
DEPARTMENT OF THE ARMY REGIONAL PERMIT No. 10

SALINAS RIVER CHANNEL MAINTENANCE

Sponsor: Monterey County Water Resources Agency

File No.: 26270S

Issuing Office: San Francisco District

NOTE. The term "you" and its derivatives, as used in this permit, means the permittee. 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.

Authorized work: The following work is authorized in the Salinas River channel between the State Route 1 Bridge and the San Ardo area in accordance with the attached "Technical Memorandum, Salinas River Channel Maintenance Protocol, Monterey County Water Resources Agency" dated March 28, 2003 and subsequent approved revisions.

1. Mechanized removal of vegetative obstructions and debris from the channel of the river.
2. Relocation or removal of sandbars and silt deposits
3. Bank stabilization activities necessary for erosion prevention provided the activity meets all of the following criteria:
 - a. No material is placed in excess of the minimum needed for erosion protection;
 - b. The bank stabilization activity is less than 500 feet in length;
 - c. The activity will not exceed an average of one cubic yard per running foot placed along the bank below the plane of the ordinary high water mark or the high tide line;
 - d. No material is of the type, or is placed in any location, or in any manner, to impair surface water flow into or out of any wetland area;
 - e. No material is placed in a manner that will be eroded by normal or expected high flows (properly anchored trees and treetops may be used in low energy areas); and
 - f. The activity is part of a single and complete project.

Permit Conditions:

General Conditions:

1. This authorization ends on 31 October 2008
2. Endangered Species. No activity is authorized under this regional permit which is likely to jeopardize the continued existence of threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act, or which is likely to destroy the critical habitat of such species.
3. This regional permit does not authorize the construction of levees.
4. Work authorized under this regional permit shall not be conducted in either running or standing water.
5. Discharges of dredged or fill material into the waters of the United States must be minimized or avoided to the maximum extent possible at the project sites.

6. Suitable material. No discharge of dredged or fill material into the waters of the United States may consist of unsuitable material (e.g., trash, debris) and material discharged must be free of toxic pollutants in toxic amounts. (see section 307 of the Clean Water Act)
7. No activity authorized under this permit may substantially disrupt the movement of those species of aquatic life indigenous to the waterbody, including those species which normally migrate through the area.
8. 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.
9. 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.
10. 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. This Department of the Army permit does not authorize you to take an endangered species. In order to legally take a listed species, you must have an "incidental take statement" under the Endangered Species Act (ESA). The enclosed National Marine Fisheries Service and U.S. Fish and Wildlife Service Biological Opinions (BO) contain incidental take statements, and mandatory terms and conditions to implement the reasonable and prudent measures that are associated with the incidental take statements. Your authorization under this Department of the Army permit is conditional upon your compliance with all of the mandatory terms and conditions associated with incidental take statements in the attached BO. Those terms and conditions are hereby incorporated in this permit by reference. A failure to comply with the terms and conditions associated with incidental take statement in the BO, resulting in a take of the above listed species would constitute an unauthorized take, and would also constitute noncompliance with this Department of the Army permit. The National Marine Fisheries Service and U.S. Fish and Wildlife Service are the appropriate authorities to determine compliance with the terms and conditions of their BO, and with the ESA.
2. A report identifying all work conducted within a calendar year shall be submitted to the Corps by 1 April of the following year. Reporting by the individual permittees shall be in accordance with the channel maintenance program monitoring plan prepared by the Monterey County Water Resources Agency. The yearly report shall be compiled and submitted by the Monterey County Water Resources Agency.

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 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 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.

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

W. R. Blagov

(District Engineer)

15 Aug 03

(Date)