DEPARTMENT OF THE ARMY PERMIT

Permittee: **Resource Conservation District of Monterey County**

Permit No.: **RGP 8, Salinas River Watershed Improvements**

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:

You are authorized to discharge fill for work conducted as part of the Salinas Watershed Permit Coordination Program in accordance with the attached sixteen specific conservation practices.

Project Location:

The project sites are located in the Salinas River watershed in Monterey County, California.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on **October 1, 2008**. 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 forw ard 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.

Special Conditions:

1. The projects authorized under this permit must be designed and constructed to avoid and minimize adverse effects to waters of the U.S. to the maximum extent practicable at the project site.

2. The permittees shall comply with the terms and conditions of the U.S. Fish and Wildlife Biological Opinion, 1-8-02-F-19, dated March 21, 2003.

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. 403).

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

   ( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 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 Stat es 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 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 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 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 CFR 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.

_____ _____

(Permittee) (Date)

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

Calvin C. Fong *6/23/2003*

_____ _____

(District Engineer) (Date)

for Michael McCormick
LTC, EN

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)

Table 1. Conservation Practices:

1. ACCESS ROADS	This practice is used to improve an existing fixed route for travel for moving livestock, produce, equipment, and to provide access for property management while controlling runoff to prevent erosion and maintain or improve water quality. An example of the practice might include regrading and outsloping a road so that water is less erosive as it travels across the road
2. CRITICAL AREA PLANTING	This practice is used to stabilize the soil, reduce damage from sediment and runoff to downstream areas, and improve wildlife habitat and visual resources. Planting materials include trees, shrubs, vines, grasses, or legumes, on highly erodible or critically eroding areas (this does not include tree planting mainly for wood products). Plants may take up more of the nutrients in the soil, reducing the amount that can be washed into surface waters or leached into ground water.
3. DIVERSION	An earth channel is constructed across the slope with a supporting ridge on the lower side to slow and redirect surface flow. This practice results in the reduction of sheet and rill erosion by reducing the length of slope. Sediment may also be reduced by the elimination of gullies, reducing the amount of sediment and related pollutants delivered to the surface waters.
4. FENCE	A constructed barrier to limit or regulate the passage of livestock or wildlife. Fences are not needed where natural barriers will serve the purpose. This practice is usually applied in conjunction with other practices to improve resource conditions.
5. FILTER STRIP	A strip or area of vegetation for removing sediment, organic matter, and other pollutants from runoff and wastewater. Filter strips may also reduce erosion on the area on which they are implemented. This practice is used on cropland at the lower edges of fields adjacent to streams, ponds, and lakes to remove sediment and other pollutants from runoff. Installation often requires soil manipulation to remove surface irregularities and prepare for planting. When the field borders are located such that runoff flows across them in sheet flow, coarser grained sediments are filtered and deposited. Pesticides and nutrients may be removed from runoff through infiltration, absorption, adsorption, decomposition, and volatilization thereby protecting water quality downstream. However, they may not filter out some soluble or suspended fine-grained materials, especially during heavy rain events.
6. GRADE STABILIZATION STRUCTURE	A structure is built into a creek bed or channel bottom to control the grade and prevent head cutting in natural or artificial channels. Where possible, designs rely on

	biotechnical solutions, however some projects require limited amounts of rock or concrete to control the rate of flow or water level in channels. Stream velocities will be reduced above and below the structure resulting in reduced stream bank and streambed erosion. This will decrease the yield of sediment and sediment-attached substances. Structures that trap sediment will also improve downstream water quality.
7. GRASSED WATERWAY	This practice is installed to reduce erosion in a concentrated flow area, such as a gully. A natural or constructed channel is shaped or graded to stabilize substrate and improve conveyance of runoff. Grassed waterways may be used to move runoff from agricultural lands into riparian or wetland areas. This may result in the reduction of sediment and substances delivered to receiving waters. Vegetation may act as a filter in removing some of the sediment delivered to the waterway, although this is not the primary function of a grassed waterway.
8. IRRIGATION REGULATING RESERVOIR	A small storage reservoir constructed to regulate or store a supply of water for irrigation. This practice improves management of irrigation water and livestock watering by providing short-period storage of either diverted surface water, water from a pumped or flowing well, or water from an irrigation delivery system.
9. PIPELINE	This practice is designed to reduce bank erosion, sediment yield and manure in waterways. By supplying water to off-stream watering locations, such as troughs, livestock are diverted away from stream and lakes. A pipeline may cross a stream or watercourse.
10. SEDIMENT BASINS	Sediment basins will trap sediment, sediment associated materials, and other debris and prevent undesirable deposition on bottom lands and in waterways and streams. Basins are generally located at the base of agricultural lands adjacent to natural drainage or riparian areas. The practice does not treat the source of sediment but provides a barrier to reduce degradation of surface water downstream. Due to the detention of runoff in the basin, there is an increased opportunity for soluble materials to be leached toward the ground water. Basins may also increase groundwater recharge. The design of spillways and outlet works will include water control structures to prevent scouring at discharge point into natural drainage.
11. SPRING DEVELOPMENT	This practice is used to improve the distribution of water or increase the quantity of water for livestock and wildlife. Improving springs and seeps by fencing out livestock, excavating, cleaning, capping or providing collection and storage facilities. Water bearing soil and rocks are developed and piping is installed to a trough or tank away from the spring. A wooden or concrete box backfilled with gravel may also be

	constructed to hold the water to be piped. The area around the spring may be fenced to control livestock and therefore improve the wildlife habitat value of the spring or seep. Developing sources of water away from riparian areas and water bodies may reduce the impacts of livestock on those areas as well. Development is confined to springs or seepage areas that can furnish a dependable supply of water. Water flow from the spring or seep may be temporarily reduced during the construction period. Spring development uses an excavation process that does not result in the placement of fill in or around spring areas.
12. STREAM BANK PROTECTION	Stream bank protection consists of using vegetation or structures to stabilize and protect banks of streams, lakes, estuaries, or excavated channels against scouring and erosion. Bank protection reduces sediment loads, which can cause downstream damage and pollution. This practice can improve the stream for fish and wildlife habitat as well as protect adjacent land from erosion damage. This practice can be applied to natural or excavated channels where the streambanks are susceptible to erosion from the action of water or debris or to damage from livestock or vehicular traffic. The streambed grade must be controlled before most permanent types of bank protection can be considered feasible.
13. STREAM CHANNEL STABILIZATION	This practice involves stabilizing the channel of a stream with suitable structures. And applies to stream channels undergoing damaging aggradation or degradation that cannot be controlled with upstream practices. The design and installation of stream channel stabilization structures shall result in a stable streambed favorable to wildlife and riparian growth.
14. TANK OR TROUGH	This practice provides watering facilities for livestock at selected locations, allowing for proper distribution of grazing and better grassland management for erosion control. Another purpose can be to reduce or eliminate the usage of streams by livestock.
15. UNDER-GROUND OUTLETS	A conduit installed beneath the surface of the ground to collect surface water and convey it to a suitable outlet. Excess surface water generated by farm land on steep terrain can be collected and conveyed to a sediment basin by installing pipe safely buried underground. Location, size, and number of inlets are determined to collect excess runoff and prevent erosive surface flow. This runoff is then discharged at sediment basin where high velocity runoff is calmed and suspended sediment is trapped prior to releasing water into natural drainage channel.
16. WATER AND SEDIMENT CONTROL BASIN	An earthen embankment or a combination ridge and channel generally constructed across the slope and minor watercourses to form a sediment trap and water detention basin. This practice traps and removes sediment and sediment-attached substances from runoff. Salts, soluble nutrients, and soluble pesticides will be collected with the

	runoff and will not be released to surface waters. Although some ground water recharge may occur, little if any pollution hazard is usually expected. Often located alongside riparian or wetland environments to buffer impact of upslope runoff and sediment prior to release to natural drainage. Basins can be used to reduce concentrated off-site flow and associated erosion by metering out runoff following large storm events.