

ADDENDUM 4 TO THE INITIAL STUDY / NEGATIVE DECLARATION

I. Introduction and Regulatory Guidance

In 2003, Regional General Permit No. 41 (RGP 41) was issued by the Los Angeles District of the U.S. Army Corps of Engineers (Corps).

A Clean Water Act section 401 water quality certification for RGP 41 was issued by the State Water Resources Control Board (State Water Board) on October 24, 2003. This certification was supported by a final Negative Declaration and a Notice of Determination. The Negative Declaration was made available for a 30-day public review period on the State Water Board's website from August 29, 2003 to September 28, 2003. In addition, 44 copies of the Draft Negative Declaration were mailed on August 29, 2003, as requested by stakeholders. A Notice of Determination for this project was filed on October 30, 2003 (SCH# 2003081158).

The Corps reissued RGP 41 in 2008. The reissued RGP 41 was conditionally certified by the State Water Board on January 21, 2009, and an addendum to the Negative Declaration (Addendum 1) was prepared by the State Water Board.

The Corps reissued RGP 41 in 2014. The reissued RGP 41 was conditionally certified by the State Water Board on April 2, 2014, and an addendum to the Negative Declaration (Addendum 2) was prepared by the State Water Board.

The Corps reissued RGP 41 in 2019. The reissued RGP 41 was conditionally certified by the State Water Board on August 14, 2019, and an addendum to the Negative Declaration (Addendum 3) was prepared by the State Water Board.

The Corps proposes to reissue RGP 41 in September of 2024. On March 11, 2024, the State Water Boards received a request for Clean Water Act section 401 water quality certification of reissuance of RGP 41. The certification of the reissued RGP 41 is a discretionary action and constitutes a Project for purposes of CEQA. This fourth addendum (Addendum 4) has been prepared to support certification of the Corps' proposed 2024 RGP 41.

Addendum 4 concerns minor technical changes and additions to RGP 41 that do not require the preparation of a subsequent Negative Declaration as set forth in California Code of Regulations, title 14, section 15164. This document has been prepared in accordance with CEQA (Pub. Resources Code, § 21000 et seq.), and the CEQA Guidelines (Cal. Code Regs. § 15000 et seq.). Addendum 4 to the Negative Declaration

does not require recirculation, but will be included as part of the Negative Declaration, which is available upon request.

II. LEAD AGENCY

The lead agency is the public agency with primary approval authority over the proposed project. (See Cal. Code Regs., tit. 14 § 15051, subd. (b)(1).) The lead agency for the proposed project is the State Water Board.

III. PROJECT DESCRIPTION

RGP 41 will authorize an unknown number of projects which involve the mechanized or chemical removal of invasive, non-native plants and algae from waters, including wetlands, and riparian areas within the Los Angeles District of the Corps. Affected counties in California are: Santa Barbara, Ventura, Los Angeles, Orange, San Diego, Inyo, San Bernardino, Riverside, Imperial Counties, San Luis Obispo, Kern, and Mono.

RGP 41 is issued for five years. Permitted activities under RGP 41 include: application of U.S. Environmental Protection Agency and California Department of Pesticides Regulation-approved herbicides; mechanized land clearing and removal of living or dead plants; stockpiling of extracted plant materials and debris; and construction of access roads. Activities are limited by season, manner of application, stand condition, and other factors to limit adverse impacts to the environment.

IV. CHANGES RECORDED IN ADDENDUM 4

The original Negative Declaration and Addenda 1, 2 and 3 remain in effect except for the changes described below. Additions included in Addendum 4 will not result in substantial changes to the circumstances under which the project will be undertaken, new significant environmental effects, or a substantial increase in the severity of previously identified significant effects, as identified in CEQA Guidelines section 15162.

The State Water Board has also considered potential impacts to areas that were added to the CEQA Appendix H checklist: wildfire and tribal cultural resources. Consistent with the summary of findings set forth below, the presence of invasive plant and algal species in watersheds and some offshore areas within the Los Angeles District of the Corps can increase fire risk in rivers, tributaries, intertidal and subtidal areas. Issuance of RGP 41 is expected to result in beneficial impacts on wildfire risk. Adverse impacts are not expected for tribal cultural resources as RGP 41 authorizes the removal of invasive, non-native plants and algal species. Removal of these invasive species may facilitate growth of native plants, which may be related to tribal cultural resources. The

potential impacts do not alter the State Water Board conclusion that an addendum is appropriate under CEQA Guidelines section 15162.

The following addition will supplement and, where contradictory, supersede the applicable portions of the adopted final Negative Declaration for this project. Text added by Addendum 4 is underlined.

The following wording is added to the Introduction of the Negative Declaration, on page 2, in order to update RGP 41's current timeline. Wording added by Addendum 4 is as follows:

On February 21, 2024, the Los Angeles District of the Corps circulated a public notice to request comments on a proposal to reissue RGP 41 with the addition of algal species in the RGP 41's list of invasive and non-native plant species. RGP 41 is substantively the same as the previous general permit issued in 2019, except for the new allowance for removal of algal species and minor changes to reporting requirements. The effective date of the proposed re-issuance of RGP 41 will be determined by the Corps after the State Water Board takes a certification decision action on the general permit. Upon reissuance, RGP 41 will be in effect for five years.

V. SUMMARY OF FINDINGS

After review and consideration of the original Initial Study and environmental review and analysis contained in the final Negative Declaration for RGP 41 including Addenda, it was determined that proposed changes to RGP 41 would not result in significant impacts on the environment, and that a subsequent Negative Declaration is not necessary pursuant to the CEQA Guidelines, section 15162. This conclusion is supported by the findings indicated below:

- A. The presence of invasive plant and algal species in watersheds and some offshore areas within the Los Angeles District of the Corps can substantially affect water quality, water conservation, native biological resources, flood control and fire risk in rivers, tributaries, intertidal and subtidal areas, and special aquatic sites (e.g., wetlands, vegetated shallows). The removal of invasives provides benefits to aquatic habitats and benefits the general public through reduced risk of fire and flooding as well as increased physical and biological functions in aquatic habitats.
- B. No potential for adverse impacts on land use and planning, energy and mineral resources, population and housing, public services, utilities and service systems,

wildfire, cultural resources, and tribal cultural resources associated with the proposed project was identified.

- C. Potential adverse impacts resulting from the proposed project were found to be less than significant in the following areas: geology, air quality, water, biological resources, noise, hazards, transportation and circulation, aesthetics, and recreation.
- D. No substantially new or different environmental conditions that might be affected by activities permitted by RGP 41 in the project area have been identified since the 2019 reissuance.
- E. Since 2003, the frequency of enrollments under the state's Order has remained low, at less than 2 per year on average; therefore, the Project will not result in significant adverse cumulative impacts.
- F. The addition of algal species in the 2024 Order does not significantly change the Project scope or result in additional adverse effects compared to the 2019 Order that certified the Project.

VI. AVAILABILITY OF DOCUMENTS:

Addendum 4 will be appended to the final Negative Declaration for RPG 41 and will be available at the State Water Board's 401 General Order web page (https://www.waterboards.ca.gov/water_issues/programs/cwa401/generalorders.html).

The Initial Study and all documentation, including Addenda, are available upon request. A Notice of Determination will be filed at the State Clearinghouse within five days of issuance. This Addendum 4, along with the previously adopted Final Negative Declaration (SCH#2003081158) and Addenda 1, 2, and 3 now constitute the Final Negative Declaration for the RGP 41 Project.

Pursuant to Section 21082.1 of the California Public Resources Code, the State Water Board has independently reviewed and analyzed the information contained in the Final Negative Declaration for the proposed Project and finds that this document reflects the independent judgment of the State Water Board.