



**DEPARTMENT OF THE ARMY**  
**SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS**  
**1455 MARKET STREET**  
**SAN FRANCISCO, CALIFORNIA 94103-1398**

REPLY TO

**DEPARTMENT OF THE ARMY PERMIT**  
**REGIONAL GENERAL PERMIT 6**

**PERMITTEE:** Southern Sonoma County Resource Conservation District (SSCRCD)

**PERMIT NO.:** 2004-249121N

**ISSUING OFFICE:** San Francisco District

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

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

**PROJECT DESCRIPTION:** This permit authorizes 32 participating Southern Sonoma County Resource Conservation District (SSCRCD) landowners/members to dredge up to four cubic yards (cy) of material per linear-foot of levee, not to exceed 10,000-cubic yards or 2,500-linear feet per parcel in one year for placement onto existing levees. During the 5-year permit term, the SSCRCD shall oversee work performed by the 32 participating landowners under this Regional General Permit (RGP) 6. Mechanical dredging will be completed using long-reach excavators or drag lines working from the top of existing levees, and dredged material will be excavated on the outboard side of the levee at the extreme reach of the available equipment to avoid damage to the levee toe. Dredged material will be placed on the levee crown and mechanically compressed.

**PROJECT LOCATION:** The project is located along levees located within the Petaluma River, Sonoma Creek, and San Antonio Creek watersheds in Marin County and Sonoma County, California, and is shown on the attached map titled "Levee Maintenance Vicinity Map, Permit Holder: Southern Sonoma County Resource Conservation District," dated August 23, 2012 (Enclosure 1).

**PERMIT CONDITIONS:**

**GENERAL CONDITIONS:**

1. The time limit for completing the work authorized ends on October 31, 2017. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. This authorization will not be effective until you have obtained a Section 401 water quality certification from the San Francisco Bay Regional Water Quality Control Board (RWQCB). You shall submit a copy of the certification to the Corps prior to the commencement of work, and comply with all conditions specified in the certification as special conditions to this permit.
6. This authorization will not be effective until you have obtained a concurrence from the San Francisco Bay Conservation and Development Commission that your project will comply with California's Coastal Zone Management Act. You shall submit a copy of the certification to the Corps prior to the commencement of work, and comply with all conditions specified in the certification as special conditions to this permit.
7. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.
8. You understand and agree that, if future operations by the United States require the removal, relocation or other alteration of the structure or work authorized herein, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, you 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.

**SPECIAL CONDITIONS:**

1. Beginning in 2013, all areas requiring dredging for levee maintenance shall have a delineation map showing the extent and location of USACE jurisdiction prior to any dredging occurring at the specific location.
2. For work proposed in the upcoming calendar year, you shall ensure that landowner(s) submit information to you by February 1 regarding the project location, linear distance of levee repairs, levee area type, delineation map, and the source and volume of fill material. You shall review each project submittal to confirm the proposed action is consistent with all measures and work window restrictions. Upon confirmation, you shall provide approval to the landowner(s) to proceed with the proposed repair.
3. For completed levee repairs, you shall ensure that each landowner submits a report to you no later than February 1 of the following calendar year. Each post-project report shall provide the information contained in the pre-project submittal to confirm the actual extent of work performed and materials used.
4. You shall submit annual reporting of work performed in the previous year under this RGP to USACE and the National Marine Fisheries Service by March 15 of each calendar year. The annual report will summarize all completed levee repairs conducted during the previous year.
5. This Corps permit does not authorize you to take an endangered species. In order to legally take a listed species, you must have a separate authorization under the Endangered Species Act (ESA) (e.g., an ESA Section 10 permit or a Biological Opinion (BO) under ESA Section 7 with "incidental take" provisions with which you must comply). The enclosed U.S. Fish and Wildlife Service (FWS) BO dated September 9, 1994, and subsequent amendments dated January 12, 1995 and January 1, 2000, respectively, contain mandatory terms and conditions to implement the reasonable and prudent measures that are associated with "incidental take" that is also specified in the BO. Your authorization under this Corps permit is conditional upon your compliance with all of the mandatory terms and conditions associated with incidental take authorized by the attached BO, whose terms and conditions are incorporated by reference in this permit. Failure to comply with the terms and conditions associated with incidental take of the BO, where a take of the listed species occurs, would constitute an unauthorized take and it would also constitute non-compliance with this Corps permit. FWS is the appropriate authority to determine compliance with the terms and conditions of the BO and with the ESA.

6. From Highway 37 upstream to Highway 121 (including Lakeville Highway), participating landowners may dredge material from the main channels of the Petaluma River, Sonoma Creek, San Antonio Creek, Napa Slough, Second Napa Slough, Third Napa Slough and Hudeman Slough from June 1 to October 31.
7. From Highway 37 upstream to Highway 121 (including Lakeville Highway), participating landowners may dredge material from non-main channels (i.e. secondary channel, sloughs, or creeks) that are subject to daily tidal influence from June 1 to November 30. These areas include areas such as Steamboat Slough, Railroad Slough, and Tolay Creek, as well as unnamed borrow areas that are subject to daily tidal influence.
8. For the entire RGP6 project area, if the proposed repair site contains no identified channel and the site is not subject to daily tidal influence, maintenance may be performed at any time. This may include the silted in areas that were previously borrowed and currently not subject to daily tidal influence. SSCRCD shall submit a site and project description of these repairs locations to USACE and NMFS Santa Rosa Office prior to implementation.
9. Along the shoreline of Sonoma Creek, Tubbs Island, and San Pablo Bay from Highway 37 downstream to the mouth of Sonoma Creek, and extending to the southwestern extent of the levees along the shoreline of San Pablo Bay, dredging must be restricted to periods of low tide.
10. To avoid impacts to nesting California clapper rails, no dredging shall occur between February 1 and August 31, unless surveys by a qualified biologist indicate that clapper rails are not nesting within 500 feet of the project area.
11. No excavation shall occur within 10 feet of the toe of the levee, on the waterborne side of the levee.
12. No dredging authorized by the permit may substantially disrupt the movement of those species of aquatic life indigenous to the water body, including those species which normally migrate through the area.
13. No discharge of dredged material may consist of unsuitable material (e.g. trash, debris, etc.) and material discharged must be free from toxic pollutants in toxic amounts.
14. To the extent practicable, landowners should avoid dredging at the same location more than once every two years in wetted areas within main-stem channels or areas that connect to main-stem channels.
15. Dredging volumes should not exceed 150,000 cy in any given year of RGP6 implementation
16. Prior to dredging, landowners should identify whether widgeon grass (*Ruppia* spp.) and/or sago pondweed (*Stuckenia* spp.) are present in the areas to be dredged. To the extent practicable, landowners should avoid dredging in areas with these species. In instances where these species can't be avoided, landowners should notify the RCD and document the extent of widgeon grass and/or sago pondweed within and around the dredged area with GPS coordinates taken before dredging occurs. The extent of widgeon grass and sago pondweed should be documented again with GPS coordinates taken within 30 days after completion of dredging and annually during summer months (June through October) for a minimum of one year following dredging. Activities and GPS coordinates should be documented in the annual maintenance reports.

#### **FURTHER INFORMATION:**

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

(X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. Section 403).

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

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

2. Limits of this authorization:

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

- b. This permit does not grant any property rights or exclusive privileges.
  - c. This permit does not authorize any injury to the property or rights of others.
  - d. This permit does not authorize interference with any existing or proposed Federal project.
3. Limits of Federal Liability: In issuing this permit, the Federal Government does not assume any liability for the following:
- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
  - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
  - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
  - d. Design or construction deficiencies associated with the permitted work.
  - e. Damage claims associated with any future modification, suspension, or revocation of this permit.
4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
5. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
- a. You fail to comply with the terms and conditions of this permit.
  - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate. (See Item 4 above.)
  - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 C.F.R. Section 325.7 or enforcement procedures such as those contained in 33 C.F.R. Sections 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 C.F.R. Section 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

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

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

Kara Zient  
(PERMITTEE)

10/10/2012  
(DATE)

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

John K. Baker  
John K. Baker  
Lieutenant Colonel, U.S. Army  
Commander and District Engineer

10/12/12  
(DATE)

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

\_\_\_\_\_  
(TRANSFeree)

\_\_\_\_\_  
(DATE)