



**U.S. Army Corps
Of Engineers**
Norfolk District

Fort Norfolk, 803 Front Street
Norfolk, Virginia 23510-1096

**CENAO-REG
13-RP-22**

REGIONAL PERMIT

Effective date: August 14, 2013

Expiration Date: August 14, 2018

I. AUTHORITIES:

13-RP-22, Regional Permit 22 (RP), authorizes the following activities within the Virginia portion of Lake Gaston, subject to strict compliance with all conditions and limitations further set out herein:

1. Construction of piers, boat docks, boat ramps and boathouses using materials commonly acceptable for their construction such as unsinkable flotation materials, pressure treated lumber, pilings, and concrete.
2. Construction and backfilling of bulkheads and placement of riprap or appropriate bioengineering technique along eroding shorelines for shoreline stabilization and erosion control.
3. Excavation of boat slips and channels (channelward of the normal high pool elevation) for recreational boating.
4. Installation of submerged and aerial power lines and utility lines where U. S. Coast Guard requirements for aerial lines are met and where bottom elevations are restored to pre-project contours for submerged lines.

The people of Mecklenburg and Brunswick Counties, Virginia are hereby authorized by the Secretary of the Army and the Chief of Engineers pursuant to Section 10 of the Rivers and Harbors Act of March 3, 1989 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C.1344) to perform certain work within the Virginia portion of Lake Gaston as described herein.

Activities authorized under this RP do not require further authorization unless the District Engineer determines that overriding national factors of the public interest would require an individual permit (in accordance with 33 CFR 325) for a particular project that might generally qualify for this RP. This RP covers only those activities that strictly comply with all of the descriptions, general and special conditions set out below. Any work that does not comply with the following conditions, standards and limitations does not qualify for this RP and will require separate Department of the Army authorization.

This RP does not obviate the need for any approvals which may be required under law or regulations administered by the Federal Energy Regulatory Commission (FERC) or by the FERC licenses.

II. STATE APPROVALS:

1. The State Water Control Board provided unconditional §401 Water Quality Certification for the 13-RP-22. Therefore, the activities that qualify for this RP meet the requirements of Department of Environmental Quality's (DEQ) Virginia Water Protection Permit Regulation, provided that the permittee abides by the terms and conditions of 13-RP-22.
2. Authorizations under this RP do not supersede state or local government authority or responsibilities pursuant to any State or local laws or regulations.

III. PROCEDURES:

For Activities #1 and #2 on Page 1:

Written confirmation from the Norfolk District Corps of Engineers Regulatory Branch is not required for Activities #1 and #2. These activities are non-reporting for the Corps of Engineers provided that the applicant obtains a valid permit from Dominion North Carolina Power. After Dominion North Carolina Power issues their permit, they will submit monthly reports to the Norfolk District Corps of Engineers Regulatory Branch.

For Activities #3 and #4 on Page 1:

Prospective permittees (permittees or applicant) must notify the Corps' District Engineer, via the submission of a Joint Permit Application (JPA), and must receive written notification from the Corps acknowledging that the project satisfies the criteria of the Regional Permit. **No work is authorized until the Corps issues such permit verification.** A JPA can be obtained by writing to the District at the above address or telephoning (757) 201-7652. With internet access, an application may also be obtained by downloading a copy at the following link:

<http://www.nao.usace.army.mil/technical%20services/Regulatory%20branch/JPA.asp>

A permittee's notification to the District Engineer for Activities #3 and #4 must also include the following information:

- a. Name, address and telephone number of prospective permittee;
- b. Lot number, street address and directions to the project location;
- c. Location of the proposed project, including a vicinity map;
- d. Brief description of the proposed project;
- e. A plan view of the proposed project including dimensions, and;
- f. Location, and design, if applicable, of the disposal area for any excavated material.

In order to obtain authorization for any of the activities covered by this RP, the applicant must submit to the Corps of Engineers a copy of the North Carolina Power Construction and Use Agreement and drawings as required by the Reservoir Supervisor. If the proposed activity

qualifies for this RP, the Corps will send the applicant a letter acknowledging that the project qualifies for the RP and stating that the applicant must also first obtain proper approval from the Reservoir Supervisor before the proposed work may begin. The mailing addresses for the Corps and the Reservoir Supervisor are as follows:

US Army Corps of Engineers
Ms. Chelsea Bowman
Norfolk District, Regulatory Branch
803 Front Street
Norfolk, Virginia 23510
Phone: (757) 201-7060
Email: Chelsea.B. Bowman@usace.army.mil

Reservoir Supervisor
Dominion North Carolina Power
100 Oakwood Avenue
Roanoke Rapids, North Carolina 27870
Phone: (252) 535-6164

The permittee must maintain any structure or work authorized under 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 structure or work. When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. Transfer in fee simple of the work authorized by this permit will automatically transfer the authorization contained herein. The permittee must inform any subsequent owner of all activities undertaken under the authority of this permit and provide the subsequent owner with a copy of the terms and conditions of this permit.

TO QUALIFY FOR THIS REGIONAL PERMIT, THE ABOVE ACTIVITIES MUST SATISFY ALL OF THE SPECIAL AND GENERAL CONDITIONS LISTED BELOW:

IV. SPECIAL CONDITIONS:

1. For construction of piers, boat docks, boat ramps and boathouses:
 - a. For all floating facilities, flotation units shall be constructed of materials which will not become waterlogged or sink when punctured. Floating piers or boathouses are not permitted in or over vegetated wetland areas.
 - b. The permittee must install and maintain, at his expense, any safety lights and signals prescribed by the United States Coast Guard (USCG), through regulations or otherwise, on the authorized facilities. The USCG may be reached at the following address and telephone number: Commander (oan), Fifth Coast Guard District, Federal Building, 431 Crawford Street, Portsmouth, Virginia 23704-5004, telephone number (757) 398-6230.
 - c. The permittee hereby acknowledges and recognizes the possibility that the structures permitted herein may be subject to damage by waves caused by passing vessels. The issuance of this RP does not relieve the permittee from taking all proper steps to ensure the integrity of the structure permitted herein and to safeguard the safety of boats moored thereto from damage by waves. The permittee hereby acknowledges that the U.S. has no

liability of any kind for any such damage and agrees that it shall not seek to hold the United States liable or involve the U.S. in any actions or claims regarding such damages.

- d. The pouring of concrete for the construction of boat ramps must be accomplished within a temporary cofferdam unless the activity can be performed completely in the dry, such as during lake drawdown periods. The introduction of uncured concrete into surface waters is prohibited. Cofferdams left in place after construction is completed require a Section 10 permit if located in navigable waters of the United States.
 - e. Piers may not extend more than one-fourth of the distance across the open water measured from ordinary low water or the channelward edge of the wetlands. Those proposed piers that will extend more than 300 feet from ordinary high water do not qualify for this RP, but may qualify for the Norfolk District's 08-RP-18.
 - f. Waters containing Submerged Aquatic Vegetation (SAV) Beds and/or other Aquatic Vegetation: Notification is required if work will occur in areas that contain SAV or other aquatic vegetation. Additional avoidance and minimization measures, such as relocating a structure or time of year restrictions may be required to reduce impacts to aquatic vegetation.
 - g. A pier may be constructed in and over wetland areas to allow access. Such piers shall be attached to the upland at a point landward of ordinary high water. All piers that cross wetland vegetation shall be an open-pile design, up to five (5) feet wide and have minimum elevation of at least four (4) feet between the decking and the wetland substrate. The required 4-foot elevation must be achieved at or above the ordinary high water mark.
2. For construction of bulkheads and backfill and placement of riprap:
- a. The structure alignments shall not extend farther than an average of 2 feet channelward of the normal high pool elevation. Under this RP, no portion of the structure shall extend farther than five (5) feet from the normal high pool elevation or exceed a total length of 500 feet along the shoreline.
 - b. All structures must be placed as closely to the shoreline as is practicable. No material may be placed in excess of the minimum necessary for erosion protection.
 - c. The project must be necessary to combat an existing erosion problem.
 - d. The total amount of vegetated wetlands which may be filled, in square feet, cannot exceed the length of the activity along the shoreline in linear feet (e.g. 100 square feet maximum for a 100-foot-long bulkhead.)
 - e. All backfill material will be obtained from an upland source and confined landward of the permitted structure. The temporary placement or double-handling of excavated or fill material channelward of the normal high pool elevation is not authorized by this regional permit.

- f. Riprap material must consist of clean rock or masonry materials. The use of metal products, organic materials, petroleum-based materials, or unsightly debris is prohibited.
3. For excavation of boat slips and channels:
 - a. All dredging will be limited to channelward of the normal high pool elevation. All dredged areas are to connect to existing lake bottom contours. Dead end canals are not be permitted under this regional permit.
 - b. All excavated materials must be removed entirely to uplands and/or retained behind suitable retention structures to prevent their reentering the water and creating excess turbidity. The temporary placement or double-handling of excavated or fill material channelward of the normal high pool elevation is not authorized by this regional permit.
 4. For installation of submerged and aerial power lines and utility lines:

Submerged utility lines and associated dredging or excavation:

- a. No submerged utility line installation which involves either temporary or permanent stream rechannelization is authorized by this regional permit. Such work does not qualify for this RP and will require an individual Department of the Army permit.
- b. Utility lines should be routed to avoid disturbance to vegetated wetlands. Wetlands unavoidably impacted during the installation of the pipeline must be restored to their preconstruction contours and seeded or sprigged with appropriate native wetland vegetation upon completion of construction activities.
- c. The pouring of concrete for backfill of utility line trenches must be accomplished within a temporary cofferdam unless the activity can be performed completely in the dry, such as during lake drawdown periods. The introduction of uncured concrete into surface waters is prohibited. Cofferdams left in place after construction is completed require a section 10 permit if located in navigable waters of the United States.
- d. Note that the discharge of material for backfill or bedding, or the construction of footings may require separate authorization from the Corps.
- e. For linear pipeline projects, the applicant must supply the U. S. Fish and Wildlife Service with information concerning the intended route of the entire project so that they may, if necessary, exercise their authority under Section 9 of the Endangered Species Act.

Aerial transmission lines and other overhead lines:

- a. The following minimum clearances are required for aerial electric power transmission lines crossing navigable waters of the United States. These clearances are related to the clearances over the navigable channel provided by existing fixed bridges, or the clearances which would be required by the U.S. Coast Guard for new fixed bridges, in the vicinity of the

proposed power line crossing. The clearances are based on the low point of the line under conditions which produce the greatest sag, taking into consideration temperature, load, wind, length of span, and type of supports as outlined in the National Electrical Safety Code.

Minimum additional clearance above clearance required for bridges

Nominal system voltage (kilovolt): Feet	
115 and below.....	20
138.....	22
161.....	24
230.....	26
350.....	30
500.....	35
700.....	42
750 to 765.....	45

- b. The minimum clearance for aerial communication lines and any other lines not transmitting electrical power will be a minimum of ten feet above the clearance required for bridges in the vicinity. Overhead lines which require fill may need separate authorization from the Corps. Projects which require dredging for construction access will not qualify for this regional permit.
- c. For linear aerial transmission line projects, the applicant must supply the U. S. Fish and Wildlife Service with information concerning the intended route of the entire project so that they may, if necessary, exercise their authority under Section 9 of the Endangered Species Act.
- d. The Federal Aviation Administration has responsibility for the marking of aerial transmission lines. Therefore, for those projects involving such work, an appropriate application should be submitted to the Federal Aviation Administration Eastern Regional Office, Air Traffic Division, JFK International Airport Federal Building, Jamaica, New York 11430 (Telephone 212-995-3390).

V. GENERAL CONDITIONS:

The following conditions apply to all activities authorized under Regional General Permits (RP).

- 1. **Geographic jurisdiction.** This regional permit will authorize work undertaken within the geographical limits of the Commonwealth of Virginia under the regulatory jurisdiction of the U.S. Army Corps of Engineers (Corps).
- 2. **Compliance Certification.** A Certificate of Compliance must be completed and a copy retained for your records. The original Certificate of Compliance shall be mailed to, U. S. Army Corps of Engineers, Regulatory Branch, 803 Front Street, Norfolk, Virginia 23510-1096 within 30 days of completion of the project.
- 3. **Other permits.** Authorization does not obviate the need to obtain other Federal, state, or local authorizations required by law or to comply with all Federal, state, or local laws.

4. **Minimal effects.** Projects authorized shall have no more than minimal individual or cumulative adverse environmental impacts, as determined by the Corps.
5. **Discretionary authority.** The Norfolk District Corps of Engineers District Engineer retains discretionary authority to require processing of an individual permit based on concerns for the aquatic environment or for any other factor of the public interest (33 CFR Part 320.4(a)). This authority is exercised on a case-by-case basis.
6. **Single and complete projects.** This permit shall only be applied to single and complete projects. A single and complete project means the total project proposed or accomplished by one owner/developer or partnership and which has independent utility. For linear transportation projects with multiple crossings or encroachments a determination of "single and complete" will typically apply to each crossing of waters that occurs (i.e., single waterbody and/or wetlands) at separate and distinct locations and with independent utility. However, in cases where there are many crossings in close proximity, numerous crossings of the same waterbody, multiple crossings, or multiple encroachments that otherwise may have more than minimal individual or cumulative impacts; the Corps has the discretion to consider all the crossings cumulatively as one single and complete project.
7. **Independent Utility** A project is considered to have independent utility if it would be constructed absent the construction of other projects in the project area. Portions of a multi-phase project that depend upon other phases of the project do not have independent utility. Phases of a project that would be constructed even if the other phases were not built can be considered as single and complete projects with independent utility.
8. **Multiple general permit authorizations.** This Regional Permit may be combined with any Corps general permits (including Nationwide (NWP) or Regional Permits (RP) for a single and complete project, as long as the impacts are considered cumulatively and do not exceed the acreage limit or linear foot limits of the RP/ NWP.
9. **Permit on-site.** The permittee shall ensure that a copy of the RP and the accompanying authorization letter are at the work site at all times. These copies must be made available to any regulatory representative upon request. Although the permittee may assign various aspects of the work to different contractors or sub-contractors, all contractors and sub-contractors shall be expected to comply with all conditions of any general permit authorization.

General Conditions Related to National Concerns:

10. **Historic properties.** (a) In cases where it is determined that the activity may affect properties listed, or eligible for listing on the National Register of Historic Places, the activity is not authorized until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied. (b) Federal permittees should follow their own procedures for complying with the requirements of Section 106 of the National Historic Preservation Act. Federal permittees must provide the Corps with the appropriate documentation to demonstrate compliance with those requirements. The Corps will review the documentation and determine whether it is sufficient to address Section 106 compliance for the RP activity, or whether additional Section 106 consultation is necessary. (c) Non-federal permittees must submit a statement to the Corps regarding the authorized activity's potential to cause effects to any historic properties listed, or determined to be eligible for listing on the National Register of Historic Places, including previously unidentified

properties. The statement must say which historic properties may be affected by the proposed work or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location or potential for the presence of historic resources can be sought from the Virginia Department of Historic Resources (VDHR) (<http://www.dhr.virginia.gov/>) or Tribal Historic Preservation Officer (THPO), as appropriate, and the National Register of Historic Places. Where an applicant has identified historic properties which the proposed activity may have the potential to affect, the applicant shall not begin the activity until notified by the Corps that the activity has no potential to cause effects or that consultation under Section 106 of the NHPA has been completed. (d) Prospective permittees should be aware that Section 110(k) of the NHPA (16 U.S.C. § 470(h)-2(k)) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of Section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effects created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, explaining the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/ THPO, appropriate Indian tribes if the undertaking occurs on or affect historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have legitimate interest in the impacts to the permitted activity on historic properties.

11. **Discovery of Previously Unknown Remains and Artifacts.** If you discover any previously unknown historic, cultural, or archaeological remains and artifacts while accomplishing activity authorized by this permit, you must immediately stop work and notify the Corps of what has been found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The Corps will initiate Federal, Tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
12. **Tribal rights.** No activity authorized may impair reserved tribal rights, including, but not limited to, reserved water rights, treaty fishing, and hunting rights.
13. **Federal Lands.** Authorized activities shall not impinge upon the value of any National Wildlife Refuge, National Forest, National Park, or any other area administered by the U.S. Fish and Wildlife Service, U.S. Forest Service, or National Park Service unless approval from the applicable land management agency is provided with the permit application.
14. **Endangered species.** (a) No activity is authorized under any RP 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 any RP which “may affect” a listed species or critical habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed; (b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. Federal permittees must provide the District Engineer with the

appropriate documentation to demonstrate compliance with those requirements. (c) Non-federal permittees shall notify the District Engineer if any proposed or listed species or proposed or designated critical habitat may be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, and shall not begin work on the activity until notified by the District Engineer that the requirements of the ESA have been satisfied and that the activity is authorized. Information on the location proposed/listed species and proposed/designated critical habitat can be obtained directly from the U.S. Fish and Wildlife (USFWS) online project review process at

http://www.fws.gov/northeast/virginiafield/endspecies/Project_Reviews.html and/or the NOAA Fisheries Service Protected Resources Division (NOAA PRD), at 55 Great Republic Drive, Gloucester, MA 01930 or via telephone at (978) 281-9328, email:

<http://www.nero.noaa.gov/protected/index.html>. Notification must include the name(s) of the proposed or listed species and/or proposed or designated critical habitat that may be affected by the proposed work or that utilize the designated critical habitat that may be affected by the proposed work. The District Engineer will determine whether the proposed activity "may affect" or will have "no effect" to proposed or listed species or proposed or designated critical habitat and will notify the non-Federal applicant of the Corps' determination within 45 days of receipt of a complete notification. In cases where the non-Federal applicant has identified proposed or listed species or proposed or designated critical habitat that might be affected or is in the vicinity of the project, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification that the proposed activities will have "no effect" on proposed or listed species or proposed or designated critical habitat, or until Section 7 consultation has been completed. (d) As a result of formal or informal consultation with the USFWS or NOAA PRD the District Engineer may add species-specific regional endangered species conditions to the RP. (e)

Authorization of an activity by a RP does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the USFWS or NOAA PRD, both lethal and non-lethal "take" of protected species are in violation of the ESA.

15. **Essential Fish Habitat.** The Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA), as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-297; 11 October 1996), requires all Federal agencies to consult with the NOAA Fisheries Service Habitat Conservation Division (NOAA HCD) on all actions, or proposed actions, authorized, funded, or undertaken by the agency that may adversely affect Essential Fish Habitat (EFH). The EFH Designations within the Northeast Region (Maine to Virginia), dated March 1, 1999, has identified EFH for a number of species and their life stages within Virginia waters. If EFH consultation is required with NOAA HCD, the applicant shall not begin work until the Corps has provided notification that the EFH consultation has concluded.
16. **Migratory Birds and Bald and Golden Eagle Protection Act.** The bald eagle (*Haliaeetus leucocephalus*) is no longer a federally listed threatened or endangered species; therefore, the Endangered Species Act provisions are not applicable to this species. The Bald and Golden Eagle Protection Act (BGEPA) does not require that a federal agency involved in permitting the proposed action conduct coordination. 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 BGEPA. The applicant should either obtain “take” permit or a letter of concurrence from USFWS indicating that a permit is not necessary prior to initiating construction activities. You should contact USFWS concerning this matter at U.S. Fish and Wildlife Service, Virginia Field Office, ATTN: Kim Smith, 6669 Short Lane, Gloucester, VA 23061. Information on active bald eagle nests and concentration areas can be obtained in Step 6 of the U.S. Fish and Wildlife Service’s online project review system available at:

http://www.fws.gov/northeast/virginiafield/endspecies/Project_Reviews_Introduction.html.

17. **Wild and Scenic Rivers.** Currently, there are no designated Wild and Scenic Rivers in the Commonwealth of Virginia; however, the portion of the Upper New River from Glen Lyn, Virginia to the West Virginia/Virginia state line was designated a “study river” by Congress on October 26, 1992. No activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system, while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river has determined, in writing, that the proposed activity will not adversely affect the Wild and Scenic River designation or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency in the area (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service). Impacts that occur in these resource areas will require coordination with the appropriate Federal agency.
18. **Federal navigation project.** Authorized activities may not interfere with any existing or proposed Federal navigation projects.
19. **Navigation.** (a) No authorized activity may cause more than a minimal adverse effect on navigation. (b) 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/her 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, 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.
20. **Floodplains.** All practicable efforts shall be made to conduct the work authorized by this RP in a manner so as to avoid any adverse impact on the Federal Emergency Management Agency (FEMA) designated 100-year floodplain.
21. **Real estate.** Activities authorized under this RP do not grant any Corps or Federal real estate rights. If real estate rights are needed from the Corps, you must contact the Corps Real Estate Office at (757) 201-7735 or at the address listed on the front page of this permit.
22. **Environmental Justice.** Activities authorized under this RP must comply with Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations”.
23. **Federal liability.** In issuing this RP, 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 RP; (d) design or construction deficiencies associated with the permitted work; (e) damage claims associated with any future modification, suspension, or revocation of this permit.

General Conditions Related to Minimizing Environmental Impacts:

24. **Avoidance and minimization.** Except as provided under section 404(b)(2), no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences. (40 CFR Part 230.10(a) Section 404 (b)(1) Guidelines).
25. **Mitigation.** Mitigation in all its forms (avoiding, minimizing, or compensating for resource losses) may be required to the extent necessary to ensure that the adverse effects to the aquatic environment are minimal. The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site)."
26. **Heavy equipment in wetlands.** Heavy equipment working in wetlands must be placed on mats or other measures must be taken to minimize soil disturbance.
27. **Temporary fills.** All temporarily disturbed waters and wetlands must be restored to preconstruction contours within 6 months of commencing the temporary impact's construction. Impacts that will not be restored within 6 months (calculated from the start of the temporary impacts construction) will be considered permanent unless otherwise approved by the RP. Following restoration of contours, the soil in wetlands must be mechanically loosened to a depth of 12 inches, and the wetlands must then be seeded or sprigged with appropriate native wetland vegetation.
28. **Sedimentation and erosion control.** Appropriate erosion and sediment controls must be employed and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark, must be permanently stabilized at the earliest practicable date.
29. **Aquatic life movements.** No authorized activities may substantially disrupt the necessary life cycle movements of aquatic life indigenous to the waterbody, including those species which normally migrate through the area, unless the activity's primary purpose is to impound water. The Corps has determined that fish and wildlife are most often present in any stream being crossed, in the absence of evidence to the contrary. All permanent and temporary crossings of water bodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species. This includes providing invert elevations of culverts at or below the streambed to ensure unrestricted passage of aquatic organisms, where possible.
30. **Discharge of pollutants.** All authorized activities involving any discharge of pollutants into waters of the United States shall be consistent with applicable water quality standards, effluent limitations, standards of performance, prohibitions, and pretreatment standards and management practices established pursuant to the CWA (33 U.S.C. § 1251 *et seq.*) and applicable state and local laws. No discharge of dredged or fill material in association with this authorization may consist of unsuitable material such as trash, debris, car bodies, asphalt, etc.

31. **Obstruction of high flows.** Discharges of dredged or fill material must not permanently restrict or impede the passage of normal or expected high flows.
32. **Waterbird breeding areas.** Discharges of dredged or fill material into breeding areas for migratory waterfowl must be avoided to the maximum extent practicable.
33. **Native trout and anadromous fishes.** Authorizations for discharges of dredged or fill material into native trout waters or anadromous fish use areas will be conditioned to limit in-stream work within timeframes recommended by the DGIF and/or NOAA Fisheries Service. Coordination with DGIF and/or NOAA Fisheries Service will be conducted by the Corps. The applicant shall not begin work until notification is received that all coordination has been completed and/or the Corps has provided the applicant with the appropriate time of year restrictions regarding work in native trout waters or anadromous fish use areas.
34. **Water supply intakes.** No discharge of dredged or fill material may occur in the proximity of a public water supply intake except where the discharge is for adjacent bank stabilization and/or the Corps has provided specific authorization under this permit.

General Procedural Conditions:

35. **Inspections.** A copy of this permit and any verification letter must be provided to the contractor and made available at the project site to any regulatory representative. The permittee understands and agrees that the Corps are permitted and allowed to make periodic inspections at any time the Corps deems necessary in order to assure that the activities being performed under authority of this permit are in accordance with the terms and conditions prescribed herein. The Corps reserves the right to require post-construction engineering drawings and/or surveys of any work authorized under this RP, as deemed necessary on a case-by-case basis.
36. **Maintenance.** The permittee shall maintain the work authorized herein in good condition and in conformance with all terms and conditions of this permit. All fills shall be properly maintained to ensure public safety.
37. **Property rights.** This General Permit does not convey any property rights, either in real estate or material, or convey any exclusive privileges, nor does it authorize any injury to property or invasion of rights or any infringement of Federal, state, or local laws or regulations.
38. **Modification, suspension, and revocation.** This RP may be either modified, suspended, or revoked in whole or in part pursuant to the policies and procedures of 33 CFR Part 325.7. Any such action shall not be the basis for any claim for damages against the United States.
39. **Restoration directive.** The permittee, upon receipt of a restoration directive, shall restore the waters of the United States to their former conditions without expense to the United States and as directed by the Secretary of the Army or his/her authorized representative. If the permittee fails to comply with such a directive, the Secretary or his/her designee, may restore the waters of the United States to their former conditions, by contract or otherwise, and recover the cost from the permittee.
40. **Special conditions.** The Corps may impose other special conditions on a project authorized pursuant to this RP that are determined necessary to minimize adverse navigational and/or environmental effects or based on any other factor of the public interest. Failure to comply with all general conditions of the authorization, including special conditions, constitutes a

permit violation and may subject the permittee, or his/her contractor, to criminal, civil, or administrative penalties and/or restoration.

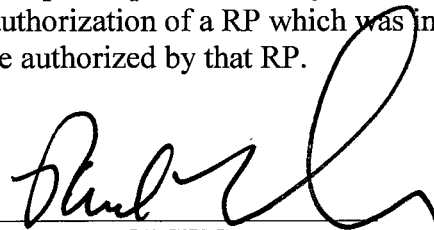
41. **False or incomplete information.** In granting authorization pursuant to this permit, the Corps has relied upon information and data provided by the permittee. If, subsequent to notification by the Corps that a project qualifies for this permit, such information and data prove to be materially false or materially incomplete, the authorization may be suspended or revoked, in whole or in part, and/or the United States may institute appropriate legal proceedings.
42. **Abandonment.** If the permittee decides to abandon the activity authorized under this RP, unless such abandonment is merely the transfer of property to a third party, he/she may be required to restore the area to the satisfaction of the Corps.
43. **Transfer of authorization.** In order to transfer authorization under this RP, the transferee or permittee must supply the Corps with a written and signed, by all appropriate parties, request to make such a transfer. Such transfer is not effective until written approval has been granted by the Corps.
44. **Binding effect.** The provisions of the permit authorization shall be binding on any assignee or successor in interest of the original permittee.

General Conditions Regarding Duration of Authorizations, Time Extensions for Authorizations, and Permit Expiration:

45. **Duration of Activity's Authorization.** Activities authorized under 13-RP-22 must be completed by August 14, 2018. If this RP is reissued at that time, and if this work has not been started or completed, but the project continues to meet the terms and conditions of the revalidated RP, then the project will continue to be authorized. The Corps will issue a special public notice announcing any changes to the Regional Permits when they occur; however, it is incumbent upon you to remain informed of changes to the RPs. Activities which have commenced (i.e., are under construction) or are under contract to commence in reliance upon this RP that do not meet the terms and conditions of the revalidated RP will remain authorized provided the activity is completed within twelve months of the date of this RP's expiration (i.e. August 14, 2019), unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization in accordance with 33 CFR Part 325.7(a-e). If work cannot be completed by August 14, 2019, you must reapply for separate permit authorization in order to meet current permit criteria.
46. **Expiration of 13-RGP-22.** Unless further modified, suspended, or revoked, this general permit will be in effect until August 14, 2018. Upon expiration, it may be considered for revalidation. Activities completed under the authorization of a RP which was in effect at the time the activity was completed continue to be authorized by that RP.

AUG 13 2013

Date



PAUL B. OLSEN
Colonel, Corps of Engineers
Commanding