



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 REGIONAL GENERAL PERMIT 3
FOR THE SUISUN MARSH MANAGED WETLANDS OPERATIONS AND
MAINTENANCE PROJECT

PERMITTEES: Suisun Resource Conservation District; California Department of Fish and Wildlife; California Department of Water Resources; United States Bureau of Reclamation

PERMIT NO.: SPN-2012-00258

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 LOCATION: The management area covered by Regional General Permit 3 (RGP3) is located in the Suisun Marsh (Marsh), which is bounded to the west by Interstate 680, Highway 12 to the north, Shiloh Road and Collinsville Road to the east, and Suisun Bay to the south, in southern Solano County, west of the Sacramento river Delta, as shown on the attached vicinity map (Appendix A, Figure 1).

PROJECT DESCRIPTION: California Department of Fish and Wildlife (CDFW); California Department of Water Resources (DWR); United States Bureau of Reclamation (Reclamation); and landowners represented by the Suisun Resource Conservation District (SRCD), are authorized to place and maintain structures and/or perform work, and discharge dredged or fill material in areas subject to Corps jurisdiction while completing the activities described below within the Marsh.

The CDFW, DWR, SRCD, and Reclamation are responsible for ensuring that all authorized work done by their personnel or on their land is addressed and completed in accordance with the terms and conditions of this permit. Private landowners working under this permit are responsible for ensuring that all work they or their contractors undertake is in accordance with the terms and conditions of this permit. The SRCD is responsible for providing the required reports and guidance to the landowners. However, the Corps is the authority on determining if an activity is authorized by this permit.

The following structures, work activities, and discharges of dredged or fill material are authorized. Authorized activities must be performed in accordance with the work descriptions below and the typical cross sections included in six sheets, as Appendix B:

1) ACTIVITIES IN DITCHES

a. Work in Interior Ditches

Work in interior ditches shall consist of excavation of material from existing primary and secondary ditches and excavation for the creation of new primary or secondary ditches. The purpose of this work shall be to maintain the capacity of the ditches to convey water or to obtain material to be used in levee maintenance. Also authorized is the clearing of material from interior ditches managed by DWR; including the Roaring River Distribution System (RRDS), the Morrow Island Distribution System (MIDS), and Goodyear Slough Outfall (GYS) facilities. Excavation of new primary or secondary ditches is also authorized to improve water circulation on properties within the management area.

CDFW and the private landowners are authorized to excavate material from primary and secondary ditches up to the annual cubic yard amount limits based on property size of ownership as outlined below.

Individual Ownership (Acres)	Annual Limit of Excavation (Cubic Yards per Year)
Under 50	1,000
50 to 249	2,000
250 to 499	3,000
500 to 749	4,000
750 to 999	5,000
1,000 & over	6,000

Excavation limits for DWR facilities shall have a different cap to what is described above. Excavation within DWR facilities shall be limited to an average of 1.5 cubic yards per linear foot of adjacent levee. This amounts to 3 cubic yards per linear foot of ditch at RRDS, MIDS, and GYS; which have levees on either side.

Excavated material that is not used in a permitted activity shall be hauled to a disposal site outside of Corps jurisdiction.

Sidecast materials may be left in place to dry for up to 1 year to ensure all materials are dried before being used for an authorized activity or removed to a disposal site.

b. Maintenance of Existing Spreader Ditches and Creation of New Spreader Ditches

Spreader ditches are “V” shaped ditches up to 24-inches deep. Material excavated from spreader ditches may be sidecast adjacent to the ditch. Material that has been sidecast shall not be more than 12-inches deep. The cumulative length of new spreader ditches that a landowner may create is based on the sliding scale in the table below.

Individual Ownership (Acres)	Annual Linear Feet of New Spreader Ditches
Under 50	2,000
50 to 249	6,000
250 to 499	10,000
500 to 749	14,000
750 to 999	18,000
1,000 & over	20,000

c. Replacement of Riprap on Interior Ditch Banks

This permit authorizes landowners to replace riprap on the slopes of the interior ditches where rip rap had been previously applied but since washed away. The placement of riprap must be in accordance with Special Condition 18.

d. Placement of new Riprap on Interior Ditch Banks

This permit authorizes landowners to install riprap (i.e., placement in a new location) on interior ditch banks. Total placement of new riprap on interior ditch banks in the Marsh shall not exceed 200 linear feet per year. The placement of riprap must be in accordance with Special Condition 18 and 21.

2) ACTIVITIES ON LEVEES

a. Repair of Interior and Exterior Levees

Landowners are authorized to place material on the crown and backslope of existing levees to repair damage from erosive forces and to counteract levee subsidence. With respect to exterior levee maintenance, annual exterior levee volume limits for relevant individual ownerships are identified in Appendix E. Regarding interior levee maintenance, the amount of material each permittee is authorized to place is dependent on the size of the individual ownership in accordance with the table below.

Individual Ownership (Acres)	Annual Discharge Limit (Cubic Yards per Year)
Under 50	1,000
50 to 249	2,000
250 to 499	3,000
500 to 749	4,000
750 to 999	5,000
1,000 & over	6,000

Note: Above applies only to interior levees for non-DWR ownerships. Discharge associated with DWR levee repairs shall be capped at 1.5 cubic yards per linear foot.

b. Replacement of Previously Existing Riprap on Exterior Levees, Placement of New Riprap, and Installation of Alternative Bank Protection

This permit authorizes replacement of riprap in areas where it was previously placed, including the tidal sides of exterior levees. The placement of riprap must be in accordance with Special Condition 18.

This permit authorizes up to 334 linear feet of new riprap on exterior levees over the 5-year permit period (approximately 66 linear feet per year) on exterior levee slopes not previously rip-rapped. Placement of riprap on the tidal side slopes of exterior levees shall be authorized after it has been determined by the Corps that conditions of the site would not support other types of erosion control. The placement of riprap must be in accordance with Special Condition 18 and 21.

In cases where the Corps has determined erosion control measures are needed but alternative bioengineered erosion control options are available, this permit shall authorize the installation of alternative bank protection (e.g. brush boxes, biotechnical wave dissipaters, and/or vegetation upon review and approval by the Corps.

Brush boxes shall use natural materials associated with native plantings. Brush box installations shall be done during summer months and at low tide and must be in accordance with Special Condition 21.

c. Coring of Levees

Material excavated from the trench of a cored levee shall be temporarily sidecast onto the crown of the levee. The material shall be used to backfill the trench.

d. Installing, Repairing, or Reinstalling Bulkheads

Bulkheads are built to stabilize and strengthen levees exposed to highly energetic water flows or wave energy. Work on the exterior side (i.e., the tidal side) of bulkheads shall be done at low tide and generally not involve any excavation of sediments from the exterior slough. In-water work shall be done by hand. Installation of a new bulkheads must be in accordance with Special Condition 21.

e. Maintenance of Existing Roads

This permit authorizes each ownership to place up to 5,000 cubic yards of earth or gravel material per year to maintain existing roads. This permit does not authorize construction of new roadways or widening of existing roadways.

3) ACTIVITIES IN MANAGED WETLANDS

a. Grading, Creating Drainage Swales and Loafing Islands, and Raising the Elevation of Managed Wetlands

Ownerships may grade managed wetlands to: obtain material for levee maintenance, expand desired wetland habitats, improve water management capability and drainage, raise subsided areas, and create waterfowl loafing and nesting habitats. This permit does not authorize the discharge of imported fill to an ownership site for the aforementioned grading purposes. The amount of material a landowner may grade is dependent on the size of the ownership, in accordance with the table below.

Individual Ownership (Acres)	Annual Grading Limitations (Cubic Yards)
Under 50	4,000
50 to 249	8,000
250 to 499	12,000
500 to 749	16,000
750 to 999	20,000
1,000 & over	24,000

b. Discing

This permit authorizes discing (i.e. dragging a disc behind a tractor) for enhancement activities such as: vegetation management; turning over the seed bed for planting; promoting new vegetation; creation of open water habitat; and mosquito abatement.

c. Installation of Permanent Pumps and Pump Platforms

This permit authorizes landowners to install permanent pumps and associated platforms for the purpose of dewatering areas that cannot be effectively gravity drained through exterior water control structures. These structures shall be kept to the minimum size practicable. Installation of a new permanent pump and pump platform must be in accordance with Special Condition 21.

d. Installation, Replacement, Relocation, or Removal of Duck Hunting Blinds

This permit authorizes each ownership to install, replace, relocate, or remove five duck hunting blinds annually. Installation of a new duck blind must be in accordance with Special Condition 21.

e. Constructing Cofferdams in Managed Wetlands

This permit authorizes construction of cofferdams when used to cross interior ditches or prevent interior water from flowing into construction sites, in support of other permitted construction activities. The volume of material used shall be limited to that necessary to stop the flow of water and provide adequate width to support equipment access. Upon completion of the associated work activities, the cofferdam shall be removed and the ditch shall be restored to its original width and depth. This work is generally implemented from April to October, when completing other routine maintenance activities. Sheet pile coffer dams are acceptable for use if the sheets are pushed into place, not pile driven.

4) ACTIVITIES ASSOCIATED WITH WATER CONTROL STRUCTURES

a. Replacement and Maintenance of Water Control Structures

This permit authorizes replacement of water control structures deteriorated by oxidation and rust in the brackish conditions of the Marsh. Replacement of a water control structure shall consist of trenching across a levee, removal of the existing water control structure, placement of the new water control structure, and backfilling of the levee. Installation of a new water control structure shall consist of trenching across a levee and placement of the new water control structure where there was not one previously. Maintenance of a water control structure shall include repair and/or replacement of gates, bulkheads, flashboard risers, stubs, or couplers as necessary. Excavation of a levee is not considered a maintenance activity under this permit. Any excess material shall be used to backfill the trench or used for levee maintenance. The use of HDPE pipes and stainless steel and vinyl water control structure components have been developed for uses in the Marsh to extend the useful life of the structures and reduce maintenance. These materials should be used to the maximum extent practicable.

This permit authorizes replacement of a water control structure with a larger structure to increase water management capabilities if the sole purpose is for drainage.

b. Installation of New Interior or Exterior Water Control Structures

This permit authorizes the annual installation of 50 exterior water control structures (depicted in Appendix B, Sheet 5) within the action area. New or enlarged exterior water intake structures shall be screened in accordance with the CDFW's criteria unless the Corps determines that the structure would not adversely affect any endangered species and the Corps obtains concurrence with that determination from the NMFS or the United States Fish and Wildlife Service (USFWS) as applicable. Installation of a new exterior water control structure must be in accordance with Special Condition 21.

An on-site field inspection for protected plants shall be conducted by a qualified representative of the SRCD or CDFW for all exterior water control structure replacements except when a bulkhead is present and for all installations of new water control structures. Protected plants include:

- a. soft bird's beak (*Cordylanthus mollis* ssp. *Mollis*)
- b. salt marsh bird's beak (*cordylanthus maritimus* ssp. *Maritimus*)
- c. hispid bird's beak (*cordylanthurs mollis* ssp. *Hispidus*)
- d. delta tule pea (*Lathyrus jepsonii* var. *jepsonii*)
- e. Mason's lilaeopsis (*Lilaeopsis masonii*)
- f. Suisun thistle (*Cirsium hydrophilum* var. *hyrdophilum*)
- g. Suisun Marsh aster (*Aster lentus*)
- h. alkali milk-vetch (*Astragalus tener*)
- i. heartscale (*Atriplex cordulata*)
- j. brittlescale (*Atriplex depressa*)
- k. valley spearscale (*Atriplex joaquiniana*)

Any protected plants found during the field inspection shall be avoided when practicable. The SRCD/CDFW shall provide a map detailing the location of the protected plants to the Corps and USFWS no later than seven calendar days after the survey is completed. If a protected plant cannot be avoided during the proposed work and it is not a federally listed species, it shall be carefully transplanted to the nearest suitable habitat by a qualified representative of SRCD or CDFW. If a protected is federally listed and cannot be avoided during the proposed work, the SRCD/CDFW shall notify the Corps immediately and work shall not commence until Endangered Species Act (ESA) Section 7 consultation has been completed.

Water control structures shall be installed or replaced only during low tides when there is the least chance of affecting fish species.

c. Fish Screens

Fish screens are installed on water control intake structures (flood gates) which are used to divert water from bays or sloughs onto the managed wetlands. The screens prevent fish from passing through exterior water control structures into ditches or onto managed wetlands. This permit authorizes up to 1,000 square feet of wetlands throughout the marsh to be filled annually for the purpose of installing fish screens. Installation of a new fish screen must be in accordance with Special Condition 21.

d. Removal of Debris

This permit authorizes the removal of floating and sunken vegetation, and debris such as wood and trash, that accumulates in front of pipes, trash racks, and other structures. This debris shall normally be removed using a long-reach excavator. Work shall be done annually or on an as-needed basis, normally during the period of September through April when vegetative matter dies back and flood flows bring debris from upstream sources into the Marsh.

e. Suisun Marsh Salinity Control Gate Repair and Maintenance

This permit authorizes DWR to conduct repairs and maintenance activities necessary for normal operation of the salinity control gate facility. Activities include servicing, replacing, and installing sections and pieces of the radial gates or boat locks that are connected to, or associated with, the entire facility. To the maximum extent practicable, work shall be conducted above water from a boat or the superstructure while sections are hoisted out of the water. If the repairs cannot be conducted under the procedures described above, DWR shall contact the Corps for review and approval prior to initiation of work.

f. Roaring River Distribution System Fish Screen Cleaning, Repair and Maintenance

This permit authorizes the DWR and/or Reclamation to clean fish screens associated with the RRDS.

5) SALINITY MONITORING

a. Salinity Monitoring Station Maintenance, Repair, and Replacement

This permit authorizes DWR and Reclamation to conduct equipment maintenance, replacement, calibration, and cleaning of salinity monitoring station parts. These activities shall normally be done above the water or adjacent to the water on the levee bank. Stilling well replacement and walkway/platform piling replacement shall involve removal by tractors and trucks operated from the existing roadway/levee and excavators or cranes operated from the roadway/levee or barge and shall normally only occur once every 5 to 10 years. Work shall normally be scheduled during the dry months, June through October. If work cannot be conducted under the normal procedures described above, DWR and/or Reclamation shall contact the Corps for review and approval prior to initiation of work.

b. Salinity Monitoring Station Relocation, Installation, and Removal

This permit authorizes DWR and Reclamation to relocate, install, or remove salinity monitoring stations on an as-needed basis. Maintenance equipment shall normally include trucks, bucket excavators, small cranes, boats, barges, and other equipment as required. Work shall normally occur during the dry months, June through October. Removal of a monitoring station shall not disturb an area of greater than 400 square feet. New monitoring stations shall not disturb an area of greater than 50 square feet. If work cannot be conducted under the normal procedures described above, DWR and/or Reclamation shall contact the Corps for review and approval prior to initiation of work. Installation of a new salinity monitoring station must be in accordance with Special Condition 21.

6) PERMIT ADMINISTRATION:

The routine authorizations shall take up to 30 days to authorize. This process shall be followed in most cases. Under the routine authorizations, the following steps shall apply:

- (1) Landowners, including CDFW and DWR, shall plan a project and fill out a work request form, then submit the form and accompanying maps to the SRCD.
- (2) The SRCD will then prioritize and compile the requests and electronically submit monthly Proposed Work Reports describing the proposed work to the Corps of Engineers.
- (3) The Corps will have 30 days to verify if proposed work is authorized by this Regional Permit. If proposed work cannot be authorized under the Regional Permit the Corps will notify the SRCD and landowner as soon as it makes its determination.
- (4) If a project is authorized, the SRCD will notify the landowner.

PERMIT CONDITIONS:

GENERAL CONDITIONS:

1. The time limit for completing the work authorized ends on December 31, 2027.
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 federally-listed species shall be fully implemented as stipulated in the NMFS Biological Opinion 2012-02390 (BO), dated **July 3, 2013** ([www.spn.usace.army.mil/Portals/68/docs/regulatory/BOs/Prog/SuisunMarsh SMP NMFS PBO.pdf](http://www.spn.usace.army.mil/Portals/68/docs/regulatory/BOs/Prog/SuisunMarsh_SMP_NMFS_PBO.pdf)), and the USFWS BO titled, "Biological Opinion on the Proposed Suisun Marsh Habitat Management, Preservation, and Restoration Plan and the Project-Level Actions in Solano County, California" and dated **June 10, 2013** ([www.spn.usace.army.mil/Portals/68/docs/regulatory/BOs/Prog/SuisunMarsh SMP FWS PBO.pdf](http://www.spn.usace.army.mil/Portals/68/docs/regulatory/BOs/Prog/SuisunMarsh_SMP_FWS_PBO.pdf)). 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 agency for determining compliance with the incidental take statement and for initiating appropriate enforcement actions or penalties under the Endangered Species Act.
2. All authorized work must be maintained in good condition and in conformance with the terms and conditions of this permit. Abandonment of the permitted activity does not relieve the landowner of this responsibility. If a structure authorized by this permit is to be abandoned, the landowner must contact this office where we shall make a determination if restoration of the site is required.
3. If any previously unknown historic or archeological artifacts are discovered while accomplishing the authorized work, the landowner must stop work immediately and notify this office. Any activities within waters of the U.S. which may affect the resource(s) are not authorized until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.
4. You shall keep this office informed of any changes in property ownership in the Marsh. You shall notify this office no later than 30 days after a change of ownership occurs. This notification will, at a minimum, include a name, phone number, mailing address, and email for a primary point of contact. A complete record of club ownership shall be provided upon request.
5. All parties must comply with the attached conditions of the State of California San Francisco Bay Regional Water Quality Control Board Certification, dated **December 15, 2022**, titled, "Concurrence with Submitted Consistency Determination for USACE Reissuance of Regional General Permit 3 for Suisun Marsh Managed Wetlands O&M Project; BCD Consistency Determination No. C2022.010.00."
6. Landowners working under this authorization shall 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 this permit.
7. Work is not authorized within 100-feet of a known archeological site (CAL-SOL-13).
8. Managed wetlands acquired for future tidal restoration can continue routine maintenance activities and interim operations under the RGP3. No activities that support the tidal restoration design shall be authorized under the RGP3.

9. Authorized work may not be conducted in the areas shown on the attached Breeding Habitat maps for California Ridgeway rail (*Rallus obsoletus*) (formerly known as California clapper rail, *Rallus longirostris obsoletus*) (Appendix A; Figure 2) between February 1 and August 31. 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 as it pertains to California clapper rail and its habitat.
10. You shall continue to identify and prioritize placement of water control structures which require fish screens in consultation with NMFS, USFWS, and this office.
11. Any suspected take of endangered species shall be immediately reported to the CDFW and/or the SRCD who shall then contact the USFWS and/or NMFS as appropriate. Any carcasses of protected fish shall be frozen in a whirl-pak bag and retained until instructions are received from the appropriate Federal agency.
12. Landowners diverting water from designated sloughs (see Appendix G) shall obey unscreened water diversion restrictions outlined in the NMFS BO dated July 3, 2013, from November 1 to the last day of duck hunting season. Pursuant to conditions outlined in the aforementioned NMFS BO, these landowners are prohibited from diverting unscreened water from sloughs from February 21 to March 31 (NMFS BO, Page 38).
13. Landowners diverting water from designated sloughs (see Appendix G), shall obey unscreened water diversion restrictions described in the USFWS BO dated Jun 10, 2013, pursuant to intake capacity restrictions between April 1 and May 31, (reference the table for determining delta smelt diversion restrictions in the BO). If between April 1 and May 31 two out of the three CDFW 20-millimeter trawl surveys sites (sites 606, 609, and 610) predict delta smelt densities greater than 20 delta smelt individuals per 10,000-cubic meters over a two week sampling period, all diversions from these sloughs shall follow procedures outlined in the aforementioned USFWS BO (e.g., use only 20% of the water control structures intake capacity). Survey trawls shall take place at least once every fourteen days between April 1 and May 31 pursuant to the above mentioned USFWS BO.
14. While diversion restrictions are in place you shall monitor gate closures, notify landowners, and take appropriate action on such gates to ensure compliance with the USFWS and NMFS BOs dated **June 10, 2013** and **July 3, 2013** respectively.
15. All new and/or replacement drain pipes shall be located on the largest possible sloughs, or sloughs with the highest levels of tidal circulation practicable, to minimize degraded water quality conditions. When metal pipes are replaced, they shall be replaced with HDPE when practicable. Pipes shall be pre-assembled to minimize in-water work.
16. Installation of new exterior drain structures shall be placed where an existing tidal channel already exists. The new drain shall not be placed on emergent vegetation. Work shall occur at low tide. No in-water work is authorized.
17. Landowners importing any material except for rock material from outside the Marsh must contact the RWQCB before importation. Landowners must obtain the RWQCB's concurrence that the imported material is acceptable before its use.
18. This permit authorizes the replacement of previously existing riprap on the tidal side of exterior levees. Additionally, permittees may install up to 334 linear feet of new riprap on exterior levees over the 5-year permit period. Placement of riprap, authorized by this permit, is subject to the following conditions:
 - a. Material placed shall be kept to the minimum needed for erosion protection.
 - b. Placement of riprap shall occur generally during the period of June through October and at low

tide.

- c. Riprap shall be placed only in areas with persistent erosion.
 - d. Riprap shall not be placed on emergent vegetation nor shall emergent vegetation be uprooted or displaced during installation.
 - e. Stone utilized for riprap shall consist of field stone or rough un-hewn quarry stone. The stone shall be hard and angular and of a quality that will not disintegrate on exposure to water or weathering. Recycled concrete equivalent may be used provided it has a density of at least 150 pounds per cubic foot and does not have any exposed steel or reinforcing bars. Any alternative materials must be reviewed and approved by this office prior to placement.
 - f. New riprap is authorized where fetch length exceeds 1,000 feet in the direction of the predominant southwest to southeast winds during high water conditions to dissipate wind driven wave energy.
 - g. Where new riprap is applied, integrative vegetation also shall be incorporated as appropriate.
19. The proposed work reports shall be submitted to NMFS and this office by the first day in each month. When the first day of the month falls on a weekend, the report would be due the following business day. An alternative monthly submission date may be approved on a case-by-case basis with prior approval from the Corps.
20. You shall prepare an annual report that summarizes the amounts and locations of activities performed under this permit. This report shall be submitted to the US Environmental Protection Agency (EPA), NMFS, USFWS, State Lands Commission, the RWQCB, and this office by February 1 of the following year. This report must include an estimate of wetlands temporarily impacted and describe any additional minimization methods (e.g., replacing a metal pipe with HDPE pipe to lessen future maintenance needs, etc.).
21. If a proposed activity requires or may require a permit from the San Francisco Bay Conservation and Development Commission (BCDC), authorization under this permit will not become effective until that permit is obtained, fully executed, and returned to BCDC or until BCDC has provided a written determination that no permit from BCDC is required for the activity. Activities that require a BCDC permit in the Suisun Marsh are those activities that constitute "development" (as defined in Cal. Pub. Res. Code § 29114(a)) and that are not exempt from the need to obtain a BCDC permit under the Suisun Marsh Preservation Act, which include: (1) "repair, replacement, reconstruction, or maintenance that does not result in an addition to, or enlargement or expansion of, the object of such repair, replacement, reconstruction or maintenance" (*Id.* § 29508(b)); and (2) any development specified in the component of the Suisun Marsh Local Protection Program prepared by Suisun Resource Conservation District, which includes the certified Individual Ownership Adaptive Habitat Management Plans for managed wetlands (*Id.* § 29501.5). Authorized activities which require, or may require, a permit from BCDC have been identified on pages 2-3 of the BCDC consistency determination titled, "Concurrence with Submitted Consistency Determination for USACE Reissuance of Regional General Permit 3 for Suisun Marsh Managed Wetlands O&M Project BCDC Consistency Determination No. C2022.010.00," and dated December 15, 2022.

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.


Steve Chappell, Executive Director
Suisun Resource Conservation District


(DATE)

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


William M. Connor
North Branch Chief
Regulatory Division

William Connor
2023.01.27 11:49:55 -08'00'
(DATE)