



DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
450 GOLDEN GATE AVENUE
SAN FRANCISCO, CALIFORNIA 94102

DEPARTMENT OF THE ARMY PERMIT

PERMITTEE: Mr. Martin Quan, City of Burlingame

PERMIT NO.: Regional General Permit (RGP) 41, SPN-2017-00193

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 City of Burlingame will conduct routine creek and channel maintenance over a 5-year period to alleviate problems associated with sediment, vegetation, and debris deposition, restricted hydrological flows, infrastructure maintenance, and any associated potential flooding. The maintenance activities will include: sediment removal within channels and culverts; concrete channel repair; leaf litter and debris removal; vegetation trimming /removal; culvert repair within existing culvert footprints; and, dewatering associated with these activities, as needed. The temporary staging areas for each portion of these work activities will be approximately 1,500 square feet and will be placed within the Study Area boundary as depicted in Figures 1-A through 1-E in enclosure 1.

Construction Staging and Access: The temporary staging areas for work activities will be approximately 1,500 square feet and will be placed within the Study Area boundary as depicted in Figures 1-A through 1-E in enclosure 1. Work will be conducted from mechanized equipment stationed above the top of the stream bank where feasible. Operation of mechanical equipment within the channelized creek beds will sometimes be necessary. Access to the channel will occur via designated access routes or mechanically lowered into the channel with hydraulic equipment. Designated access routes include using existing roads, ramps, or other areas devoid of wetland vegetation. Maintenance work will utilize a combination of mechanized equipment and hand tools. Equipment anticipated to be used will include Bobcats, excavators, mowers, backhoes, loaders, dump trucks, hand mowers, powered tools, and manual hand tools such as shovels, wheelbarrows, picks, trimmers, and mechanical cutters. Only small equipment such as Bobcats and similar small machinery, can be operated within the channel, and when necessary to work in the channel, the small machinery will be supported by larger equipment stationed above the top of the stream bank.

Sediment Removal: A combination of mechanized equipment and hand tools will be used to remove accumulated sediment in creeks and culverts in order to maintain channel capacity, and in some reaches, small, mechanized equipment will operate within the creek channel for sediment removal or to push sediment to the excavator bucket. Large equipment will not enter the creek. All sediment removed will be hauled to an upland site for disposal. When sediment removal from culverts is required, the project will use a vacuum truck or similar equipment in addition to small machinery.

Concrete Channel Repair: A combination of mechanized equipment and hand tools will be used to repair areas of cracked and degrading concrete in existing concrete-lined channel reaches. Concrete will be allowed to dry for a minimum of 30 days prior to contact with water within the creeks.

Leaf Litter and Debris Removal: A combination of mechanized equipment and hand tools will be used to remove trash, debris, non-living vegetation, and fallen trees and branches that could inhibit flows or damage structures along the creeks. When work within the creek is required, small machinery would access the creek channel with support from larger equipment from the top of the creek bank. Debris removal will occur using larger equipment stationed above the top of the creek bank when feasible. All removed material will be hauled to an upland site for disposal.

Vegetation Trimming/Removal: Hand tools or mowers will be used to trim vegetation above the top of the creek banks. Both non-native and native trees and vegetation will be trimmed. Additionally, vegetation and tree removal will target non-native and invasive species, however native vegetation and trees will be removed if necessary.

Culvert Repair: Mechanized equipment will be used to repair existing culverts within the same footprint; however, work will involve changes in culvert materials where necessary to meet current engineering standards and best practices. Repair of erosion control and culvert stabilization material (such as rip rap and concrete aprons) within creek channels at the margin of culverts will occur where necessary. Repair of tidal gates and similar structures that are integral to culvert function will be conducted, and these repairs will require temporary access and dewatering in tidal waters when necessary. Culvert repair, including structural stabilization and erosion control will be within the footprint of the existing culvert (i.e., in-kind).

Dewatering: Work within Corps jurisdiction will be conducted when the channels are naturally dry whenever possible. Tidal and non-tidal areas that do not fully dry will require temporary cofferdam fill material for dewatering. Cofferdams will be either inflatable systems or sand and gravel bags sealed with plastic sheeting, depending on the work conditions. Water will be pumped from inside the cofferdams, out of the work area to the greatest extent feasible and before any equipment is operated within the dewatered section of creek channel. Water from upstream will be redirected using a temporary bypass system to keep the work area dry and will be discharged into the lower reach of the same creek. Cofferdams will be temporary and removed completely when work is finished.

All work shall be completed in accordance with the plans and drawings titled "USACE File #SPN-2017-00193, Burlingame Routine Creek and Channel Maintenance, April 10, 2024, Figure 1 to 6," provided as enclosure 1.

PROJECT LOCATION: City of Burlingame, San Mateo County, California

PERMIT CONDITIONS:

GENERAL CONDITIONS:

1. The time limit for completing the work authorized ends on March 1, 2030. 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. For your convenience, a copy of the water quality certification or waiver is attached. 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.
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. The USFWS concurred with the determination that the project was not likely to adversely affect California red-legged frog (*Rana draytonii*) and San Francisco garter snake (*Thamnophis sirtalis tetrataenia*) and designated critical habitat for these species. This concurrence was premised, in part, on project work restrictions outlined in enclosure 2. These work restrictions are incorporated as special conditions to this authorization for your project to ensure unauthorized incidental take of species and loss of critical habitat does not occur.
2. The NMFS concurred with the determination that the project was not likely to adversely affect Central California Coast (CCC) steelhead (*Oncorhynchus mykiss*) and Southern DPS North American green sturgeon (*Acipenser medirostris*) and designated critical habitat for this/these species. This concurrence was premised, in part, on project work restrictions outlined in enclosure 3. These work restrictions are incorporated as special conditions to this authorization for your project to ensure unauthorized incidental take of species and loss of critical habitat does not occur.
3. You shall submit to the Corps at least 60 days in advance, a work plan identifying the proposed maintenance activities for the year for Corps review and approval before work can commence. This work plan shall include details for any proposed dewatering, grading, or other temporary or permanent fill discharge, and any proposed temporary impacts associated with the dewatering or other fill discharge.
4. Maintenance activities are restricted to the following work windows: work in concrete-lined channels is restricted to April 15 to October 31, work in earthen channels is restricted to May 1 to October 31.
5. Appropriate best management practices (BMP) as proposed in application materials shall be implemented for all maintenance activities to help minimize erosion and sedimentation of adjacent

waterways and wetlands. BMPs shall include, but not necessarily be limited to, placement of silt fencing and/or hay bales at the toe of all exposed slopes adjacent to waterways and isolated wetlands to intercept sediments and stabilization of all exposed areas using erosion control blankets and/or hydroseeding with a California native plant seed mix at project completion.

6. If flowing water is present in the project site and dewatering is required, the by-pass pipe shall be sufficiently sized to avoid any decrease in flow velocity at its inlet or outlet. The dewatering process shall be performed in a manner to minimize any disruption or alteration of normal water flow downstream of the project. Any temporary structures used to dewater the stream channel shall consist of clean washed gravel, sandbags or other non-erodible material and shall be completely removed from the work area at project completion.
7. You shall submit annual post-construction maintenance reports detailing the maintenance activities undertaken by January 31, following each year of maintenance activities. The annual report shall include the following:
 - A description of the extent to which the work plan was completed during the previous maintenance season (i.e., maintenance activities that were and were not implemented, and the status of any partially completed activities) and, for any maintenance activities that were not implemented, an explanation of why, and whether the project will be incorporated into the next year's work plan;
 - A statement of whether activities were conducted according to permitted maintenance descriptions and, if not, how the maintenance activity varied from the permitted description;
 - Site photographs of before and after maintenance activities;
 - For each project site, the quantification of the area and linear footage that was impacted by dewatering, sediment and vegetation removal, or regrading, as well as an estimate of the volume of sediment that was removed from each site;
 - A summary of impacts to all jurisdictional wetlands and waters that occurred at each work site for each year and a summary of running totals for all combined years; and
 - A description of whether any federally listed species were encountered during pre-activity surveys or project and adherence to the terms and conditions of the January 28, 2022, Endangered Species Act Section 7(a)(2) Concurrence Letter and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Response for the city of Burlingame Routine Creek and Channel Maintenance Project in San Mateo County, California (Corps File No. 2021-00193S) (NMFS, 2022), and the February 22, 2022, Informal Consultation for the Burlingame Routine Creek and Channel Maintenance Project, San Mateo County, California (U.S. Army Corps of Engineers File No. SPN-2017-00193S) (USFWS 2022).
8. Temporary wetland vegetation impacts shall be monitored to ensure that vegetation re-establishment occurs. A monitoring report documenting the area of re-established wetland vegetation within the project areas shall be submitted to the Corps by January 31, 2035 beginning four years following the initiation of ground-disturbing activities). If vegetation has not returned to within 90% of pre-project surface area, the impacts shall be considered permanent, and compensatory mitigation and/or adaptive management shall be implemented.


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. § 325.7 or enforcement procedures such as those contained in 33 C.F.R. §§ 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. § 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)	<u>June 27, 2025</u> _____ (DATE)
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This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

 _____ James Mazza Chief, Regulatory Division	<u>June 30, 2025</u> _____ (DATE)
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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)
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