



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. Richard Thomasser, Napa County Flood Control and Water Conservation District

PERMIT NO.: Regional General Permit (RGP) 45, SPN-2019-00081

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

This RGP will be used to authorize the County of Napa's stream and stormwater maintenance activities, in accordance with the terms and conditions specified below:

PROJECT DESCRIPTION:

The County of Napa (County) is authorized to conduct routine stream maintenance activities - including vegetation management consisting of plant management, tree maintenance, and downed tree maintenance; erosion protection and bank stabilization; sediment and debris removal; and small habitat enhancement projects. There are 4 channel types on which the County may conduct maintenance activities, including:

1. Engineered flood control channels: Typically, v-shaped or trapezoidal channels (often referred to as "collectors") which collect runoff from other small local drainages. They often run parallel to major roads with steep banks and little to no riparian corridor vegetation and poor-quality habitat for instream species (i.e. Salmonids).
2. Modified channels: Channels that have been widened or straightened to increase channel conveyance capacity often to prevent flooding of adjacent agricultural and residential developments. These are not necessarily engineered to a specific design flow or specification but are wider and straighter than a natural channel with a low flow channel and some riparian corridor vegetation.
3. Semi-modified channels: These typically have natural, un-modified stream beds and support a higher percentage of native vegetation to non-native vegetation, and a moderate to mature riparian corridor. The banks of these channels may have been modified to prevent flooding or bank erosion.
4. Natural channels: Maintenance activities in natural channels are generally limited to vegetation and large woody debris (LWD) management, invasive species eradication support, removal of trash, debris, and abandoned structures, and consultations on erosion and bank stabilization. District staff typically do not conduct sediment removal or bank stabilization activities in natural channels.

Maintenance activities include the following:

Vegetation and Tree Management: Vegetation management generally refers to the trimming, pruning, mowing, and removal of flow-constricting vegetation, or vegetation creating excess instream roughness within the flood control channels and other constructed facilities. Vegetation management activities are conducted to maintain flow conveyance capacity, reduce vegetation directed flow that causes bank erosion, establish a canopy of riparian trees, and control invasive vegetation. Vegetation management occurs consistently from year to year and management methods include hand

removal, mechanical removal, and herbicide applications. Vegetation management is performed in a manner to prevent loss of habitat and erosion and does not include clear cutting or wholesale removal of vegetation or use of herbicides to control submerged vegetation.

Erosion Protection/Bank Stabilization: Depending on the intensity of the winter storm season, five to ten bank stabilization projects are conducted annually, with each project covering approximately 100 to 500 linear feet (lf) of stream bank. Bank stabilization repairs in engineered channels within the County's jurisdiction are typically 200 lf or less, while bank repairs within natural creeks are limited to 100 feet. Bank stabilization activities for an individual project beyond 1,000 feet are considered beyond routine and outside of the program. Under this program, the District and County are limited to conducting 2,500 lf of bank stabilization projects in a given year. Bank stabilization activities are generally conducted between June 15th and October 31st when streams are at their driest. This program is limited to biotechnical approaches that involve planting of native plant species. More involved bank stabilization projects are outside the scope of this maintenance program and subject to individual permits.

Sediment and Debris Removal: Sediment and debris removal activities are generally conducted from June 15th to October 31st when streams are typically at their driest. The County typically implements small-scale localized sediment removal activities in channel segments roughly 250-500 feet long. Within the City of American Canyon, small-scale sediment removal activities in channels are typically 100-200 feet long. At sites within the County Roads Department's jurisdiction, localized debris and sediment removal is confined to areas within and around existing culverts and flood control channels (up to 200 CY). On average 100 to 500 CY of sediment is removed from up to ten sites per year.

Additional maintenance activities: Minimizing bank erosion through vegetation management, large woody debris (LWD) realignment and/or relocation, debris/large trash removal, and biotechnical stabilization; Maintaining the function of constructed instream habitat enhancement structures; and controlling targeted non-native invasive and Pierce's disease host plants to the extent practicable, within the riparian corridor of the identified reach.

PROJECT LOCATION: The program area is located in Napa County (County) primarily within the Napa River watershed (38.297539, -122.286865). Waterbodies in the stream maintenance program area (program area) primarily include the Napa River and its tributaries and channel reaches in Napa County. Some key Napa River tributaries and flood control facilities that are more frequently maintained include: Sulphur Creek, Canon Creek, York Creek, Beard Ditch, Hopper Creek, Yountville Outfall and Collector, Dry Creek, Salvador Collector (Solano Ditch), Sheehy Creek, and Fagan Creeks. The Napa County Stream Maintenance Program (SMP or maintenance program) also includes creeks in the City of American Canyon region including American Canyon Creek, Newell Creek, Walsh Creek, and Rio Del Mar. The program area also includes routine maintenance at road creek crossings and culverts throughout the County; other affected water bodies include tributaries and creeks within the Putah Creek and Suisun Creek watersheds.

PERMIT CONDITIONS:

GENERAL CONDITIONS:

1. The time limit for completing the work authorized ends on October 31, 2029.
2. 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, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. We will initiate the Federal, Tribal, 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.
3. 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.

4. 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 Central California Coast (CCC) steelhead (*Onchorhynchus mykiss*) shall be fully implemented as stipulated in the June 27, 2024, formal consultation, BO# WCRO-2022-03607, from the National Marine Fisheries Service (NMFS). 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 NMFS 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. Additionally, the USFWS, in a BO (2023-0071562-S7) dated May 8, 2023, provided coverage for incidental take for Delta smelt (*Hypomesus transpacificus*), federally endangered Ridgway's rail (formerly known as California clapper rail) (*Rallus longirostris obsoletus*), endangered California least tern (*Sterna antillarum browni*), threatened western snowy plover (*Charadrius alexandrinus nivosus*), federally threatened California red-legged frog (*Rana draytonii*), endangered salt marsh harvest mouse (*Reithrodontomys raviventris*), endangered Clara Hunt's milk-vetch (*Astragalus clarianus*), endangered Keck's checkerbloom (*Sidalcea keckii*), endangered Sebastopol meadowfoam (*Limnanthes vinculans*), and endangered soft bird's-beak (*Cordylanthus mollis ssp. mollis*). The BO included terms and conditions (pages 37-38) and conservation recommendations.
2. By May 15 of each year, you shall submit to the Corps 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.
3. 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, and work in detention basins is restricted to August 15 through October 31.
4. 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.
5. 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.
6. You shall submit annual 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.

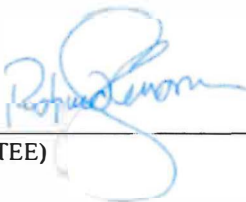
FURTHER INFORMATION:

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.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

	<u>7/25/2024</u>
(PERMITTEE)	(DATE)

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

	25 JUL 2024
James Mazza Chief, Regulatory Division	(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)