



# Regional General Permit 7

U.S. ARMY CORPS OF ENGINEERS

BUILDING STRONG®

## Construction and Maintenance of Flood Control Facilities under the Clark County Regional Flood Control District Master Plan

**EFFECTIVE:** February 18, 2019

**EXPIRES:** February 18, 2024

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The U.S. Army Corps of Engineers, Sacramento District, hereby issues Regional General Permit (RGP) 7 authorizing discharges of dredged or fill material into waters of the United States (U.S.), including wetlands, to construct and maintain flood control facilities under the Clark County Regional Flood Control District (CCRFCD) Master Plan, as updated, within Clark County, Nevada.

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, as identified in the *Contacts and Additional Information* section below.

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

**ACTION ID:** SPK-2007-00300

**AUTHORITIES:** Section 404 of the Clean Water Act

**LOCATION:** In streams, drainage ditches, drainage channels, and wetlands within the CCRFCD Master Plan, Clark County, Nevada.

**ACTIVITIES COVERED:** Permanent and temporary discharges of dredged or fill material into waters of the U.S., including wetlands, needed to construct or maintain flood control facilities funded by or constructed in accordance with the CCRFCD program.

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

**EXCLUSIONS:** This RGP does not authorize activities that were conducted without a Department of the Army (DA) permit or activities in waters of the U.S. that are subject to an ongoing federal enforcement action.

**TERMS:** Each activity authorized under this RGP must be completed in accordance with the terms and conditions stated herein. Activities that do not meet the terms and conditions will require another form of DA authorization.

1. Activities verified under this RGP are valid until the expiration date of this RGP, when this RGP is scheduled to be modified, reissued, or revoked. Furthermore, if you commence or are under contract to commence this activity before the date the RGP expires or is modified, reissued, or revoked, you will have 12 months from the date of the modification, reissuance or revocation to complete the activity under the present terms and conditions.

2. Activities authorized in waters of the U.S. are limited to the acreage and linear foot thresholds below and are subject to the below activity restrictions, unless this office, in consultation with the reviewing state and federal agencies, waives the criterion by making a written determination concluding that the discharge will result in no more than minimal adverse impacts on the aquatic environment.

**a. Within the Las Vegas Valley Urban Boundary (Figure 1):** The discharge of dredged or fill material as a result of the proposed activity shall not exceed 1 acre of wetlands, 5,000 linear feet of perennial or intermittent drainages, or 7,500 linear feet of ephemeral drainages.

**b. Within Laughlin, the City of Mesquite, and the Boulder City Urban Boundary (Figures 2, 3, and 4):** The discharge of dredged or fill material as a result of the proposed activity shall not exceed 0.5 acre of wetlands, 500 linear feet of intermittent and perennial drainages, or 2,500 linear feet of ephemeral drainages. Construction or expansion of the following are not authorized in perennial streams: channelization, piping/burial, lining, relocation (except for restoration), or construction of new in-stream detention basins without an activity-specific waiver.

**c. Within the Muddy River Planning Area (Figure 5) and within the Virgin River:**

(1) The total discharge of dredged or fill material as a result of the proposed activity shall not exceed 0.5 acre of wetlands, 500 linear feet of perennial drainages, or 750 linear feet of intermittent and/or ephemeral drainages. Subject to approval by this office, the total discharge of dredged or fill material may be increased to 750 linear feet of perennial drainages and 1,000 linear feet of intermittent and/or ephemeral drainages, provided appropriate bioengineering techniques (e.g., willow plantings, root wads, large woody debris) are incorporated into the activity design.

(2) Construction or expansion of the following are not authorized in in perennial drainages: channelization, piping/burial, lining, relocation (except for restoration), or construction of new in-stream detention basins without an activity-specific waiver.

**d. In all other areas within Clark County:** The discharge of dredged or fill material as a result of the proposed activity shall not exceed 1,000 linear feet of ephemeral drainages.

3. Compensatory Mitigation: The need for compensatory mitigation will be determined for each project on a case-by-case basis, to ensure that authorized impacts remain no more than minimal. If compensatory mitigation is not being proposed for a particular project, the Preconstruction Notification (PCN) will include a narrative and supporting documentation demonstrating why compensatory mitigation would not be necessary to ensure no more than minimal adverse individual and cumulative effects to the aquatic environment.

Within the Las Vegas and Boulder City Urban Boundaries, two zones (Urban Core and Exterior) have been established, as shown on Figures 1 and 3. Compensatory mitigation is generally not required for proposed activities within the Urban Core zones, except in cases where the activity

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would result in a permanent discharge of dredged and/or fill material into wetlands or into drainages that retain substantial functions and services. Activities conducted outside of the Urban Core zones will also be evaluated on a case-by-case basis, to determine whether compensatory mitigation will be required to ensure authorized impacts remain no more than minimal.

### **GENERAL CONDITIONS:**

1. **Pre-Construction Notification:** You must submit a PCN for each activity to this office.
2. **Written Verification Required:** You must receive written verification from this office that the activity is authorized under this RGP prior to initiating any work in waters of the U.S.
3. **Special Conditions:** You shall comply with any activity-specific special conditions that are included in this office's written verification of authorization.
4. **Section 401 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.
5. **Mitigation:** You must design your activity to avoid and minimize discharges of dredged or fill material into waters of the U.S. to the maximum extent practicable. Staging and material disposal areas will be located outside waters of the U.S.
6. **Migratory Bird Treaty Act and Bald and Golden Eagle Protection Act:** Activities in waters of the U.S. that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable. You are responsible for ensuring the activity 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.
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 a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will destroy or adversely modify designated 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. 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. **Historic Properties:** No activity which may affect historic properties listed, or eligible for listing in the National Register of Historic Places is authorized under this RGP until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this RGP, you must stop work and immediately notify this office of what you have found. We 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.

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9. **Tribal Rights:** You must 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.

10. **Responsibility for Work:** 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 permit authorization, including any activity-specific special conditions included in the permit 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.

11. **Best Management Practices:** Unless determined to be not practicable or appropriate by this office, for activities that result in the discharge of dredged or fill material into waters of the U.S., you must employ construction Best Management Practices (BMPs) on-site prior to the initiation of construction activities in waters of the U.S., to prevent degradation to on-site and off-site waters of the U.S. Methods and techniques shall include the use of appropriate measures to intercept and capture sediment prior to entering waters of the U.S., as well as erosion control measures along the perimeter of all work areas to prevent the displacement of fill material. All BMPs shall be in place prior to initiation of any construction activities and shall remain until construction activities are completed. You shall ensure all BMPs are inspected on a weekly basis and are maintained until construction activities are completed and site soils are stabilized.

12. **Activity Limits:** For activities in waters of the U.S., you must clearly identify the limits of the authorized activity 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 U.S. You will maintain such identification properly until construction is completed and the soils have been stabilized.

13. **Equipment:** Heavy equipment entering or working in waters of the U.S. must be thoroughly cleaned, free of leaks, and placed on mats, to the extent practicable and appropriate. You will implement any other appropriate and practicable measures to minimize soil and vegetation compaction or disturbance. These measures may include but are not limited to, the use of wide-treaded/low ground-pressure equipment or other devices that minimize impacts to soil and vegetation.

14. **Suitable Material:** Material used for construction or discharged into waters of the U.S. must be free of toxic pollutants in toxic amounts as well as free of noxious vegetation. Fresh cement or concrete is not allowed in waters unless it is placed in sealed forms. No activity may use unsuitable material. Unsuitable fill material includes trash, vehicle bodies, farm machinery, appliances and other metal objects, asphalt, biodegradable construction debris and tires, concrete with exposed rebar.

15. **Temporary Fills:** For all temporary access and construction activities resulting in temporary fill within waters of the U.S., you shall:

a. Install a horizontal marker (e.g. fabric, certified weed free straw, etc.) to delineate the existing bottom elevation of the waters of the U.S. prior to the placement temporary fill in waters of the U.S.; and

b. Remove all temporary structures, work, and fills in their entirety within 30 days following completion of construction activities in waters of the U.S. authorized by this RGP. You shall return any area affected by temporary construction, dewatering, or access work, including staging areas,

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to their pre-construction contours and conditions and shall re-vegetate with appropriate native vegetation common to the area, during the first optimal germination growing season following completion of construction activities in waters of the U.S. authorized by this RGP.

**16. Proper Maintenance:** Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable RGP general conditions, as well as any special conditions added by the district engineer to the RGP verification. You shall obtain any required authorization for any maintenance activities prior to conducting the maintenance. You are not relieved of this requirement if you abandon the permitted activity or sell the property associated with this permit. If you wish to cease to maintain the authorized activity or desire to abandon it, you must obtain appropriate authorization from this office, which may require restoration of the area.

**17. Transfer of Responsibility:** If the structures or work authorized by this RGP permit are still in existence at the time you sell or otherwise transfer the property associated with this permit, the terms and conditions of this RGP permit, including any special conditions included in the RGP verification, 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, you must obtain the signature and mailing address of the new owner on the permit verification letter, and forward a copy to this office to validate the transfer.

**18. Site Inspection:** You shall allow representatives from this office to inspect the authorized activity and any compensatory mitigation areas at any time deemed necessary to ensure that the activity is being or has been accomplished in accordance with the terms and conditions of this RGP.

**19. Post-activity Reporting:** You shall provide a written report to this office, within 90 days following completion of construction activities in waters of the U.S. authorized by this RGP, or within 30 days following restoration of temporary fill areas as required by General Condition 15. The report shall include the following:

a. A complete description of the work completed for each single and complete activity, including any deviations from the activities in waters of the U.S. authorized by this RGP, and the reason(s) for the deviations;

b. Drawings of the authorized work conducted for each single and complete activity, including any on-site and/or off-site permittee responsible compensatory mitigation. This will include a plan-view drawing showing all areas of ground disturbance, aquatic resource 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. requiring authorization, must be coordinated with the appropriate office prior to impacts;

c. A description of all temporary fill areas restored to pre-activity contours and conditions, as required by General Condition 15, including photo-documentation of the horizontal marker installed. For temporary fill areas within waters of the U.S. that have not been restored to pre-activity contours or conditions, a description and photo-documentation of the temporary fill within waters of the U.S., including information on why restoration has not been completed.

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**PRE-CONSTRUCTION NOTIFICATION PROCEDURES:** A PCN must be submitted to this office, preferably in digital format, and shall contain all information identified below for each single and complete activity. A checklist of the information required for a complete PCN is provided in Appendix A. The PCN can be submitted as a letter or via permit application form (ENG 4345), provided the submittal includes all required information and has been signed by you or your authorized representative. The PCN must include:

1. The name, address, telephone number (and email address, if available) of the prospective permittee and any designated agent, including contractors;
2. The location of the proposed activity. This will include identification of the affected water(s) and the latitude and longitude of the approximant center point of the activity. The activity boundaries should be depicted on a copy of a U.S. Geologic Survey topographic map, or other location map with sufficient detail to clearly identify the exact location and extent of the activity. Detailed directions to the activity site should also be provided. 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/>);
3. A delineation of aquatic resources on the activity site. Aquatic resource delineations must be prepared in accordance with the current method required by this office and aquatic resources delineation reports shall be in a format that complies with the Sacramento District's *Minimum Standards for Acceptance of Aquatic Resource Delineation Reports* (January, 2016), which is accessible at: [http://www.spk.usace.army.mil/Portals/12/documents/regulatory/jd/minimum-standards/Minimum Standards for Delineation with Template-final.pdf](http://www.spk.usace.army.mil/Portals/12/documents/regulatory/jd/minimum-standards/Minimum_Standards_for_Delineation_with_Template-final.pdf);
4. A description of existing conditions at the activity site, including a description of each aquatic resource proposed to be impacted. The description must include proposed temporary and permanent impact amounts (in acreage and in linear feet), channel/wetland condition, riparian buffer condition, any pre-existing impacts, and an assessment of channel/wetland functions that would be affected.
5. Numbered and dated pre-activity color photographs showing a representative sample of waters proposed to be impacted on the site and all waters of the United States proposed to be avoided on and immediately adjacent to the activity site. The compass angle and position of each photograph shall be identified on the plan-view drawing(s);
6. A description of alternative design options that were considered to achieve the activity's purpose, and demonstration that the proposed activity would avoid and minimize impacts to the maximum extent practicable.
7. A description of the proposed activity; the activity's purpose, and direct and indirect adverse environmental effects that the activity would cause. Include the total area of waters of the United States to be permanently and temporarily directly affected, including acreage and linear feet for stream/drainage impacts and acreage for wetland impacts. This includes all areas at or below the ordinary high water mark (OHWM) of a drainage and the adjacent wetlands. The OHWM should be clearly marked on a cross section view.

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8. A description of the total area of waters of the United States to be indirectly affected (reported in linear feet and acreage), including a description of nearby upstream waters that would be captured by or brought into the flood control infrastructure or otherwise affected by the activity and/or any downstream areas that would have flows reduced/eliminated as a result of the activity. For temporary fill in waters of the U.S., include the proposed plan for restoration of the temporary fill area to pre-activity contours and conditions, and the reason(s) why avoidance of temporary impacts is not practicable.

9. The volume and type of material to be placed into waters of the United States, including the area (in acres) of waters of the U.S. that would be filled;

10. If you are requesting a waiver to the impact thresholds and/or the limitations on the type of activities authorized in specific geographic areas, as specified in Term 2(a-c) (above), your PCN must include the following information to support the waiver request:

- a. The impact threshold and/or activity type proposed to be waived;
- b. A narrative and photographic description of the aquatic resources that would be impacted by the proposed activity;
- c. Rationale describing why there are no practicable alternatives to the proposed discharge requiring a waiver, including consideration of other methods of constructing the proposed activity;
- d. Description of any design elements and/or mitigation measures intended to reduce the adverse environmental impacts caused by the proposed activity; and
- e. Rationale describing why issuance of such a waiver would not result in more than minimal adverse environmental impacts.

11. A description of measures proposed to be taken to avoid and minimize impacts to the aquatic environment to the maximum extent practicable. The information shall include a description of alternatives that were considered to achieve the activity purpose while resulting in fewer impacts to native habitat and adjacent vegetated buffers.

12. If compensatory mitigation is determined to be necessary, a mitigation proposal, prepared in accordance with 33 CFR Part 332 and the South Pacific Division's *Final 2015 Regional Compensatory Mitigation and Monitoring Guidelines* (which can be accessed at <http://www.spd.usace.army.mil/Portals/13/docs/regulatory/mitigation/MitMon.pdf>).

13. For activities within the Las Vegas Valley Urban Boundary and/or Boulder City Urban Boundary you should provide a Section 8 Facility Specific Analysis (Section 8), conducted in accordance with the Bureau of Land Management's *Clark County Regional Flood Control District Flood Control Master Plan Final Environmental Impact Statement* (FEIS) (1990) and the *Supplemental Programmatic Environmental Impact Statement Clark County Regional Flood Control District 2002 Master Plan Update* (SEIS) (2004). In accordance with the FEIS and SEIS, a Section 8 analysis or comparable Facility Specific Analysis must be prepared for all new construction authorized under this RGP. For new construction outside of the SEIS activity area, a comparable site-specific impact analysis incorporating all elements in Section 8 of the EIS will be submitted to this office.

14. Plan view and cross-section view drawings, clearly depicting the location, size and dimensions of the proposed activity, as well as the location of delineated waters of the U.S. on the site. 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 OHWM must be shown on all applicable drawings (in feet), based on National Geodetic Vertical Datum (NGVD) or other appropriate referenced elevation.

15. A cultural resources report that contains the required information outlined in the *Sacramento District's Regulatory Program Guidelines for Compliance with Section 106 of the National Historic Preservation Act* (available at [http://www.spk.usace.army.mil/Portals/12/documents/regulatory/sec-106-tribal/FINAL\\_2014-03-24\\_Section-106-Guidelines.pdf](http://www.spk.usace.army.mil/Portals/12/documents/regulatory/sec-106-tribal/FINAL_2014-03-24_Section-106-Guidelines.pdf)) or documentation demonstrating that another Federal Agency, acting as lead, has determined the activity is compliant with Section 106 of the National Historic Preservation Act. Alternatively, you may provide documentation demonstrating, subject to this office's review and concurrence, that the activity does not have potential to affect historic properties due to one of the reasons identified in 33 CFR Part 325, Appendix C, Section 3(b)(1-3);

16. Dewatering plan, if applicable;

17. Proposed construction schedule; and

18. A list of all other permits and authorizations as required by law, ordinance, or regulation.

### **REVIEW PROCESS:**

1. You may request a pre-application meeting with this office and other resource agencies.

2. Upon receipt of your PCN, this office will review it to ensure that it contains all required information specified in the PCN Procedures. If the PCN is incomplete, this office will notify you in writing within 15 working days with a request for specific information needed to complete the PCN. If the PCN is complete, this office will notify you in writing within 15 working days whether activity appears to qualify for authorization under this RGP, and will request any additional information necessary to complete review of the proposed action.

3. For the construction of new facilities and maintenance activities resulting in the discharge of dredged or fill material into more than 0.5-acre of wetlands and/or more than 500 linear feet of waters of the U.S, this office will distribute copies of the complete PCN to the Nevada Department of Environmental Protection (NDEP), Nevada Department of Wildlife (NDOW), U.S. Fish and Wildlife Service (USFWS), and U.S. Environmental Protection Agency (USEPA) for a 10-day comment period. This office will give full consideration to agency comments in it making its decision on the PCN. This office will not make a final decision on the verification request until the 10 day agency comment period has ended, unless notified by each agency that no additional comments will be submitted.

4. For activities that do not require consultation under Section 7 of the Endangered Species Act or Section 106 of the National Historic Preservation Act, the activity is authorized when a complete notification has been submitted to this office, and the prospective permittee has not received a response within 45 days. For activities that require consultation under Section 7 of the Endangered Species Act or Section 106 of the National Historic Preservation Act, this office will make best efforts to complete its review and make a decision within 30 days of the completion of consultation.

5. Upon a determination the activity complies with the terms and conditions of this RGP, you will receive written verification from this office that your activity is authorized.

### **FURTHER INFORMATION:**

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344)

2. Limits of this authorization.

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

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed federal projects.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted activity or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted activity 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 Permittee'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.

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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. This office reserves the right (i.e., discretion), to modify, suspend, or revoke RGP authorization whenever this office determine sufficient concerns for the environment or any other factor of the public interest so required. 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 the RGP.

This office 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. Activities not meeting the terms and conditions of this permit may be authorized through another type of permit from this office, such as a Nationwide Permit, Letter of Permission, or Standard Permit.

**PERMIT DURATION:** This permit is valid for five years from issuance, and will expire on **February 18, 2024**. This office 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.

**CONTACTS AND ADDITIONAL INFORMATION:** For additional information about this RGP, please contact the Reno Field Office at 300 Booth Street, Room 3050, Reno, Nevada 89509-1328, by phone at (775) 784-5305, or by email at [SPKRegulatoryMailbox@usace.army.mil](mailto:SPKRegulatoryMailbox@usace.army.mil) .

**ATTACHMENTS:**

Appendix A – Checklist of Information Required for a Complete PCN

Appendix B – Figures:

Figure 1. Ten-Year Construction Program-Las Vegas Valley

Figure 2. Ten-Year Construction Program-Laughlin

Figure 3. Ten-Year Construction Program-Boulder City

Figure 4. Ten-Year Construction Program-Mesquite

Figure 5. Ten-Year Construction Program-Muddy River

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



15 Feb 2019

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Michelle R. Lynch  
Acting Chief, Regulatory Division

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Date



# Regional General Permit 7

U.S. ARMY CORPS OF ENGINEERS

BUILDING STRONG®

## Appendix A: Construction and Maintenance of Flood Control Facilities under the Clark County Regional Flood Control District Master Plan

Checklist of Information Required for a Complete Pre-Construction Notification (PCN)

**PRE-CONSTRUCTION NOTIFICATION PROCEDURES:** A PCN must be submitted to this office, preferably in digital format, and shall contain all information identified below for each single and complete activity. The PCN can be submitted as a letter or via permit application form (ENG 4345), provided the submittal includes all required information and has been signed by you or your authorized representative. The PCN must include:

- The name, address, telephone number (and email address, if available) of the prospective permittee and any designated agent, including contractors;
- The location of the proposed activity. This will include identification of the affected water(s) and the latitude and longitude of the approximant center point of the activity. The activity boundaries should be depicted on a copy of a U.S. Geologic Survey topographic map, or other location map with sufficient detail to clearly identify the exact location and extent of the activity. Detailed directions to the activity site should also be provided. 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/>);
- A delineation of aquatic resources on the activity site. Aquatic resource delineations must be prepared in accordance with the current method required by this office and aquatic resources delineation reports shall be in a format that complies with the Sacramento District's *Minimum Standards for Acceptance of Aquatic Resource Delineation Reports* (January, 2016), which is accessible at: <http://www.spk.usace.army.mil/Portals/12/documents/regulatory/jd/minimum-standards/Minimum Standards for Delineation with Template-final.pdf>;
- A description of existing conditions at the activity site, including a description of each aquatic resource proposed to be impacted. The description must include proposed temporary and permanent impact amounts (in acreage and in linear feet), channel/wetland condition, riparian buffer condition, any pre-existing impacts, and an assessment of channel/wetland functions that would be affected.
- Numbered and dated pre-activity color photographs showing a representative sample of waters proposed to be impacted on the site and all waters of the United States proposed to be avoided on and immediately adjacent to the activity site. The compass angle and position of each photograph shall be identified on the plan-view drawing(s);

- A description of alternative design options that were considered to achieve the activity's purpose, and demonstration that the proposed activity would avoid and minimize impacts to the maximum extent practicable.
- A description of the proposed activity; the activity's purpose, and direct and indirect adverse environmental effects that the activity would cause. Include the total area of waters of the United States to be permanently and temporarily directly affected, including acreage and linear feet for stream/drainage impacts and acreage for wetland impacts. This includes all areas at or below the ordinary high water mark (OHWM) of a drainage and the adjacent wetlands. The OHWM should be clearly marked on a cross section view.
- A description of the total area of waters of the United States to be indirectly affected (reported in linear feet and acreage), including a description of nearby upstream waters that would be captured by or brought into the flood control infrastructure or otherwise affected by the activity and/or any downstream areas that would have flows reduced/eliminated as a result of the activity. For temporary fill in waters of the U.S., include the proposed plan for restoration of the temporary fill area to pre-activity contours and conditions, and the reason(s) why avoidance of temporary impacts is not practicable.
- The volume and type of material to be placed into waters of the United States, including the area (in acres) of waters of the U.S. that would be filled;
- If you are requesting a waiver to the impact thresholds and/or the limitations on the type of activities authorized in specific geographic areas, as specified in Term 2(a-c) (above), your PCN must include the following information to support the waiver request:
  - The impact threshold and/or activity type proposed to be waived;
  - A narrative and photographic description of the aquatic resources that would be impacted by the proposed activity;
  - Rationale describing why there are no practicable alternatives to the proposed discharge requiring a waiver, including consideration of other methods of constructing the proposed activity;
  - Description of any design elements and/or mitigation measures intended to reduce the adverse environmental impacts caused by the proposed activity; and
  - Rationale describing why issuance of such a waiver would not result in more than minimal adverse environmental impacts.
- A description of measures proposed to be taken to avoid and minimize impacts to the aquatic environment to the maximum extent practicable. The information shall include a description of alternatives that were considered to achieve the activity purpose while resulting in fewer impacts to native habitat and adjacent vegetated buffers.
- If compensatory mitigation is determined to be necessary, a mitigation proposal, prepared in accordance with 33 CFR Part 332 and the South Pacific Division's *Final 2015 Regional*

**U.S. Army Corps of Engineers, Sacramento District**

1325 J Street, Room 1350, Sacramento, CA 95814-2922

<http://www.spk.usace.army.mil/organizations/cespk-co/regulatory/index.html>

*Compensatory Mitigation and Monitoring Guidelines* (which can be accessed at <http://www.spd.usace.army.mil/Portals/13/docs/regulatory/mitigation/MitMon.pdf>).

For activities within the Las Vegas Valley Urban Boundary and/or Boulder City Urban Boundary you should provide a Section 8 Facility Specific Analysis (Section 8), conducted in accordance with the Bureau of Land Management's *Clark County Regional Flood Control District Flood Control Master Plan Final Environmental Impact Statement* (FEIS) (1990) and the *Supplemental Programmatic Environmental Impact Statement Clark County Regional Flood Control District 2002 Master Plan Update* (SEIS) (2004). In accordance with the FEIS and SEIS, a Section 8 analysis or comparable Facility Specific Analysis must be prepared for all new construction authorized under this RGP. For new construction outside of the SEIS activity area, a comparable site-specific impact analysis incorporating all elements in Section 8 of the EIS will be submitted to this office.

Plan view and cross-section view drawings, clearly depicting the location, size and dimensions of the proposed activity, as well as the location of delineated waters of the U.S. on the site. 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 OHWM must be shown on all applicable drawings (in feet), based on National Geodetic Vertical Datum (NGVD) or other appropriate referenced elevation.

A cultural resources report that contains the required information outlined in the *Sacramento District's Regulatory Program Guidelines for Compliance with Section 106 of the National Historic Preservation Act* (available at [http://www.spk.usace.army.mil/Portals/12/documents/regulatory/sec-106-tribal/FINAL\\_2014-03-24\\_Section-106-Guidelines.pdf](http://www.spk.usace.army.mil/Portals/12/documents/regulatory/sec-106-tribal/FINAL_2014-03-24_Section-106-Guidelines.pdf)) or documentation demonstrating that another Federal Agency, acting as lead, has determined the activity is compliant with Section 106 of the National Historic Preservation Act. Alternatively, you may provide documentation demonstrating, subject to this office's review and concurrence, that the activity does not have potential to affect historic properties due to one of the reasons identified in 33 CFR Part 325, Appendix C, Section 3(b)(1-3);

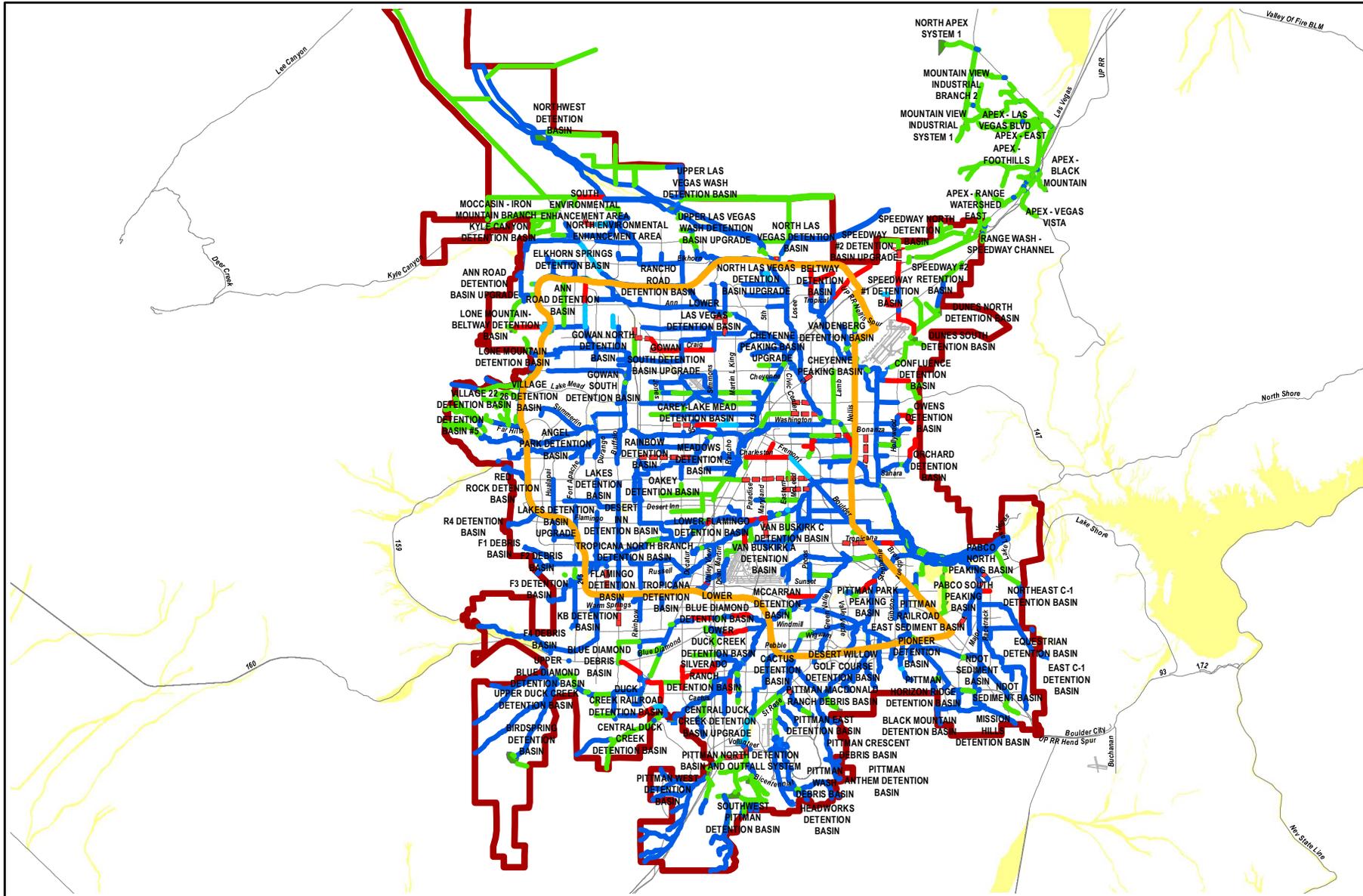
Dewatering plan, if applicable;

Proposed construction schedule;

A list of all other permits and authorizations as required by law, ordinance, or regulation;

**Appendix B: Figures 1-5**

# TEN-YEAR CONSTRUCTION PROGRAM LAS VEGAS VALLEY



**LEGEND**

**Conveyances**

**STATUS**

- Completed
- Under Construction
- Proposed
- Ten Year - 1st Five
- Ten Year - 2nd Five

**Detention Basins**

**STATUS**

- Completed
- Under Construction
- Proposed
- Ten Year - 1st Five
- Ten Year - 2nd Five

**100 Year Flood Zones**

- 100-Year Flood Zone
- Urban Core
- Boundary
- Ultimate Development
- Boundary



1 inch = 6.8 miles

THIS MAP IS FOR GRAPHIC USE ONLY AND DOES NOT REPRESENT A SURVEY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA DELINEATED HEREON.

DATA SOURCES:  
CLARK COUNTY REGIONAL FLOOD CONTROL DISTRICT  
CLARK COUNTY GISMO  
FEMA

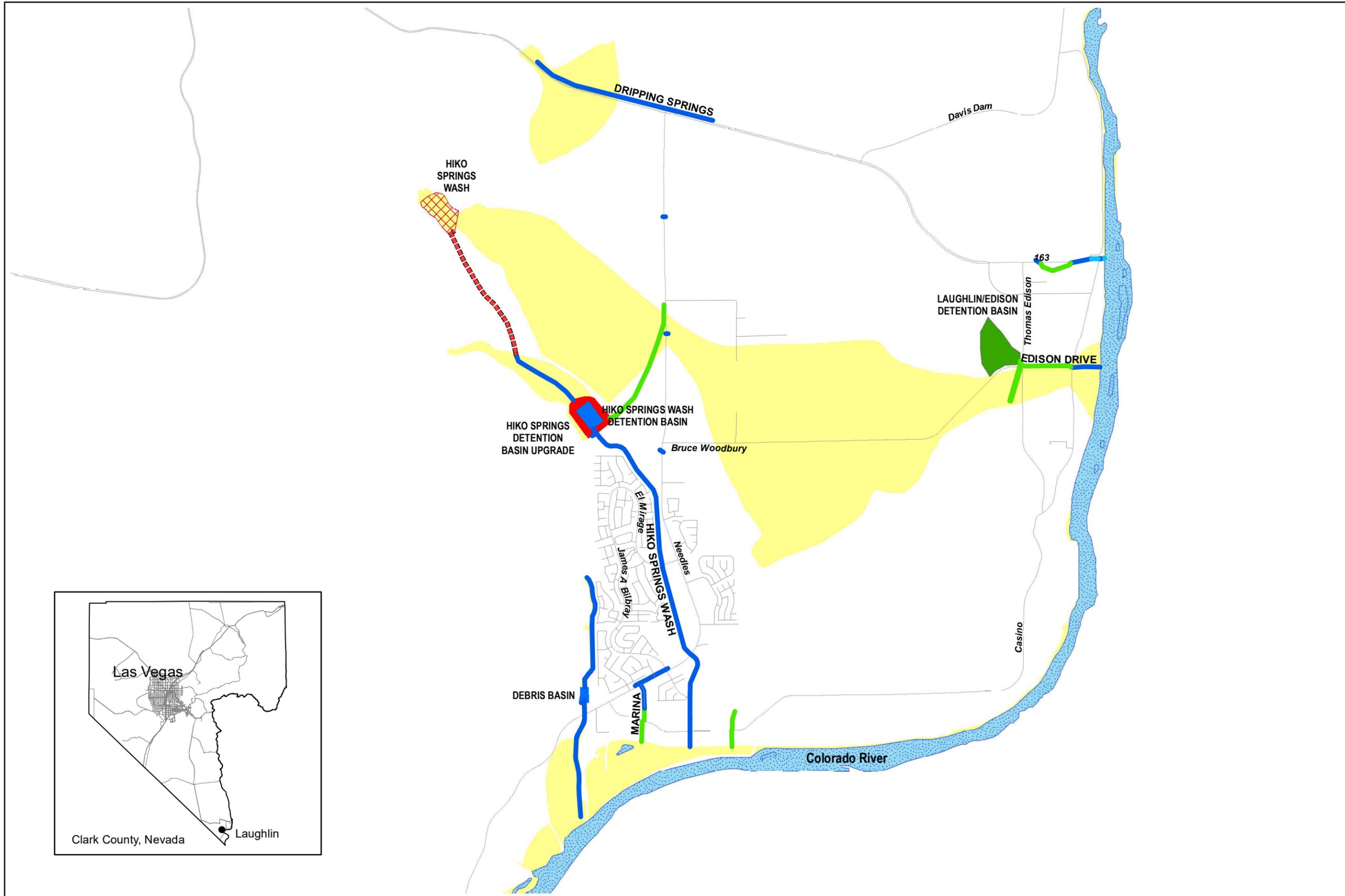
FLOOD INSURANCE (FIRM) INFORMATION:  
FEMA 2002 DIGITAL FIRM. NOT THE EFFECTIVE FIRM. ALL INFORMATION IS SUBJECT TO CHANGE. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA DELINEATED HEREON. ALL INQUIRIES INTO THE STATUS OF CLARK COUNTY REGIONAL FLOOD CONTROL DISTRICT FACILITIES SHOULD BE MADE TO THE DISTRICT OFFICE AT 888 S. GRAND CENTRAL BLVD., SUITE 304, LAS VEGAS, NEVADA 89106-4811.

October 2018



**Figure 1**

# TEN-YEAR CONSTRUCTION PROGRAM LAUGHLIN PLANNING AREA



**LEGEND**

**Conveyances**

**STATUS**

- Completed
- Under Construction
- EFS
- Proposed
- Ten Year - 1st Five
- - - Ten Year - 2nd Five

**Detention Basins**

**STATUS**

- Completed
- Under Construction
- EFS
- Proposed
- Ten Year - 1st Five
- ▤ Ten Year - 2nd Five

**100 Year Flood Zones**

- 100-Year Flood Zone



1 inch = 0.7 miles

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DATA SOURCES:  
CLARK COUNTY REGIONAL FLOOD CONTROL DISTRICT  
CLARK COUNTY GISMO  
FEMA

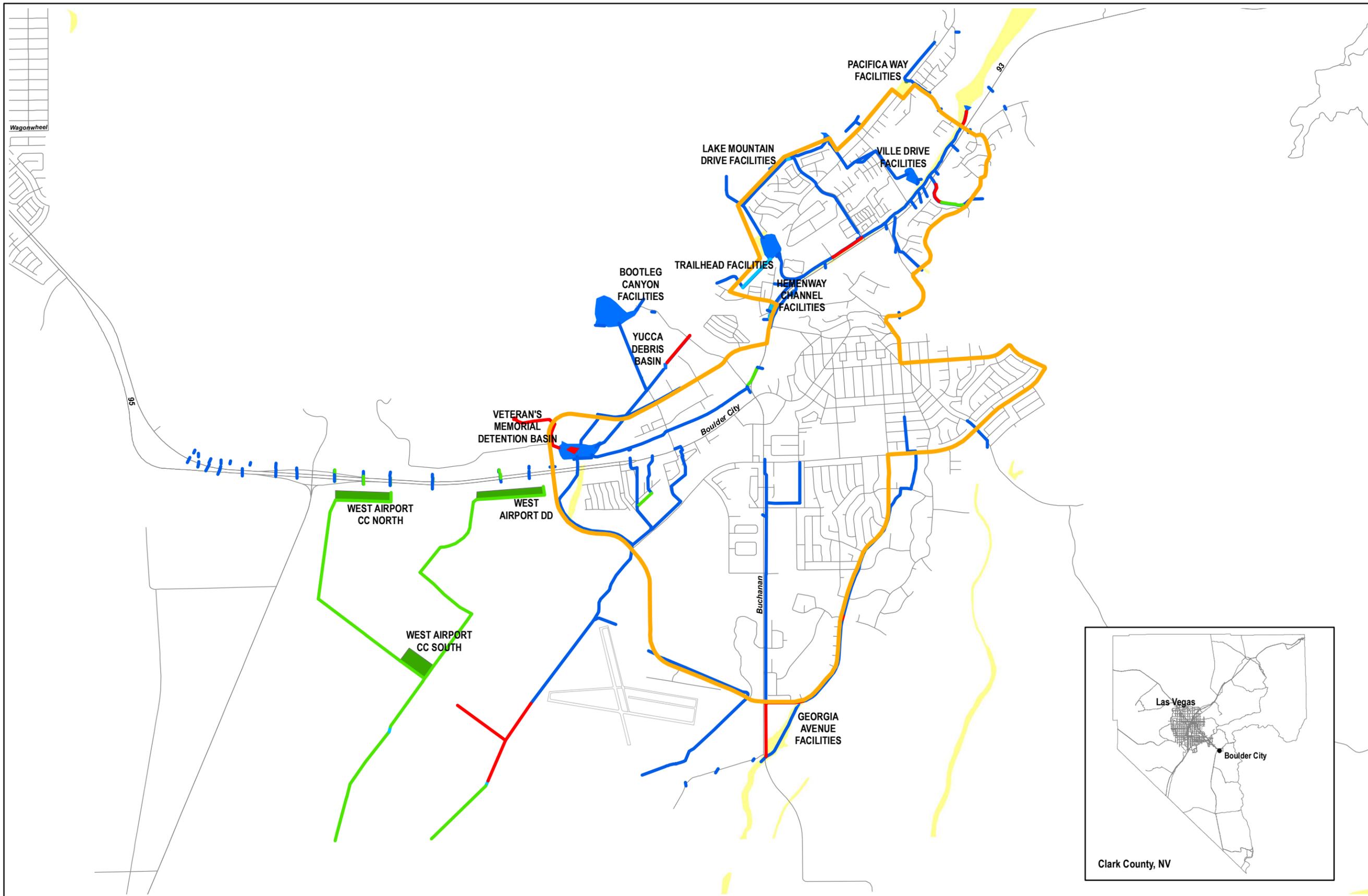
FLOOD INSURANCE (FIRM) INFORMATION:  
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October 2018



**Figure 2**

# TEN-YEAR CONSTRUCTION PROGRAM BOULDER CITY PLANNING AREA



**LEGEND**

**Conveyances**  
**STATUS**

- Completed
- Under Construction
- Proposed
- Ten Year - 1st Five
- Ten Year - 2nd Five

**Detention Basins**  
**STATUS**

- Completed
- Under Construction
- Proposed
- Ten Year - 1st Five
- Ten Year - 2nd Five

**100 Year Flood Zones**

- 100-Year Flood Zone
- Urban Core Boundary



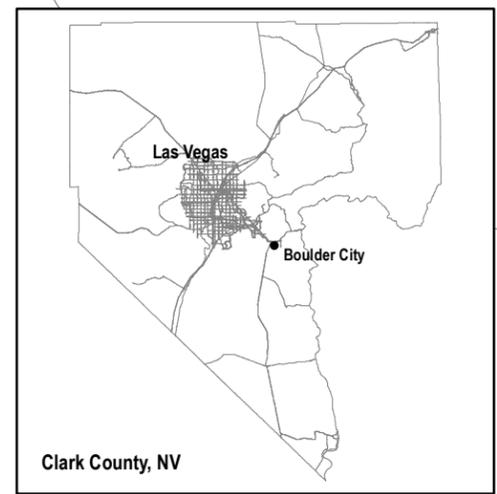
1 inch = 0.6 miles

THIS MAP IS FOR GRAPHIC USE ONLY AND DOES NOT REPRESENT A SURVEY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA DELINEATED HEREON.

DATA SOURCES:  
CLARK COUNTY REGIONAL FLOOD CONTROL DISTRICT  
CLARK COUNTY GISMO  
FEMA

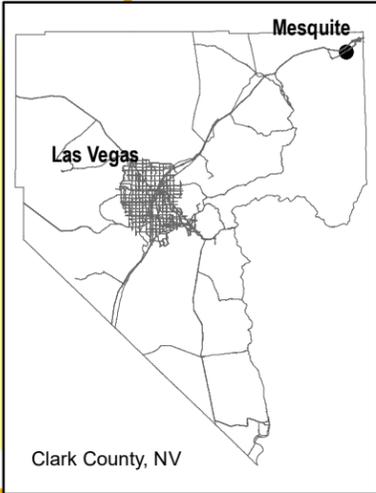
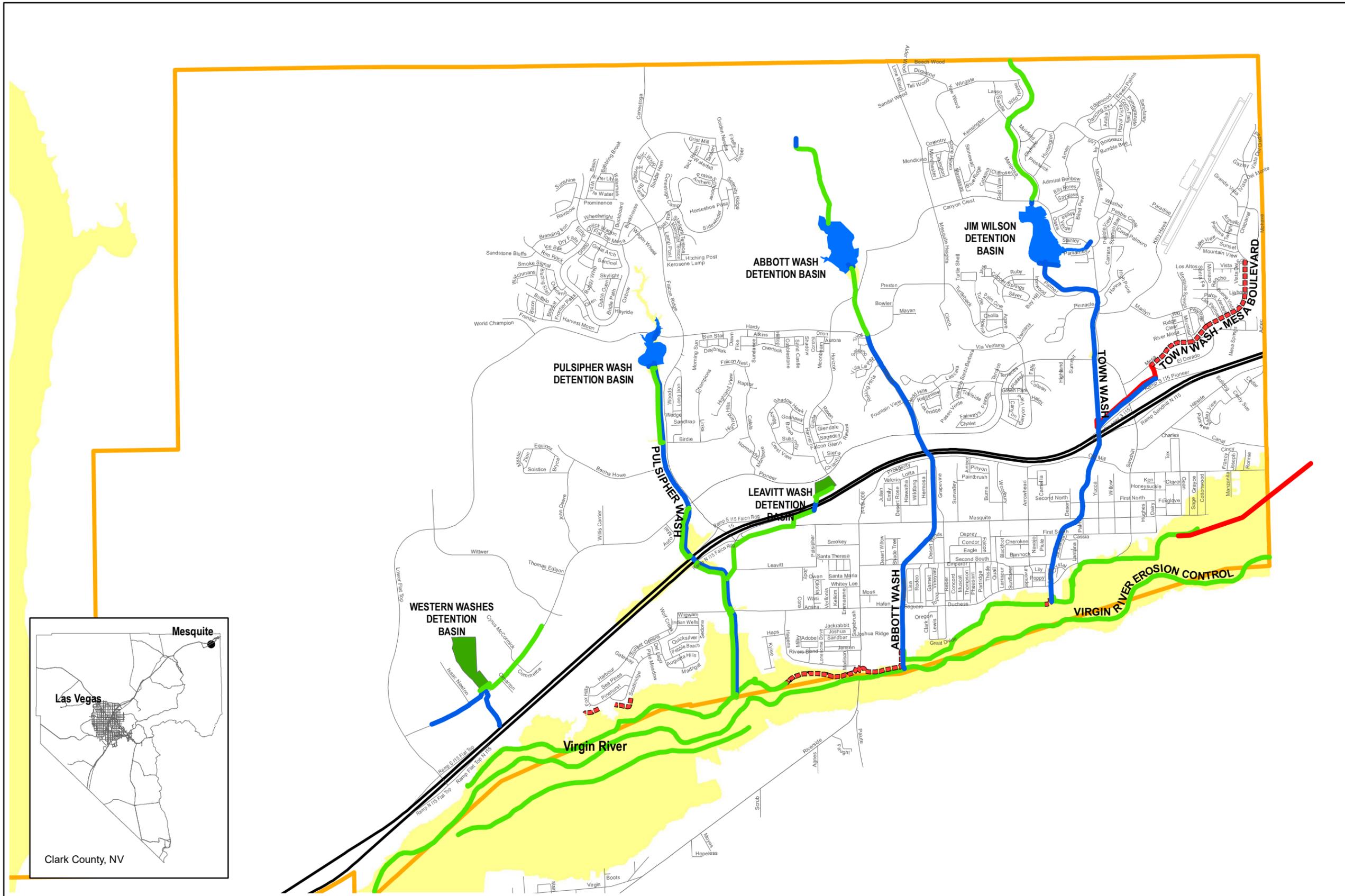
FLOOD INSURANCE (FIRM) INFORMATION:  
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October 2018



**Figure 3**

# TEN-YEAR CONSTRUCTION PROGRAM MESQUITE PLANNING AREA



**LEGEND**

**Conveyances STATUS**

- Completed
- Under Construction
- Proposed
- Ten Year - 1st Five
- Ten Year - 2nd Five

**Detention Basins STATUS**

- Completed
- Under Construction
- EFS
- Proposed
- Ten Year - 1st Five
- Ten Year - 2nd Five

**100 Year Flood Zones**

- 100-Year Flood Zone
- City of Mesquite Boundary



1 inch = 0.6 miles

THIS MAP IS FOR GRAPHIC USE ONLY AND DOES NOT REPRESENT A SURVEY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA DELINEATED HEREON.

DATA SOURCES:  
CLARK COUNTY REGIONAL FLOOD CONTROL DISTRICT  
CLARK COUNTY GISMO  
FEMA

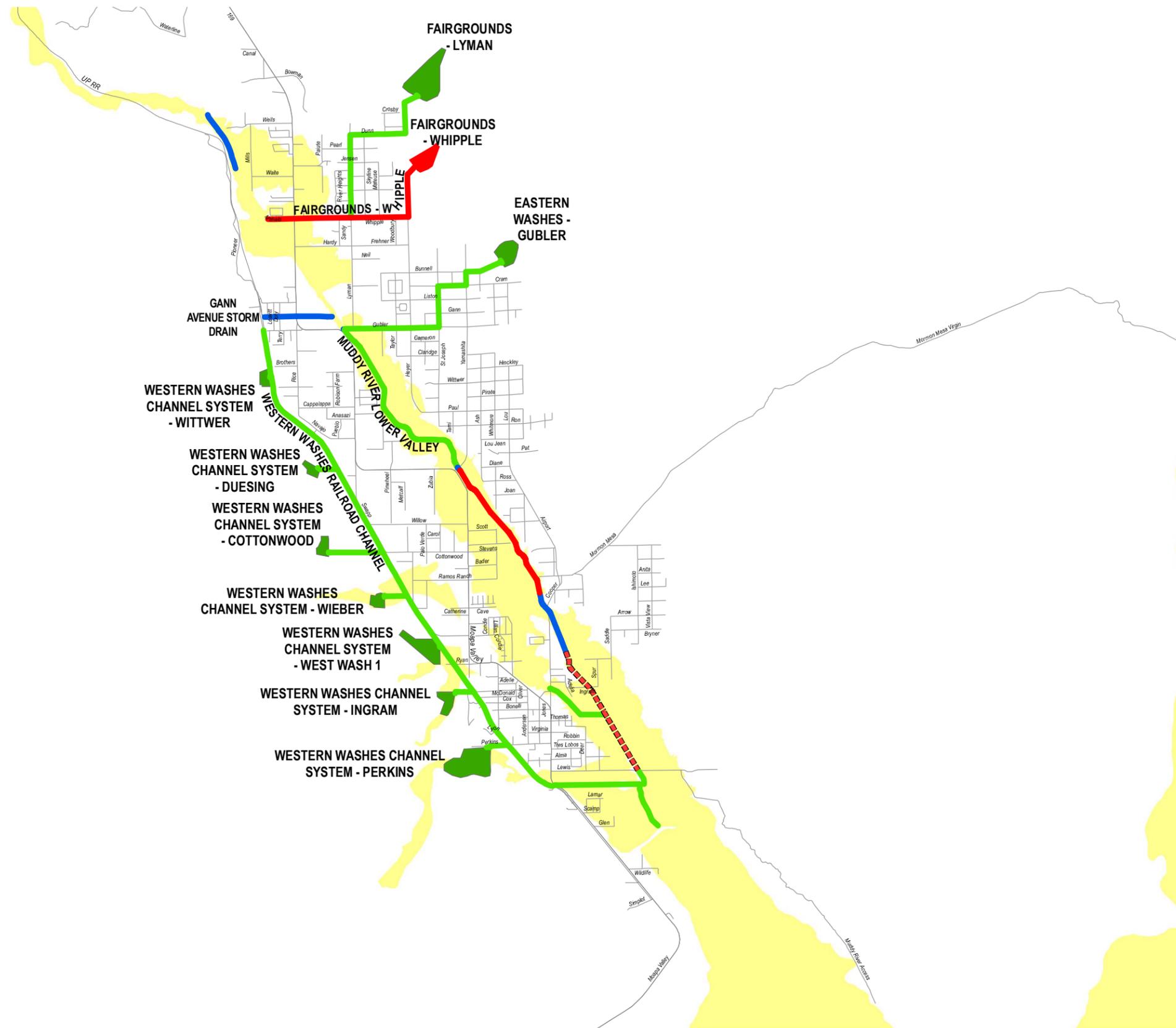
FLOOD INSURANCE (FIRM) INFORMATION:  
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October 2018



Figure 4

# TEN-YEAR CONSTRUCTION PROGRAM MUDDY RIVER PLANNING AREA



**LEGEND**

**Conveyances STATUS**

- Completed
- Under Construction
- EFS
- Proposed
- Ten Year - 1st Five
- Ten Year - 2nd Five

**Detention Basins STATUS**

- Completed
- Under Construction
- EFS
- Proposed
- Ten Year - 1st Five
- Ten Year - 2nd Five

**100 Year Flood Zones**

- 100-Year Flood Zone



1 inch = 1.02 miles

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DATA SOURCES:  
CLARK COUNTY REGIONAL FLOOD CONTROL DISTRICT  
CLARK COUNTY GISMO  
FEMA

FLOOD INSURANCE FIRM INFORMATION:  
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October 2018



**Figure 5**