

DEPARTMENT OF THE ARMY PERMIT

Permittee: **General Public**

Permit No: **NE 1999-22004 Programmatic General Permit 99-04 Amendment #3**

Issuing Office: **Nebraska Regulatory Office Omaha District Corps of Engineers**

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description:

This programmatic general permit (PGP) involves the construction of revetments and bulkheads constructed of the following materials: 1) broken concrete; 2) rock; 3) formed or fabricated concrete; 4) sheet metal with metal or wood pilings; 5) untreated timber; 6) plastic or PVC; 7) fiberglass; 8) weathered creosote treated timber (place above ordinary high water mark only); 9) vegetation, including, but not limited to, grasses or willows.

The maximum shoreline length that each lake tenant or lake association is authorized to protect is 500 feet. The lake shore must be actively eroding. Prior to the construction of a revetment or bulkhead, the shoreline may be evened out by filling eroded indentations. The filled area cannot go beyond (lake-ward) the pre-eroded shoreline or ten feet, whichever is less.

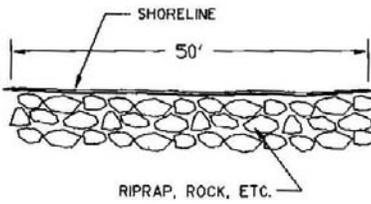
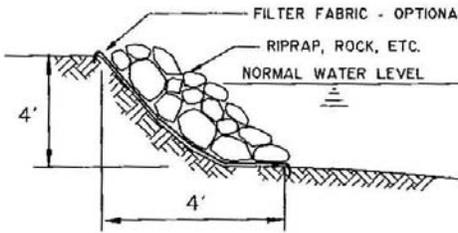
This PGP will also authorize the repair, rehabilitation or replacement of any previously authorized, currently serviceable structure or fill or of any currently serviceable structure or fill authorized by 33 CFR 330.3, provided that the structure or fill is not to be put to uses differing from those uses specified or contemplated for it in the original permit or the most recently authorized modification. Minor deviations in the structure's configuration or filled area, including those due to changes in materials, construction techniques or current construction codes or safety standards that are necessary to make the repair, rehabilitation or replacement are authorized.

The methods of bank protection authorized under this PGP are as follows:

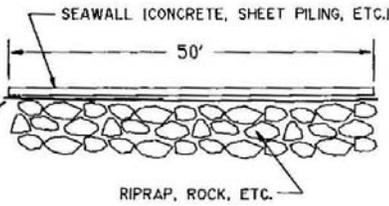
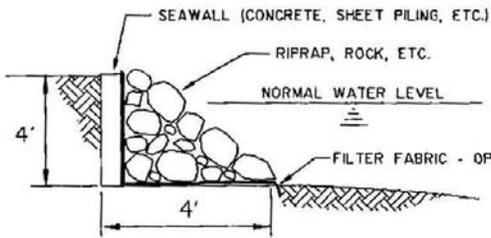
EXAMPLES OF
SHORELINE EROSION CONTROL

CROSS SECTION OR CROSS CUT VIEW

OVERHEAD OR TOP VIEW



EXAMPLE 1



EXAMPLE 2

Central Nebraska Public Power & Irrigation District (CNPPID) lakes: Lake McConaughy, Jeffrey Reservoir, Central Midway Lake, East Midway Lake, Plum Creek Canyon Reservoir, Johnson Lake, Little Knapple Lake

Nebraska Public Power District (NPPD) lake: Lake Maloney

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on **See Special Condition #2**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. 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 permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

1. After a detailed and careful review of all of the conditions contained in this permit, the permittee does acknowledge that, although said conditions were required by the Corps of Engineers, nonetheless, the permittee agreed to those conditions voluntarily to facilitate issuance of the permit and the permittee will comply fully with all the terms of the permit conditions.
2. This PGP Amendment #3 will expire on **July 31, 2016**. The time limit for completing each discrete activity is three years from the date of its individual authorization. If additional time is required to complete the authorized activity, a written request for a time extension shall be submitted to CNPPID or NPPD at least one month prior to the five-year deadline.
3. If broken concrete riprap is used, it shall be covered, from the top of the structure down to the expected high water wave/splash line, with a minimum of six inches of soil compacted into the voids to the riprap and immediately seeded with a nurse crop and a mixture of native grass species.

4. The District Engineer has the discretion to require an Individual Permit on a case-by-case basis for

any of the activities authorized herein. CNPPID and NPPD shall consult with the Corps of Engineers if it is questionable that a proposed activity can be authorized under this PGP.

5. This PGP does not authorize construction of new revetments in special aquatic sites. The permittee (CNPPID or NPPD) shall notify the Corps if impacts to wetlands are proposed. Repair, maintenance and replacement of existing fill in wetlands will be allowed. Impacts to wetlands are expected to be minor.

6. No activity is authorized under this PGP 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 Federal Endangered Species Act (ESA), or that is likely to destroy or adversely modify the critical habitat of such species. Authorization of an activity by this PGP does not authorize the “take” of a threatened or endangered species as defined under the Federal ESA. NPPD authorizations shall comply with the “Plan to Protect Eagle Perch and Root Sites on Project 1835 Lands.” and CNPPID authorizations will comply with all terms and conditions of endangered species protection contained in the March 2003 approved Land and Shoreline Management plan and any revision in the final plan approved by FERC.

7. No individual action under the PGP shall be allowed if it jeopardizes the continued existence or results in the “take” of state-listed threatened or endangered species described as Key Species in Title 117-Nebraska Surface Water Quality Standards.

8. All authorizations issued by CNPPID shall be subject to the terms and conditions of the Cultural Resource Management Plan (as approved by the Federal Energy Regulatory Commission, through consultation with the State Historic Preservation Officer and the Advisory Council on Historic Preservation). All authorizations issued by NPPD shall be subject to their cultural resource surveys as approved by the State Historic Preservation Officer. Consultation with the Corps of Engineers prior to authorization shall be required if a proposed activity may affect a cultural resource that is listed or eligible for listing in the National Register of Historic Places.

9. No fill for the construction of new revetments shall be discharged into wetlands or spawning areas.

10. PCP-impregnated materials shall not be used. Creosote or copper chromate arsenic (CCA) treated wood shall not be placed in waters of the US. Treated creosoted wood and CCA-treated wood can be used only if installed at least one foot above the ordinary high water mark of the lake.

11. No discharge of dredged or fill material shall consist of unsuitable material (trash, debris, car bodies, asphalt, for example) and material discharged must be free from toxic pollutants in toxic amounts.

12. After placement, all protruding reinforcing bar/steel and wire mesh shall be removed from the surface of the broken concrete riprap. Construction debris (i.e., lath, plaster, asphalt, scrap iron, etc.) is not allowed to be mixed in with the concrete riprap.

13. Steps shall be taken to prevent materials, such as any petroleum products, chemicals, or other deleterious materials that are spilled or stored on site, from washing into the lake as a result of cleanup activities, natural runoff, or flooding, and that, during construction, any materials, which are accidentally

spilled into these areas, will be retrieved.

14. When not in use, all construction materials, equipment and/or petroleum products shall be stored above the anticipated high water line.

15. No activity shall substantially disrupt the movement of those species of aquatic life indigenous to the water body, including those species that normally migrate through the area.

16. When the District Engineer has been notified by a resource agency that a permitted project is adversely affecting fish or wildlife resources or the harvest thereof, the District Engineer shall require immediate compliance with any necessary remedial measures.

17. No discharge of dredged or fill material shall occur in the proximity of a public water supply intake.

18. All work in the lake shall be performed in such a manner as to minimize increases in suspended solids and turbidity, which may degrade water quality and damage aquatic life outside the immediate area of construction.

19. Construction activities will employ controls to reduce the erosiveness of land adjacent to the lake. This includes revegetating disturbed areas and maintaining the controls.

20. Vegetation clearing in or adjacent to the lake will be held to a practicable minimum. Upland vegetation disturbed by construction shall be re-established if needed to prevent sedimentation into the lake.

21. If the Corps of Engineers is notified that the work performed under this PGP does not comply with permit conditions, the responsible party shall take immediate steps to bring the project into compliance with permit conditions.

22. Fill material for the construction of revetments and bulkheads shall not exceed one cubic yard per linear foot below the ordinary high water mark. This does not include any fill material placed beforehand for the purpose of eliminating indentations.

23. A copy of the PGP shall be presented and explained by CNPPID or NPPD to each contractor involved with an authorized fill activity.

24. All fill material shall be permanently stabilized at the earliest practicable date.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

() Section 10 of the River and Harbors Act of 1899 (33 U.S.C. 403).

(**X**) Section 404 of the Clean Water Act (33 U.S.C. 1344).

() Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

- a. This permit does not obviate the need to obtain other Federal, state, tribal, or local authorizations required by law.
 - b. This permit does not grant any property rights or exclusive privileges.
 - c. This permit does not authorize any injury to the property or rights of others.
 - d. This permit does not authorize interference with any existing or proposed Federal project.
3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
 - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
 - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
 - d. Design or construction deficiencies associated with the permitted work.
 - e. Damage claims associated with any future modification, suspension, or revocation of this permit.
4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
- a. You fail to comply with the terms and conditions of this permit.
 - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
 - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

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

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

PERMITTEE

DATE

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

Robert J. Ruch
Colonel, Corps of Engineers
District Commander

Date:

By: Signature on file

Kathryn M. Schenk, P.E.
Chief, Operations Division

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

TRANSFEREE

DATE