

LOS ANGELES DISTRICT
U.S. ARMY CORPS OF ENGINEERS

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**DEPARTMENT OF THE ARMY
REGIONAL GENERAL PERMIT (RGP) NO. 069**

Permittee: United Water Conservation District
File Number: SPL-2013-00171-AJS
Issuing Office: Los Angeles District, Ventura Field Office

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 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: To discharge fill in wetland and non-wetland of waters of the U.S. as needed to conduct routine maintenance activities at the Freeman Diversion Facility.

Specifically, you are authorized to:

1. Conduct annual removal (and prevention of growth) of all vegetation from the dam and in a 15-foot zone on both sides of the dam. Vegetation shall be removed through herbicide application and manual clearance using a Caterpillar D6 Dozer. The maximum width that would be cleared is 15 feet. In the event that clearance activities result in a clearance of the maximum width, the total cleared area would be 30 feet (15 feet on either side of the crest of the dam) by 1,175 feet, which is approximately 0.80 acre. To avoid disturbing nesting vireos and flycatchers nearby and steelhead migrating through the area, vegetation removal will be performed after the nesting period (September 15) and before the steelhead migration period (January 1).
2. Conduct annual removal (and prevention of growth) of vegetation from all access points (roads and ramps) within a 15 foot zone along the toe of rip-rap located between the diversion dam (beginning directly above the diversion structure) and the downstream end of the desilting basin (Figure 1). Vegetation would be removed using herbicide application, hand tools and manual clearance of regrowth with a Caterpillar D6. The maximum width that would be cleared is 15 feet. In the event that clearance activities resulted in a clearance of the maximum width, the

total cleared area would be 15 feet by 5,185 feet (linear length of rip-rap including the small section directly above the diversion structure), which is approximately 1.8 acres. To avoid disturbing nesting vireos and flycatchers nearby and steelhead migrating through the area, vegetation removal would be performed after the nesting period (September 15), and before the steelhead migration period (January 1).

3. Excavate a low-flow channel from the entrance of the fish ladder to the thalweg of the river. The length of the channel will vary depending on the location of the natural thalweg at the time but will not exceed 100 yards. The maximum area of disturbance would be 300 feet by 15 feet or approximately 0.10 acre and can be completed within a day. To avoid disturbing nesting vireos and flycatchers nearby and steelhead migrating through the area, cutting of the low-flow fish channel would be performed after the nesting period (September 15), and before the steelhead migration period (January 1).

4. Repair rip-rap bank stabilization and access roads in-kind where needed. Repairs may include clearing the area of material, importing and compacting material in the damaged area, and in the case of rip-rap repair, replacing the lost rip-rap material. Less severe damage may not involve all steps. Operations of heavy machinery involved in the repair work will be limited to areas along existing access routes and directly adjacent to the repair area. This procedure is likely to require the addition of imported soil. The required amount of soil will be approximately equivalent to the amount of material washed away during the damage. When possible, repairs will take place after the nesting period (September 15) and before the steelhead migration period (January 1).

5. Conduct periodic draining of the desilting basin. On average 3-10 cubic feet per second (cfs) are released anywhere from one day up to a few months to allow the basin water level to lower to the necessary level to perform the procedure. During this procedure sediment may be conveyed through the gate and deposit within the Santa Clara River immediately adjacent to the drainage outfall.

Project Location: In the Santa Clara River at the Freeman Diversion, near the community of Saticoy, Ventura County, California.

Permit Conditions:

General Conditions:

1. This RGP is valid until **March 18, 2019**. If you wish to renew this RGP, submit your request for reauthorization to this office for consideration at least six months before the above date is reached to avoid delays in reauthorization.

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 from 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 with the terms and conditions of your permit.

Special Conditions:

1. The permittee shall provide notification to the Corps prior to any maintenance work authorized under this RGP. The notification shall provide details of the proposed work including drawings of any proposed repairs, type and quantity of any imported material to be used (if required), representative site photographs of any damaged facility components requiring repair, an estimate of the area of disturbance within waters of the United States and/or wetlands, and measures undertaken to comply with the terms and conditions of the RGP. Work shall not be initiated until a written notice to proceed is issued by the Corps.

2. Stockpiling of imported material to be utilized in repairs (e.g. soil, gravel, armor stone) shall be located outside waters of the United States.

3. In order to prevent adverse impacts to the endangered least Bell's vireo (*Vireo bellii pusillus*), southwestern willow flycatcher (*Empidonax traillii extimus*) and California least tern (*Sternula antillarum browni*), the permittee shall implement the following measures:

- a) Conduct project activities between September 15 and January 1 to avoid impacts to the subject species during the breeding season;
- b) Employ qualified biologists to conduct protocol-level surveys if the proposed activities must occur between March 15 and September 15. The proposed activities would not proceed during this time frame if any listed species are observed in the project area during protocol surveys;

- c) Employ qualified biological monitor(s) to be on-site during vegetation removal and survey for listed species and other native species. The monitor(s) will ensure that project activities remain within designated areas;
- d) Limit the vegetation removal zone around the diversion dam, levees, and roads to 15 feet or less to minimize impacts to riparian habitat used by the least Bell's vireo and southwestern willow flycatcher; and;
- e) To the extent possible, minimize impacts on California least tern foraging habitat and prey species by avoiding complete draining of the settling basin when maintenance is required.

4. In order to prevent adverse impacts to southern steelhead trout (*Oncorhynchus mykiss*), the permittee shall implement the following measures:
- a) Herbicide application shall occur outside flowing/standing water;
 - b) Repairs to existing access roads and bank stabilization shall occur when surface flow is absent from the area;
 - c) Discharges from the desilting basin to the Santa Clara River shall occur when surface flows are absent from the affected area.
5. Upon completion of any activity or activities authorized under this RGP by a single notice to proceed, the permittee shall provide a post-project report documenting work completed, compliance with the terms and conditions of the RGP, results of any biological monitoring (if required), and representative site photographs of any repairs undertaken.

Further Information:

1. Congressional Authorities. You have been authorized to undertake the activity described above pursuant to:
- Section 10 of the River and Harbor Act of 1899 (33 U.S.C. 403).
 - Section 404 of the Clean Water Act (33 U.S.C. 1344).
 - Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 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.

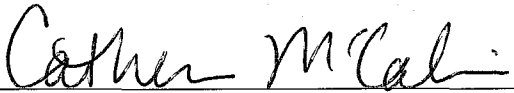
4. **Reliance on Applicant's Data.** The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

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 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 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 measure 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 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

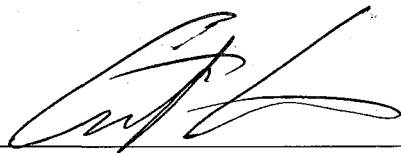
Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.



Catherine McCalvin
United Water Conservation District

3/31/2014
DATE

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



Antal Szijj
Senior Project Manager
North Coast Branch

9/3/2014
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