



US Army Corps  
of Engineers ®  
Seattle District



# General Conditions

## For Regional General Permit 4

### For Overwater Structures in Southern Lake Chelan

November 22, 2021

1. Reliance on Permittee's Information. In verifying a permittee's authorization under this RGP, the Department of the Army has relied, in part, on the information provided by the permittee. If this information proves to be false, incomplete, or inaccurate, the permittee's authorization may be modified, suspended, or revoked, in whole or in part. If the authorization is revoked, any work completed under the authorization must be removed, without expense to the United States.
2. Compliance with Terms and Conditions. Projects authorized by this RGP shall comply with all terms and conditions herein. Failure to abide by these terms and conditions invalidates this authorization and may result in a violation of Federal law, which may require that the permittee restore the site or take other remedial action. Activities requiring Department of the Army authorization that are not specifically authorized by this RGP are prohibited unless authorized by another Department of the Army permit.
3. Deed Restriction: For projects with mitigation or a joint-use agreement, a copy of the completed Appendix A, permit drawings, mitigation planting plan or joint-use agreement (if applicable), and final authorization letter shall be recorded with the local government (Registrar of Deeds of the county or city), within 60 days after final Corps authorization, to ensure that subsequent property owners are aware of the construction, use, and mitigation requirements. Proof of this must be provided to the Corps within 65 days after the date of the Corps' RGP verification letter to the permittee.
4. Contractor's Copy of Permit. The permittee shall provide complete copies of this permit and the Corps verification letter for the authorized project to each contractor involved in the project and keep copies of this permit and Corps verification letter available for inspection at the project site.
5. Compliance Certification. Every permittee shall submit to the Corps, within 30 days of completing the authorized work, certification that the work, including any required mitigation, was conducted in accordance with the provisions of this RGP, including case-specific special conditions. The permittee must use the *Certificate of Compliance with the Department of the Army Permit*, available on our website at [www.nws.usace.army.mil](http://www.nws.usace.army.mil), select "Regulatory Branch, Permit Information" then "Forms".
6. Access for Inspection. The permittee shall allow the District Engineer or their authorized representative to inspect the project whenever deemed necessary to ensure that the activity is in compliance with the terms and conditions prescribed herein.
7. Limits of Authorization. This permit does *not*:
  - a. Obviate the requirement to obtain all other Federal, State, or local authorizations required by law for the activity authorized herein, including any authorization required from Congress.
  - b. Convey any property rights, either in real estate or material, or any exclusive privileges.

- c. Authorize any injury to property, invasion of rights, or any infringement of Federal, State, or local laws or regulations.
  - d. Authorize the interference with any existing or proposed Federal project.
8. Limits of Federal Liability. This permit is not an approval of the design features of any authorized project or an implication that such project is adequate for the intended purpose; a Department of the Army permit merely expresses the consent of the Federal Government to conduct the proposed work insofar as public rights are concerned. In issuing this RGP, the Federal Government does not assume any liability for the following:
- a. Design or construction deficiencies associated with the authorized work.
  - b. Damages to the permitted project or uses thereof as a result of other permitted activities or from natural causes, such as flooding.
  - c. Damages to persons, property, or to other permitted or unauthorized activities or structures caused by the activity authorized by this permit.
  - d. Damages associated with any future modification, suspension, or revocation of this permit.
  - e. The removal, relocation, or alteration of any structure or work in navigable waters of the United States ordered by the Secretary of the Army or their authorized representative.
  - f. Damage 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.
9. Tribal Rights. No activity may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.
10. State-Owned Aquatic Lands. Projects proposed on state-owned aquatic lands will require a Use Authorization from the Washington Department of Natural Resources. Applicants should call (360) 902-1100 for more information.
11. Obstruction of Navigation. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration of the work herein authorized, or if, in the opinion of the Secretary of the Army or their authorized representative, said structure or work unreasonably obstructs the full and free use of navigable waters of the United States, the permittee shall, upon due notice from the Corps, remove, relocate, or alter the obstructions caused thereby, without expense to the United States. If the permittee fails to comply with the direction of the Corps, the District Engineer may restore the navigable capacity of the waterway, by contract or otherwise, and recover the cost thereof from the permittee.
12. Stability. The permittee shall design projects to be stable against the forces of flowing water, wave action, and the wake of passing vessels.
13. Maintenance. The permittee shall properly maintain all authorized structures, including maintenance necessary to ensure public safety. The permittee must obtain the appropriate authorization from the Corps before maintenance work occurs. This RGP or Nationwide Permit 3 may authorize any required maintenance activities on the structures authorized by this RGP.
14. Marking Structures. The permittee shall install and maintain any lights, signals, or other appropriate markers necessary to clearly designate the location of structures or work that might

pose a hazard to public safety. Permittees shall abide by U.S. Coast Guard requirements concerning the marking of structures and work in navigable waters of the United States.

15. Endangered Species. This RGP does not authorize any activity that is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Endangered Species Act.
16. Essential Fish Habitat. This RGP does not authorize any activity that may adversely affect Essential Fish Habitat as defined under the Magnuson-Stevens Fishery Conservation and Management Act.
17. Historic Properties. This RGP does not authorize any activity that may affect historic properties listed, or eligible for listing, in the National Register of Historic Places (NRHP) until the provisions of 33 CFR 325, Appendix C, have been satisfied. Historic properties include prehistoric and historic archeological sites, and areas or structures of cultural interest. A prospective permittee must 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 shall not begin 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. If a previously unknown historic property is encountered during work authorized by this RGP, the permittee shall immediately cease all ground disturbing activities in the immediate area and notify the Corps within 1 business day of discovery. The permittee shall perform any work required by the Corps in accordance with Section 106 of the National Historic Preservation Act and Corps regulations and avoid any further impact to the property until the District Engineer verifies that the requirements of 33 CFR Part 325, Appendix C, have been satisfied.
18. Water Quality Standards. All activities authorized herein that involve a discharge into waters of the United States shall, at all times, remain consistent with the Department of Ecology Water Quality Certification (Order #7536) enclosure, all applicable water quality standards, effluent limitations and standards of performance, prohibitions, pretreatment standards, and management practices established pursuant to the Clean Water Act (P.L. 92-500; 86 Stat. 816) or pursuant to applicable State and local law.
19. Soil Erosion and Sediment Controls. The permittee shall use and maintain appropriate erosion and sediment controls in effective operating condition and permanently stabilize all exposed soil and other fills, including any work below the ordinary high water mark at the earliest practicable date using native vegetation to the maximum extent practicable. The permittee shall remove all installed controls as soon as they are no longer needed to control erosion or sediment.
20. Aquatic Life Movements. The permittee shall not substantially disrupt the necessary life-cycle movement of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area.
21. Management of Water Flows. To the maximum extent practicable, the activity must be designed to maintain downstream flow conditions. Furthermore, the activity shall not permanently restrict or impede the passage of normal or expected high flows. The permittee should limit the work conducted in waters of the United States to low- or no-flow periods.
22. Water Supply Intakes. The permittee shall ensure that activities authorized by this RGP have no more than a minimal adverse impact on public water supply intakes.

23. Suitable Material. Any material or structure placed in waters of the United States, whether temporary or permanent, shall be free of pollutants in toxic amounts.
24. Disposal of Excess Material. All construction debris and any other material not authorized by the Corps for permanent placement into waters of the United States shall be disposed of in an appropriate upland location in a manner that precludes it from entering waters of the United States.
25. Removal of Temporary Fills. Temporary fills must be removed in their entirety and the affected area returned to pre-construction contours and condition.
26. Transfer of RGP Verification. If the permittee sells the property associated with a RGP verification, the permittee may transfer the RGP verification to the new owner by having the new owner submit a letter to the Seattle District Corps office to validate the transfer. A transfer must occur if mitigation or a joint-use agreement is associated with the verification so that the new owner is aware of requirements. A copy of the RGP verification letter and permit drawings must be attached to the transfer letter, and the letter must contain the following statement and the new owner(s) signature: "I (we) understand that the structures or work authorized by this RGP verification have specific terms and conditions, including (if applicable) mitigation and joint-use requirements. I (we) understand that these terms and conditions will continue to be binding on us as the new owner(s) of the property as well as the associated liabilities associated with compliance with its terms and conditions."