



Public Notice

US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice Number: 199700652

Date: January 30, 1998

In reply, please refer to the Public Notice Number

TO WHOM IT MAY CONCERN:

The Sacramento District of the U.S. Corps of Engineers (Corps) has issued the attached Department of the Army Regional General Permit (GP60) for repair and protection work in emergency situations under authority of Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. This permit authorizes fill and excavation activities in waters of the United States for repair and protection activities in emergency situations in areas where an emergency has been declared by the President of the United States or the governor of the appropriate state.

The State of California Water Resources Control Board, Division of Water Quality (SWRCB) has issued conditional Clean Water Act Section 401 water quality certification for this permit. Addresses for the SWRCB and the Regional Water Quality Control Board (RWQCB) offices are included in the permit and attachments. The following are conditions of SWRCB certification for this permit:

1. Activities permitted shall not result in the taking of any State endangered species, threatened species, or candidate species or the habitat of such a species unless the activity is authorized by the Department of Fish and Game pursuant to a permit, memorandum of understanding, or other document or program in accordance with Fish and Game Code Sections 2081, 2081.1, or 2086.
2. By copy of its correspondence with the applicant the Corps shall notify the SWRCB and RWQCB at the addresses identified in RGP 60 of any project-specific special conditions or mitigation requirements which the Corps imposes.
3. This certification and its conditions are subject to modification or revocation upon appropriate administrative or judicial review.

The State of Nevada has granted 401 Water Quality Certification for activities conducted under GP60 provided the work complies with the terms and conditions of the permit. The Corps must notify the Nevada Division of Environmental Protection, Division of Water Quality Planning, of any project being authorized by this permit.

If additional information is required, please contact the Corps at the addresses, or telephone numbers identified in the attached copy of GP60.

Dorothy F. Klasse
Colonel, Corps of Engineers
District Engineer

**DEPARTMENT OF THE ARMY PERMIT
GENERAL PERMIT 60**

**FILL AND EXCAVATION ACTIVITIES IN WATERS OF THE UNITED STATES FOR REPAIR AND
PROTECTION ACTIVITIES IN EMERGENCY SITUATIONS**

Effective Date: January 21, 1998

Expiration Date: January 21, 2003

TO WHOM IT MAY CONCERN:

The District Engineer, Sacramento District, U.S. Army Corps of Engineers (Corps), hereby issues Regional General Permit 60 (GP 60) under the provisions of Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C.403) and Section 404 of the Clean Water Act (33 U.S.C. 1344). This permit authorizes discharges of dredged or fill material, or excavation, in waters of the United States, for repair or protection activities in emergency situations where a State or Federal emergency or disaster has been declared. Waters of the United State include, but are not limited to, rivers, lakes, ponds, creeks, ephemeral streams and wetlands. **An emergency situation is a situation which would result in an unacceptable hazard to life, a significant loss of property, or an immediate, unforeseen and significant economic hardship if corrective action requiring a permit is not undertaken within a time period less than the normal time needed to process the application using standard procedures.**

LOCATION: Within the State of Nevada and parts of the State of California within the Sacramento District's regulatory boundaries where a state or federal emergency or disaster has been declared.

PERMITTEES: General public, including public agencies.

PERMITTED ACTIVITIES: GP 60 authorizes activities necessary to repair or protect existing structures, facilities or fills where an imminent threat to life or property exists due to unforeseen events during a state or federally declared emergency or disaster. This work includes, but is not limited to, fill or excavation to repair or protect existing flood control, transportation, navigation, commercial, residential and other structures, facilities or fills including levees, roads, bridges, piers, embankments, abutments, culverts, intakes and outfalls. Construction of temporary access roads, drainage ditches, coffer dams or other temporary water diversion excavation or fills appurtenant to the above activities is also authorized. **Work undertaken under this authorization must be in accordance with the terms and conditions specified below.**

PERMIT CONDITIONS:

SPECIAL CONDITIONS:

1. **Notification:** Prospective permittees must provide a complete prior notification to the appropriate Corps' office, and resource agencies identified in the "Notification Procedures" listed below, and may not begin work until the Corps verifies authorization by letter, telephone, facsimile or electronic mail.
2. **Timing:** Notification for work proposed under this permit must reach the Corps Regulatory office (and other appropriate agencies) by no later than six (6) months following the State or Federal emergency or disaster declaration and work must be completed by no later than one (1) year following the State or Federal declaration. Generally, to be considered an emergency situation, notification should be provided as soon as possible following the state or federal emergency or disaster declaration.
3. **Minimal Work:** Repair or protection work must be limited to that necessary to prevent an imminent loss of life or an imminent and substantial loss of property and must not result in substantial changes in the size, use or character of existing channels, structures, facilities or fills.
4. **Permit Processing:** Where the time between project conception and implementation would be sufficient, nationwide or standard permit application processing must be used.
5. **Temporary Work:** Temporary levees, construction accesses and other related fills must be located and maintained in the least environmentally damaging manner practicable and involve the least amount of disturbance of waters of the United States, including wetlands. All temporary fills, including sandbags, must be completely removed from waters of the United States, immediately after project completion and no later than 30 days after the emergency situation is alleviated. All construction debris must be removed to an upland site immediately upon project completion and prevented from entering waters of the United States.

6. **Suitable Material:** Only clean, non-erodible material which is free from toxic pollutants may be used as fill in waters of the United States. The following materials may not be used: contaminated soils or other material pollutants; tires; vehicle bodies; farm machinery; metal junk; appliances; wire; asphalt; biodegradable building materials (including wood debris, sheet rock and roofing), material with exposed pipe or rebar or chemically treated materials subject to leaching in an aquatic environment; or other deleterious materials. Clean brick and broken concrete may be allowed only on a case-by-case basis, provided it is free of exposed rebar and asphalt, and only where immediate stabilization is needed and natural materials are not available. Individual pieces of broken concrete must be no more than 3-feet wide and placed in a manner which will preclude them from being carried away by potential flows. Properly anchored trees, treetops and native rock are permissible.

7. **Vegetation:** Clearing of vegetation, including trees, in or adjacent to waters of the United States, including wetlands, for construction or access to the site, must be limited to that which is minimally necessary to complete the project and must be mitigated by the permittee.

8. **Stream Banks:** Any stream banks disturbed, or created, by the work must be stabilized and planted with appropriate native riparian vegetation in similar densities to adjacent undisturbed streambanks, concurrently with project completion, to protect against subsequent erosion and minimize adverse effects on fish and wildlife habitat resources. Riprap may be used as stabilization only where vegetative erosion control measures are not practicable. However, where practicable project design and construction must allow for establishment of native riparian vegetation in riprap areas.

9. **Mitigation: Activities which have more than a minimal adverse effect on the aquatic resource, will require compensatory mitigation.** Appropriate mitigation plans must be developed by the permittee following the Sacramento District's "Habitat Mitigation and Monitoring Proposal Guidelines" and submitted to the Corps for approval, in coordination with the appropriate resource agencies, by **no later than 60 days following Corps verification** of project authorization. Compensatory mitigation, where appropriate, must be initiated by the permittee at the earliest time conditions permit after completion of the work in waters of the United States. **Permittees, or their authorized agents, will be informed if mitigation will be required at the time of Corps verification.**

Note: The Lahontan Regional Water Quality Control Board requires mitigation for any activities resulting in the disturbance of wetlands within their boundaries. This requirement is in accordance with the State of California's "No Net Loss" wetlands policy and as specified in their Water Quality Control Plan (Basin Plan) for the Lahontan Region. Detailed requirements may be obtained by contacting regional board staff (see attached address and phone information).

10. **Flows:** Appropriate measures must be implemented to insure normal, or near normal, flows around the project site(s) to minimize potential flooding.

11. **Best Management:** Best management Practices (BMP's) must be used by the permittee. In Nevada, BMP's shall be in accordance with the "Nevada Handbook of Best Management Practices" or an equivalent recognized manual of BMP's. Information may be obtained from the Nevada Division of Environmental Protection, Bureau of Water Quality Planning.

12. **Equipment:** Equipment for handling and conveying materials during construction must be operated so as to prevent unnecessary discharges into waters. Mats or other measures to minimize adverse impacts must be used for any work in wetlands. Construction equipment shall not be operated in flowing water unless absolutely necessary and then only to the minimum practicable extent. Effluent from washing concrete trucks or other equipment must be isolated to preclude it from entering waters of the United States, including wetlands.

Note: In Nevada, equipment operation in waterbodies, including main stem streams and lakes, wetlands and tributary drainages, including ephemeral or intermittent drainages, requires a Temporary Rolling Stock Permit from the Nevada Division of Environmental Protection, Bureau of Water Pollution Control.

13. **Precautions:** Appropriate precautions must be taken by the permittee to insure that no petroleum products, or other deleterious chemicals or substances enter waters of the United States, including wetlands. Any equipment entering waters must be cleaned before use and inspected daily to prevent leaks (oil, hydraulic or fuel) into waters. A record of these inspections and any necessary repairs must be completed by the permittee. Where practicable, equipment fueling and maintenance operations must be conducted in an upland site, well away from waters, in such a manner as to preclude discharges into waters. Where upland refueling is not practicable, drip pans or other spill containment measures must be used by the permittee.

14. **Erosion/Sediment Control:** Work must be conducted in a manner which minimizes the suspension of solids, turbidity or other degradation of water quality and which minimizes potential damage to aquatic life and resources. Appropriate erosion controls and/or sediment traps must be used to minimize adverse impacts.

15. **Minimization:** The District Engineer may require additional special conditions (such as water quality or other mitigation and monitoring requirements or avoidance of sensitive areas) in any authorization verification under this RGP to avoid or minimize adverse environmental impacts. Prospective permittees may submit mitigation plans with the notification to expedite the project review process. For any activity which the District Engineer determines to have more than minimal adverse environmental effects, individually or cumulatively, or which would be contrary to the public interest, an Individual Permit may be required.

16. **Certification:** Every permittee who has received GP 60 verification from the Corps must submit a signed certification regarding the completed work and any required mitigation. The certification must reference the Corps' identification number and include a statement, signed by the permittee or authorized representative, that the work, including any mitigation, was done in accordance with the Corps authorization and include appropriate post-project photos. **This certification must be submitted to the verifying Corps' office by no later than 60 days following project and/or mitigation construction.**

17. **Notification Procedures:** All parties proposing work under this authorization are required to submit a complete notification to the local Corps of Engineers Regulatory office (and other listed agencies) so that a determination may be made that the proposed work may be authorized under this permit. The Corps' Sacramento and Reno Regulatory Office addresses and the approximate boundaries of the Central California/Nevada Regulatory Section are shown on the attached drawing. Projects within the State of Nevada are reviewed by the Reno Office. Projects in California are reviewed by the Sacramento Office.

The following information must be provided by potential permittees for the Corps to verify authorization under this permit:

- a. Name, address and telephone number(s) of the party(s) responsible for the work and the owner(s) of the affected land, if other than the responsible party.
- b. An explanation of the project purpose and the immediate need for the work, including any imminent threat to life or substantial loss of property, and the proposed implementation schedule.
- c. A location map, preferably on a USGS topographic 7.5' base, legal description, including Section, Township, Range and County of the project site(s), which would be affected by the proposed project, including any disposal sites.
- d. Scaled drawings showing the limits of Corps jurisdiction (Section 10 of the Rivers and Harbors Act and/or Section 404 of the Clean Water Act), aerial and linear extent of the area to be filled or excavated, and details of the proposed work, cross-sectional views with elevations and dimensions for the project site and any receiving site(s) for excess water or excavated material. A narrative description, including the name of the receiving or affected water(s), proposed dredge or fill discharges, length, width and depth of areas affected by fill or excavation and the location of any upland disposal sites. Appropriate photographs of the work site(s) showing the pre-project condition.
- e. Any threatened or endangered species or their critical habitat which would be affected by the proposed work.
- f. Any cultural resources which would be affected by the proposed work. Where cultural resources are present, the notification must include a written description of the resource, potential project impacts, any previous land disturbances at the project site and a map (USGS topographic 7.5' base) showing all components of the proposed activity, including borrow or spoil sites.
- g. Any potential direct and indirect impacts of the project to the aquatic resource. This should include a description of the qualities of the existing waters, including wetlands, and any adjacent habitat which could be affected. A mitigation plan may be submitted with the notification to expedite the review process.
- h. The type of equipment, methods and the type and quantity of material(s) to be used or moved in jurisdictional waters including any temporary construction or access.
- i. Any other pertinent or supporting data, including best management practices to be employed during project implementation, in particular those which will insure protection of water quality.
- j. Copies of any other federal, state or local authorizations or agreements for the proposed work.

At least one copy of the above notification must be simultaneously sent to the appropriate Corps of Engineers Regulatory Office and the following agencies:

In California: a) the U.S. Fish and Wildlife Service; b) the appropriate Regional Water Quality Control Board, c) the State Water Resources Control Board and d) the appropriate Regional Office of the California Department of Fish and Game.

Note: The Lahontan Regional Water Quality Control Board enforces prohibitions which may apply to activities authorized by this permit. These prohibitions cover disturbance activities in the stream environment zones within the Lake Tahoe watershed, below the high-water elevation of Lake Tahoe, the 100-year flood plains of Lake Tahoe and within the 100-year flood plains of the Truckee River and its tributaries. There are exemption criteria regarding these prohibitions that permit repair and replacement activities to occur. Lahontan Regional Water Quality Control Board staff will provide additional details regarding the prohibitions and exemption criteria when you contact them.

In Nevada: a) the U.S. Fish and Wildlife Service; b) Nevada Division of Environmental Protection office; c) the Nevada Division of Wildlife; d) for work in Lake Tahoe, the Truckee, Carson, Colorado or Virgin Rivers and Washoe and Walker Lakes, the Nevada Division of State Lands and e) for work in the Truckee River from the California/Nevada state line downstream to the Glendale Avenue bridge, the Carson Truckee Water Conservancy District.

See attached drawings for additional information, including addresses and telephone numbers.

GENERAL CONDITIONS:

1. All work must comply with the conditions of water quality certification(s) for this permit.
2. This permit does not authorize the "take" of a threatened or endangered species as defined under the Federal Endangered Species Act. No activities which are 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, or which is likely to destroy or adversely modify the critical habitat of such species are authorized by this permit. Non-federal permittees shall notify the district engineer if any listed species or critical habitat might be affected or is in the vicinity of the project and shall not begin work until notified by the Corps that the requirements of the Endangered Species Act have been satisfied and that the activity is authorized. Additional information on the location of listed species may be obtained from the U.S. Fish and Wildlife Service and the National Marine Fisheries Service.
3. No activities which may affect historic properties listed, or eligible for listing, in the National Register of Historic Places are authorized unless the Corps has complied with the provisions of 33 CFR 325 Appendix C. The prospective permittee shall notify the District Engineer if the activity may affect any historic properties listed, determined to be eligible, or which the prospective permittee has reason to believe may be eligible for listing, in the National Register of Historic Places, and shall not begin the activity until notified by the District Engineer that the requirements of the National Historic Preservation Act have been satisfied and that the activity is authorized. Information on the location and existence of historic resources may be obtained from the State Historic Preservation Office, the National Register of Historic Places, and local information centers. If any previously unknown historic or archeological remains are discovered while accomplishing the activity authorized by this permit, the permittee must immediately notify the appropriate Corps office of what is found. The Corps 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, and may direct the permittee to stop work until appropriate consultation is complete.
4. No activity is authorized in a component of a National or State Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in official study status, without explicit authorization from the appropriate "keeper of the river". Information on Wild and Scenic Rivers may be obtained from the National Park Service and/or the U.S. Forest Service.
5. The permittee must make every reasonable effort to conduct the authorized activity in a manner so as to minimize any adverse impact of the activity on fish, wildlife and natural environmental values.
6. To the maximum extent possible, work must avoid spawning and migratory waterfowl breeding areas and disrupting the movement of indigenous aquatic life in any affected waterbody.
7. No activity may cause more than a minimal adverse effect on navigation and discharges must not permanently impede the passage of normal or expected high flows.
8. No discharge of dredged or fill material may occur in the vicinity of a water supply intake, unless the discharge is to repair or protect a water supply intake structure.
9. No activity may impair reserved tribal rights including, but not limited to, reserved water rights, treaty fishing and hunting rights.
10. The permittee must insure that the permitted structures or fills are maintained in good condition and in conformance with the terms and conditions of this permit.
11. The permittee 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 this permit as verified by the Corps.

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.

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.

Further Information:

Periodic database summary reports for work verified by the Corps under GP 60 authorization will be provided to agencies or individuals on request. Corps' project file information will be available for review and or duplication on request.

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).
- () Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. This office may reevaluate its decision on this permit or any verifications of authorization at any time circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to:

- a. Failure to comply with the terms and conditions of this permit.
- b. False, incomplete, or inaccurate information.
- c. Significant new information becomes available which this office did not consider in reaching the original public interest decision.

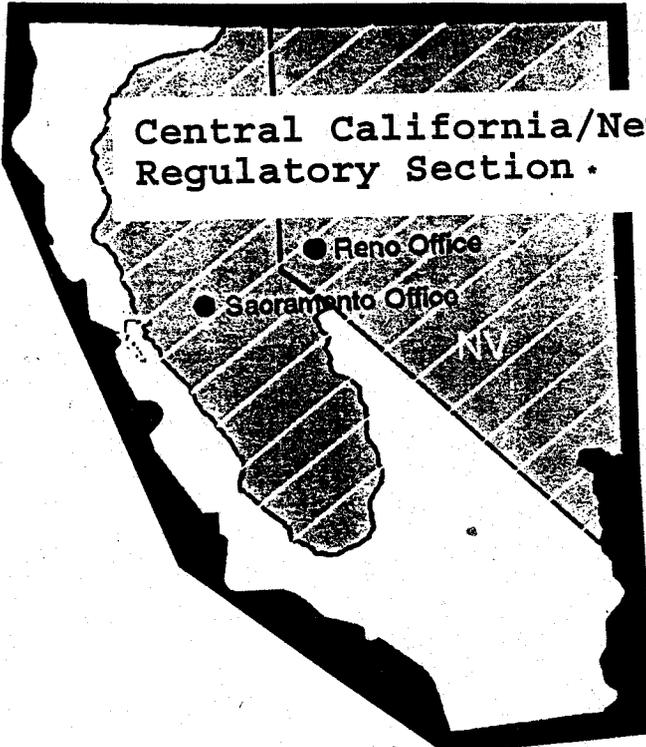
This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

Issued for and in behalf of Colonel Dorothy F. Klasse, District Engineer.

Art Champ, Chief
Regulatory Branch

3 Attached Drawings

APPROXIMATE AREA COVERED BY GP 60:



**Central California/Nevada
Regulatory Section.**

CORPS REGULATORY OFFICES:

California

Sacramento District Regulatory Branch
1325 J Street, Room 1480
Sacramento, California 95814-2922
Telephone (916) 557-5250 Fax (916) 557-6877

Nevada

Nevada Regulatory Office
C. Clifton Young Federal Building
300 Booth Street, Room 2103
Reno, Nevada 89509-8126
Telephone (702) 784-5304 Fax (702) 784-5306

FOR NEVADA PROJECTS:

NEVADA DIVISION OF ENVIRONMENTAL PROTECTION
333 W. NYE LANE, ROOM 138
CARSON CITY, NEVADA 89706-0866

BUREAU OF WATER QUALITY PLANNING
PH: (702) 687-4670, FAX: (702) 687-6396

BUREAU OF WATER POLLUTION CONTROL
PH: (702) 687-4670, FAX: (702) 687-5856

Nevada State Historic Preservation Office
Department of Museums, Library and Arts
100 N. Stewart Street
Carson City, Nevada 89701-4285
Phone: (702) 687-4065
FAX: (702) 687-3983

Carson-Truckee Water Conservancy District
P.O. Box 2047
Reno, Nevada 89505-2047
Phone: (702) 322-8041
FAX (702) 322-7266

U.S. FISH AND WILDLIFE SERVICE:

Nevada Division of Wildlife
1100 Valley Road
P.O. Box 10678
Reno, Nevada 89520-0022
Phone: (702) 688-1500
FAX (702) 688-1595

NEVADA:

U.S. Fish and Wildlife Service
Nevada State Office
4600 Kietzke Lane, Room C-125
Reno, Nevada 89502-5093

Nevada Division of State Lands
333 W. Nye Lane, Room 118
Carson City, Nevada 89706
Phone: (702) 687-4363
FAX (702) 687-3783

Phone: (702) 784-5227
FAX (702) 784-5870

STATE WATER RESOURCES CONTROL BOARD

Division of Water Quality
 NPS-401 Attention: Emergency Permitting
 901 P Street
 Sacramento, CA 95818

5R) CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD

Redding Branch Office
 415 Knollcrest Drive, Redding, CA 96002
 Attention: Emergency Permitting - (identify County)
 (916) 224-4849 FAX: (916) 224-4857

5S) CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD

Sacramento Office
 3443 Routier Road, Suite A
 Sacramento, CA 95827-3098
 Attention: Emergency Permitting - (identify County)
 (916) 255-3000 FAX: (916) 255-3015

5F) CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD

Fresno Branch Office
 3614 East Ashlan Avenue
 Fresno, CA 93726
 Attention: Emergency Permitting - (identify County)
 (209) 445-5116 FAX: (209) 445-5910

6SLT) LAHONTAN REGIONAL WATER QUALITY CONTROL BOARD

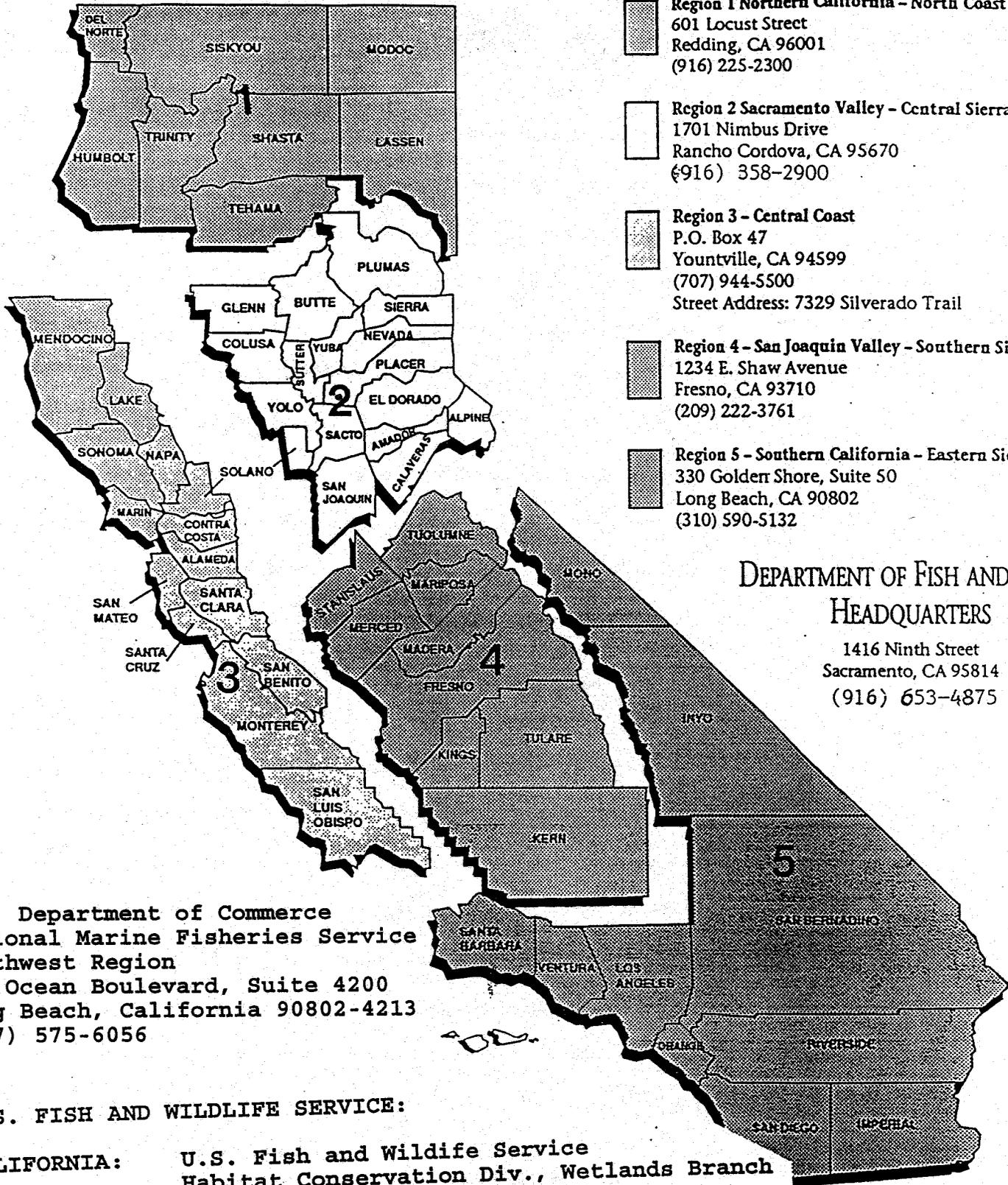
South Lake Tahoe Office
 2501 Lake Tahoe Boulevard
 South Lake Tahoe, CA 96150
 Attention: Emergency Permitting - (identify County)
 (916) 542-5400 FAX: (916) 544-2271



Information Centers for California Archaeological Inventory
 Coordinator, Office of Historic Preservation
 P.O. Box 942896
 Sacramento, California 94296-0001
 Phone: (916) 372-9623
 FAX: (916) 653-9824

CALIFORNIA DEPARTMENT OF FISH AND GAME:

REGIONS



Region 1 Northern California - North Coast
 601 Locust Street
 Redding, CA 96001
 (916) 225-2300

Region 2 Sacramento Valley - Central Sierra
 1701 Nimbus Drive
 Rancho Cordova, CA 95670
 (916) 358-2900

Region 3 - Central Coast
 P.O. Box 47
 Yountville, CA 94599
 (707) 944-5500
 Street Address: 7329 Silverado Trail

Region 4 - San Joaquin Valley - Southern Sierra
 1234 E. Shaw Avenue
 Fresno, CA 93710
 (209) 222-3761

Region 5 - Southern California - Eastern Sierra
 330 Golden Shore, Suite 50
 Long Beach, CA 90802
 (310) 590-5132

DEPARTMENT OF FISH AND GAME
HEADQUARTERS

1416 Ninth Street
 Sacramento, CA 95814
 (916) 653-4875

U.S. Department of Commerce
 National Marine Fisheries Service
 Southwest Region
 501 Ocean Boulevard, Suite 4200
 Long Beach, California 90802-4213
 (707) 575-6056

U.S. FISH AND WILDLIFE SERVICE:

CALIFORNIA: U.S. Fish and Wildlife Service
 Habitat Conservation Div., Wetlands Branch
 3310 El Camino Avenue, Suite 130
 Sacramento, California 95821-6340