



DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, CORPS OF ENGINEERS
1455 MARKET STREET
SAN FRANCISCO, CALIFORNIA 94103-1398

**DEPARTMENT OF THE ARMY REGIONAL GENERAL PERMIT NUMBER 4
FOR
MOSQUITO ABATEMENT ACTIVITIES**

SPONSOR: California Department of Public Health

PERMIT NUMBER: Regional General Permit (RGP) No. 4 (Corps File No. 400304S)

PERMITTEES: Public Vector Control Agencies

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:

- 1. Maintenance (but not construction) of currently serviceable water circulation ditches. Maintenance does not include any modification that changes the character, scope, or size of the original ditch.**
- 2. Sidecasting of fill incidental to the removal of debris, weeds, and emergent vegetation in natural channels where normal water circulation is impeded such that mosquito breeding can occur.**
- 3. Filling of existing, nonfunctional water circulation ditches to the extent necessary to achieve the required water circulation dynamics and restore ditched wetlands.**

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on **February 1, 2021**. 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. Equipment. Staging areas shall be on upland sites if available. Heavy equipment working in wetlands must be placed on mats or other measures must be taken to minimize soil disturbance (e.g., use of low ground pressure vehicles).
3. Suitable material. No discharge of dredged or fill material into the waters of the United States may consist of unsuitable material (e.g., trash) and material discharged must be free of toxic pollutants in toxic amounts (see section 307 of the Clean Water Act).
4. 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 site.
5. Work authorized under this regional permit shall be conducted whenever possible during the period of 1 August through 31 January.

6. 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. In waterbodies which support anadromous fish, work shall be conducted during the period 1 July through 30 September.
7. 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.
8. 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.
9. 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. No work shall be performed in tidal marshes of San Francisco Bay, San Pablo Bay, and western Suisun Bay (west of Grizzly Bay) between 1 February and 1 September, the breeding season of the California clapper rail. Specific areas of tidal marsh which have been determined in writing by the USFWS to provide no suitable habitat for the California clapper rail may be conditionally excluded from this prohibition.
2. 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 USFWS issued Biological Opinion entitled, "*Biological Opinion for the Continued Maintenance of Existing Water Circulation Ditches for the Purpose of Mosquito Abatement in Tidal Marshes for Alameda, Napa, Marin, Solano, San Mateo and Sonoma Counties, California,*" (pages 10-12) dated August 29, 2016. 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 is, however, the authoritative federal agency for determining compliance with the incidental take statement and for initiating appropriate enforcement actions or penalties under the Endangered Species Act.
3. The USFWS and NMFS concurred with the determination that the project was not likely to adversely affect California seablite, delta smelt, California least tern, western snowy plover, Sacramento River winter-run Chinook salmon, Central Valley spring-run Chinook Salmon, Central California coast steelhead, California Central valley steelhead, and North American green sturgeon southern DPS. These concurrences were premised, in part, on project work restrictions outlined in enclosure 1. 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.
4. No spoils sidecast adjacent to circulation ditches shall exceed 8 inches in relief above the marsh plain after dewatering. Sidecast spoil lines exceeding 4 inches in height above the marsh plain shall extend no more than 6 feet from the nearest ditch margin. Any spoils in excess of these dimensions shall be either hydraulically re-dispersed on site, or removed to designated upland sites, out of Corps jurisdiction. Sidecast spoil lines shall be breached at appropriate intervals to prevent local impediments to water circulation.
5. A work plan for each year's proposed maintenance activities shall be submitted to the Corps, USFWS, and CDFW no later than 1 July of each year. The Corps will provide notification within 30 days if any of the proposed work is determined to have more than minimal adverse impacts, after consideration of any proposed

mitigation, and is therefore not authorized by this permit. The work plan shall include a delineation of all proposed ditching overlain on topographic maps at a minimum 1" = 1000' scale, with accompanying vicinity maps and GPS coordinates (degree decimal format) denoting the center point of each site. The plan shall also indicate the dominant vegetation of the site, based on subjective estimates; the length and width of the ditches to be maintained, cleared or filled, and; the estimated date the work will be carried out. A report of the actual work done in the previous year shall be included with the work plan.

6. If the review of the proposed work plan by the Corps, USFWS or CDFW determines the proposed maintenance is likely to destroy or damage substantial amounts of shrubby or sub-shrubby vegetation (e.g., coyote brush, gumplant) on old sidecast spoils, the permittee will be notified to provide a quantitative estimate of the extent and quality of the vegetation, and a revegetation plan for the impacted species prepared by a biologist/botanist with expertise in marsh vegetation. The Corps approved revegetation plan shall be implemented prior to 1 April of the year following the impacts.
7. In marshes which contain populations of invasive nonnative vegetation such as *Lepidium latifolium* or introduced species of *spartina*, sidecast spoils shall be surveyed for the frequency of establishment of these species during the first growing season following the deposition of the spoils. The results of the surveys shall be reported to the Corps, USFWS and CDFW. If it is determined the sidecasting of spoils have resulted in a substantial increase in the distribution or abundance of the nonnative vegetation which is detrimental to the marsh, the permittee shall implement appropriate abatement measures after consultation with the Corps, US WS and CDFW.

FURTHER INFORMATION:

1. Congressional Authorities: Activities are authorized by this RGP 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).

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 provided by the applicant.

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. The permittee fails to comply with the terms and conditions of this permit.
- b. The information provided by an applicant in support of a 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 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 a permittee to comply with the terms and conditions of the permit and for the initiation of legal action where appropriate. Permittees will be required to pay for any corrective measures ordered by this office, and if they 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 permittees for the cost.

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



John C. Morrow
Lieutenant Colonel, US Army
District Engineer

18 Nov 2016

Date

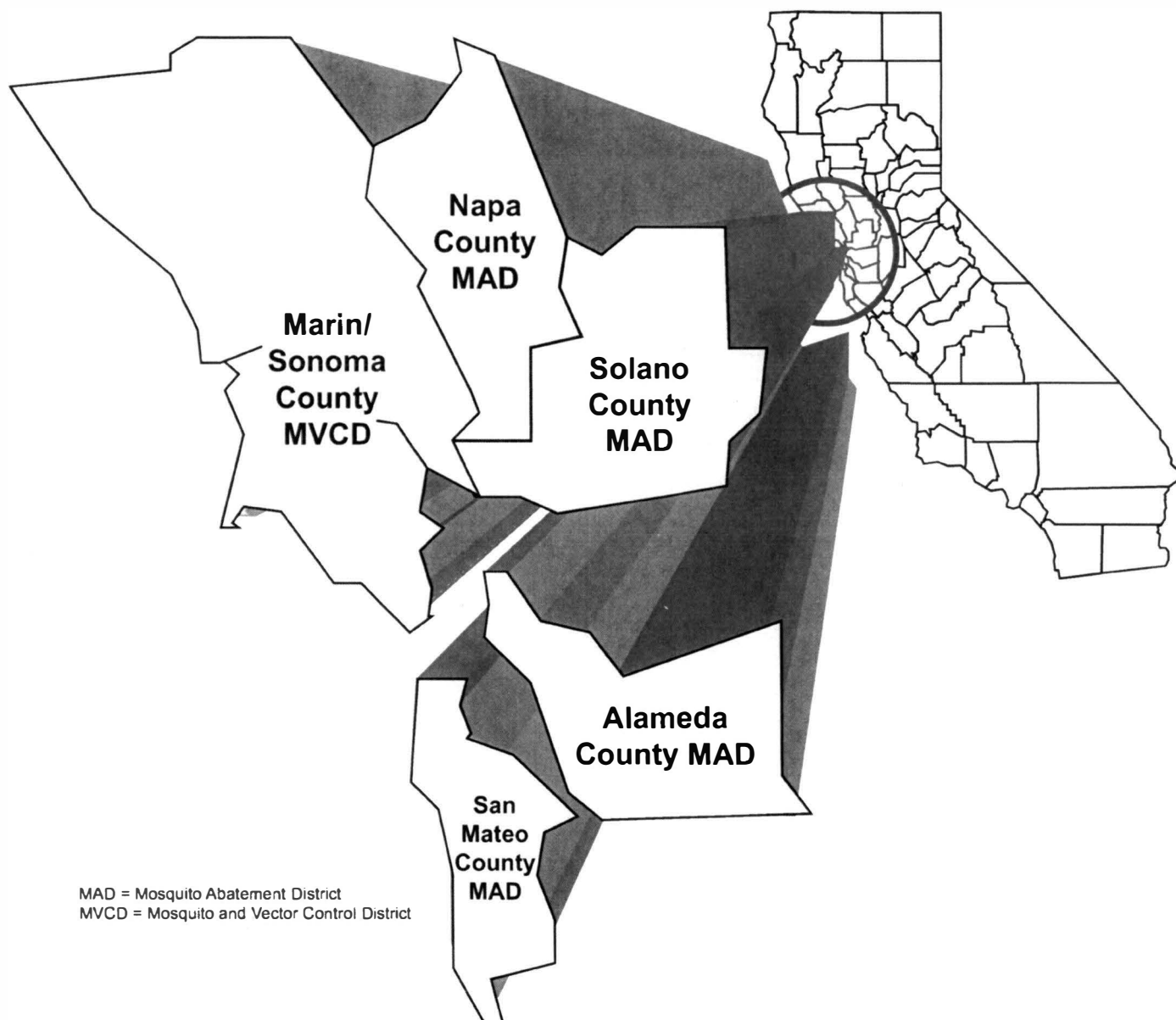


**California Map of U.S. Army
Corps of Engineers Regulatory Boundaries**



Prepared by the San Francisco District, 10/2000

Source Reduction Permit - San Francisco Bay Area Mosquito and Vector Control Districts



MAD = Mosquito Abatement District
MVCD = Mosquito and Vector Control District

Purpose:

Habitat enhancement plans for long-term reduction of mosquito populations.

Coordinating Agency:

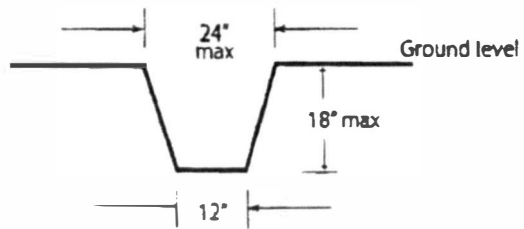
California Dept of Public Health
Vector-Borne Disease Section
850 Marina Bay Parkway
Richmond, CA
510-412-6252

Agencies participating
In General Permit M77-37

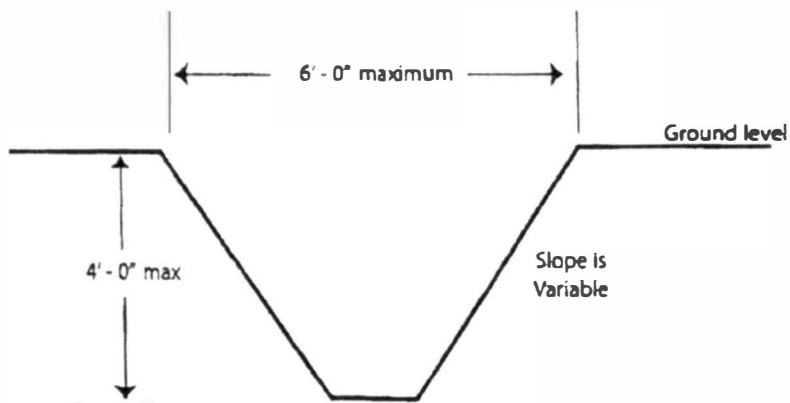
March, 2015

Typical Water Circulation Ditches

Small Lateral Water Circulation Ditch Configuration



Medium to Large Water Circulation Ditch Configuration



No scale

Purpose:

Habitat enhancement: plans for long-term reduction of mosquito populations

Coordinating Agency:

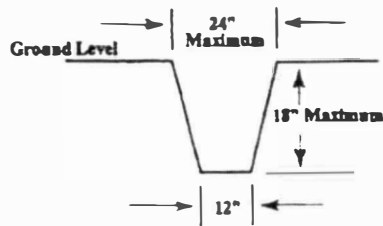
California Dept of Health Services
Vector-Borne Disease Section
850 Marina Bay Parkway
Richmond, CA
1.510.412.6252
Fax 1.510.412-6263

Typical Water Circulation
Ditches

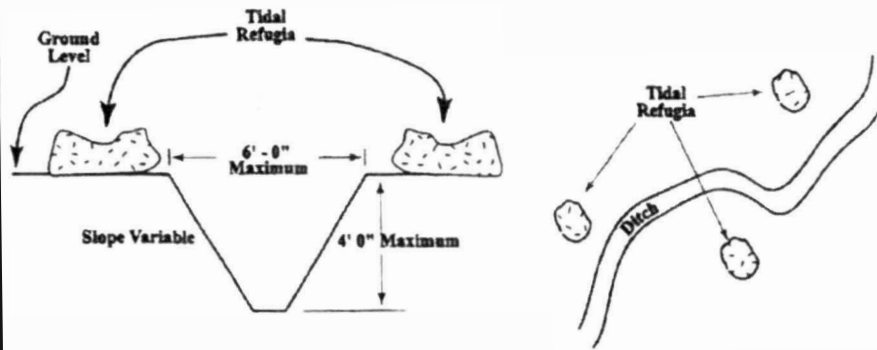
Prepared by Kerry Padgett
Sheet 1 of 2
April 2, 2015

Typical Water Circulation Ditch

Small (Lateral & Sprite) Water Circulation Ditch Configuration



Medium to Large Water Circulation Ditch Configuration



Purpose
Habitat enhancement plans
for long-term reduction of
mosquito populations

Coordinating Agency
California Dept of Health Services
Vector-Borne Disease Section
850 Marina Bay Parkway
Richmond, CA
1.510.412.6252
Fax 1.510.412-6263

Prepared by Kerry Padgett
Sheet 2 of 2
April 2, 2015