



**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 REGIONAL GENERAL PERMIT 11**  
**CARMEL RIVER STREAM MAINTENANCE PROGRAM**

**PERMITTEE:** Thomas Christensen, Monterey Peninsula Water Management District

**PERMIT NO.:** SPN-1999-244600

**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 U.S. Army Corps of Engineers (Corps) having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

This Regional General Permit (RGP 11) will be used to authorize projects in accordance with the terms and conditions specified below:

**PROJECT DESCRIPTION:** The Carmel River Stream Maintenance Program (SMP) includes ongoing maintenance and restoration activities by the Monterey Peninsula Water Management District (MPWMD) along the lower 18.6-mile reach of the Carmel River from the former San Clemente Dam downstream to the Carmel River Lagoon. MPWMD would also act as an agent for other public and private sponsored projects that qualify for authorization under RGP 11. MPMWD would assume the responsibility for screening applicants, conducting pre-project evaluations, and inspecting project sites after completion to ensure compliance with RGP 11. SMP projects that may be authorized under RGP 11 will generally include the following:

**Maintenance:**

- management of vegetation and woody debris within the active channel, with limited removal;
- installing bank stabilization and/or erosion protection in unstable, degraded areas;
- maintenance or repairs of previously completed projects (e.g. completed slope protection projects, revegetation, and woody debris installation).

**Restoration and Fisheries Habitat Enhancement Activities:**

- establishing or reestablishing riparian vegetation along stream banks and adjacent areas;
- placement of large woody debris (LWD) and boulder groups; and supplementing or adding cobble and spawning gravels.

Bank stabilization projects authorized under RGP 11 are limited to a maximum of 1,200 linear feet annually, and not to exceed 2,400 linear feet of stream over the 5-year term of the RGP. Bank stabilization will use bioengineering methods where feasible, and riprap or other hardscape methods are limited to no more than 20% of the annual and 5-year bank stabilization limits. Selective hand clearing of vegetation and woody debris management are limited to a cumulative maximum of 15,840 linear feet (3 miles) of stream per year, and 79,200 linear feet (15 miles) over 5 years. Fisheries

habitat enhancement activities include restoration projects that are not associated with any bank stabilization activities. A cumulative maximum of 2,000 linear feet of habitat enhancement activities can be authorized over the 5-year term of the RGP. For all activities, a maximum of 600 linear feet of the stream could be dewatered at any one time. Authorized projects will be limited to a seasonal work window between July 1 and October 31 each year.

The project types which may be authorized under RGP 11 could all include fill discharges subject to Corps jurisdiction under Section 404 of the Clean Water Act of 1972 (CWA), as amended (33 U.S.C. § 1344 et seq.), and any instream work downstream of Highway 1 may also be subject to Section 10 of the Rivers and Harbors Act of 1899 (RHA), as amended (33 U.S.C. § 403 et seq.). The majority of projects authorized under RGP 11 will likely continue to be management of vegetation and large woody debris in areas where downed trees, debris piles, and vegetation encroachment in the river channel could possibly impact bank stability, bridges, or other infrastructure. In-channel vegetation management activities will typically include trimming of riparian vegetation, clearing debris piles, and notching/cutting of large fallen trees in the active channel. Trees, branches, root balls, and other large woody debris (LWD, defined as greater than four inches in diameter or three feet in length) would generally be left in the river system to benefit aquatic habitat for steelhead, unless it poses a significant threat to bank stability or infrastructure (i.e. houses, roads, bridges, well, pipelines, or stream gages). LWD may be notched at 20 to 25-foot intervals or otherwise modified to reduce any potential threat. When notching LWD, the core 30 percent of the diameter of the branch/tree (or six inches, whichever is greater) would generally remain unnotched. In some cases when LWD is lodged on bridge piers or a downed tree is fully across the river, multiple full cuts may be carried out. Removal of debris and trimming/removal of vegetation in non-tidal reaches of the river would generally not be subject to Corps jurisdiction. However, placement or redistribution of LWD within the river channel would constitute a fill discharge subject to Corps authorization, with overall beneficial effects to aquatic habitat.

**PROJECT LOCATION:** Carmel River downstream of the location of the former San Clemente Dam and Reservoir (36.4357 °N, -121.709 °W), Monterey County, California (enclosure 1).

**PERMIT CONDITIONS:**

**GENERAL CONDITIONS:**

1. The time limit for completing the work authorized ends on October 31, 2029. 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. 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 (enclosure 2).
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. 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 October 10, 2024 Biological Opinion (BO) from the National Marine Fisheries Service (NMFS) titled "*Endangered Species Act Section 7(a)(2) Biological Opinion and Magnuson–Stevens Fishery Conservation and Management Act Essential Fish Habitat Response for the Monterey Peninsula Water Management District Stream Maintenance and Restoration Program (Corps File No. SPN 1999-244600)*" (NMFS file # WCRO-2024-02403, enclosure 3), and the August 18, 2010 BO from the U.S. Fish and Wildlife Service (USFWS) titled "*Renewal of Biological Opinion for the Regional General Permit for River Maintenance and Restoration on the Carmel River, Monterey County, California (8-8-10-F-46)*" (USFWS file # 81440-2010-F-0317, enclosure 4). Project authorization under this RGP 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 and/or NMFS are, however, the authoritative federal agencies for determining compliance with the incidental take statement and for initiating appropriate enforcement actions or penalties under the Endangered Species Act.
2. All work subject to Corps jurisdiction shall be conducted as described in section 1.3 (pages 4-20) of the 2024 NMFS BO (Enclosure 3).
3. Two annual reports are required: an annual workplan of proposed projects to be submitted by June 1 prior to each summer/fall work season, and an annual compliance

report for completed projects to be submitted by February 1 of the following year. All annual reports must be submitted to the Corps, NMFS, USFWS, and the Central Coast Regional Water Quality Control Board (RWQCB). Annual workplans will include descriptions and detailed maps of work locations, estimates of impact areas and volume of any fill in Waters of the U.S., construction methods, and proposed work timeframes, and must be approved in writing by the Corps prior to project implementation.

4. Annual workplans that include bank stabilization, excavation, grading, or other ground disturbance must also contain a summary of cultural resource information for each such project area, including surrounding archaeological sensitivity and any known or suspected historic properties, including archaeological sites, tribal cultural resources, and bridges or other structures older than 40 years. For any proposed project with the potential to affect a historic property, MPWMD shall include sufficient information for USACE to initiate consultation with the State Historic Preservation Officer under section 106 of the National Historic Preservation Act

#### **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 any work 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.

Thomas Chwite  
(PERMITTEE)

10/22/2024  
(DATE)

Katerina Galacatos  
South Branch Chief, Regulatory Division

October 22, 2024  
(DATE)

(TRANSFEREE)

(DATE)