



US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Public Notice Number: 200025164 - GP 10

Date: March 28, 2002

Comments Due: April 25, 2002

In reply, please refer to the Public Notice Number

TO WHOM IT MAY CONCERN:

SUBJECT: The U.S. Army Corps of Engineers (Corps), Sacramento District proposes to issue General Permit Number 010 (GP010).

PURPOSE: The Corps proposes to issue GP010 to allow fill activities in waters of the United States, including wetlands, related to construction and maintenance on lands owned or managed by the U.S. Fish and Wildlife Service (USFWS) Refuge System in Nevada. GP010 is also intended to authorize minor activities which do not qualify under the Nationwide Permit Program.

DESCRIPTION: The proposed General Permit GP010 would authorize discharges of dredged or fill material into waters of the United States, including wetlands, for routine maintenance of existing water conveyance systems, and construction of new water conveyance systems. Typical project work includes fills needed to construct, modify, expand, or repair culverts, bridges, erosion/grade control structures, levees, dikes, road maintenance, channel clearing, and temporary construction access and dewatering.

The applicant must submit complete notification to the Corps prior to initiation of any work impacting waters of the United States, including wetlands. If the Corps does not provide a written response within forty-five (45) days from the date the complete notification was received, the work as proposed is authorized under this GP010. Corps verification under GP010 may include additional Special Conditions to ensure impacts to the aquatic environment are minimal, individually and cumulatively.

Work may require approval of the Nevada Division of Environmental Protection and other state and local jurisdictions.

Any work under this General Permit must be conducted in accordance with the Conditions described below.

AUTHORITY: This General Permit is issued under the authority of Section 404 of the Clean Water Act (33 USC 1344) in accordance with provisions of Title 33 of the Code of Federal Regulations, Parts 320-331.

CONDITIONS:

1. This General Permit will expire on October 1, 2006, unless modified, extended or revoked.
2. The applicant shall notify the Corps prior to initiation of work in waters of the United States, including wetlands. The notification shall include:
 - (a) A completed and signed Department of the Army application (Form 4345);

- (b) Representative pre-construction ground photographs of the project site taken from established locations;
 - (c) A copy of any Environmental Assessment (EA) or documentation that supports a Categorical exclusion;
 - (d) A dewatering plan, if the work requires temporary dewatering or water diversion;
 - (e) A proposed construction schedule;
 - (f) A location map and construction plans;
 - (g) A list of other permits, licenses, and authorizations required by law, ordinance, or regulation; and
 - (h) The State Historic Preservation Office (SHPO) determination indicating the project will not effect historic properties listed, or eligible for listing, in the National Register of Historic Places.
3. The fill activity is a part of a single and complete project.
 4. Erosion and siltation controls (best management practices) must be used and maintained throughout construction.
 5. For project areas supporting habitat of migratory birds, clearing of land shall be timed to avoid the potential destruction of active nests and young of birds that breed within the project area.
 6. The permittee shall submit ground photographs taken from established locations of Best Management Practices for Refuge Construction and Maintenance used during construction and post-construction within thirty (30) days of project completion to demonstrate the project was constructed in accordance with the terms and conditions of GP010.
 7. For activities where the District Engineer determines that more than minimal impacts may occur as a result of the proposed work, a Department of the Army individual permit will be required. This General Permit does not apply to work that may impact a Federal enforcement action or to work where construction is initiated prior to satisfying all the terms and conditions of this General Permit.
 8. The permittee must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit, and is not relieved of this requirement if the permittee abandons the permitted activity, unless the permitted makes a good faith transfer to a third party. Should the permittee wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, the permittee must obtain authorization from the Corps, which may require restoration of the area.
 9. No activity which may affect historic properties listed or eligible for listing, in the National Register of Historic Places is authorized, until the USFWS has complied with the provisions of Section 106 National Historic Preservation Act.
 10. If any previously unknown historic or archeological remains are discovered while accomplishing the activity authorized by this permit, the Permittee must immediately stop work and notify the SHPO and the Corps. The USFWS 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.

11. No activity which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for listing or which is likely to destroy or adversely modify the critical habitat of such species, as identified under the Federal Endangered Species Act (ESA). Permittee shall notify the Corps if any listed species or critical habitat might be affected or is in the vicinity of the project, and shall not begin work on the activity until notified by the Corps that the requirements of the ESA have been satisfied and that the activity is authorized.
12. 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 the permit.

FURTHER INFORMATION:

1. 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.
2. 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.

OTHER INFORMATION

With this Public Notice the Corps is requesting water quality certification under Section 401 of the Clean Water Act from the Nevada Department of Environmental Protection. If Nevada Division of Environmental Protection issue Section 401 Water Quality Certification for activities authorized through this General Permit, conditions of certification would be incorporated into GP010, and therefore, USFWS will not need to request individual certification for each project.

REQUEST FOR PUBLIC COMMENT:

Interested parties are invited to submit written comments regarding the proposed GP010 on or before **April 23, 2002**. Any person may request, in writing, within the comment period specified in this notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

The decision whether to issue GP010 will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public, Federal, state, and local agencies and officials, Indian Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, or condition this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

If additional information is required, please write to Ms. Shelly Carter at our Nevada Regulatory Office, C. Clifton Young Federal Building, 300 Booth Street, Room 2103, Reno, Nevada 89509, telephone 775-784-5304, FAX 775-784-5306.

Michael J. Conrad, Jr.
Colonel, Corps of Engineers
District Engineer

AGENCY CONTACTS**U.S. Army Corps of Engineers**

Nevada Regulatory Office
C. Clifton Young Federal Building
300 Booth Street, Room 2103
Reno, Nevada 89509
Phone: (775) 784-5304
Fax: (775) 784-5306
Attention: Shelly Carter

U.S. Fish and Wildlife Service

Las Vegas Suboffice
1510 Decator
Las Vegas, Nevada 89502-5093
Phone: (702) 647-5230
Fax: (702) 617-5231
Attention: Erik Orsak or Janet Bair

Reno Fish and Wildlife Office

1340 Financial Boulevard, Suite 234
Reno, Nevada 89502-5093
Phone: (775)861-6300
Attention: Mary Jo Elpers or Marci Haworth

U.S. Environmental Protection Agency

Region IX, Wetlands Section
75 Hawthorne Street
San Francisco, California 94105-3901
Phone: (415) 744-1995
Fax: (415) 744-1078
Attention: Kathleen Dadey

Nevada State Historic Preservation Office

Capitol Complex, 100 Stewart Street
Carson City, Nevada 89710
Phone: (775) 684-3448
Fax: (775) 684-3442
Attention: Rebecca Palmer

Nevada Division of Environmental Protection

Bureau of Water Quality Planning
333 West Nye Lane, Room 138
Carson City, Nevada 89706-0851
Phone: (775) 687-4670
Fax: (775) 687-6396
Attention: Glen Gentry

Nevada Division of Wildlife

Southern Region Office
4747 West Vegas Drive
Las Vegas, Nevada 89808
Phone: (702) 486-5127
Fax: (702) 486-5133
Attention: Bradley Hardenbrook