and LMA.	This should be conditioned in the letter of permission (LOP)
CCVFCA-20	Tom Engler, P.E. California Central Valley Flood Control Association (CCVFCA),	C. Proposed Categorical Permission			viii. Gravity Pipes - Suggest language requiring the pipe owner to provide inspections at regular intervals that meet USACE requirements and that results of those inspections be supplied to the NFS and LMA.	This should be conditioned in the letter of permission (LOP)
CCVFCA-21	Tom Engler, P.E. California Central Valley Flood Control Association (CCVFCA),	C. Proposed Categorical Permission			ix. Horizontal Directional Drilling – Should include requirement for minimum depth below project features (levees, berms, channel Thalweg, etc.) or a geotechnical analysis for a shallower penetration demonstrating that it does not lessen Project performance.	CP specifies, "The pipeline should pass no less than 50 feet beneath the levee's landside toe or federal channel depth. If the top of the pipe is less than 50 feet beneath the current channel invert, a 28 scour analysis is required demonstrating that the maximum scour depth will not expose the buried pipe." (pg 14)
CCVFCA-22	Tom Engler, P.E. California Central Valley Flood Control Association (CCVFCA),	C. Proposed Categorical Permission			x. Landside Pump Station – suggest adding language as to minimum requirements for positive closure, distance from levee toe, seepage and stability analysis, etc.	This language is included in the description for #16, Landside Pump Stations. Closure requirements are included in #17, Pressurized Pipes.
CCVFCA-23	Tom Engler, P.E. California Central Valley Flood Control Association (CCVFCA),	C. Proposed Categorical Permission			xi. Pressurized Pipes - Suggest language requiring the pipe owner to provide inspections at regular intervals that meet USACE requirements and that results of those inspections be supplied to the NFS and LMA.	This should be conditioned in the letter of permission (LOP)
CCVFCA-24	Tom Engler, P.E. California Central Valley Flood Control Association (CCVFCA),	C. Proposed Categorical Permission			xii. Swimming Pools – While we support the requirement for geotechnical analysis for swimming pools (or borrow areas) within 300-feet of a levee toe we are not sure how USACE or the NFS can enforce these requirements outside of the real estate interests of the flood control Project?	No 408 Permission would be required for projects outside the real property of the Civil Works project.
CCVFCA-25	Tom Engler, P.E. California Central Valley Flood Control Association (CCVFCA),	C. Proposed Categorical Permission			xiii. Water Supply Pumpstations – see comments for landside pump stations. They should also apply to waterside pump stations for water supply.	This language is included in description for #25, Water Side Pump Stations. Closure requirements are included in #17, Pressurized Pipes.

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CCVFCA-26	Tom Engler, P.E. California Central Valley Flood Control Association (CCVFCA),	C. Proposed Categorical Permission			xiv. Wells – Again, while we support the requirement for geotechnical analysis for wells within 300-feet of a levee toe we are not sure how USACE or the NFS can enforce these requirements outside of the real estate interests of the flood control Project?	No 408 Permission would be required for projects outside the real property of the Civil Works project.
CCVFCA-27	Tom Engler, P.E. California Central Valley Flood Control Association (CCVFCA),	Process			1. As part of our review, the Association referenced the Great Lakes and Ohio River Regional Categorical Permissions. Great Lakes and Ohio River Regional Categorical Permissions are generally easier to understand and follow because of how they are organized. Separating the conditions for levee and non-levee modifications is helpful. For example, in the Great Lakes and Ohio River Regional CP, Category 2 – Vertical Drilling Activities has a simplified condition for Non-Levee Projects. The Levee Project Specific category has an expanded set of conditions, which are very similar to the SPD CP language for Permission 3 (Soil Investigations, Borings, Explorations, and Instrumentation). An alternative could be to separate the alteration description, “general” conditions (which would apply to alterations to all eligible USACE Project Types), and additional conditions that are specific to alterations to a particular USACE Project Types (e.g., Levees/Embankments). This could allow for easier updates if additional conditions are needed for alterations to a different USACE Project Type (e.g., ecosystem restoration).	Acknowledged. The format of the SPD Regional CP (RCP) is based on an existing District CP implemented in Sacramento District and has proven to be helpful for the types of actions received within the region.
CCVFCA-28	Tom Engler, P.E. California Central Valley Flood Control Association (CCVFCA),	Process			2. The Association requests the categorical permissions are expanded to include alterations to federal “embankments, channels, navigation projects, ecosystem restoration projects, and coastal alteration projects.”	The SPD RCP applies to all federally authorized civil works projects. The SPD RCP groups actions broadly and does not exclude any action that requires a Section 408 review. The CP is written to be flexible and covers each of these alteration categories.
CCVFCA-29	Tom Engler, P.E. California Central Valley Flood Control Association (CCVFCA),	Process			3. The Association is concerned that as written, a third party could use this process to alter a flood risk reduction system without notification or involvement of the appropriate nonfederal sponsor. To ensure that this does not happen, we request that the lack of a letter of no-objection from the non-federal sponsor be added as a disqualifying event.	A letter of no objection is required for all 408 Permissions unless they qualify for an exception under EC-1165-2-220. There is no need to call this out specifically within the RCP.
CCVFCA-30	Tom Engler, P.E. California Central Valley Flood Control Association (CCVFCA),	Section 5			4. Section 5. – Bridges – suggest removing “new construction” as an RCP. While modification or replacement of existing bridges may be covered by RCPs, new bridges have the potential for significant impacts to the Federal Projects and should be subject to standard Section 408 review processes to ensure no adverse impacts.	All necessary analyses will be required to justify the effects of any proposed alterations, whether they are ultimately found to qualify under the CP or not. Any alteration with significant impacts would likely be processed under a standard Section 4

Comment ID	Commenter, Agency	Section Title or Number	Page Number	Line Number	Comment	Response
CCVFCA-31	Tom Engler, P.E. California Central Valley Flood Control Association (CCVFCA),	Section 6			5. Section 6. – Buildings and Other Structures should include language requiring the applicant to demonstrate no hydraulic impacts for any structures within the floodway.	All necessary analyses will be required to justify the effects of the proposed alterations whether they are determined to be CP eligible or not.
CCVFCA-32	Tom Engler, P.E. California Central Valley Flood Control Association (CCVFCA),	Section 16	15	26	6. Section 16. – Landside Pump Stations and Section 26. Wells– while we understand that being outside of the levee easement may not require Section 408 approval, any pump Station (or well) near a levee has the potential to create seepage or slope stability issues. It may be best to revise the section as follows: Page 15, Line 26: “Whenever possible, pump stations should be located outside the levee easement. Requests to locate a pump station within 15 feet of the levee toe or in an area that may have adverse effects on the levee stability must be accompanied by a geotechnical analysis that includes seepage and stability analysis to demonstrate no adverse effects to the levee.” Similar language should be included in Section 26. This would allow USACE and the NFS to require analysis for potentially impactful facilities outside of the levee easement if there were reason to believe it could negatively impact the levee.	USACE Section 408 Policy does not apply to alterations occurring outside of the Civil Works boundary areas as described in EC 1165-2-220, paragraph 9.a.(1) through 9.a.(4). In rare cases where a proposed alteration occurring outside of the area impairs the usefulness of a USACE project, the proposed alteration will need to be coordinated vertically within the USACE to HQ level in order to determine an appropriate course of action.
CCVFCA-33	Tom Engler, P.E. California Central Valley Flood Control Association (CCVFCA),	CP			7. New swimming pools should not be included in the categorical permissions. In general, neither above nor underground swimming pools should be permitted within the required easement of 15 feet from a federal levee or flood control project feature. Including swimming pools as a category implies that they would generally be approved within this zone. If a swimming pool is beyond this zone, does USACE even have jurisdiction outside the real estate rights?	Any pool would be fully reviewed and not permitted where they pose a risk to the federal project. No 408 Permission would be required for projects outside the real property of the Civil Works project.
CCVFCA-34	Tom Engler, P.E. California Central Valley Flood Control Association (CCVFCA),	Process			8. Video inspections or pressure tests every 5 years should be added as a condition for pipes and/or utilities crossing a levee. This would apply to Sections 12, 14, 15, and 17. Inspection reports should be required to be provided to the local and non-federal sponsor on request.	These concerns should be conditioned within the Letter of Permission.
CCVFCA-35	Tom Engler, P.E. California Central Valley Flood Control Association (CCVFCA),	CP			9. The steps necessary to validate a Categorical Permission should be more clearly defined.	The CP is written broadly and internal review processes may vary slightly across districts. However all districts must comply with EC-1165-2-220 and the RCP implementation steps.

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CCVFCA-36	Tom Engler, P.E. California Central Valley Flood Control Association (CCVFCA),	Process			10. Engineering Conditions – ENG-13 should be revised or a new condition added requiring the applicant to provide real estate rights, or ensure rights already exist, to the local and/or non-Federal sponsor for OMRR&R of the federal project (levees, floodways, etc.). This is most relevant in areas where the Railroad (or utility owner) has superior rights that may preclude the maintainer from performing its obligations under the Federal project.	All 408 Permission requests require real estate documentation be provided to USACE for review, to include a description of the real property required to support the proposed alteration must be provided. Civil Works projects where real estate rights to OMRR&R the project does not exist, the NFS should be coordinated with to resolve. This includes where the NFS rights are not superior to a third party (such as the RR).
RFCWCD-01	Ava Moussavi - PE, MS, Riverside County Flood Control and Water Conservation District (RFCWCD)	NA	NA	NA	Please see the attached letter for the response from Riverside County Flood Control and Water Conservation District regarding the Section 408 Categorical Permission document for the South Pacific Division.	Acknowledged
RFCWCD-02	Ava Moussavi - PE, MS, Riverside County Flood Control and Water Conservation District (RFCWCD)	NA	NA	NA	The Riverside County Flood Control and Water Conservation District (RCFC&WCD) is a local sponsor of several federal flood control projects in the Los Angeles District. As such, we regularly pursue 408 Permits, both directly (as applicant) and indirectly (in support of other applicants), for 408 modifications to federal projects that are maintained by RCFC&WCD. We have advocated for Categorical Permissions to streamline the 408 permitting process for less significant alterations to federal projects both directly and through organizations such as the National Association of Flood and Stormwater Management Agencies (NAFSMA) and the southern California Seven County's Group of Flood Control Districts. We would, therefore, like to express our sincere appreciation to the U.S. Army Corps of Engineers (USA CE) for its continued leadership and collaboration on the development of Regional Categorical Permissions for Section 408 Requests for projects within the USACE South Pacific Division (SPD).	Acknowledged
RFCWCD-03	Ava Moussavi - PE, MS, Riverside County Flood Control and Water Conservation District (RFCWCD)	NA	NA	NA	We have independently reviewed the draft Categorical Permissions document and coordinated our comments with NAFSMA. We, therefore, kindly request that you accept NAFSMA's comments as also being on behalf of RCFC& WCD.	Acknowledged
RFCWCD-04	Ava Moussavi - PE, MS, Riverside County Flood Control and Water Conservation District (RFCWCD)	General	NA	NA	In addition to the comments submitted by NAFSMA, RCFC& WCD would like to request clarification of the technical guidance referred to in the draft Categorical Permissions document. For example, Section 15 (Horizontal Directional Drilling) and Section 17 (Pressurized Pipes) reference compliance with "all" technical guidance or standards without providing specific resources. At minimum, we would recommend changing the word "all" to "approved" and would further recommend that the guidance or standards be referenced directly or indirectly (if it is a living document) for clarity.	See ER 1110-1-1807 and EM 1110-2-2902 for these cases. Other relevant guidance can be found at https://www.publications.usace.army.mil/ . If there are concerns, the requestor should coordinate with the NFS for the most current and relevant guidance.

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MCFCFCD-01	Tom Hanson Maricopa County Flood Control District Floodplain Permitting Division (MCFCFCD)	General	6	25	Need to define "levee easements".	Comment not clear. Are we being asked to define what is meant by a "levee easement", or to specify its extent. The latter varies on a case-by-case basis and can't be defined here.
MCFCFCD-02	Tom Hanson Maricopa County Flood Control District Floodplain Permitting Division (MCFCFCD)	General	6/7	27/20	Who and what defines "flood season"?	Flood season varies by district and geographic location. Coordinate with the NFS where there are concerns.
MCFCFCD-03	Tom Hanson Maricopa County Flood Control District Floodplain Permitting Division (MCFCFCD)	Building and Other Structures	7	33	We don't always have land rights 300 ft from the levee to enforce this.	If outside the easement/real estate of the federal project, no 408 required.
MCFCFCD-04	Tom Hanson Maricopa County Flood Control District Floodplain Permitting Division (MCFCFCD)	Section 9	6		Would "Environmental restoration" be considered maintenance such as low flow maintenance/establishment?	New environmental restoration within a federal project would require a Section 408 Permission. Maintenance is specified in the applicable O&M manual.
MCFCFCD-05	Tom Hanson Maricopa County Flood Control District Floodplain Permitting Division (MCFCFCD)	11 Fences, Gates and Signage	11	16&17	Page 11, lines 16 & 17: Would a standard post-wire fence be considered removable and, how long would a case-by-case basis take, and what is a critical levee area?	This would have to be determined by the District during the Section 408 review process.
MCFCFCD-06	Tom Hanson Maricopa County Flood Control District Floodplain Permitting Division (MCFCFCD)	14 Gravity Pipes	13	31	Typically we require encasement of the pipe and not embedded.	Acknowledged. The RCP allows for either.
MCFCFCD-07	Tom Hanson Maricopa County Flood Control District Floodplain Permitting Division (MCFCFCD)	General	14		To clarify is a 408 needed for a replacement of a pipe or flap gate?	This would have to be determined by the District during the Section 408 review process.
MCFCFCD-08	Tom Hanson Maricopa County Flood Control District Floodplain Permitting Division (MCFCFCD)	General			Dams, dam impoundment areas, detention/retention basins, and storm drains are not included in the document. Will they be included in the categorical permissions as some are more and less critical than levees or channels?	Dams, related impoundment areas, and detention/retention basins require standard Section 408 review. Storm drains will fall under gravity pipe.

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MCFCF-09	Tom Hanson Maricopa County Flood Control District Floodplain Permitting Division (MCFCF)				The backfill criteria are very strict, which could impact development. Is the backfill criteria only application to levees and critical structures? For example, would this backfill criteria be required for excavation that occurs in a dam's impoundment area that is a quarter mile from the dam? Another example would be how far from a channel would this backfill criteria be required?	Backfill details are included in USACE publications (standard and design criteria). We highly recommend reaching out to the District 408 Coordinator and requesting a pre-request meeting for this level of detail that is needed for the design of the proposed alteration.
MCFCF-10	Tom Hanson Maricopa County Flood Control District Floodplain Permitting Division (MCFCF)	15 Horizontal Direction Drilling			Another note is the depth and methods required for the directional boring. I could see future pushback from utilities and developers on excessive costs. Is this just required near levees, channels, or other structures?	Requests that do not meet the requirements of the RCP will be processed under a standard Section 408 review.
MCFCF-11	Tom Hanson Maricopa County Flood Control District Floodplain Permitting Division (MCFCF)	General			Many of these definitions are very vague and subjective, making it difficult to make in-house decisions on rules or advising applicants.	The RCP is written broadly so as to be applicable in a wide variety of circumstances.
MCFCF-12	Tom Hanson Maricopa County Flood Control District Floodplain Permitting Division (MCFCF)	Item 14, Gravity Pipes			It is unclear whether this item includes sanitary sewer pipes. This type of installation should be accommodated somewhere in this categorical provision.	Sanitary sewer pipes may fall under gravity or pressurized pipes. Coordinate with our district Section 408 coordinator regarding specific issues/questions.
MCFCF-13	Tom Hanson Maricopa County Flood Control District Floodplain Permitting Division (MCFCF)	Item 17, Pressurized Pipes			Pipes are required to go over the Design Water Surface Elevation. It is not unusual for someone to propose a jack and bore for a water line under one of our channels. This should be accommodated or is this just in relation to penetration of levees?	Requests that do not meet the requirements of the RCP will be processed under a standard Section 408 review.
MCFCF-14	Tom Hanson Maricopa County Flood Control District Floodplain Permitting Division (MCFCF)	Item 6			Item 6 doesn't allow Buildings or Other Structures for Human Habitation. FCDMC has flowage easements acquired for a project which allow for the release of the easement if the site is developed in a simple way (fill material and erosion protection). This includes habitable structures and the projects are very simple and straight forward. This should be considered to	This example would require a standard Section 408 review.
MCFCF-15	Tom Hanson Maricopa County Flood Control District Floodplain Permitting Division (MCFCF)	Item 21	19		Item 21 on page 19 prohibits handrails on the waterside of the levee slope or on the levee crown. Item 23 allows for trails, roads or ramps on the levee crown. It would make more sense if they would allow handrail on the levee crown to separate people using the levee trails, roads or ramps from tripping and falling over the face of the slope onto the wet side of the levee. A design of this nature is very straight forward while maintaining or improving the integrity of the levee. These 2 items don't otherwise seem compatible with safety requirements.	Requests that do not meet the requirements of the RCP will be processed under a standard Section 408 review.

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MCFCF-16	Tom Hanson Maricopa County Flood Control District Floodplain Permitting Division (MCFCF)	Process			To be effective the categorical permissions need to have an expedited process to deal with cultural resources and consultations. FCDMC needs to understand when Cultural or Environmental studies will play a role in order to advise their applicants well. Will this information be included in the draft RCP for feedback?	Consultation under Section 106 of the NHPA and Section 7 of the ESA required for all 408 permits, CP or other (referenced page 1, footnote 1). Bring note into body of text?
MCFCF-17	Tom Hanson Maricopa County Flood Control District Floodplain Permitting Division (MCFCF)	Item 15			Item 15 seems to conflict with the preceding utilities. If not, 50 feet below the toe of the levee is an excessive depth for non-critical utilities if the intent of this is to overcome scour. If the intent is to address critical infrastructure, while still excessive, this should be applied to water, sewer, gas, and similar lines. Fiber optic and cable is the most common needing to pass under a levee and have limited impact if they were washed out.	The depth is not out of concern for the utility. It out of concern for the integrity of the federally authorized project.
MCFCF-18	Tom Hanson Maricopa County Flood Control District Floodplain Permitting Division (MCFCF)	Item 26			Does item 26 include any capacity of well? (private vs production; gpm/d?)	Yes.
MCFCF-19	Tom Hanson Maricopa County Flood Control District Floodplain Permitting Division (MCFCF)	Engineering Conditions			Most structures related to flood control have floodplain located within them. The disqualifying circumstance suggests that development within a floodplain would disqualify it. What if they provide evidence of floodplain use approval or clearance? This seems to clearly conflict with the Engineering Conditions that follow Disqualifying Circumstances.	The district will need to determine if the proposed alteration represents development, and if the request is eligible under the RCP.
LAPW-01	Tranette Sanders, Los Angeles County Public Works				Please accept the attached comments from LA County Public Works. We apologize for the delay, but with the fire emergencies going on here in the last week it's been difficult to coordinate.	Acknowledged
LAPW-02	Tranette Sanders, Los Angeles County Public Works	AUTHORITY			Determination of Categorical Permissions: The second paragraph on Pg. 1 of the Draft Section 408 Regional Categorical Permission states that the South Pacific Division Commander and Division Engineer is the final approval authority for Regional Categorical Permission. Providing further clarity as to the specific approval steps at the staff level onward, before a recommendation for approval/denial is made to the Commander, would be extremely helpful for applicants when coordinating with USACE.	The division commander, Col. Handura, is the signature authority of the Division CP. Responsibility for review and decision of 408 permissions eligible under the CP will be delegated to the districts and their staff.
LAPW-03	Tranette Sanders, Los Angeles County Public Works	INTRODUCTION/CATEGORICAL PERMISSIONS			SHPO/Section 106 Requirements o Incorporating the SHPO/Section 106 processes into the CP process would provide an added value in how the CPs can streamline and expedite permitting processes and timelines.	The Section 106 process remains the same for all 408 Permissions and is unchanged by the CP process.
LAPW-04	Tranette Sanders, Los Angeles County Public Works	REGIONAL CATEGORICAL PERMISSION ALTERATION DESCRIPTIONS			4. Borrow Areas a. Can a distinction be made between lined and unlined channels, given that mitigation of potential migration of water into borrow areas will greatly differ? Can a predefined minimum distance of a borrow area from a lined channel also be provided?	Comment unclear. Borrow areas unlikely to occur within a lined channel.

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LAPW-05	Tranette Sanders, Los Angeles County Public Works	REGIONAL CATEGORICAL PERMISSION ALTERATION DESCRIPTIONS			7. Ditches and Canals a. Consider including drainage pipes and connections/tie-ins in the description. Although the "Gravity Pipes" alteration type covers the installation, modification, and replacement of gravity pipes and culverts, drainage pipes and drainage connection-tie-ins may be used in tandem with ditches and canals.	Districts can use multiple RCP alteration descriptions for a Section 408 request.
LAPW-06	Tranette Sanders, Los Angeles County Public Works	REGIONAL CATEGORICAL PERMISSION ALTERATION DESCRIPTIONS			11.Fences, Gates, and Signage a. Include bollards, poles, posts and station markers that individually require less than 1 square foot of surface disturbance.	The RCP is general in order to be as broadly applicable as possible in order to cover a large geographical area. These suggested alterations fall under "similar activities."
LAPW-07	Tranette Sanders, Los Angeles County Public Works	REGIONAL CATEGORICAL PERMISSION ALTERATION DESCRIPTIONS			14.Gravity Pipes a. For clarity, consider listing typical types of gravity pipes included in the description (i.e. potable water, recycled water, stormwater/drainage, sanitary sewer, and brine line).	The RCP is general in order to be as broadly applicable as possible in order to cover a large geographical area.
LAPW-08	Tranette Sanders, Los Angeles County Public Works	REGIONAL CATEGORICAL PERMISSION ALTERATION DESCRIPTIONS			17.Pressurized Pipes a. Consider listing typical types of pressurized pipes within description	The RCP is general in order to be as broadly applicable as possible in order to cover a large geographical area.
LAPW-09	Tranette Sanders, Los Angeles County Public Works	REGIONAL CATEGORICAL PERMISSION ALTERATION DESCRIPTIONS			18.Research and Monitoring a. Consider Including wet weather/water quality monitoring samplers/stations, data logger installations, including flow meters, water quality samplers, temperature gages.	The RCP is general in order to be as broadly applicable as possible in order to cover a large geographical area.
LAPW-10	Tranette Sanders, Los Angeles County Public Works	REGIONAL CATEGORICAL PERMISSION ALTERATION DESCRIPTIONS			20.Seepage and Stability Berms a. Consider revising this heading to read "Seepage, Stability Berms, and Bank Stabilization."	Bank stabilization falls under alteration description #10 - Erosion Control
LAPW-11	Tranette Sanders, Los Angeles County Public Works	REGIONAL CATEGORICAL PERMISSION ALTERATION DESCRIPTIONS			23.Trails, Roads, and Ramps a. Consider Including language specific to bike, jogging and walking trails. In addition to signage and lighting, consider including general language such as "other similar operational, recreational, and decorative features." Consider including levee ramps, maintenance roads and crossings.	The RCP is general in order to be as broadly applicable as possible in order to cover a large geographical area.
LAPW-12	Tranette Sanders, Los Angeles County Public Works	REGIONAL CATEGORICAL PERMISSION ALTERATION DESCRIPTIONS			24.Utility Poles a. Consider revising heading to read: "Utility Poles and Line Work." Consider including utility line work both underground and above ground. Consider including associated structures and support poles.	Acknowledged. Will consider.
LAPW-13	Tranette Sanders, Los Angeles County Public Works	REGIONAL CATEGORICAL PERMISSION ALTERATION DESCRIPTIONS			26.Wells a. Consider including water supply wells, monitoring wells, and cathodic wells.	The RCP is general in order to be as broadly applicable as possible in order to cover a large geographical area.

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LAPW-14	Tranette Sanders, Los Angeles County Public Works	REGIONAL CATEGORICAL PERMISSION ALTERATION DESCRIPTIONS			27.Additional Alteration Type: Gates, Valves, and Appurtenances: a. Consider adding an additional alteration titled: "Gates, Valves, and Appurtenances." This alteration type would cover construction, modification or repair, and replacement of flood and water conservation gates, valves, and appurtenances (only applicable if extent of work falls outside of normal O&M covered under standard specifications).	Districts can use multiple RCP alteration descriptions for a Section 408 request. These actions are associated with alteration descriptions #14, #16 and #17, for example.
LAPW-15	Tranette Sanders, Los Angeles County Public Works	DISQUALIFYING CIRCUMSTANCES			Listed disqualifying circumstances are too vague and subjective. Consider providing further specificity. For example: o The second listed disqualifying circumstance disqualifies an alteration if it is controversial. How, and by who, will this determination be made?	Districts will determine eligibility under the RCP based on information available. If an action is not eligible under the RCP, the action will fall under a standard review process.
LAPW-16	Tranette Sanders, Los Angeles County Public Works	DISQUALIFYING CIRCUMSTANCES			The seventh listed disqualifying circumstance disqualifies an alteration that would adversely impact a public use facility. How is the adverse impact determined? Will an IS/MND be needed to make such a determination?	Districts will determine eligibility under the RCP based on information available. If an action is not eligible under the RCP, the action will fall under a standard review process.
LAPW-17	Tranette Sanders, Los Angeles County Public Works	DISQUALIFYING CIRCUMSTANCES			The ninth listed disqualifying circumstance disqualifies alterations that have an adverse effect on a community with environmental justice concerns. How will the adverse effect on a community be determined? Will an IS/MND be needed to make such a determination? What criteria will be used to determine if a community has environmental justice concerns?	No longer applies.
LAPW-18	Tranette Sanders, Los Angeles County Public Works	CONDITIONS			ENG-14 states: "Disturbed areas must be restored to preconstruction conditions once the alteration construction work is complete." o Please clarify what this entails and extent of restoration, especially if distributed areas included existing vegetation.	The definition a preconstruction conditions is project specific and cannot be defined within the RCP.
LAPW-19	Tranette Sanders, Los Angeles County Public Works	CONDITIONS			ENV-6 states: "Proposed alterations must incorporate BMPs that meet federal, state, and local criteria to control stormwater runoff, erosion, and contaminant spills (e.g. diesel fuel spills)" o It would be helpful to provide clarity and specificity as to how much and what type of information will be required to demonstrate that this condition is met.	The is project specific and cannot be defined within the RCP.
LAPW-20	Tranette Sanders, Los Angeles County Public Works	IMPLEMENTING REGIONAL CATEGORICAL PERMISSION			In general, consider providing more detail and specific steps to implementation.	The RCP is general in order to be as broadly applicable as possible in order to cover a large geographical area.
LAPW-21	Tranette Sanders, Los Angeles County Public Works	IMPLEMENTING REGIONAL CATEGORICAL PERMISSION			Public Involvement o Explain the role of public involvement in the review process and how applicants can engage with stakeholders and the community.	Anything processed under the RCP will not require additional public noticing. Requesters are encouraged to engage in pre-application meetings with their USACE District, non-federal sponsors and any other stakeholders that may have an interest in the proposed alteration. Will add second sentence to page 3 of the RCP.
LAPW-22	Tranette Sanders, Los Angeles County Public Works	IMPLEMENTING REGIONAL CATEGORICAL PERMISSION, 2. Technical and Environmental Reviews			Under Section "2. Technical and Environmental Reviews" o Some of the listed Alteration Types have additional technical requirements, such as Drilling Program Plan, geotechnical investigation, slope stability analysis, etc. Clarify if these requirements are going to be subject to USACE review and approval, as this would lengthen the 408-permit processing time.	All necessary analyses will be required to justify the effects of any proposed alterations, whether they are ultimately found to qualify under the CP or not.

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LAPW-23	Tranette Sanders, Los Angeles County Public Works	IMPLEMENTING REGIONAL CATEGORICAL PERMISSION			Application Process Timeline o Detail the expected timeline for each stage of the application process, including initial review, as-needed evaluations for cultural resources, Section 7 ESA, CWA (401), and the migratory bird treaty act, public notice period, and final decision.	The timing of the Section 106 process varies substantially depending on the nature of the undertaking, nature of potential historic properties, level of interest/concern among consulting parties, etc. The process is not altered by the RCP, and any attempt to provide a timeline risks being more misleading than informative.
LAPW-24	Tranette Sanders, Los Angeles County Public Works				Executive Summary: 1. Add an executive summary at the beginning to provide a concise overview of the document's purpose, key points, and the process for obtaining categorical permission.	An executive summary is not appropriate given the nature of this document.
LAPW-25	Tranette Sanders, Los Angeles County Public Works				Clearer Section Headers: 1. Use clearer and more descriptive section headers to improve navigation and readability. For example, instead of "Conditions," use "Engineering and Environmental Conditions for Approval."	Acknowledged. Will change.
LAPW-26	Tranette Sanders, Los Angeles County Public Works				Flowcharts and Diagrams: 1. Include flowcharts or diagrams to visually represent the process for submitting and reviewing alteration requests, including the decision-making process and required documentation.	The process for submitting Section 408 requests is outlined in EC-1165-2-220.
LAPW-27	Tranette Sanders, Los Angeles County Public Works				Simplified Language: 1. Simplify technical language where possible to make the document more accessible to a broader audience, including non-technical stakeholders.	The RCP is written to be technically appropriate for its intended audience
LAPW-28	Tranette Sanders, Los Angeles County Public Works				Examples and Case Studies: 1. Provide examples or case studies of successful alteration requests to illustrate the process and requirements in a practical context. 2. Include examples or case studies or examples of successful applications to help applicants understand what a well-prepared submission looks like, as well as common mistakes or pitfalls in the application process and how to avoid them. Could be included in an appendix document.	Including this would increase the length of the RCP. Requesters are encouraged to engage with USACE on the Section 408 process early in the process through pre-application discussions.
LAPW-29	Tranette Sanders, Los Angeles County Public Works				Checklist for Applicants: 1. Include a checklist for applicants summarizing all required documentation, steps, and criteria to ensure they meet all necessary conditions and requirements.	Following approval of the RCP, SPD will issue additional guidance to clarify/facilitate implementation (e.g., checklist).
LAPW-30	Tranette Sanders, Los Angeles County Public Works				Glossary of Terms: 1. Add a glossary of terms to define technical jargon and acronyms used throughout the document, making it easier for readers to understand.	The RCP is written to be technically appropriate for its intended audience
LAPW-31	Tranette Sanders, Los Angeles County Public Works				Properly Quantify Disturbance Area 1. Verify the applicable "total area" on all the CPs. For example, quantifying the total area of disturbance in acre-ft for gravity pipes seems inappropriate. This activity's total area should be measured in linear feet in combination with the footprint of the disturbed area.	The RCP is general in order to be as broadly applicable as possible in order to cover a large geographical area. Districts work with requesters and non-federal sponsors on proposed alterations on a case by case basis.
LAPW-32	Tranette Sanders, Los Angeles County Public Works				Contact Information: 1. Provide contact information for key personnel or departments within the USACE that applicants can reach out to for assistance or clarification.	Each USACE district has a Section 408 Program website with contact information.
LAPW-33	Tranette Sanders, Los Angeles County Public Works				Highlight Key Points: 1. Use bold text, bullet points, and call-out boxes to highlight key points, important conditions, and critical steps in the process.	Acknowledged
LAPW-34	Tranette Sanders, Los Angeles County Public Works				Regular Updates: 1. Establish a process for regular updates to the document to ensure it remains current with any changes in regulations, policies, or procedures.	Specified on page 3 of the RCP.

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LAPW-35	Tranette Sanders, Los Angeles County Public Works				Feedback Mechanism: 1. Include a feedback mechanism for stakeholders to provide comments and suggestions for future improvements to the document.	Updates to the RCP will be public noticed.
LAPW-36	Tranette Sanders, Los Angeles County Public Works	NA			Digital Accessibility: 1. Ensure the document is digitally accessible, with features such as searchable text, hyperlinks to referenced documents, and compatibility with screen readers for individuals with disabilities.	Acknowledged

COMMENT LETTERS

From: [Sunny Simpkins](#)
To: [SPD408](#); [Jennings, Bonnie F CIV USARMY CEHQ \(USA\)](#); [Tutka, Travis C CIV USARMY CEHQ \(USA\)](#)
Cc: [Susan Gilson](#)
Subject: NAFSMA Comments on SPD Categorical Permissions for 408s
Date: Wednesday, January 15, 2025 4:52:23 PM
Attachments: [1.15.25_NAFSMA_408Permissions Final.pdf](#)

NAFSMA very much appreciates the opportunity to comment on the proposed Regional Categorical Permission (CP) for Section 408 Requests for SPD. Please find our comments attached.

Best,
Sunny

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National Association of Flood & Stormwater Management Agencies

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January 15, 2025

TO: Brian Dela Barre, Section 408 Coordinator, U.S. Army Corps of Engineers (USACE), South Pacific Division, SPD408@tetrattech.com

FROM: National Association of Flood and Stormwater Management Agencies (NAFSMA)

SUBJECT: NAFSMA Comments on Public Notice - Categorical Permission for Section 408 Requests USACE South Pacific Division (SPD)

The National Association of Flood and Stormwater Management Agencies (NAFSMA), since its founding in 1978, has represented local, regional, and state public agencies nationwide. NAFSMA's mission for more than 45 years has been to advocate for public policy and encourage technologies in watershed management that focus on stormwater, flood protection, and floodplain management.

NAFSMA very much appreciates the opportunity to comment on the proposed Regional Categorical Permission (CP) for Section 408 Requests for SPD and has reached out to its members in the Division for input on the following comments. NAFSMA understands that some alterations covered in this CP may need to be different from Regional CPs for other USACE Divisions. Alteration activities identified under a CP need to reflect standards and thresholds appropriate to the region.

NAFSMA-01 NAFSMA is grateful for this step in strengthening the partnership between USACE and non-federal sponsors and creating more efficiency in the Section 408 permission process. We recognize that this process will take time to implement and look forward to working with the agency on the implementation of the new CPs and the overall Section 408 process.

NAFSMA-02 As part of the effort to refine and finalize the CP, NAFSMA strongly urges USACE to provide comment tracking. This allows non-federal sponsors to understand why a requested change was not implemented in the subsequent draft or alternatively if it was inadvertently not addressed.

NAFSMA-03 NAFSMA also reviewed the Great Lakes and Ohio River Regional CP. Comparing the two approaches, the Great Lakes and Ohio River Regional CP is generally easier to understand and follow because of how it is organized. For instance, all the pipe permissions are addressed together, so it is easy to find the specifications. The SPD draft separates pipes into several categories, which are scattered in different areas of the document.

In addition, it is helpful that the Great Lakes and Ohio River Regional CP separates the conditions for levee and non-levee modifications. For example, in the Great Lakes and Ohio River Regional CP, Category 2 – Vertical Drilling Activities has a simplified condition for Non-Levee Projects. The Levee Project Specific category has an expanded set of conditions, which are very similar to the SPD CP language for Permission 3 (Soil Investigations, Borings, Explorations, and Instrumentation). An alternative could be to separate the alteration description, “general” conditions (which would apply to alterations to all eligible USACE Project Types), and additional conditions that are specific to alterations to USACE Project Types (e.g., Levees/Embankments). This could allow for easier updates if additional conditions are needed for alterations to a different USACE Project Type (e.g., ecosystem restoration).

For example, the Soil Investigations, Borings, Explorations, and Instrumentation section could be reorganized as follows:

NAFSMA-04

NAFSMA-05

Soil Investigations, Borings, Explorations, and Instrumentation

The RCP covers exploratory activities, geotechnical and similar borings, and instrumentation. Work may be conducted within the embankment, adjacent to the toe, in the floodway, or in lined channels. Borings and explorations include cone penetration testing, conventional geotechnical borings, cultural inventories, hydrovac excavation, potholing, and trenching. Installation of instrumentation such as piezometers or inclinometers and associated equipment used to monitor or test the embankment or floodway would be included in this type of alteration.

NAFSMA-06

General (All USACE Project Types)

Open boreholes and excavations cannot be left unattended for more than 24 hours, and all open boreholes should be sealed before personnel leave the construction site at the end of a workweek.

NAFSMA-07

Boreholes awaiting backfill should be covered to prevent entry by small animals.

NAFSMA-08

The requester must verify that drilling equipment will not disrupt overhead wires.

NAFSMA-09

The requester must discontinue drilling and place grout or bentonite seals in all open borings, trenches, and other excavations if the river approaches flood stage. Drilling or other explorations should not begin if the river is approaching flood stage. In preparation for unexpected river stage increases, the requester must ensure borehole sealing materials and equipment are on-hand at the site before drilling begins.

NAFSMA-10

Additional Levee Project Specific / Embankment Project Specific

Borings in the levee, embankment, or the embankment foundation would require a Drilling Program Plan in accordance with Engineer Regulation 1110-1-1807, Drilling and Invasive Activities at Dams and Levees, as part of the technical review of the proposed alteration.

NAFSMA-11 All drilling should be designed to minimize the need for drilling fluid in the embankment or the embankment foundation, reducing the possibility of damage.

NAFSMA-12 NAFSMA also appreciates that the Great Lakes and Ohio River Regional CP is applicable to “federally authorized levees, channel modification projects, ecosystem restoration projects, dredging projects, and navigation projects.” Currently, the SPD version only applies to “federal embankment, channel, and coastal alteration projects.”

NAFSMA-13 Also, in this draft, the language seems to be primarily focused on 408 permissions for levees/embankments. Ideally, Regional CPs should include alterations to all flood risk reduction structures that are federally authorized. This includes ditches, reservoirs, etc. For example, under Permission 23: Trails, Roads, and Ramps - these alterations also frequently occur near ditches and reservoirs. As mentioned above, the Great Lakes and Ohio River Regional CP provides clear guidance for both levee and non-levee alterations. NAFSMA encourages USACE to utilize a similar framework.

NAFSMA-14 NAFSMA is concerned that as written, a third party could use this process to alter a flood risk reduction system without notification or involvement of the appropriate nonfederal sponsor. To ensure that this does not happen, NAFSMA requests that the lack of a letter of no-objection from the non-federal sponsor be added as a disqualifying event.

NAFSMA-15 Also, non-federal sponsors may have more rigorous specifications than what is proposed so it is critical that they review and sign off on any alterations to the system. NAFSMA requests that if a third party is proposing alterations, USACE should require that alterations meet the more rigorous requirements. If it is not possible for USACE to require the more rigorous requirements, it will be critical that not having a letter of no-objection from the non-federal sponsor is a disqualifying event to ensure that USACE, the third party, and the non-federal sponsor are coordinated on any alterations to the project.

NAFSMA-16 USACE requires inspections of utility lines in federal projects. NAFSMA strongly urges that utility line inspections be required and documented in the 408permission document to third party entities to ensure that these inspections are completed by the third party.

NAFSMA-17 In NAFSMA’s previous comments submitted on October 4, 2024, we noted that the CP process needs to be more clearly explained as to how it will expedite and add efficiency to receiving a 408 permission. NAFSMA appreciates the updated text but requests additional clarity. Specifically, NAFSMA would like more details on how the disqualifying circumstances will be determined. Regarding listed conditions for qualifying CP projects, more clarity on conditions that impose significant additional work, such as restoration, remediation, or BMPs, would be helpful. Lastly, providing further clarity on the staff level review and approval process in the implementation section would be extremely helpful to guide applicants and help them understand the process.

NAFSMA-18

In our previous letter, NAFSMA identified that the District consultation with other federal resource agencies including the U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS) on the federal Endangered Species Act (ESA) requirements and with the appropriate State or Tribal Historic Preservation Officer on Section 106 Historic Preservation requirements needs to come at the beginning of the 408 process. It would be helpful if the CP document calls for this action upfront by SPD and its Districts, and even included a process or partnership to expedite such consultations to ensure the overall 408 permit review is as timely as possible.

NAFSMA-19

In addition, NAFSMA suggests that non-federal sponsor and/or applicant should be encouraged to coordinate with the resource agencies in advance of turning in 408 permissions documentation to expediate the process, like the language in the Great Lakes and Ohio River Regional CP. Too often this consultation comes at the end of the 408 process and results in slowdowns on critical projects. The Great Lakes and Ohio River Regional CP encourages the local sponsor to do the work ahead of the application and allows USACE to consider the applicant's work as compliance with Section 106 and Section 7. NAFSMA also recommends that SPD provide a Section 408 minimum standards guidance document for acceptance of technical reports specifically to support Section 7 consultations, similar to the Minimum Standards for Acceptance of Aquatic Resources Delineation Reports that the Los Angeles District has already implemented. NAFSMA encourages USACE to pursue programmatic permits with resource agencies to create additional efficiency in the process.

NAFSMA-20

For the 408-permissions review process to become more efficient, USACE must provide examples of successful applications and lessons learned in an appendix that is developed during this public review process. NAFSMA members have expended tremendous resources coordinating with third party applicants on their 408 permission submissions to USACE as expectations have not been clear or consistent about what is required from the applicant.. These examples will not only help applicants but also allow USACE to train staff and ensure consistency when reviewing 408 submissions. Such references would help applicants understand what a well-prepared submission looks like and avoid common mistakes or pitfalls in the application process.

In closing, NAFSMA very much appreciates this opportunity to comment on the proposed CP for the South Pacific Division. Please contact NAFSMA Executive Director Sunny Simpkins at sunnys@nafsma.org or 503-705-4944 with any questions.

Cc: Bonnie Jennings Bonnie.F.Jennings@usace.army.mil
Travis Tutka Travis.C.Tutka@usace.army.mil

From: [Tranette Sanders](#)
To: [SPD408](#)
Subject: Section 408 Categorical Permission Comments
Date: Thursday, January 16, 2025 2:00:21 PM
Attachments: [Section 408 Categorical Permission WRCSA Comments Jan 2025.pdf](#)

Brian Dela Barre, Section 408 Coordinator,
Please accept the attached comments from LA County Public Works. We apologize for the delay, but with the fire emergencies going on here in the last week it's been difficult to coordinate.

Thank you for your understanding,

Tranette Sanders
Management Specialist
Los Angeles County Public Works
(626) 300-2695 Office
(626) 677-7955 Mobile

LAPW-01

USACE SPL Categorical Permission for Section 408 Requests
PUBLIC DRAFT 12/16/24
WRCSA Comments

AUTHORITY

- Determination of Categorical Permissions:
 - The second paragraph on Pg. 1 of the Draft Section 408 Regional Categorical Permission states that the South Pacific Division Commander and Division Engineer is the final approval authority for Regional Categorical Permission. Providing further clarity as to the specific approval steps at the staff level onward, before a recommendation for approval/denial is made to the Commander, would be extremely helpful for applicants when coordinating with USACE.
- LAPW-02

INTRODUCTION/CATEGORICAL PERMISSIONS

- SHPO/Section 106 Requirements
 - Incorporating the SHPO/Section 106 processes into the CP process would provide an added value in how the CPs can streamline and expedite permitting processes and timelines.
- LAPW-03

REGIONAL CATEGORICAL PERMISSION ALTERATION DESCRIPTIONS

(alterations w/ suggested revisions are listed in numerical order, corresponding to the draft CP)

- 4. Borrow Areas
 - a. Can a distinction be made between lined and unlined channels, given that mitigation of potential migration of water into borrow areas will greatly differ? Can a predefined minimum distance of a borrow area from a lined channel also be provided?
- LAPW-04
- 7. Ditches and Canals
 - a. Consider including drainage pipes and connections/tie-ins in the description. Although the “Gravity Pipes” alteration type covers the installation, modification, and replacement of gravity pipes and culverts, drainage pipes and drainage connection-tie-ins may be used in tandem with ditches and canals.
- LAPW-05
- 11. Fences, Gates, and Signage
 - a. Include bollards, poles, posts and station markers that individually require less than 1 square foot of surface disturbance.
- LAPW-06
- 14. Gravity Pipes
 - a. For clarity, consider listing typical types of gravity pipes included in the description (i.e. potable water, recycled water, stormwater/drainage, sanitary sewer, and brine line).
- LAPW-07

17. Pressurized Pipes
LAPW-08 a. Consider listing typical types of pressurized pipes within description
18. Research and Monitoring
LAPW-09 a. Consider Including wet weather/water quality monitoring samplers/stations, data logger installations, including flow meters, water quality samplers, temperature gages.
20. Seepage and Stability Berms
LAPW-10 a. Consider revising this heading to read "Seepage, Stability Berms, and Bank Stabilization."
23. Trails, Roads, and Ramps
LAPW-11 a. Consider Including language specific to bike, jogging and walking trails. In addition to signage and lighting, consider including general language such as "other similar operational, recreational, and decorative features." Consider including levee ramps, maintenance roads and crossings.
24. Utility Poles
LAPW-12 a. Consider revising heading to read: "Utility Poles and Line Work." Consider including utility line work both underground and above ground. Consider including associated structures and support poles.
26. Wells
LAPW-13 a. Consider including water supply wells, monitoring wells, and cathodic wells.
27. Additional Alteration Type: Gates, Valves, and Appurtenances:
LAPW-14 a. Consider adding an additional alteration titled: "Gates, Valves, and Appurtenances." This alteration type would cover construction, modification or repair, and replacement of flood and water conservation gates, valves, and appurtenances (only applicable if extent of work falls outside of normal O&M covered under standard specifications).

DISQUALIFYING CIRCUMSTANCES

- Listed disqualifying circumstances are too vague and subjective. Consider providing further specificity. For example:
 - LAPW-15 ○ The second listed disqualifying circumstance disqualifies an alteration if it is controversial. How, and by who, will this determination be made?
 - LAPW-16 ○ The seventh listed disqualifying circumstance disqualifies an alteration that would adversely impact a public use facility. How is the adverse impact determined? Will an IS/MND be needed to make such a determination?
 - LAPW-17 ○ The ninth listed disqualifying circumstance disqualifies alterations that have an adverse effect on a community with environmental justice concerns. How will the adverse effect on a community be determined? Will an IS/MND be needed to make such a determination? What criteria will be used to determine if a community has environmental justice concerns?

CONDITIONS

- ENG-14 states: “Disturbed areas must be restored to preconstruction conditions once the alteration construction work is complete.”
 - Please clarify what this entails and extent of restoration, especially if distributed areas included existing vegetation.
- ENV-6 states: “Proposed alterations must incorporate BMPs that meet federal, state, and local criteria to control stormwater runoff, erosion, and contaminant spills (e.g. diesel fuel spills)”
 - It would be helpful to provide clarity and specificity as to how much and what type of information will be required to demonstrate that this condition is met.

IMPLEMENTING REGIONAL CATEGORICAL PERMISSION

- In general, consider providing more detail and specific steps to implementation.
- Public Involvement
 - Explain the role of public involvement in the review process and how applicants can engage with stakeholders and the community.
- Under Section “2. Technical and Environmental Reviews”
 - Some of the listed Alteration Types have additional technical requirements, such as Drilling Program Plan, geotechnical investigation, slope stability analysis, etc. Clarify if these requirements are going to be subject to USACE review and approval, as this would lengthen the 408-permit processing time.
- Application Process Timeline
 - Detail the expected timeline for each stage of the application process, including initial review, as-needed evaluations for cultural resources, Section 7 ESA, CWA (401), and the migratory bird treaty act, public notice period, and final decision.

Additional Comments

1. **Executive Summary:**
 1. Add an **executive summary** at the beginning to provide a concise overview of the document's purpose, key points, and the process for obtaining categorical permission.
2. **Clearer Section Headers:**
 1. Use **clearer and more descriptive section headers** to improve navigation and readability. For example, instead of "Conditions," use "Engineering and Environmental Conditions for Approval."
3. **Flowcharts and Diagrams:**
 1. Include **flowcharts or diagrams** to visually represent the process for submitting and reviewing alteration requests, including the decision-making process and required documentation.
4. **Simplified Language:**
 1. Simplify technical language where possible to make the document more accessible to a broader audience, including non-technical stakeholders.

5. Examples and Case Studies:

- LAPW-28
1. Provide examples or case studies of successful **alteration requests** to illustrate the process and requirements in a practical context.
 2. Include examples or case studies or examples of successful **applications** to help applicants understand what a well-prepared submission looks like, as well as common mistakes or pitfalls in the application process and how to avoid them. Could be included in an appendix document

6. Checklist for Applicants:

- LAPW-29
1. Include a **checklist for applicants** summarizing all required documentation, steps, and criteria to ensure they meet all necessary conditions and requirements.

7. Glossary of Terms:

- LAPW-30
1. Add a **glossary of terms** to define technical jargon and acronyms used throughout the document, making it easier for readers to understand.

8. Properly Quantify Disturbance Area

- LAPW-31
1. Verify the applicable "total area" on all the CPs. For example, quantifying the total area of disturbance in acre-ft for gravity pipes seems inappropriate. This activity's total area should be measured in linear feet in combination with the footprint of the disturbed area.

9. Contact Information:

- LAPW-32
1. Provide **contact information** for key personnel or departments within the USACE that applicants can reach out to for assistance or clarification.

10. Highlight Key Points:

- LAPW-33
1. Use **bold text, bullet points, and call-out boxes** to highlight key points, important conditions, and critical steps in the process.

11. Regular Updates:

- LAPW-34
1. Establish a process for **regular updates** to the document to ensure it remains current with any changes in regulations, policies, or procedures.

12. Feedback Mechanism:

- LAPW-35
1. Include a **feedback mechanism** for stakeholders to provide comments and suggestions for future improvements to the document.

13. Digital Accessibility:

- LAPW-36
1. Ensure the document is **digitally accessible**, with features such as searchable text, hyperlinks to referenced documents, and compatibility with screen readers for individuals with disabilities.

From: [Thomas Engler](#)
To: [SPD408](#)
Cc: [Meegan Nagy](#); [Tom Slater](#); [Bessette Mike \(m.bessette@sutterbutteflood.org\)](#)
Subject: Section 408 Categorical Permission
Date: Wednesday, January 15, 2025 6:39:23 PM
Attachments: [CCVFCA 408 Categorical Permission Comment Letter 01-15-2025.pdf](#)

To Whom it May Concern:

CCVFCA-01 [On behalf of the California Central Valley Flood Control Association (CCVFCA), please accept the attached comments on the Section 408 Categorical Permission.] In addition, [we strongly encourage a comment log showing comments received and responses to those comments so reviewers can more easily see how comments were addressed or why they could not be addressed.] We appreciate your efforts and look forward to working with you on implementation of these Categorical Permissions in the Central Valley.

CCVFCA-02

Thank you,

Tom Engler, P.E., CFM
Principal

MBK Engineers

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CALIFORNIA CENTRAL VALLEY
FLOOD CONTROL
ASSOCIATION

Executive	MELINDA TERRY
Director	
President	THOMAS SLATER
Vice President	MEEGAN NAGY
Treasurer	MICHAEL BESSETTE

Sent Via Electronic Transmittal; SPD408@tetrattech.com

January 15, 2025

Brian Dela Barre, Section 408 Coordinator
U.S. Army Corps of Engineers, South Pacific Division
RE: Section 408 Regional Categorical Permission
450 Golden Gate Avenue
San Francisco, CA 94102

Re: Comments on Section 408 Categorical Permission

Dear USACE South Pacific Division:

The California Central Valley Flood Control Association (Association) is comprised of local flood management agencies in the California Central Valley. The majority of our members either undertake or operate and maintain projects to improve federal project levees as the Local Maintaining Agencies (LMAs) while the Central Valley Flood Protection Board serves as the non-Federal Sponsor of the flood control projects. Along with the State of California, many of our members serve as the non-Federal Partner for projects being implemented as part of the U.S. Army Corps of Engineers (USACE) Civil Works Program. The Section 408 Program plays a significant role in the ability of the state, local agencies, and non-governmental organizations (NGOs) to provide adequate protection for California citizens from loss of life and/or property damage due to flood disasters.

CCVFCA-03

(The Association is concerned with the length of time it takes to complete the Section 408 review process and appreciates the South Pacific Division's proposed Categorical Permission for certain Section 408 requests in order to streamline what has become a time-consuming and costly process for local project proponents. This letter serves as a summary of the comments and feedback based on our collective experience with the Section 408 Program through the Sacramento District (SPK).)

The following comments were previously provided in a letter submitted October 4, 2024 on the previous public review for this Categorical Permission. While it appears there have been some changes to address several of these comments, it is unclear how most were responded to. As such, we are re-submitting here with and requesting that USACE release a log of comments

and responses to each moving forward. We have also added comments specific to the current public notice included below.

Previous Comments:

A. Section 106 - (While Categorical Permission may streamline reviews for certain requests, it does not address the timing and process for Section 106 consultation. While Section 106 consultation typically takes at least 3 months to complete, District staff often take several months to even initiate the process, further delaying Section 408 reviews.) Further, District staff treat each application as if it is the first time they have engaged tribes in a project area when in many cases, consultation on previous efforts along the same levee segment have already been performed, and the Tribe(s) have already established that they want to be the main POC. Instead of recognizing that relationship, District staff start over again. The Tribes have asked for a better partnership with USACE. There are a few items that could be considered to streamline Section 106 consultations:)

- i. Consider that California has AB52 consultations with the Tribes and allow Section 106 to utilize these consultations that are typically already completed in the Section 106 reviews. Rather than initiating completely new consultation, Districts can provide or reference any consultations that have previously been completed, either through AB52 and/or previous Section 106 consultations, to allow the Tribes the ability to determine if any additional reviews are required or if the previous consultations adequately address their concerns.
- ii. The Division Commander should establish a more active working relationship with CA SHPO and establish a Programmatic Agreement for any Categorical Permission pursued either at the Division or District levels to streamline the Section 106 process.

B. Authority:

- i. The public notice states, “Colonel James J. Handura, PMP, Commander and Division Engineer of the South Pacific Division, USACE is the approval authority for the categorical permission for Section 408 requests in the South Pacific Division.” We strongly encourage authority for Categorical Permission to be delegated to the District Commanders to avoid delays associated with Division reviews, which can often be duplicative of District reviews, as well as additional time to route for final approvals through the vertical chain.
- ii. If a proposed project triggers a separate EA/EIS, can it still be approved through Categorical Permission? It is unclear whether the need for supplemental environmental reviews means a project is ineligible for Categorical Permission or not. Suggest clarifying language.

C. Proposed Categorical Permission:

- i. All Categorical Permissions should require both the Non-Federal Sponsor and the LMA/Levee Owner to sign off on or endorse the action to be considered.
- ii. Borings, Explorations, Instrumentation - A DIPP is still required which also involves major time hurdles. Suggest allowing certain types of explorations such as auger with

no pressure, CPT testing, or test pits without the need for DIPP to streamline this process. Also, does coverage under the Programmatic EA cover DIPP that do not trigger additional environmental reviews?

- CCVFCA-12 iii. Borrow Areas – appears to only apply for areas not within 300-feet of toe. Suggest clarifying this is the levee toe. Also, USACE should clarify whether borrow areas outside of the Project easements are subject to Section 408 review since numerous borrow areas outside of the Project footprint, but within 300 feet of the levee toe, are typical throughout the system. We would presume Categorical Permission is not intended to expand the Section 408 authority to outside of the Project’s real estate interests, please confirm/clarify?
- CCVFCA-13 iv. Bridges – While we appreciate the intent to streamline the process for bridges, it concerns us that bridges can have significant impacts to the flood control project levees and channels and require extensive engineering analysis to ensure there are no significant impacts to the Project. We would question whether Bridges should be included for Categorical Permission? At a minimum, Bridges should also require geotechnical analysis, scour analysis, and hydraulic impacts analysis in addition to stability analysis.
- CCVFCA-14 v. Buildings and Other Structures – Again, due to the wide variety of potential impacts and uniqueness of building and structures, we question whether they should be included for Categorical Permission. However, if they are included, the following comments are provided:
- CCVFCA-15 i. For the 50 percent of market value clause, who would be required to enforce this? If the USACE is approving Categorical Permission, would it be USACE? This would be difficult for responsible flood control agencies to enforce.
- CCVFCA-16 ii. Suggest adding a structural analysis or FEMA wet floodproofing to the list of requirements for buildings/structures within the floodway.
- CCVFCA-17 iii. Again, we presume the 300-feet is not intended to expand Section 408 jurisdiction on the landside of the levees outside of the existing real estate interests, please confirm/clarify?
- CCVFCA-18 vi. Ditches/Canals - Second Bullet – does this mean outside of the levee or berm embankment toe which is typically not acceptable because it interferes with Project OMRR&R access and creates a potential seepage path. Ditches/canals should be located outside of the landside real estate footprint or a minimum of 300-feet from a levee toe without extensive seepage and stability analysis demonstrating that it does not lessen levee performance.
- CCVFCA-19 vii. Fiber Optic and Dry Utilities – Suggest language requiring the fiber optic or dry utility owner to provide inspections at regular intervals that meet USACE requirements and that results of those inspections be supplied to the NFS and LMA.
- CCVFCA-20 viii. Gravity Pipes - Suggest language requiring the pipe owner to provide inspections at regular intervals that meet USACE requirements and that results of those inspections be supplied to the NFS and LMA.

- CCVFCA-21 ix. Horizontal Directional Drilling – Should include requirement for minimum depth below project features (levees, berms, channel Thalweg, etc.) or a geotechnical analysis for a shallower penetration demonstrating that it does not lessen Project performance.
- CCVFCA-22 x. Landside Pump Station – suggest adding language as to minimum requirements for positive closure, distance from levee toe, seepage and stability analysis, etc.
- CCVFCA-23 xi. Pressurized Pipes - Suggest language requiring the pipe owner to provide inspections at regular intervals that meet USACE requirements and that results of those inspections be supplied to the NFS and LMA.
- CCVFCA-24 xii. Swimming Pools – While we support the requirement for geotechnical analysis for swimming pools (or borrow areas) within 300-feet of a levee toe we are not sure how USACE or the NFS can enforce these requirements outside of the real estate interests of the flood control Project?
- CCVFCA-25 xiii. Water Supply Pumpstations – see comments for landside pump stations. They should also apply to waterside pump stations for water supply.
- CCVFCA-26 xiv. Wells – Again, while we support the requirement for geotechnical analysis for wells within 300-feet of a levee toe we are not sure how USACE or the NFS can enforce these requirements outside of the real estate interests of the flood control Project?

New Comments:

- CCVFCA-27 1. As part of our review, the Association referenced the Great Lakes and Ohio River Regional Categorical Permissions. Great Lakes and Ohio River Regional Categorical Permissions are generally easier to understand and follow because of how they are organized. Separating the conditions for levee and non-levee modifications is helpful. For example, in the Great Lakes and Ohio River Regional CP, Category 2 – Vertical Drilling Activities has a simplified condition for Non-Levee Projects. The Levee Project Specific category has an expanded set of conditions, which are very similar to the SPD CP language for Permission 3 (Soil Investigations, Borings, Explorations, and Instrumentation). An alternative could be to separate the alteration description, “general” conditions (which would apply to alterations to all eligible USACE Project Types), and additional conditions that are specific to alterations to a particular USACE Project Types (e.g., Levees/Embankments). This could allow for easier updates if additional conditions are needed for alterations to a different USACE Project Type (e.g., ecosystem restoration).
- CCVFCA-28 2. The Association requests the categorical permissions are expanded to include alterations to federal “embankments, channels, navigation projects, ecosystem restoration projects, and coastal alteration projects.”
- CCVFCA-29 3. The Association is concerned that as written, a third party could use this process to alter a flood risk reduction system without notification or involvement of the appropriate nonfederal sponsor. To ensure that this does not happen, we request that the lack of a letter of no-objection from the non-federal sponsor be added as a disqualifying event.

CCVFCA-30 4. Section 5. – Bridges – suggest removing “new construction” as an RCP. While modification or replacement of existing bridges may be covered by RCPs, new bridges have the potential for significant impacts to the Federal Projects and should be subject to standard Section 408 review processes to ensure no adverse impacts.

CCVFCA-31 5. Section 6. – Buildings and Other Structures should include language requiring the applicant to demonstrate no hydraulic impacts for any structures within the floodway.

6. Section 16. – Landside Pump Stations and Section 26. Wells– while we understand that being outside of the levee easement may not require Section 408 approval, any pump Station (or well) near a levee has the potential to create seepage or slope stability issues. It may be best to revise the section as follows:

CCVFCA-32 Page 15, Line 26: “Whenever possible, pump stations should be located outside the levee easement. Requests to locate a pump station within 15 feet of the levee toe or in an area that may have adverse effects on the levee stability must be accompanied by a geotechnical analysis that includes seepage and stability analysis to demonstrate no adverse effects to the levee.”

Similar language should be included in Section 26. This would allow USACE and the NFS to require analysis for potentially impactful facilities outside of the levee easement if there were reason to believe it could negatively impact the levee.

CCVFCA-33 7. New swimming pools should not be included in the categorical permissions. In general, neither above nor underground swimming pools should be permitted within the required easement of 15 feet from a federal levee or flood control project feature. Including swimming pools as a category implies that they would generally be approved within this zone. If a swimming pool is beyond this zone, does USACE even have jurisdiction outside the real estate rights?

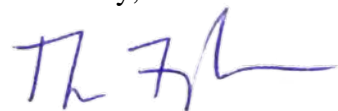
CCVFCA-34 8. Video inspections or pressure tests every 5 years should be added as a condition for pipes and/or utilities crossing a levee. This would apply to Sections 12, 14, 15, and 17. Inspection reports should be required to be provided to the local and non-federal sponsor on request.

CCVFCA-35 9. The steps necessary to validate a Categorical Permission should be more clearly defined.

CCVFCA-36 10. Engineering Conditions – ENG-13 should be revised or a new condition added requiring the applicant to provide real estate rights, or ensure rights already exist, to the local and/or non-Federal sponsor for OMRR&R of the federal project (levees, floodways, etc.). This is most relevant in areas where the Railroad (or utility owner) has superior rights that may preclude the maintainer from performing its obligations under the Federal project.

The Association appreciates the opportunity to review and provide comments on Categorical Permission for Section 408 requests. We strongly encourage a comment and response log be released with future iterations so we can focus on comment backchecking in future reviews. The point of contact for this review is Tom Engler, who can be reached at engler@mbkengineers.com or 916-456-4400.

Sincerely,

A handwritten signature in blue ink, appearing to read 'T. Engler', with a stylized flourish at the end.

Tom Engler, P.E.
Engineer
California Central Valley Flood Control Association

From: Harvey_Greg@CVFPB
To: [SPD408](#)
Cc: Lief_Chris@CVFPB (he/him); Buckley_Andrea@CVFPB; Wright_Michael@CVFPB
Subject: December 16, 2024 Draft Section 408 Regional Categorical Permission Comments
Date: Wednesday, January 15, 2025 5:22:20 PM
Attachments: [image001.png](#)
[Cat Perm SPD second comment letter Final CD.docx.pdf](#)

Dear Mr. Dela Barre,

Please find the attached comment letter from the Central Valley Flood Protection Board on the Draft December 16, 2024 Categorical Permission For Section 408 Requests U.S. Army Corps of Engineers, South Pacific Division public notice.

Thank you for the opportunity to provide comments on this document.

Greg



Greg Harvey, P.E.

Flood System Improvement Branch
Central Valley Flood Protection Board

(916) 820-7503 mobile

greg.harvey@CVFlood.ca.gov

3310 El Camino Avenue, Suite 170
Sacramento, California 95821

STATE OF CALIFORNIA – CALIFORNIA NATURAL RESOURCES AGENCY

GAVIN NEWSOM, GOVERNOR

CENTRAL VALLEY FLOOD PROTECTION BOARD

3310 El Camino Ave., Ste. 170
 SACRAMENTO, CA 95821
 (916) 574-0609



January 15, 2025

Brian Dela Barre, Section 408 Coordinator
 U.S. Army Corps of Engineers, South Pacific Division
 RE: Section 408 Regional Categorical Permission
 450 Golden Gate Avenue
 San Francisco, CA 94102

**Subject: Comment Letter on Categorical Permission for Section 408 Requests
 U.S. Army Corps of Engineers, South Pacific Division**

Dear Mr. Dela Barre,

Thank you for the opportunity to provide comments on the proposed Categorical Permission (CP) for Section 408 Requests regulated by districts within the U.S. Army Corps of Engineers (USACE) South Pacific Division.

The State of California Central Valley Flood Protection Board (Board) is the State nonfederal sponsor responsible for operating and maintaining State Plan of Flood Control projects within California's Central Valley that have been federally authorized by the United States Congress. Board staff has reviewed the public notice *Draft Section 408 Regional Categorical Permission* provided by the Department of the Army on December 16, 2024 (December Draft).

We submitted a comment letter on October 4, 2024, in response to the public notice *Comment Period - Categorical Permission For Section 408 Requests* provided on September 6, 2024.

We appreciate the December Draft reflects many of the clarifications and modifications in our October 4, 2024, comment letter.

We reiterate our support for efforts by the South Pacific Division to simplify and shorten time periods to review these minor alterations that have negligible effects. The proposed categorical exemptions are a good start, but we encourage SPD to continue exploring additional categorical permissions to make the overall 408 program more efficient and effective, especially considering continuing resource constraints on the 408 program. Furthermore, although streamlining technical review timelines for these categorical permissions is beneficial to overall project timelines, there are other actions necessary to reduce approval timelines. Therefore, we urge USACE to collaborate with other federal agencies, State agencies, and Tribal partners to develop standardized procedures to reduce the administrative burdens and shorten timelines for other approvals necessary for granting Section 408 permissions, specifically programmatic approaches to evaluate and establish protocols for consultation, communication, and resolution of potentially adverse impacts to resources.

FSIBCVFPM
-01

FSIBCVFP
M-02

FSIBCVFP
B-03

Categorical Permission for Section 408 Requests, SPD

October 4, 2024

Page 2

FSIBCVFP
B-04

We also urge SPD and its districts to provide forums to discuss implementation of these categorical permissions and address questions from the regulated community. Thank you again for the opportunity to provide comments on this document.

If you have any questions regarding this letter, please contact me by e-mail at

chris.lief@cvflood.ca.gov

Sincerely,

Chris Lief

Chris Lief, Executive Officer

From: [Moussavi, Ava](#)
To: [SPD408](#)
Cc: [Adams, Julianna](#); [Miyasato, Rene](#); [Martinez, Alberto](#)
Subject: Section 408 Categorical Permission
Date: Tuesday, January 14, 2025 7:32:01 PM
Attachments: [image001.png](#)
[image004.png](#)
[260378.pdf](#)

Dear Brian Dela Barre,

Please see the attached letter for the response from Riverside County Flood Control and Water Conservation District regarding the Section 408 Categorical Permission document for the South Pacific Division.

Regards,



Ava Moussavi - PE, MS

Senior Civil Engineer – Permitting Services

Riverside County Flood Control and Water Conservation District

amoussav@rivco.org

(951) 955-4954

Work Hours: M-Th 7-5:30

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[County of Riverside California](#)



RFCWCD

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

January 15, 2025

Sent via email: SPD408@tetrattech.com

Brian Dela Barre, Section 408 Coordinator
U.S. Army Corps of Engineers, South Pacific Division
RE: Section 408 Regional Categorical Permission
450 Golden Gate Avenue
San Francisco, CA 94102

Dear Brian Dela Barre:

Re: Section 408 Categorical Permission

RFCWCD-02 { The Riverside County Flood Control and Water Conservation District (RCFC&WCD) is a local sponsor of several federal flood control projects in the Los Angeles District. As such, we regularly pursue 408 Permits, both directly (as applicant) and indirectly (in support of other applicants), for 408 modifications to federal projects that are maintained by RCFC&WCD.

RFCWCD-03 { We have advocated for Categorical Permissions to streamline the 408 permitting process for less significant alterations to federal projects both directly and through organizations such as the National Association of Flood and Stormwater Management Agencies (NAFSMA) and the southern California Seven County's Group of Flood Control Districts. We would, therefore, like to express our sincere appreciation to the U.S. Army Corps of Engineers (USACE) for its continued leadership and collaboration on the development of Regional Categorical Permissions for Section 408 Requests for projects within the USACE South Pacific Division (SPD).

RFCWCD-04 { We have independently reviewed the draft Categorical Permissions document and coordinated our comments with NAFSMA. We, therefore, kindly request that you accept NAFSMA's comments as also being on behalf of RCFC&WCD.

RFCWCD-04 { In addition to the comments submitted by NAFSMA, RCFC&WCD would like to request clarification of the technical guidance referred to in the draft Categorical Permissions document. For example, Section 15 (Horizontal Directional Drilling) and Section 17 (Pressurized Pipes) reference compliance with "all" technical guidance or standards without providing specific resources. At minimum, we would recommend changing the word "all" to "approved" and would further recommend that the guidance or standards be referenced directly or indirectly (if it is a living document) for clarity.

RCFC&WCD thanks you for providing this opportunity to provide comment on the Categorical Permission for Section 408 Requests USACE SPD. We look forward to continuing our work together and contributing to the successful advancement of this initiative.

Very truly yours,

JASON E. UHLEY
General Manager-Chief Engineer

AVA:mm
P8/260378

From: [Tom Hanson \(FCD\)](#)
To: [SPD408](#)
Cc: [US ARMY CORPS OF ENGINEERS](#)
Subject: Draft Section 408 Categorical Permissions Review Comments
Date: Tuesday, January 14, 2025 2:46:13 PM
Attachments: [image001.png](#)

Brian Dela Barre,

The Flood Control District of Maricopa County (FCDMC) is submitting feedback to the Draft Section 408 Categorical Permissions per the deadline provided of January 15, 2025. There was no direction as to what the best method of would be presenting our comments, so please see the bulletized list below:

- MCFCFCD-01** • Page 6 line 25: need to define “levee easements”
- MCFCFCD-02** • Page 6 line 27 and page 7 line 20: who and what defines “flood season”
- MCFCFCD-03** • Page 7 Line 33: we don’t always have land rights 300 ft from the levee to enforce this
- MCFCFCD-04** • Page 6 section 9: Would “Environmental restoration” be considered maintenance such as low flow maintenance/establishment?
- MCFCFCD-05** • Page 11, lines 16 & 17: Would a standard post-wire fence be considered removable and, how long would a case-by-case basis take, and what is a critical levee area?
- MCFCFCD-06** • Page 13 line 31: typically we require encasement of the pipe and not embedded
- MCFCFCD-07** • Page 14: to clarify is a 408 needed for a replacement of a pipe or flap gate?
- MCFCFCD-08** • Dams, dam impoundment areas, detention/retention basins, and storm drains are not included in the document. Will they be included in the categorical permissions as some are more and less critical than levees or channels?
- MCFCFCD-09** • The backfill criteria are very strict, which could impact development. Is the backfill criteria only application to levees and critical structures? For example, would this backfill criteria be required for excavation that occurs in a dam’s impoundment area that is a quarter mile from the dam? Another example would be how far from a channel would this backfill criteria be required?
- MCFCFCD-10** • Another note is the depth and methods required for the directional boring. I could see future pushback from utilities and developers on excessive costs. Is this just required near levees, channels, or other structures?
- MCFCFCD-11** • Many of these definitions are very vague and subjective, making it difficult to make in-house decisions on rules or advising applicants.
- MCFCFCD-12** • Item 14, Gravity Pipes: It is unclear whether this item includes sanitary sewer pipes. This type of installation should be accommodated somewhere in this categorical provision.
- MCFCFCD-13** • Item 17, Pressurized Pipes: Pipes are required to go over the Design Water Surface Elevation. It is not unusual for someone to propose a jack and bore for a water line under one of our channels. This should be accommodated or is this just in relation to penetration of levees?
- MCFCFCD-14** • Item 6 doesn’t allow Buildings or Other Structures for Human Habitation. FCDMC has flowage easements acquired for a project which allow for the release of the easement if the site is developed in a simple way (fill material and erosion protection). This includes habitable structures and the projects are very simple and straight forward. This should be considered to be included in RCP due to the number of acres the Phoenix areas has dedicated to this type of easement. Also see disqualifying events which would be related to this.

MCFCD-15

- Item 21 on page 19 prohibits handrails on the waterside of the levee slope or on the levee crown. Item 23 allows for trails, roads or ramps on the levee crown. It would make more sense if they would allow handrail on the levee crown to separate people using the levee trails, roads or ramps from tripping and falling over the face of the slope onto the wet side of the levee. A design of this nature is very straight forward while maintaining or improving the integrity of the levee. These 2 items don't otherwise seem compatible with safety requirements.

MCFCD-16

- To be effective the categorical permissions need to have an expedited process to deal with cultural resources and consultations. FCDMC needs to understand when Cultural or Environmental studies will play a role in order to advise their applicants well. Will this information be included in the draft RCP for feedback?

MCFCD-17

- Item 15 seems to conflict with the preceding utilities. If not, 50 feet below the toe of the levee is an excessive depth for non-critical utilities if the intent of this is to overcome scour. If the intent is to address critical infrastructure, while still excessive, this should be applied to water, sewer, gas, and similar lines. Fiber optic and cable is the most common needing to pass under a levee and have limited impact if they were washed out.

MCFCD-18

- Does item 26 include any capacity of well? (private vs production; gpm/d?)

MCFCD-19

- Most structures related to flood control have floodplain located within them. The disqualifying circumstance suggests that development within a floodplain would disqualify it. What if they provide evidence of floodplain use approval or clearance? This seems to clearly conflict with the Engineering Conditions that follow Disqualifying Circumstances.

We appreciate the opportunity to provide feedback and can provide additional information or provide further feedback if necessary.

Thank you,



Tom Hanson, PE, MPA, RS/REHS

Division Manager

Flood Control District

Floodplain Permitting Division

2801 W Durango St Phoenix, AZ 85009

O: 602-506-2916 **C:** 480-253-0543

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[Maricopa.Gov]

[Facebook](#) | [Instagram](#) | [X](#) | [YouTube](#) | [LinkedIn](#)

From: [Tricia Balluff](#)
To: [SPD408](#)
Cc: [Nancy S. Allen](#)
Subject: Section 408 Categorical Permission - City of Phoenix comments
Date: Tuesday, January 14, 2025 5:29:19 PM
Attachments: [image001.png](#)
[Section 408 Draft Regional Categorical Permissions - City of Phoenix Comments_250114.pdf](#)

Mr. Dela Barre,

Attached please find the City of Phoenix comments on the draft Section 408 Categorical Permission document. We support the effort to create categorical permissions and appreciate the work that has been put into this document. We hope our comments help to strengthen the clarity and usefulness of these proposed permissions.

Thank you,



Tricia Balluff

Environmental Program Manager
Water, Wildlife, and NEPA
Office of Environmental Programs
City of Phoenix

Phone 602-534-1775

Email tricia.balluff@phoenix.gov

Web <http://www.phoenix.gov/oep>

[*Book time with Tricia Balluff*](#)

COP-01



City of Phoenix
OFFICE OF ENVIRONMENTAL PROGRAMS

January 14, 2025

Brian Dela Barre
Section 408 Coordinator
U.S. Army Corps of Engineers, South Pacific Division
450 Golden Gate Ave.
San Francisco, CA 94102
Transmitted by email to: SPD408@tetrattech.com

Re: Public Draft – Regional Categorical Permission for Section 408 Requests, U.S. Army Corps of Engineers South Pacific Division

Dear Mr. Dela Barre:

The City of Phoenix (Phoenix) is in receipt of the Public Notice and Public Draft of the *Regional Categorical Permission for Section 408 Requests, U.S. Army Corps of Engineers South Pacific Division*, dated December 16, 2024. We appreciate the opportunity to review the draft document and provide comments.

COP-02

Phoenix engages with the U.S. Army Corps of Engineers (USACE) Los Angeles (LA) District within the South Pacific Division for 33 U.S.C. 408 (Section 408) permissions in two ways.

- 1) Phoenix is the local sponsor and Operations & Maintenance (O&M) Operator for two existing USACE Civil Works flood management and ecosystem restoration projects in the Salt and Gila rivers (Rio Salado Phoenix and Tres Rios), and we are the primary Section 408 permittee for projects in these areas. Phoenix is also the local sponsor for a third authorized Salt River ecosystem restoration project currently undergoing a General Re-evaluation Report (Rio Salado Oeste) which would be subject to Section 408 permitting following construction. These projects are all river ecosystem restoration efforts that include low flow channel widening, invasive species removal, wetland construction, irrigation ponds, native plant re-establishment, trailheads, and trails. A section of the north bank at Tres Rios also has a constructed levee.
- 2) Phoenix is a third-party permittee under Section 408 for projects within USACE Civil Works project areas for which the Flood Control District of Maricopa County is the local sponsor and O&M Operator.

Phoenix recognizes and appreciates the federal investment in these areas and agrees with the need to streamline the Section 408 permitting process, especially for projects with no potential to impact significant engineered structures like levees. Phoenix supports the USACE's efforts to develop these regional categorical permissions (RCPs) and appreciates the additional detail included in the draft document. We hope the following comments help to clarify and strengthen the RCPs.

COP-03

- 1) **Overall clarity and organization of the RCPs:**
Overall, the organization of the RCP descriptions and stipulations can be confusing - it is sometimes difficult to distinguish which activities are allowed, the areas to which stipulations apply (only

- COP-03 { levees, outside the low flow channel, etc.), acreage of impacts allowed, limitations of RCP applicability, etc. Several of the RCP's seem to apply restrictions generally that should be focused on specific areas or structures such as levees. Phoenix believes much of this confusion could be resolved with clear and consistent structure and formatting across and within each proposed RCP description. For example, add a subheading to identify the allowable activity(ies) and impact limits and add subheadings to identify the stipulations for impacts to levees vs non-levees, etc.
- COP-04 { Several of the proposed RCP's also include stipulations regarding maintenance of the permitted activity and/or the possible future removal of a structure or element being permitted for construction. Phoenix recommends clarifying that maintenance language included in the RCP stipulations are suggestions for O&M Manual updates and that the O&M Operator can propose other approaches that would similarly achieve the goal of maintaining the new structure.
- COP-05 { Removal or fill of an existing element or structure seems to frequently be included as a stipulation of an RCP that permits construction of that structure or feature (for example, in RCP #6 and RCP #7). Instead, it would be clearer to include removal of structures/elements as a covered activity under the same RCP, add it as its own RCP, or be removed from this draft document as requiring an individual 408 permit.
- COP-06 { The use of acreages of ground disturbance varies across the RCPs, with some RCPs having no limits, some having descriptions of "total acreage of ground disturbance", and some defining the limits by "permanent disturbance". It is unclear if "total acreage" and "permanent" are intended to be synonymous terms for the purposes of considering ground disturbance limits. Please provide definitions and consistency in use of terms across the RCPs.
- COP-07 { Lastly, throughout the RCP descriptions, broad and generic phrases are used that create uncertainty for future permittees. For example, multiple RCPs (including #7, #12, #14, #16, #21, #22, #24, and #26) use the phrase "*certain terms and conditions*" to describe what activities the RCP will include or to imply stipulations or requirements of the permitted activity (i.e., "subject to *certain terms and conditions*"). The vague nature of this language creates uncertainty for the permittees and inhibits our ability to provide substantive public comment on the proposed RCPs, their covered activities, and the stipulations.
- COP-08 { Phoenix requests the USACE provide another draft of the RCPs for public comment with clarified formatting, structure, and language, including replacing overly broad and generic phrases with identified activities, requirements, and guidance.
- COP-09 { 2) **Clarify use of the terms "replacement" and "repair":** Several of the RCPs include the "replacement" of various structures, (e.g., #5 Bridges, #11 Fences, Gates, and Signage, and #13 Fish Screens) and "repair" of various elements, (e.g., #10 Erosion Control). Replacement and repair of structures in-kind is considered an activity under the Civil Works project's Operation & Maintenance (O&M) responsibilities and typically does not require Section 408 permitting (see EC 1165-2-220, Section 9(c)). For the purposes of the O&M manual, replacement is defined as, "activities taken when a worn-out element or portion thereof is replaced" and repair is defined as, "activities of a routine nature that maintain the project in a well kept condition" (ER 1110-2-401, Section 5(l)). In the proposed RCPs with these terms as permitted activities, please include a definition for these terms that distinguishes them from the type of replacement and repair allowed as an O&M activity.

COP-09

- a. If the replacement and repair activity anticipated in these draft RCPs are the same as that allowed under the O&M manual, please remove these terms because no Section 408 permit would be required for those replacement and repair activities.

COP-10

- 3) **Categorical Permission 3 – Soil Investigations, Borings, Explorations, and Instrumentation:** We appreciate the introduction of an RCP for Geotech investigations. Given the wide range of approaches to exploratory activities that could be appropriate, Phoenix recommends slightly revising the language in the first paragraph, third sentence from, “Borings and explorations include...” to “Borings and explorations may include but are not limited to...”. This provides clarity that a broader range of potential approaches could be approved via the RCP, such as permeability testing, core testing, or seismic testing.

COP-11

The fifth paragraph of this section stipulates that open boreholes should be sealed before personnel leave the construction site at the end of a workweek. For human and wildlife health and safety, Phoenix recommends updating this language to specify that any open boreholes, pits, trenches, etc., must be covered when personnel leave the site at the end of each *day*.

COP-12

- 4) **Categorical Permission 5 – Bridges:** Phoenix recommends clarifying the language in the 2nd paragraph on page 7 related to bridges, which states that areas in and around the construction site must be kept clear to prevent erosion or reduction in channel capacity. As written, this could lead to unnecessary vegetation removal which, for ecosystem restoration Civil Works project areas, would be counter-productive to the overall intent of the project. Phoenix assumes, and recommends specifying in the text, that the intent of this statement is to avoid construction staging and stockpiling overnight within the channel.

COP-13

- 5) **Categorical Permission 7 – Ditches and Canals:** The first paragraph of this RCP on page 8, line 16 states that a Geotech analysis would be required to determine an appropriate location and depth for the ditch. Please clarify if this is intended for all ditch and canal locations or just locations on the riverside within a certain distance of a river embankment or levee. If the latter, Phoenix requests details be added defining the geographic limits of this requirement (e.g., distance from levee, riverside vs landside, etc.).

COP-14

Line 20 of the same page warns that the requester must take every precaution to avoid puncturing the impervious layer during construction. Phoenix requests the addition of qualifying language to acknowledge that not every ditch or canal project will involve an impervious area. Given the wide spectrum of Civil Works projects, it is critical that these RCPs avoid unintentional consequences from an assumption that all projects will have certain elements. This comment applies across other RCPs as well since such assumptions could result in certain activities being unintentionally excluded from coverage under the RCP.

COP-15

- 6) **Categorical Permission 10 – Erosion Control:** Phoenix appreciates the inclusion of an erosion control RCP for those activities not already covered under the O&M manual. Because Phoenix’s Civil Works projects are ecosystem restoration areas in the Salt and Gila river channels, the continued use of these areas for wildlife movement, foraging, and breeding is important. The inclusion of riprap across the entire width of the channel would have a negative impact on the ability of these systems to function as wildlife movement corridors since riprap is a barrier to that movement. Phoenix requests the addition of a stipulation in this permit that riprap cannot be placed across the entire

- COP-15 { width of a channel or culvert inlet/outlet or that smooth paths must be created across riprap for wildlife movement if riprap is placed across the entire width in any of these situations.
- COP-16 { Page 11, line 7 and 8 define maintenance needs for erosion control. These lines imply vegetation as a nuisance for erosion control when vegetation itself can also be a form of erosion control. For Phoenix's ecosystem restoration areas, there may be times when it is appropriate to leave native vegetation in place rather than removing it for erosion control. Please include the previously requested language that these are maintenance *suggestions*, and the O&M Operator can submit other maintenance approaches as part of the update to the O&M manual for a specific activity would resolve Phoenix's concern.
- COP-17 { 7) **Categorical Permission 11 – Fences, Gates, and Signage:** Phoenix supports an RCP related to fences, gates, and signage, as these are important tools for maintaining our Civil Works project areas. Fences and gates are sometimes proposed crossing a channel. Phoenix proposes a stipulation for the construction of the fence that specifies that the type of fence crossing a river channel must be evaluated to determine the potential for increased upstream flood risk and to minimize the potential for catching flood debris. Please also include a maintenance suggestion that fence in regularly flowing water is checked and debris removed on a regular basis, not just after high flows.
- COP-18 { 8) **Categorical Permission 14 – Gravity Pipes:** This RCP has a proposed stipulation that Phoenix would like to see across all RCPs that propose any kind of fill within our Civil Works project footprint. Page 13, lines 34-35 states, "Suitable material must be used as levee fill materials. Fill must be free of roots and other organic matter, contaminated hazardous and toxic materials, debris, frozen materials, and trash." Phoenix proposes a general condition for all the RCPs be added, such as "Suitable material must be used as fill material and must be free of contaminated hazardous and toxic materials, debris, and trash. Dirt fill from an outside source must be tested or certified clean by the supplier".
- COP-19 { This RCP only seems to consider the potential for this type of activity associated with a levee. Please also include considerations and stipulations for this and other types of pipes to be included in a Civil Works project area that has no potential to impact a levee.
- COP-20 { 9) **Categorical Permission 15 – Horizontal Directional Drilling:** Similar to RCP 14, this RCP only seems to consider the potential for this type of activity associated with a levee. Please also include considerations and stipulations for horizontal directional drilling that could occur in a Civil Works project area that has no potential to impact a levee. As written, the proposed language would allow the RCP to only be used for horizontal directional drilling under a levee, disallowing the use of the RCP for less impactful directional drilling. Phoenix uses horizontal directional drilling for a variety of situations that don't involve levees, including avoiding above-ground impacts to washes, roads, and other features. This is particularly important to include for ecosystem restoration projects, where directional drilling may be desirable to avoid aboveground impacts to restored habitat, constructed wetlands, or to go under a water conveyance feature like a culvert or stormwater swale.
- COP-21 { Similarly, RCP 20 (Seepage and Stability Berms), RCP 21 (Stairs and Handrails), and RCP 23 (Trails, Roads, and Ramps) are implied to only allow these features to be constructed under these RCPs if they are on levees. Please make a similar clarification for these RCPs so it's clear they can cover the construction of these features even when they are not associated with levees.

COP-22 { 10) **Categorical Permission 18 – Research and Monitoring:** On page 17, line 38, this RCP states, “A device inspection schedule and a plan for navigational aids must be provided”. This is unlikely to be necessary for Phoenix’s ecosystem restoration projects, positioned as they are in the desert southwest with regular water flow only in the low flow channel with no vessels requiring navigation. In this and other RCPs, please be sure to qualify statements that use words like “shall” or “must” with “if applicable”. This allows the RCP to be flexible to the range of circumstances present in Civil Works projects across the South Pacific Division.

COP-23 { This RCP also allows the installation of monitoring equipment, which Phoenix supports as an important method for long-term management of the project. The language on page 18, lines 1-3 implies that monitoring equipment installed would be temporary in nature. Phoenix advocates for including the option to install permanent monitoring equipment for long-term research that aids the management of the project.

11) Engineering Conditions (pages 22-24): Phoenix has the following recommendations related to the Engineering Conditions:

COP-24 { a. Page 23, Line 9 – please clarify ENG-5 to state that construction or other work must be coordinated **with and approved by the local sponsor** and with other **planned or ongoing** work in the Civil Works project area.

COP-25 { b. Page 23, Lines 12-14 – please add a sentence to ENG-7 that clearing of native trees and brush within ecosystem restoration areas is restricted to the minimum necessary for the activity and temporarily disturbed areas must be revegetated as directed by the local sponsor.

COP-26 { c. Page 23, Lines 20-22 – please clarify that ENG-10 applies only to alterations impacting levees.

COP-27 { d. Page 23, Lines 30-31 – please clarify that ENG-14 is related to **temporarily** disturbed areas.

COP-28 { e. Page 23, Lines 33-34 – please clarify the first bullet under ENG-15 to specify the stage of construction drawings the USACE needs to process a Section 408 permission request. If there is one stage allowed for permit application submittal and one stage that must be submitted to the USACE before the permit is issued, please specify both of those stages.

COP-29 { f. Page 23, Lines 33-34 – please change the first bullet under ENG-15 from the construction drawings showing all proposed activities within the *project easement* to within the **Civil Works project footprint**. Not all alterations will require an easement and not all Civil Works projects are operated under easements. Using a more generic term in this instance could help prevent future misunderstandings between the USACE and permit applicant.

COP-30 { g. Page 24, Line 1 – please change the third bullet under ENG-15 from “a plan view of the existing embankment easement overlaid with the proposed alteration” to “a plan view of the existing Civil Works project features overlaid with the proposed alteration”. Not all Civil Works projects will have an embankment easement and the Civil Works projects for which Phoenix is responsible for O&M have more constructed features than just an embankment.

12) Environmental Conditions (pages 24-25): Phoenix has the following recommendations related to the Environmental Conditions:

- COP-31 { a. Page 24, Line 17 – please clarify ENV-1, by adding ***“as much as practicable”*** after ***“proposed alteration site”*** since using previously disturbed areas may not always be practicable.
- COP-32 { b. Page 24, Lines 19-20 – please clarify ENV-2 to note that staging and stockpiling in upland areas may be temporarily cleared ***to the minimum extent practicable. Preference should be given to already developed or disturbed areas before siting staging and stockpiling in an area that needs to be cleared.”***
- COP-33 { c. Page 24, Lines 21-22 – please clarify ENV-3 to state that the proposed alteration design should ***“minimize the amount of ~~woody~~ native vegetation removal and native vegetation should be replaced upon completion of the construction activity to the extent not otherwise permanently modified.”***
- COP-34 { d. Page 24, Lines 23-24 – please clarify ENV-4 to change the word “easement” at the end of the measure to “footprint”.
- COP-35 { e. Page 24, Lines 25-26 – please clarify ENV-5 to include local sponsor approval specifically, as follows: ***“...only seed mixes of native species approved by the local sponsor shall be used in site restoration”***.
- COP-36 { f. Page 24, Lines 32-33 – please clarify ENV-8 to state that the USACE ***and the local sponsor*** must be notified in the event of the discovery of artifacts or other culturally sensitive materials. Phoenix also recommends expanding this condition to discuss when Section 106 consultation would be required.
- COP-37 { g. Page 24, Lines 36-37 – please clarify ENV-10 to more carefully detail necessary measures to avoid impacting migratory birds and bald and golden eagles. Phoenix’s recommended language is: ***“...the requester shall perform biological pre-construction surveys if activities will occur in appropriate habitat for bald and golden eagle nests or if vegetation removal or other project activities will occur during migratory bird breeding season. Vegetation removal shall be avoided if active nests were identified during the survey. Bald and golden eagle nests are always protected under the Bald and Golden Eagle Protection Act and eagle nests should not be impacted or removed. Coordination with the U.S. Fish and Wildlife Service (USFWS) would be needed if eagle nests are identified during the survey. The requester is responsible for contacting the appropriate local office....”***
- COP-38 { h. Page 25, Lines 1-2 – please clarify ENV-10, which mentions incidental take permits under the Migratory Bird Treaty Act and Bald and Golden Eagle Protection Act. Phoenix has confirmed with USFWS that incidental take permits are not currently available under those laws. Phoenix recommends removing reference to potential incidental take permits and instead provide guidance that the requester is responsible for coordinating with the USFWS on regulatory compliance under those laws.
- COP-39 { i. Phoenix recommends adding additional environmental conditions. We recommend the Clean Water Act Section 404 Nationwide Permit (NWP) Conditions issued in 2021 associated with each of the below as reasonable template language to include as 408 RCP conditions:
- i. Requirements on the use of suitable material (see NWP General Condition 6)
 - ii. Requirement to comply with FEMA floodplain requirements for fill within a 100-year floodplain (See NWP General Condition 10)
 - iii. Requirement to remove temporary structures and fill (see NWP General Condition 13)
 - iv. Requirement to properly maintain the constructed feature (see NWP General Condition 14)

COP-39

- v. Requirements related to Endangered Species Act, including when Section 7 consultation would be necessary (see NWP General Condition 18)

COP-40

13) Non-Notifying Permission Option: Some activities, particularly those with negligible general impacts and no impacts to significant engineered features like levees, would seem to have the potential to be permitted using a non-notifying RCP. The USACE Clean Water Act Section 404 regulatory program provides an excellent example of how such permissions could be established with appropriate limitations for USACE notification and approval. For example, development of a native material walking trail on a desert river terrace that involves minimal grading would have such a negligible potential for impact on the Civil Works project that a non-notifying option makes sense. There are multiple other examples of small-scale projects within various activity categories that would make sense for a non-notifying permit option. Phoenix advocates for the inclusion of non-notifying permission options. For any such permissions, Phoenix requests that a standard condition be included stating the need for a third-party permittee to get necessary approvals and permissions from the local O&M Operator.

COP-41

14) Implementing RCP: Under #1, Alteration Request (page 25, line 8) and #2 Technical and Environmental Reviews (page 25, line 13), Phoenix requests that the USACE add a number of days within which the permit applicant can expect the USACE to complete the necessary action(s) in each of those circumstances.

COP-42

15) District Commander Decision: Page 25, lines 28-29 states, "This regional categorical permission is effective immediately for all current and future qualifying alterations". Phoenix requests added language that clarifies that an RCP provided to a permit applicant would be effective for the length of the 5-year RCP term. Please also add a similar stipulation as NWPs under Clean Water Act Section 404 that an activity authorized under an RCP and started or under contract at the time of the current RCP program expiration date will be grandfathered in for 12 months or until the activity is complete, whichever comes first.

Phoenix appreciates the opportunity to review and provide comment on the RCPs and supports this action by the USACE South Pacific Division. Phoenix is happy to be engaged in stakeholder working groups or technical review teams to assist the USACE in fine-tuning these RCPs in a manner that will be effective for the USACE and the local O&M Operator. If you have questions or would like to discuss our comments in more detail, please reach out to me at 602-534-1775 or tricia.balluff@phoenix.gov.

Sincerely,



Tricia Balluff

Environmental Program Manager

c: Alan Stephenson, City of Phoenix City Manager's Office
Nancy Allen, City of Phoenix Office of Environmental Programs
Jarod Rogers, City of Phoenix Parks and Recreation Department
Cindy Smith, City of Phoenix Water Services Department
Eric Froberg, City of Phoenix Office of the City Engineer
Rubben Lolly, City of Phoenix Street Transportation Department

From: [Thao Nguyen](#)
To: [SPD408](#)
Cc: [Michelle Cordis](#)
Subject: Section 408 Regional Categorical Permission RCP Comments by The Contra Costa County Flood Control District
Date: Friday, January 10, 2025 1:15:54 PM

Good Morning,

CCCFC-1 The Contra Costa County Flood Control District has reviewed [the Public Draft RCP \(dated Dec 2024\)](#) and finds that it is well-organized and facilitates easy reference to the various types of encroachments. However, we would like to offer the following comment for consideration:

CCCFC-2 In the "Disqualifying Circumstances" section, one of the conditions for disqualification states, "The alteration could not be decided at the USACE district level." (Page 22 - line 16)

- It would be helpful to provide clarification regarding the specific factors or criteria that determine whether an alteration can be decided at the USACE district level.

Additionally, including examples of situations where this condition would apply would also be beneficial and enhance understanding.

Thanks,
Thao



Thao Nguyen Nguyen | Staff Engineer
Contra Costa County Flood Control & Water Conservation District
255 Glacier Drive, Martinez, CA 94553
thao.nguyen@pw.cccounty.us | Office: 925-313-2197

From: Vargas, Jessica M CIV USARMY CESP (USA) <Jessica.M.Vargas@usace.army.mil>
Sent: Monday, December 16, 2024 10:47 AM
To: Vargas, Jessica M CIV USARMY CESP (USA) <Jessica.M.Vargas@usace.army.mil>
Subject: Public Notice for a Categorical Permission for Section 408 Requests U.S. Army Corps of Engineers, South Pacific Division

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

South Pacific Division Public Notice

The U.S. Army Corps of Engineers (USACE), South Pacific Division has posted a public notice for a Categorical Permission for Section 408 Requests to <https://www.spd.usace.army.mil/Missions/Regulatory/Public-Notices-and-References/>

South Pacific Division districts receive numerous Section 408 requests for minor

alterations to USACE projects each year. These projects have been federally authorized by the U.S. Congress and then turned over to a non-federal sponsor to operate and maintain. Projects may include flood risk reduction projects such as levees and channels located in both rural and urban areas. USACE, pursuant to 33 U.S.C. 408 (Section 408), reviews requests to alter USACE federally authorized civil works projects. The Section 408 permission process is separate and independent of any Department of the Army Section 404 and Section 10 permitting actions.

In accordance with Engineering Circular (EC) 1165-2-220, the South Pacific Division proposes to implement a categorical permission to create efficiencies in the review process for Section 408 requests for minor alterations to USACE projects within the civil works boundaries of the South Pacific Division. The proposed categorical permission would encompass a list of potential alterations that are similar in nature and have similar impacts. The purpose of this notice is to solicit comments from federal, state, and local agencies and officials; the public; and other interested parties regarding the proposed Section 408 categorical permission. Sovereign Native American Tribes have been contacted separately.

For supporting documents and a more detailed project description, please visit:
<https://media.defense.gov/2024/Dec/16/2003612690/-1/-1/1/PUBLIC%20NOTICE%20FOR%20DRAFT%20SECTION%20408%20REGIONAL%20CATEGORICAL%20PERMISSION%20-%2016%20DEC%202024.PDF>

Written comments, referring to “Section 408 Categorical Permission,” must be submitted by email or mail to the office listed below on or before January 15, 2025.

Brian Dela Barre, Section 408 Coordinator
U.S. Army Corps of Engineers, South Pacific Division
RE: Section 408 Regional Categorical Permission
450 Golden Gate Avenue
San Francisco, CA 94102

Email: SPD408@tetrattech.com

From: [Jason Gonsalves](#)
To: [SPD408](#)
Cc: [Eileen Maher](#); [Lily Tsukayama](#)
Subject: Section 408 Categorical Permission - Port of San Diego
Date: Monday, January 13, 2025 4:22:03 PM
Attachments: [01-13-24 -PoSD USACE Section 408 RCP comment letter.pdf](#)

Dear Mr. Dela Barre:

Please find the Port of San Diego's comment letter attached in response to the South Pacific Division Public Notice for the draft Categorical Permission for Section 408 Requests.

The Port is thankful for the opportunity to provide comments on the proposed Categorical Permission for Section 408 requests and looks forward to future collaboration with the U.S. Army Corp of Engineers.

If you have any questions or require further information, please do not hesitate to contact myself or Eileen Maher, Director, Environmental Conservation at (619) 686-6254 or emaher@portofsandiego.org.

Best,

Jason Gonsalves

California Sea Grant Fellow
Port of San Diego | Environmental Conservation

c-jgonsalves@portofsandiego.org | (619) 821-6301



January 13, 2025

Brian Dela Barre,
Section 408 Coordinator
U.S. Army Corps of Engineers, South Pacific Division
450 Golden Gate Avenue
San Francisco, CA 94102

**RE: Port of San Diego Comments on USACE Public Notice for Section 408
Regional Categorical Permission**

Dear Mr. Dela Barre:

POSD-2

The Port of San Diego (Port) appreciates the opportunity to provide comments on the U.S. Army Corps of Engineers (USACE) South Pacific Division's Draft Regional Categorical Permission (RCP) for Section 408 Requests.

The Port is a public corporation and regional government entity created in 1962 through the California State Legislature's adoption of the San Diego Unified Port District Act (Port Act). Through the Port Act, the Port was granted the state tidelands and submerged lands (tidelands) around San Diego Bay (Bay) and is entrusted to manage and protect the tidelands and diverse waterfront uses in a manner that is consistent with the Public Trust Doctrine. These public trust uses promote and balance navigation, commerce, fisheries, recreation, and environmental stewardship.

As an environmental steward and fiduciary of the San Diego tidelands, the Port respectfully submits the following comments and suggestions on the proposed RCP for Section 408 requests.

Allow nature-based solutions to be included in the Environmental Restoration portion of the Section 408 RCP rules

POSD-3

As currently detailed in the proposed Section 408 RCP Environmental Restoration portion, nature-based solutions are not included as a qualifying project for non-federal sponsors. As a collaborating public agency, the Port respectfully requests that the USACE include nature-based solutions as a qualifying project in the Environmental Restoration portion of the Section 408 RCP rules.

The Port has implemented several nature-based solution projects to mitigate the impacts of coastal erosion and flooding, improve resiliency and protection of Port assets and facilities, and which only involve minor alterations in the condition of land and water. Examples include:

RE: Port of San Diego Comments on USACE Public Notice for Section 408 Regional Categorical Permission

- **Coastalock Shoreline Armoring Technology:** This project was developed in partnership with EConcrete and replaced traditional riprap, providing protection from wave action, erosion control, and shoreline stabilization, while also creating well-defined ecosystems that mimic natural tide pools. The Port relied on the California Environmental Quality Act (CEQA) categorical exemptions to implement this project: *Existing Facilities (SG § 15301) (Class 1)*, *Replacement or Reconstruction (SG § 15302)(Class 2)*, *Minor Alterations to Land (SG § 15304) (Class 4)*, *Information Collection (SG § 15306) (Class 6)*.
- **San Diego Bay Native Oyster Living Shoreline:** This project created a biologically rich native Olympia oyster reef as a living shoreline in south San Diego Bay. It aims to serve as part of a complete marsh system that is ecologically functional and resilient to changing environmental conditions while protecting bay tidelands and the adjacent shoreline from erosion. The Port relied on CEQA categorical exemptions to establish this project: *Minor Alterations to Land (SG § 15304) (Class 4)*, *Information Collection (SG § 15306) (Class 6)*.

The Port proposes that nature-based solution projects like the examples above, or any nature-based or engineering with nature solutions be included as alternatives per the Environmental Restoration portion of the proposed Section 408 RCP. Specifically, the language covering “stream and wetland restoration activities may include installation, modification, or replacement of small, non-federal water control structures (e.g., dikes and berms); modification of stream beds or banks; and other activities”, should be expanded to include “nature-based solution projects that protect coastal shorelines and provide habitat value with environmental co-benefits including the needed structural support”. Nature based solutions can provide the required structure support in addition to providing much needed high-functioning habitat. These types of projects benefit the environment as they are limited to minor alterations to land and water and therefore, do not require any additional environmental review and fit appropriately within the RCP requirements.

POSD-4 Thank you for the opportunity to provide comments on the proposed RCP for Section 408 requests. The Port looks forward to future collaboration with the U.S. Army Corp of Engineers.

If you have any questions or require further information, please do not hesitate to contact Eileen Maher, Director, Environmental Conservation at (619) 686-6254 or emaher@portofsandiego.org.

Sincerely,



Jason H. Giffen
Vice President, Planning & Environment

From: [West - DNR, Molly](#)
To: [SPD408](#)
Cc: [Melynda May - DNR](#)
Subject: Section 408 Categorical Permission
Date: Monday, January 13, 2025 6:13:59 PM

Dear Brian Dela Barre, Section 408 Coordinator,

Colorado Parks and Wildlife (CPW) appreciates the opportunity to participate in the solicitation of comments for the Draft Regional Categorical Permission for Section 408 Requests (November 2024).

- CPW-01
- After reviewing the provided information, CPW understands that this streamlined process will assist the permitting process while ensuring no significant impacts are incurred. Those projects that may have substantial aquatic or wildlife impacts will maintain their consultation requirement with partner agencies, such as CPW, by disqualification from the categorical permission to review project-specific effects on a case-by-case basis.
- CPW-02
- Colorado Parks and Wildlife has no aquatic or wildlife-related comments regarding the Section 8 Categorical Permission.

Please reach out with any questions or concerns.

Sincerely,

Molly West
Land Use Specialist



C 970.250.3818

molly.west@state.co.us | cpw.state.co.us



APPENDIX B LIST OF THREATENED AND ENDANGERED SPECIES

IPAC

IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

Location

Arizona, California, Colorado, Idaho, Kansas, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, and Wyoming



Local offices

Oklahoma Ecological Services Field Office

☎ (918) 581-7458

📅 (918) 581-7467

9014 East 21st Street
Tulsa, OK 74129-1428

Southern Nevada Fish And Wildlife Office

☎ (702) 515-5230

📠 (702) 515-5231

4701 N. Torrey Pines Drive
Las Vegas, NV 89130-2301

San Francisco Bay-Delta Fish And Wildlife

☎ (916) 930-5603

📠 (916) 930-5654

650 Capitol Mall
Suite 8-300
Sacramento, CA 95814

Arcata Fish And Wildlife Office

☎ (707) 822-7201

📠 (707) 822-8411

1655 Heindon Road
Arcata, CA 95521-4573

Utah Ecological Services Field Office

☎ (801) 975-3330

📠 (801) 975-3331

2369 West Orton Circle, Suite 50
West Valley City, UT 84119-7603

Wyoming Ecological Services Field Office

☎ (307) 772-2374

📠 (307) 772-2358

✉ wyominges@fws.gov

334 Parsley Boulevard
Cheyenne, WY 82007-4178

Colorado Ecological Services Field Office

☎ (303) 236-4773

📠 (303) 236-4005

MAILING ADDRESS

Denver Federal Center
P.O. Box 25486
Denver, CO 80225-0486

PHYSICAL ADDRESS

1 Denver Federal Center
Bldg 53 Room Fw100}
Denver, CO 80225-0001

Yreka Fish And Wildlife Office

☎ (530) 842-5763

📠 (530) 842-4517

1829 South Oregon Street
Yreka, CA 96097-3446

Western Colorado Ecological Services Field Office

☎ (970) 628-7180

📠 (970) 245-6933

445 West Gunnison Avenue, Suite 240
Grand Junction, CO 81501-5711

Carlsbad Fish And Wildlife Office

☎ (760) 431-9440

📠 (760) 431-5901

2177 Salk Avenue - Suite 250
Carlsbad, CA 92008-7385

Arizona Ecological Services Field Office

☎ (602) 242-0210

📠 (602) 242-2513

9828 North 31st Ave
#c3
Phoenix, AZ 85051-2517

Austin Ecological Services Field Office

☎ (512) 937-7371

1505 Ferguson Lane
Austin, TX 78754-4501

Oregon Fish And Wildlife Office

☎ (503) 231-6179

📅 (503) 231-6195

2600 Southeast 98th Avenue, Suite 100
Portland, OR 97266-1398

Arlington Ecological Services Field Office

☎ (817) 277-1100

📅 (817) 277-1129

✉ arles@fws.gov

17629 El Camino Real, Suite 211
Houston, TX 77058-3051

Ventura Fish And Wildlife Office

☎ (805) 644-1766

📅 (805) 644-3958

✉ FW8VenturaSection7@FWS.Gov

2493 Portola Road, Suite B
Ventura, CA 93003-7726

Reno Fish And Wildlife Office

☎ (775) 861-6300

📅 (775) 861-6301

1340 Financial Boulevard, Suite 234
Reno, NV 89502-7147

Idaho Fish And Wildlife Office

☎ (208) 378-5243

📅 (208) 378-5262

1387 South Vinnell Way, Suite 368
Boise, ID 83709-1657

New Mexico Ecological Services Field Office

☎ (505) 346-2525

📅 (505) 346-2542

2105 Osuna Road Ne
Albuquerque, NM 87113-1001

Klamath Falls Fish And Wildlife Office

☎ (541) 885-8481

📠 (541) 885-7837

1936 California Avenue
Klamath Falls, OR 97601

Kansas Ecological Services Field Office

☎ (785) 539-3474

📠 (785) 539-8567

2609 Anderson Avenue
Manhattan, KS 66502-2801

Sacramento Fish And Wildlife Office

☎ (916) 414-6600

📠 (916) 414-6713

Federal Building
2800 Cottage Way, Room W-2605
Sacramento, CA 95825-1846

NOT FOR CONSULTATION

Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species¹ and their critical habitats are managed by the [Ecological Services Program](#) of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries²).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact [NOAA Fisheries](#) for [species under their jurisdiction](#).

-
1. Species listed under the Endangered Species Act are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the [listing status page](#) for more information. IPaC only shows species that are regulated by USFWS (see FAQ).

2. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

Mammals

NAME	STATUS
Amargosa Vole <i>Microtus californicus scirpensis</i> Wherever found There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/7963	Endangered
Black-footed Ferret <i>Mustela nigripes</i> No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/6953	Endangered
Black-footed Ferret <i>Mustela nigripes</i> No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/6953	EXPN
Buena Vista Lake Ornate Shrew <i>Sorex ornatus relictus</i> Wherever found There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/1610	Endangered
Canada Lynx <i>Lynx canadensis</i> There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/3652	Threatened
Fisher <i>Pekania pennanti</i> There is proposed critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/3651	Endangered
Fresno Kangaroo Rat <i>Dipodomys nitratoides exilis</i> Wherever found There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/5150	Endangered

<p>Giant Kangaroo Rat <i>Dipodomys ingens</i></p> <p>Wherever found</p> <p>No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/6051</p>	Endangered
<p>Gray Wolf <i>Canis lupus</i></p> <p>There is final critical habitat for this species. https://ecos.fws.gov/ecp/species/4488</p>	Endangered
<p>Gray Wolf <i>Canis lupus</i></p> <p>No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/4488</p>	EXPN
<p>Grizzly Bear <i>Ursus arctos horribilis</i></p> <p>There is proposed critical habitat for this species. https://ecos.fws.gov/ecp/species/7642</p>	Threatened
<p>Jaguar <i>Panthera onca</i></p> <p>Wherever found</p> <p>There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/3944</p>	Endangered
<p>Mexican Long-nosed Bat <i>Leptonycteris nivalis</i></p> <p>Wherever found</p> <p>No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/8203</p>	Endangered
<p>Mexican Wolf <i>Canis lupus baileyi</i></p> <p>No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/3916</p>	Endangered
<p>Mexican Wolf <i>Canis lupus baileyi</i></p> <p>No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/3916</p>	EXPN
<p>Morro Bay Kangaroo Rat <i>Dipodomys heermanni morroensis</i></p> <p>Wherever found</p> <p>There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/6367</p>	Endangered

Mount Graham Red Squirrel <i>Tamiasciurus fremonti</i> grahamensis Wherever found There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/8370	Endangered
New Mexico Meadow Jumping Mouse <i>Zapus hudsonius</i> luteus Wherever found There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/7965	Endangered
North American Wolverine <i>Gulo gulo luscus</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/5123	Threatened
Ocelot <i>Leopardus (=Felis) pardalis</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/4474	Endangered
Pacific Marten, Coastal Distinct Population Segment <i>Martes caurina</i> Wherever found There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/9081	Threatened
Pacific Pocket Mouse <i>Perognathus longimembris pacificus</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/8080	Endangered
Penasco Least Chipmunk <i>Tamias minimus atristriatus</i> Wherever found There is proposed critical habitat for this species. https://ecos.fws.gov/ecp/species/5126	Proposed Endangered

<p>Peninsular Bighorn Sheep <i>Ovis canadensis nelsoni</i></p> <p>There is final critical habitat for this species. Your location overlaps the critical habitat.</p> <p>https://ecos.fws.gov/ecp/species/4970</p>	Endangered
<p>Point Arena Mountain Beaver <i>Aplodontia rufa nigra</i></p> <p>Wherever found</p> <p>No critical habitat has been designated for this species.</p> <p>https://ecos.fws.gov/ecp/species/7727</p>	Endangered
<p>Preble's Meadow Jumping Mouse <i>Zapus hudsonius preblei</i></p> <p>Wherever found</p> <p>There is final critical habitat for this species. Your location does not overlap the critical habitat.</p> <p>https://ecos.fws.gov/ecp/species/4090</p>	Threatened
<p>Riparian Brush Rabbit <i>Sylvilagus bachmani riparius</i></p> <p>Wherever found</p> <p>No critical habitat has been designated for this species.</p> <p>https://ecos.fws.gov/ecp/species/6189</p>	Endangered
<p>Riparian Woodrat (=san Joaquin Valley) <i>Neotoma fuscipes riparia</i></p> <p>Wherever found</p> <p>No critical habitat has been designated for this species.</p> <p>https://ecos.fws.gov/ecp/species/6191</p>	Endangered
<p>Salt Marsh Harvest Mouse <i>Reithrodontomys raviventris</i></p> <p>Wherever found</p> <p>No critical habitat has been designated for this species.</p> <p>https://ecos.fws.gov/ecp/species/613</p>	Endangered
<p>San Bernardino Merriam's Kangaroo Rat <i>Dipodomys merriami parvus</i></p> <p>Wherever found</p> <p>There is final critical habitat for this species. Your location overlaps the critical habitat.</p> <p>https://ecos.fws.gov/ecp/species/2060</p>	Endangered
<p>San Joaquin Kit Fox <i>Vulpes macrotis mutica</i></p> <p>Wherever found</p> <p>No critical habitat has been designated for this species.</p> <p>https://ecos.fws.gov/ecp/species/2873</p>	Endangered

<p>Santa Catalina Island Fox <i>Urocyon littoralis catalinae</i></p> <p>Wherever found</p> <p>There is final critical habitat for this species. However, no <i>actual</i> acres or miles were designated due to exemptions or exclusions. See Federal Register publication for details.</p> <p>https://ecos.fws.gov/ecp/species/6763</p>	Threatened
<p>Sierra Nevada Bighorn Sheep <i>Ovis canadensis sierrae</i></p> <p>There is final critical habitat for this species. Your location overlaps the critical habitat.</p> <p>https://ecos.fws.gov/ecp/species/3646</p>	Endangered
<p>Sierra Nevada Red Fox <i>Vulpes vulpes necator</i></p> <p>No critical habitat has been designated for this species.</p> <p>https://ecos.fws.gov/ecp/species/4252</p>	Endangered
<p>Sonoran Pronghorn <i>Antilocapra americana sonoriensis</i></p> <p>No critical habitat has been designated for this species.</p> <p>https://ecos.fws.gov/ecp/species/4750</p>	Endangered
<p>Sonoran Pronghorn <i>Antilocapra americana sonoriensis</i></p> <p>No critical habitat has been designated for this species.</p> <p>https://ecos.fws.gov/ecp/species/4750</p>	EXPN
<p>Southern Sea Otter <i>Enhydra lutris nereis</i></p> <p>Wherever found</p> <p>No critical habitat has been designated for this species.</p> <p>https://ecos.fws.gov/ecp/species/8560</p>	<p>Threatened</p> <p>Marine mammal</p>
<p>Stephens' Kangaroo Rat <i>Dipodomys stephensi</i> (incl. <i>D. cactus</i>)</p> <p>Wherever found</p> <p>No critical habitat has been designated for this species.</p> <p>https://ecos.fws.gov/ecp/species/3495</p>	Threatened
<p>Tipton Kangaroo Rat <i>Dipodomys nitratoides nitratoides</i></p> <p>Wherever found</p> <p>No critical habitat has been designated for this species.</p> <p>https://ecos.fws.gov/ecp/species/7247</p>	Endangered

Tricolored Bat *Perimyotis subflavus* Proposed Endangered
 Wherever found
 No critical habitat has been designated for this species.
<https://ecos.fws.gov/ecp/species/10515>

Utah Prairie Dog *Cynomys parvidens* Threatened
 Wherever found
 No critical habitat has been designated for this species.
<https://ecos.fws.gov/ecp/species/5517>

Birds

NAME	STATUS
Cactus Ferruginous Pygmy-owl <i>Glaucidium brasilianum</i> cactorum Wherever found There is final critical habitat for this species. https://ecos.fws.gov/ecp/species/1225	Threatened
California Condor <i>Gymnogyps californianus</i> There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/8193	Endangered
California Condor <i>Gymnogyps californianus</i> There is proposed critical habitat for this species. https://ecos.fws.gov/ecp/species/8193	EXPN
California Least Tern <i>Sternula antillarum browni</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/8104	Endangered
California Ridgway's Rail <i>Rallus obsoletus obsoletus</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/4240	Endangered
California Spotted Owl <i>Strix occidentalis occidentalis</i> No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/7266	Proposed Endangered

<p>California Spotted Owl <i>Strix occidentalis occidentalis</i></p> <p>No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/7266</p>	Proposed Threatened
<p>Coastal California Gnatcatcher <i>Poliioptila californica californica</i></p> <p>Wherever found</p> <p>There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/8178</p>	Threatened
<p>Eastern Black Rail <i>Laterallus jamaicensis ssp. jamaicensis</i></p> <p>Wherever found</p> <p>No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/10477</p>	Threatened
<p>Golden-cheeked Warbler <i>Setophaga chrysoparia</i></p> <p>Wherever found</p> <p>No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/33</p>	Endangered
<p>Greater Sage-grouse <i>Centrocercus urophasianus</i></p> <p>There is proposed critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/8159</p>	Proposed Threatened
<p>Gunnison Sage-grouse <i>Centrocercus minimus</i></p> <p>Wherever found</p> <p>There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/6040</p>	Threatened
<p>Hawaiian Petrel <i>Pterodroma sandwichensis</i></p> <p>Wherever found</p> <p>No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/6746</p>	Endangered
<p>Inyo California Towhee <i>Melospiza crissalis eremophilus</i></p> <p>Wherever found</p> <p>There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/3912</p>	Threatened

Least Bell's Vireo	<i>Vireo bellii pusillus</i>	Endangered
Wherever found		
There is final critical habitat for this species. Your location overlaps the critical habitat.		
https://ecos.fws.gov/ecp/species/5945		
Lesser Prairie-chicken	<i>Tympanuchus pallidicinctus</i>	Threatened
No critical habitat has been designated for this species.		
https://ecos.fws.gov/ecp/species/1924		
Lesser Prairie-chicken	<i>Tympanuchus pallidicinctus</i>	Endangered
No critical habitat has been designated for this species.		
https://ecos.fws.gov/ecp/species/1924		
Light-footed Ridgway's Rail	<i>Rallus obsoletus levipes</i>	Endangered
Wherever found		
No critical habitat has been designated for this species.		
https://ecos.fws.gov/ecp/species/6035		
Marbled Murrelet	<i>Brachyramphus marmoratus</i>	Threatened
There is final critical habitat for this species. Your location overlaps the critical habitat.		
https://ecos.fws.gov/ecp/species/4467		
Masked Bobwhite (quail)	<i>Colinus virginianus ridgwayi</i>	Endangered
Wherever found		
No critical habitat has been designated for this species.		
https://ecos.fws.gov/ecp/species/3484		
Mexican Spotted Owl	<i>Strix occidentalis lucida</i>	Threatened
Wherever found		
There is final critical habitat for this species. Your location overlaps the critical habitat.		
https://ecos.fws.gov/ecp/species/8196		
Northern Aplomado Falcon	<i>Falco femoralis septentrionalis</i>	EXPN
No critical habitat has been designated for this species.		
https://ecos.fws.gov/ecp/species/1923		
Northern Aplomado Falcon	<i>Falco femoralis septentrionalis</i>	Endangered
No critical habitat has been designated for this species.		
https://ecos.fws.gov/ecp/species/1923		

Northern Spotted Owl <i>Strix occidentalis caurina</i> Wherever found There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/1123	Threatened
Piping Plover <i>Charadrius melodus</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. https://ecos.fws.gov/ecp/species/6039	Threatened
Rufa Red Knot <i>Calidris canutus rufa</i> Wherever found There is proposed critical habitat for this species. Your location does not overlap the critical habitat. https://ecos.fws.gov/ecp/species/1864	Threatened
San Clemente Loggerhead Shrike <i>Lanius ludovicianus mearnsi</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/5142	Endangered
Short-tailed Albatross <i>Phoebastria (=Diomedea) albatrus</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/433	Endangered
Southwestern Willow Flycatcher <i>Empidonax traillii extimus</i> Wherever found There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/6749	Endangered
Western Snowy Plover <i>Charadrius nivosus nivosus</i> There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/8035	Threatened
Whooping Crane <i>Grus americana</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. https://ecos.fws.gov/ecp/species/758	Endangered

<p>Yellow-billed Cuckoo <i>Coccyzus americanus</i></p> <p>There is final critical habitat for this species. Your location overlaps the critical habitat.</p> <p>https://ecos.fws.gov/ecp/species/3911</p>	Threatened
<p>Yuma Ridgway's Rail <i>Rallus obsoletus yumanensis</i></p> <p>Wherever found</p> <p>No critical habitat has been designated for this species.</p> <p>https://ecos.fws.gov/ecp/species/3505</p>	Endangered

Reptiles

NAME	STATUS
<p>Alameda Whipsnake (=striped Racer) <i>Masticophis lateralis euryxanthus</i></p> <p>Wherever found</p> <p>There is final critical habitat for this species. Your location overlaps the critical habitat.</p> <p>https://ecos.fws.gov/ecp/species/5524</p>	Threatened
<p>Blunt-nosed Leopard Lizard <i>Gambelia silus</i></p> <p>Wherever found</p> <p>No critical habitat has been designated for this species.</p> <p>https://ecos.fws.gov/ecp/species/625</p>	Endangered
<p>Coachella Valley Fringe-toed Lizard <i>Uma inornata</i></p> <p>Wherever found</p> <p>There is final critical habitat for this species. Your location overlaps the critical habitat.</p> <p>https://ecos.fws.gov/ecp/species/2069</p>	Threatened
<p>Desert Tortoise <i>Gopherus agassizii</i></p> <p>There is final critical habitat for this species. Your location overlaps the critical habitat.</p> <p>https://ecos.fws.gov/ecp/species/4481</p>	Threatened
<p>Dunes Sagebrush Lizard <i>Sceloporus arenicolus</i></p> <p>Wherever found</p> <p>No critical habitat has been designated for this species.</p> <p>https://ecos.fws.gov/ecp/species/6631</p>	Endangered

<p>Giant Garter Snake <i>Thamnophis gigas</i></p> <p>Wherever found</p> <p>No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/4482</p>	Threatened
<p>Green Sea Turtle <i>Chelonia mydas</i></p> <p>No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/6199</p>	Threatened
<p>Leatherback Sea Turtle <i>Dermochelys coriacea</i></p> <p>Wherever found</p> <p>There is final critical habitat for this species. Your location does not overlap the critical habitat. https://ecos.fws.gov/ecp/species/1493</p>	Endangered
<p>Narrow-headed Gartersnake <i>Thamnophis rufipunctatus</i></p> <p>Wherever found</p> <p>There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/2204</p>	Threatened
<p>New Mexican Ridge-nosed Rattlesnake <i>Crotalus willardi</i> obscurus</p> <p>Wherever found</p> <p>There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/3657</p>	Threatened
<p>Northern Mexican Gartersnake <i>Thamnophis eques</i> megalops</p> <p>Wherever found</p> <p>There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/7655</p>	Threatened
<p>Northwestern Pond Turtle <i>Actinemys marmorata</i></p> <p>Wherever found</p> <p>No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/1111</p>	Proposed Threatened
<p>Olive Ridley Sea Turtle <i>Lepidochelys olivacea</i></p> <p>No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/1513</p>	Threatened

San Francisco Garter Snake *Thamnophis sirtalis tetrataenia* Endangered

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/5956>

Sonoyta Mud Turtle *Kinosternon sonoriense longifemorale* Endangered

Wherever found

There is **final** critical habitat for this species.

<https://ecos.fws.gov/ecp/species/7276>

Southwestern Pond Turtle *Actinemys pallida* Proposed Threatened

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/4768>

Amphibians

NAME

STATUS

Arroyo (=arroyo Southwestern) Toad *Anaxyrus californicus* Endangered

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<https://ecos.fws.gov/ecp/species/3762>

California Red-legged Frog *Rana draytonii* Threatened

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<https://ecos.fws.gov/ecp/species/2891>

California Tiger Salamander *Ambystoma californiense* Threatened

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<https://ecos.fws.gov/ecp/species/2076>

California Tiger Salamander *Ambystoma californiense* Endangered

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<https://ecos.fws.gov/ecp/species/2076>

California Tiger Salamander	<i>Ambystoma californiense</i>	Endangered
There is final critical habitat for this species. Your location overlaps the critical habitat.		
https://ecos.fws.gov/ecp/species/2076		
Chiricahua Leopard Frog	<i>Rana chiricahuensis</i>	Threatened
Wherever found		
There is final critical habitat for this species. Your location overlaps the critical habitat.		
https://ecos.fws.gov/ecp/species/1516		
Desert Slender Salamander	<i>Batrachoseps aridus</i>	Endangered
Wherever found		
No critical habitat has been designated for this species.		
https://ecos.fws.gov/ecp/species/7631		
Dixie Valley Toad	<i>Anaxyrus williamsi</i>	Endangered
There is proposed critical habitat for this species. Your location overlaps the critical habitat.		
https://ecos.fws.gov/ecp/species/10635		
Foothill Yellow-legged Frog	<i>Rana boylei</i>	Threatened
No critical habitat has been designated for this species.		
https://ecos.fws.gov/ecp/species/5133		
Foothill Yellow-legged Frog	<i>Rana boylei</i>	Endangered
No critical habitat has been designated for this species.		
https://ecos.fws.gov/ecp/species/5133		
Foothill Yellow-legged Frog	<i>Rana boylei</i>	Endangered
No critical habitat has been designated for this species.		
https://ecos.fws.gov/ecp/species/5133		
Foothill Yellow-legged Frog	<i>Rana boylei</i>	Threatened
No critical habitat has been designated for this species.		
https://ecos.fws.gov/ecp/species/5133		
Jemez Mountains Salamander	<i>Plethodon neomexicanus</i>	Endangered
Wherever found		
There is final critical habitat for this species. Your location overlaps the critical habitat.		
https://ecos.fws.gov/ecp/species/4095		

Kern Canyon Slender Salamander <i>Batrachoseps simatus</i> Wherever found There is proposed critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/5736	Proposed Threatened
Mountain Yellow-legged Frog <i>Rana muscosa</i> There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/8037	Endangered
Mountain Yellow-legged Frog <i>Rana muscosa</i> There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/8037	Endangered
Oregon Spotted Frog <i>Rana pretiosa</i> Wherever found There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/6633	Threatened
Relictual Slender Salamander <i>Batrachoseps relictus</i> Wherever found There is proposed critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/7408	Proposed Endangered
San Marcos Salamander <i>Eurycea nana</i> Wherever found There is final critical habitat for this species. Your location does not overlap the critical habitat. https://ecos.fws.gov/ecp/species/6374	Threatened
Santa Cruz Long-toed Salamander <i>Ambystoma macrodactylum croceum</i> Wherever found There is proposed critical habitat for this species. https://ecos.fws.gov/ecp/species/7405	Endangered

Sierra Nevada Yellow-legged Frog *Rana sierrae* Endangered

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<https://ecos.fws.gov/ecp/species/9529>

Sonoran Tiger Salamander *Ambystoma mavortium* Endangered

stebbinsi

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/2096>

Western Spadefoot *Spea hammondi* Proposed Threatened

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/5425>

Yosemite Toad *Anaxyrus canorus* Threatened

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<https://ecos.fws.gov/ecp/species/7255>

Fishes

NAME

STATUS

Arkansas River Shiner *Notropis girardi* Threatened

There is **final** critical habitat for this species. Your location does not overlap the critical habitat.

<https://ecos.fws.gov/ecp/species/4364>

Ash Meadows Amargosa Pupfish *Cyprinodon nevadensis* Endangered

mionectes

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<https://ecos.fws.gov/ecp/species/529>

Ash Meadows Speckled Dace <i>Rhinichthys osculus nevadensis</i> Wherever found There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/3415	Endangered
Beautiful Shiner <i>Cyprinella formosa</i> Wherever found There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/7874	Threatened
Big Bend Gambusia <i>Gambusia gaigei</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/6634	Endangered
Big Spring Spinedace <i>Lepidomeda mollispinis pratensis</i> Wherever found There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/5397	Threatened
Bonytail <i>Gila elegans</i> Wherever found There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/1377	Endangered
Bull Trout <i>Salvelinus confluentus</i> There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/8212	Threatened
Chihuahua Chub <i>Gila nigrescens</i> Wherever found There is proposed critical habitat for this species. https://ecos.fws.gov/ecp/species/7156	Threatened

Clover Valley Speckled Dace *Rhinichthys osculus oligoporus* Endangered

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/318>

Colorado Pikeminnow *Ptychocheilus lucius* Endangered

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<https://ecos.fws.gov/ecp/species/3531>

Comanche Springs Pupfish *Cyprinodon elegans* Endangered

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/7282>

Cui-ui *Chasmistes cujus* Endangered

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/456>

Delta Smelt *Hypomesus transpacificus* Threatened

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<https://ecos.fws.gov/ecp/species/321>

Desert Dace *Eremichthys acros* Threatened

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<https://ecos.fws.gov/ecp/species/7290>

Desert Pupfish *Cyprinodon macularius* Endangered

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<https://ecos.fws.gov/ecp/species/7003>

Devils Hole Pupfish *Cyprinodon diabolis* Endangered

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/7409>

Devils River Minnow <i>Dionda diaboli</i> Wherever found There is final critical habitat for this species. Your location does not overlap the critical habitat. https://ecos.fws.gov/ecp/species/7661	Threatened
Fountain Darter <i>Etheostoma fonticola</i> Wherever found There is final critical habitat for this species. Your location does not overlap the critical habitat. https://ecos.fws.gov/ecp/species/5858	Endangered
Gila Chub <i>Gila intermedia</i> Wherever found There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/51	Endangered
Gila Topminnow (incl. Yaqui) <i>Poeciliopsis occidentalis</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/1116	Endangered
Gila Trout <i>Oncorhynchus gilae</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/781	Threatened
Hiko White River Springfish <i>Crenichthys baileyi grandis</i> Wherever found There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/7004	Endangered
Humpback Chub <i>Gila cypha</i> Wherever found There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/3930	Threatened

Independence Valley Speckled Dace	<i>Rhinichthys osculus lethoporus</i>	Endangered
Wherever found		
No critical habitat has been designated for this species.		
https://ecos.fws.gov/ecp/species/1982		
June Sucker	<i>Chasmistes liorus</i>	Threatened
Wherever found		
There is final critical habitat for this species. Your location overlaps the critical habitat.		
https://ecos.fws.gov/ecp/species/4133		
Lahontan Cutthroat Trout	<i>Oncorhynchus clarkii henshawi</i>	Threatened
Wherever found		
No critical habitat has been designated for this species.		
https://ecos.fws.gov/ecp/species/3964		
Leon Springs Pupfish	<i>Cyprinodon bovinus</i>	Endangered
Wherever found		
There is final critical habitat for this species. Your location overlaps the critical habitat.		
https://ecos.fws.gov/ecp/species/1135		
Little Colorado Spinedace	<i>Lepidomeda vittata</i>	Threatened
Wherever found		
There is final critical habitat for this species. Your location overlaps the critical habitat.		
https://ecos.fws.gov/ecp/species/6640		
Little Kern Golden Trout	<i>Oncorhynchus aguabonita whitei</i>	Threatened
Wherever found		
There is final critical habitat for this species. Your location overlaps the critical habitat.		
https://ecos.fws.gov/ecp/species/5041		
Loach Minnow	<i>Tiaroga cobitis</i>	Endangered
Wherever found		
There is final critical habitat for this species. Your location overlaps the critical habitat.		
https://ecos.fws.gov/ecp/species/6922		

Long Valley Speckled Dace <i>Rhinichthys nevadensis caldera</i> No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/2992	Proposed Endangered
Longfin Smelt <i>Spirinchus thaleichthys</i> No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/9011	Endangered
Longfin Smelt <i>Spirinchus thaleichthys</i> No critical habitat has been designated for this species.	Proposed Endangered
Lost River Sucker <i>Deltistes luxatus</i> Wherever found There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/5604	Endangered
Mexican Blindcat (catfish) <i>Prietella phreatophila</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/7657	Endangered
Moapa Dace <i>Moapa coriacea</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/1771	Endangered
Mohave Tui Chub <i>Gila bicolor ssp. mohavensis</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/8466	Endangered
Owens Pupfish <i>Cyprinodon radiosus</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/4982	Endangered
Owens Tui Chub <i>Gila bicolor ssp. snyderi</i> Wherever found There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/7289	Endangered

Pahranagat Roundtail Chub *Gila robusta jordani* Endangered

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/782>

Pahrump Poolfish *Empetrichthys latos* Endangered

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/7281>

Paiute Cutthroat Trout *Oncorhynchus clarkii seleniris* Threatened

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/6890>

Pallid Sturgeon *Scaphirhynchus albus* Endangered

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/7162>

Pecos Bluntnose Shiner *Notropis simus pecosensis* Threatened

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<https://ecos.fws.gov/ecp/species/4362>

Pecos Gambusia *Gambusia nobilis* Endangered

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/460>

Peppered Chub *Macrhybopsis tetranema* Endangered

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<https://ecos.fws.gov/ecp/species/532>

Railroad Valley Springfish *Crenichthys nevadae* Threatened

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<https://ecos.fws.gov/ecp/species/302>

Razorback Sucker <i>Xyrauchen texanus</i> Wherever found There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/530	Endangered
Rio Grande Cutthroat Trout <i>Oncorhynchus clarkii virginalis</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/920	Candidate
Rio Grande Silvery Minnow <i>Hybognathus amarus</i> There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/1391	Endangered
Santa Ana Speckled Dace <i>Rhinichthys gabrielino</i> No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/4124	Proposed Threatened
Santa Ana Sucker <i>Catostomus santaanae</i> There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/3785	Threatened
Shortnose Sucker <i>Chasmistes brevirostris</i> Wherever found There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/7160	Endangered
Sonora Chub <i>Gila ditaenia</i> Wherever found There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/1394	Threatened
Spikedace <i>Meda fulgida</i> Wherever found There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/6493	Endangered

Tidewater Goby *Eucyclogobius newberryi* Endangered

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<https://ecos.fws.gov/ecp/species/57>

Unarmored Threespine Stickleback *Gasterosteus aculeatus* Endangered

williamsoni

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/7002>

Virgin River Chub *Gila seminuda* (=robusta) Endangered

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<https://ecos.fws.gov/ecp/species/1772>

Warm Springs Pupfish *Cyprinodon nevadensis pectoralis* Endangered

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/4823>

White River Spinedace *Lepidomeda albivallis* Endangered

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<https://ecos.fws.gov/ecp/species/6900>

White River Springfish *Crenichthys baileyi baileyi* Endangered

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<https://ecos.fws.gov/ecp/species/5633>

Woundfin *Plagopterus argentissimus* [EXPN](#)

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/49>

Woundfin *Plagopterus argentissimus* Endangered

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<https://ecos.fws.gov/ecp/species/49>

Yaqui Catfish *Ictalurus pricei*

Threatened

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<https://ecos.fws.gov/ecp/species/5432>

Yaqui Chub *Gila purpurea*

Endangered

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<https://ecos.fws.gov/ecp/species/3414>

Zuni Bluehead Sucker *Catostomus discobolus yarrowi*

Endangered

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<https://ecos.fws.gov/ecp/species/3536>

Clams

NAME

STATUS

Mexican Fawnsfoot *Truncilla cognata*

Proposed Endangered

Wherever found

There is **proposed** critical habitat for this species. Your location does not overlap the critical habitat.

<https://ecos.fws.gov/ecp/species/7870>

Salina Mucket *Potamilus metnecktayi*

Proposed Endangered

Wherever found

There is **proposed** critical habitat for this species. Your location overlaps the critical habitat.

<https://ecos.fws.gov/ecp/species/8753>

Texas Hornshell *Popenaias popeii*

Endangered

Wherever found

There is **proposed** critical habitat for this species. Your location overlaps the critical habitat.

<https://ecos.fws.gov/ecp/species/919>

Snails

NAME

STATUS

Alamosa Springsnail *Tryonia alamosae* Endangered

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/4371>

Chupadera Springsnail *Pyrgulopsis chupaderae* Endangered

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<https://ecos.fws.gov/ecp/species/6644>

Diamond Tryonia *Pseudotryonia adamantina* Endangered

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<https://ecos.fws.gov/ecp/species/5401>

Gonzales Tryonia *Tryonia circumstriata* (=stocktonensis) Endangered

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<https://ecos.fws.gov/ecp/species/5611>

Koster's Springsnail *Juturnia kosteri* Endangered

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<https://ecos.fws.gov/ecp/species/3126>

Morro Shoulderband (=banded Dune) Snail Threatened

Helminthoglypta walkeriana

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<https://ecos.fws.gov/ecp/species/2309>

Pecos Assiminea Snail *Assiminea pecos* Endangered

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<https://ecos.fws.gov/ecp/species/4519>

Phantom Springsnail *Pyrgulopsis texana* Endangered

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<https://ecos.fws.gov/ecp/species/465>

Phantom Tryonia *Tryonia cheatumi* Endangered

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<https://ecos.fws.gov/ecp/species/4779>

Roswell Springsnail *Pyrgulopsis roswellensis* Endangered

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<https://ecos.fws.gov/ecp/species/923>

San Bernardino Springsnail *Pyrgulopsis bernardina* Threatened

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<https://ecos.fws.gov/ecp/species/1778>

Socorro Springsnail *Pyrgulopsis neomexicana* Endangered

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/2806>

Three Forks Springsnail *Pyrgulopsis trivialis* Endangered

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<https://ecos.fws.gov/ecp/species/1017>

Insects

NAME

STATUS

Ash Meadows Naucorid *Ambrysus amargosus* Threatened

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<https://ecos.fws.gov/ecp/species/2564>

<p>Bay Checkerspot Butterfly <i>Euphydryas editha bayensis</i></p> <p>Wherever found</p> <p>There is final critical habitat for this species. Your location overlaps the critical habitat.</p> <p>https://ecos.fws.gov/ecp/species/2320</p>	Threatened
<p>Behren's Silverspot Butterfly <i>Speyeria zerene behrensii</i></p> <p>Wherever found</p> <p>No critical habitat has been designated for this species.</p> <p>https://ecos.fws.gov/ecp/species/900</p>	Endangered
<p>Callippe Silverspot Butterfly <i>Speyeria callippe callippe</i></p> <p>Wherever found</p> <p>There is proposed critical habitat for this species.</p> <p>https://ecos.fws.gov/ecp/species/3779</p>	Endangered
<p>Carson Wandering Skipper <i>Pseudocopaeodes eunus obscurus</i></p> <p>Wherever found</p> <p>No critical habitat has been designated for this species.</p> <p>https://ecos.fws.gov/ecp/species/674</p>	Endangered
<p>Casey's June Beetle <i>Dinacoma caseyi</i></p> <p>Wherever found</p> <p>There is final critical habitat for this species. Your location overlaps the critical habitat.</p> <p>https://ecos.fws.gov/ecp/species/4897</p>	Endangered
<p>Delhi Sands Flower-loving Fly <i>Rhaphiomidas terminatus abdominalis</i></p> <p>Wherever found</p> <p>No critical habitat has been designated for this species.</p> <p>https://ecos.fws.gov/ecp/species/1540</p>	Endangered
<p>Delta Green Ground Beetle <i>Elaphrus viridis</i></p> <p>Wherever found</p> <p>There is final critical habitat for this species. Your location overlaps the critical habitat.</p> <p>https://ecos.fws.gov/ecp/species/2319</p>	Threatened

El Segundo Blue Butterfly *Euphilotes battoides allyni* Endangered

Wherever found

There is **proposed** critical habitat for this species.

<https://ecos.fws.gov/ecp/species/3135>

Franklin's Bumble Bee *Bombus franklini* Endangered

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/7022>

Hermes Copper Butterfly *Lycaena hermes* Threatened

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<https://ecos.fws.gov/ecp/species/4379>

Kern Primrose Sphinx Moth *Euproserpinus euterpe* Threatened

Wherever found

There is **proposed** critical habitat for this species.

<https://ecos.fws.gov/ecp/species/7881>

Laguna Mountains Skipper *Pyrgus ruralis lagunae* Endangered

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<https://ecos.fws.gov/ecp/species/6237>

Lange's Metalmark Butterfly *Apodemia mormo langei* Endangered

Wherever found

There is **proposed** critical habitat for this species.

<https://ecos.fws.gov/ecp/species/4382>

Lotis Blue Butterfly *Lycaeides argyrognomon lotis* Endangered

Wherever found

There is **proposed** critical habitat for this species.

<https://ecos.fws.gov/ecp/species/5174>

Mission Blue Butterfly *Icaricia icarioides missionensis* Endangered

Wherever found

There is **proposed** critical habitat for this species.

<https://ecos.fws.gov/ecp/species/6928>

Monarch Butterfly <i>Danaus plexippus</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/9743	Candidate
Mount Charleston Blue Butterfly <i>Icaricia (Plebejus) shasta charlestonensis</i> Wherever found There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/2964	Endangered
Mount Hermon June Beetle <i>Polyphylla barbata</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/3982	Endangered
Myrtle's Silverspot Butterfly <i>Speyeria zerene myrtleae</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/6929	Endangered
Ohlone Tiger Beetle <i>Cicindela ohlone</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/8271	Endangered
Oregon Silverspot Butterfly <i>Speyeria zerene hippolyta</i> Wherever found There is final critical habitat for this species. Your location does not overlap the critical habitat. https://ecos.fws.gov/ecp/species/6930	Threatened
Palos Verdes Blue Butterfly <i>Glaucopsyche lygdamus palosverdesensis</i> Wherever found There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/8535	Endangered

<p>Quino Checkerspot Butterfly <i>Euphydryas editha quino</i> (=E. e. wrighti)</p> <p>Wherever found</p> <p>There is final critical habitat for this species. Your location overlaps the critical habitat.</p> <p>https://ecos.fws.gov/ecp/species/5900</p>	Endangered
<p>Sacramento Mountains Checkerspot Butterfly <i>Euphydryas anicia cloudcrofti</i></p> <p>Wherever found</p> <p>There is proposed critical habitat for this species. Your location overlaps the critical habitat.</p> <p>https://ecos.fws.gov/ecp/species/1546</p>	Endangered
<p>San Bruno Elfin Butterfly <i>Callophrys mossii bayensis</i></p> <p>Wherever found</p> <p>There is proposed critical habitat for this species.</p> <p>https://ecos.fws.gov/ecp/species/3394</p>	Endangered
<p>Silverspot <i>Speyeria nokomis nokomis</i></p> <p>Wherever found</p> <p>No critical habitat has been designated for this species.</p> <p>https://ecos.fws.gov/ecp/species/2813</p>	Threatened
<p>Smith's Blue Butterfly <i>Euphilotes enoptes smithi</i></p> <p>Wherever found</p> <p>There is proposed critical habitat for this species.</p> <p>https://ecos.fws.gov/ecp/species/4418</p>	Endangered
<p>Uncompahgre Fritillary Butterfly <i>Boloria acrocnema</i></p> <p>Wherever found</p> <p>No critical habitat has been designated for this species.</p> <p>https://ecos.fws.gov/ecp/species/4419</p>	Endangered
<p>Valley Elderberry Longhorn Beetle <i>Desmocerus californicus dimorphus</i></p> <p>Wherever found</p> <p>There is final critical habitat for this species. Your location overlaps the critical habitat.</p> <p>https://ecos.fws.gov/ecp/species/7850</p>	Threatened

Zayante Band-winged Grasshopper *Trimerotropis infantilis* Endangered

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<https://ecos.fws.gov/ecp/species/1036>

Crustaceans

NAME

STATUS

California Freshwater Shrimp *Syncaris pacifica* Endangered

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/7903>

Conservancy Fairy Shrimp *Branchinecta conservatio* Endangered

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<https://ecos.fws.gov/ecp/species/8246>

Diminutive Amphipod *Gammarus hyalleloides* Endangered

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<https://ecos.fws.gov/ecp/species/224>

Longhorn Fairy Shrimp *Branchinecta longiantenna* Endangered

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<https://ecos.fws.gov/ecp/species/4294>

Noel's Amphipod *Gammarus desperatus* Endangered

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<https://ecos.fws.gov/ecp/species/8042>

Pecos Amphipod *Gammarus pecos* Endangered

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<https://ecos.fws.gov/ecp/species/4290>

Riverside Fairy Shrimp *Streptocephalus woottoni* Endangered

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<https://ecos.fws.gov/ecp/species/8148>

San Diego Fairy Shrimp *Branchinecta sandiegonensis* Endangered

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<https://ecos.fws.gov/ecp/species/6945>

Shasta Crayfish *Pacifastacus fortis* Endangered

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/8284>

Socorro Isopod *Thermosphaeroma thermophilus* Endangered

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/2470>

Vernal Pool Fairy Shrimp *Branchinecta lynchi* Threatened

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<https://ecos.fws.gov/ecp/species/498>

Vernal Pool Tadpole Shrimp *Lepidurus packardii* Endangered

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<https://ecos.fws.gov/ecp/species/2246>

Flowering Plants

NAME

STATUS

Acuña Cactus *Echinomastus erectocentrus* var. *acunensis* Endangered

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<https://ecos.fws.gov/ecp/species/5785>

Amargosa Niterwort <i>Nitrophila mohavensis</i> Wherever found There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/4072	Endangered
Antioch Dunes Evening-primrose <i>Oenothera deltoides</i> ssp. <i>howellii</i> Wherever found There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/5970	Endangered
Applegate's Milk-vetch <i>Astragalus applegatei</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/5497	Endangered
Arizona Cliffrose <i>Purshia</i> (=Cowania) <i>subintegra</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/866	Endangered
Arizona Eryngo <i>Eryngium sparganophyllum</i> There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/10705	Endangered
Arizona Hedgehog Cactus <i>Echinocereus arizonicus</i> ssp. <i>arizonicus</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/1702	Endangered
Ash Meadows Blazingstar <i>Mentzelia leucophylla</i> Wherever found There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/4582	Threatened

Ash Meadows Gumplant *Grindelia fraxinipratensis* **Threatened**

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<https://ecos.fws.gov/ecp/species/8580>

Ash Meadows Ivesia *Ivesia kingii* var. *eremica* **Threatened**

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<https://ecos.fws.gov/ecp/species/2411>

Ash Meadows Milk-vetch *Astragalus phoenix* **Threatened**

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<https://ecos.fws.gov/ecp/species/4271>

Ash Meadows Sunray *Enceliopsis nudicaulis* var. *corrugata* **Threatened**

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<https://ecos.fws.gov/ecp/species/5707>

Ash-grey Paintbrush *Castilleja cinerea* **Threatened**

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<https://ecos.fws.gov/ecp/species/3702>

Autumn Buttercup *Ranunculus aestivalis* (= *acriformis*) **Endangered**

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/1284>

Baker's Larkspur *Delphinium bakeri* **Endangered**

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<https://ecos.fws.gov/ecp/species/5031>

<p>Bakersfield Cactus <i>Opuntia treleasei</i></p> <p>Wherever found</p> <p>No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/7799</p>	Endangered
<p>Barneby Reed-mustard <i>Schoenocrambe barnebyi</i></p> <p>Wherever found</p> <p>No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/3359</p>	Endangered
<p>Barneby Ridge-cress <i>Lepidium barnebyanum</i></p> <p>Wherever found</p> <p>No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/3736</p>	Endangered
<p>Bartram's Stonecrop <i>Graptopetalum bartramii</i></p> <p>Wherever found</p> <p>There is proposed critical habitat for this species. https://ecos.fws.gov/ecp/species/8382</p>	Threatened
<p>Beach Layia <i>Layia carnosa</i></p> <p>Wherever found</p> <p>No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/6728</p>	Threatened
<p>Bear Valley Sandwort <i>Arenaria ursina</i></p> <p>Wherever found</p> <p>There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/7317</p>	Threatened
<p>Beardless Chinchweed <i>Pectis imberbis</i></p> <p>Wherever found</p> <p>There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/1348</p>	Endangered
<p>Ben Lomond Spineflower <i>Chorizanthe pungens</i> var. <i>hartwegiana</i></p> <p>Wherever found</p> <p>No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/7498</p>	Endangered

Ben Lomond Wallflower *Erysimum teretifolium* **Endangered**

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/7429>**Big-leaved Crownbeard** *Verbesina dissita* **Threatened**

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/8049>**Brady Pincushion Cactus** *Pediocactus bradyi* **Endangered**

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/6292>**Braunton's Milk-vetch** *Astragalus brauntonii* **Endangered**

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.<https://ecos.fws.gov/ecp/species/5674>**Bunched Cory Cactus** *Coryphantha ramillosa* **Threatened**

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/5810>**Burke's Goldfields** *Lasthenia burkei* **Endangered**

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/4338>**Butte County Meadowfoam** *Limnanthes floccosa* ssp. *californica* **Endangered**

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.<https://ecos.fws.gov/ecp/species/4223>**California Jewelflower** *Caulanthus californicus* **Endangered**

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/4599>

<p>California Orcutt Grass <i>Orcuttia californica</i></p> <p>Wherever found</p> <p>No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/4923</p>	Endangered
<p>California Seablite <i>Suaeda californica</i></p> <p>No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/6310</p>	Endangered
<p>California Taraxacum <i>Taraxacum californicum</i></p> <p>Wherever found</p> <p>There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/7421</p>	Endangered
<p>Calistoga Allocarya <i>Plagiobothrys strictus</i></p> <p>Wherever found</p> <p>No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/6161</p>	Endangered
<p>Canelo Hills Ladies'-tresses <i>Spiranthes delitescens</i></p> <p>Wherever found</p> <p>No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/8098</p>	Endangered
<p>Catalina Island Mountain-mahogany <i>Cercocarpus traskiae</i></p> <p>Wherever found</p> <p>No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/5671</p>	Endangered
<p>Chinese Camp Brodiaea <i>Brodiaea pallida</i></p> <p>Wherever found</p> <p>No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/8290</p>	Threatened
<p>Chisos Mountain Hedgehog Cactus <i>Echinocereus chisoensis</i> var. <i>chisoensis</i></p> <p>Wherever found</p> <p>No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/7777</p>	Threatened

Chorro Creek Bog Thistle *Cirsium fontinale* var. *obispoense* **Endangered**

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/5991>**Clara Hunt's Milk-vetch** *Astragalus clarianus* **Endangered**

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/3300>**Clay Phacelia** *Phacelia argillacea* **Endangered**

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/8452>**Clay Reed-mustard** *Schoenocrambe argillacea* **Threatened**

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/8189>**Clay-loving Wild Buckwheat** *Eriogonum pelinophilum* **Endangered**

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.<https://ecos.fws.gov/ecp/species/3348>**Clover (tidestrom's) Lupine** *Lupinus tidestromii* **Endangered**

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/4459>**Coachella Valley Milk-vetch** *Astragalus lentiginosus* var. *coachellae* **Endangered**

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.<https://ecos.fws.gov/ecp/species/7426>**Coastal Dunes Milk-vetch** *Astragalus tener* var. *titi* **Endangered**

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/7675>

Cochise Pincushion Cactus *Coryphantha robbinsorum* **Threatened**

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/7229>

Colorado Hookless Cactus *Sclerocactus glaucus* **Threatened**

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/2280>

Colusa Grass *Neostapfia colusana* **Threatened**

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<https://ecos.fws.gov/ecp/species/5690>

Conejo Dudleya *Dudleya abramsii* ssp. *parva* **Threatened**

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/4871>

Contra Costa Goldfields *Lasthenia conjugens* **Endangered**

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<https://ecos.fws.gov/ecp/species/7058>

Contra Costa Wallflower *Erysimum capitatum* var. *angustatum* **Endangered**

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<https://ecos.fws.gov/ecp/species/7601>

Cook's Lomatium *Lomatium cookii* **Endangered**

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<https://ecos.fws.gov/ecp/species/1583>

Coyote Ceanothus *Ceanothus ferrisiae* **Endangered**

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/8440>**Cushenbury Buckwheat** *Eriogonum ovalifolium* var. *vineum* **Endangered**

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.<https://ecos.fws.gov/ecp/species/6852>**Cushenbury Milk-vetch** *Astragalus albens* **Endangered**

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.<https://ecos.fws.gov/ecp/species/8232>**Cushenbury Oxytheca** *Oxytheca parishii* var. *goodmaniana* **Endangered**

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.<https://ecos.fws.gov/ecp/species/5225>**Davis' Green Pitaya** *Echinocereus viridiflorus* var. *davisii* **Endangered**

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/3337>**Debeque Phacelia** *Phacelia submutica* **Threatened**

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.<https://ecos.fws.gov/ecp/species/4639>**Del Mar Manzanita** *Arctostaphylos glandulosa* ssp. *crassifolia* **Endangered**

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/7673>

Dudley Bluffs Bladderpod <i>Lesquerella congesta</i>	Threatened
Wherever found	
No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/7751	
Dudley Bluffs Twinpod <i>Physaria obcordata</i>	Threatened
Wherever found	
No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/6701	
Dwarf Bear-poppy <i>Arctomecon humilis</i>	Endangered
Wherever found	
No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/5492	
El Dorado Bedstraw <i>Galium californicum</i> ssp. <i>sierrae</i>	Endangered
Wherever found	
No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/5209	
Encinitas Baccharis <i>Baccharis vanessae</i>	Threatened
Wherever found	
No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/3343	
Eureka Dune Grass <i>Swallenia alexandrae</i>	Threatened
No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/2239	
Few-flowered Navarretia <i>Navarretia leucocephala</i> ssp. <i>pauciflora</i> (=N. <i>pauciflora</i>)	Endangered
Wherever found	
No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/8242	
Fickeisen Plains Cactus <i>Pediocactus peeblesianus</i> ssp. <i>fickeiseniae</i>	Endangered
Wherever found	
There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/5484	

Fish Slough Milk-vetch <i>Astragalus lentiginosus</i> var. <i>piscinensis</i> Wherever found There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/7947	Threatened
Fleshy Owl's-clover <i>Castilleja campestris</i> ssp. <i>succulenta</i> Wherever found There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/8095	Threatened
Fountain Thistle <i>Cirsium fontinale</i> var. <i>fontinale</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/7939	Endangered
Franciscan Manzanita <i>Arctostaphylos franciscana</i> Wherever found There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/5350	Endangered
Gambel's Watercress <i>Rorippa gambellii</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/4201	Endangered
Gaviota Tarplant <i>Deinandra increscens</i> ssp. <i>villosa</i> Wherever found There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/4218	Endangered
Gentner's Fritillary <i>Fritillaria gentneri</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/8120	Endangered

Gierisch Mallow *Sphaeralcea gierischii* **Endangered**

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<https://ecos.fws.gov/ecp/species/8873>

Greene's Tuctoria *Tuctoria greenei* **Endangered**

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<https://ecos.fws.gov/ecp/species/1573>

Guadalupe Fescue *Festuca ligulata* **Endangered**

Wherever found

There is **final** critical habitat for this species.

<https://ecos.fws.gov/ecp/species/8068>

Gypsum Wild-buckwheat *Eriogonum gypsophilum* **Threatened**

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<https://ecos.fws.gov/ecp/species/7770>

Hairy Orcutt Grass *Orcuttia pilosa* **Endangered**

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<https://ecos.fws.gov/ecp/species/2262>

Hartweg's Golden Sunburst *Pseudobahia bahiifolia* **Endangered**

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/1704>

Heliotrope Milk-vetch *Astragalus montii* **Threatened**

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<https://ecos.fws.gov/ecp/species/7704>

Hickman's Potentilla *Potentilla hickmanii* Endangered

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/6343>

Hinckley Oak *Quercus hinckleyi* Threatened

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/7060>

Hoffmann's Rock-cress *Arabis hoffmannii* Endangered

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/5909>

Hoffmann's Slender-flowered Gilia *Gilia tenuiflora* ssp. Endangered *hoffmannii*

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/968>

Holmgren Milk-vetch *Astragalus holmgreniorum* Endangered

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<https://ecos.fws.gov/ecp/species/4590>

Holy Ghost Ipomopsis *Ipomopsis sancti-spiritus* Endangered

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/8231>

Hoover's Spurge *Chamaesyce hooveri* Threatened

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<https://ecos.fws.gov/ecp/species/3019>

Howell's Spineflower *Chorizanthe howellii* Endangered

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/7607>

Huachuca Water-umbel <i>Lilaeopsis schaffneriana</i> var. <i>recurva</i> Wherever found There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/1201	Endangered
Indian Knob Mountainbalm <i>Eriodictyon altissimum</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/1261	Endangered
Ione (incl. Irish Hill) Buckwheat <i>Eriogonum apricum</i> (incl. <i>var. prostratum</i>) Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/8301	Endangered
Ione Manzanita <i>Arctostaphylos myrtifolia</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/1806	Threatened
Island Barberry <i>Berberis pinnata</i> ssp. <i>insularis</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/5197	Endangered
Island Malacothrix <i>Malacothrix squalida</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/1211	Endangered
Island Phacelia <i>Phacelia insularis</i> ssp. <i>insularis</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/189	Endangered
Island Rush-rose <i>Helianthemum greenii</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/6338	Threatened

Jones Cycladenia <i>Cycladenia humilis</i> var. <i>jonesii</i>	Threatened
Wherever found	
No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/3336	
Kearney's Blue-star <i>Amsonia kearneyana</i>	Endangered
Wherever found	
No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/7485	
Keck's Checker-mallow <i>Sidalcea keckii</i>	Endangered
Wherever found	
There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/5704	
Kenwood Marsh Checker-mallow <i>Sidalcea oregana</i> ssp. <i>valida</i>	Endangered
Wherever found	
No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/1622	
Kern Mallow <i>Eremalche kernensis</i>	Endangered
Wherever found	
No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/1731	
Kneeland Prairie Penny-cress <i>Thlaspi californicum</i>	Endangered
Wherever found	
There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/3743	
Knowlton's Cactus <i>Pediocactus knowltonii</i>	Endangered
Wherever found	
No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/1590	
Kodachrome Bladderpod <i>Lesquerella tumulosa</i>	Endangered
Wherever found	
No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/6356	

Kuenzler Hedgehog Cactus	<i>Echinocereus fendleri</i> var. kuenzleri	Threatened
Wherever found	No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/2859	
La Graciosa Thistle	<i>Cirsium loncholepis</i>	Endangered
Wherever found	There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/6547	
Laguna Beach Liveforever	<i>Dudleya stolonifera</i>	Threatened
Wherever found	No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/7919	
Lake County Stonecrop	<i>Parvisedum leiocarpum</i>	Endangered
Wherever found	No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/2263	
Lane Mountain Milk-vetch	<i>Astragalus jaegerianus</i>	Endangered
Wherever found	There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/5775	
Large-flowered Fiddleneck	<i>Amsinckia grandiflora</i>	Endangered
Wherever found	There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/5558	
Lassics Lupine	<i>Lupinus constancei</i>	Endangered
	There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/7976	
Last Chance Townsendia	<i>Townsendia aprica</i>	Threatened
Wherever found	No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/2897	

Layne's Butterweed	<i>Senecio layneae</i>	Threatened
Wherever found		
No critical habitat has been designated for this species.		
https://ecos.fws.gov/ecp/species/4062		
Lee Pincushion Cactus	<i>Coryphantha sneedii</i> var. <i>leei</i>	Threatened
Wherever found		
No critical habitat has been designated for this species.		
https://ecos.fws.gov/ecp/species/2504		
Little Aguja (=creek) Pondweed	<i>Potamogeton clystocarpus</i>	Endangered
Wherever found		
No critical habitat has been designated for this species.		
https://ecos.fws.gov/ecp/species/8181		
Lloyd's Mariposa Cactus	<i>Sclerocactus mariposensis</i>	Threatened
Wherever found		
No critical habitat has been designated for this species.		
https://ecos.fws.gov/ecp/species/5992		
Loch Lomond Coyote Thistle	<i>Eryngium constancei</i>	Endangered
Wherever found		
No critical habitat has been designated for this species.		
https://ecos.fws.gov/ecp/species/5106		
Lompoc Yerba Santa	<i>Eriodictyon capitatum</i>	Endangered
Wherever found		
There is final critical habitat for this species. Your location overlaps the critical habitat.		
https://ecos.fws.gov/ecp/species/364		
Lyon's Pentachaeta	<i>Pentachaeta lyonii</i>	Endangered
Wherever found		
There is final critical habitat for this species. Your location overlaps the critical habitat.		
https://ecos.fws.gov/ecp/species/4699		
Maguire Primrose	<i>Primula maguirei</i>	Threatened
Wherever found		
No critical habitat has been designated for this species.		
https://ecos.fws.gov/ecp/species/7062		

Mancos Milk-vetch <i>Astragalus humillimus</i>	Endangered
Wherever found	
No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/7483	
Many-flowered Navarretia <i>Navarretia leucocephala</i> ssp. <i>plieantha</i>	Endangered
Wherever found	
No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/2491	
Marcescent Dudleya <i>Dudleya cymosa</i> ssp. <i>marcescens</i>	Threatened
Wherever found	
No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/7145	
Marin Dwarf-flax <i>Hesperolinon congestum</i>	Threatened
Wherever found	
No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/5363	
Mariposa Pussypaws <i>Calyptidium pulchellum</i>	Threatened
Wherever found	
No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/2695	
Marsh Sandwort <i>Arenaria paludicola</i>	Endangered
Wherever found	
No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/2229	
Mcdonald's Rock-cress <i>Arabis macdonaldiana</i>	Endangered
Wherever found	
No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/6849	
Menzies' Wallflower <i>Erysimum menziesii</i>	Endangered
Wherever found	
No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/2935	

Mesa Verde Cactus <i>Sclerocactus mesae-verdae</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/6005	Threatened
Metcalf Canyon Jewelflower <i>Streptanthus albidus</i> ssp. <i>albidus</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/4186	Endangered
Mexican Flannelbush <i>Fremontodendron mexicanum</i> Wherever found There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/7495	Endangered
Monterey Clover <i>Trifolium trichocalyx</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/4282	Endangered
Monterey Gilia <i>Gilia tenuiflora</i> ssp. <i>arenaria</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/856	Endangered
Monterey Spineflower <i>Chorizanthe pungens</i> var. <i>pungens</i> Wherever found There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/396	Threatened
Morro Manzanita <i>Arctostaphylos morroensis</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/2934	Threatened
Munz's Onion <i>Allium munzii</i> Wherever found There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/2951	Endangered

Napa Bluegrass *Poa napensis* Endangered

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/2266>

Navajo Sedge *Carex specuicola* Threatened

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<https://ecos.fws.gov/ecp/species/8579>

Nellie's Cory Cactus *Escobaria minima* Endangered

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/4909>

Nevin's Barberry *Berberis nevinii* Endangered

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<https://ecos.fws.gov/ecp/species/8025>

Nichol's Turk's Head Cactus *Echinocactus horizonthalonius* Endangered

var. nicholii

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/5343>

Nipomo Mesa Lupine *Lupinus nipomensis* Endangered

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/5480>

Orcutt's Spineflower *Chorizanthe orcuttiana* Endangered

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/7573>

Otay Mesa-mint *Pogogyne nudiuscula* Endangered

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/5362>

Otay Tarplant <i>Deinandra</i> (=Hemizonia) <i>conjugens</i> Wherever found There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/5687	Threatened
Pagosa Skyrocket <i>Ipomopsis</i> <i>polyantha</i> Wherever found There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/1852	Endangered
Pallid Manzanita <i>Arctostaphylos</i> <i>pallida</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/8292	Threatened
Palmate-bracted Bird's Beak <i>Cordylanthus</i> <i>palmatus</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/1616	Endangered
Parachute Beardtongue <i>Penstemon</i> <i>debilis</i> Wherever found There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/7099	Threatened
Pariette Cactus <i>Sclerocactus</i> <i>brevispinus</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/2966	Threatened
Parish's Daisy <i>Erigeron</i> <i>parishii</i> Wherever found There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/8446	Threatened

Pecos (=puzzle, =paradox) Sunflower <i>Helianthus paradoxus</i> Wherever found There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/7211	Threatened
Pedate Checker-mallow <i>Sidalcea pedata</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/1340	Endangered
Peebles Navajo Cactus <i>Pediocactus peeblesianus</i> ssp. <i>peeblesianus</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/8245	Endangered
Peirson's Milk-vetch <i>Astragalus magdalenae</i> var. <i>peirsonii</i> Wherever found There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/4933	Threatened
Pennell's Bird's-beak <i>Cordylanthus tenuis</i> ssp. <i>capillaris</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/3175	Endangered
Pima Pineapple Cactus <i>Coryphantha scheeri</i> var. <i>robustispina</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/4919	Endangered
Pine Hill Ceanothus <i>Ceanothus roderickii</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/3293	Endangered

Pine Hill Flannelbush	<i>Fremontodendron californicum</i> ssp. <i>decumbens</i>	Endangered
Wherever found		
No critical habitat has been designated for this species.		
https://ecos.fws.gov/ecp/species/4818		
Pismo Clarkia	<i>Clarkia speciosa</i> ssp. <i>immaculata</i>	Endangered
Wherever found		
No critical habitat has been designated for this species.		
https://ecos.fws.gov/ecp/species/5936		
Pitkin Marsh Lily	<i>Lilium pardalinum</i> ssp. <i>pitkinense</i>	Endangered
Wherever found		
No critical habitat has been designated for this species.		
https://ecos.fws.gov/ecp/species/570		
Presidio Clarkia	<i>Clarkia franciscana</i>	Endangered
Wherever found		
No critical habitat has been designated for this species.		
https://ecos.fws.gov/ecp/species/3890		
Presidio Manzanita	<i>Arctostaphylos hookeri</i> var. <i>ravenii</i>	Endangered
Wherever found		
No critical habitat has been designated for this species.		
https://ecos.fws.gov/ecp/species/7216		
Purple Amole	<i>Chlorogalum purpureum</i>	Threatened
Wherever found		
There is final critical habitat for this species. Your location overlaps the critical habitat.		
https://ecos.fws.gov/ecp/species/5531		
Red Hills Vervain	<i>Verbena californica</i>	Threatened
Wherever found		
No critical habitat has been designated for this species.		
https://ecos.fws.gov/ecp/species/7344		
Robust Spineflower	<i>Chorizanthe robusta</i> var. <i>robusta</i>	Endangered
Wherever found		
There is final critical habitat for this species. Your location overlaps the critical habitat.		
https://ecos.fws.gov/ecp/species/9287		

Sacramento Mountains Thistle <i>Cirsium vinaceum</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/7486	Threatened
Sacramento Orcutt Grass <i>Orcuttia viscida</i> Wherever found There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/5507	Endangered
Sacramento Prickly Poppy <i>Argemone pleiacantha</i> ssp. <i>pinnatisecta</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/3332	Endangered
Salt Marsh Bird's-beak <i>Cordylanthus maritimus</i> ssp. <i>maritimus</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/6447	Endangered
San Bernardino Bluegrass <i>Poa atropurpurea</i> Wherever found There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/4641	Endangered
San Bernardino Mountains Bladderpod <i>Lesquerella kingii</i> ssp. <i>bernardina</i> Wherever found There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/809	Endangered
San Clemente Island Woodland-star <i>Lithophragma maximum</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/5682	Endangered

San Diego Ambrosia *Ambrosia pumila* Endangered

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<https://ecos.fws.gov/ecp/species/8287>

San Diego Button-celery *Eryngium aristulatum* var. *parishii* Endangered

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/5937>

San Diego Mesa-mint *Pogogyne abramsii* Endangered

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/5971>

San Diego Thornmint *Acanthomintha ilicifolia* Threatened

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<https://ecos.fws.gov/ecp/species/351>

San Francisco Lessingia *Lessingia germanorum* (=L.g. var. *germanorum*) Endangered

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/8174>

San Francisco Peaks Ragwort *Packera franciscana* Threatened

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<https://ecos.fws.gov/ecp/species/1721>

San Jacinto Valley Crownscale *Atriplex coronata* var. *notator* Endangered

Wherever found

There is **final** critical habitat for this species. However, no *actual* acres or miles were designated due to exemptions or exclusions. See Federal Register publication for details.

<https://ecos.fws.gov/ecp/species/4353>

San Joaquin Adobe Sunburst	<i>Pseudobahia peirsonii</i>	Threatened
Wherever found		
No critical habitat has been designated for this species.		
https://ecos.fws.gov/ecp/species/2931		
San Joaquin Valley Orcutt Grass	<i>Orcuttia inaequalis</i>	Threatened
Wherever found		
There is final critical habitat for this species. Your location overlaps the critical habitat.		
https://ecos.fws.gov/ecp/species/5506		
San Joaquin Woolly-threads	<i>Monolopia (=Lembertia) congdonii</i>	Endangered
Wherever found		
No critical habitat has been designated for this species.		
https://ecos.fws.gov/ecp/species/3746		
San Mateo Thornmint	<i>Acanthomintha obovata</i> ssp. <i>duttonii</i>	Endangered
Wherever found		
No critical habitat has been designated for this species.		
https://ecos.fws.gov/ecp/species/2038		
San Mateo Woolly Sunflower	<i>Eriophyllum latilobum</i>	Endangered
Wherever found		
No critical habitat has been designated for this species.		
https://ecos.fws.gov/ecp/species/7791		
San Rafael Cactus	<i>Pediocactus despainii</i>	Endangered
Wherever found		
No critical habitat has been designated for this species.		
https://ecos.fws.gov/ecp/species/3614		
Santa Ana River Woolly-star	<i>Eriastrum densifolium</i> ssp. <i>sanctorum</i>	Endangered
Wherever found		
No critical habitat has been designated for this species.		
https://ecos.fws.gov/ecp/species/6575		
Santa Barbara Island Liveforever	<i>Dudleya traskiae</i>	Endangered
Wherever found		
No critical habitat has been designated for this species.		
https://ecos.fws.gov/ecp/species/3891		

Santa Clara Valley Dudleya *Dudleya setchellii* Endangered

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/3207>

Santa Cruz Island Bush-mallow *Malacothamnus* Endangered

fasciculatus var. *nesioticus*

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/6152>

Santa Cruz Island Fringepod *Thysanocarpus conchuliferus* Endangered

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/7364>

Santa Cruz Island Malacothrix *Malacothrix indecora* Endangered

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/3210>

Santa Cruz Island Rockcress *Sibara filifolia* Endangered

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/7424>

Santa Cruz Tarplant *Holocarpha macradenia* Threatened

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<https://ecos.fws.gov/ecp/species/6832>

Santa Monica Mountains Dudleyea *Dudleya cymosa* ssp. Threatened

ovatifolia

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/2538>

Santa Rosa Island Manzanita *Arctostaphylos confertiflora* Endangered

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/563>

Scotts Valley Polygonum *Polygonum hickmanii* **Endangered**

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<https://ecos.fws.gov/ecp/species/3222>

Scotts Valley Spineflower *Chorizanthe robusta* var. **Endangered**

hartwegii

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<https://ecos.fws.gov/ecp/species/7108>

Sebastopol Meadowfoam *Limnanthes vinculans* **Endangered**

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/404>

Sentry Milk-vetch *Astragalus cremnophylax* var. **Endangered**

cremnophylax

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/8439>

Shivwits Milk-vetch *Astragalus ampullarioides* **Endangered**

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<https://ecos.fws.gov/ecp/species/5840>

Showy Indian Clover *Trifolium amoenum* **Endangered**

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/6459>

Shrubby Reed-mustard *Schoenocrambe suffrutescens* **Endangered**

Wherever found

There is **proposed** critical habitat for this species.

<https://ecos.fws.gov/ecp/species/7220>

<p>Siler Pincushion Cactus <i>Pediocactus</i> (=Echinocactus,=Utahia) <i>sileri</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/3607</p>	Threatened
<p>Slender Orcutt Grass <i>Orcuttia tenuis</i> Wherever found There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/1063</p>	Threatened
<p>Slender-horned Spineflower <i>Dodecahema leptoceras</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/4007</p>	Endangered
<p>Slender-petaled Mustard <i>Thelypodium stenopetalum</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/1658</p>	Endangered
<p>Sneed Pincushion Cactus <i>Coryphantha sneedii</i> var. <i>sneedii</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/4706</p>	Endangered
<p>Soft Bird's-beak <i>Cordylanthus mollis</i> ssp. <i>mollis</i> Wherever found There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/8541</p>	Endangered
<p>Soft-leaved Paintbrush <i>Castilleja mollis</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/5312</p>	Endangered
<p>Solano Grass <i>Tuctoria mucronata</i> Wherever found There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/8302</p>	Endangered

Sonoma Alopecurus <i>Alopecurus aequalis</i> var. <i>sonomensis</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/557	Endangered
Sonoma Spineflower <i>Chorizanthe valida</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/7698	Endangered
Sonoma Sunshine <i>Blennosperma bakeri</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/1260	Endangered
Southern Mountain Wild-buckwheat <i>Eriogonum kennedyi</i> var. <i>austromontanum</i> Wherever found There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/7201	Threatened
Spreading Navarretia <i>Navarretia fossalis</i> Wherever found There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/1334	Threatened
Spring-loving Centaury <i>Centaureum namophilum</i> Wherever found There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/5559	Threatened
Springville Clarkia <i>Clarkia springvillensis</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/8309	Threatened

<p>Steamboat Buckwheat <i>Eriogonum ovalifolium</i> var. <i>williamsiae</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/413</p>	Endangered
<p>Stebbins' Morning-glory <i>Calystegia stebbinsii</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/3991</p>	Endangered
<p>Suisun Thistle <i>Cirsium hydrophilum</i> var. <i>hydrophilum</i> Wherever found There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/2369</p>	Endangered
<p>Swale Paintbrush <i>Castilleja ornata</i> No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/10121</p>	Proposed Endangered
<p>Terlingua Creek Cat's-eye <i>Cryptantha crassipes</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/7707</p>	Endangered
<p>Texas Snowbells <i>Styrax platanifolius</i> ssp. <i>texanus</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/5214</p>	Endangered
<p>Thread-leaved Brodiaea <i>Brodiaea filifolia</i> Wherever found There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/6087</p>	Threatened
<p>Tiburon Jewelflower <i>Streptanthus niger</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/4187</p>	Endangered

<p>Tiburon Mariposa Lily <i>Calochortus tiburonensis</i></p> <p>Wherever found</p> <p>No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/2858</p>	Threatened
<p>Tiburon Paintbrush <i>Castilleja affinis</i> ssp. <i>neglecta</i></p> <p>Wherever found</p> <p>No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/2687</p>	Endangered
<p>Tiehm's Buckwheat <i>Eriogonum tiehmii</i></p> <p>There is proposed critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/4217</p>	Endangered
<p>Tobusch Fishhook Cactus <i>Sclerocactus brevihamatus</i> ssp. <i>tobuschii</i></p> <p>Wherever found</p> <p>No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/2221</p>	Threatened
<p>Todsen's Pennyroyal <i>Hedeoma todsenii</i></p> <p>Wherever found</p> <p>There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/1081</p>	Endangered
<p>Triple-ribbed Milk-vetch <i>Astragalus tricarinatus</i></p> <p>Wherever found</p> <p>No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/3370</p>	Endangered
<p>Uinta Basin Hookless Cactus <i>Sclerocactus wetlandicus</i></p> <p>Wherever found</p> <p>No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/9037</p>	Threatened
<p>Ute Ladies'-tresses <i>Spiranthes diluvialis</i></p> <p>Wherever found</p> <p>No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/2159</p>	Threatened

Vail Lake Ceanothus <i>Ceanothus ophiochilus</i> Wherever found There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/4566	Threatened
Ventura Marsh Milk-vetch <i>Astragalus pycnostachyus</i> var. <i>lanosissimus</i> Wherever found There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/1160	Endangered
Verity's Dudleya <i>Dudleya verityi</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/4342	Threatened
Vine Hill Clarkia <i>Clarkia imbricata</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/7044	Endangered
Webber's Ivesia <i>Ivesia webberi</i> Wherever found There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/4682	Threatened
Welsh's Milkweed <i>Asclepias welshii</i> Wherever found There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/8400	Threatened
Western Lily <i>Lilium occidentale</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/998	Endangered

Western Prairie Fringed Orchid <i>Platanthera praeclara</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/1669	Threatened
White Sedge <i>Carex albida</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/3063	Endangered
White-rayed Pentachaeta <i>Pentachaeta bellidiflora</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/7782	Endangered
Willow Monardella <i>Monardella viminea</i> Wherever found There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/250	Endangered
Winkler Cactus <i>Pediocactus winkleri</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/4193	Threatened
Wright Fishhook Cactus <i>Sclerocactus wrightiae</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/1339	Endangered
Wright's Marsh Thistle <i>Cirsium wrightii</i> There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/8963	Threatened
Yadon's Piperia <i>Piperia yadonii</i> Wherever found There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/4205	Endangered

Yellow Larkspur *Delphinium luteum*

Endangered

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<https://ecos.fws.gov/ecp/species/3578>

Yreka Phlox *Phlox hirsuta*

Endangered

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/8243>

Zuni Fleabane *Erigeron rhizomatus*

Threatened

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/5700>

Conifers and Cycads

NAME

STATUS

Gowen Cypress *Cupressus goveniana* ssp. *goviana*

Threatened

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/8548>

Santa Cruz Cypress *Cupressus abramsiana*

Threatened

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/1678>

Whitebark Pine *Pinus albicaulis*

Threatened

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/1748>

Ferns and Allies

NAME

STATUS

American Hart's-tongue Fern *Asplenium scolopendrium*

Threatened

var. *americanum*

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/4232>

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

This location overlaps the critical habitat for the following species:

NAME	TYPE
Acuña Cactus <i>Echinomastus erectocentrus</i> var. <i>acunensis</i> https://ecos.fws.gov/ecp/species/5785#crithab	Final
Alameda Whipsnake (=striped Racer) <i>Masticophis lateralis</i> <i>euryxanthus</i> https://ecos.fws.gov/ecp/species/5524#crithab	Final
Amargosa Niterwort <i>Nitrophila mohavensis</i> https://ecos.fws.gov/ecp/species/4072#crithab	Final
Amargosa Vole <i>Microtus californicus</i> <i>scirpensis</i> https://ecos.fws.gov/ecp/species/7963#crithab	Final
Antioch Dunes Evening-primrose <i>Oenothera deltoides</i> ssp. <i>howellii</i> https://ecos.fws.gov/ecp/species/5970#crithab	Final
Arizona Eryngo <i>Eryngium sparganophyllum</i> https://ecos.fws.gov/ecp/species/10705#crithab	Final
Arroyo (=arroyo Southwestern) Toad <i>Anaxyrus californicus</i> https://ecos.fws.gov/ecp/species/3762#crithab	Final
Ash Meadows Amargosa Pupfish <i>Cyprinodon nevadensis</i> <i>mionectes</i> https://ecos.fws.gov/ecp/species/529#crithab	Final
Ash Meadows Blazingstar <i>Mentzelia leucophylla</i> https://ecos.fws.gov/ecp/species/4582#crithab	Final
Ash Meadows Gumplant <i>Grindelia fraxinipratensis</i> https://ecos.fws.gov/ecp/species/8580#crithab	Final

Ash Meadows Ivesia	Ivesia kingii var. eremica	Final
	https://ecos.fws.gov/ecp/species/2411#crithab	
Ash Meadows Milk-vetch	Astragalus phoenix	Final
	https://ecos.fws.gov/ecp/species/4271#crithab	
Ash Meadows Naucorid	Ambrysus amargosus	Final
	https://ecos.fws.gov/ecp/species/2564#crithab	
Ash Meadows Speckled Dace	Rhinichthys osculus nevadensis	Final
	https://ecos.fws.gov/ecp/species/3415#crithab	
Ash Meadows Sunray	Enceliopsis nudicaulis var. corrugata	Final
	https://ecos.fws.gov/ecp/species/5707#crithab	
Ash-grey Paintbrush	Castilleja cinerea	Final
	https://ecos.fws.gov/ecp/species/3702#crithab	
Baker's Larkspur	Delphinium bakeri	Final
	https://ecos.fws.gov/ecp/species/5031#crithab	
Bay Checkerspot Butterfly	Euphydryas editha bayensis	Final
	https://ecos.fws.gov/ecp/species/2320#crithab	
Bear Valley Sandwort	Arenaria ursina	Final
	https://ecos.fws.gov/ecp/species/7317#crithab	
Beardless Chinchweed	Pectis imberbis	Final
	https://ecos.fws.gov/ecp/species/1348#crithab	
Beautiful Shiner	Cyprinella formosa	Final
	https://ecos.fws.gov/ecp/species/7874#crithab	
Big Spring Spinedace	Lepidomeda mollispinis pratensis	Final
	https://ecos.fws.gov/ecp/species/5397#crithab	
Bonytail	Gila elegans	Final
	https://ecos.fws.gov/ecp/species/1377#crithab	

Braunton's Milk-vetch <i>Astragalus brauntonii</i> https://ecos.fws.gov/ecp/species/5674#crithab	Final
Buena Vista Lake Ornate Shrew <i>Sorex ornatus relictus</i> https://ecos.fws.gov/ecp/species/1610#crithab	Final
Bull Trout <i>Salvelinus confluentus</i> https://ecos.fws.gov/ecp/species/8212#crithab	Final
Butte County Meadowfoam <i>Limnanthes floccosa</i> ssp. <i>californica</i> https://ecos.fws.gov/ecp/species/4223#crithab	Final
California Condor <i>Gymnogyps californianus</i> https://ecos.fws.gov/ecp/species/8193#crithab	Final
California Red-legged Frog <i>Rana draytonii</i> https://ecos.fws.gov/ecp/species/2891#crithab	Final
California Taraxacum <i>Taraxacum californicum</i> https://ecos.fws.gov/ecp/species/7421#crithab	Final
California Tiger Salamander <i>Ambystoma californiense</i> U.S.A. (Central CA DPS) https://ecos.fws.gov/ecp/species/2076#crithab	Final
California Tiger Salamander <i>Ambystoma californiense</i> U.S.A. (CA - Sonoma County) https://ecos.fws.gov/ecp/species/2076#crithab	Final
California Tiger Salamander <i>Ambystoma californiense</i> U.S.A. (CA - Santa Barbara County) https://ecos.fws.gov/ecp/species/2076#crithab	Final
Canada Lynx <i>Lynx canadensis</i> https://ecos.fws.gov/ecp/species/3652#crithab	Final
Casey's June Beetle <i>Dinacoma caseyi</i> https://ecos.fws.gov/ecp/species/4897#crithab	Final

Chiricahua Leopard Frog <i>Rana chiricahuensis</i> https://ecos.fws.gov/ecp/species/1516#crithab	Final
Chupadera Springsnail <i>Pyrgulopsis chupaderae</i> https://ecos.fws.gov/ecp/species/6644#crithab	Final
Clay-loving Wild Buckwheat <i>Eriogonum pelinophilum</i> https://ecos.fws.gov/ecp/species/3348#crithab	Final
Coachella Valley Fringe-toed Lizard <i>Uma inornata</i> https://ecos.fws.gov/ecp/species/2069#crithab	Final
Coachella Valley Milk-vetch <i>Astragalus lentiginosus</i> var. coachellae https://ecos.fws.gov/ecp/species/7426#crithab	Final
Coastal California Gnatcatcher <i>Polioptila californica</i> californica https://ecos.fws.gov/ecp/species/8178#crithab	Final
Colorado Pikeminnow <i>Ptychocheilus lucius</i> https://ecos.fws.gov/ecp/species/3531#crithab	Final
Colusa Grass <i>Neostapfia colusana</i> https://ecos.fws.gov/ecp/species/5690#crithab	Final
Conservancy Fairy Shrimp <i>Branchinecta conservatio</i> https://ecos.fws.gov/ecp/species/8246#crithab	Final
Contra Costa Goldfields <i>Lasthenia conjugens</i> https://ecos.fws.gov/ecp/species/7058#crithab	Final
Contra Costa Wallflower <i>Erysimum capitatum</i> var. angustatum https://ecos.fws.gov/ecp/species/7601#crithab	Final
Cook's Lomatium <i>Lomatium cookii</i> https://ecos.fws.gov/ecp/species/1583#crithab	Final

Cushenbury Buckwheat	<i>Eriogonum ovalifolium</i> var. <i>vineum</i>	Final
	https://ecos.fws.gov/ecp/species/6852#crithab	
Cushenbury Milk-vetch	<i>Astragalus albens</i>	Final
	https://ecos.fws.gov/ecp/species/8232#crithab	
Cushenbury Oxytheca	<i>Oxytheca parishii</i> var. <i>goodmaniana</i>	Final
	https://ecos.fws.gov/ecp/species/5225#crithab	
Debeque Phacelia	<i>Phacelia submutica</i>	Final
	https://ecos.fws.gov/ecp/species/4639#crithab	
Delta Green Ground Beetle	<i>Elaphrus viridis</i>	Final
	https://ecos.fws.gov/ecp/species/2319#crithab	
Delta Smelt	<i>Hypomesus transpacificus</i>	Final
	https://ecos.fws.gov/ecp/species/321#crithab	
Desert Dace	<i>Eremichthys acros</i>	Final
	https://ecos.fws.gov/ecp/species/7290#crithab	
Desert Pupfish	<i>Cyprinodon macularius</i>	Final
	https://ecos.fws.gov/ecp/species/7003#crithab	
Desert Tortoise	<i>Gopherus agassizii</i>	Final
	https://ecos.fws.gov/ecp/species/4481#crithab	
Diamond Tryonia	<i>Pseudotryonia adamantina</i>	Final
	https://ecos.fws.gov/ecp/species/5401#crithab	
Diminutive Amphipod	<i>Gammarus hyallelroides</i>	Final
	https://ecos.fws.gov/ecp/species/224#crithab	
Dixie Valley Toad	<i>Anaxyrus williamsi</i>	Proposed
	https://ecos.fws.gov/ecp/species/10635#crithab	
Fickeisen Plains Cactus	<i>Pediocactus peeblesianus</i> ssp. <i>fickeiseniae</i>	Final
	https://ecos.fws.gov/ecp/species/5484#crithab	

Fish Slough Milk-vetch <i>Astragalus lentiginos</i> var. piscinensis https://ecos.fws.gov/ecp/species/7947#crithab	Final
Fisher <i>Pekania pennanti</i> https://ecos.fws.gov/ecp/species/3651#crithab	Proposed
Fleshy Owl's-clover <i>Castilleja campestris</i> ssp. succulenta https://ecos.fws.gov/ecp/species/8095#crithab	Final
Franciscan Manzanita <i>Arctostaphylos franciscana</i> https://ecos.fws.gov/ecp/species/5350#crithab	Final
Fresno Kangaroo Rat <i>Dipodomys nitratoides exilis</i> https://ecos.fws.gov/ecp/species/5150#crithab	Final
Gaviota Tarplant <i>Deinandra increscens</i> ssp. villosa https://ecos.fws.gov/ecp/species/4218#crithab	Final
Gierisch Mallow <i>Sphaeralcea gierischii</i> https://ecos.fws.gov/ecp/species/8873#crithab	Final
Gila Chub <i>Gila intermedia</i> https://ecos.fws.gov/ecp/species/51#crithab	Final
Gonzales Tryonia <i>Tryonia circumstriata</i> (=stocktonensis) https://ecos.fws.gov/ecp/species/5611#crithab	Final
Greater Sage-grouse <i>Centrocercus urophasianus</i> https://ecos.fws.gov/ecp/species/8159#crithab	Proposed
Greene's Tuctoria <i>Tuctoria greenei</i> https://ecos.fws.gov/ecp/species/1573#crithab	Final
Gunnison Sage-grouse <i>Centrocercus minimus</i> https://ecos.fws.gov/ecp/species/6040#crithab	Final
Gypsum Wild-buckwheat <i>Eriogonum gypsophilum</i> https://ecos.fws.gov/ecp/species/7770#crithab	Final

Hairy Orcutt Grass	<i>Orcuttia pilosa</i>	Final
	https://ecos.fws.gov/ecp/species/2262#crithab	
Heliotrope Milk-vetch	<i>Astragalus montii</i>	Final
	https://ecos.fws.gov/ecp/species/7704#crithab	
Hermes Copper Butterfly	<i>Lycaena hermes</i>	Final
	https://ecos.fws.gov/ecp/species/4379#crithab	
Hiko White River Springfish	<i>Crenichthys baileyi grandis</i>	Final
	https://ecos.fws.gov/ecp/species/7004#crithab	
Holmgren Milk-vetch	<i>Astragalus holmgreniorum</i>	Final
	https://ecos.fws.gov/ecp/species/4590#crithab	
Hoover's Spurge	<i>Chamaesyce hooveri</i>	Final
	https://ecos.fws.gov/ecp/species/3019#crithab	
Huachuca Water-umbel	<i>Lilaeopsis schaffneriana</i> var. <i>recurva</i>	Final
	https://ecos.fws.gov/ecp/species/1201#crithab	
Humpback Chub	<i>Gila cypha</i>	Final
	https://ecos.fws.gov/ecp/species/3930#crithab	
Inyo California Towhee	<i>Melospiza crissalis eremophilus</i>	Final
	https://ecos.fws.gov/ecp/species/3912#crithab	
Jaguar	<i>Panthera onca</i>	Final
	https://ecos.fws.gov/ecp/species/3944#crithab	
Jemez Mountains Salamander	<i>Plethodon neomexicanus</i>	Final
	https://ecos.fws.gov/ecp/species/4095#crithab	
June Sucker	<i>Chasmistes liorus</i>	Final
	https://ecos.fws.gov/ecp/species/4133#crithab	
Keck's Checker-mallow	<i>Sidalcea keckii</i>	Final
	https://ecos.fws.gov/ecp/species/5704#crithab	

Kern Canyon Slender Salamander	<i>Batrachoseps simatus</i>	Proposed
	https://ecos.fws.gov/ecp/species/5736#crithab	
Kneeland Prairie Penny-cress	<i>Thlaspi californicum</i>	Final
	https://ecos.fws.gov/ecp/species/3743#crithab	
Koster's Springsnail	<i>Juturnia kosteri</i>	Final
	https://ecos.fws.gov/ecp/species/3126#crithab	
La Graciosa Thistle	<i>Cirsium loncholepis</i>	Final
	https://ecos.fws.gov/ecp/species/6547#crithab	
Laguna Mountains Skipper	<i>Pyrgus ruralis lagunae</i>	Final
	https://ecos.fws.gov/ecp/species/6237#crithab	
Lane Mountain Milk-vetch	<i>Astragalus jaegerianus</i>	Final
	https://ecos.fws.gov/ecp/species/5775#crithab	
Large-flowered Fiddleneck	<i>Amsinckia grandiflora</i>	Final
	https://ecos.fws.gov/ecp/species/5558#crithab	
Lassics Lupine	<i>Lupinus constancei</i>	Final
	https://ecos.fws.gov/ecp/species/7976#crithab	
Least Bell's Vireo	<i>Vireo bellii pusillus</i>	Final
	https://ecos.fws.gov/ecp/species/5945#crithab	
Leon Springs Pupfish	<i>Cyprinodon bovinus</i>	Final
	https://ecos.fws.gov/ecp/species/1135#crithab	
Little Colorado Spinedace	<i>Lepidomeda vittata</i>	Final
	https://ecos.fws.gov/ecp/species/6640#crithab	
Little Kern Golden Trout	<i>Oncorhynchus aguabonita whitei</i>	Final
	https://ecos.fws.gov/ecp/species/5041#crithab	
Loach Minnow	<i>Tiaroga cobitis</i>	Final
	https://ecos.fws.gov/ecp/species/6922#crithab	

Lompoc Yerba Santa <i>Eriodictyon capitatum</i> https://ecos.fws.gov/ecp/species/364#crithab	Final
Longhorn Fairy Shrimp <i>Branchinecta longiantenna</i> https://ecos.fws.gov/ecp/species/4294#crithab	Final
Lost River Sucker <i>Deltistes luxatus</i> https://ecos.fws.gov/ecp/species/5604#crithab	Final
Lyon's Pentachaeta <i>Pentachaeta lyonii</i> https://ecos.fws.gov/ecp/species/4699#crithab	Final
Marbled Murrelet <i>Brachyramphus marmoratus</i> https://ecos.fws.gov/ecp/species/4467#crithab	Final
Mexican Flannelbush <i>Fremontodendron mexicanum</i> https://ecos.fws.gov/ecp/species/7495#crithab	Final
Mexican Spotted Owl <i>Strix occidentalis lucida</i> https://ecos.fws.gov/ecp/species/8196#crithab	Final
Monterey Spineflower <i>Chorizanthe pungens</i> var. <i>pungens</i> https://ecos.fws.gov/ecp/species/396#crithab	Final
Morro Bay Kangaroo Rat <i>Dipodomys heermanni</i> <i>morroensis</i> https://ecos.fws.gov/ecp/species/6367#crithab	Final
Morro Shoulderband (=banded Dune) Snail <i>Helminthoglypta walkeriana</i> https://ecos.fws.gov/ecp/species/2309#crithab	Final
Mount Charleston Blue Butterfly <i>Icaricia (Plebejus) shasta</i> <i>charlestonensis</i> https://ecos.fws.gov/ecp/species/2964#crithab	Final
Mount Graham Red Squirrel <i>Tamiasciurus fremonti</i> <i>grahamensis</i> https://ecos.fws.gov/ecp/species/8370#crithab	Final

Mountain Yellow-legged Frog	<i>Rana muscosa</i>	Final
Northern California DPS		
https://ecos.fws.gov/ecp/species/8037#crithab		
Mountain Yellow-legged Frog	<i>Rana muscosa</i>	Final
Southern California DPS		
https://ecos.fws.gov/ecp/species/8037#crithab		
Munz's Onion	<i>Allium munzii</i>	Final
https://ecos.fws.gov/ecp/species/2951#crithab		
Narrow-headed Gartersnake	<i>Thamnophis rufipunctatus</i>	Final
https://ecos.fws.gov/ecp/species/2204#crithab		
Navajo Sedge	<i>Carex specuicola</i>	Final
https://ecos.fws.gov/ecp/species/8579#crithab		
Nevin's Barberry	<i>Berberis nevinii</i>	Final
https://ecos.fws.gov/ecp/species/8025#crithab		
New Mexican Ridge-nosed Rattlesnake	<i>Crotalus willardi</i>	Final
obscurus		
https://ecos.fws.gov/ecp/species/3657#crithab		
New Mexico Meadow Jumping Mouse	<i>Zapus hudsonius</i>	Final
luteus		
https://ecos.fws.gov/ecp/species/7965#crithab		
Noel's Amphipod	<i>Gammarus desperatus</i>	Final
https://ecos.fws.gov/ecp/species/8042#crithab		
Northern Mexican Gartersnake	<i>Thamnophis eques</i>	Final
megalops		
https://ecos.fws.gov/ecp/species/7655#crithab		
Northern Spotted Owl	<i>Strix occidentalis caurina</i>	Final
https://ecos.fws.gov/ecp/species/1123#crithab		
Oregon Spotted Frog	<i>Rana pretiosa</i>	Final
https://ecos.fws.gov/ecp/species/6633#crithab		

Otay Tarplant	Deinandra (=Hemizonia) conjugens	Final
	https://ecos.fws.gov/ecp/species/5687#crithab	
Owens Tui Chub	Gila bicolor ssp. snyderi	Final
	https://ecos.fws.gov/ecp/species/7289#crithab	
Pacific Marten, Coastal Distinct Population Segment	Martes caurina	Final
	https://ecos.fws.gov/ecp/species/9081#crithab	
Pagosa Skyrocket	Ipomopsis polyantha	Final
	https://ecos.fws.gov/ecp/species/1852#crithab	
Palos Verdes Blue Butterfly	Glaucopsyche lygdamus palosverdesensis	Final
	https://ecos.fws.gov/ecp/species/8535#crithab	
Parachute Beardtongue	Penstemon debilis	Final
	https://ecos.fws.gov/ecp/species/7099#crithab	
Parish's Daisy	Erigeron parishii	Final
	https://ecos.fws.gov/ecp/species/8446#crithab	
Pecos (=puzzle, =paradox) Sunflower	Helianthus paradoxus	Final
	https://ecos.fws.gov/ecp/species/7211#crithab	
Pecos Amphipod	Gammarus pecos	Final
	https://ecos.fws.gov/ecp/species/4290#crithab	
Pecos Assiminea Snail	Assiminea pecos	Final
	https://ecos.fws.gov/ecp/species/4519#crithab	
Pecos Bluntnose Shiner	Notropis simus pecosensis	Final
	https://ecos.fws.gov/ecp/species/4362#crithab	
Peirson's Milk-vetch	Astragalus magdalenae var. peirsonii	Final
	https://ecos.fws.gov/ecp/species/4933#crithab	

Peninsular Bighorn Sheep <i>Ovis canadensis nelsoni</i> https://ecos.fws.gov/ecp/species/4970#crithab	Final
Peppered Chub <i>Macrhybopsis tetranema</i> https://ecos.fws.gov/ecp/species/532#crithab	Final
Phantom Springsnail <i>Pyrgulopsis texana</i> https://ecos.fws.gov/ecp/species/465#crithab	Final
Phantom Tryonia <i>Tryonia cheatumi</i> https://ecos.fws.gov/ecp/species/4779#crithab	Final
Purple Amole <i>Chlorogalum purpureum</i> https://ecos.fws.gov/ecp/species/5531#crithab	Final
Quino Checkerspot Butterfly <i>Euphydryas editha quino</i> (=E. e. wrighti) https://ecos.fws.gov/ecp/species/5900#crithab	Final
Railroad Valley Springfish <i>Crenichthys nevadae</i> https://ecos.fws.gov/ecp/species/302#crithab	Final
Razorback Sucker <i>Xyrauchen texanus</i> https://ecos.fws.gov/ecp/species/530#crithab	Final
Relictual Slender Salamander <i>Batrachoseps relictus</i> https://ecos.fws.gov/ecp/species/7408#crithab	Proposed
Rio Grande Silvery Minnow <i>Hybognathus amarus</i> https://ecos.fws.gov/ecp/species/1391#crithab	Final
Riverside Fairy Shrimp <i>Streptocephalus woottoni</i> https://ecos.fws.gov/ecp/species/8148#crithab	Final
Robust Spineflower <i>Chorizanthe robusta</i> var. <i>robusta</i> https://ecos.fws.gov/ecp/species/9287#crithab	Final
Roswell Springsnail <i>Pyrgulopsis roswellensis</i> https://ecos.fws.gov/ecp/species/923#crithab	Final

Sacramento Mountains Checkerspot Butterfly	<i>Euphydryas anicia cloudcrofti</i>	Proposed
	https://ecos.fws.gov/ecp/species/1546#crithab	
Sacramento Orcutt Grass	<i>Orcuttia viscida</i>	Final
	https://ecos.fws.gov/ecp/species/5507#crithab	
Salina Mucket	<i>Potamilus metnecktayii</i>	Proposed
	https://ecos.fws.gov/ecp/species/8753#crithab	
San Bernardino Bluegrass	<i>Poa atropurpurea</i>	Final
	https://ecos.fws.gov/ecp/species/4641#crithab	
San Bernardino Merriam's Kangaroo Rat	<i>Dipodomys merriami parvus</i>	Final
	https://ecos.fws.gov/ecp/species/2060#crithab	
San Bernardino Mountains Bladderpod	<i>Lesquerella kingii</i> ssp. <i>bernardina</i>	Final
	https://ecos.fws.gov/ecp/species/809#crithab	
San Bernardino Springsnail	<i>Pyrgulopsis bernardina</i>	Final
	https://ecos.fws.gov/ecp/species/1778#crithab	
San Diego Ambrosia	<i>Ambrosia pumila</i>	Final
	https://ecos.fws.gov/ecp/species/8287#crithab	
San Diego Fairy Shrimp	<i>Branchinecta sandiegonensis</i>	Final
	https://ecos.fws.gov/ecp/species/6945#crithab	
San Diego Thornmint	<i>Acanthomintha ilicifolia</i>	Final
	https://ecos.fws.gov/ecp/species/351#crithab	
San Francisco Peaks Ragwort	<i>Packera franciscana</i>	Final
	https://ecos.fws.gov/ecp/species/1721#crithab	
San Joaquin Valley Orcutt Grass	<i>Orcuttia inaequalis</i>	Final
	https://ecos.fws.gov/ecp/species/5506#crithab	

Sand Dune Phacelia	<i>Phacelia argentea</i>	Final
For information on why this critical habitat appears for your project, even though Sand Dune Phacelia is not on the list of potentially affected species at this location, contact the local field office. https://ecos.fws.gov/ecp/species/599#crithab		
Santa Ana Sucker	<i>Catostomus santaanae</i>	Final
https://ecos.fws.gov/ecp/species/3785#crithab		
Santa Cruz Tarplant	<i>Holocarpha macradenia</i>	Final
https://ecos.fws.gov/ecp/species/6832#crithab		
Scotts Valley Polygonum	<i>Polygonum hickmanii</i>	Final
https://ecos.fws.gov/ecp/species/3222#crithab		
Scotts Valley Spineflower	<i>Chorizanthe robusta</i> var. <i>hartwegii</i>	Final
https://ecos.fws.gov/ecp/species/7108#crithab		
Shivwits Milk-vetch	<i>Astragalus ampullarioides</i>	Final
https://ecos.fws.gov/ecp/species/5840#crithab		
Shortnose Sucker	<i>Chasmistes brevirostris</i>	Final
https://ecos.fws.gov/ecp/species/7160#crithab		
Sierra Nevada Bighorn Sheep	<i>Ovis canadensis sierrae</i>	Final
https://ecos.fws.gov/ecp/species/3646#crithab		
Sierra Nevada Yellow-legged Frog	<i>Rana sierrae</i>	Final
https://ecos.fws.gov/ecp/species/9529#crithab		
Slender Orcutt Grass	<i>Orcuttia tenuis</i>	Final
https://ecos.fws.gov/ecp/species/1063#crithab		
Soft Bird's-beak	<i>Cordylanthus mollis</i> ssp. <i>mollis</i>	Final
https://ecos.fws.gov/ecp/species/8541#crithab		
Solano Grass	<i>Tuctoria mucronata</i>	Final
https://ecos.fws.gov/ecp/species/8302#crithab		

Sonora Chub	<i>Gila ditaenia</i>	Final
	https://ecos.fws.gov/ecp/species/1394#crithab	
Southern Mountain Wild-buckwheat	<i>Eriogonum kennedyi</i>	Final
var. austromontanum		
	https://ecos.fws.gov/ecp/species/7201#crithab	
Southwestern Willow Flycatcher	<i>Empidonax traillii extimus</i>	Final
	https://ecos.fws.gov/ecp/species/6749#crithab	
Spikedace	<i>Meda fulgida</i>	Final
	https://ecos.fws.gov/ecp/species/6493#crithab	
Spreading Navarretia	<i>Navarretia fossalis</i>	Final
	https://ecos.fws.gov/ecp/species/1334#crithab	
Spring-loving Centaury	<i>Centaureum namophilum</i>	Final
	https://ecos.fws.gov/ecp/species/5559#crithab	
Suisun Thistle	<i>Cirsium hydrophilum</i> var. <i>hydrophilum</i>	Final
	https://ecos.fws.gov/ecp/species/2369#crithab	
Texas Hornshell	<i>Popenaias popeii</i>	Proposed
	https://ecos.fws.gov/ecp/species/919#crithab	
Thread-leaved Brodiaea	<i>Brodiaea filifolia</i>	Final
	https://ecos.fws.gov/ecp/species/6087#crithab	
Three Forks Springsnail	<i>Pyrgulopsis trivialis</i>	Final
	https://ecos.fws.gov/ecp/species/1017#crithab	
Tidewater Goby	<i>Eucyclogobius newberryi</i>	Final
	https://ecos.fws.gov/ecp/species/57#crithab	
Tiehm's Buckwheat	<i>Eriogonum tiehmii</i>	Proposed
	https://ecos.fws.gov/ecp/species/4217#crithab	
Todsen's Pennyroyal	<i>Hedeoma todsenii</i>	Final
	https://ecos.fws.gov/ecp/species/1081#crithab	

Vail Lake Ceanothus	<i>Ceanothus ophiochilus</i>	Final
	https://ecos.fws.gov/ecp/species/4566#crithab	
Valley Elderberry Longhorn Beetle	<i>Desmocerus californicus dimorphus</i>	Final
	https://ecos.fws.gov/ecp/species/7850#crithab	
Vandenberg Monkeyflower	<i>Diplacus vandenbergensis</i>	Final
For information on why this critical habitat appears for your project, even though Vandenberg Monkeyflower is not on the list of potentially affected species at this location, contact the local field office.		
	https://ecos.fws.gov/ecp/species/9079#crithab	
Ventura Marsh Milk-vetch	<i>Astragalus pycnostachyus</i> var. <i>lanosissimus</i>	Final
	https://ecos.fws.gov/ecp/species/1160#crithab	
Vernal Pool Fairy Shrimp	<i>Branchinecta lynchi</i>	Final
	https://ecos.fws.gov/ecp/species/498#crithab	
Vernal Pool Tadpole Shrimp	<i>Lepidurus packardii</i>	Final
	https://ecos.fws.gov/ecp/species/2246#crithab	
Virgin River Chub	<i>Gila seminuda</i> (=robusta)	Final
	https://ecos.fws.gov/ecp/species/1772#crithab	
Webber's Ivesia	<i>Ivesia webberi</i>	Final
	https://ecos.fws.gov/ecp/species/4682#crithab	
Welsh's Milkweed	<i>Asclepias welshii</i>	Final
	https://ecos.fws.gov/ecp/species/8400#crithab	
Western Snowy Plover	<i>Charadrius nivosus nivosus</i>	Final
	https://ecos.fws.gov/ecp/species/8035#crithab	
White River Spinedace	<i>Lepidomeda albivallis</i>	Final
	https://ecos.fws.gov/ecp/species/6900#crithab	

White River Springfish	<i>Crenichthys baileyi baileyi</i>	Final
	https://ecos.fws.gov/ecp/species/5633#crithab	
Willow Monardella	<i>Monardella viminea</i>	Final
	https://ecos.fws.gov/ecp/species/250#crithab	
Woundfin	<i>Plagopterus argentissimus</i>	Final
	https://ecos.fws.gov/ecp/species/49#crithab	
Wright's Marsh Thistle	<i>Cirsium wrightii</i>	Final
	https://ecos.fws.gov/ecp/species/8963#crithab	
Yadon's Piperia	<i>Piperia yadonii</i>	Final
	https://ecos.fws.gov/ecp/species/4205#crithab	
Yaqui Catfish	<i>Ictalurus pricei</i>	Final
	https://ecos.fws.gov/ecp/species/5432#crithab	
Yaqui Chub	<i>Gila purpurea</i>	Final
	https://ecos.fws.gov/ecp/species/3414#crithab	
Yellow Larkspur	<i>Delphinium luteum</i>	Final
	https://ecos.fws.gov/ecp/species/3578#crithab	
Yellow-billed Cuckoo	<i>Coccyzus americanus</i>	Final
	https://ecos.fws.gov/ecp/species/3911#crithab	
Yosemite Toad	<i>Anaxyrus canorus</i>	Final
	https://ecos.fws.gov/ecp/species/7255#crithab	
Zayante Band-winged Grasshopper	<i>Trimerotropis infantilis</i>	Final
	https://ecos.fws.gov/ecp/species/1036#crithab	
Zuni Bluehead Sucker	<i>Catostomus discobolus yarrowi</i>	Final
	https://ecos.fws.gov/ecp/species/3536#crithab	

Bald & Golden Eagles

There are no documented cases of eagles being present at this location. However, if you believe eagles may be using your site, please reach out to the local Fish and Wildlife Service office.

Additional information can be found using the following links:

- Eagle Management <https://www.fws.gov/program/eagle-management>
- Measures for avoiding and minimizing impacts to birds
<https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds>
- Nationwide conservation measures for birds
<https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>
- Supplemental Information for Migratory Birds and Eagles in IPaC
<https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

Bald and Golden Eagle information is not available at this time

What does IPaC use to generate the potential presence of bald and golden eagles in my specified location?

The potential for eagle presence is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply). To see a list of all birds potentially present in your project area, please visit the [Rapid Avian Information Locator \(RAIL\) Tool](#).

What does IPaC use to generate the probability of presence graphs of bald and golden eagles in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [Rapid Avian Information Locator \(RAIL\) Tool](#).

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to obtain a permit to avoid violating the [Eagle Act](#) should such impacts occur. Please contact your local Fish and Wildlife Service Field Office if you have questions.

Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described below.

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.

Additional information can be found using the following links:

- Eagle Management <https://www.fws.gov/program/eagle-management>
- Measures for avoiding and minimizing impacts to birds
<https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds>
- Nationwide conservation measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>
- Supplemental Information for Migratory Birds and Eagles in IPaC
<https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

Migratory bird information is not available at this time

Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the list of migratory birds that potentially occur in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [Rapid Avian Information Locator \(RAIL\) Tool](#).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go to the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering or migrating in my area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may query your location using the [RAIL Tool](#) and look at the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

Marine mammals

Marine mammals are protected under the [Marine Mammal Protection Act](#). Some are also protected under the Endangered Species Act¹ and the Convention on International Trade in Endangered Species of Wild Fauna and Flora².

The responsibilities for the protection, conservation, and management of marine mammals are shared by the U.S. Fish and Wildlife Service [responsible for otters, walruses, polar bears, manatees, and dugongs] and NOAA Fisheries³ [responsible for seals, sea lions, whales, dolphins, and porpoises]. Marine mammals under the responsibility of NOAA Fisheries are **not** shown on this list; for additional information on those species please visit the [Marine Mammals](#) page of the NOAA Fisheries website.

The Marine Mammal Protection Act prohibits the take of marine mammals and further coordination may be necessary for project evaluation. Please contact the U.S. Fish and Wildlife Service Field Office shown.

1. The [Endangered Species Act](#) (ESA) of 1973.
2. The [Convention on International Trade in Endangered Species of Wild Fauna and Flora](#) (CITES) is a treaty to ensure that international trade in plants and animals does not threaten their survival in the wild.
3. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following marine mammals under the responsibility of the U.S. Fish and Wildlife Service are potentially affected by activities in this location:

NAME

Southern Sea Otter *Enhydra lutris nereis*
<https://ecos.fws.gov/ecp/species/8560>

Facilities

Wildlife refuges and fish hatcheries

Refuge and fish hatchery information is not available at this time

Wetlands in the National Wetlands Inventory (NWI)

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Wetland information is not available at this time

This can happen when the National Wetlands Inventory (NWI) map service is unavailable, or for very large projects that intersect many wetland areas. Try again, or visit the [NWI map](#) to view wetlands at this location.

Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local

government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate Federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

NOT FOR CONSULTATION

NOAA FISHERIES



Species Directory

- All Species
- ESA Threatened & Endangered
- Marine Mammals
- Sustainable Seafood

ESA Threatened & Endangered

NOAA Fisheries has jurisdiction over 165 endangered and threatened marine species (80 endangered; 85 threatened), including [66 foreign species](#) (40 endangered; 26 threatened).

Additional species are currently under review or have been proposed for Endangered Species Act listing: [1 petitioned species](#) awaiting a 90-day finding, [9 candidate species](#) for ESA listing, [11 proposed species](#) for ESA listing.

In the table below, the Region column shows if the species can be found in a NOAA Fisheries region. If the species occurs only in areas beyond the U.S. exclusive economic zone and territorial waters, the region is labeled as Foreign.

Species Name

Species Category

All

▼

Protected Status

All

▼

Region

West Coast

▼

Display

All

▼

Display All

Species Name ▼	Species Category	Listed Entity	Protected Status	Year Listed	Recovery Plan	Critical Habitat	Region
Black Abalone <i>Haliotis cracherodii</i>	SPECIES CATEGORY Invertebrates - Abalone	Species	ESA Endangered	2009	Final	Final	West Coast
Blue Whale <i>Balaenoptera musculus</i>	SPECIES CATEGORY Whales	Species	ESA Endangered	1970	Final	---	Alaska New England/Mid-Atlantic Pacific Islands Southeast West Coast
Bocaccio (Protected) <i>Sebastes paucispinis</i> Also Known As	SPECIES CATEGORY Fish - Groundfish - Protected Fish	Puget Sound/Georgia Basin DPS	ESA Endangered	2010	Final	Final	Alaska West Coast

Species Name ▼	Species Category	Listed Entity	Protected Status	Year Listed	Recovery Plan	Critical Habitat	Region
Bocaccio, Rock Salmon, Salmon Rockfish, Pacific Red Snapper, Pacific Snapper, Oregon Red Snapper, Oregon Snapper, Longjaw, Merou, Jack, Snapper, Rock Cod, Rockfish							
Chinook Salmon (Protected) <i>Oncorhynchus tshawytscha</i>	SPECIES CATEGORY Fish - Protected Fish	Sacramento River winter-run	ESA Endangered	1994	Final	Final	Alaska West Coast
		Upper Columbia River spring-run	ESA Endangered	1999	Final	Final	Alaska West Coast
		California coastal	ESA Threatened	1999	Final	Final	Alaska West Coast
		Central Valley spring-run	ESA Threatened	1999	Final	Final	Alaska West Coast
		Lower Columbia River	ESA Threatened	1999	Final	Final	Alaska West Coast
		Puget Sound	ESA Threatened	1999	Final	Final	Alaska West Coast
		Snake River fall-run	ESA Threatened	1992	Final	Final	Alaska West Coast
		Snake River spring/summer-run	ESA Threatened	1992	Final	Final	Alaska West Coast
		Upper Willamette River	ESA Threatened	2005	Final	Final	Alaska West Coast
		Central Valley spring-run in the San Joaquin River XN	ESA Experimental Population	---	---	---	Alaska West Coast
		Upper Columbia River spring-run in the Okanogan River subbasin XN	ESA Experimental Population	---	---	---	Alaska West Coast
		Central Valley spring-run XN Shasta	ESA Experimental Population	---	---	---	West Coast
		Sacramento winter-run XN Shasta	ESA Experimental Population	---	---	---	West Coast
		Central Valley spring-run XN Yuba	ESA Experimental Population	---	---	---	West Coast
		Upper Klamath-Trinity River	ESA Candidate	---	---	---	Alaska West Coast
		Oregon Coast	ESA Candidate	---	---	---	West Coast
		Southern Oregon and Northern California Coastal	ESA Candidate	---	---	---	West Coast
Chum Salmon (Protected) <i>Oncorhynchus keta</i>	SPECIES CATEGORY Fish - Protected Fish	Columbia River ESU	ESA Threatened	1999	Final	Final	Alaska West Coast
		Hood Canal summer-run ESU	ESA Threatened	1999	Final	Final	Alaska West Coast
Coho Salmon (Protected)	SPECIES CATEGORY Fish	Central California Coast ESU	ESA Endangered	2005; 1996 (original)	Final	Final	Alaska West Coast

Species Name ▼	Species Category	Listed Entity	Protected Status	Year Listed	Recovery Plan	Critical Habitat	Region
<i>Oncorhynchus kisutch</i>	- Protected Fish	Lower Columbia River ESU	ESA Threatened	2005	Final	Final	Alaska West Coast
		Oregon coast ESU	ESA Threatened	2008	Final	Final	Alaska West Coast
		Southern Oregon & Northern California coasts ESU	ESA Threatened	1997	Final	Final	Alaska West Coast
Eulachon <i>Thaleichthys pacificus</i>	SPECIES CATEGORY Fish - Protected Fish	Southern DPS	ESA Threatened	2010	Final	Final	Alaska West Coast
False Killer Whale <i>Pseudorca crassidens</i>	SPECIES CATEGORY Whales SPECIES CATEGORY Dolphins & Porpoises	Main Hawaiian Islands Insular DPS	ESA Endangered	2012	Final	Final	Pacific Islands
Fin Whale <i>Balaenoptera physalus</i>	SPECIES CATEGORY Whales	Species	ESA Endangered	1970	Final	---	Alaska New England/Mid-Atlantic Pacific Islands Southeast West Coast
Gray Whale <i>Eschrichtius robustus</i>	SPECIES CATEGORY Whales	Western North Pacific DPS	ESA Endangered	1994; 1970 (original)	---	---	Alaska West Coast
Green Sturgeon <i>Acipenser medirostris</i>	SPECIES CATEGORY Fish - Protected Fish	Southern DPS	ESA Threatened	2006	Final	Final	Alaska West Coast

Species Name ▼	Species Category	Listed Entity	Protected Status	Year Listed	Recovery Plan	Critical Habitat	Region
Green Turtle <i>Chelonia mydas</i>	SPECIES CATEGORY Sea Turtles	Central South Pacific DPS	ESA Endangered	2016	Final	---	Pacific Islands
		Central West Pacific DPS	ESA Endangered	2016	Final	---	Pacific Islands
		Mediterranean DPS	ESA Endangered - Foreign	2016	---	---	Foreign
		Central North Pacific DPS	ESA Threatened	2016	Final	---	Pacific Islands
		East Pacific DPS	ESA Threatened	2016	Final	---	West Coast
		North Atlantic DPS	ESA Threatened	2016	Final	Final	New England/Mid-Atlantic Southeast
		South Atlantic DPS	ESA Threatened	2016	Final	---	Southeast
		East Indian-West Pacific DPS	ESA Threatened - Foreign	2016	---	---	Foreign
		North Indian DPS	ESA Threatened - Foreign	2016	---	---	Foreign
		Southwest Indian DPS	ESA Threatened - Foreign	2016	---	---	Foreign
		Southwest Pacific DPS	ESA Threatened - Foreign	2016	---	---	Foreign
Guadalupe Fur Seal <i>Arctocephalus townsendi</i>	SPECIES CATEGORY Seals & Sea Lions	Species	ESA Threatened	1985	---	---	Alaska West Coast
Humpback Whale <i>Megaptera novaeangliae</i>	SPECIES CATEGORY Whales	Central America DPS	ESA Endangered	2016	Under Development	Final	West Coast
		Western North Pacific DPS	ESA Endangered	2016	Under Development	Final	Alaska
		Arabian Sea DPS	ESA Endangered - Foreign	2016	Final	---	Foreign
		Cape Verde Islands/Northwest Africa DPS	ESA Endangered - Foreign	2016	Final	---	Foreign
		Mexico DPS	ESA Threatened	2016	Under Development	Final	Alaska West Coast
Killer Whale <i>Orcinus orca</i> Also Known As Orca	SPECIES CATEGORY Dolphins & Porpoises SPECIES CATEGORY Whales	Southern Resident DPS	ESA Endangered	2005	Final	Final	Alaska West Coast
Leatherback Turtle <i>Dermochelys coriacea</i>	SPECIES CATEGORY Sea Turtles	Species	ESA Endangered	1970	Final	Final (U.S. Caribbean) Final (U.S. West Coast)	New England/Mid-Atlantic Pacific Islands Southeast West Coast
Loggerhead Turtle <i>Caretta caretta</i>	SPECIES CATEGORY Sea Turtles	North Pacific Ocean DPS	ESA Endangered	2011	Final	No	Pacific Islands West Coast
		Mediterranean Sea DPS	ESA Endangered - Foreign	2011	---	---	Foreign

Species Name ▼	Species Category	Listed Entity	Protected Status	Year Listed	Recovery Plan	Critical Habitat	Region
		Northeast Atlantic Ocean DPS	ESA Endangered - Foreign	2011	---	---	Foreign
		North Indian Ocean DPS	ESA Endangered - Foreign	2011	---	---	Foreign
		South Pacific Ocean DPS	ESA Endangered - Foreign	2011	---	---	Foreign
		Northwest Atlantic Ocean DPS	ESA Threatened	2011	Final	Final	New England/Mid-Atlantic Southeast
		South Atlantic Ocean DPS	ESA Threatened - Foreign	2011	---	---	Foreign
		Southeast Indo-Pacific Ocean DPS	ESA Threatened - Foreign	2011	---	---	Foreign
		Southwest Indian Ocean DPS	ESA Threatened - Foreign	2011	---	---	Foreign
North Pacific Right Whale <i>Eubalaena japonica</i>	SPECIES CATEGORY Whales	Species	ESA Endangered	2008; 1970 (original)	Final	Final	Alaska West Coast
Oceanic Whitetip Shark <i>Carcharhinus longimanus</i>	SPECIES CATEGORY Fish - Highly Migratory Fish - Protected Fish - Sharks	Species	ESA Threatened	2018	Final	Not Prudent	New England/Mid-Atlantic Pacific Islands Southeast West Coast
Olive Ridley Turtle <i>Lepidochelys olivacea</i>	SPECIES CATEGORY Sea Turtles	Mexico's Pacific coast breeding populations	ESA Endangered	1978	Final	---	West Coast
		All other populations	ESA Threatened	---	---	---	Pacific Islands Southeast West Coast
Scalloped Hammerhead Shark <i>Sphyrna lewini</i>	SPECIES CATEGORY Fish - Highly Migratory Fish - Protected Fish - Sharks	Eastern Pacific DPS	ESA Endangered	2014	---	No	West Coast
		Eastern Atlantic DPS	ESA Endangered - Foreign	2014	---	---	Foreign
		Central & Southwest Atlantic DPS	ESA Threatened	2014	---	No	Southeast
		Indo-West Pacific DPS	ESA Threatened	2014	---	No	Pacific Islands
Sei Whale <i>Balaenoptera borealis</i>	SPECIES CATEGORY Whales	Species	ESA Endangered	1970	Final	---	Alaska New England/Mid-Atlantic Pacific Islands Southeast West Coast
Sockeye Salmon (Protected) <i>Oncorhynchus nerka</i>	SPECIES CATEGORY Fish - Protected Fish	Snake River ESU	ESA Endangered	1991	Final	Final	Alaska West Coast
		Ozette Lake ESU	ESA Threatened	1999	Final	Final	Alaska West Coast
Sperm Whale <i>Physeter macrocephalus</i>	SPECIES CATEGORY Whales	Species	ESA Endangered	1970	Final	---	Alaska New England/Mid-Atlantic Pacific Islands

Species Name ▼	Species Category	Listed Entity	Protected Status	Year Listed	Recovery Plan	Critical Habitat	Region
							Southeast West Coast
Steelhead Trout <i>Oncorhynchus mykiss</i>	SPECIES CATEGORY Fish - Protected Fish	Southern California DPS	ESA Endangered	1997	Final	Final	Alaska West Coast
		California Central Valley DPS	ESA Threatened	1998	Final	Final	Alaska West Coast
		Central California Coast DPS	ESA Threatened	1997	Final	Final	Alaska West Coast
		Lower Columbia River DPS	ESA Threatened	1998	Final	Final	Alaska West Coast
		Middle Columbia River	ESA Threatened	1999	Final	Final	Alaska West Coast
		Northern California DPS	ESA Threatened	2000	Final	Final	Alaska West Coast
		Puget Sound DPS	ESA Threatened	2007	Final	Final	Alaska West Coast
		Snake River Basin DPS	ESA Threatened	2006	Final	Final	Alaska West Coast
		South-Central California Coast DPS	ESA Threatened	1997	Final	Final	Alaska West Coast
		Upper Columbia River DPS	ESA Threatened	2006; 1997 (original)	Final	Final	Alaska West Coast
		Upper Willamette River DPS	ESA Threatened	1999	Final	Final	Alaska West Coast
		Middle Columbia River XN	ESA Experimental Population	---	---	---	Alaska West Coast
		Olympic Peninsula DPS	ESA Candidate	---	---	---	West Coast
Steller Sea Lion <i>Eumetopias jubatus</i>	SPECIES CATEGORY Seals & Sea Lions	Western DPS	ESA Endangered	1997; 1990 (original)	Final	Final	Alaska West Coast
White Abalone <i>Haliotis sorenseni</i>	SPECIES CATEGORY Invertebrates - Abalone	Species	ESA Endangered	2001	Final	Not Prudent	West Coast
Yelloweye Rockfish <i>Sebastes ruberrimus</i>	SPECIES CATEGORY Fish - Protected Fish	Puget Sound/ Georgia Basin DPS	ESA Threatened	2010	Final	Final	Alaska West Coast