

**GENERAL PERMIT 008**  
**STATE OF CALIFORNIA - FILL FOR SPAWNING AREAS**

**Effective Date:**  
21 September 1998

**Expiration Date:**  
21 September 2003

**TO WHOM IT MAY CONCERN:**

The District Engineer, Sacramento District, U.S. Army Corps of Engineers, authorizes the placing of fill material below the ordinary high water elevation (or mean high elevation in tidal waters) for rehabilitation of salmon spawning areas in the Sacramento-San Joaquin River system within Sacramento District. This authorization includes construction of low-level berms to retain spawning gravels, adding gravel to spawning sites, removal of unsuitable habitat, loosening compacted gravel, and modifying or restoring side channels that have historically maintained a salmon and/or steelhead spawning population. The authorized work must be done in accordance with Special and General conditions listed below and only by California Department of Fish and Game or its authorized representative. Projects that do not qualify under these criteria or do not conform to the conditions of this General Permit will require an individual Department of the Army permit prior to commencement of the work. Typical drawings depicting the restoration work are included within this permit. The permit will be in effect for five (5) years.

Excluded from the General Permit are those activities that would adversely affect the wild and scenic characteristics of waterways designated or being considered for wild and scenic river classification or impact critical habitat for threatened and endangered species; impact areas that have been set aside by municipalities, Counties, State or Federal governments for parks, and recreation areas or work on or adjacent to sites identified in the National Register of Historic Places and all supplements thereto.

Issuance of this General Permit is under authority of Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act in accordance with Part 320 of the "Regulatory Program of the Corps of Engineers.

## **SPECIAL CONDITIONS:**

a. The permittee shall submit a description of the proposed activity to the California Regional Water Quality Control Board prior to initiation of the work, and shall obtain water quality certification or a waiver for the activity from that agency. Projects proposed under this General Permit shall be designed and implemented in a manner that attains Regional Water Quality Control Board Basin Plan objectives for turbidity and sedimentation.

b. The permittee shall submit a complete description of each rehabilitation project to be performed to the Corps of Engineers' Sacramento District at least 30 days prior to initiation of the work. This description shall include: responsible official's name, address, and telephone number; location of the proposed activity either by Assessor's Parcel number or section, township and range; volume and type of material to be placed below the ordinary high water line; and any other information pertinent to the stream or drainage course involved. A copy of the permittee's letter of application to the Water Quality Control Board must also be submitted. If low-level berms are constructed applicant shall notify Sacramento District 45 days prior to construction of berms.

c. The permittee shall obtain approval from the State Reclamation Board prior to commencing any work within areas under the jurisdiction of the Board.

d. Height of low-level berms shall not exceed 2 feet and if practicable be removed after completion of rehabilitation activities. The permittee must submit drawings showing plan and cross sectional views and location of berms. Permittee shall not proceed with construction until approval for low-level berms is received.

e. Rehabilitation projects shall not impede navigation. For projects in navigable waters of the United States which decrease the depth of any portion of the waterway (such as low-level berms), the notification in Special Condition b (above) shall include a drawing indicating the location of the work, extension into the waterway, and the vertical change in the bottom contours due to the work.

f. In the event an archaeological or historical site is discovered while performing the activity described herein, the permittee shall protect the site from further damage and report the find to the State Historic Preservation Officer, P.O. Box 2390, Sacramento, CA 95811. No work which will impact the site shall continue until clearance has been obtained from the State Historic Preservation Officer.

g. The permittee shall exercise all necessary standard construction procedures to protect the waters of the United States from pollution by contaminants and to minimize turbidity and siltation of these waters.

h. Petroleum products originating from the permittee's operation shall not be allowed to enter or be placed where they may enter a live stream.

i. Waste material derived from construction work shall not be deposited below the ordinary high water line in live stream channels or in wetland areas, and shall be placed in a manner which will prevent its entry into waterways of the United States.

j. The following conditions shall apply during instream construction activities at critical periods of fish spawning:

i. Excavation areas shall be isolated from the rest of the spawning area to prevent sediment deposition on active nests.

ii. Fill material shall be sufficiently washed and added in a manner that prevents sediment deposition on active nests.

k. Prior to initiation of any project the permittee shall consult with the National Marine Fisheries Service to determine the allowable construction period and any other procedures needed to avoid adverse impacts to anadromous fish that are listed or proposed for listing under the federal Endangered Species Act. The permittee shall insure that all measures recommended for protection of these species are implemented.

l. Prior to initiation of work, all stream banks and riparian areas to be crossed or utilized during the proposed activity shall be inspected by a qualified biologist to insure no habitat for Longhorn Elderberry Beetle or Giant Garter Snake is present. If habitat or the species is present no work shall be conducted in these areas unless the work is approved by the U. S. Fish and Wildlife Service. If such work is approved, the permittee shall ensure that all measures recommended for protection of the species are implemented.

#### **GENERAL CONDITIONS:**

a. The activity authorized by this permit must be maintained in good condition and in conformance with the terms and conditions of this permit. The permittee is not relieved of this requirement if the permitted activity is abandoned. The permittee may be required to restore the area.

b. If an unknown historic or archeological remains are discovered while accomplishing the activity authorized by this permit, the permittee must immediately notify this office. 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.

c. Representatives from this office must be allowed 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 the permit.

#### **FURTHER INFORMATION:**

a. Congressional Authorities: The permittee has been authorized to undertake the activity described above pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

b. Limits of this Authorization:

i. This permit does not obviate the need to obtain other Federal, State or local authorization required by law.

ii. This permit does not grant any property rights or exclusive privileges.

iii. This permit does not authorize any injury to the property or rights of others.

iv. This permit does not authorize interference with any existing or proposed Federal project.

v. This permit does not authorize the "take" of a threatened or endangered species as defined under the Federal Endangered Species Act, or any work which is likely to jeopardize the continued existence of a threatened or endangered species or which is likely to destroy or adversely modify the critical habitat of such a species.

c. Limits of Federal Liability: In issuing this permit, the Federal government does not assume any liability for the following:

i. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

ii. 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.

iii. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

iv. Design or construction deficiencies associated with the permitted work.

v. Damage claims associated with any future modification, suspension, or revocation of this permit.

d. Reliance on Applicant's Data: The determination of this office that work can proceed under the general permit and is not contrary to the public interest was made in reliance on the information provided by the applicant.

e. Reevaluation of decision to allow work to proceed under the authority of this general permit: This office may reevaluate its decision at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

i. Failure to comply with the terms and conditions of this permit.

ii. The information provided by the permittee in support of the permit application proves to have been false, incomplete, or inaccurate (see 4 above).

iii. Significant new information surfaces which this office did not consider in reaching a decision to let the work proceed.

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

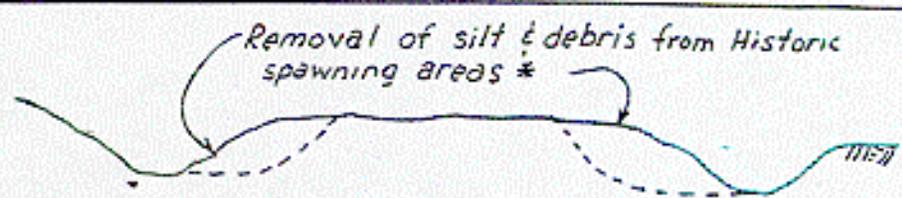
/s/

Art Champ

Chief, Regulatory Branch



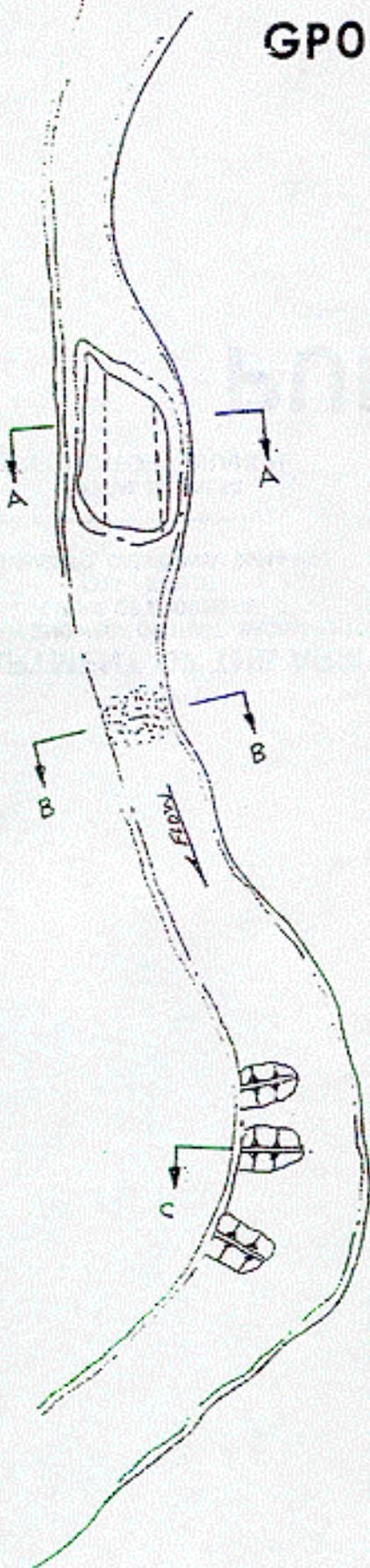
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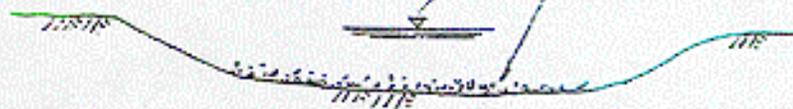
\* All spoil material to be placed above ordinary high water elevation

SECTION A-A

NOT TO SCALE



— Addition of gravel  
Ordinary high water El.



SECTION B-B

NOT TO SCALE

Low level levees - constructed from either streambed material or rock.



SECTION C-C

NOT TO SCALE

2 of 2

SALMON SPAWNING  
HABITAT IMPROVEMENTS

CALIF. STREAMS

TYP. SECTIONS

FCM

18 OCT 77