



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

**DEPARTMENT OF THE ARMY REGIONAL GENERAL PERMIT 20
FOR THE
SALINAS RIVER STREAM MAINTENANCE PROGRAM**

PERMITTEE: Monterey County Water Resources Agency (MCWRA)

CORPS FILE NO.: 1996-22309S

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: The Stream Maintenance Program (SMP) includes annual channel maintenance activities within seven designated River Management Units (RMU's) on the Salinas River within Monterey County, from river mile 2 upstream to river mile 94. Work within the RMUs will consist mostly of vegetation management (mowing and discing), sand/sediment management (channel smoothing and excavation), and non-native vegetation removal and herbicide treatment of arundo and tamarisk to reduce risk of flooding to adjacent farm fields and prevent bank erosion. Project activities will create and maintain a series of linear "secondary channels" paralleling the existing low-flow channel and designed to become active during higher flow events (5-year interval or approximately 25,000 cfs). Maintenance activities will generally occur between September 1 and November 15, but limited activities (tree planting and non-native vegetation treatment) could occur prior to September 1.

The proposed locations of secondary channels have been preferentially aligned along meander cutoffs, low-lying undeveloped areas, and former river alignments to mimic the historical braiding of the Salinas River. Most secondary channels will meet, or tie-in with, the low flow channel at upstream and downstream locations as would be expected in a more natural braided river channel. Where possible, tie-ins will be located: (1) to avoid or reduce potential impacts to higher value native vegetation (e.g., riparian or wetland areas); (2) in areas where large patches of arundo are found (i.e., to facilitate non-native species removal); (3) in areas where the bank is already low (e.g., 3-5 feet above the thalweg of the low-flow channel, versus 6-7 feet); (4) at existing bends (to facilitate natural overbank flow at the upstream end); and (5) to avoid potential impacts to adjacent banks via increased scour. Downstream tie-in points will also be positively graded at the area joining the low flow channel to avoid potential fish stranding. In a limited number of cases (<25%), the geomorphology or hydrology of the river may require tie-ins be located in an area requiring removal of larger sized riparian vegetation (e.g., multiple mid-successional willows greater than 6 inches dbh). In those instances, the tie-in will be made through two to four smaller notches ranging from 15-30 feet wide, rather than one larger opening in the riparian corridor that would result in removal of more trees and a larger riparian impact. Pre-construction staking and flagging will also be used to avoid large-trees, riparian vegetation, and wetlands, where possible,

when creating both secondary channels and their connection to the low-flow channel. Areas where arundo dominates the tie-in (> 95% coverage) will be treated to remove all arundo.

In addition to secondary channels, at limited locations within RMUs 6 and 7, vegetation maintenance and sediment removal activities will occur in focused selective treatment areas, rather than in linear secondary channels. The work in these 2 areas will include limbing of trees and sandbar ripping in areas directly adjacent to the thalweg.

The objective of the proposed management activities within these RMUs is to mimic natural braiding in the Salinas River historically provided by higher, scouring flows and especially in secondary channels. The goal is to increase channel complexity, slow velocities in the primary low flow channel, and encourage a wider range of riparian habitat conditions (earlier to later successional vegetation communities) that would have been present historically.

SMP activities will be implemented on a voluntary basis by individual property owners, growers, and municipalities throughout the program area. MCWRA will oversee and coordinate SMP activities, and will also perform SMP maintenance activities within three tributary reaches within the RMUs. Each year, MCWRA, in cooperation with the Monterey County Resource Conservation District (RCDMC) will be responsible for compiling proposed SMP activities into an annual work plan, which will be submitted to the regulatory agencies for approval at least 60 days before the work window begins for the year. At the conclusion of each year's maintenance season, completed SMP activities and mitigation will be documented in an Annual RMU Report developed by MCWRA and submitted to permitting agencies by March 31 of the following year.

AUTHORIZED WORK: This Regional General Permit (RGP) can be used to authorize SMP activities in up to 129 potential management areas (secondary channel locations and selective treatment areas) that have been identified throughout the 7 RMU's and 3 tributaries, totaling approximately 875 acres (enclosure 1). The majority of the work within these management areas will be conducted below the Ordinary High Water Mark (OHWM) of the Salinas River or its tributaries, on sediment bars that will be dry at the time of work. Work will avoid impacts to the active/low flow channel to the extent practicable. Maintenance activities will temporarily impact waters of the U.S. through sediment grading or removal. Up to 700 acres of native and non-native vegetation types within the management areas could be disturbed by vegetation management and/or sediment removal under the SMP. An additional 155 acres of unvegetated or bare ground may be temporarily disturbed during sediment grading or removal. Up to 554,420 cubic yards (CY) of sediment could be removed annually under the SMP, but no more than 785,000 CY of sediment can be removed in any two consecutive years. Additionally, no more than 450,000 CY of sediment can be removed from any given 1 mile length of river in the upper reach, and no more than 100,000 CY of sediment could be removed over any 1 mile length of river in the lower reach over a consecutive 2 year period. Sediment will be removed from the secondary channels by truck and moved to either integrate into adjacent farm fields or stored in demarcated stockpile areas above the OHWM and outside of any jurisdictional wetlands. Sediment removal and grading impacts to non-wetland areas are considered temporary impacts because of the dynamic nature of the river system, which is anticipated to shift vegetation and sediments within the floodplain during moderate to high flow events. Note that in RMU's 1-6 USACE jurisdiction is limited to the activities involving grading or other fill discharge below the OHWM and in wetlands. However, RMU 7 is considered Navigable under Section 10 of the Rivers and Harbors Act, and so all work below the OHWM (including vegetation removal) is subject to USACE jurisdiction in this reach. Annual limits on vegetation/grading impacts and sediment removal are summarized in the following table:

SMP Annual Limits of Sediment and Vegetation Removal

Area	River Mile ¹ (RM)	Sediment Removal Quantity (CY)	Grading and Native Vegetation Removal (Acres)	Non-Native Vegetation Removal
Salinas River Mainstem	2.0 – 21.0	100,000	175	No Limit
	21.0 – 94.0	452,200	640	No Limit
Gonzales Slough	31.6	20	10	No Limit
Bryant Canyon Channel	47.1	200	10	No Limit
San Lorenzo Creek	69.0	2000	10	No Limit
TOTAL		554,420	875	No Limit
¹ In general, RM 2.0 to 21.0 corresponds to RMUs 6 and 7; RM 21.0 to RM 94.0 generally corresponds with RMUs 1 through 5. RM indicated for tributaries reflects the location of the confluence of the tributary with the Salinas River mainstem.				

PERMIT CONDITIONS:

GENERAL CONDITIONS:

1. The time limit for completing the work authorized ends on November 15, 2021. 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 cease all work and 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. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. 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.

7. 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. A detailed annual work plan of the proposed maintenance activities to be performed each year shall be prepared by MCWRA and submitted to USACE at least 60 days prior to the start of the construction season for review and approval. For all proposed maintenance areas, this work plan shall:
 - a. clearly describe and quantify the proposed activities, including the following information for all work below the OHWM: acreage of vegetation removal; acreage of channel smoothing/bar ripping or other grading; volume of sediment removal;
 - b. include pictures of representative sites for the different types of maintenance activities requested;
 - c. include plan drawings/maps identifying proposed channel maintenance locations, including location/extent of all channel smoothing/bar ripping or other grading, staging and channel access routes, and stockpile areas;
 - d. identify Ordinary High Water Mark and any mapped wetland boundaries for all proposed maintenance areas, with a discussion of methods used to field-verify mapped wetlands;
 - e. identify, describe, and quantify any anticipated wetland impacts, with a discussion of efforts to avoid and minimize wetland impacts;
 - f. document field delineation of any impacted wetlands in accordance with USACE 1987 wetland delineation manual and Arid West Regional Supplement;
 - g. identify and describe proposed restoration/mitigation of any wetland impacts, including plan drawings and success criteria for restoration of any temporary wetland impacts, and a mitigation plan consistent with the 2008 Mitigation Rule for any permanent wetland impacts;
 - h. identify any special approaches or conditions to complete the proposed maintenance activities;
 - i. identify any historic or cultural resources that may be impacted by SMP activities;
 - j. include a completed electronic copy of the Impacts sheet and Aquatic Resource sheet in the latest version of the Consolidated ORM Upload Workbook (ORM-Upload_Sheet_Consolidated_Rapanos20151022.xlsm) available at <http://www.spd.usace.army.mil/Portals/13/docs/regulatory/standards/Zip%20file.zip>

Copies of the report may be provided to all appropriate agencies including, but not limited to the U.S. Fish and Wildlife Service (USFWS), National Marine Fisheries Service (NMFS), Central Coast Regional Water Quality Control Board (RWQCB), California Department of Fish and Game (CDFG), and Environmental Protection Agency (EPA). At the end of the 30-day review period (or when all comments are received), USACE shall notify MCWRA which projects are verified under this RGP and when project construction may proceed. Based upon these comments, USACE may choose to exclude individual maintenance projects from authorization under the RGP, if any proposed maintenance action would have greater than minimal impacts or unanticipated effects on ESA listed species or historic or cultural resources. Authorization for these projects would need to be processed as a separate request.

2. An annual report on completed projects shall be submitted by March 31 of each year following project activity. This report shall include a description of the work performed, specifically noting any changes that were made in the project design that differs from what was outlined in the pre-construction report, success of invasive plant removal (change in percent cover) and success of native plant species plantings/recolonization (change in percent cover). The report shall also document any permanent fill, including grading, within jurisdictional wetlands and other waters of the U.S. for each project site. This report shall be reviewed by the resource agencies for compliance with the terms of the RGP. Field site visits may be performed, on representative sites, by the employees of these resource agencies, as a part of their compliance evaluation.
3. For temporary impacts to wetlands, the area must be restored to its preconstruction condition upon completion of the maintenance activity, and monitoring and documentation provided to ensure successful restoration.
4. For grading or any other permanent fill impacts to wetlands, or vegetation removal impacts to wetlands in RMU 7 which are subject to RHA Section 10, a mitigation plan which complies with the 2008 mitigation rule must be developed, submitted to USACE for review and approval, and implemented following approval by USACE.
5. Excavated material may be temporarily stockpiled within portions of the maintenance areas already impacted by grading, but must be completely removed from the river channel by November 15 and stockpiled outside the OHWM in areas not subject to USACE jurisdiction.
6. At any time, a meeting may be requested by MCWRA, USACE, or other regulatory agencies to discuss the terms of the permit and compliance with those terms. Based upon the results of these meetings, USACE may choose to revoke or modify the RGP.
7. Sediment management and native vegetation management work will be confined to September 1 through November 15. Management of non-native invasive vegetation may occur as early as August 15 (mechanized removal) or June 1 (herbicide treatment). Tree planting for mitigation may occur year round, subject to seasonal and/or weather-related restrictions.
8. All standard Best Management Practices shall be implemented to prevent the movement of sediment downstream. No debris, soil, silt, sand, bark, slash, sawdust, cement, concrete, washings, petroleum products, or other organic or earthen material shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into the waterways.
9. To remain exempt from the prohibitions of Section 9 of the Endangered Species Act, the non-discretionary Terms and Conditions for incidental take of federally-listed species shall be fully implemented as stipulated in the Biological Opinion titled *Biological Opinion for the Salinas River Stream Maintenance Program, Monterey County, California (2016-F-0318) (Corps file number 22309S)* dated August 22, 2016 (enclosure 2). Project authorization under this permit is conditional upon compliance with the mandatory terms and conditions associated with incidental take. Failure to comply with the terms and conditions for incidental take, where a take of a federally-listed species occurs, would constitute an unauthorized take and non-compliance with the authorization for your project. The USFWS is, however, the authoritative federal agency for determining compliance with the incidental take statement and for initiating appropriate enforcement actions or penalties under the Endangered Species Act.
10. The USFWS and NMFS concurred with the determination that the project is not likely to adversely affect the federally listed San Joaquin kit fox (*Vulpes macrotis mutica*), California tiger salamander

(*Ambystoma californiense*), yellow-billed cuckoo (*Coccyzus americanus*), Monterey spineflower (*Chorizanthe pungens*), South-Central California Coast steelhead (*Oncorhynchus mykiss*), or designated critical habitat for these species. Their concurrence was premised, in part, on avoidance and minimization measures listed on pages 2-8 of the August 22, 2016 USFWS BO (enclosure 2), and project description on pages 1-4 of the September 6, 2016 NMFS concurrence letter (enclosure 3). Adherence to the project description and avoidance and minimization measures are incorporated as special conditions to the RGP authorization for your project to ensure unauthorized incidental take of species and loss of critical habitat does not occur.

11. To monitor for any unanticipated discoveries of buried cultural resources, you shall have an archaeologist monitor all ground-disturbing activities within the project area. Should any previously unknown cultural resources be identified during project activities, you shall cease work immediately and notify this office. In such a circumstance, USACE will inform the applicant when work may resume.

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.

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)