



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: County of San Mateo

PERMIT NO.: SPN-2017-00213

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 County of San Mateo proposes to conduct maintenance activities as described in the "County of San Mateo Routine Maintenance Program Manual," prepared by Horizon Water and Environment and dated July 2020 (2020 RMP Manual) for the purpose of maintaining structural and functional integrity of County facilities. RMP activities include sediment and debris removal, culvert and storm drainage facility maintenance, bridge maintenance, channel maintenance, roadside ditch and vegetated swale maintenance, green infrastructure (GI) maintenance, bank stabilization, vegetation management, road and trail maintenance, and non-dredging maintenance activities at the Coyote Point Marina, as described in the 2020 RMP Manual.

Sediment removal activities include the removal of accumulated sediment from culverts, channels, flap gates, storm drains, and other storm drainage facilities. Culvert maintenance activities include repair or replacement of culverts, headwalls, wing walls, or energy dissipators. Bridge maintenance activities include the repair of appurtenant features of the bridge, erosion and scour protection, and debris clearing. Channel maintenance activities include the repair of concrete channel walls and beds, repair of rock slope protection, maintenance of tide gates, removal of debris and trash, and repair of floodwalls and levees. In-channel vegetation management activities include removal of vegetation to maintain operational function and conveyance capacity at County channels, culverts, and bridges; removing or relocating vegetation or large woody debris; as well as recontouring the bank after the removal of a fallen, dead, or hazardous tree. Roadside ditch, GI, and vegetated swale maintenance includes vegetation management and the removal of accumulated debris, trash, and sediment. Bank stabilization activities include excavation, grading, and the installation of bioengineered bank stabilization or hardscape. Road and trail maintenance would mostly occur in upland areas outside of Corps jurisdiction; however, this category would include activities that are immediately adjacent to and hydrologically connected to waters of the U.S. Marina maintenance activities include the repair of existing riprap or hardscape as well as other marina facilities but do not include dredging activities in the marina or San Francisco Bay. This RGP would also authorize the installation of temporary dewatering structures and temporary access roads.

All maintenance activities would be designed to limit the expansion of hardscape or armoring within waters of the U.S., and bioengineering activities such as the installation of anchored woody debris, soil lifts, and willow plantings would be prioritized. Should an increased footprint of hardscape be deemed necessary, the County would provide the Corps with site-specific details to justify the increased footprint of hardscape in accordance with Section 5.5 and Table 5-1 of the 2020 RMP Manual. Any increase in hardscape footprint would be reported as a permanent impact in annual reports.

PROJECT LOCATION: The San Mateo County Routine Maintenance Program area includes waters of the U.S. and immediately adjacent uplands in all unincorporated portions of San Mateo County, California, that are managed by the Department of Public Works (DPW) and in all properties within San Mateo County managed by the Parks Department (center coordinates latitude 37.463980°, longitude -122.347367°). The County of San Mateo consists of two major watersheds – the Bayside Watershed is located on the eastern side of the Santa Cruz Mountains and drains to the San Francisco Bay; and the Coastside Watershed is located on the western side of the Santa Cruz mountains and drains to the Pacific Ocean. The Bayside Watershed is further divided into two program maintenance areas:

- North Bayside, which includes Colma Creek, San Bruno/El Zanjon Creek, Mills Creek, Easton Creek, Sanchez Creek, San Mateo Creek, San Andreas Lake, Lower Crystal Springs Reservoir, and the San Francisco Bay (HUC's 180500040904, 180500040903, 180500040901, and 180500041001), and
- South Bayside, which includes Laurel Creek, Belmont Creek, Pulgas Creek, Cordilleras Creek, Redwood Creek, Atherton Creek, Upper Crystal Springs Reservoir, San Francisquito Creek, and the San Francisco Bay (HUC's 180500040902, 180500040901, 180500030404, and 180500041001).

The Coastside Watershed is divided into three program maintenance areas:

- North Coastside includes San Pedro Creek, Kanoff Creek, Montara Creek, Dean Creek, San Vicente Creek, and Denniston Creek (HUC's 180500060204 and 180500060205).
- Central Coastside includes Pilarcitos Creek, Pomponio Creek, Pilarcitos Reservoir, Pomponio Creek, Purisima Creek, Lobitos Creek, Tunitas Creek, San Gregorio Creek, La Honda Creek, and Alpine Creek (HUC's 180500060201, 180500060206, 180500060203, and 180500060202).
- South Coastside includes Pescadero Creek, Pescadero Marsh, Butano Creek, Butano Marsh, Gazos Creek, Lake Lucerne, and Bean Hollow Lakes (HUC 180500060101, 180500060102, 180500060103, and 180500060303).

PERMIT CONDITIONS:

GENERAL CONDITIONS:

1. The time limit for completing the work authorized ends on October 15, 2027. 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. To remain exempt from the prohibitions of Section 9 of the Endangered Species Act, the non-discretionary Terms and Conditions for incidental take of Central California Coast coho salmon, Central California Coast steelhead trout, tidewater goby, California red-legged frog, California tiger salamander, San Francisco garter snake, and western snowy plover shall be fully implemented as stipulated in the biological opinions issued by the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS). The USFWS Biological Opinion (BO), entitled “Formal Consultation on the County of San Mateo Routine Maintenance Program in San Mateo County, California. (Corps file number 2017-00213S)” (USFWS File No. 2022-0001125-S7-001, Enclosure 2) was issued by the USFWS on February 15, 2022, and includes non-discretionary Terms and Conditions on pages 65-66. The NMFS BO, entitled “Endangered Species Act Section 7(a)(2) Biological Opinion and Magnuson-Stevens Fishery Act Essential Fish Habitat Response for County of San Mateo Regional General Permit” (NMFS File No. WCRO-2020-00478, Enclosure 3) was issued by the NMFS on August 21, 2020, and includes non-discretionary Terms and Conditions on pages 59-61. 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 and 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. The USFWS and the NMFS concurred with the determination that the project was not likely to adversely affect San Mateo thorn-mint, Crystal Springs fountain thistle, San Mateo woolly sunflower, Marin western flax, white-rayed pentachaeta, Hickman’s cinquefoil, Bay checkerspot butterfly, Mission blue butterfly, San Bruno elfin butterfly, Callippe silverspot butterfly, marbled murrelet, California Ridgway’s rail, and North American green sturgeon. This concurrence was premised, in part, on project work restrictions and the description of the proposed action outlined in enclosures 2 and 3. These work restrictions are incorporated as special conditions to this permit to ensure unauthorized incidental take of species and loss of critical habitat does not occur.
3. The Corps initiated consultation with the NMFS to address project-related impacts to Essential Fish Habitat. The conservation recommendation outlined on page 62, in enclosure 3, shall be fully implemented as stipulated.
4. RMP project activities shall be conducted in accordance with the County of San Mateo Routine Maintenance Manual, prepared by Horizon Water and Environment and dated July 2020 (2020 RMP Manual).
5. As discussed in Chapter 10 of the 2020 RMP manual, all projects proposed for coverage under the RGP in any given year shall be submitted by the permittee as a single Annual Work Plan by April 30 of each year. The Corps will make best efforts to provide notices to proceed within 45 days of submittal of complete Annual Work Plan containing all of the information specified below, including compensatory mitigation plans when they are required. The permittee shall not proceed with project activities until receiving the Corps’ written notification to proceed. The Annual Work Plan shall include:
 - a. A summary spreadsheet showing all proposed projects, providing:

- i. A unique number or code (e.g., 2021-culvert-1) for each of the proposed projects;
 - ii. The site number (as designated in Appendix B of the 2020 RMP Manual)
 - iii. Which of the seven general categories the project qualifies for;
 - iv. The latitude and longitude of the project site;
 - v. The total acreage of the project site;
 - vi. The USGS designated name for any major aquatic resources within the project site;
 - vii. Whether the proposed work is within Corps jurisdiction (specify Section 404 and/or Section 10 jurisdiction);
 - viii. The volume and area of temporary fill within Corps jurisdiction;
 - ix. The volume and area of permanent fill within Corps jurisdiction;
 - x. The acreage of new/expanded hardscape within Corps jurisdiction;
 - xi. The acreage of permanent loss of waters of the U.S. (conversion to upland);
 - xii. Whether special aquatic sites (e.g., wetlands or eelgrass) would be impacted;
 - xiii. The tier classification for impacts to federally listed species or habitat, as described in Section 9.1 of the 2020 RMP Manual;
 - xiv. Whether a historic property or cultural resource is known to occur within the project area; and
 - xv. The cultural sensitivity designation of the site, as discussed in BMP CUL-1 (Table 9-2 of the 2020 RMP Manual).
 - b. Additional documentation for each of the proposed projects:
 - i. A description of the proposed activity, including a discussion of which of the seven general categories the project falls under;
 - ii. A discussion supporting the tier classification, as described in Section 9.1 of the 2020 RMP Manual;
 - iii. If the proposed project would impact a special aquatic site (e.g., wetlands or eelgrass), a description of the proposed impacts, including whether they are permanent or temporary and any proposed post-construction restoration and monitoring;
 - iv. If a historic property or cultural resource is known to occur within the project area, or the site has been designated moderate sensitivity or high sensitivity, sufficient documentation to initiate SHPO consultation;
 - v. The facility characterization sheet (as shown in Appendix H of the 2020 RMP Manual, updated as necessary);
 - vi. Project plans clearly depicting the location, size, and dimensions of the proposed activity, as well as the location of delineated waters of the U.S. All drawings/plans shall comply with the most recent South Pacific Division Map and Drawing Standards;
 - c. A single ORM Aquatic Resources and Consolidated Upload Spreadsheet for all of the proposed activities, listing all of the aquatic resources within the project areas and all associated impacts;
 - d. A conceptual mitigation plan for all projects requiring compensatory mitigation due to the expansion of hardscape or the loss of waters of the U.S. This mitigation plan must comply with the 2008 Mitigation Rule.
 - e. A summary table of permanent impacts that have occurred to-date within each of the five program maintenance areas.
6. All construction work shall incorporate appropriate best management practices (BMPs), including stabilizing and seeding exposed upland slopes, to control and minimize bank erosion, sediment input, and turbidity in the affected wetlands and other waters of the U.S. as described in the 2020 RMP Manual. 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 any waters of the U.S.

7. Following the completion of construction, any temporary fill placed within wetlands or below the ordinary high water mark or high tide line of other waters of the U.S. shall be removed in its entirety, and all areas where only temporary impacts are being authorized shall be restored to their pre-construction conditions. Excavated substrate consisting of coarse sand, gravel, and cobble may be used as backfill material for construction purposes; all other material excavated below the ordinary high water mark or high tide line, including debris, mud, silt, and organic matter, shall be hauled off-site and disposed of at an upland location not subject to Corps' regulatory authority.

8. Compensatory mitigation shall be provided for the expansion of hardscape or armoring within waters of the U.S., increasing culvert length, converting waters of the U.S. to upland, permanent impacts to wetland waters of the U.S., and permanent impacts to eelgrass beds. Replacement of existing hardscape that does not increase the footprint of the existing hardscape within waters of the U.S. shall not require compensatory mitigation from the Corps. Vegetation and sediment removal activities that do not permanently impact wetland waters of the U.S. shall not require compensatory mitigation from the Corps. Biotechnical bank stabilization activities that do not result in a loss of wetland or other waters of the U.S. shall not require compensatory mitigation from the Corps.

The project area of this RGP is divided into two regions Bayside, which drains to the San Francisco Bay, and Coastside, which drains to the Pacific Ocean. These are further divided into five program maintenance areas:

- North Bayside, which includes Visitation Valley, Colma Creek, San Mateo Creek, and San Francisco Bay Estuaries watersheds;
- South Bayside, which includes Cordilleras Creek, San Mateo Creek, San Francisquito Creek, and San Francisco Bay Estuaries watersheds;
- North Coastside, which includes San Pedro Creek and Denniston Creek watersheds;
- Central Coastside, which includes Arroyo Leon, Purisima Creek, San Gregorio Creek, and La Honda Creek watersheds; and
- South Coastside, which includes Upper Pescadero Creek, Lower Pescadero Creek, Butano Creek, and Gazos Creek-Frontal Año Nuevo Bay watersheds.

If the overall permanent impacts within any one program maintenance area exceeds 0.1 acre within the 5-year authorization of this RGP, compensatory mitigation shall be required for all permanent impacts to waters of the U.S. within that program maintenance area. Should the overall permanent impacts to waters of the U.S. within any of the program maintenance areas be anticipated to exceed 0.1 acre, the annual work plan shall propose compensatory mitigation for permanent impacts. Any proposed compensatory mitigation plan shall comply with the 2008 Mitigation Rule and any additional national or regional USACE guidelines (e.g., South Pacific Division Mitigation Ratio Checklist). Compensatory mitigation shall ensure no overall net loss in quantity or quality of waters of the U.S. (as discussed in Section 9.5 of the 2020 RMP Manual). Compensatory mitigation shall occur the following ratios:

Table A – Mitigation Ratios	
Mitigation Type	Ratio
Within program maintenance area, in-kind	1.5:1
Outside program maintenance area, in-kind	3:1
Mitigation bank credits (in-kind)	1:1

Compensatory mitigation shall occur within the same program maintenance area as the impacts where feasible. Compensatory mitigation shall occur within the same region as the impacts (i.e., Bayside versus Coastsides).

Compensatory mitigation for permanent impacts to waters of the U.S. may include enhancement, rehabilitation, restoration, establishment, or reestablishment of waters of the U.S. Preservation may only be considered if the conceptual mitigation plan proposes to preserve a particularly rare and threatened aquatic resource and would need to comply with all requirements of the 2008 Mitigation Rule. Compensatory mitigation for permanent impacts to waters of the U.S. shall be commensurate with the amount and type of impacts that have occurred/are proposed to occur under the Program. Invasive plant removal and native plant establishment alone may not be considered acceptable mitigation for permanent impacts to waters of the U.S. but may be included as part of a larger restoration plan.

Mitigation proposals may not be considered acceptable in areas where repeated maintenance occurs. For example, sediment removal activities regularly occur within the Colma Creek Flood Control Channel, so this site would not be considered suitable for compensatory mitigation.

9. Permittee-responsible mitigation shall be monitored by the County for at least 5 years depending on the mitigation project. By January 31 of each year, the County shall submit an annual maintenance summary report for the previous year, which would state which of the projects from the previous year’s annual work plan were implemented, any lessons learned, and the results of any mitigation monitoring. Monitoring reports for each mitigation site shall be submitted to the Corps by January 31 following 1, 3, and 5 years post-construction of the mitigation site. Results of qualitative monitoring that is conducted in years 2 and 4 shall be included in monitoring reports prepared for years 3 and 5. Maps showing monitoring locations and representative photographs shall be included with each report. Monitoring reports shall be prepared in the following format:

- a. Introduction
- b. Map of mitigation site location
- c. Methods
- d. Results
- e. Summary table showing annual monitoring results of current and all previous years in comparison to success criteria for current and all previous years
- f. Discussion (including performance in relation to success criteria)
- g. Management Recommendations
- h. Literature Cited
- i. Appendices

10. Mitigation sites shall be monitored by a qualified biologist or a qualified vegetation program specialist to evaluate the survival and successful establishment of the plantings. Monitoring shall be conducted annually over a 5-year period. Site performance and final success shall be evaluated through both quantitative and qualitative monitoring. Qualitative monitoring shall be conducted annually, with quantitative assessments being performed in Years 1, 3, and 5 following planting. The data collected during monitoring visits shall be used to determine if the site is progressing incrementally toward meeting the final success criteria, and to recommend management modifications or the implementation of contingency measures to help meet the final success criteria. If the final success criteria are not met by Year 5, remedial measures shall be implemented and quantitative monitoring shall continue annually, until the final success criteria are achieved.
11. Your responsibility to complete the required compensatory mitigation as set forth in Special Conditions 8, 9, and 10 will not be considered fulfilled until you have demonstrated mitigation success and have received written verification from the Corps.

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.

6/17/2022

(PERMITTEE)

(DATE)

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

Katerina Galacatos
Acting Chief, Regulatory Division
San Francisco District

(DATE)

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)