

**REGIONAL GENERAL PERMIT NUMBER GP-63
US NATIONAL PARK SERVICE
CATEGORICALLY EXCLUDED ACTIVITIES
ON
LAKE MEAD AND LAKE MOHAVE**

EFFECTIVE DATE: October 1, 2004

EXPIRATION DATE: October 1, 2009

Scope Of Work: This Regional General Permit (RGP) authorizes activities undertaken, assisted, authorized, regulated, funded, or financed, in whole or in part, by the U.S. National Park Service (NPS) in Lake Mead and Lake Mohave that are categorically excluded from environmental documentation in accordance with the Council on Environmental Quality Regulation for Implementing the Procedural Provisions of the National Environmental Policy Act (NEPA)[40 CFR part 1500 et seq.] because the activity is within a category of actions that neither individually nor cumulatively have a significant effect on the human environment.

Issuing Office: U.S. Army Engineer District, Sacramento
Corps of Engineers
1325 "J" Street
Sacramento, California 95814-2922

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.

Project Location: Lake Mead and Lake Mohave in Lake Mead National Recreation Area within the Sacramento District in Clark County, Nevada and Mohave County, Arizona.

Notification Requirement: A potential permittee under this RGP must provide the St. George Regulatory Office with prior written notification before beginning an activity. This notification shall include a signed determination by the NPS that the activity is categorically excluded, and shall fully describe the project and its location, purpose and need, and the immediate project area. Submittal of sketches or drawings of the activity along with photographs of the work area is encouraged and may be required on a case-by-case basis. Work may not commence until you receive notice to proceed by the St. George Regulatory Office. The address and phone numbers of the St. George Regulatory Office are:

**St. George Regulatory Office
Corps of Engineers, Sacramento District
321 North Mall Drive, Suite L-101
St. George, Utah 84790-7310
(435) 986-3979
(435) 986-3981 (Fax)**

Please give special attention to General Condition number 5 below for additional notification and other requirements. You must also comply with the applicable state water quality certification.

Additional Information: In accordance with Section 10 of the Rivers and Harbors Act, the Corps of Engineers regulates the construction of any structure in or over, excavation from, deposit of material in, or the accomplishment of any other work affecting the course, location, condition or capacity of any Navigable Waters of the United States. The Sacramento District considers the Colorado River from the Nevada-Arizona boundary

to the Nevada-California boundary, including Lake Mead and Lake Mohave as Navigable Waters of the United States subject to permit authority under Section 10 and 33 CFR 329.

In accordance with Section 404 of the Clean Water Act, the Corps of Engineers regulates the discharge of dredged or fill material in waters of the United States. The Colorado River, including but not limited to, lakes Mead and Mohave, and tributaries of the Colorado River, are waters of the United States subject to permit authority under Section 404 and 33 CFR 328.3(a).

The NPS Organic Act of 1916 is the most important and primary statutory directive for the NPS. This Act was later supplemented and clarified by the NPS General Authorities Act of 1970. The key management-related provision of the Organic Act is that the NPS "shall promote and regulate the use of the Federal areas known as national parks, monuments, and reservations hereinafter specified ... by such means and measures as conform to the fundamental purpose of the said parks, monuments, and reservations, which purpose is to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations. 16 USC 1."

The NPS has identified and published a number of activities that are categorically excluded from further documentation under NEPA. The NPS and the Sacramento District have cooperatively identified the following NPS' categorically excluded activities that can require a permit from the Corps of Engineers and are authorized by this RGP:

- * Routine maintenance and repairs to non-historic structures, facilities, utilities, grounds, and trails.
- * Installation of signs, displays, and kiosks.
- * Installation of navigation aids.
- * Replacement in kind of minor structures and facilities with little or no change in location, capacity, or appearance--for example, comfort stations, pit toilets, fences, kiosks, signs and campfire circles.
- * Repair, resurfacing, striping, installation of traffic control devices, and repair/replacement of guardrails, culverts, signs, and other minor existing features on existing roads when no potential for environmental impact exists.
- * Changes in sanitary facilities operation resulting in no new environmental effects.
- * Installation of wells, comfort stations, and pit or vault toilets in areas of existing use and in developed areas.
- * Restoration of noncontroversial (based on internal scoping requirements) native species into suitable habitats within their historic range.
- * Removal of individual members of a non-threatened/endangered species or populations of pests and exotic plants that pose an imminent danger to visitors or an immediate threat to park resources.
- * Grants for replacement or renovation of facilities at their same location without altering the kind and amount of recreational, historic, or cultural resources of the area or the integrity of the existing setting.

Extended regional drought conditions and decreasing Lake Mead water levels have especially increased the number of necessary actions that are categorically excluded by the NPS and that also require a Department of the Army permit from the Sacramento District. Eventually, as lake water levels rise, similar actions will be needed to meet this issue. Examples of these actions covered by this RGP are as follows:

- * Repair and extend launch ramps as necessary.
- * Adjust marina positions as water levels dictate.
- * Reconfigure breakwaters and add new breakwaters as necessary.
- * Manage water intakes, utilities, lift stations, and other infrastructure that exists below ordinary high water mark.
- * Re-configuring bars and reefs as water level changes.
- * Grading harbor bottoms as needed to move marina facilities as water level changes.
- * Grading/maintenance of shorelines/beach areas.
- * Grading washes after flood events.
- * Culvert maintenance in washes.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends 3 years from the date that the office notifies you that you are authorized to proceed under this permit. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
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. The states of Arizona and Nevada have issued water quality certifications for activities covered by this permit in each respective state. You must comply with the terms and conditions of the applicable certification i.e., depending upon which state your activity will occur. A copy of each certification is attached.

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. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, 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, the permittee 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.

8. Within 30 days of completing work, a written statement signed by the permittee shall be submitted to the St. George Regulatory Office certifying that the work has been completed in accordance with the terms and conditions of this permit.

9. In accordance with the Migratory Bird Treaty Act of 1918, migratory birds may not be killed, nor may the nests (nests with eggs or young) of migratory birds be harmed. Any surface or aquatic disturbance associated with activities approved under this permit shall be conducted outside of the avian breeding season to avoid potential destruction of bird nests or young, or birds that breed in the area. If this is not feasible, then a qualified biologist shall survey each specific project area prior to disturbance. If nests are located, or if other evidence of nesting (i.e., mated pairs, territorial defense, carrying nesting material, transporting food) is observed, a protective buffer (the size depending on the habitat requirements of the species) should be delineated and the entire area avoided to prevent destruction or disturbance to nests until they are longer active.

10. You shall implement the best management practices and other requirements of the U.S. National Park Service for protecting the environment of Lake Mead National Recreation Area in association with any work authorized by this permit. Failure to do will be grounds for modifying, suspending, or revoking your authorization under this permit.

Special Conditions:

[Special Conditions may be added based upon specific review of your request to perform work. These special conditions would be included in a notice from this office verifying authorization under this RGP.]

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. 403).

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

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 projects.
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.

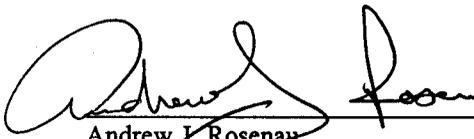
Circumstances that could require a reevaluation include, but are not limited to, the following:

- 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.

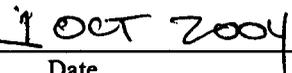
Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you 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.

6. Extensions. General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. 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.

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



Andrew J. Rosenau
Chief, Regulatory Branch
(For the District Engineer)



Date

Enclosures



Janet Napolitano
Governor

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

1110 West Washington Street • Phoenix, Arizona 85007
(602) 771-2300 • www.adeq.state.az.us



Stephen A. Owens
Director

Applicant: U.S. Army Corps of Engineers
Sacramento District
Attn: Mr. Grady McNure
Chief, St. George Regulatory Office
321 North Mall Drive, Suite L-101
St. George, Utah 84790-7310

*Rec'd
13 Sep 04*

Subject: Water Quality Certification, State of Arizona for: Regional General Permit for activities in Lake Mead and Lake Mohave, Public Notice Number 200450130 (Lake Mead Recreation Area in Mohave County, Arizona)

Dear Mr. McNure:

The Arizona Department of Environmental Quality (ADEQ), Water Quality Division, has reviewed the proposed Regional General Permit (RGP) submitted by the U.S. Army Corps of Engineers (ACOE) (Public Notice No. 2004-50130); for activities categorically excluded from further documentation under the National Environmental Policy Act (NEPA) by the U.S. National Park Service (NPS) on Lake Mead and Lake Mohave (Lake Mead Recreation Area).

Based upon the information provided in Public Notice No. 300450130, ADEQ has conditionally certified the proposed RGP for the Lake Mead Recreation Area. The following conditions apply to all waters within the Lake Mead Recreation area.

A. 401 Water Quality Certification Conditions

1. Notification Requirement

The NPS must provide ADEQ with prior written notification before beginning an activity under this RGP. This notification shall include a signed determination by the NPS that the activity is categorically excluded, and shall fully describe the project and its location (including latitude/longitude and Township, Section and Range), purpose and need, and the immediate project area. Submittal of USGS topographic maps, sketches or drawings of the activity along with photographs of the work area are encouraged and may be required on a case by case basis.

Notification shall be addressed to:

Northern Regional Office
1515 East Cedar Avenue • Suite F • Flagstaff, AZ 86004
(928) 779-0313

Southern Regional Office
400 West Congress Street • Suite 433 • Tucson, AZ 85701
(520) 628-6733

**Arizona Department of Environmental Quality
Water Quality Division
Surface Water Permits Unit
Attn: Andy Cajero-Travers
1110 West Washington Street (5415B-3)
Phoenix, Arizona 85007**

ADEQ will have the option of modifying or denying this Certification.

B. Necessary Permits

The potential permittee is responsible for obtaining all other permits certifications and licenses that may be require by federal, state or local authorities. Other approvals may include, but are not limited to: construction activities (AZPDES Stormwater Permit), use of reclaimed wastewater for dust control or irrigation (Reclaimed Water Permit), or dewatering of construction sites to a surface water body (AZPDES Permit).

C. Basis For Conditional State 401 Water Quality Certification

1. State of Arizona, Water Quality Standards for Surface Waters, Arizona Administrative Code (A.A.C.) Title 18, Chapter 11, Section 108, Narrative Water Quality Standards, Section 109, Numeric Water Quality Standards, Appendix A. Designated uses for Lake Mead and Lake Mohave include: **Aquatic and Wildlife cold water (A&Wc), Full Body Contact (FBC), Drinking Water Source (DWS), Fish Consumption (FC), Agricultural Irrigation (AgI) and Agricultural Livestock watering (AgL)** (A.A.C.R18-11-104).
2. U.S. Army Corps of Engineers Public Notice No. 200450130.

D. Conditions for State 401 Water Quality Certification

This State Water Quality Certification is issued by ADEQ under the authority of Section 401(a) of the federal Clean Water Act (33 U.S.C. §1251 et seq.) The conditions listed below apply to the Regional General Permit for the Lake Mead Recreation Area, Public Notice No. 2004050130. These conditions are enforceable by the U.S. Environmental Protection Agency and ACOE. Civil penalties up to a maximum of \$25,000 per day of violation may be levied if these certification conditions are violated. Criminal penalties may also be levied if a person knowingly violates any provision of the federal Clean Water Act. The following conditions are in addition to the ACOE conditions for the Regional General Permit.

1. General Conditions

This Certification is only for the activities covered under the RGP for Lake Mead and Lake Mohave, and is valid for three (3) years from the date that the Sacramento District notifies the applicant that the activity is authorized to proceed under this permit.

- a. A copy of this certification shall be on the job site at all times during construction. The permittee shall provide a copy of this certification to all contractor(s), subcontractor(s) and foreperson(s). The permittee shall require that all contractor(s), subcontractor(s) and foreperson(s) understand its contents and their responsibility to ensure compliance with all conditions contained herein.
- b. The NPS is responsible for projects authorized by this RGP and any adverse cumulative impacts that it may cause.

2. Erosion Protection Measures

- a. Erosion control and/or bank protection features (e.g., silt fences, straw bales, rip-rap, or mulching) shall be used, where appropriate, to minimize channel or bank erosion and soil loss. These features shall be maintained, as necessary, during dredging operations. Denuded areas shall be revegetated as soon as possible with native plants and seed.
- b. Temporary erosion and sediment control measures shall be installed before initiating activities authorized under this RGP, and shall be maintained as necessary.

3. Chemical and Materials Handling

- a. The NPS shall use designated areas for chemical and petroleum storage, solid waste containment, and equipment washing. These designated areas shall be located on upland sites away from the ordinary high water mark (OHWM) of Lake Mead and Lake Mohave.
- b. The NPS shall have a spill containment plan to ensure that pollutants are contained, removed and properly disposed of. In addition, equipment maintenance shall be performed at an upland site away from the OHWM of Lake Mead and Lake Mohave.

4. Contaminated Soils and Materials

- a. The NPS is responsible for ensuring that dredged material and/or fill, placed within the OHWM of Lake Mead and/or Lake Mohave, is free from substances (including fines that may be associated with rip-rap

material) that can cause or contribute to pollution of Lake Mead and/or Lake Mohave.

- b. Debris (such as soil, silt, sand, rubbish, oil or petroleum products, organic materials, tires or batteries) derived from dredging activities shall not be deposited at any site where it may be washed into Lake Mead and/or Lake Mohave, and shall be properly disposed of after completion of the construction project.
- c. If water, other than reclaimed wastewater, is used for dust suppression, it shall not contain contaminants that could violate Surface Water Quality Standards.

5. **Runoff**

Runoff and seepage from roadways, embankments, temporary material stockpiles and other alterations of the natural environment shall not cause a violation of Surface Water Quality Standards.

6. **Conditions Related to Flow Events**

Access roadways, staging areas and temporary material stockpiles shall be designed to allow normal storm flows to pass unimpeded. There shall be no significant alteration of hydraulic conditions of upstream waters as a result of temporary features.

7. **Construction Related Activities**

- a. Discharges from runoff of disturbed soils, cleared vegetative cover, material stockpiles or other alterations of the natural environment shall not cause a discharge which violates State Water Quality Standards.
- b. Activities shall be conducted and monitored to ensure that pollution from construction or roads, recreational areas, installation of utilities, and equipment maintenance and washing does not drain into WUS.
- c. Silt laden or turbid water resulting from dredging activity shall be contained in settling ponds, filtered, flocculated or otherwise treated prior to being discharged into Lake Mead and/or Lake Mohave. Treatment systems must be monitored and maintained to ensure proper performance.
- d. Upon completion of authorized activities, all disturbed areas shall be restored to pre-construction conditions.

- c. Silt laden or turbid water resulting from dredging activity shall be contained in settling ponds, filtered, flocculated or otherwise treated prior to being discharged into Lake Mead and/or Lake Mohave. Treatment systems must be monitored and maintained to ensure proper performance.
- d. Upon completion of authorized activities, all disturbed areas shall be restored to pre-construction conditions.
- e. After construction activities are completed, the project area and all disturbed areas along the bank shall be restored to an environmentally acceptable condition. All dredging residues, equipment and non-native materials shall be removed from and properly disposed of outside of the OHWM of Lake Mead and/or Lake Mohave.

8. Standard Issues

Any discharge occurring as a result of activities authorized by the RGP for Lake Meade and Lake Mohave shall not cause a violation of Surface Water Quality Standards. Applicability of this condition is as defined in section R-18-11-102 of A.A.C. Title 18, Chapter 11, Article 1 – Water Quality Standards for Surface Water

ADEQ CWA 401 Water Quality Certification of these activities to operate under the terms of the Regional General Permit for Lake Mead and Lake Mohave does not affect or modify in any way the obligation or liability of any person for any damages, injury, or loss, resulting from an impacted area discharge. The department may modify or withdraw its determination if the information relied upon is inaccurate or not implemented as proposed. If, in the future, the Department determines that the terms and conditions of the Certification have been violated, or discharges from the activities have caused or contributed to a violation of surface water quality standards, the Director may revoke the Certification. This certification is not intended to waive any other federal, state or local laws.

Thank you for your cooperation and efforts to protect our finite and precious water resources.

Sincerely,

Authorized ADEQ Signature: _____

 01304

Michele Robertson, R.G.
Water Permits Section
Water Quality Division

Date

cc: USEPA, Wetlands Regulatory Office

Administrator – Acting
Jolaine Johnson and Leo Drozdoff

(775) 687-4670

Administration
Facsimile 687-5856

Water Quality Planning
Water Pollution Control
Facsimile 687-4684

Mining Regulations and
Reclamation

Facsimile 684-5259

State of Nevada
KENNY C. GUINN
Governor



ALLEN BIAGGI, Director

Air Pollution Control
Air Quality Planning
Facsimile 687-6396

Waste Management
Federal Facilities

Corrective Actions
Facsimile 687-8335

ndep.nv.gov

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION

333 W. Nye Lane, Room 138
Carson City, Nevada 89706

September 9, 2004

Rec'd
13 Sep 04

Mr. Grady McNure
U.S. Army Corps of Engineers
St. George Regulatory Office
321 North Mall Drive, Suite L-101
St. George, Utah 84790-7310

Dear Mr. McNure:

Nevada Division of Environmental Protection (NDEP) issues 401 Certification for the Regional General Permit for the US National Park Service Categorically Excluded Activities within the Lake Mead and Lake Mohave, Lake Mead National Recreation Area (PN 200450130) located in Clark County, Nevada with the following special conditions.

Prior to beginning any activity authorized by this Regional General Permit, this office must receive written notification which shall include a signed determination by the NPS that the activity is categorically excluded, and shall fully describe the project and its location, purpose and need, and the immediate project area. Submittal of sketches or drawing of the activity along with photographs of the work area is encouraged and may be required on a case-by-case basis. The address and phone number for submittal of this information is:

Nevada Division of Environmental Protection
Bureau of Water Quality Planning
Attn: Glen Gentry
333 W. Nye Lane, Room 138
Carson City, Nevada 89706-0851
(775) 687-9448
email – ggentry@ndep.nv.gov

Prior to commencing work in any waterbody or waterway (including ephemeral washes), appropriate Best Management Practices (BMP) must be properly installed and maintained throughout the project construction period until all disturbed areas are stabilized. If straw bales are selected as BMPs they should be certified as weed free.

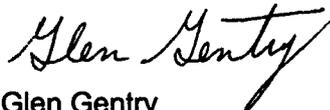
Any modifications to the original project submittal must be reviewed and approved by this office prior to implementation.

If the project requires a Temporary Permit for Working in Waterways, all conditions of NDEPs Temporary Authorization Permit (Construction/Dewatering) or any other permit issued by NDEP for the project must be followed.

This Section 401 Water Quality Certification is subject to the acquisition of all necessary local, regional, state and federal permits and approvals as required by law. Failure to meet any conditions of this 401 Water Quality Certification or the Temporary Authorization Permit (Construction/Dewatering Permit) or any other permit issued by NDEP for this project or any violation of NAC 445A may result in the revocation of this 401 Water Quality Certification.

If you have any question please give me a call.

Sincerely yours,

A handwritten signature in black ink that reads "Glen Gentry". The signature is written in a cursive style with a large, sweeping initial "G".

Glen Gentry
Monitoring Branch Supervisor
Bureau Water Quality Planning

cc: IcyI Mulligan, NDEP