

**Clean Water Act section 401
Water Quality Certification
for
U.S. Army Corps of Engineers
Los Angeles District
Regional General Permit 41 (RGP 41)**

Attachment E

CEQA Addendum

[This page intentionally blank.]

**ADDENDUM to the
INITIAL STUDY/ NEGATIVE DECLARATION
for
REGIONAL GENERAL PERMIT 41 FOR REMOVAL
OF INVASIVE PLANTS (RGP 41)
State Clearinghouse Number 2003081158**

**Addendum 2
January 2014**

**Lead Agency:
State of California
State Water Resources Control Board
Division of Water Quality
401 Certification and Wetlands Unit
1001 I Street, 15th Floor
Sacramento, California 95814**

**Contact:
Cliff Harvey
Environmental Scientist
916-558-1709
clifford.harvey@waterboards.ca.gov**

INTRODUCTION AND REGULATORY GUIDANCE

In 2003, Regional General Permit 41 (RGP 41) for Removal of Invasive, Exotic Plants 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 (ND) and a Notice of Determination. The ND was made available throughout 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. This reissued RGP was certified by the State Water Board on January 21, 2009. An addendum to the ND (Addendum 1) was prepared by the State Water Board at that time. Addendum 1 covered three topics:

- Changes to the time line between the 2003 RGP and the 2009 RGP.
- Minor changes to the species list.
- Addition of a Greenhouse Gas Analysis.

The Corps proposes to reissue RGP 41 in January of 2014. A request for Clean Water Act section 401 water quality certification of a reissuance of RGP 41 was received by the State Water Resources Control Board (State Water Board), Division of Water Quality on July 31, 2013. The certification of the reissued RGP 41 is a discretionary action and constitutes the project for purposes of the California Environmental Quality Act (CEQA). This second addendum (Addendum 2) has been prepared to support re-certification of the proposed 2014 RGP 41.

Addendum 2 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 2 to the ND does not require recirculation, but will be included as part of the ND, which is available upon request.

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.

PROJECT DESCRIPTION:

RGP 41 will authorize an unknown number of projects which involve the mechanized or chemical removal of specified exotic, invasive plants 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, portions of San Luis Obispo, Kern, and Mono Counties.

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.

CHANGES RECORDED IN ADDENDUM 2

The original Negative Declaration and Addendum 1 remain in effect except for the changes described below. Corrections and additions included in Addendum 2 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 California Code of Regulations section 15162.

The following corrections, additions, and deletions will supplement and, where contradictory, supersede the applicable portions of the adopted final ND for this project. Retained **original text from Addendum 1 is shown in bold text**. Additions and corrections are underlined; ~~strikeout (strikeout)~~ indicates a deletion of text from Addendum 1.

Changes to Dates of Issuance

The following wording was added to the introduction (ND, page 2), in order to update RGP 41's current timeline. Wording added by Addendum 1 is removed:

4. The Corps LA District on July 31, 2013 again circulated a special PN to request comments on a proposal to reissue RGP 41 with the addition of some species in the general permit's list of invasive, exotic plant species. As currently drafted, the general permit (draft dated November, 2013), except for the addition of some species and minor changes to reporting requirements, is the same as the previous general permit. The effective date of the proposed re-issuance of the RGP 41 will yet be determined by the Corps LA District after the State Board takes a certification decision action on the general permit. Upon reissuance, this RGP 41 will be in effect for five years. ~~4. The Corps LA District on July 14, 2008 again circulated a Special Public Notice to request comments on a proposal to reissue RGP 41 with the addition of some species in the general permit's list of invasive, exotic plant species. RGP 41 was reissued on December 10, 2008 and will be in effect for five years (Attachment A – RGP 41). Except for the addition of some species, it is the same as the previous general permit.~~

Changes to Species List

Addendum 1 added eight new species to the species list in the ND as shown below. Addendum 2 adds two new species to this list. Note that the numbering and order of listed species between the 2003, 2009 and 2014 RGPs varies. No species have been dropped.

The additional proposed plant material for the 2008 re-issuance is as followed:

- 35. Brazilian pepper- *Shinus terebinthifolius*
- 36. Fennel - *Foeniculum vulgare*
- 37. Water hyacinth- *Eichornia crassipes*
- 38. Spanish sunflower - *Pulicaria paludosa*
- 39. Kikuyu grass - *Pennisetum clandestinum*
- 40. Andean pampas grass- *Cortedaria jubata*
- 41. Himilayan blackberry- *Rubus discolor*
- 42. Spanish broom - *Spartium junceum*
- Virginia creeper (*Parthenocissus quinquefolia*)
- Stinkwort (*Dittrichea graveolens*)

SUMMARY OF FINDINGS

After a review and consideration of the original Initial Study and environmental review and analysis contained in the final ND for RGP 41, and Addendum 1, it was determined that proposed changes to RGP41 would not have any significant impacts on the environment, and that a subsequent ND is not necessary pursuant to California Code of Regulations, section 15162. This conclusion is supported by the findings indicated below:

- No potential for adverse impacts on land use and planning, energy and mineral resources, population and housing, public services, utilities and service systems, and cultural resources associated with the proposed project was identified.
- Potential adverse impacts resulting from the proposed project were found to be less than significant in the following areas: geologic problems, air quality, water, biological resources, noise, hazards, transportation and circulation, aesthetics, and recreation.
- 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 2009 reissuance.
- Since 2009, no public comment or concern was made known to the State Water Board, and no adverse effects associated with use of RGP 41 have been reported.

AVAILABILITY OF DOCUMENTS:

For RGP 41, Addendum 2 will be appended to the final ND and will be available at the State Water Board's 401 Program web page under the listing of [Individual Certification Orders for Multiregional Projects](#).

The original initial study and all current and previous documentation, including Addendum 1, are available upon request to the Division of Water Quality (any requests should be directed to the 401 Program Manager, contact information provided with the signatory blocks below). A Notice of Determination will be filed at the State Clearinghouse within five days of issuance of the 2014 water quality certification.

This Addendum 2, along with the previously adopted Final ND (SCH#2003081158) and Addendum 1, now constitute the Final ND for the RGP 41 Project.

Pursuant to Section 21082.1 of the CEQA, the State Water Board has independently reviewed and analyzed the information contained in the Addendum to the final ND for the proposed project and finds that this document reflects the independent judgment of the State Water Board. State Water Board, as lead agency, also confirms that the project mitigation measures detailed in these documents are feasible and will be implemented as stated in the Negative Declaration.