

# GORDON CONSULTING INC.

---

## Marla Bay Static Rock Revetment Projects

## Application for 401 Certification by NDEP

### Project Description (applies to multiple properties)<sup>1,2</sup>

Supplemental information specific to each property will be included with individual applications

Address	APN
608 Lake Shore	1318-09-810-023
610 Lake Shore	1318-09-810-022
612 Lake Shore	1318-09-810-021
620 Lake Shore	1318-09-810-019
622 Lake Shore	1318-09-810-018
628 Lake Shore	1318-09-810-015
630 Lake Shore	1318-09-810-014

### **Project Purpose:**

In March 2024, heavy wind events and the erosion and offshore transport of approx. 3.5' depth of beach area in recent years, combined with consistently high lake levels, led to the collapse/damage of the frontage/existing revetments for numerous properties in Marla Bay, and erosion has continued since that time while parties have been working with the Tahoe Regional Planning Agency (TRPA) and others to determine a revetment design that will meet their requirements and obtain necessary approvals.

The proposed shoreline revetment includes three 'components':

- 1) Installation of a sheet pile wall if not completed in December 2025 (sheet pile to be hammered down below grade upon final revetment construction);
- 2) Installation/completion of a static rock revetment; and

---

<sup>1</sup> Although individual certifications are being requested, due to the similar nature of the projects on all affected properties, this description has been prepared to cover all properties. Individual property details will be provided in a separate description to be included with this application.

<sup>2</sup> *This description was updated on 12/26/2025 to remove reference to a redundant attachment for clarity and provide additional information regarding the potential use of steel plates as staging in the event of low lake levels.*

3) Installation of a dynamic rock revetment.<sup>3</sup>

The sheet pile walls were hammered in and left partly above grade per US Army Corp. of Engineers Verification SPK-1997-25337 per RGP 8 (expiring on 12/25/2025), therefore individual Certifications were not required.

This Certification Application is being submitted to obtain approvals to construct the remaining components. Detailed information specific to the status and remaining components on each property are being provided in a separate description with this application.

**Site conditions:**

Existing conditions include significantly eroded parcels, eroding tree roots, unsafe areas, lack of access to the shoreline, and failing/potentially failing structures. In most cases the sheet pile component has been installed and left approx. 4' above grade; this has helped protect eroded areas from wave action. Detailed information specific to the status and remaining components on each property are being provided in a separate description with this application.

**Describe the proposed activity including methodology of each project element:**

Construction access will occur either by a barge on the lake or from a staging in the upland depending on property conditions. At this time, property access is proposed as follows:

- 608 – lake access
- 610 – lake access
- 612 – lake access with potential partial upland access TBD
- 620 – lake access
- 622 – lake access
- 628 – lake access
- 630 – lake access

**Upland construction methodology:**

Construction fencing/silt fencing will be installed around construction access paths, equipment staging/access, and temporary material storage areas.

Contractor will excavate material that has accumulated behind the sheet pile due to ongoing erosion of the unprotected eroded properties to the extent required to key in the base of the static revetment to approx. 18" below grade (at time of construction). The static revetment will

---

<sup>3</sup> Required by TRPA to mitigate shoreline erosion. The proposed design is included with this application.

be installed with an excavator.<sup>4</sup> Sheet pile will be hammered to 6" below grade using a vibratory hammer.

Disturbed areas in the upland will be revegetated and/or repaired to reflect existing conditions or coverage as determined by final TRPA approval.

**Lake access construction methodology:**

Construction fencing/silt fencing will be installed around pedestrian construction access paths on the property as needed. Erosion control fencing will be installed around temporary material storage/staging areas as noted on plans.

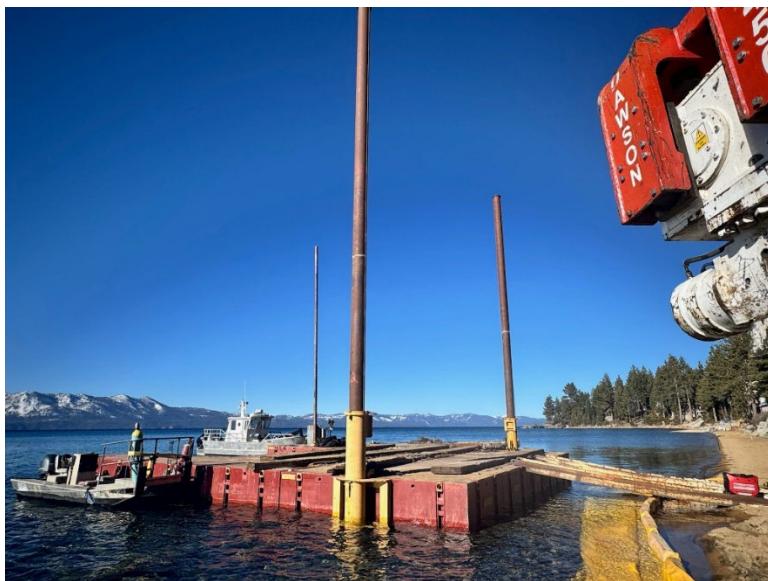
Rock materials will be loaded on a barge and transported to the area from other locations (depending on contractor). Or, with owner permission, material may be hauled from Lake Shore Blvd. across an undeveloped portion of private property.

Methodology will vary depending on lake levels and beach elevations at the time of construction. The water level and height of sand on the beach can change significantly within a short period of time. It is impossible to predict what the conditions will be in several months or longer based on when necessary approvals are obtained. Potential methods include:

- High lake level with less beach area:
  - If reach allows, the excavator will remain on the barge and reach across the beach area to install the rock revetment and hammer down the sheet pile. Barge would be held in place with spuds and/or a combination of partial placement of the barge against the beach on east side and spuds.
- Low lake level with more beach area:
  - Under these conditions, the barge would be located as close as feasible to the property and steel railing and sheets would be placed on the beach. This would involve two ramps approx. 21' x 27" wide set on an approx. 11' x 7'6" wide steel plate resting on the beach. Dimensions may vary based on water levels and Contractor. The excavator would drive to the sheets on the beach for operation and be placed on the barge when not in use. Images below show this method as previously approved and utilized in Marla Bay:

---

<sup>4</sup> Material will be hauled away to a TRPA-approved facility or used onsite depending on individual property conditions.



**Equipment cleaning/fueling:**

Equipment will be cleaned prior to use on Lake Tahoe. All equipment fueling, storage of fuels, and maintenance will be located offsite.

**Estimate the nature, specific location, and number of discharge(s) expected to be authorized by the proposed activity:**

Static rock revetments will be comprised of boulders varying in size as noted on the Sections in the enclosed plans. The sheet piles were mostly installed along the HWL and static rock materials will be placed landward of the sheet piles. During or after completion of the static rock revetment, the sheet piles will be hammered to 6" below existing grade; this is not expected to result in any new temporary discharge.

The dynamic revetment will be located lakeward of the static revetment (and in most cases entirely below the HWL). The dynamic revetment is required by TRPA to mitigate littoral sand movement. By its very nature, the dynamic revetment is designed to absorb/break up wave action in front of the static revetments and the materials will shift over time. The proposed design (not yet approved by TRPA) is intended to allow for maintenance without the need for a barge/lake access (and the permits this would entail) and generally should be able to be accomplished on foot. This will allow owners to keep up with maintenance of the dynamic revetment as shifting occurs, which can happen with just one storm event. Immediate maintenance will also allow owners to reposition dynamic rock components before wave action can draw them farther into Lake Tahoe. The method is also designed to work within the parameters of property ownership in the area, as the owner of the littoral parcel that lies in front of all of the subject properties, the Marla Bay Protective Association (MBPA), has stated that any materials which are pulled onto their littoral parcel must be moved off of it immediately.

The specific types and volume of discharge vary for each property and will be provided with each individual application.

**Provide the date(s) on which the proposed activity is planned to begin and end and the approximate date(s) when any discharge(s) may commence:**

- Start date:
  - As soon as Certification and other permits are received. This Certification will determine the start period as other approvals have shorter processing times.
  - The owners would like to complete this portion next spring before the end of June when the Marla Bay beach area is off limits to construction (between late June – Labor Day) due to beach use/boats and the MBPA's restriction on construction access during that time. In this case, work would start as soon as approvals are obtained in spring 2026 and either be completed or temporarily paused in late June. If not completed, work would resume after Labor Day when the MBPA would allow construction access to resume.
- End date:
  - The end date will depend on when construction can begin and weather conditions at that time. Pending weather and/or other limitations (e.g. MBPA limits on access), construction of the revetment is estimated to take 3-4 weeks.

**Provide a list of all other federal, state, interstate, tribal, territorial, or local agency authorizations required for the proposed activity and the current status of each authorization:**

- TRPA – have emergency authorization
- Douglas County – have permit
- US Army Corp – Notification request under RGP 4 to be submitted
- NDEP Construction Stormwater – have permit
- NDEP Working in Waterways –new applications will be submitted

- NV State Lands – previously advised permit required after construction

**Total area of impact to regulated waterbodies (acres):**

This information will be provided specific to each property in individual applications.

**Describe the Best Management Practices (BMPs) to be implemented to avoid and/or minimize impacts to regulated waters:**

- Active visual monitoring will be conducted, and controls will be revised as needed.
- All construction access will be defined by erosion control fencing and vegetation protection fencing where necessary to protect vegetation.
- Equipment will be inspected daily for spotting leaks and repaired immediately.
- All equipment will be cleaned prior to entering Lake Tahoe.
- Any materials that fall into the lake will be cleared and disposed of appropriately.
- All land vehicles shall remain on existing paved or compacted dirt areas or areas secured for temporary equipment use if necessary.
- Areas disturbed by construction (including truck and equipment staging, truck loading, etc.), activity shall be re-vegetated in accordance with the TRPA Handbook of Best Management Practices and Living with Fire, Lake Tahoe Basin, Second Edition.
- Temporary construction fencing will be placed as noted on plans.
- Silt fencing will be installed below the sheet pile walls. Depending on lake level, a turbidity curtain may be used.
- A Stormwater Pollution Prevention Plan (SWPP) will be prepared prior to construction as required by NDEP's Construction Stormwater Permit.

**Describe how the activity has been designed to avoid and/or minimize adverse effects, both temporary and permanent, to regulated waters:**

- The design of the revetments is the minimal amount necessary to provide for sufficient structural integrity and to meet design requirements of the TRPA.
- Foot access will be from the south or north side of the residences (varies by property). All upland construction access will be defined by temporary construction fencing.
- Construction workers will work below the slope to install the filter fabric, BMPs, and complete any required hand work.
- Where staging will occur on a barge, the plans include a staging up slope on the private lots to be used as temporary rock storage if needed.

# GORDON CONSULTING INC.

---

**Marla Bay Static Rock Revetment Projects**  
**Application for 401 Certification by NDEP**  
**Supplemental Information**  
**612 Lake Shore Blvd., 1318-09-810-021**

This document provides site-specific information to accompany the general project description included with this NDEP application. *Additional information has been added by request of NDEP staff and is underlined and italicized.*

*The sheet pile was hammered in per the RGP 8 approved by the Army Corp of Engineers (SPK-1997-25337) and remains approx. 2-4' above grade (the grade varies with the inflow and outflow of sand).* Construction access is anticipated to be by barge, however due to the upcoming teardown/rebuild of the residence on the property, there is a chance that at least part of the construction could occur from the upland. The current condition of the property on the lake side of the residence is too compromised to support the equipment necessary to install the rock revetments. *As discussed in the General Project Description, there are two methods proposed for barge access (the excavator will either reach across the beach while remaining on the barge or will place steel plates on the beach and access from these steel plates) due to the variations in lake level that occur. Regardless of the future teardown/rebuild, barge access will still be required for the construction and the method will vary as noted depending on lake levels.*

*Note: The plans show both 610 and 612 Lake Shore Blvd., however separate applications are being submitted for each property. The information below is specific to 612 Lake Shore only.*

**Amount of discharge (SF and CY):**

The engineer provided the following information regarding the area (Square Feet) and volume (Cubic Yards) of fill:

FILL		610 LS	612 LS	610 LS	612 LS
Address		Area (SF)	Area (SF)	Vol (CY)	Vol (CY)
Static Above HWL	81	384	53.6	170.7	
Static Below HWL	53	0	15.7	0.0	
Dynamic Above HWL	58	0	6.4	0.0	
Dynamic Below HWL	166	383	18.4	42.6	
	Total Fill		94.2		213.2

\* A separate application will be submitted for 610 Lake Shore Blvd.

**Distance of impact to regulated waterbodies (linear feet):**

- 612 LS: 81 linear ft.

**Excavation:**

CUT	610 LS	612 LS	610 LS	612 LS
Address	Area (SF)	Area (SF)	Vol (CY)	Vol (CY)
Static Above HWL	181	384	110.3	26.0
Static Below HWL	53	0	18.0	0.0
Dynamic Above HWL	58	0	0.0	0.0
Dynamic Below HWL	166	383	18.4	17.6
Total Cut			146.7	43.6

**Clean Water Act Section 401 Water Quality Certification Application**

Please refer to the "Clean Water Act Section 401 Water Quality Certification Application Guidance" document for assistance with completing this application.

<b>A. Pre-Filing Meeting</b>	
Please provide the date that a pre-filing meeting was requested from Nevada Division of Environmental Protection (NDEP) Bureau of Water Quality Planning (BWQP).	Requested 11/10/2025. Meeting held on 12/2/2025.
<i>Note: If a pre-filing meeting has not been requested, please schedule a pre-filing meeting with NDEP BWQP.</i>	

<b>B. Contact Information</b>	
<b>Project Proponent Information</b>	
Company Name: 612 LAKE SHORE BLVD LLC	Address: 311 Oakwood PI
Applicant Name: Jeffrey Bui	City: Menlo Park
Phone: 650-644-9694	Fax:
Email: jeffsbui@outlook.com	State: CA
	Zip Code: 94025
<b>Agent Information</b>	
Company Name: Gordon Consulting Inc.	Address: PO Box 4470
Agent Name: Jennifer Quashnick	City: Stateline
Phone: 530-577-4233	Fax:
Email: jennifer@gordonconsultinginc.com	State: NV
	Zip Code: 89449

<b>C. Project General Information</b>			
<b>Project Location</b>			
Project/Site Name: 612 Lake Shore	Name of receiving waterbody: Lake Tahoe		
Address: 612 Lake Shore Blvd.	Type of waterbody present at project location (select all that apply):		
City: Zephyr Cove	<input type="checkbox"/> Perennial River or Stream <input type="checkbox"/> Intermittent River or Stream <input type="checkbox"/> Ephemeral River or Stream <input checked="" type="checkbox"/> Lake/Pond/Reservoir <input type="checkbox"/> Wetland <input type="checkbox"/> Other: _____		
County: Douglas			
State: NV			
Zip Code: 89448			
Latitude (UTM or Dec/Deg): 38.99818490	Longitude (UTM or Dec/Deg): -119.95689780		
Township:	Range:	Section:	¼ Section:

<b>Project Details</b>					
Project purpose:	Build/repair static and dynamic rock shoreline revetment to protect property eroded by significant wind/wave action in March 2024 (and through present).				
Describe current site conditions:	See enclosed information.  Attachments can include, but are not limited to, relevant site data, photographs that represent current site conditions, or other relevant documentation.				
Describe the proposed activity including methodology of each project element:	See enclosed information.				
Estimate the nature, specific location, and number of discharge(s) expected to be authorized by the proposed activity:	See enclosed information.				
Provide the date(s) on which the proposed activity is planned to begin and end and the approximate date(s) when any discharge(s) may commence:	See enclosed information.				
Provide a list of the federal permit(s) or license(s) required to conduct the activity which may result in a discharge into regulated waters (see mandatory attachments):	RGP 4				
Provide a list of all other federal, state, interstate, tribal, territorial, or local agency authorizations required for the proposed activity and the current status of each authorization:	See enclosed information.				
Total area of impact to regulated waterbodies (acres):	See enclosed information.				
Total distance of impact to regulated waterbodies (linear feet):	See enclosed information.				
Amount excavation and/or fill discharged within regulated waters (acres, linear feet, and cubic yards):	<table border="1"> <tr> <td>Temporary:</td> <td>Permanent:</td> </tr> <tr> <td>0</td> <td>See enclosed information.</td> </tr> </table>	Temporary:	Permanent:	0	See enclosed information.
Temporary:	Permanent:				
0	See enclosed information.				
Amount of dredge material discharged within regulated waters (acres, linear feet, and cubic yards):	<table border="1"> <tr> <td>Temporary:</td> <td>Permanent:</td> </tr> <tr> <td>0</td> <td>0</td> </tr> </table>	Temporary:	Permanent:	0	0
Temporary:	Permanent:				
0	0				
Describe the reason(s) why avoidance of temporary fill in regulated waters is not practicable (if applicable):	N/A; no temporary fill.				

Describe the Best Management Practices (BMPs) to be implemented to avoid and/or minimize impacts to regulated waters:

Examples include sediment and erosion control measures, habitat preservation, flow diversions, dewatering, hazardous materials management, water quality monitoring, equipment or plans to treat, control, or manage discharges, etc.

Describe how the activity has been designed to avoid and/or minimize adverse effects, both temporary and permanent, to regulated waters:

See enclosed information.

Describe any compensatory mitigation planned for this project (if applicable):

N/A

#### D. Signature

Name and Title (Print): Jeffrey Bui, Owner	Phone Number: 650-644-9694	Date: 12/12/25
--	-------------------------------	-------------------

  
Signature of Responsible Official

#### Mandatory Attachments:

- **Federal Permit or License Application** - A copy of the federal permit or license application and any readily available water quality-related materials that informed the development of the federal license or permit application.
- **Site Map** - A map or diagram of the proposed project site including project boundaries in relation to regulated waters, local streets, roads, and highways.
- **Engineered Drawings** - Engineered drawings are preferred to be submitted at the 70% design level. If only conceptual designs are available at the time of application, plans for construction should be submitted prior to the start of the project. Specific locations of the proposed activities and details of specific work elements planned for the project should be identified (e.g., staging areas, concrete washouts, perimeter controls, water diversions, or other BMPs).

Submit the completed application materials to NDEP ([ndep401@ndep.nv.gov](mailto:ndep401@ndep.nv.gov)) with the appropriate U.S. Army Corps of Engineers Regulatory Office copied on the communication (<http://www.spk.usace.army.mil/Missions/Regulatory/Contacts/Contact-Your-Local-Office/>).



**STATEMENT OF AUTHORIZATION**

11. I hereby authorize, Jennifer Quashnick to act in my behalf as my agent in the processing of this nationwide permit pre-construction notification and to furnish, upon request, supplemental information in support of this nationwide permit pre-construction notification.

---

SIGNATURE OF APPLICANT

---

DATE**NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY**

12. PROJECT NAME or TITLE (*see instructions*)

Shoreline Revetment Project

**NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY**

13. NAME OF WATERBODY, IF KNOWN (*if applicable*)

15. LOCATION OF PROPOSED ACTIVITY (*see instructions*)

Latitude: 38.9983751 °N      Longitude: -119.9567166  
°W

14. PROPOSED ACTIVITY STREET ADDRESS (*if applicable*)

Address: 612 Lake Shore Blvd

City: Zephyr Cove      State: NV      Zip: 89448

16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (*see instructions*)

Section –

Township –

Range –

County – Douglas County

Project Area – 770 Square Feet

State Tax Parcel ID – 1318-09-810-021

17. DIRECTIONS TO THE SITE

18. IDENTIFY THE SPECIFIC NATIONWIDE PERMIT(S) YOU PROPOSE TO USE

RGP #04 - Lake Tahoe Minimal Impact Activities and Structures

19. DESCRIPTION OF PROPOSED NATIONWIDE PERMIT ACTIVITY (*see instructions*)

Install shoreline static and dynamic revetments to protect property and prevent erosion into Lake Tahoe. See attached Project Description for details.

Place approx. 384 SF/170.7 CY of boulders for static revetment upland of existing sheet pile (which was temporarily left above grade per RGP 8/SPK-1997-25337), hammer sheet pile to 6" below grade, and install 383 SF/17.6 CY boulder/cobble materials for dynamic revetment below (lakeward of) static revetment.

20. DESCRIPTION OF PROPOSED MITIGATION MEASURES (*see instructions*)

The design of the static revetments is the minimal amount necessary to provide for sufficient structural integrity and to meet design requirements of the TRPA. The dynamic revetment is required by TRPA to mitigate the littoral drift of sand in front of the static revetments.

21. PURPOSE OF NATIONWIDE PERMIT ACTIVITY (*Describe the reason or purpose of the project, see instructions*)

To protect private property, water quality, and public safety.

22. QUANTITY OF WETLANDS, STREAMS, OR OTHER TYPES OF WATERS DIRECTLY AFFECTED BY PROPOSED NATIONWIDE PERMIT ACTIVITY

(see *instructions*)

Acres	Linear Feet	Cubic Yards Dredged or Discharged
<b>Each PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site.</b>		
23. List any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity. (see <i>instructions</i> )		
Regional General Permit		
24. If the proposed activity will result in the loss of greater than 1/10-acre of wetlands and/or the loss of greater than 3/100-acre of stream bed and requires pre-construction notification, explain how the compensatory mitigation requirement in paragraph (c) and/or paragraph (d) of general condition 23 will be satisfied, or explain why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required for the proposed activity.		
25. Is any portion of the nationwide permit activity already complete?      Yes      No If Yes, describe the completed work:		
26. List the name(s) of any species listed as endangered or threatened under the Endangered Species Act that might be affected by the proposed NWP activity or utilize the designated critical habitat that might be affected by the proposed NWP activity. (see <i>instructions</i> )		
ADDITIONAL AFFECTED SPECIES: I'm not sure.		
27. List any historic properties that have the potential to be affected by the proposed NWP activity or include a vicinity map indicating the location of the historic property or properties. (see <i>instructions</i> )  I'm not sure.		
28. For a proposed NWP activity that will 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, identify the Wild and Scenic River or the "study river":		
29. If the proposed NWP activity also requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers federally authorized civil works project, have you submitted a written request for section 408 permission from the Corps district having jurisdiction over that project?      Yes      No If "yes", please provide the date your request was submitted to the Corps district:		
30. If the terms of the NWP(s) you want to use require additional information to be included in the PCN, please include that information in this space or provide it on an additional sheet of paper marked Block 30. (see <i>instructions</i> )		

31. Pre-construction notification is hereby made for one or more nationwide permit(s) to authorize the work described in this notification. I certify that the information in this pre-construction notification is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

Jennifer Quashnick

12/27/2025

SIGNATURE OF APPLICANT

DATE

SIGNATURE OF AGENT

DATE

The pre-construction notification must be signed by the person who desires to undertake the proposed activity (applicant) and, if the statement in Block 11 has been filled out and signed, the authorized agent.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguise a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

**Instructions for Preparing a  
Department of the Army  
Nationwide Permit (NWP) Pre-Construction Notification (PCN)**

**Blocks 1 through 4.** To be completed by the Corps of Engineers.

**Block 5. Applicant's Name.** Enter the name and the e-mail address of the responsible party or parties. If the responsible party is an agency, company, corporation, or other organization, indicate the name of the organization and responsible officer and title. If more than one party is associated with the preconstruction notification, please attach a sheet of paper with the necessary information marked Block 5.

**Block 6. Address of Applicant.** Please provide the full address of the party or parties responsible for the PCN. If more space is needed, attach an extra sheet of paper marked Block 6.

**Block 7. Applicant's Telephone Number(s).** Please provide the telephone number where you can usually be reached during normal business hours.

**Blocks 8 through 11.** To be completed, if you choose to have an agent.

**Block 8. Authorized Agent's Name and Title.** Indicate name of individual or agency, designated by you, to represent you in this process. An agent can be an attorney, builder, contractor, engineer, consultant, or any other person or organization. Note: An agent is not required.

**Blocks 9 and 10. Agent's Address and Telephone Number.** Please provide the complete mailing address of the agent, along with the telephone number where he / she can be reached during normal business hours.

**Block 11. Statement of Authorization.** To be completed by the applicant, if an agent is to be employed.

**Block 12. Proposed Nationwide Permit Activity Name or Title.** Please provide a name identifying the proposed NWP activity, e.g., Windward Marina, Rolling Hills Subdivision, or Smith Commercial Center.

**Block 13. Name of Waterbody.** Please provide the name (if it has a name) of any stream, lake, marsh, or other waterway to be directly impacted by the NWP activity. If it is a minor (no name) stream, identify the waterbody the minor stream enters.

**Block 14. Proposed Activity Street Address.** If the proposed NWP activity is located at a site having a street address (not a box number), please enter it in Block 14.

**Block 15. Location of Proposed Activity.** Enter the latitude and longitude of where the proposed NWP activity is located. Indicate whether the project location provided is the center of the project or whether the project location is provided as the latitude and longitude for each of the "corners" of the project area requiring evaluation. If there are multiple sites, please list the latitude and longitude of each site (center or corners) on a separate sheet of paper and mark as Block 15.

**Block 16. Other Location Descriptions.** If available, provide the Tax Parcel Identification number of the site, Section, Township, and Range of the site (if known), and / or local Municipality where the site is located.

**Block 17. Directions to the Site.** Provide directions to the site from a known location or landmark. Include highway and street numbers as well as names. Also provide distances from known locations and any other information that would assist in locating the site. You may also provide a description of the location of the proposed NWP activity, such as lot numbers, tract numbers, or you may choose to locate the proposed NWP activity site from a known point (such as the right descending bank of Smith Creek, one mile downstream from the Highway 14 bridge). If a large river or stream, include the river mile of the proposed NWP activity site if known. If there are multiple locations, please indicate directions to each location on a separate sheet of paper and mark as Block 17.

**Block 18. Identify the Specific Nationwide Permit(s) You Propose to Use.** List the number(s) of the Nationwide Permit(s) you want to use to authorize the proposed activity (e.g., NWP 29).

**Block 19. Description of the Proposed Nationwide Permit Activity.** Describe the proposed NWP activity, including the direct and indirect adverse environmental effects the activity would cause. The description of the proposed activity should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal. Identify the materials to be used in construction, as well as the methods by which the work is to be done.

Provide sketches when necessary to show that the proposed NWP activity complies with the terms of the applicable NWP(s). Sketches usually clarify the activity and result in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed NWP activity (e.g., a conceptual plan), but do not need to be detailed engineering plans.

The written descriptions and illustrations are an important part of the application. Please describe, in detail, what you wish to do. If more space is needed, attach an extra sheet of paper marked Block 19.

**Block 20. Description of Proposed Mitigation Measures.** Describe any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed NWP activity. The description of any proposed mitigation measures should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal and to determine the need for compensatory mitigation or additional mitigation measures.

**Block 21. Purpose of Nationwide Permit Activity.** Describe the purpose and need for the proposed NWP activity. What will it be used for and why? Also include a brief description of any related activities associated with the proposed project. Provide the approximate dates you plan to begin and complete all work.

**Block 22. Quantity of Wetlands, Streams, or Other Types of Waters Directly Affected by the Proposed Nationwide Permit Activity.** For discharges of dredged or fill material into waters of the United States, provide the amount of wetlands, streams, or other types of waters filled, flooded, excavated, or drained by the proposed NWP activity. For structures or work in navigable waters of the United States subject to Section 10 of the Rivers and Harbors Act of 1899, provide the amount of navigable waters filled, dredged, or occupied by one or more structures (e.g., aids to navigation, mooring buoys) by the proposed NWP activity.

For multiple NWPs, or for separate and distant crossings of waters of the United States authorized by NWPs 12 or 14, attach an extra sheet of paper marked Block 21 to provide the quantities of wetlands, streams, or other types of waters filled, flooded, excavated, or drained (or dredged or occupied by structures, if in waters subject to Section 10 of the Rivers and Harbors Act of 1899) for each NWP. For NWPs 12 and 14, include the amount of wetlands, streams, or other types of waters filled, flooded, excavated, or drained for each separate and distant crossing of waters or wetlands. If more space is needed, attach an extra sheet of paper marked Block 22.

**Block 23. Identify Any Other Nationwide Permit(s), Regional General Permit(s), or Individual Permit(s) Used to Authorize Any Part of Proposed Activity or Any Related Activity.** List any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity. For linear projects, list other separate and distant crossings of waters and wetlands authorized by NWPs 12 or 14 that do not require PCNs. If more space is needed, attach an extra sheet of paper marked Block 23.

**Block 24. Compensatory Mitigation Statement for Losses of Greater Than 1/10-Acre of Wetlands and/or of Greater Than 3/100-Acre of Stream Bed When Pre-Construction Notification is Required.** Paragraphs (c) and (d) of NWP general condition 23 require compensatory mitigation at a minimum one-for-one replacement ratio for all wetland losses that exceed 1/10-acre and/or for all losses of stream bed that exceed 3/100-acre, unless the district engineer determines in writing that either some other form of mitigation is more environmentally appropriate or the adverse environmental effects of the proposed NWP activity are no more than minimal without compensatory mitigation, and provides an activity-specific waiver of this requirement. Describe the proposed compensatory mitigation for wetland losses greater than 1/10 acre and/or for losses of stream bed that exceed 3/100-acre, or provide an explanation of why the district engineer should not require wetland and/or stream compensatory mitigation for the proposed NWP activity. If more space is needed, attach an extra sheet of paper marked Block 24.

**Block 25. Is Any Portion of the Nationwide Permit Activity Already Complete?** Describe any work that has already been completed for the NWP activity.

**Block 26. List the Name(s) of Any Species Listed As Endangered or Threatened under the Endangered Species Act that Might be Affected by the Nationwide Permit Activity.** If you are not a federal agency, and if any listed species or designated critical habitat might be affected or is in the vicinity of the proposed NWP activity, or if the proposed NWP activity is located in designated critical habitat, list the name(s) of those endangered or threatened species that might be affected by the proposed NWP activity or utilize the designated critical habitat that might be affected by the proposed NWP activity. If you are a Federal agency, and the proposed NWP activity requires a PCN, you must provide documentation demonstrating compliance with Section 7 of the Endangered Species Act.

**Block 27. List Any Historic Properties that Have the Potential to be Affected by the Nationwide Permit Activity.** If you are not a Federal agency, and if any historic properties have the potential to be affected by the proposed NWP activity, list the name(s) of those historic properties that have the potential to be affected by the proposed NWP activity. If you are a Federal agency, and the proposed NWP activity requires a PCN, you must provide documentation demonstrating compliance with Section 106 of the National Historic Preservation Act.

**Block 28. List the Wild and Scenic River or Congressionally Designated Study River if the Nationwide Permit Activity Would Occur in such a River.** If the proposed NWP activity will occur in a river in the National Wild and Scenic River System or in a river officially designated by Congress as a "study river" under the Wild and Scenic Rivers Act, provide the name of the river. For a list of Wild and Scenic Rivers and study rivers, please visit <http://www.rivers.gov/>.

**Block 29. Nationwide Permit Activities that also Require Permission from the Corps Under 33 U.S.C. 408.** If the proposed NWP activity also requires permission from the Corps under 33 U.S.C. 408 because it will temporarily or permanently alter, occupy, or use a Corps federal authorized civil works project, indicate whether you have submitted a written request for section 408 permission from the Corps district having jurisdiction over that project.

**Block 30. Other Information Required For Nationwide Permit Pre Construction Notifications.** The terms of some of the Nationwide Permits include additional information requirements for preconstruction notifications:

- \* NWP 3, Maintenance –information regarding the original design capacities and configurations of the outfalls, intakes, small impoundments, and canals.
- \* NWP 31, Maintenance of Existing Flood Control Facilities –a description of the maintenance baseline and the dredged material disposal site.
- \* NWP 33, Temporary Construction, Access, and Dewatering –a restoration plan showing how all temporary fills and structures will be removed and the area restored to pre project conditions.
- \* NWP 44, Mining Activities –if reclamation is required by other statutes, then a copy of the final reclamation plan must be submitted with the pre construction notification.
- \* NWP 45, Repair of Uplands Damaged by Discrete Events –documentation, such as a recent topographic survey or photographs, to justify the extent of the proposed restoration.
- \* NWP 48, Commercial Shellfish Aquaculture Activities –(1) a map showing the boundaries of the project area, with latitude and longitude coordinates for each corner of the project area; (2) the name(s) of the species that will be cultivated during the period this NWP is in effect; (3) whether canopy predator nets will be used; (4) whether suspended cultivation techniques will be used; and (5) general water depths in the project area (a detailed survey is not required).
- \* NWP 49, Coal Remining Activities –a document describing how the overall mining plan will result in a net increase in aquatic resource functions must be submitted to the district engineer and receive written authorization prior to commencing the activity.
- \* NWP 50, Underground Coal Mining Activities –if reclamation is required by other statutes, then a copy of the reclamation plan must be submitted with the pre construction notification.

If more space is needed, attach an extra sheet of paper marked Block 30.

**Block 31. Signature of Applicant or Agent.** The PCN must be signed by the person proposing to undertake the NWP activity, and if applicable, the authorized party (agent) that prepared the PCN. The signature of the person proposing to undertake the NWP activity shall be an affirmation that the party submitting the PCN possesses the requisite property rights to undertake the NWP activity (including compliance with special conditions, mitigation, etc.).

#### **DELINeATION OF WETLANDS, OTHER SPECIAL AQUATIC SITES, AND OTHER WATERS**

Each PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations must be prepared in accordance with the current wetland delineation manual and regional supplement published by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many wetlands, other special aquatic sites, and other waters. The 45 day PCN review period will not start until the delineation is submitted or has been completed by the Corps.

#### **DRAWINGS AND ILLUSTRATIONS**

##### **General Information.**

Three types of illustrations are needed to properly depict the work to be undertaken. These illustrations or drawings are identified as a Vicinity Map, a Plan View or a Typical Cross Section Map. Identify each illustration with a figure or attachment number. For linear projects (e.g. roads, subsurface utility lines, etc.) gradient

drawings should also be included. Please submit one original, or good quality copy, of all drawings on 8½x11 inch plain white paper (electronic media may be substituted). Use the fewest number of sheets necessary for your drawings or illustrations. Each illustration should identify the project, the applicant, and the type of illustration (vicinity map, plan view, or cross section). While illustrations need not be professional (many small, private project illustrations are prepared by hand), they should be clear, accurate, and contain all necessary information.

#### **ADDITIONAL INFORMATION AND REQUIREMENTS**

For proposed NWP activities that involve discharges into waters of the United States, water quality certification from the State, Tribe, or EPA must be obtained or waived (see NWP general condition 25). Some States, Tribes, or EPA have issued water quality certification for one or more NWPs. Please check the appropriate Corps district web site to see if water quality certification has already been issued for the NWP(s) you wish to use. For proposed NWP activities in coastal states, state Coastal Zone Management Act consistency concurrence must be obtained, or a presumption of concurrence must occur (see NWP general condition 26). Some States have issued Coastal Zone Management Act consistency concurrences for one or more NWPs. Please check the appropriate Corps district web site to see if Coastal Zone Management Act consistency concurrence has already been issued for the NWP(s) you wish to use.



ATTACHMENT

# Regional General Permit 4

U.S. ARMY CORPS OF ENGINEERS

BUILDING STRONG®

## LAKE TAHOE MINIMAL IMPACT ACTIVITIES AND STRUCTURES

**EFFECTIVE:** August 21, 2024

**EXPIRES:** August 21, 2029

---

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

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

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

**ACTION ID:** SPK-2023-00852

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

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

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

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

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

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

#### **EXCLUSIONS:**

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

---

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

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

#### **TERMS:**

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

#### **GENERAL CONDITIONS:**

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

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

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

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

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

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

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

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

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

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

#### **NOTIFICATION PROCEDURES:**

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

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

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

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

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

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

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

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

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

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

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

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

#### **Review Process:**

- 1.** Applicant submits a notification package. You may request a pre-application meeting with this office and other resource agencies. Applicants must submit their notification package or request a pre-application meeting using the Regulatory Request System located online at: <https://rrs.usace.army.mil>.
- 2.** Within 30-days following receipt of the notification package, this office will notify you via letter or email if:
  - a.** The project may qualify for authorization under this RGP; If the project does not qualify for authorization under this RGP, this office will specifically identify the information necessary to review your application as an Individual Permit.
  - b.** The notification package is complete; and, If the notification package is not complete, this office will specifically identify the additional information required to be submitted.
  - c.** If consultation under Section 7 of the Endangered Species Act (ESA) and/or Section 106 of the National Historic Preservation Act (NHPA) is required.
- 3.** Within 30-days following receipt of a complete notification package, this office will initiate any required consultations under Section 7 of the ESA and/or Section 106 of the NHPA.

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

#### **FURTHER INFORMATION:**

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to: Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), and/or Section 404 of the Clean Water Act (33 U.S.C. 1344), and/or Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
2. Limits of this authorization:
  - a. This RGP does not obviate the need to obtain other federal, state, or local authorizations required by law.
  - b. This RGP does not grant any property rights or exclusive privileges.
  - c. This RGP does not authorize any injury to the property or rights of others.
  - d. This RGP does not authorize interference with any existing or proposed federal projects.
3. Limits of Federal Liability. In issuing this RGP, the Federal Government does not assume any liability for the following:
  - a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
  - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
  - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this RGP.
  - d. Design or construction deficiencies associated with the permitted work.
  - e. Damage claims associated with any future modification, suspension, or revocation of this RGP.

4. Reliance on Applicant's Data. The determination of this office that this RGP authorization is not contrary to the public interest was made in reliance on the information you provided.
5. Reevaluation of RGP Decision. This office may reevaluate its decision on this RGP at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
  - a. You fail to comply with the terms and conditions of this RGP.
  - b. The information provided by you in support of your RGP application proves to have been false, incomplete, or inaccurate (see 4 above).
  - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

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

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

Activities not meeting the terms and conditions of this permit may be authorized through another type of permit from the Corps, such as a Nationwide Permit or Letter of Permission. The Corps will determine on a case-by-case basis whether an activity has a more than minimal impact, individually or cumulatively, on the aquatic environment or may be contrary to the public interest. The Corps may include additional special conditions to a verification under this permit to ensure the activity has minimal impact.

**PERMIT DURATION:**

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

**CONTACTS AND ADDITIONAL INFORMATION:**

You can find application forms and other information concerning the Corps' Regulatory program and the Sacramento District on our website at:

<https://www.spk.usace.army.mil/Missions/Regulatory/>. Notification packages must be submitted electronically via the Regulatory Review System at <https://rrs.usace.army.mil>.

For questions please contact:

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

U.S. Army Corps of Engineers, Sacramento District HQ  
Regulatory Division  
1325 J Street  
Sacramento, California 95814-2922  
916-557-5250  
[SPKRegulatoryMailbox@usace.army.mil](mailto:SPKRegulatoryMailbox@usace.army.mil)

**ATTACHMENTS:**

Figure 1: RGP 4 Coverage Area Map

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



---

Michael S. Jewell  
Chief, Regulatory Division  
Sacramento District

---

21 August 2024

Date