



US Army Corps
of Engineers®
San Francisco District

Regulatory Division, Eureka Field Office
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SAN FRANCISCO DISTRICT

PUBLIC NOTICE

PROJECT: Wildfire Prevention, Protection, Response, Clean-up, and Restoration Regional
General Permit

PUBLIC NOTICE NUMBER: 2022-00208

PUBLIC NOTICE DATE: August 15, 2022

COMMENTS DUE DATE: September 15, 2022

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1. **INTRODUCTION:** The U.S. Army Corps of Engineers Los Angeles, Sacramento, and San Francisco Districts (Districts) (POC: Keith Hess, 707-443-0855), USACE, San Francisco District Office, 450 Golden Gate Ave, San Francisco, California, are proposing to issue Regional General Permits (RGPs) authorizing activities involving the discharge of dredged or fill material into waters of the United States, including wetlands, and/or work in or affecting navigable waters of the United States for wildfire protection, prevention, response, clean-up, and restoration in the State of California. This Department of the Army Regional General Permit (RGP) is being processed pursuant to the provisions of Section 404 of the Clean Water Act of 1972, as amended (33 U.S.C. § 1344 *et seq.*), and Section 10 of the Rivers and Harbors Act of 1899, as amended (33 U.S.C. § 403 *et seq.*).

2. **PROPOSED PROJECT:**

Project Site Location: Project site locations include all waters of the United States, including navigable waters, within the State of California.

Project Description: The project includes all prevention, protection, response, clean-up, and restoration activities within California as described in Table 1. The covered activities include measures for both public and private infrastructure including but not limited to existing public utilities, commercial and residential developments.

Basic Project Purpose: The basic project purpose comprises the fundamental, essential, or irreducible

purpose of the project, and is used by USACE to determine whether the project is water dependent. The basic project purpose is to conduct activities necessary to aid in the protection, prevention, response, clean-up, and restoration that involve the discharge of dredged or fill material into waters of the United States, including wetlands, and/or work in or affecting navigable waters of the United States

Overall Project Purpose: The overall project purpose serves as the basis for the Section 404(b)(1) alternatives analysis and is determined by further defining the basic project purpose in a manner that more specifically describes the applicant's goals for the project while allowing a reasonable range of alternatives to be analyzed. The overall project purpose is to conduct activities necessary to aid in the protection, prevention, response, clean-up, and restoration, in response to Wildfires, that involve the discharge of dredged or fill material into waters of the United States, including wetlands, and/or work in or affecting navigable waters of the United States within the State of California.

Project Impacts: Project impacts would be associated with the implementation of those activities described in Table 1 that would result in material being discharged into jurisdictional waters and the area of jurisdictional waters to be permanently and/or temporarily affected by the discharge.

Proposed Avoidance, Minimization, and

Mitigation: Exemptions: This RGP will not be for the following activities: Reclamation of lands lost to normal erosion processes over an extended period; authorization of construction of new permanent debris retention structures in waters of the United States; Authorization of new stream channelization or stream relocation projects; any project resulting in the loss of waters of the U.S., including the loss of streambed, as per Section F of the March 15, 2021, *Federal Register Notice for Reissuance and Modification of Nationwide Permits; Final Rule* (86 FR 2744), which can be found at: <https://www.federalregister.gov/documents/2021/01/13/202100102/reissuance-andmodification-of-nationwide-permits>.

- a. Loss of waters of the U.S., including wetlands, shall not exceed 0.5 acre or 300-linear feet of streambed; and,
- b. The linear foot loss of streambed shall be included in the 0.5-acre threshold for loss of waters of the U.S.

Restoration. To be authorized by this RGP, restoration activities must restore the aquatic resource to pre-fire conditions (e.g., the same stream width, depth, slope, and vegetation), to the maximum extent practicable, and must resemble an appropriate aquatic ecological reference site. The Corps retains the right to determine the extent of the pre-existing conditions and the extent of any restoration work authorized by this permit.

Bank Stabilization. Any activity that involves new bank stabilization shall be done using bioengineered design techniques, such as vegetative plantings, root wads, and/or large woody debris, unless determined to be not practicable by the Corps. Bank stabilization must not be more than 1,000 feet along the length of the treated bank, below the plane of the ordinary high-water mark or the high tide line. Restoration of damaged bank stabilization must not exceed the contours or length that existed before the damage occurred.

Repair, Replacement, or Rehabilitation of Existing Structures or Fills. Minor deviations in the structure's configuration or filled area, including those due to changes in materials, construction techniques, requirements of other regulatory agencies, or current construction codes or safety standards that are necessary to make the repair, rehabilitation, or replacement are

authorized.

Removal of Accumulated Sediment, Debris, and Vegetation. The removal of sediment, debris, and/or vegetation is limited to the minimum necessary to restore the waterway. All dredged or excavated materials must be deposited and retained in an area that has no waters of the United States, unless otherwise specifically approved by the Corps under separate authorization.

Temporary Construction, Access, and Dewatering. Appropriate measures must be taken to maintain near normal downstream flows and to minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges of dredged or fill material, including cofferdams, are necessary for construction activities, access fills, or dewatering. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. The use of dredged material may be allowed if the Corps determines that it will not cause more than minimal adverse environmental effects. Following completion of construction, temporary fills must be removed, and the affected areas must be restored to pre-construction elevations. The affected areas must also be revegetated, as appropriate. Structures left in place after construction is completed require a separate section 10 permit if located in navigable waters of the United States. (*See 33 CFR part 322*).

Wetland Protection Matting. Mats must be adequately anchored, of sufficient weight, or installed in a manner that prevents relocation by expected high flows. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable. Temporary mats must be removed upon completion of the work, in accordance with the requirements for temporary fills.

Temporary and Permanent Access Roads. All access roads must be constructed so that the length of the road minimizes any adverse effects on Waters of the United States and must be as near as possible to pre-construction contours and elevations (e.g., at grade corduroy roads or geotextile/gravel roads). Access roads used for both construction and maintenance may be authorized, provided they meet the terms and conditions of this permit. Temporary access roads must be removed upon completion of the work, in accordance with the requirements for temporary fills.

Utility Line Activities. Material resulting from trench excavation may be temporarily side cast into waters of the United States for no more than 90 days, provided the material is not placed in such a manner that it is dispersed by currents or other forces. The Corps may extend the period of temporary side casting for no more than a total of 180 days, where appropriate. In wetlands, the top 6 to 12 inches of the trench should normally be backfilled with topsoil from the trench. The trench cannot be constructed or backfilled in such a manner as to drain waters of the United States (e.g., backfilling with extensive gravel layers, creating a french drain effect). Any exposed slopes and stream banks must be stabilized immediately upon completion of the utility line crossing of each waterbody. There must be no change in pre-construction contours of waters of the United States.

This RGP authorizes, to the extent that Department of the Army authorization is required, temporary structures, fills, and work necessary for the remediation of inadvertent returns of drilling fluids to waters of the United States through sub-soil fissures or fractures that might occur during horizontal directional drilling activities. These remediation activities must be done as soon as practicable, to restore the affected waterbody. The Corps may add special conditions to this permit to require a remediation plan for addressing inadvertent returns of drilling fluids to waters of the United States during horizontal directional drilling activities.

GENERAL CONDITIONS:

Pre-Construction Notification (PCN). Prior to commencing work in waters of the U.S., the permittee shall submit a PCN for the following activities:

- a. Discharges of dredged and/or fill material into special aquatic sites, including wetlands.
- b. Discharges of dredged and/or fill material into waters of the U.S. on Tribal lands.
- c. Discharges of dredged and/or fill material into perennial or intermittent streams exceeding 500 linear feet and into jurisdictional irrigation, water supply, or drainage ditches or canals exceeding 1,000 linear feet.
- d. Work in or affecting navigable waters of the United States.

e. New bank stabilization, where none previously existed, that does not incorporate bioengineering techniques.

f. Activities that would occur in a component of the National Wild and Scenic River System, or in 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.

g. Activities that require permission from, or review by, the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers (USACE) federally authorized Civil Works project (a “USACE project”).

h. Activities that have the potential to adversely affect Essential Fish Habitat (EFH), as designated by the Pacific Fishery Management Council.

i. Activities that may affect federally listed as threatened or endangered species (or species proposed for listing) or designated critical habitat (or critical habitat proposed such designation), pursuant to Section 7 of the Federal Endangered Species Act (ESA); or,

j. Activities which may have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places, pursuant to Section 106 of the National Historic Preservation Act (NHPA).

Projects shall not proceed under the proposed RGP until the permittee has been notified, in writing, by the Corps of Engineers that the activity is authorized.

Navigation. No activity may cause more than a minimal adverse effect on navigation. Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his or her authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove,

relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

Discovery of Previously Unknown Remains and Artifacts. If the permittee discovers any previously unknown historic, cultural, or archeological remains and artifacts while accomplishing the activity authorized by this RGP, they must immediately notify this office of what they have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The Corps of Engineers will initiate the Federal, Tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

Proper Maintenance. Permittees must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. They are not relieved of this requirement if they abandon the permitted activity or sell the property associated with this permit. They may make a good faith transfer to a third party. If they sell the property associated with this permit, they must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization. Should they wish to cease to maintain the authorized activity, or should they desire to abandon it without a good faith transfer, they must obtain a modification of this permit from this office, which may require restoration of the area.

Aquatic Life Movements. No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species.

If a bottomless culvert cannot be used, then the crossing should be designed and constructed to minimize adverse effects to aquatic life movements

Spawning Areas. Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical

destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

Migratory Birds and Breeding Areas. Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable. The permittee is responsible for ensuring that the action authorized by this permit complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee 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.

Suitable Material. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (*see section 307 of the Clean Water Act*).

Adverse Effects from Impoundments. If the activity creates an impoundment of water, adverse effects to the aquatic ecosystem due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

Fills Within 100-Year Floodplains. The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

Tribal Rights. No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

Soil Erosion and Sediment Controls. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high-water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow, or during low tides.

Single and Complete Project. The activity must be a

single and complete linear or nonlinear project, as defined in the Section F of the March 15, 2021, Federal Register Notice for Reissuance and Modification of Nationwide Permits; Final Rule (86 FR 2744), which can be found at: <https://www.federalregister.gov/documents/2021/01/13/2021-00102/reissuance-and-modification-of-nationwide-permits>.

Wild and Scenic Rivers. No activity may occur in a component of the National Wild and Scenic River System, or in 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 Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service). Information on these rivers is also available at: <http://www.rivers.gov/>.

Endangered Species. No activity is authorized which may directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify designated critical habitat or critical habitat proposed for such designation. No activity is authorized which “may affect” a listed species or critical habitat unless ESA section 7 consultation addressing the consequences of the proposed activity on listed species or critical habitat has been completed. See 50 CFR 402.02 for the definition of “effects of the action” for the purposes of ESA section 7 consultation, as well as 50 CFR 402.17, which provides further explanation under ESA section 7 regarding “activities that are reasonably certain to occur” and “consequences caused by the proposed action.” Authorization of an activity by this RGP does not authorize the “take” of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with “incidental take” provisions, etc.) from the FWS or the NMFS, the ESA prohibits any person subject to the jurisdiction of the United States to take a

listed species, where “take” means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word “harm” in the definition of “take” means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering. Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the FWS and NMFS or their web pages at: <http://www.fws.gov/> or <http://www.fws.gov/ipac> and <http://www.nmfs.noaa.gov/pr/species/esa/>.

Historic Properties. No activity is authorized which may have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

Inspections. Permittees must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that the activity is being, or has been, accomplished in accordance with the terms and conditions of this permit.

Contractor Compliance. Permittees are responsible for all authorized work and ensuring that all contractors and workers are made aware of and adhere to the terms and conditions of the permit authorization. Permittees shall ensure that a copy of the permit authorization and associated drawings are available and visible for quick reference at the site until all installation activities are completed.

Water Quality Certification: Permittees shall comply with all terms and conditions of any Section 401 General Water Quality Certification, which will be expressly incorporated as condition of this RGP. If they cannot comply with the terms and conditions of the 401 WQC, then they must obtain individual 401 WQC, or waiver thereof, for the activity to be authorized by this RGP.

Post-construction Report. For activities that require PCN, permittees shall submit a post-construction report to this office, documenting all completed activities authorized by this RGP, within 45-days of completing

work and/or the discharge of dredged and/or fill material in waters of the United States. The report shall include:

1. Description of any completed emergency work, including:
 - a. names, addresses, and telephone numbers of the persons who completed the work.
 - b. location of the work.
 - c. direct and indirect adverse environmental effects caused by the action, including the amount of loss of wetlands, other special aquatic sites, and other waters as a result of the activity, in acres, linear feet, or another appropriate unit of measure; and,
 - d. a description of any proposed mitigation measures intended to reduce the adverse environmental effects caused by the activity.
2. Date(s) work within waters of the U.S. was initiated and completed.
3. Summary of compliance status with each special condition of this permit (including any non-compliance that previously occurred or is currently occurring and corrective actions taken or proposed to achieve compliance).
4. Color photographs (including map of photo points) taken at the project site before and after construction for those aspects directly associated with permanent impacts to waters of the U.S. such that the extent of authorized fills can be verified (e.g., before and after photographs should have the same field of view and include the date the picture was taken).
5. One copy of "as built" drawings of the completed work in waters of the U.S. Electronic submittal (Adobe PDF format) is preferred. All sheets must be dated and to-scale. If submitting paper copies, sheets must be no larger than 11 x 17 inches; and
6. Signed *Certification of Compliance*.

Project Alternatives: USACE has not endorsed the submitted alternatives analysis at this time. USACE will conduct an independent review of the project alternatives prior to reaching a final permit decision.

3. STATE AND LOCAL APPROVALS:

Water Quality Certification: State water quality certification or a waiver thereof is a prerequisite for the issuance of a Department of the Army Permit to conduct any activity which may result in a fill or pollutant discharge into waters of the United States, pursuant to Section 401 of the Clean Water Act of 1972, as amended (33 U.S.C. § 1341 et seq.). The Corps will send letters to certifying agencies (i.e., states, authorized tribes, or EPA region, as appropriate) to request water quality certification for this RGP. Water quality certification for this RGP may be granted without conditions, granted with conditions, denied, or waived. If a certifying agency denies WQC, then the discharges are not authorized unless and until a project proponent obtains individual WQC for the specific discharge, or a waiver occurs.

Coastal Zone Management: Section 307(c) of the Coastal Zone Management Act of 1972, as amended (16 U.S.C. § 1456(c) *et seq.*), requires a non-Federal applicant seeking a federal license or permit to conduct any activity occurring in or affecting the coastal zone to obtain a Consistency Certification that indicates the activity conforms with the state's coastal zone management program. Generally, no federal license or permit will be granted until the appropriate state agency has issued a Consistency Certification or has waived its right to do so. Section 307(c) of the Coastal Zone Management Act of 1972, as amended (16 U.S.C. § 1456(c) *et seq.*), requires a Federal applicant seeking a federal license or permit to conduct any activity occurring in or affecting the coastal zone to obtain a Consistency Determination that indicates the activity conforms with the state's coastal zone management program. Generally, no federal license or permit will be granted until the appropriate state agency has issued a Consistency Determination or has waived its right to do so.

Therefore, any wildfire activities covered under this proposed RGP, that may directly affect a State's coastal zone, would require the project proponent to obtain Federal Consistency Determination required by 307(c) of the Coastal Zone Management Act.

4. COMPLIANCE WITH VARIOUS FEDERAL LAWS:

National Environmental Policy Act (NEPA): Upon review of the Department of the Army permit application and other supporting documentation, USACE has made a *preliminary* determination that the project neither qualifies for a Categorical Exclusion nor requires the preparation of an Environmental Impact Statement for the purposes of NEPA. At the conclusion of the public comment period, USACE will assess the environmental impacts of the project in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. §§ 4321-4347), the Council on Environmental Quality's regulations at 40 C.F.R. § 1500-1508, and USACE regulations at 33 C.F.R. § 325. The final NEPA analysis will normally address the direct, indirect, and cumulative impacts that result from regulated activities within the jurisdiction of USACE and other non-regulated activities USACE determines to be within its purview of Federal control and responsibility to justify an expanded scope of analysis for NEPA purposes. The final NEPA analysis will be incorporated in the decision documentation that provides the rationale for issuing or denying a Department of the Army Permit for the project. The final NEPA analysis and supporting documentation will be on file with the San Francisco District, Regulatory Division.

Endangered Species Act (ESA): Section 7(a)(2) of the ESA or 1973, as amended (16 U.S.C. § 1531 *et seq.*), requires Federal agencies to consult with either the U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS) to ensure actions authorized, funded, or undertaken by the agency are not likely to jeopardize the continued existence of any Federally-listed species or result in the adverse modification of designated critical habitat. Wildfire activities covered under the proposed RGP may affect Federally listed endangered or threatened species or their critical habitat. The Corps will initiate consultation with the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service, pursuant to Section 7 of the Endangered Species Act, as appropriate.

To complete the administrative record and the decision on whether to issue a Department of the Army Permit for the project, USACE will obtain all necessary supporting documentation from the applicant concerning the consultation process. Any required consultation must be concluded prior to the issuance of a Department of the

Army Permit for the project.

Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA): Section 305(b)(2) of the MSFCMA of 1966, as amended (16 U.S.C. § 1801 *et seq.*), requires Federal agencies to consult with the National Marine Fisheries Service (NMFS) on all proposed actions authorized, funded, or undertaken by the agency that may adversely affect essential fish habitat (EFH). EFH is defined as those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity. EFH is designated only for those species managed under a Federal Fisheries Management Plan (FMP), such as the *Pacific Groundfish FMP*, the *Coastal Pelagics FMP*, or the *Pacific Coast Salmon FMP*.

To address project related impacts to EFH, USACE will initiate consultation with NMFS, pursuant to Section 305(5)(b)(2) of the Act. Any required consultation must be concluded prior to the issuance of a Department of the Army Permit for the project.

National Historic Preservation Act (NHPA): Section 106 of the NHPA of 1966, as amended (16 U.S.C. § 470 *et seq.*), requires Federal agencies to consult with the appropriate State Historic Preservation Officer to take into account the effects of their undertakings on historic properties listed in or eligible for listing in the *National Register of Historic Places*. Section 106 of the Act further requires Federal agencies to consult with the appropriate Tribal Historic Preservation Officer or any Indian tribe to take into account the effects of their undertakings on historic properties, including traditional cultural properties, trust resources, and sacred sites, to which Indian tribes attach historic, religious, and cultural significance. Potentially eligible cultural resources may be affected by wildfire activities covered under the proposed RGP. The Corps will initiate consultation with the State Historic Preservation Officer under Section 106 of the National Historic Preservation Act, as appropriate.

If unrecorded archaeological resources are discovered during project implementation, those operations affecting such resources will be temporarily suspended until USACE concludes Section 106 consultation with the State Historic Preservation Officer or the Tribal Historic Preservation Officer to take into account any project related impacts to those resources.

5. COMPLIANCE WITH THE SECTION 404(b)(1)

GUIDELINES: Projects resulting in discharges of dredged or fill material into waters of the United States must comply with the Guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b) of the Clean Water Act (33 U.S.C. § 1344(b)). The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the described activity will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The activity's impact on the public interest will include application of the Section 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230).

The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal

6. PUBLIC INTEREST EVALUATION: The decision on whether to issue a Department of the Army Permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the project and its intended use on the public interest. Evaluation of the probable impacts requires a careful weighing of the public interest factors relevant in each particular case. The benefits that may accrue from the project must be balanced against any reasonably foreseeable detriments of project implementation. The decision on permit issuance will, therefore, reflect the national concern for both protection and utilization of important resources. Public interest factors which may be relevant to the decision process include conservation, economics, aesthetics,

general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

7. CONSIDERATION OF COMMENTS: USACE is soliciting comments from the public; Federal, State, and local agencies and officials; Native American Nations or other tribal governments; and other interested parties in order to consider and evaluate the impacts of the project. All comments received by USACE will be considered in the decision on whether to issue, modify, condition, or deny a Department of the Army Permit for the project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, and other environmental or public interest factors addressed in a final environmental assessment or environmental impact statement. Comments are also used to determine the need for a public hearing and to determine the overall public interest in the project.

8. SUBMITTING COMMENTS: During the specified comment period, interested parties may submit written comments to Keith Hess, San Francisco District, Regulatory Division, Eureka Field Office, 601 Startare Drive, Box 14, Eureka, California 95501; comment letters are due by September 15, 2022, and should cite the project name, applicant name, and public notice number to facilitate review by the Regulatory Permit Manager. Comments may include a request for a public hearing on the project prior to a determination on the Department of the Army permit application; such requests shall state, with particularity, the reasons for holding a public hearing. All substantive comments will be forwarded to the applicant for resolution or rebuttal. Additional project information or details on any subsequent project modifications of a minor nature may be obtained from the applicant and/or agent or by contacting the Regulatory Permit Manager by telephone or e-mail (cited in the public notice letterhead). An electronic version of this public notice may be viewed under the *Public Notices* tab on the USACE website: <http://www.spn.usace.army.mil/Missions/Regulatory>.

9. ATTACHMENTS: Table 1.