

Mowing and Underbrushing PERMIT CONDITIONS

This permit is a privilege granted by the United States. In consideration of the issuance of this permit, the permittee must be in compliance with Title 36, Part 327 (including but not limited to Sections 14, 15, 20,...and 30) and must remain in compliance with those sections. Any incidents of noncompliance with those sections or the conditions below will result in revocation of this permit or non-renewal, or the addition of other special conditions. Non-renewal or revocation will require removal of the permitted facility (ies) at the owner's expense.

1. This permit is granted solely to the applicant for the purpose described on the attached permit.
2. The permittee agrees to and does hereby release and agree to save and hold the Government harmless from any and all causes of action, suits at law or equity, or claims or demands or from any liability of any nature whatsoever for or on account of any damages to persons or property, including a permitted facility, growing out of the ownership, construction, operation or maintenance by the permittee of the permitted facilities and/or activities.
3. Not Applicable for land based permits.
4. No attempt shall be made by the permittee to forbid the full and free use by the public of all public waters and/or lands at or adjacent to the permitted facility or to unreasonably interfere with any authorized project purposes, including navigation in connection with the ownership, construction, operation or maintenance of a permitted facility and/or activity.
5. The permittee agrees that if subsequent operations by the Government require an alteration in the location of a permitted facility and/or activity or if in the opinion of the District Commander a permitted facility and/or activity shall cause unreasonable obstruction to navigation or that the public interest so requires, the permittee shall be required, upon written notice from the District commander to remove, alter, or relocate the permitted facility, without expense to the Government.
6. The Government shall in no case be liable for any damage or injury to the permitted facility and/or activity which may be caused by or result from subsequent operations undertaken by the Government for the improvement of navigation or for other lawful purposes, and no claims or right to compensation shall accrue from any such damage. This includes any damage that may occur to private property if a facility is removed for noncompliance with the conditions of the permit.
7. Ownership, construction, operation, use and maintenance of a permitted facility and/or activity are subject to all applicable federal, state and local laws and regulations. Failure to abide by these applicable laws and regulations may be cause for revocation of the permit.
8. This permit does not convey any property rights either in real estate or material; and does not authorize any injury to private property or invasion of private rights or any infringement of federal, state or local laws or regulations, nor does it obviate the necessity of obtaining state or local assent required by law for the construction, operation, use or maintenance of a permitted facility and/or activity.
9. *The permittee agrees to construct the facility within one year of the permit/license issue date.* This permit shall become null and void if construction is not completed within that period. Further, the permittee agrees to operate and maintain any permitted facility and/or activity in a manner so as to provide safety, minimize any adverse impact on fish and wildlife habitat, natural, environmental, or cultural resources values and in a manner so as to minimize the degradation of water quality.
10. The permittee shall remove a permitted facility within 30 days, at his/her expense, and restore the waterway and lands to a condition accepted by the Operations Manager upon termination or revocation of this permit or if the permittee ceases to use, operate or maintain a permitted facility and/or activity. If the permittee fails to comply with the satisfaction of the Operations Manager, the District Commander may remove the facility by contract or otherwise and the permittee agrees to pay all costs incurred thereof.
11. Not Applicable for land based permits.
12. Not Applicable for land based permits.

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13. Not Applicable for land based permits.
14. Not Applicable for land based permits.
15. Permitted facilities and activities are subject to periodic inspection by authorized Corps representatives. The Operations Manager will notify the permittee of any deficiencies and together establish a schedule for their correction. No deviation or changes from approved plans will be allowed without prior written approval of the Operations Manager.
16. Not Applicable for land based permits.
17. The permit display tag shall be posted on the permitted facility and/or the land areas covered by the permit so that it can be visually checked with ease in accordance with instructions provided by the Operations Manager.
18. No vegetation other than that authorized by permit will be damaged, destroyed ore removed. No vegetation of any kind will be planted, other than that specifically described in the permit.
19. No change in landform such as grading, excavation or filling is authorized by this permit.
20. This permit is non-transferable. Upon the sale or other transfer of the permitted facility or the death of the permittee and his/her legal spouse, this permit is null and void.
21. By 30 days written notice, mailed to the permittee by certified letter, the District Commander may revoke this permit whenever the public interest necessitates such revocation or when the permittee fails to comply with any permit condition or term. The revocation notice shall specify the reasons for such action. If the permittee requests a hearing in writing to the District Commander through the Operations Manager within the 30 day period, the District Commander shall grant such hearing at the earliest opportunity. In no event shall the hearing date be more than 60 days from the date of the hearing request. Following the hearing, a written decision will be rendered and a copy mailed to the permittee by certified letter.
22. Notwithstanding the condition cited in Condition 21 above, if in the opinion of the District Commander, emergency circumstances dictate otherwise, the district commander may summarily revoke the permit.
23. When vegetation modification on these lands is accomplished by chemical means, the program will be in accordance with appropriate federal, state and local laws, rules and regulations.
24. The Operations Manager or his/her authorized representative shall be allowed to cross the permittee's property, as necessary, to inspect facilities and/or activities under permit.
25. When vegetation modification is allowed, the permittee will delineate the government property line in a clear, but unobtrusive manner approved by the Operations Manager and in accordance with the project Shoreline Management Plan.
26. Not Applicable for land based permits.
27. If permitted facilities are removed for storage or extensive maintenance, the Operations Manager may require all portions of the facility be removed from public property.
28. Not Applicable for land based permits.
29. Not Applicable for land based permits.
30. All activities/facilities must conform to authorization shown in Exhibits A/B, C and D and the policies of the project Shoreline Management Plan. A copy of the Shoreline Management Plan is available at the Operations Manager's office.
31. Activities and facilities not expressly authorized by Exhibits A/B, C and D or by CFR Title 36 are prohibited.
32. Special condition(s). See description, Exhibit A/B.