

**DEPARTMENT OF THE ARMY PERMIT  
GENERAL PERMIT NO. 16  
MINIMAL IMPACT ACTIVITIES  
THE LAKE TAHOE BASIN**

**Effective Date: October 1, 2005**

**Expiration Date: September 30, 2010**

The Sacramento District of the U.S. Army Corps of Engineers (Corps) hereby issues Regional General Permit (GP16), which authorizes activities with minimal individual and cumulative impacts in waters of the United States, including wetlands, in the Lake Tahoe Basin.

**NOTE: The term "you" and its derivatives, as used in this permit, means the person or entity authorized to conduct an activity under this general permit and any future transferees.**

**LOCATION:** The Lake Tahoe Basin in the States of California and Nevada (see attached map).

**SCOPE OF WORK:** This general permit authorizes activities with minimal individual and cumulative impacts to waters of the United States in the Lake Tahoe Basin. Activities that may be authorized under GP16 include, but are not limited to the repair, modification, or replacement of existing piers, construction of new piers, placement of buoys and buoy fields, construction of shoreline revetment, maintenance dredging, construction or maintenance of culvert and drainage facilities, and restoration of stream channels and wetlands.

Each applicant is required to submit a complete application to the Corps, including Eng Form 4345, and a copy of any previous Corps authorization(s). The Corps will make a determination as to whether the proposed project would meet the minimal impact threshold for complying with GP16. If the Corps believes the project will exceed this threshold, a letter would be sent to the applicant indicating that the activity does not qualify under this GP.

GP16 does not authorize the placement of dredged or fill material into more than one-third (1/3) acres of waters of the United States, including wetlands, unless the project impacts are associated with wetland or stream habitat restoration. Wetlands restoration work impacting greater than 3 acres requires notification to the appropriate U.S. Fish and Wildlife office concurrent with notification to the Corps. Projects which do not meet the requirements of the general permit will require processing under individual permit procedures.

Work in California may require authorization/approval from the California State Lands Commission, the California Department of Fish and Game, the Lahontan Regional Water Quality Control Board, and/or local governments. Work in Nevada may require a authorization/approval from the Nevada Division of State Lands, Nevada Division of Environmental Protection, and/or other state and local jurisdictions.

All work under this general permit must be conducted in accordance with the conditions listed below.

**AUTHORITY:** This general permit is issued under the authority of Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) and Section 404 of the Clean Water Act (33 USC 1344) in accordance with provisions of "Regulatory Programs of the Corps of Engineers" (33 CFR 320-331).

**DEFINITIONS:** For the purpose of this general permit, the following definitions are applicable:

**Section 10 Activity-** Project work in or over a navigable water of the United States or project work which affects the course, location, condition, or capacity of such waters, requires authorization pursuant to Section 10 of the Rivers and Harbors Act of 1899. Lake Tahoe is the only navigable water in the Lake Tahoe Basin. Activities include, but are not limited to, construction of piers and boat ramps, placement of buoys, and dredging or excavation.

**Section 404 Activity-** Project work involving discharging dredged or fill material into waters of the United States, including wetlands, requires authorization pursuant to Section 404 of the Clean Water Act. Activities include, but are not limited to, construction of revetments, breakwaters, weirs, bank stabilization, and fill for stream and wetland restoration, or "natural" functions of riparian areas.

**Ordinary High Water Line:** Elevation 6229.1 (Lake Tahoe Datum).

**Ordinary Low Water Line:** Elevation 6223.0 (Lake Tahoe Datum).

**Wetland and Stream Restoration Activities:** Addition of dredged or fill material into waters of the United States, for the purpose of restoring, creating or enhancing "natural" wetland hydrology, vegetation, and function of an altered or degraded wetland or stream.

### APPLICATION PROCESS

1. In order for the Corps to provide preliminary concurrence the project may be considered for authorization under GP16, the applicant must submit a complete application, including Eng Form 4345, and a copy of any previous Corps authorization. If the Corps concurs that the project may be considered for authorization under GP16, steps 2 and 3 must be followed.
2. The applicant shall submit complete applications to all agencies on the attached list.
3. The applicant shall submit written notification to the appropriate Corps office at least thirty days (30) days prior to initiation of work (see attached address list). The notification shall demonstrate that proposed project meets requirements of GP16 and include:
  - a. a completed Department of the Army form *Eng Form 4345*
  - b. a copy of all Department of the Army authorizations previously issued for work at the project site;
  - c. a valid permit from TRPA, including two (2) copies of the stamped, TRPA-approved project drawings;
  - d. all other permits and authorizations as required by law, ordinance, or regulation;
  - e. pre-construction photographs of the project site;
  - f. proposed construction schedule; and
  - g. for projects occurring in Nevada, a statement that Nevada Division of Environmental Protection, Bureau of Water Quality Planning has been provided with a courtesy copy of the project notification.

In addition, if the work includes a Section 404 activity, the notification shall include the following:

- a. volume and type of material to be placed into waters of the United States;
- b. total area of waters of the United States to be directly and indirectly affected;
- c. a wetland delineation in accordance with the 1987 Wetland Delineation Manual when wetlands are proposed for impact;
- d. a description of habitat, including plant community, located in the project area;
- e. a description of any environmental impacts that are expected to occur including methods to avoid, minimize, or mitigate adverse impacts to water quality or aquatic function at the project site;
- f. any other information pertinent to the wetland, stream or water body involved.
- g. for projects involving the restoration of greater than 3 acres of wetlands, evidence that U.S. Fish and Wildlife Service has been provided with a courtesy copy of the project notification; and
- h. a copy of 401 Water Quality Certification or waiver issued for the project.

### CONDITIONS:

1. This general permit will expire on December 31, 2010. This permit may be extended if such extension is determined to be in the public interest.
2. As a special condition of your authorization, you may be required to provide compensatory mitigation to replace functions and values of the aquatic environment that will be lost through project implementation.

3. No activity which may affect historic properties listed or eligible for listing, in the National Register of Historic Places is authorized, until the District Engineer has complied with Section 106 of the National Historic Preservation Act. You must notify the District Engineer if the authorized activity may affect any historic properties listed, determined to be eligible, or which you have reason to believe may be eligible for listing on the National Register of Historic Places, and shall not begin the activity until notified by the District Engineer that the requirements of the National Historic Preservation Act have been satisfied and that the activity is authorized. Information on the location and existence of historic resources can be obtained from the State Historic Preservation Office and the National Register of Historic Places. If any previously unknown historic or archeological remains are discovered while accomplishing the activity authorized by this permit, you must immediately notify the Corps, the state Historic Preservation Office and, if appropriate, the Washoe Tribe of what you have found. We will initiate the 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. In the state of California, any work which involves the discharge of dredged or fill material will require certification from the State Water Resources Control Board (SWRCB), or waiver of certification and/or Waste Discharge Requirements from the California Regional Water Quality Control Board, in accordance with Section 401 of the Clean Water Act. Since the SWRCB has not certified or waived certification for discharge of dredged or fill material authorized under this general permit, such activities are denied without prejudice until the state issues 401 certification or waiver. A copy of individual certification or waiver must accompany the GP16 notification. If a conditioned water quality certification and/or Waste Discharge Requirements have been issued for the project, you must comply with the conditions specified in the certification as special conditions to this permit. In the state of Nevada, Section 10 Activities and Section 404 activities resulting in less than one-quarter (1/4) acre of impact to wetlands or less than 500 linear feet of impact to a stream channel have been certified by Nevada Division of Environmental Protection (NDEP) to meet state and federal water quality standards. However, work which involves the discharge of dredged or fill material exceeding 1/4 acre of impact to wetlands or exceeding 500 linear feet of impact to a stream channel will require certification or waiver of certification from NDEP, in accordance with Section 401 of the Clean Water Act. These projects are denied without prejudice until the NDEP issues 401 certification or waiver. In Nevada, all conditions of Nevada Division of Environmental Protection's Temporary Authorization Permit (Rolling Stock/Dewatering Permit) or any other discharge permit(s) issued by NDEP must be followed.

5. You shall submit post-construction photographs within thirty (30) days of project completion to demonstrate the project was constructed in accordance with the conditions of GP16. For Section 404 activities, you shall also provide photographs of best management practices used during construction to control siltation and erosion.

6. You shall exercise every reasonable precaution to protect the waters of Lake Tahoe and all waters of the United States within the Lake Tahoe basin from pollution by contaminants and from construction related turbidity and siltation impacts.

7. For work in Lake Tahoe beyond 350' lakeward of elevation 6229.1' or for projects involving buoy fields, you or your authorized representative shall notify the U.S. Coast Guard in writing at least 2 weeks before commencing construction. Such notification will include:

- a. Name and telephone number of project manager;
- b. Size and placement of any floating construction equipment;
- c. Radio telephone frequencies and call signs of any marine equipment;
- d. Start and finish dates.

8. You shall provide lighting for buoys, platforms and piers if the Coast Guard determines lighting is needed for the protection of navigation.

9. If the activity involves placement of a mooring buoy in Lake Tahoe you shall ensure it is colored white with a blue band clearly visible above the waterline. The markings are required to conform to the U.S. Coast Guards Aids to Navigation Marking System.

10. For structures in Lake Tahoe, including but not limited to piers, buoys, and docks, you shall validate the

authorization by taking the actions required to record the authorization with the Registrar of Deeds or other appropriate official charged with the responsibility for maintaining records of title to or interest in real property. You must provide evidence that the authorization was recorded against the deed for the property to the Corps prior to any work in waters of the United States otherwise authorized by this permit.

11. Structures built in Lake Tahoe authorized by this general permit shall not be converted to or used as a recreation room, residence, or temporary dwelling, nor shall it be used to moor a recreation room or floating residence.

12. You shall contact the U.S. Fish and Wildlife Service, Nevada Fish and Wildlife Office, for any activity (dredging or placement of dredged or fill material) on beaches supporting populations or potential habitat of the Tahoe Yellow Cress (*Rorippa subumbellata* Roll.), to insure that the work will not adversely affect the this species and that management recommendations made by Fish and Wildlife Service have been addressed.

13. You shall contact the U.S. Fish and Wildlife Service, Nevada Fish and Wildlife Office and Sacramento Fish and Wildlife Office for those projects in the area of Emerald Bay, and surrounding Taylor Creek and Tallac Creek if work is to occur between October 1 and July 31, to insure that the work will not adversely affect the nesting and wintering bald eagles (*Haliaeetus leucocephalus*).

15. The Corps of Engineers will contact the U.S. Fish and Wildlife Service, Nevada Fish and Wildlife Office for any new water intake structures or work involving the modification of existing structures which would increase the quantity of water taken from the lake to ensure the downstream habitat of the cui-ui, (*Chasmistes cujus*), and the Lahontan cutthroat trout (*Oncorhynchus clarki henshawi*) are not affected. If the diversion may affect those species, consultation required by Section 7 of the Endangered Species Act of 1973 must be completed before the structure or work is authorized by this general permit.

16. If the Corps determines the activity may affect the nesting and wintering bald eagles (*Haliaeetus leucocephalus*) or the downstream habitat of the cui-ui, (*Chasmistes cujus*), and the Lahontan cutthroat trout (*Oncorhynchus clarki henshawi*), the Corps will consult with the U.S. Fish and Wildlife Service as required by Section 7 of the Endangered Species Act of 1973. Consultation must be completed before the structure or work is authorized by this general permit.

17. In the state of California, any work which involves the discharge of dredged or fill material will require certification from the State Water Resources Control Board (SWRCB), or waiver of certification and/or Waste Discharge Requirements from the California Regional Water Quality Control Board, in accordance with Section 401 of the Clean Water Act. Since the SWRCB has not certified or waived certification for discharge of dredged or fill material authorized under this general permit, such activities are denied without prejudice until the state issues 401 certification or waiver. A copy of individual certification or waiver must accompany the GP16 notification. If a conditioned water quality certification and/or Waste Discharge Requirements have been issued for the project, You must comply with the conditions specified in the certification as special conditions to this permit. In the state of Nevada, Section 10 activities and Section 404 activities resulting in less than one-quarter (1/4) acre of impact to wetlands or less than 500 linear feet of impact to a stream channel have been certified by Nevada Division of Environmental Protection (NDEP) to meet state and federal water quality standards. However, work which involves the discharge of dredged or fill material exceeding 1/4 acre of impact to wetlands or exceeding 500 linear feet of impact to a stream channel will require certification or waiver of certification from NDEP, in accordance with Section 401 of the Clean Water Act. These projects are denied without prejudice until the NDEP issues 401 certification or waiver. In Nevada, all conditions of Nevada Division of Environmental Protection's Temporary Authorization Permit (Rolling Stock/Dewatering Permit) or any other discharge permit(s) issued by NDEP must be followed.

18. You shall 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.

19. For activities where the Corps determines that more than minimal individual and cumulative impacts may occur to waters of the U.S. as a result of the proposed activity, a Department of the Army individual permit may be required. Except as specified in paragraph 20 below, this general permit does not apply to work that may impact a Federal enforcement action or to work where construction is initiated prior to satisfying all the terms and conditions of this general permit.

20. When work is the subject of any State or Federal enforcement action, the enforcement action must be resolved prior to authorization of the work. If, after an investigation, the District Engineer determines that it is in the public's interest, the District Engineer may authorize the work under this general permit or may process an individual Department of the Army permit. For work where construction has been initiated prior to satisfying all the terms and conditions of this general permit, the Corps may determine after an investigation that the work must be processed under normal Department of the Army or U.S. Environmental Protection Agency enforcement procedures. If the District Engineer determines that it is not necessary to initiate enforcement procedures, then the District Engineer may authorize the work under this general permit or may determine that an individual Department of the Army permit should be processed.

21. If the property associated with this permit is sold, you shall notify the Corps to validate the transfer of the permit authorization.

22. You shall allow representatives from the Corps 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.

23. 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 projects.

24. 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.

25. Reliance on Applicant's Data. Activities authorized under this general permit are determined by the Corps to not be contrary to the public interest based on information provided by applicants.

26. Reevaluation of Permit Decision. This office may reevaluate its decision on authorization 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 14 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 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.

27. Extensions. GP16 authorizations expire two years from the date of issue. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit; generally for one additional year. If such an extension is needed, you must request an extension at least 30 days before the authorization expires.

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

Issued for and in behalf of the District Engineer.

\_\_\_\_\_/S/\_\_\_\_\_  
Andrew J. Rosenau, Chief, Regulatory Branch

\_\_\_\_\_  
16 September 2005  
Date

Attachments:  
Map of Lake Tahoe Region  
Address List of Agency Contacts

FIGURE 1. LAKE TAHOE BASIN  
GEOGRAPHIC AREA OF GP 16



Base from U.S. Geological Survey digital data, 1:24,000 and 1:100,000, 1969-85  
 Universal Transverse Mercator projection, Zone 11  
 Bathymetric contours from Rush, 1973. Compiled from soundings made  
 by U.S. Coast and Geodetic Survey (1963)  
 Wilderness areas from U.S. Forest Service digital data, 1997

#### EXPLANATION

- |  |                                                                                                                                      |  |                                                               |
|--|--------------------------------------------------------------------------------------------------------------------------------------|--|---------------------------------------------------------------|
|  | Boundary of Lake Tahoe Basin                                                                                                         |  | Lake Tahoe Interagency Monitoring Program monitoring stations |
|  | Boundary of subbasin                                                                                                                 |  | Surface-water site                                            |
|  | Bathymetric contour, in feet below highest legal lake-surface altitude (6,229.1 feet above U.S. Bureau of Reclamation datum of 1929) |  | Ground-water site                                             |

## AGENCY CONTACTS

### CALIFORNIA PROJECTS

**U.S. Fish and Wildlife Service**  
Sacramento Fish and Wildlife Office  
2800 Cottage Way, Suite W2605  
Sacramento, California 95825-1888  
(916) 414-6620

**State Historic Preservation Office**  
California State Department of Parks and Recreation  
P.O. Box 942896  
Sacramento, California 94296-0001  
(916) 653-6624

**California State Lands Commission**  
100 Howe Avenue, Suite 100 South  
Sacramento, California 95825-8202  
(916) 574-1835

**California Regional Water Quality Control Board-  
Lahontan Region**  
2501 Lake Tahoe Boulevard  
South Lake Tahoe, California 96150-7747  
(530) 542-5400

**California Department of Fish and Game**  
Environmental Services  
1701 Nimbus Road  
Rancho Cordova, California 95670-4599  
(916) 358-2929

### NEVADA PROJECTS

**U.S. Fish and Wildlife Service**  
Nevada Fish and Wildlife Office  
1340 Financial Boulevard, Suite 234  
Reno, Nevada 89502-7147  
(775) 861-6300

**Nevada State Historic Preservation Office**  
100 North Stewart Street  
Carson City, Nevada 89710  
(775) 684-3443

**Nevada Division of State Lands**  
801 South Stewart Street, Suite 5003  
Carson City, Nevada 89701-5246  
(775) 684-2720

**Nevada Division of Environmental Protection**  
Bureau of Water Quality Planning  
901 South Stewart Street, Suite 4001  
Carson City, Nevada 89701-5249  
Icyl Mulligan (775) 687-9432  
Glen Gentry (775) 687-9448

**Nevada Division of Wildlife**  
Region I Office  
380 West B  
Fallon, Nevada 89406-2916  
(775) 423-3171

### CALIFORNIA AND NEVADA PROJECTS

**U.S. Army Corps of Engineers**  
Regulatory Branch  
1325 J Street, Room 1480  
Sacramento, California 95814-2922  
(916) 557-5250

**Tahoe Regional Planning Agency**  
128 Market Street  
P.O. Box 5310  
Stateline, Nevada 89448-5310  
(775) 588-4547

**U.S. Coast Guard**  
Commander (oan)  
Eleventh Coast Guard District  
Building 50-6, Coast Guard Island  
Alameda, California 94501-5100  
(510) 437-2983

**Washoe Tribe**  
Washoe Archive and Cultural Resources  
861 Crescent Drive  
Carson City, Nevada 89701-7704  
(775) 888-0936