



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

REPLY TO

**DEPARTMENT OF THE ARMY PERMIT**

**PERMITTEE:** Larry Hampson, Monterey Peninsula Water Management District

**PERMIT NO.:** 244600S

**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 Monterey Peninsula Water Management District (MPWMD) is seeking Department the Army re-authorization of a Regional General Permit (RGP) to continue to conduct maintenance and restoration activities along an 18.6 mile segment of the Carmel River from the Carmel River Lagoon to the San Clemente Dam. The proposed projects involved three basic types of activities including erosion protection which may involve channel restoration and re-alignment, maintenance of previously authorized protection and vegetation, and habitat restoration. The proposed projects are located near the City of Carmel-by-the-Sea, Monterey County, California.

Erosion protection projects would involve measures including the excavation and backfill of the channel bottom, importation and placement of fill material along degraded banks, installation of rip rap slope protection along degraded banks, and temporary channel diversion. Channel restoration and re-alignment projects would include the excavation of sand, cobble and gravel materials to establish a stable channel and backfill of cobble and gravel material in certain areas to construct pool and riffle sequences. Activities related to the implementation of these projects would require the use of heavy machinery (e.g. bulldozer, loader, backhoe, and excavator). Work required for erosion protection and channel restoration/ re-alignment projects would be limited to a total of 0.7 stream miles annually.

Vegetation management and maintenance of previously authorized projects would include re-vegetation of riparian plant species, modification or removal of vegetation and woody debris from the channel bottom, and maintenance of projects implemented under the initial RGP. Re-vegetation of riparian plant species would include plantings of willow, cottonwood, sycamore, box elder, elderberry, and other native riparian species along banks and low floodplain terraces. Modification or removal of vegetation and woody debris from the channel bottom would involve the removal of vegetation along the channel bottom and the modification of large wood to decrease bank erosion and to maintain channel capacity. Maintenance of previously authorized activities would include irrigation operation and repair, weed removal, and installation of supplemental plantings. Activities related to the implementation of these projects would utilize hand tools (e.g. chainsaw and loppers). Work required for vegetation management would be limited to a total of 3 stream miles annually.

Habitat enhancement projects would include fisheries habitat enhancement and the installation of engineered large wood structures. Fisheries habitat enhancement would involve the creation of pool and riffle sequences and placement of log and boulder to provide additional habitat. Installation of engineered large wood structures would involve placement of large wood along stream banks in certain stream reaches to stabilize streambanks. Activities related to habitat enhancement would require use of heavy machinery (e.g. backhoe). Work required for habitat enhancement projects would not be restricted to an annual limit.

**PROJECT LOCATION:** Carmel River between Carmel River Lagoon and San Clemente Dam, Monterey County, California

**PERMIT CONDITIONS:**

**GENERAL CONDITIONS:**

1. The time limit for completing the work authorized ends on October 15, 2022. 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.
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 enclosed United States Fish and Wildlife Service and National Marine Fisheries Service Biological Opinions entitled, "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)" and "Programmatic Biological Opinion; Carmel River Restoration and Maintenance Regional General Permit" dated August 18, 2010 and August 30, 2010, respectively (Enclosures 1 and 2). 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 or NMFS is/are, 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.

2. Work conducted within jurisdictional waters of the United States and jurisdictional wetlands of the United States shall be conducted as described in the document titled "Project Description for Renewal of Department of the Army Regional General Permit No. 24460S; Carmel River Maintenance and Restoration Projects; Monterey County, California", dated February 2010 (Enclosure 3). Any work not described in this detailed is not authorized by this Regional General Permit.
3. Two annual reports are required. The first annual report (advanced notice) will contain a work plan for the coming year. These annual work plans must be approved by the Corps prior to project implementation. Work conducted without prior written approval of the annual proposed work plans by the Corps will be considered a violation of this permit condition. This report shall be submitted prior to April 15 of each year. This plan will include work locations, estimates of impact to jurisdictional wetlands and/or to other Waters of the U.S. (in mapped format), construction methods, and proposed work timeframes. Additionally, a Wetland Delineation Report for proposed locations shall be provided in accordance with the enclosed document titled "Draft Map and Drawing Standards for the South Pacific Division Regulatory Program" (Enclosure 4). The second annual report would summarize work completed in the previous year. The second annual report shall be submitted prior to December 1 of each year.
4. Any excess material removed as part of the activities approved under this authorization will be placed at an upland location outside of any jurisdictional waters of the United States.
5. A copy of this permit shall be posted in a conspicuous location at any area in which work is being conducted under this authorization.

**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 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)

  
\_\_\_\_\_  
(DATE)

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

  
\_\_\_\_\_  
John K. Baker, P.E.  
Lieutenant Colonel, U.S. Army  
Commander and District Commander

  
\_\_\_\_\_  
(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)