

REGIONAL GENERAL PERMIT NUMBER 6

U.S. NATIONAL PARK SERVICE
CATEGORICALLY EXCLUDED ACTIVITIES
IN GLEN CANYON AND LAKE MEAD NATIONAL RECREATION AREAS

EFFECTIVE DATE: **TBD**

EXPIRATION DATE: **TBD**

Number: SPK-2004-50130

Issued by: U.S. Army Engineer District, Sacramento Corps of Engineers, 1325 J Street, Room 1350, Sacramento, California 95814-2922

Permittee:

| | |
|--------------------------------------|------------------------------------|
| National Park Service (NPS) | |
| Glen Canyon National Recreation Area | Lake Mead National Recreation Area |
| PO Box 1507 | 601 Nevada Way |
| Page, Arizona 86040 | Boulder City, NV 89005 |

Authorities: Regional General Permit 6 is issued under the authority of Section 404 of the Clean Water Act (33 USC 1344), in accordance with provisions of "Regulatory Programs of the Corps of Engineers," 33 CFR 323.2 (h), for activities involving a discharge of dredged or fill material into waters of the United States which are substantially similar in nature and which cause only minimal individual and cumulative environmental impacts. This permit also covers activities regulated under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

Purpose: This permit is designed to expedite authorization of the activities that fall under the Corps' Regulatory Program that have been determined to be categorically excluded from further NPS environmental documentation as stated above.

Location: This permit applies to all waters that are considered to be part of the surface tributary system within the park boundaries of Glen Canyon and Lake Mead National Recreation Areas that are within the Sacramento District's Area of Responsibility and include Coconino and Mohave Counties in Arizona; Garfield, Kane, San Juan Counties in Utah; and Clark County in Nevada.

Definition of the Ordinary High Water Mark (OHWM): The Corps' regulations define the term "ordinary high water mark" for purposes of the CWA lateral jurisdiction at 33 CFR 328.3(e), which states:

"The term *ordinary high water mark* means that line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural

line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas”.

The continuing drought conditions and lowering lake levels make it problematic to define the ordinary high water mark. The Corps recommends the use of “**A field guide to the identification of the Ordinary High Water Mark (OHWM) in the arid west region of the western United States**” in conjunction with past and present lake elevation levels found at: <http://www.usbr.gov/lc/region/g4000/hourly/mead-elv.html>. The information can be found for Lake Powell at: <http://www.usbr.gov/uc/crsp/GetSiteInfo>.

The OHWM for Lake Mohave, which has a more stable hydrologic regime, is established at approximately 645 feet MSL.

Definition of “Full Pool Elevation”: The lowest crest level of overflow on a reservoir with a fixed overflow level (spillway crest elevation). For a reservoir whose outflow is controlled wholly or partly by movable gates, siphons, or other means, it is the maximum level to which water may rise under normal operating conditions, exclusive of any provision for flood surcharge.

The Bureau of Reclamation has set the “full pool elevations” as follows:

Lake Powell: 3700.0 msl
Lake Mead: 1229.00 msl
Lake Mohave: 647.00 msl

Activities: The types of activities covered under this permit are those that have a minimal impact, individually and cumulatively, on the aquatic environment and have been identified by the NPS as being part of a group of projects considered to be categorically excluded from further NEPA review. The following is a list of activities found within the U.S. Department of Interior, Department Manual (516 DM) listing those activities that are considered to be categorically excluded. This list includes only those activities resulting from a discharge of dredged or fill material or a change in footprint of a structure in, on or over the Section 10 waterway that would require a Section 10 or Section 404 permit from the Corps. This pertains to work at or below the OHWM of Lake Mead, Mohave or Powell (as defined below) or work within ephemeral, intermittent, seasonal or perennial drainages that are tributaries to those lakes and their adjacent wetlands. This RGP does not authorize fill in special aquatic sites, in particular springs and riffle, run, pool complexes.

The following activities are considered routine maintenance and do not require pre-notification prior to commencing the activity:

- (1) Routine maintenance and repairs to non-historic structures, facilities, utilities, grounds and trails that do not change the scope of the original footprint.

- (2) Routine maintenance and repairs to cultural resource sites, structures, utilities and grounds under an approved Historic Structures Preservation Guide or Cyclic Maintenance Guide; or if the action would not adversely affect the cultural resource.
- (3) Installation of signs, displays, kiosks, etc. that may occur below the full pool elevation of the lakes.
- (4) Installation or relocation of navigation aids.
- (5) Replacement in kind of minor structures and facilities with little or no change in location, capacity or appearance.
- (6) Repair, resurfacing, striping, installation of traffic control devices, repair/replacement of guardrails, etc., where the activity may impact drainages or work will take place adjacent to OHWM of the lakes.
- (7) Sanitary facilities operation, which includes maintenance of floating boat sanitary sewer pump-out stations.
- (8) Installation of wells, comfort stations and pit toilets in areas of existing use and in developed areas, such as established marina facilities.
- (9) Minor trail relocation, development of compatible trail networks or other established routes, and trail maintenance and repair.
- (10) Installation of underground utilities in previously disturbed areas having stable soils, or in an existing utility right-of-way.
- (11) Construction of minor structures, including small improved parking lots, in previously disturbed or developed areas consisting of pervious surface.
- (12) Construction or rehabilitation in previously disturbed or developed areas, required to meet health or safety regulations, or to meet requirements for making facilities accessible to the handicapped.
- (13) Construction of fencing enclosures or boundary fencing posing no effect on wildlife migrations.
- (14) Restoration of noncontroversial (based on internal scoping requirements) native species into suitable habitats within their historic range where the activity is associated with ephemeral, intermittent, seasonal or perennial drainages or below the OHWM of the lakes (Section 10 and 404).
- (15) 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.
- (16) 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.
- (17) Management of water intakes, utilities, lift stations and other infrastructure that exists below the ordinary high water mark. This includes relocation and/or modification of the structure to extend to the water line.
- (18) Replacement of wire anchor ropes and structural cables used to keep floating facilities in place and structures in appropriate configuration.
- (19) Replacement in kind of utility system components on floating facilities.
- (20) Replacement of decking, whalers, bumper stripping and other structural components of floating facilities.

- (21) In kind replacement of slip finger Styrofoam flotation systems with new encapsulated systems.
- (22) Grading and maintenance of shorelines and beach areas.
- (23) Grading of washes after flood events. This includes sediment removal at roadway crossings and adjacent washes to pre-flood contours. The activity should not exceed 100 linear feet upstream of road or trail crossing and should be the minimum necessary to allow future flows to remain in channel. No realigning of channels is authorized. Realignment of channels will require notification and approval by the Corps.
- (24) Culvert maintenance at washes including removal of sediment and debris.
- (25) Minor grading to maintain existing roadways and parking lots that are located below the OHWM as long as there is no increase in capacity.
- (26) Repair of launch ramps.
- (27) The adjustment of marina positions that includes physically moving facilities into open water as water levels dictate. This applies to activities that do not exceed the footprint of the existing facility. If additional slips, dock space or expansion is necessary, then see #7 below. This shall also include the necessary pilings and anchor system for the docks as long as the footprint does not exceed that of the original marina. This includes minor alterations to the breakwaters and wakeless zone buoys as a result of the relocation as long as it does not change the amount of fill from the original configuration.

The following activities are potentially authorized by this GP but require pre-notification to the Corps before commencing work:

- (1) Extend launch ramps as necessary.
- (2) Installation of temporary launch ramps as needed.
- (3) Reconfiguration of existing breakwaters and addition of new breakwaters up to 1-acre of fill material.
- (4) Re-configuring bars and outcrops as water level changes.
- (5) Grading harbor bottoms as needed to move marina facilities as water level changes.
- (6) Maintenance dredging of existing harbors, marinas, boat ramps and marina access channels.
- (7) Extension of existing gravel roads to the lakeshore as water recedes.
- (8) The adjustment of marina positions that includes physically moving facilities into open water when accompanied by additional slips, dock spaces, or expansion of any kind within waters of the United States. Impacts up to 1 acre will be authorized under GP 6.
- (9) Culvert replacements on ephemeral washes that require work beyond the original footprint of the structure, such as replacing an undersized culvert with a larger structure.

Terms: This permit authorizes certain activities that have been determined by the NPS to be categorically excluded from further environmental documentation because the actions, under normal circumstances, are not considered major federal actions and that

they will have no measurable impacts on the human environment. **Compensatory mitigation for loss of aquatic habitat may be required on a case-by-case basis.** Impact limits authorized by this GP are as follows:

- a) For activities that are at or below the Ordinary High Water Mark of Lakes Powell, Mead and Mohave, the activity will not cause a permanent loss of more than 1-acre of open water.
- b) For activities below the Ordinary High Water Mark of Lakes Powell, Mead and Mohave, the activity will not cause a permanent loss of more than 1-acre of wetlands. This is limited to wetlands that have developed because of lowering lake levels and are found below the OHWM as defined below. Many of these areas are currently low quality monocultures of tamarisk (*T. ramosissima* or *T. chinensis*) that have developed as lake levels continue to drop. Wetlands associated with natural springs are not covered under this RGP.
- c) Impacts to aquatic resources below the full pool elevation and above the OHWM, which may be subject to future inundation, shall not exceed 1.0 acres.

The activity being permitted shall be a “single and complete” project. For linear projects, a “single and complete project” is all crossings of a single water of the United States (i.e., a single water-body) at a specific location.

Activities not meeting the terms and conditions of this permit may be authorized through an alternate form of Department of the Army authorization, such as a Letter of Permission or an Individual Permit. The Corps will determine on a case-by-case basis whether an activity has a more than minimal impact, individually or cumulatively, on the aquatic environment or may be contrary to the public interest. The Corps may add special conditions to a verification under this general permit to ensure the activity results in no more than minimal impacts.

Notification Requirement: Under this GP, NPS must provide the St. George Regulatory Office with written notification prior to beginning an activity, unless otherwise specified above under “Activities”. This notification shall include the following information and should be submitted at least 60 days prior to intended project construction:

1. The applicant shall submit a completed and signed Department of the Army application ENG Form 4345 with the supplemental information shall include:
 - Volume and type of material to be placed into waters of the United States
 - A signed determination by the NPS that the activity is categorically excluded,
 - A brief description of the proposed activity

- Description of the type of structures
- Submittal of sketches or drawings of the activity along with photographs of the work area is required for activities listed below that require pre-notification.
- Total area of waters of the United States to be directly affected, in include linear feet for stream impacts and in acreage for wetland impacts.
- Drawings, including plan and cross-section views, clearly depicting the location, size and dimensions of the proposed activity, as well as the location of delineated waters of the United States on the site. Waters should be delineated using the Aquatic Resources Delineation guidance of the Sacramento District 2001 minimum standards, using the current Corps approved delineation manual and its appropriate supplements. The drawings shall contain a title block, legend and scale, amount (in cubic yards) and area (in acres) of fill in Corps jurisdiction, including both permanent and temporary fills/structures. The ordinary high water mark, should be shown (in feet), based on National Geodetic Vertical Datum (NGVD) or other appropriate referenced elevation. All drawings for activities located within the boundaries of the Sacramento District shall comply with the September 15, 2010 Special Public Notice: Map and Drawing Standards for the Sacramento District Regulatory Division, (available on the Sacramento District Regulatory Division website at: www.spk.usace.army.mil/Regulatory);
- The OHWM should be clearly marked on a cross section view;
- Dewatering plan, if applicable;
- Proposed construction schedule;
- Any other information pertinent to the stream channel or wash involved;
- A list of all other permits and authorizations as required by law, ordinance, or regulation;
- Mitigation includes first, avoiding impacts, second, taking steps to minimize impacts, and lastly, compensating for any remaining unavoidable impacts to the extent appropriate and practicable. For unavoidable impacts to channels, washes and wetlands, depending on the type of activity and location, this RGP may require compensatory mitigation including, but not limited to, the creation or restoration of wetland habitats and/or restoration and preservation of desert washes with riparian habitat. For proposed permittee-responsible compensatory mitigation, the applicant shall submit, to the St. George Regulatory Field Office, for review and approval, a detailed Mitigation and Monitoring Plan (MMP) to restore, enhance and preserve waters of the U.S. upon application. The MMP shall be in compliance with the requirements of 33 CFR 332 and include, at a minimum, the mitigation location and design drawings, vegetation plans, final performance standards, implementation

schedule, length of monitoring period, monitoring schedule, financial assurances and a contingency plan presented in the format of the Sacramento District's *Mitigation and Monitoring Proposal Guidelines*, dated December 30, 2004. Minimum monitoring requirements for compensatory mitigation projects involving the creation, restoration, and/or enhancement of aquatic resources will be submitted to the St. George Regulatory Field Office for compliance/review as specifically outlined in the USACE "Contents of Monitoring Reports" attached to this document.

- For all temporary fills, the application shall include a description of the proposed temporary fill, including the type and amount of material to be placed, the area proposed to be impacted, and the proposed plan for restoration of the temporary fill area to pre-project contours and conditions, including a plan for the revegetation of the temporary fill area, if necessary. In addition, the application shall include the reason(s) why avoidance of temporary impacts is not practicable.
- Numbered and dated pre-project color photographs showing a representative sample of waters proposed to be impacted on the site, and all waters of the United States proposed to be avoided on and immediately adjacent to the project site. The compass angle and position of each photograph shall be identified on the plan-view drawing(s);
- Archaeological Survey, when applicable, containing the required information as outlined in the document "Sacramento District Regulatory Branch Guidelines for Compliance with Section 106 of the National Historic Preservation Act 1966," or documentation demonstrating compliance with Section 106 of the National Historic Preservation Act.

Work may not commence until written verification from the Corps is received that the work may proceed. Pre-notification shall be submitted to:

St. George Regulatory Office
U.S. Army Corps of Engineers, Sacramento District
196 E. Tabernacle St, Room 20
St. George, Utah 84770
(435) 986-3979
(435) 986-3981 (Fax)

In accordance with Section 10 of the Rivers and Harbors Act of 1899, the Corps of Engineers regulates the construction of any structure in, over or under, excavation from, deposit of material in, or the accomplishment of any other work affecting the course, condition or capacity of any navigable waters of the United States, with the exception of bridges and aerial pipelines. The Sacramento District considers the Colorado River from the Arizona-Nevada boundary to the Nevada-California boundary, including Lake

Mead and Lake Mohave and the Colorado River at the mouth of Castle Creek to Cataract Canyon, including 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 of 1972, the Corps of Engineers regulates the discharge of dredged or fill material in waters. The Colorado River, including but not limited to, Lakes Mead, Mohave, and Powell and tributaries of the Colorado River, and their adjacent wetlands are waters subject to permit authority under Section 404 and 33 CFR 328.3(a).

Permit Conditions:

1. This RGP will expire on **TBD**. If this RGP is not modified or reissued by the expiration date, it automatically expires and becomes null and void. Activities which have commenced (i.e. are under construction) or are under contract to commence in reliance upon this RGP will remain authorized until the project construction is completed.
2. If the NPS discovers any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, they must stop work and immediately notify St. George Regulatory Office what was found. NPS shall include the Corps in their 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.
3. If the application is complete as per the information requested in "Notification Requirement", the Corps will notify the applicant in writing (email or letter) within 15 working days of a complete application whether project appears to qualify for authorization under this RGP. If the application is incomplete, the Corps will notify in writing (email or letter) within 15 working days with a request for specific information to complete the application.
4. The permittee is responsible for all authorized work and ensuring that all contractors and workers are made aware and adhere to the terms and conditions of the permit authorization. The permittee shall ensure that a copy of the permit authorization and associated drawings are available and visible for quick reference at the site until all construction activities are completed.
5. The permittee must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. The permittee is not relieved of this requirement if the permittee abandons the permitted activity or if the permittee sells the property associated with this permit. The permittee may make a good faith transfer to a third party. If the permittee sells the property associated with a RGP permit verification, the permittee may transfer the RGP permit verification to the new owner by submitting a letter to the appropriate St. George Regulatory Office to validate the transfer. A copy of the

RGP permit verification must be attached to the letter, and the letter must contain the following statement and signature:

“When the structures or work authorized by this RGP permit are still in existence at the time the property is transferred, the terms and conditions of this RGP permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this RGP permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.”

- a. (Transferee)
 - b. -----
 - c. (Date)
6. For all activities resulting in temporary fill within waters of the United States, the permittee shall:
- a. Place a horizontal marker (e.g. fabric, certified weed free straw, etc.) to delineate the existing ground elevation of the waters temporarily filled during construction, as appropriate; and
 - b. Remove all temporary fill within 30 days following completion of construction activities.
7. Within 90 days following completion of construction activities, the permittee shall submit as-built drawings of the work conducted on the project site and any on-site and/or off-site compensatory mitigation, preservation, and/or avoidance area(s), along with a signed Compliance Certification. The as-builts shall include a plan-view drawing of the location of the authorized work footprint (as shown on the permit drawings), with an overlay of the work as constructed in the same scale as the permit drawings. The drawing shall show all areas of ground disturbance, wetland impacts, structures, and the boundaries of any on-site and/or off-site mitigation or avoidance areas. Please note that any deviations from the work as authorized, which result in additional impacts to waters of the U.S., must be coordinated with the St. George Regulatory Office prior to impacts.
8. The permittee shall clearly identify the limits of disturbance in the field with highly visible markers (e.g. construction fencing, flagging, silt barriers, etc.) prior to commencement of construction activities within waters of the United States. The permittee shall maintain such identification properly until construction is completed and the soils have been stabilized. The permittee is prohibited from any activity (e.g. equipment usage or materials storage) that impacts waters of the United States outside of the permit limits (as shown on the permit drawings).
9. The permittee shall allow Corps representatives to inspect the authorized activity and any mitigation areas at any time deemed necessary to determine compliance

with the terms and conditions of the RGP verification. The permittee will be notified in advance of an inspection.

10. For project areas supporting habitat for migratory birds, activities in waters of the United States that involve clearing of land (or other surface disturbance) shall be timed to avoid the bird breeding season (March through August) to the maximum extent practicable. Destruction of nests with eggs or young is a violation of the Migratory Bird Treaty Act (15USC 701-718h). The permittee is responsible for obtaining any "take" permits required under the U.S. Fish and Wildlife Service's regulations governing compliance with the Migratory Bird Treaty Act or the Bald and Golden Eagle Protection Act. The permittee should contact the appropriate local office of the U.S. Fish and Wildlife Service to determine if such "take" permits are required for a particular activity.
11. Erosion and siltation controls (Best Management Practices, BMPs) shall be used and maintained throughout the construction period until all disturbed areas are stabilized. If straw bales are selected as a BMP, they shall be certified as weed free. The permittee shall submit photographs of best management practices used during construction and post-construction photographs within 30 days of project completion to demonstrate the project was constructed in accordance with the conditions of this RGP.
12. Fill material must be clean and free of contaminants and noxious plants. Unsuitable fill material includes, but is not limited to, vehicle bodies, farm machinery, appliances and other metal objects, asphalt, biodegradable construction debris and tires, concrete with exposed rebar.
13. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety.
14. No activities authorized under this RGP or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.
15. No activity is authorized under this RGP which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will destroy or adversely modify the critical habitat of such species. No activity is authorized under this RPG which "may affect" a listed species or critical habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed. **When initiating Section 7 consultation, NPS shall notify the US Fish and Wildlife Service that their request also includes the Army Corps of Engineers federal undertaking (permit).**

16. The permittee shall maintain any activity authorized by this RGP in good condition and in conformance with the terms and conditions of this permit. Should the permittee wish to cease to maintain the authorized activity or desire to abandon it, the permittee must obtain a modification of this permit from this office, which may require restoration of the area.
17. The States of Arizona, Utah and Nevada are responsible for issuing a 401 Water Quality Certification for the proposed GP 6 for activities covered by this permit. 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 will be attached to the final GP 6 attached.
18. 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.
19. Within 30 days of completing work, a written statement signed by the NPS 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.

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 GP.

Permit Duration: This permit expires 5 years from issuance. The Corps may re-evaluate the terms and conditions of this permit at any time it deems necessary to protect the public interest. This permit may be re-issued, after public notice and documentation of the decision.

FURTHER INFORMATION:

1. Congressional Authorities: The permittee has been authorized to undertake the activity described above pursuant to: 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 the applicant 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. The permittee fails to comply with the terms and conditions of this permit.
 - b. The information provided by the permittee 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. The permittee 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 the permittee for the cost.

6. Extensions. The permit duration, as described above, 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.

Activities not meeting the terms and conditions above are not eligible to be authorized by this permit, but may be authorized through another type of permit from the Corps, such as a Nationwide or Standard Permit. The Corps will determine on a case-by-case basis whether an activity has a more than minimal impact, individually or cumulatively, on the aquatic environment or may be contrary to the public interest. The Corps may include additional special conditions to verification under this permit to ensure the activity has minimal impact.

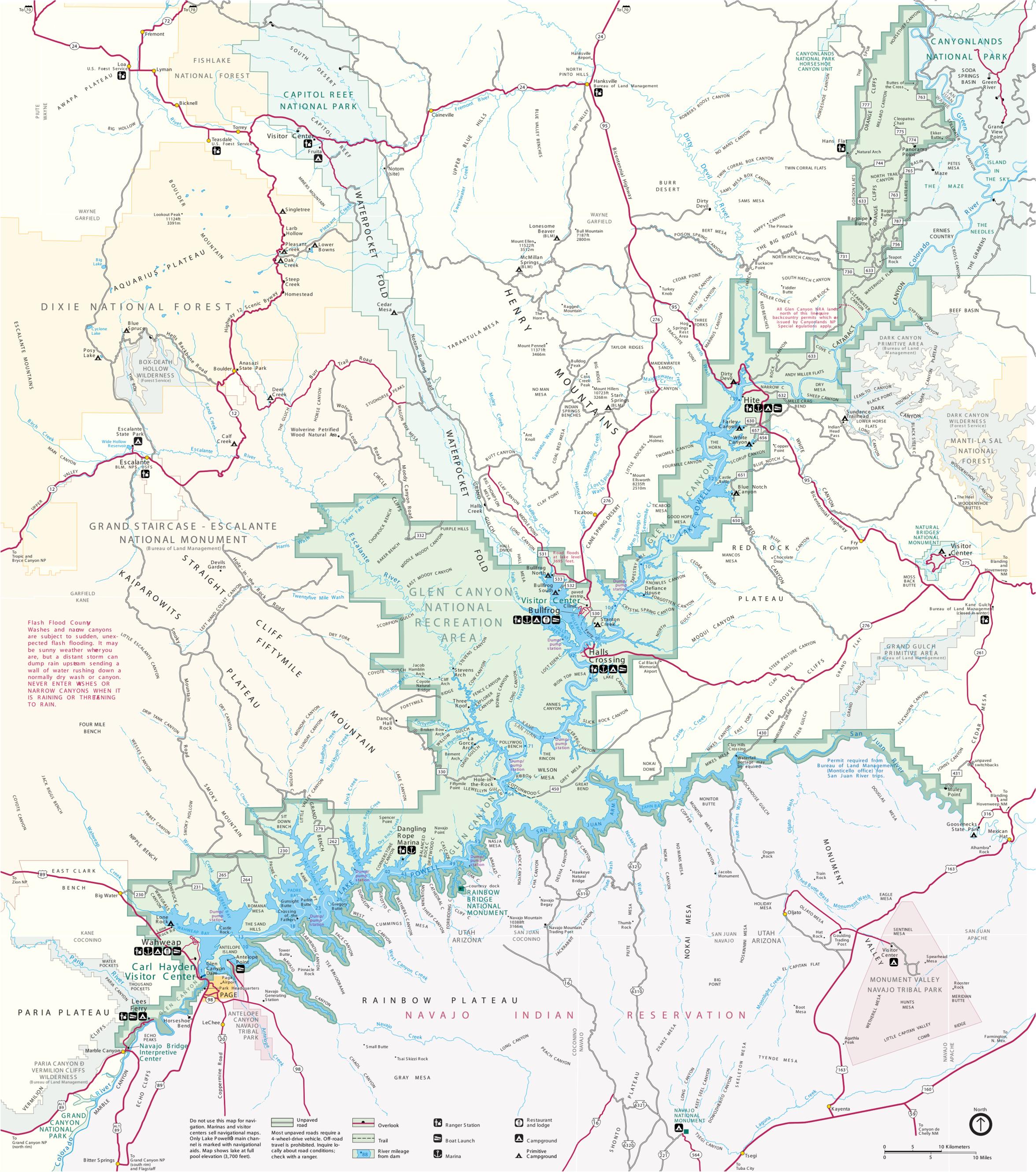
CONTACTS AND ADDITIONAL INFORMATION:

U.S. Army Corps of Engineers, Sacramento District
St. George Regulatory Office
196 E. Tabernacle Street Room 30
St. George, Utah 84770
Phone: (435) 986-3979
Fax: (435) 986-3981
Attention: Patricia L. McQueary
Patricia.l.mcqueary@usace.army.mil

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

Michael S. Jewell
Chief, Regulatory Division
Sacramento District

Date



Flash Flood County
 Washes and narrow canyons are subject to sudden, unexpected flash flooding. It may be sunny weather where you are, but a distant storm can dump rain upstream sending a wall of water rushing down a normally dry wash or canyon. NEVER ENTER WASHES OR NARROW CANYONS WHEN IT IS RAINING OR THREATENING TO RAIN.

Do not use this map for navigation. Marinas and visitor centers sell navigational maps. Only Lake Powell's main channel is marked with navigational aids. Map shows lake at full pool elevation (3,700 feet).

Unpaved road
 Most unpaved roads require a 4-wheel-drive vehicle. Off-road travel is prohibited. Inquire locally about road conditions; check with a ranger.

- Ranger Station
- Boat Launch
- Marina
- Restaurant and lodge
- Campground
- Primitive Campground



Legend

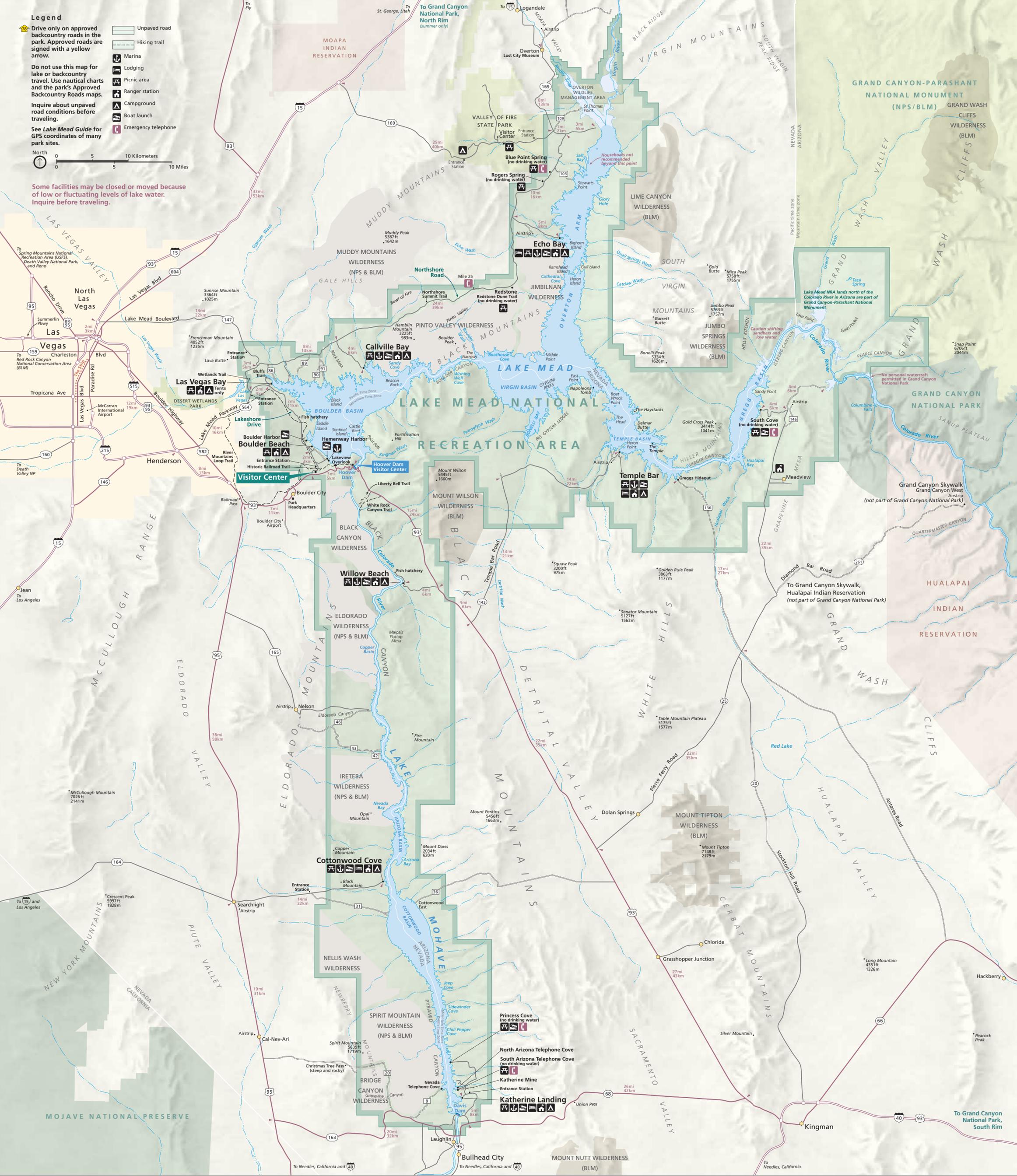
- Drive only on approved backcountry roads in the park. Approved roads are signed with a yellow arrow.
- Do not use this map for lake or backcountry travel. Use nautical charts and the park's Approved Backcountry Roads maps.
- Inquire about unpaved road conditions before traveling.
- See *Lake Mead Guide* for GPS coordinates of many park sites.

- Unpaved road
- Hiking trail
- Marina
- Lodging
- Picnic area
- Ranger station
- Campground
- Boat launch
- Emergency telephone

North

0 5 10 Kilometers
0 5 10 Miles

Some facilities may be closed or moved because of low or fluctuating levels of lake water. Inquire before traveling.





Janice K. Brewer
Governor

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

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



Henry R. Darwin
Director

September 16, 2013

401 cert reading file: **rs313:035**

Applicant: U.S. Corps of Engineers - Sacramento Division - Regulatory
Patricia L. McQueary
USACE St. George Regulatory Office
196 E. Tabernacle Street; Room 30
St. George, Utah 84770-3474

COPY

Property Owner: National Park Service

Subject: CWA 401 Water Quality Certification for the proposed
**Regional General Permit 6 - Categorically Excluded Activities - Glen Canyon
and Lake Mead National Recreation Areas Project**
Impacting the Colorado River and its surface tributaries in the subject areas
Coconino and Mojave Counties County, Arizona.

U.S. Army Corps of Engineers (Los Angeles District) File No.: **SPK-2004-50130**
ADEQ LTF No.: **na**

Dear Ms. McQueary:

The Arizona Department of Environmental Quality (ADEQ) has reviewed the U.S. Army Corps of Engineers (CoE) public notice (8/27/13) for the subject Regional General Permit No. 6 (RGP).

Except when a proposed activity will impact a portion of the Colorado River listed under CWA § 303[d], ADEQ wishes to have the 401 Water Quality Conditions, listed below, applied to all projects (on non-tribal areas within Arizona) approved by the CoE under RGP 6. For projects impacting segments of the Colorado River listed as impaired, the applicant must apply to ADEQ for an individual 401 permit. ADEQ maintains a list of impaired waters at:
<http://www.azdeq.gov/environ/water/assessment/assess.html>

For the purposes of this certification:

- Waters of the U.S./WUS refers to the stream channel below the Ordinary High Water Marks (OHWM) of that channel.
- Temporary means not longer than the scheduled length of the project covered under the RGP project.
- Native material/fill is defined as pollutant-free soil, sand, gravel, etc. that makes up the streambed or adjacent banks in the immediate area of the permitted work.
- Emergency vehicles and emergency responders are not restricted by the conditions in this certification.

Southern Regional Office
400 West Congress Street • Suite 433 • Tucson, AZ
85701
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General Conditions and Expiration

This certification is valid for five years or the same period as the original (2013) RGP 6, whichever is shorter, and may be reopened at any time due to a change (i.e., lowered or more stringent) in a water quality standard for a parameter likely to result from project activities. ADEQ may add or modify conditions in this certification to ensure that the applicant's activities comply with the most recent standard. Any extensions or other modifications of the RGP will also require ADEQ review and may require modification of the 401 Certification.

ADEQ 401 Certification contact information:

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

Robert Scalamera, Hydrologist/Project Manager
email: rs3@azdeq.gov
Voice: (602) 771-4502

Specific Conditions

- 1) Any discharge occurring as a result of activities certified for the subject project shall not cause an exceedence of WQS. Applicability of this condition is as defined in A.A.C. R18-11-102.
- 2) This certification does not authorize the discharge of wastewater, process residues or other waste to any WUS.
- 3) Runoff and seepage from activities certified herein shall not cause an exceedence of Arizona WQS for any WUS.
- 4) Work shall be conducted and monitored to ensure that pollution from the activities certified herein does not cause an exceedence of Arizona WQS in any WUS.
- 5) Except as specified in the form 4345 and supporting documents and allowed, specified or not prohibited in the 404 permit or elsewhere in this certification, activities herein certified shall be performed during periods of low flow (baseflow or less) in any WUS, or no flow in the case of ephemeral and intermittent WUS. No work shall be done, nor shall any equipment or vehicles enter any WUS while flow is present, unless all conditions in this certification are met.
- 6) The effectiveness of all pollution control measures, including those preventing erosion and sedimentation, shall be reevaluated after each flow event and repaired/modified as needed.
- 7) Applicant must minimize clearing, grubbing, scraping or otherwise limit exposure of erodible surface to the minimum necessary for each construction phase or location.
- 8) Except as specified in the form 4345 and supporting documents and allowed, specified or not prohibited in the RGP or elsewhere in this certification, if activities certified herein are likely to cause or contribute to an exceedence of water quality standard, or create an

impediment to the passage of fish or other aquatic life - operations shall cease until the problem is resolved or until control measures have been undertaken.

- 9) Except as specified in the form 4345 and supporting documents and allowed, specified or not prohibited in the RGP or elsewhere in this certification, erosion control, sediment control and/or bank protection measures shall be installed before construction and pre-operation activities, and shall be maintained during construction and post-construction periods to minimize channel or bank erosion, soil loss and sedimentation. Control measures shall not be constructed of uncemented or unconfined imported soil, or other materials easily transported by flow.
- 10) For portions of the project utilizing potable water or groundwater for irrigation or dust control, direct runoff of such water shall be limited to the extent practicable and shall not cause downstream erosion or flooding.
- 11) The applicant is responsible for ensuring construction material and/or fill (other than native fill or that necessary to support revegetation) placed in any WUS, shall not include materials that can cause or contribute to pollution of the WUS. Examples of prohibited fill include pollutant-contaminated soil and materials defined as pollutants or hazardous in Arizona Revised Statutes (A.R.S.) § 49-201. Fill used to support vegetation rooting or growth shall be protected from erosion.
- 12) Any washing of fill material must occur outside of any WUS prior to placement and the rinsewater from such washing shall be settled, filtered or otherwise treated to prevent migration of pollutants (including sediment) or from causing erosion to any WUS. Other than replacement of native fill or material used to support vegetation rooting or growth, fill placed in locations subject to scour must resist washout whether such resistance is derived via particle size limits, presence of a binder, vegetation, or other armoring.
- 13) Acceptable construction materials that will or may contact water in any WUS are: untreated logs and lumber; natural stone (crushed or not), crushed clean concrete (recycled concrete); native fill; precast, sprayed or cast-in-place concrete (including soil cement and unmodified grouts); steel (including galvanized); plastic and aluminum. Use of other materials may be allowed, but require written approval from ADEQ.
- 14) Any dredged material or waste material is to be placed and retained in areas outside any WUS. Runoff from this material/area is to be settled, filtered or otherwise treated to prevent migration of pollutants (including sediment) to any WUS.
- 15) Except as specified in the form 4345 and supporting documents and allowed, specified or not prohibited in the RGP or elsewhere in this certification, upon completion of construction the applicant shall ensure no adverse change, due to the subject project, has occurred in the stability with respect to stream hydraulics, erosion and sedimentation, of any WUS including upstream and downstream from the project. If such change has occurred, the applicant shall take steps to restore the pre-project stability of any impacted segments.
- 16) Except where the activities certified herein are intended to permanently alter any WUS, all disturbed areas shall be restored and (re)vegetated as indicated in the application (form 4345) documents if approved by the CoE (including offsite/*in lieu* mitigation). Denuded

areas shall be revegetated as soon as physically practicable. Vegetation shall be maintained on unarmored banks and slopes to stabilize soil and prevent erosion.

- 17) If retention/detention basins are included in or added to the project, applicant will complete the grading necessary to direct runoff towards retention/detention basins no later than immediately following initial land clearing or rough grading.

Retention/detention basins shall be sized to accept storm runoff and capture sediment prior to it entering any WUS. Detention basins will provide detention through the use of controlled outflow spillways and shall cause no significant change to the hydraulic conditions of the upstream or downstream WUS outside of the project boundaries.

The basins shall be maintained; e.g., have sediment removed, as required to maintain their function.

- 18) Except as specified in the form 4345 and supporting documents and allowed, specified or not prohibited in the RGP or elsewhere in this certification, when flow is present in any WUS within the project area, the applicant and any contractor will not alter the flow by any means except to prevent erosion or pollution of any WUS.
- 19) Silt laden or turbid water resulting from activities certified herein shall be settled, filtered or otherwise treated to ensure no violation of Arizona WQS in any WUS.
- 20) When flow in any WUS in the work area is sufficient to erode, carry or deposit material, activities certified herein shall cease until:
- the flow decreases below the point where sediment movement ceases, or
 - control measures have been undertaken; e.g., equipment and materials easily transported by flow are protected with non-erodible barriers or moved outside the flow area.
- 21) Except as specified in the form 4345 and supporting documents and allowed, specified or not prohibited in the RGP or elsewhere in this certification, the applicant 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.
- 22) The applicant must designate area(s) for equipment staging and storage located entirely outside of any WUS. In addition, the applicant must designate areas, located entirely outside of any WUS, for fuel, oil and other petroleum product storage and for solid waste containment. All precautions shall be taken to avoid the release of wastes, fuel or other pollutants to any WUS.

Any equipment maintenance, washing or fueling that cannot be done offsite will be performed in the designated area with the following exception: equipment too large or unwieldy to be readily moved; e.g., large cranes, may be fueled and serviced in the WUS (but outside of standing or flowing water) as long as material specifically manufactured and sold as spill containment is in place during fueling/servicing. All equipment shall be inspected for leaks, all leaks shall be repaired and all repaired equipment will be cleaned to remove any fuel or other fluid residue prior to use within (including crossing) any WUS.

- 23) The applicant shall have a spill containment plan onsite to ensure that pollutants are prevented from entering any WUS. Any pollutant generated 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 any spills. The kit will include material specifically manufactured and sold as spill adsorbent/absorbent and spill containment. The applicant will ensure that whenever there is activity on the site, that there are personnel on site trained in the proper response to spills and the use of spill response equipment.

- 24) Except as specified in the form 4345 and supporting documents and allowed, specified or not prohibited in the RGP or elsewhere in this certification, permanent and temporary pipes and culverted crossings shall be adequately sized to handle expected flow and properly set with end section, splash pads, headwalls or other structures that dissipate water energy to control erosion.

All temporary structures constructed of imported materials and all permanent structures, including but not limited to, access roadways; culverted and unculverted crossings; staging areas; material stockpiles; berms, dikes and pads, shall be constructed so as to accommodate overtopping and must resist washout of the feature by streamflow.

Any temporary crossing, other than fords on native material, shall be constructed in such a manner so as to provide armoring of the stream channel. Materials used to provide this armoring shall not include anything easily transportable by flow. Examples of acceptable materials include steel plates, untreated wooden planks, pre-cast concrete planks or blocks; examples of unacceptable materials include clay, silt, sand and gravel finer than cobble (roughly fist-sized). The armoring must, via mass, anchoring systems or a combination of the two, resist washout.

Applicant will take measures necessary to prevent approaches to any WUS crossing from causing erosion or contributing sediment to any WUS.

No vehicles or equipment shall ford any unarmored WUS crossing when flow greater than baseflow is present.

Any ford shall be designed, and maintained as necessary, to carry the proposed traffic without causing erosion or sedimentation of the stream channel while dry or during a flow event equal to or less than the crossing's design event.

No unarmored ford shall be subject to heavy-truck or equipment traffic after a flow event greater than baseflow until the stream bed is dry enough to support the traffic without disturbing streambed material to a greater extent than in dry conditions. Light vehicles (less than 14,000 pounds gross weight) are not restricted by this condition.

- 25) Temporary structures constructed of imported materials are to be removed no later than upon completion of the permitted activity.
- 26) Temporary structures constructed of native materials, if they provide an obstacle to flow or can contribute to or cause sedimentation or erosion, are to be removed no later than upon completion of the permitted activity.

- 27) Upon completion of the activities certified herein (except as noted in condition 29 - concrete curing), areas within any WUS shall be promptly cleared of all forms, piling, construction residues, equipment, debris or other obstructions.
- 28) Washout of concrete handling equipment must not take place within any WUS and any washout runoff shall be prevented from entering any WUS.
- 29) If fully, partially or occasionally submerged structures are constructed of cast-in-place concrete instead of pre-cast concrete, applicant will take steps; e.g., sheet piling or temporary dams, 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. Where possible, construction work will be during extreme low water conditions or at a time and season with the highest probability of ensuring work is done in "the dry".
- 30) Any permanent WUS crossings other than fords, shall not be equipped with gutters, drains, scuppers or other conveyances that allow untreated runoff (due to events equal to or lesser in magnitude than the design event for the crossing structure) to directly enter a WUS if such runoff can be directed to a local stormwater drainage, containment and/or treatment system.
- 31) Applicant will clear debris as needed from culverts, ditches, dips and other drainage structures in any WUS to prevent clogging or conditions that may lead to washout.

ADEQ CWA 401 Water Quality Certification of these activities to operate under the terms (including the conditions herein) of the applicable CoE CWA 404 RGP does not affect or modify in any way the obligations or liability of any person for any damages, injury, or loss, resulting from these activities. This Certification is not intended to waive any other federal, state or local laws.

If monitoring (by ADEQ or others) indicates that water quality is adversely affected by the activities certified herein, ADEQ will notify the U.S. Army Corps of Engineers (CoE) and request suspension of the project under the RGP.

Sincerely,


Linda Taunt, Deputy Director
Water Quality Division

electronic copies: USEPA, Wetlands Regulatory Office