



# Regional General Permit 6

U.S. ARMY CORPS OF ENGINEERS

BUILDING STRONG®

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

**EFFECTIVE: September 25, 2014**

**EXPIRES: September 25, 2019**

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The U.S. Army Corps of Engineers, Sacramento District (District), hereby issues Regional General Permit 6 for 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.

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

**ACTION ID:** SPK-2004-50130

**AUTHORITIES:** Section 10 of the Rivers and Harbors Act of 1899 for structures or work in or affecting navigable waters of the United States and Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.

**LOCATION:** This permit applies to all waters that are considered to be part of the surface tributary system (i.e. Lakes, tributaries and wetlands) 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.

**ACTIVITIES COVERED:** 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 that may 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.

**The following activities are considered routine maintenance and do not require pre-construction notification prior to commencing the activity, provided the activity**

**would result in impacts to no more than 0.10 acre of navigable waters of the U.S. and/or the discharge of no more than 250 cy of fill material into no more than 0.10 acre of waters of the U.S.**

- (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.
- (4) Installation or relocation of navigation aids.
- (5) Replacement in kind of minor structures and facilities with not more than 0.10 of an acre of additional impacts or no change in location, capacity or appearance.
- (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, defined as 50-linear feet or less for perennial or intermittent streams or 100-ft or less for ephemeral drainages, development of compatible trail networks or other established routes, and trail maintenance and repair. Wetland impacts are limited to 0.10 acre of fill.
- (10) Installation of underground utilities in previously disturbed areas having stable soils, or in an existing utility right-of-way; limited to 300-linear feet or 0.10 acres with restoration of impacted area.
- (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
- (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) Relocation and/or modification of water intakes, utilities, lift stations, and other infrastructure as necessary to provide services.
- (18) In-kind replacement of wire anchor ropes and structural cables used to keep floating facilities in place and structures in appropriate configuration.
- (19) In-kind replacement in kind of utility system components on floating facilities.
- (20) In-kind 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 in existing developed areas.
- (23) Grading of washes after flood events. This includes sediment removal at roadway crossings and adjacent washes to pre-flood contours. The activity shall not exceed 100 linear feet upstream of road or trail crossing and shall be the minimum necessary to allow future flows to remain in channel. No realigning of channels is authorized without notification.
- (24) Culvert maintenance at washes including removal of sediment and debris.
- (25) Minor grading to maintain existing roadways and parking lots located below the OHWM the reservoirs as long as there is no net increase in parking spaces or roadway width.
- (26) In-kind repair of launch ramps. Any change in material, length or capacity of the launch ramp shall require a pre-construction notification to the Corps.
- (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-construction notification to the Corps before commencing work:**

- (1) Extension and/or expansion of boat launch ramps.
- (2) Installation of temporary boat launch ramps.
- (3) Reconfiguration of existing breakwaters and addition of new breakwaters resulting in a discharge of up to 1- acre of fill material.
- (4) Re-configuration of 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 with no increase in capacity and not to exceed 0.50 acres of impact.
- (8) Adjustment of marina positions that includes physically moving facilities into open water when accompanied by additional slips, dock spaces, or expansion of any kind, provided the activity would result in impacts to no more than one acre of waters of the United States.
- (9) Culvert replacement on washes that require work beyond the original footprint of the structure, such as replacing an undersized culvert with a larger structure.
- (10) Realignment of up to 750-linear feet of ephemeral waters and 300-linear feet of perennial and intermittent streams.

In accordance with 33 CFR 322.2(f)(1), this RGP authorizes activities that are substantially similar in nature that would result in minimal individual and cumulative impacts on the aquatic environment, when conducted under the terms and conditions of this permit.

**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:

- (1) 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.
- (2) 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.
- (3) 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.
- (4) For wetland areas outside of the OHWM of Lakes Powell, Mead and Mohave that are outside of the normal operating range of the reservoirs, wetland impacts are limited to ½ acre or less.
- (5) For activities in perennial and intermittent waters, no more than 300 linear feet may be impacted. If the activity involves the use of a bioengineering method, no more than 500 linear feet may be impacted.
- (6) For activities in ephemeral waters no more than 500 linear feet may be impacted. If the activity involves the use of a bioengineering method, no more than 750 feet may be impacted.

Activities not meeting the terms and conditions of this permit, or which would result in more than minimal individual or cumulative impacts, may be evaluated through an alternate form of Department of the Army authorization, such as a Nationwide Permit, Letter of Permission or an 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 add special conditions to a verification under this general permit to ensure the activity results in no more than minimal impacts.

**GENERAL CONDITIONS:**

1. This RGP will expire on **September 25, 2019**. 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. 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.
4. 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.
5. 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."

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(Transferee)

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(Date)

6. For projects that require submittal of a PCN; 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.
  - c. Areas shall be restored to original contours and replanted with native vegetation.
7. For projects that require submittal of a PCN; 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 onsite 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. For projects that require submittal of a PCN; 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. For projects that require submittal of a PCN; 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 90 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. You shall maintain any activity authorized by this RGP in good condition and in conformance with the terms and conditions of this permit. This includes maintenance to ensure public safety. Should you wish to cease to maintain the authorized activity or should you desire to abandon it, you must obtain a modification of this permit from this office, which may require restoration of the area.
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 RGP 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 action (permit).**
16. 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.
17. 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.

18. 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.

### **PRECONSTRUCTION NOTIFICATION PROCEDURES:**

1. You may choose to request a pre-application meeting with the Corps and other resource agencies. To request a pre-application meeting, please contact your local Corps office listed in the "Contacts" section of this document.

2. Under this RGP, 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 beginning work:

1. The applicant shall submit a completed and signed Department of the Army application ENG Form 4345 with the following supplemental information:
  - a) 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.
  - b) Volume and type of material to be placed into waters of the United States
  - c) A signed determination by the NPS that the activity is categorically excluded,
  - d) A brief description of the proposed activity
  - e) Description of the type of structures
  - f) 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. The OHWM should be clearly marked on a cross section view. 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 any appropriate supplements to the manual. 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](http://www.spk.usace.army.mil/Regulatory));



- g) Dewatering plan, if applicable;
- h) Proposed construction schedule;
- i) Any other information pertinent to the stream channel or wash involved;
- j) A list of all other permits and authorizations as required by law, ordinance, or regulation;
- k) 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, spawning habitat, and shallow water habitat.
- l) 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.
- m) 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)

3. Once this office receives a complete request for verification, the Corps will confirm receipt of a complete application within 5 working days. If the request for verification is not complete then the Corps will request additional information within 5 working days.
4. Once this office determines the activity complies with the terms and conditions of the RGP, you will receive a letter of verification from this office that you can proceed with your authorized activity.

### **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 permit does not obviate the need to obtain other federal, state, or local authorizations required by law.

- b. This permit does not grant any property rights or exclusive privileges.
  - c. This permit does not authorize any injury to the property or rights of others.
  - d. This permit does not authorize interference with any existing or proposed federal projects.
3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
  - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
  - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
  - d. Design or construction deficiencies associated with the permitted work.
  - e. Damage claims associated with any future modification, suspension, or revocation of this permit.
4. Reliance on Applicant's Data. The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
- a. You fail to comply with the terms and conditions of this permit.
  - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).
  - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. 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 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 permit is valid for five years from issuance, and will expire on September 22, 2019. 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. Activities under this permit must be verified in writing by the Corps. Verifications are valid until the permit expires.

**CONTACTS AND ADDITIONAL INFORMATION:**

Patricia McQueary, Project Manager  
US Army Corps of Engineers, Sacramento District  
St. George Field Office  
196 East Tabernacle Street Room 30  
St. George, Utah 84770  
Email: *Patricia.L.McQueary@usace.army.mil*  
Phone: 435-986-3979

**ATTACHMENTS:** 401 Water Quality Certifications, Maps

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

*22 September 2014*

Date