

**REGIONAL GENERAL PERMIT
US NATIONAL PARK SERVICE
CATEGORICALLY EXCLUDED ACTIVITIES
ON
LAKE POWELL**

EFFECTIVE DATE:

EXPIRATION DATE: January 25, 2012

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 Powell 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 Powell in Glen Canyon National Recreation Area within the Sacramento District in Cocinino County, Arizona, and San Juan, Garfield, and Kane Counties, Utah.

Notification Requirement: A potential permittee under this RGP must provide the Colorado West Regulatory Branch with prior written notification before beginning an activity, unless otherwise specified below. 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 Colorado West Regulatory Branch. The address and phone numbers of the Colorado West Regulatory Branch are:

**Colorado West Regulatory Branch
U.S. Army Corps of Engineers, Sacramento District
400 Rood Avenue, Room 134
Grand Junction, Colorado 81501
(970) 243-1199
(970) 241-2358 (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 all of Lake Powell 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, Lake Powell, 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's categorically excluded activities that can require a permit from the Corps of Engineers and are authorized by this RGP. **These activities do not require a notification to the Corps of Engineers:**

- Routine maintenance and repairs to non-historic structures, facilities, utilities, grounds, and trails.
- Installation of navigation aids.
- 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.
- 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.
- Replacement of wire anchor ropes and structural cables used to keep floating facilities in place and structures in appropriate configuration.
- Altering the length of the slip fingers, walkways, and gangways, in which the overall alteration will not change the existing fairways.
- Replacement in kind utility system components on floating facilities.
- Replacement of decking, whalers, bumper stripping and other structural components of floating facilities.
- Replacement of slip finger Styrofoam flotation systems with new encapsulated systems.
- Minor grading to maintain existing roadways and parking lots that are located below the Ordinary High Water Mark.

- Minor relocation of floating facilities, including minor alterations to the breakwaters and wakeless zone buoys as a result of this relocation.
- Installation of signs, displays, and kiosks.
- 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.
- Restoration of noncontroversial (based on National Park Service's 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.
- 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 launch ramps.
- Culvert maintenance in washes.

Extended regional drought conditions and decreasing Lake Powell 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. **The following require notification to the Corps of Engineers:**

- 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.

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 Utah 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 Colorado West Regulatory Branch 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 Glen Canyon 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.

11. This RGP does not authorized the discharge of dredged or fill material into wetlands.

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.

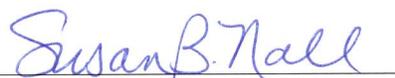
Circumstances that could require a reevaluation include, but are not limited to, the following:

- 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.



Susan Bachini Nall
Chief, Colorado West Regulatory Branch
U.S. Army Corps of Engineers, Sacramento District
(For the District Engineer)

7 April 2010
Date



State of Utah

Department of
Environmental Quality

Diann R. Nielson, Ph.D.
Executive Director

DIVISION OF WATER QUALITY
Walter L. Baker, P.E.
Director

ION M. HUNTSMAN, JR.
Governor

GARY HERBERT
Lieutenant Governor

FILE COPY
Exhibit #1

April 10, 2006

Nancy Kang
United States Department Of The Army
Corps Of Engineers Regulations Office
533 West 2600 South Suite 150
Bountiful, UT 84010-7744

Dear Ms. Kang:

Subject: Water Quality Certification
404 Permit Application No. **2005.75.642**

Applicant: **National Park Service**
Attn: Kitty Roberts
Glen Canyon National Recreational Area

Location: **Glen Canyon National Recreational Area, Lake Powell, Coconino County, Arizona, and San Juan, Garfield, and Kane Counties, Utah**

Purpose: See US Army Corps of Engineers Public Notice Number indicated above

Area Description: See US Army Corps of Engineers Public Notice Number indicated above

We have reviewed the referenced application. It is our opinion that applicable water quality standards will not be violated if appropriate Best Management Practices (BMPs) are incorporated to minimize the erosion-sediment load to any adjacent waters during project activities. We recommend that appropriate water quality parameters of adjacent waters be monitored for effectiveness.

The Division of Water Quality requests the following conditions be included in the permit, if appropriate, as follows:

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1. Whenever an applicant causes the water turbidity in an adjacent surface water to increase 10 NTU's or more, the applicant shall notify the Division of Water Quality.
2. The applicant shall not use any fill material which may leach organic chemicals (e.g., discarded asphalt, etc.) or nutrients (e.g., phosphate rock, etc.) into the adjacent surface water.
3. The applicant shall not engaged in any practice (e.g., lawn fertilizers, farm operations, etc.), which may allow nutrients or other pollutants to enter the adjacent surface water.
4. Applicant shall coordinate with the Utah Division of Wildlife Resources to protect any potentially affected fish spawning areas in the adjacent surface water.

Pursuant to Section 401(a)(1) of the Federal Water Pollution Control Act, as amended in 1987, it is hereby certified that any discharge resultant from the project will comply with applicable State water quality standards and, to the best of our knowledge, will comply with applicable provision of Sections 301, 302, 303, 306, and 307 of said Act.

Sincerely,



Walter L. Baker, P.E., Director
Utah Division of Water Quality



WLB: WOM

mark

FILE: 401 CERTIFICATION



Janet Napolitano
Governor

ARIZONA DEPARTMENT
OF
ENVIRONMENTAL QUALITY

1110 West Washington Street • Phoenix, Arizona 85007
(602) 771-2300 • www.azdeq.gov



Stephen A. Owens
Director

COPY

June 14, 2006

Exhibit # 3

Applicant:

Department of the Army, Corps of Engineers, Sacramento District
Kara A. Hellige, Chief, Durango Regulatory Office
103 Sheppard Drive
Durango, Colorado 81303

Subject:

CWA 401 Water Quality Certification for:
Draft Regional General Permit, US National Park Service, Categorically Excluded Activities on Lake Powell

a proposed Regional General Permit applying to the Glen Canyon National Recreation Area for upgrades due to fluctuating water levels in Lake Powell, a reservoir formed on the Colorado River and unnamed tributaries, at Wahweap (T42N, R8E Sections 35 & 36; and T41N, R8E Section 1) and Antelope Point (T41N, R9E Sections 8, 9, 16 & 17), Coconino County, Arizona.

U.S. Army Corps of Engineers (Sacramento District) File No.: 200575642
ADEQ LTF No.: 39876; ADEQ WQdB No.: 18721

Dear Ms. Hellige:

The Arizona Department of Environmental Quality (ADEQ), Water Quality Division, has reviewed information submitted for water quality certification pursuant to Section 401 of the Clean Water Act for the subject Regional General Permit (RGP).

Section I of this document describes the activities to be certified. The references listed in Section II were used as the basis for certification. Section III lists the Approval Conditions.

ADEQ review has determined that when the waterbodies on which the activities performed under the subject RGP are:

- Listed as impaired under section 303[d] of the Clean Water Act, or
- Listed as unique in State of Arizona Water Quality Standards for Surface Waters, Arizona Administrative Code (A.A.C.) Title 18, Chapter 11, §112, Unique Waters (or any successor standards).

an individual 401 certification is required for those projects.

Also, if a proposed project consists of reconfiguring natural bars and reefs, an individual 401 certification is required.

Otherwise, ADEQ has determined that when the National Park Service (NPS) adheres to the Conditions in Section III, the certified activities should not have a negative impact to the

Northern Regional Office
1801 W. Route 66 • Suite 117 • Flagstaff, AZ 86001
(928) 779-0313

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

COPY

chemical, physical or biological integrity of waters included in the subject RGP and a separate individual 401 certification for such projects is not required.

I) Description Of Activities To Be Certified

- A) The National Park Service - Glen Canyon National Recreation Area (NPS) stated purpose and need for the project is maintenance of existing recreational facilities and upgrades to allow for lowered lake levels due to drought conditions.
- B) The RGP covers the approximately 163,000 acres of waters of the United States (WUS) that make up Lake Powell. The Ordinary High Water Mark (OHWM) is approximately 3,700 feet MSL. The actual jurisdictional area impacted by the RGP will be determined on a project by project basis.

II) Basis For Conditional State 401 Water Quality Certification

- A) State of Arizona Water Quality Standards for Surface Waters, Arizona Administrative Code (A.A.C.) Title 18, Chapter 11, §108, Narrative Water Quality Standards, and Appendix B. Designated uses for the subject waterbody include: Aquatic and Wildlife cold, Full Body Contact, Domestic Water Source, Fish Consumption, Agricultural Irrigation and Agricultural Livestock watering (A.A.C. R18-11-105).
- B) Draft Regional General Permit, US National Park Service, Categorically Excluded Activities on Lake Powell. Additional documents submitted with the application or used in reviewing same include the following:
 - Maps.
 - Public Notice dated January 27, 2006.
 - Other supporting documentation provided ADEQ by the NPS and CoE.

III) Conditions For State 401 Water Quality Certification

This State Water Quality Certification is issued by the ADEQ under the authority of Section 401(a) of the federal CWA (33 U.S.C. §1251 et seq.). The conditions listed below are in addition to conditions in CWA 404 Permit No. 200575642 issued by the U.S. Army Corps of Engineers (CoE). These conditions are enforceable by the U.S. Environmental Protection Agency and CoE. 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.

A) General Conditions

This Certification is only for the activities described in the subject RGP and is valid for the same period as the RGP. If substantive changes are made in the proposed RGP the applicant shall immediately notify ADEQ in writing. For this, or any other correspondence regarding this project, the ADEQ mailing address is:

Arizona Department of Environmental Quality
Surface Water Section / 401 Certifications / mailstop 5415A-1
1110 West Washington Street
Phoenix, Arizona 85007

For questions or general comments:
email: scalamera.robert@azdeq.gov
Voice: (602) 771-4502

In any correspondence, please reference:

Regional General Permit - Glen Canyon National Recreation Area
U.S. Army Corps of Engineers (Sacramento District) File No.: 200575642
ADEQ LTF No.: 39876; ADEQ WQdB No.: 18721

ADEQ will have the option of extending, modifying or denying this Certification. Failure of the NPS to receive ADEQ approval for any substantive change/modification prior to initiating the change/modification may result in a revocation of this Certification.

- 1) The NPS shall provide a copy of these State 401 Water Quality Certification Conditions to all appropriate contractors and subcontractors. The NPS shall also post a copy of these conditions in a water resistant location at the construction site where it may be seen by the workers.
- 2) The NPS is responsible for the construction and maintenance of the project and any adverse impacts that it may cause.

B) Necessary Permits

- 1) The NPS is responsible for obtaining all other permits, certifications and licenses that may be required by federal, state or local authorities.

- 2) Activities which may require other approvals include, but are not limited to:
 - a) Construction activities disturbing greater than one acre of land will require an AZPDES Stormwater Permit. Prior to the commencement of any activities herein certified, the NPS will have available for inspection onsite a copy of the Notice of Intent (NOI), and a Stormwater Pollution Prevention Plan as required by the applicable stormwater regulations.
 - b) Use of reclaimed wastewater for dust control or irrigation will require a Reclaimed Water Permit. Water for dust suppression or irrigation shall not contain contaminants that could violate Surface Water Quality Standards.
 - c) If dewatering operations are needed, this water shall not be discharged into a WUS without proper permits, including, but not necessarily limited to an AZPDES Permit.

C) Specific Conditions

Any discharge occurring as a result of activities certified for the subject project shall not cause a violation of surface water quality standards. Applicability of this condition is as defined in A.A.C. R18-11-102.

- 1) This certification does not authorize the discharge of process water, material processing residues, wastewater or other residual material to any WUS.
- 2) Runoff and seepage from activities certified herein shall not cause a violation of surface water quality standards for any WUS.
- 3) Portable sanitary waste facilities will be maintained onsite.
- 4) NPS must minimize clearing, grubbing, scraping or otherwise limiting exposure of erodible surface to the minimum necessary for each construction phase or location.
- 5) Work shall be conducted and monitored to ensure that pollution from the activities certified herein including, but not limited to: earthwork, concrete mixing and placement, detention ponds, and equipment maintenance and washing does not drain into any WUS.
- 6) The NPS shall strive to perform activities herein certified during periods of no or low water in any WUS. No equipment or vehicles shall cross or otherwise enter any watercourse or other WUS while water is present unless conditions 17, 18, 19, 22, 24, 26 and 27 below are met.
- 7) If activities certified herein are likely to create an erosion or sedimentation problem, operations shall cease until the problem is resolved or until reasonable control measures have been undertaken.

- 8) If water is used for dust suppression, it shall not contain contaminants that could violate surface water quality standards of any WUS.
- 9) Erosion control, sediment control and/or bank protection measures (e.g., silt fences, straw bales, rip-rap, mulching, berms) shall be installed before construction and pre-operation activities, and shall be maintained as necessary during construction and post-construction periods to minimize channel or bank erosion, soil loss and sedimentation.
- 10) The NPS will erect any barriers, covers, shields and other protective devices as necessary to prevent any construction materials, equipment or contaminants/pollutants from falling, being thrown or otherwise entering any WUS.
- 11) The NPS is responsible for ensuring construction material and/or fill including, but not limited to: native soils, rock, gabion fill or other uncemented channel-lining materials, placed within the OHWM of WUS, shall not include materials; e.g., fines, that can cause or contribute to pollution of a surface water. Any material washing must occur outside of the OHWM of any WUS prior to placement.
- 12) Earthen fill placed in locations subject to scour shall contain not more than ten percent (10%) on a dry weight basis of particles finer than 0.25 mm diameter (passing a No. 60 sieve).
- 13) All WUS at the project site shall be promptly cleared of all false work, piling, construction residues, equipment, debris or other obstructions upon completion of the activities certified herein (except as noted in condition 27 -concrete curing). Any debris including, but not limited to: soil, silt, sand, rubbish, cement, asphalt, oil or petroleum products, organic materials, tires or batteries, derived from the activities certified herein shall not be stored at any site where it may be washed into a WUS and shall be properly disposed of after completion of the work.
- 14) Upon completion of construction, the NPS shall restore or maintain the stability, with respect to erosion and sedimentation, of upstream and downstream segments of any WUS impacted by this project.
- 15) Except where the activities certified herein are intended to permanently alter any WUS, all work areas and all disturbed areas between the OHWM shall be restored to preconstruction conditions. Denuded areas outside the OHWM shall be revegetated as soon as possible with native plants and seed. Vegetation should be maintained on unarmored banks and slopes to stabilize soil and prevent erosion.

- 16) On-site grading will direct runoff towards existing and future retention areas or basins designed to accept stormwater collected from within the project boundaries. In addition to this retention, the basins will provide detention through the use of controlled outflow spillways and shall be designed to allow normal storm flows to pass. The existing and future project grading activities and basins shall cause no restriction or significant change to the hydraulic conditions of the upstream or downstream WUS outside of the project boundaries.
- 17) The NPS must designate area(s) for equipment staging and storage. Any equipment adjustments, washing or fueling that cannot be done offsite will be done here. Material specifically manufactured and sold as spill adsorbent/absorbent will be on hand to control small spills. All equipment and workboats shall be inspected for leaks daily and prior to use. All leaks shall be repaired immediately. All heavy equipment and workboats will be steam cleaned prior to use in any WUS with water present.
- 18) The NPS shall have a spill containment plan onsite to ensure that pollutants are contained, removed and properly disposed of. In addition, the NPS must designate areas, located entirely outside of the OHWM of any WUS, for chemical and petroleum storage, and solid waste containment. All materials stored onsite will be stored in a neat, orderly manner in their appropriate containers or packaging (with original manufacturer's labels where applicable). Waste materials will be placed in designated and labeled containers. Liquid waste will be stored in sealed containers. Any pollutant produced by activities certified herein shall be properly disposed of in accordance with applicable regulations. A spill response kit will be maintained in this (these) area(s) to mitigate a potential spill. The kit will include absorbent material including booms. The NPS will ensure that there are always personnel on site trained in the proper response to spills and the use of spill response equipment.
- 19) Temporary culverted crossings shall be adequately sized to handle the expected flow and properly set with end section, splash pads, or headwalls that dissipate water energy to control erosion at the outlets. Culverted crossings shall be constructed to accommodate the overtopping of the road and armored to prevent erosion of the road fill.
- 20) All pipe outlets and culverts shall have end sections or headwalls that dissipate the water's energy to control erosion at the outlets. Splash pads shall also be used where appropriate at outlets and culverts.
- 21) At bridged roadway crossings, only concrete, galvanized steel, plastic, or aluminum culverts shall be used in any WUS.
- 22) Where applicable, NPS shall provide an adequate means, such as a bypass channel, to carry a stream unimpacted by the subject project around construction operations and material and equipment storage areas.

- 23) Permanent or temporary access roadways, staging areas and material stockpiles shall be designed to allow normal storm flows to pass unimpeded. There shall be no significant alteration of upstream and downstream segments of any WUS with respect to hydraulic conditions, erosion and sedimentation as a result of permanent or temporary constructed features.
- 24) When flow is present in any wash or other WUS within the project area, the NPS and any contractor will not impede, restrict, or stop the flow by any means.
- 25) Silt laden or turbid water resulting from construction activity shall be settled, filtered or otherwise treated prior to discharge to ensure no violation of surface water quality standards in any WUS.
- 26) When flow greater than baseflow (including sheet flow or other surface runoff) is present within the project area, all activities certified herein shall cease and construction equipment and materials will be moved outside the flow area and/or the OHWM of the watercourse.

If such movement cannot be accomplished rapidly enough to prevent movement of the material or pollution of a WUS, measures shall be taken to prevent transport of sediment or other pollutants out of the construction area or into any WUS.

- 27) If structures are constructed of cast-in-place concrete instead of pre-cast concrete planks or slabs, NPS will take steps to prevent contact between water (instream and runoff) and the concrete until it cures and until any curing agents have evaporated or otherwise cease to be available; i.e., are no longer a pollutant threat.

ADEQ CWA 401 Water Quality Certification of these activities to operate under the terms of the CoE Individual CWA 404 Permit does not affect or modify in any way the obligations 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 to the 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: _____



Chris Varga, Surface Water Section Manager
Water Quality Division

cc: National Park Service - Glen Canyon National Recreation Area – Attn.: Barbara Wilson
USEPA, Wetlands Regulatory Office – Attn.: Tim Vendlinski (WTR-8)

RS306:026