



Regional General Permit 4

U.S. ARMY CORPS OF ENGINEERS

BUILDING STRONG®

LAKE TAHOE MINIMAL IMPACT ACTIVITIES AND STRUCTURES

EFFECTIVE: August 21, 2024

EXPIRES: August 21, 2029

The U.S. Army Corps of Engineers (USACE), Sacramento District (District), hereby issues Regional General Permit (RGP) 4, authorizing certain activities involving structures or work in or affecting Lake Tahoe and the discharge of fill material into Lake Tahoe.

Note: The term "you" and its derivatives, as used in this RGP, means the permittee or any future transferee. The term "this office" refers to the U.S. Army Corps of Engineers, Sacramento District, identified in the *Contacts and Additional Information* section below. After you receive verification for your project under this RGP from this office, you are authorized to perform that work in accordance with the terms and conditions specified below, and any project specific special conditions included in the written verification.

ISSUING OFFICE: U.S. Army Corps of Engineers, Sacramento District

ACTION ID: SPK-2023-00852

AUTHORITIES: Section 10 of the Rivers and Harbors Act (RHA) of 1899 (33 USC 403) and Section 404 of the Clean Water Act (CWA) (33 USC 1344). Lake Tahoe is a navigable water of the U.S. and a water of the U.S., subject to both laws.

LOCATION: Lake Tahoe, in the states of California and Nevada. See attached Figure 1.

ACTIVITIES COVERED: Permanent or temporary work or structures in or affecting Lake Tahoe and/or the discharge of fill material into Lake Tahoe.

In accordance with 33 CFR 322.2(f)(1) and 33 CFR 323.2(h)(1), this RGP authorizes activities that are substantially similar in nature and cause only minimal individual and cumulative environmental impacts, when conducted under the terms and conditions of this RGP.

Minimal impact activities authorized under this RGP may include, but are not limited to:

1. The placement, maintenance, replacement, repair, or removal of:
 - a. New mooring buoys;
 - b. Fish habitat mitigation and aquaculture structures (e.g., fish pyramids or crawfish traps;
 - c. Scientific measuring devices;
 - d. Piers, catwalks, docks and similar features where the only disturbance is piling installation or removal;
 - e. Boat lifts;
 - f. Bulkheads or static revetments in existing/enclosed marinas (no deflection of wave action to other areas that would cause erosion) and associated minor excavation;
 - g. Dynamic revetment structures designed to actively deform in large waves (90th percentile) without structural compromise;
 - h. Aquatic invasive species non-chemical management activities (such as bottom sediment barriers);
 - i. Fill activities (e.g.: for shoreline revetments, boulder relocation¹) and associated minor excavation.
2. Pier modifications or expansions where the only disturbance is piling installation or removal.
3. Mooring buoy field modification, maintenance, expansion, or removal.
4. Removal of previously authorized structures not already listed.
5. Maintenance dredging activities that employ the suction dredging method that do not go beyond established lake bottom elevations

EXCLUSIONS:

1. This RGP may not be used to authorize dredging activities using methods other than suction dredging unless for aquatic invasive species management.
2. This RGP may not be used to authorize excavation activities, other than those associated with covered activities listed above.

¹ Boulder relocation is limited to those activities that are consistent with Tahoe Regional Planning Agency code requirements found on their website: <https://www.trpa.gov/>

3. This RGP may not be used to authorize the discharge of dredged or fill material into waters of the United States for beach replenishment.

TERMS:

1. Structures authorized under this RGP shall not be moved to another location without receiving prior written approval from this office.
2. You shall not convert or use the structure built under the authority of this RGP as a recreation room, residence, or temporary dwelling, nor shall you use the structure to moor a recreation room or floating residence.
3. This RGP is not intended to authorize structures or discharges of dredged or fill material in Lake Tahoe occurring before certain dates, as identified in the regulations at 33 CFR 330.3. Those structures or discharges of dredged or fill material identified in 33 CFR 330.3 were permitted by USACE Nationwide Permits issued on July 19, 1977, and, unless the structures or discharges of dredged or fill material are modified, they do not require further Department of the Army Authorization.

GENERAL CONDITIONS:

1. **Notification:** Before you begin any work, you must notify and receive approval from this office. Notification must be submitted through the Regulatory Request System (<https://rrs.usace.army.mil>), in accordance with the Notification Procedures below.
2. **Initiation of Construction:** You shall not begin any work in waters of the U.S. subject to Section 10 RHA or Section 404 CWA until notified by this office that the activity is authorized under this RGP, subject to the terms, General Conditions, and any added Special Conditions.
3. **Avoidance and Minimization:** You shall avoid and minimize discharges of dredged or fill material into waters of the U.S. to the maximum extent practicable. Temporary staging, access, and disposal areas shall not result in the placement of dredged or fill material in waters of the U.S. unless determined not to be practicable or appropriate by this office. If it is not practicable or appropriate to avoid discharges of dredged or fill material into waters of the U.S. associated with staging, access, and disposal areas, appropriate justification shall be identified in the Notification required in Condition 1. A list of Best Management Practices can be found on the Tahoe Regional Planning Agency's website: <https://www.trpa.gov/>.

- 4. Site Inspection:** You shall allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure the project is being or has been accomplished in accordance with the terms and conditions of this RGP.
- 5. Tribal Rights:** You shall ensure that the authorized activity does not impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.
- 6. Water Quality Certification:** If a conditioned Section 401 Water Quality Certification (WQC) has been issued for the activity authorized by this RGP, you shall comply with the conditions specified in the certification as special conditions to this RGP.
- 7. Threatened and Endangered Species:** No activity is authorized under this RGP which is likely to jeopardize the continued existence of a threatened or endangered species or destroy or adversely modify designated critical habitat as identified by the Federal Endangered Species Act (ESA). Authorization of an activity by this RGP does NOT authorize the "take" of a listed threatened or endangered species, as defined under the Federal ESA.
- 8. Migratory Bird Treaty Act and Bald and Golden Eagle Protection Act:** You are responsible for ensuring the proposed action complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. You are responsible for contacting the appropriate local office of the U.S. Fish and Wildlife Service to determine applicable measures to reduce impacts to migratory birds or eagles, including whether "incidental take" permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.
- 9. Historic Properties:** No activity which may affect historic properties listed, or eligible for listing in the National Register of Historic Places is authorized until the requirements of the National Historic Preservation Act (NHPA) have been satisfied.
- 10. Discovery of Previously Unknown Remains and Artifacts:** If you discover any previously unknown historic, cultural, or archeological remains and artifacts while accomplishing the activity authorized by this RGP, you must immediately notify this office of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. We will initiate the federal, tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
- 11. Responsibility:** You are responsible for all authorized work and ensuring that all contractors and workers are made aware and adhere to the terms and conditions of the RGP authorization, including any activity-specific special conditions included in the RGP

verification. You shall ensure that a copy of the verification and associated drawings are available and visible for quick reference at the site until all construction activities are completed.

12. Project Limits: For activities that result in soil disturbance associated with the authorized work, you shall clearly identify the limits of the proposed access, staging, and stockpile areas on the project site using highly visible markers (e.g., construction fencing, flagging, silt barriers, etc.) prior to commencement of construction activities within waters of the U.S., unless determined not to be practicable or appropriate by this office. You shall maintain such identification properly until construction is completed, and the soils have been stabilized. You are prohibited from any activity (e.g., equipment usage or materials storage) subject to Section 10 RHA or Section 404 CWA outside of the permit limits (as shown on the permit drawings).

13. Fills Within 100-Year Floodplains: The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

14. Suitable Material: No activity may use unsuitable material, including trash, debris, car bodies, and asphalt. Material used for construction or discharges must be free from toxic pollutants in toxic amounts (*see section 307 of the Clean Water Act*).

15. Migratory Bird Breeding Areas: Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable. The permittee is responsible for ensuring that the action authorized by this RGP complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting the appropriate local office of the U.S. Fish and Wildlife Service to determine what measures, if any, are necessary or appropriate to reduce adverse effects to migratory birds or eagles, including whether "incidental take" permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.

16. Navigation: No activity may cause more than a minimal adverse effect on the course, condition, or capacity of a navigable water. Your use of the permitted activity must not interfere with the public's right to free navigation on all navigable waters of the U.S. You must install and maintain, at your expense, any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, on your authorized facilities. You understand and agree 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, you will be required, upon due notice from this office, to remove, relocate, or alter the structural work or obstructions caused hereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

17. Proper Maintenance: You must maintain the activity authorized by this RGP in good condition and in conformance with the terms and conditions of this RGP. You are not relieved of this requirement if you abandon the permitted activity or sell the property associated with this authorization. You may make a good faith transfer to a third party. If you sell the property associated with this authorization, you must obtain the signature of the new owner in the space provided and forward a copy of the authorization letter to this office to validate the transfer. Should you wish to cease to maintain the authorized activity, or should you desire to abandon it without a good faith transfer, you must obtain a modification of this authorization from this office, which may require restoration of the area.

18. Activities Affecting Structures or Works Built by the United States. If an activity also requires review by, or permission from, the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers (USACE) federally authorized Civil Works project (a "USACE project"), the prospective permittee must notify this office. An activity that requires section 408 permission and/or review is not authorized by this RGP until the appropriate Corps office issues the Section 408 permission or completes its review to alter, occupy, or use the USACE project, and the district engineer issues a written RGP verification.

NOTIFICATION PROCEDURES:

Before you begin any work, you must notify and receive approval from this office. Notification must be submitted through the Regulatory Request System (<https://rrs.usace.army.mil>) using the "Apply for a Permit" function and include all information identified below for each activity.

If you need assistance in completing any portion of the notification, please contact us using the *Contacts and Additional Information* below. To be considered complete, the notification shall specify it is a request for authorization under RGP 4 and contain the following information:

1. Name, address and telephone number(s) of the prospective permittee and authorized agent, if applicable;
2. Signature of the authorization of an agent, if applicable;
3. Location of the proposed project, to include street address, assessor's parcel number, latitude and longitude (of each structure, to include buoys) and county, as well as directions to the site;
4. A description of the proposed activities and access, including the materials to be used, the date(s) work would occur within waters of the U.S., and methods and equipment proposed to

be used for the installation. If the proposed activities would involve the installation of pilings, the description shall specifically include a description of the size of the pilings, method of the installation (e.g., drop hammer or vibratory hammer), the length of time required for the installation, and the proposed date(s) of the installation;

5. A vicinity map, plan-view and cross-section drawings clearly depicting the location, size and dimensions of the proposed structure(s) and or fill material, as well as the location of the ordinary high-water mark. The drawings shall contain a title block, legend and scale, nearby structures, parcel boundaries, and dimensions of the proposed structures, fill and/or suction dredge area and associated access. Unless specifically waived by this office, all drawings will follow the South Pacific Division February 2016, *Updated Map and Drawing Standards for the South Pacific Division Regulatory Program*, or most recent update (available on the South Pacific Division website at:

<http://www.spd.usace.army.mil/Missions/regulatory/PublicNoticesandReferences.aspx/>);

6. Pre-project color photographs of the proposed activity location, including access and shoreline. Copies of prior permit authorizations for existing structures and/or fills. The location of the photographs shall be identified on the plan view drawing required in subpart (e) of this condition;

7. A description of measures proposed to be taken to avoid and minimize to the maximum extent practicable, impacts to the aquatic environment, including those to wetlands, federally listed threatened and/or endangered species, and shallow water habitat;

8. Information regarding how your proposed structure(s) and or fill material will not interfere with the public's right to free navigation on all navigable waters of the United States. The information provided must include a description of the nearest structures, how far they are from any proposed structures and how far they extend into the water from the plane of the ordinary high-water mark;

9. A description of anticipated impacts from the proposed activities on federally listed, or proposed to be listed, threatened and/or endangered species, critical habitat). Information regarding the location of threatened and/or endangered species and their critical habitat, within the Sacramento District can be obtained directly from the Pacific Southwest Region of the United State Fish and Wildlife Service (USFWS) (<https://www.fws.gov/about/region/pacific-southwest>). You should contact this office and/or USFWS, as appropriate, concerning the potential presence of federally listed threatened, endangered, or proposed species, and/or designated or proposed critical habitat in the project area. You should provide this office with the name(s), and other pertinent information related to agency personnel you contacted. If the project may affect federally listed threatened, endangered, or proposed species, or designated or proposed critical habitat, you should include a list of measures which would be taken to minimize harm to the species and/or habitat;

10. A description of any historic properties and/or other cultural resources which may be affected by the proposed work; include a vicinity map identifying cultural resource locations, if cultural resources are present. If this office determines that the project may affect cultural resources, you may be required to submit a cultural resources report, prepared in accordance with the October 28, 2020, Guidelines for Compliance with Section 106 of the National Historic Preservation Act <https://www.spk.usace.army.mil/Portals/12/documents/regulatory/sec-106-tribal/2020.10.29-Section%20106%20Submittal%20Guidelines.pdf>. If a Programmatic Agreement (PA) is in place, then this office will provide specific guidance regarding the terms and requirements of that agreement, which may include preparation and submission of a cultural resources inventory, documentation, or other measures to be specified by this office to comply with the terms of the PA; and

11. For an activity that requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers (USACE) federally authorized civil works project, the pre-construction notification must include a statement confirming that you have submitted a written request for Section 408 permission from the Corps office having jurisdiction over that USACE project. Please note that if the activity requires Section 408 permission, this office cannot authorize the activity under this RGP until the Section 408 permission has been received.

Review Process:

1. Applicant submits a notification package. You may request a pre-application meeting with this office and other resource agencies. Applicants must submit their notification package or request a pre-application meeting using the Regulatory Request System located online at: <https://rrs.usace.army.mil>.

2. Within 30-days following receipt of the notification package, this office will notify you via letter or email if:

a. The project may qualify for authorization under this RGP; If the project does not qualify for authorization under this RGP, this office will specifically identify the information necessary to review your application as an Individual Permit.

b. The notification package is complete; and, If the notification package is not complete, this office will specifically identify the additional information required to be submitted.

c. If consultation under Section 7 of the Endangered Species Act (ESA) and/or Section 106 of the National Historic Preservation Act (NHPA) is required.

3. Within 30-days following receipt of a complete notification package, this office will initiate any required consultations under Section 7 of the ESA and/or Section 106 of the NHPA.

4. Within 30-days following completion of required consultations or receipt of a Section 408 permission, or, if consultation and Section 408 permission is not required, within 45-days following receipt of a complete notification package, this office will notify you via letter if the project is authorized under this RGP, subject to the terms, general conditions, and any special conditions.
5. Activities may not proceed under the authority of this RGP until you have been notified, in writing, by this office that the activity is authorized.

FURTHER INFORMATION:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to: Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), and/or Section 404 of the Clean Water Act (33 U.S.C. 1344), and/or Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
2. Limits of this authorization:
 - a. This RGP does not obviate the need to obtain other federal, state, or local authorizations required by law.
 - b. This RGP does not grant any property rights or exclusive privileges.
 - c. This RGP does not authorize any injury to the property or rights of others.
 - d. This RGP does not authorize interference with any existing or proposed federal projects.
3. Limits of Federal Liability. In issuing this RGP, 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 RGP.
 - d. Design or construction deficiencies associated with the permitted work.
 - e. Damage claims associated with any future modification, suspension, or revocation of this RGP.

- 4. Reliance on Applicant's Data.** The determination of this office that this RGP authorization is not contrary to the public interest was made in reliance on the information you provided.
- 5. Reevaluation of RGP Decision.** This office may reevaluate its decision on this RGP at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
 - a.** You fail to comply with the terms and conditions of this RGP.
 - b.** The information provided by you in support of your RGP 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 RGP authorization and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

- 6. Discretionary Authority.** This office reserves the right (i.e., discretion), to modify, suspend, or revoke this RGP, or any authorization thereof, whenever this office determines sufficient concerns for the environment or any other factor of the public interest. When this office determines that a proposed specific activity covered by the RGP would have more than minimal individual or cumulative adverse effects on the environment or otherwise may be contrary to the public interest, this office must either modify the RGP authorization to reduce or eliminate the adverse impacts, or notify the prospective permittee that the proposed activity is not authorized by the RGP and provide instructions on how to seek authorization under a General or Individual Permit. This office will follow the procedures of 33 CFR 325.7 and 33 CFR 330.5(d) when deciding whether to exercise discretionary authority to modify, suspend, or revoke a case specific activity's authorization under this RGP.

Activities not meeting the terms and conditions of this permit may be authorized through another type of permit from the Corps, such as a Nationwide Permit or Letter of Permission. 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 a verification under this permit to ensure the activity has minimal impact.

PERMIT DURATION:

This RGP is valid for 5 years from the date of issuance and will expire on **August 21, 2029**. We may re-evaluate the terms and conditions of this RGP at any time deemed necessary to protect the public interest. Activities verified by this office are valid until the date the RGP expires, is modified, reissued, or revoked. If we have not reissued the RGP by the expiration date, the RGP will no longer be valid. Activities under this RGP must be verified in writing by this office.

CONTACTS AND ADDITIONAL INFORMATION:

You can find application forms and other information concerning the Corps' Regulatory program and the Sacramento District on our website at: <https://www.spk.usace.army.mil/Missions/Regulatory/>. Notification packages must be submitted electronically via the Regulatory Review System at <https://rrs.usace.army.mil>.

For questions please contact:

U.S. Army Corps of Engineers, Sacramento District
Reno Regulatory Field Office
300 Booth Street, Room 3050
Reno, Nevada 89509-1328
775-799-8230
SPKRegulatoryMailbox@usace.army.mil

U.S. Army Corps of Engineers, Sacramento District HQ
Regulatory Division
1325 J Street
Sacramento, California 95814-2922
916-557-5250
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ATTACHMENTS:

Figure 1: RGP 4 Coverage Area Map

This RGP 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

21 August 2024

Date

Lake Tahoe Regional General Permit

Figure 1: Location Map



- Lake Tahoe OHWM (Approximate)
- - - State Line



Map Created on 4/4/2024 by
Jason C. Deters, Systems Administrator
Regulatory Division
The Ordinary High Water Mark was approximated
by creating an elevation contour line at 1899
meters using the National Elevation Dataset.