



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: June 8, 2022

EXPIRES: June 8, 2027

The U.S. Army Corps of Engineers (Corps), Sacramento District, hereby issues Regional General Permit #6 for activities involving structures or work in or affecting navigable waters of the United States and the discharge of dredged or fill material into waters of the United States, including wetlands, for the U.S. National Park Service (NPS) Categorically Excluded (CE) activities in Glen Canyon and Lake Mead National Recreation Areas (NRAs).

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 and/or Section 404 of the Clean Water Act.

LOCATION: All waters of the United States in the Glen Canyon and Lake Mead NRAs, including Coconino and Mohave Counties in Arizona; Garfield, Kane, and San Juan Counties in Utah; and Clark County in Nevada.

ACTIVITIES COVERED: This RGP authorizes temporary and permanent structures or work in or affecting navigable waters of the United States (Lake Mead, Mohave, or Powell) and temporary and permanent discharges of dredged and/or fill material into waters of the United States within the Lake Mead and Glen Canyon National Recreation Areas. Activities authorized include those activities which are listed as Categorically Excluded under the National Environmental Policy Act, by the U.S. Department of Interior, Departmental Manual 516 (516 DM), Chapter 2, Appendix 1, and Chapter 12, which meet the terms and conditions below.

TERMS OF AUTHORIZATION:

1. **Avoidance and Minimization:** Activities must be designed and constructed to minimize adverse effects to waters of the U.S. to the maximum extent practicable.

2. Compensatory Mitigation: Compensatory mitigation may be required for permanent or temporary discharges of dredged or fill material that convert waters of the United States to non-waters of the U.S.
3. Dewatering Activities: Discharges of dredged or fill material into waters of the U.S. shall, to the extent practicable, be conducted when the work area is dewatered.
4. Thresholds: Loss of waters of the U.S., including the loss of streambed, shall be determined using the definition in Section F of the March 15, 2021, Federal Register Notice for Reissuance and Modification of Nationwide Permits; Final Rule (86 FR 2744), which can be found at: <https://www.federalregister.gov/documents/2021/01/13/2021-00102/reissuance-andmodification-of-nationwide-permits>.
 - a. For activities below the OHWM of Lakes Powell, Mead and Mohave, the activity shall not cause a loss of more than 1-acre of water of the United States.
 - b. For activities in wetlands, the activity shall not cause a loss of more than 0.5 acre.
5. Section 401 Water Quality Certification: A general Section 401 water quality certification (401 WQC) has been issued for this RGP (see General Condition 4). If you determine you cannot comply with all the conditions of the 401 WQC for this permit, then you must obtain an individual 401 WQC or waiver thereof. If the certifying authority issues an individual 401 WQC for the proposed discharge, you must submit a copy of the certification to this office. The discharge is not authorized until this office has notified you that the 401 WQC requirement has been satisfied by the issuance of an individual 401 WQC or a waiver.

GENERAL CONDITIONS:

1. Pre-construction Notification is required for the following activities:
 - a. Activities in special aquatic sites, including wetlands and springs.
 - b. Discharges of dredged and/or fill material in waters of the U.S. exceeding 0.5 acre.
 - c. Permanent extension and/or expansion of existing boat launch ramps over 60 feet wide.
 - d. Channel relocation or realignment of perennial, intermittent, or ephemeral waters of the United States.
2. The NPS will submit annual post notification reports by December 15th of each year. These reports will detail project name, description, location, loss of waters of U.S. in acreage, and aquatic resource type.
3. If any previously unknown historic or archeological remains are discovered while accomplishing any activity authorized by this permit, work must stop and NPS must immediately notify the Corps. 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.

4. The NPS 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 NPS 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.
5. In all activities resulting in temporary fill within waters of the United States, the NPS 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.
6. For projects that require submittal of a PCN: within 30 days of completing work that was authorized by a PCN, a written statement signed by the NPS shall be submitted to the Utah Regulatory Office certifying that the work has been completed in accordance with the terms and conditions of this permit.
7. For projects that require submittal of a PCN: Within 90 days following completion of construction activities, the NPS 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 Utah Regulatory Office prior to impacts.
8. The NPS or their contractor 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 NPS shall maintain such identification properly until construction is completed, and the soils have been stabilized. The NPS 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 NPS 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 NPS 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 NPS 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 NPS 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. 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 NPS 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. Any activity authorized by this RGP shall be maintain 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 activity or its operation, authorized by this RGP, 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 RPG #6 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 Corps’ federal action (permit).

16. The States of Arizona, Utah, and Nevada are responsible for issuing a 401 Water Quality Certification, or waiver thereof, for the proposed RGP #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 RGP.

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. In accordance with General Condition 1, you shall submit an electronic PCN to this office consisting of a written request for verification under this RGP. Electronic submittal of the PCN should be sent to: SPKRegulatoryMailbox@usace.army.mil. The PCN must contain the following information to be considered complete:
 - a. Total area of waters of the United States to be directly and indirectly affected by work and/or the discharge of dredged and/or fill material, including temporary and/or permanent discharges of dredged or fill material in waters of the U.S.
 - 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 in waters of the U.S.;
 - e. 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. Aquatic resources should be delineated using *A Field Guide to the Identification of the Ordinary High Water Mark (OHWM) in the Arid West Region of the Western United States and Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0)*. 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 Map and Drawing Standards for the Sacramento District Regulatory Division, (available on the

Sacramento District Regulatory Division website at:

<https://www.spd.usace.army.mil/Missions/Regulatory/Public-Notices-and-References/Article/651327/updated-map-and-drawing-standards>

- f. Dewatering plan, if applicable;
 - g. Proposed construction schedule;
 - h. Any other information pertinent to the stream channel or wash involved;
 - i. A list of all other permits and authorizations as required by law, ordinance, or regulation;
 - j. 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.
 - k. For all temporary fills, the PCN shall include a description of the proposed temporary fill, and the proposed plan for restoration of the temporary fill area to pre-project contours and conditions. In addition, the PCN shall include the reason(s) why avoidance of temporary impacts is not practicable.
 - l. Documentation demonstrating compliance with Section 106 of the National Historic Preservation Act.
3. Once the Utah Regulatory Office receives a complete request for verification, the Corp will confirm receipt of a complete application within five (5) working days. If the request for verification is not complete, then the Corps will request additional information within 15 working days.
 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 PCN, 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.

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).
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.
 - b. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
 - c. Design or construction deficiencies associated with the permitted work.
 - d. Damage claims associated with any future modification, suspension, or revocation of this permit.
4. Reliance on Applicant's Data. The determination of the Utah Regulatory 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 June 7, 2027. 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 requiring a PCN under this permit must be verified in writing by the Corps. Verifications are valid until the permit expires.

CONTACTS AND ADDITIONAL INFORMATION:

Utah Regulatory Office
 US Army Corps of Engineers
 Sacramento District
 533 West 2600 South, Suite 150
 Bountiful, Utah 84010
 Phone: 801-295-8380
<https://www.spk.usace.army.mil/Missions/Regulatory.aspx>

ATTACHMENTS: List of Included Activities, 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.

08 June 2022

 Michael S. Jewell
 Chief, Regulatory Division

 Date