

Joint Public Notice

Proposal to Modify and Reissue a Regional General Permit with Washington Department of Ecology/Environmental Protection Agency or Tribal Water Quality Certification and Coastal Zone Management Consistency Concurrence

US Army Corps of Engineers
Regulatory Branch
Post Office Box 3755
Seattle, WA 98124-3755
Telephone (206) 258-1371
Attn: Debbie Knaub, Project Manager

WA Department of Ecology
SEA Program
Post Office Box 47600
Olympia, WA 98504-7600
Telephone (360) 407-6068
Attn: SEA Program, Federal Permit
Coordinator

Public Notice Date: March 8, 2016
Expiration Date: April 7, 2016

Reference No.: NWS-2010-978
Name: Regional General Permit 4

Interested parties are hereby notified that, in accordance with 33 CFR 325.3(b), the Seattle District of the U.S. Army Corps of Engineers (Corps) is proposing to issue Regional General Permit (RGP) 4 that would authorize the work described herein, pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

The original RGP 4 was issued on July 25, 2005, and revised on February 14, 2005, and May 13, 2011.

PERMIT TITLE: The modified RGP is entitled: *Maintenance, Modification, and Construction of Overwater Structures and Bank Stabilization in Southern Lake Chelan, in the State of Washington.*

PERMIT NUMBER: NWS-2010-978

ISSUING OFFICE: U.S. Army Corps of Engineers, Seattle District
Regulatory Branch, CENWS-OD-RG
P.O. Box 3755
Seattle, Washington 98124-3755

LOCATION OF AUTHORIZED ACTIVITIES: The modified RGP would be applicable in Southern Lake Chelan below Box Canyon Creek (Lat: 48.012640 degrees N, Long: -120.320122 degrees W) and Deer Park Campground (Lat: 48.025880 degrees N, Long: -120.312809 degrees W).

WORK: Changes to the existing RGP are summarized below and are located in the “*Draft Modified RGP-4 Text*” located at the Corps webpage. Go to: www.nws.usace.army.mil, select (“Regulatory Branch, Permit Information”, “Permitting” then “Regional General Permits”).

- Page 3: Clarification on when overwater structures can be longer than prescribed length.

Page 4: Discussion of avoidance, minimization, and compensatory mitigation and types of mitigation. Impacts of overwater structures that may require compensatory mitigation are listed.

Page 4: Emphasis on requirement that for every new pier, ramp, float or second watercraft lift, the permittee must implement at least one of the mitigation measures. Depending on the impacts of the proposal, applicants may be required to implement more than one mitigation measure.

- Page 4: Potential mitigation options are listed under their types. Page 6: Guidance provided on the use of an approved in-lieu fee (ILF) program for compensatory mitigation.
- Appendix A, Page 4: Impacts of overwater structures that may require compensatory mitigation are listed. Potential mitigation options are listed under their types.
- Appendix A, Page 7: Examples of alternative forms of compensatory mitigation are listed.

PURPOSE: The purpose of this RGP is to expedite the authorization of recurring activities that are similar in nature and have minor individual and cumulative adverse impact on the aquatic environment. Use of this RGP would reduce the amount of paperwork and time required to authorize qualifying projects by making available for public use an already issued Department of the Army general permit that will likely include a Federal, Tribal, or State water quality certification.

The proposed RGP contains provisions intended to protect the environment and cultural resources. Work that would not comply with the provisions of the RGP would not be authorized by this permit and may require Department of the Army authorization by a standard individual permit. Moreover, compliance with the provisions of this RGP would not in itself guarantee that the work is authorized by this RGP. Activities that appear to comply with the provisions of this RGP but would have an unacceptable adverse impact on the public interest would not be authorized by this permit.

ENDANGERED SPECIES: The Endangered Species Act of 1973 (ESA), as amended, requires all Federal agencies to consult with the National Marine Fisheries Service (NMFS) and/or U.S. Fish and Wildlife Service (USFWS), pursuant to Section 7 of the ESA, on any action, or proposed action, permitted, funded, or undertaken by the agency that may affect a species listed as threatened or endangered under the ESA, or its designated critical habitat. The Corps has determined that activities that would be authorized by this RGP will have no effect on federally listed species. Therefore, the Corps will not consult with the NMFS or USFWS.

ESSENTIAL FISH HABITAT: The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely affect Essential Fish Habitat (EFH). This RGP will not adversely affect EFH for federally managed fisheries in Washington waters. No further consultation is required.

CULTURAL RESOURCES: The locations of activities that might be authorized by the proposed RGP are not known and, therefore, the District Engineer cannot determine at this time whether any of the activities that would be authorized by the proposed RGP may affect an historic property listed, or eligible for listing, in the National Register of Historic Places (NRHP). However, if modified, the proposed RGP would not authorize any activity that may affect historic properties listed, or eligible for listing, in the NRHP until the provisions of 33 CFR 325, Appendix C, have been satisfied. A prospective permittee would be required to notify the District Engineer if the proposed activity may affect an historic property that is listed, eligible for listing, or may be eligible for listing in the NRHP, and would not be authorized to conduct the activity until notified by the District Engineer that the requirements of the National Historic Preservation Act have been satisfied and that the activity is authorized.

The District Engineer invites responses to this public notice from Federal, State, and local agencies, historical and archeological societies, Indian tribes, and other parties with knowledge of, or concerns with, historic properties.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

EVALUATION: The decision whether to issue the proposed permit will be based on an evaluation of the probable impact, including cumulative impacts of the authorized activities on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

ADDITIONAL EVALUATION: The Washington Department of Ecology (Ecology) will determine, pursuant to Section 401 of the CWA and Chapters 173-225 of the Washington Administrative Code (WAC) whether the activities that would be authorized by the modified RGP and for which Ecology is responsible will comply with established water quality standards.

COMMENT AND REVIEW PERIOD: Conventional mail or e-mail comments on this public notice will be accepted and made part of the record and will be considered in determining whether it would be in the public interest to authorize this proposal. In order to be accepted, e-mail comments must originate from the author's e-mail account and must include on the subject line of the e-mail message the permit applicant's name and reference number as shown below. They must also include the commenter's name, address and telephone number. All comments must reach this office no later than the expiration date of this public notice to ensure consideration.

CORPS COMMENTS: All e-mail comments should be sent to: deborah.j.knaub@usace.army.mil. Conventional mail comments should be sent to U.S. Army Corps of Engineers, Regulatory Branch, Attention: Ms. Debbie Knaub, P.O. Box 3755, Seattle, Washington 98124-3755

ECOLOGY COMMENTS: Any person desiring to present views on the project pertaining to a request for water quality certification under Section 401 of the CWA may do so by submitting written comments to the following address: Department of Ecology, Attention: SEA Program – Federal Permit Coordinator, P.O. Box 47600, Olympia, Washington 98504-7600, or email to ecyrefedpermits@ecy.wa.gov.

Comments should be received no later than the expiration date of this public notice to ensure that they can be considered. To insure proper consideration of all comments, responders must include the following name and reference number in the text of their comments:

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