

DEPARTMENT OF THE ARMY PERMIT

Permittee **General Public**

Permit No. **200520001 (General Permit 05-01)**

Issuing 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:

In accordance with the terms and conditions of this Department of the Army permit, Regional General Permit 05-01 (GP 05-01), the General Public is authorized by the Secretary of the Army to expand/extend or relocate previously authorized boat ramps in Lake Oahe. This authorization includes the construction and expansion/extension of access roads, bank stabilization, ramp erosion protection, parking areas, and vehicular "turn-arounds", if they are undertaken in conjunction with the expansion/extension or relocation of previously authorized boat ramps and provided they are undertaken when the water elevation of Lake Oahe is at or below elevation 1605 Mean Sea Level.

Before any project will be considered for authorization under this permit it must conform to the Detailed Description of Authorized Work, Special Conditions, and the general criteria listed in Appendices A and B. See page 4 of 9 for a Detailed Description of Authorized Work.

Project Location:

The Regional General Permit is applicable only to the waters of Lake Oahe from Oahe Dam (river mile 1072.30) to the North Dakota-South Dakota state line (river mile 1231.75).

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on (see Special Condition "u" on page 7 of 9). 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. **This Regional General Permit expires on September 30, 2017.**
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:

See pages 5 through 9 of 9.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:
 - (X) 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, 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.

JOEL R. CROSS
(DISTRICT COMMANDER) _____
(DATE)
Colonel, Corps of Engineers

By: _____
MARTHA S. CHIEPLY
CHIEF, REGULATORY BRANCH, 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)

DETAILED DESCRIPTION OF AUTHORIZED WORK

(1) Boat Ramps: Boat ramps (extensions and new ramps) shall be constructed of poured concrete, pre-cast concrete planks, slabs, PSP, gravel into forms, or steel mesh sections not exceeding eight (8) inches in thickness. Bedding material, if required, should consist of rock, crushed stone, gravel, stone spall, or other suitable type material and shall not exceed two (2) feet in thickness. The minimum amount of fill necessary to cross cut-banks is also authorized. No new boat ramp shall exceed 500 feet in length or 80 feet in width (for ramp extensions, these length and/or width restrictions would not be applicable). (2) Ramp Erosion Protection: Boat ramps may be protected from wind, water, wave and other forms of erosion by the discharge and placement of suitable rock riprap material on all sides of a ramp. Riprap protection shall be the minimum amount necessary and shall not exceed three (3) cubic yards linear foot of ramp. (3) Bank Stabilization: Bank stabilization activities necessary for erosion prevention, in conjunction with ramp activities, is authorized and shall include the discharge and placement of suitable rock riprap material in an area measuring, and not to exceed, one hundred and fifty (150) linear feet on each side of a ramp. Riprap placement shall not exceed three (3) cubic yards of riprap per linear foot of shoreline. The use of filter fabric beneath the rock structure is not required. (4) Access Roads, Turn-around & Parking Areas: New roadway work shall not exceed 24 feet in width. Turn-around areas shall not exceed one-half- (½) acre. Temporary parking areas shall not exceed two (2) acres. Granular/earthen surfacing for access roads, turn-around areas, and parking areas shall not exceed eight (8) inches in thickness and the base material shall not exceed two (2) feet in thickness. The minimum amount of fill necessary to cross cut-banks is also authorized. These areas shall be minimally constructed to safely accommodate the public. Modification, maintenance, expansion and/or improvement to existing access roadways and parking areas are also authorized subject to the above limitations. (5) Sediment/Debris Removal & Dredging for Ramp Access (Access Channels): Excavation/removal of accumulated sediment/debris, dredging to provide ramp access, and dredging to provide or maintain access channels to ramps is authorized. Dredging for the aforementioned purposes shall not exceed ten thousand (10,000) cubic yards per ramp facility. Silt curtains shall be required to isolate any anticipated turbidity for any dredging activity to occur in water and to exceed 200 cubic yards. (6) Disposal Sites: The disposal site(s) for any debris and/or dredged spoil material shall be approved by the District Engineer prior to the commencement of any disposal activities. (7) Cofferdams: Cofferdams, necessary for proposed construction activities, will be limited to the minimum necessary to construct, extend or repair a ramp, to facilitate the removal of sediment/substrate, or to facilitate necessary dredging activities. Cofferdams shall be removed in their entirety upon completion of construction activities and the affected lake bottom would be restored to its pre-construction condition. (8) Boat Docks: Either floatation or slide-in type boat docks may be placed on/adjacent to the ramp to facilitate boat launching and landing.

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Low Water Boat Ramps & Appurtenant Features
Lake Oahe

Special Conditions

a. That all construction debris will be disposed of on land in such a manner that it cannot enter a waterway or wetland.

b. That equipment for handling and conveying materials during construction shall be operated to prevent dumping or spilling the materials into the water except as approved herein.

c. That care will be taken to prevent any petroleum products, chemicals, or other deleterious materials from entering the water.

d. That all work in the waterway is performed in such a manner so as to minimize increases in suspended solids and turbidity which may degrade water quality and damage aquatic life outside the immediate area of operation.

e. That only clean riprap materials will be utilized in order to avoid the percolation of fines which would result in excessive local turbidity and that the riprap shall be placed in such a manner so as to provide a reasonably solid mass with no appreciable variation in thickness or slope.

f. That the clearing of vegetation will be limited to that which is absolutely necessary for construction of the project.

g. That all surplus dredged or excavated materials will be placed on an upland site above the ordinary high water line in a confined area, not classified as a wetland, to prevent the return of such materials to the waterway.

h. That all earthwork operations on shore will be carried out in such a manner that sediment runoff and soil erosion to the water are controlled.

i. That measures will be employed to prevent wet concrete from entering the waterway.

j. That concrete trucks will be washed at a site and in such a manner that washwater cannot enter the waterway.

Special Conditions (cont'd)
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k. That when the District Engineer has been notified that the dredging or filling activity is adversely affecting fish or wildlife resources or the harvest thereof and the District Engineer subsequently directs remedial measures, the permittee will comply with such directions as may be received to suspend or modify the activity to the extent necessary to mitigate or eliminate the adverse effect as required.

l. That the discharge will consist of suitable material free from toxic pollutants in toxic amounts.

m. That the fill created by the discharge will be properly maintained to prevent erosion and other non-point source of pollution.

n. That if historic properties or archeological sites/resources are unearthed during construction, the permittee will immediately cease construction and notify the District Engineer of the find. No further work will occur until the resource(s) are evaluated and the effect determined, mitigated or eliminated.

o. That the Permittee and the Permittee's contractor, or any of the employees, subcontractors or other persons working in the performance of the contract, shall report any endangered species at the project site.

p. That temporary fill will be removed in its entirety immediately upon completion of the construction activity and the area restored to its preconstruction contours. The access roads/facilities and boat ramps shall for the purposes of this permit be considered permanent fill.

q. That all lumber materials used for construction of the boat ramp or dock shall be free of leaching creosote, pentachlorophenol, inorganic arsenicals or any other treatments that may cause toxic effects to aquatic life or cause other adverse impacts to water quality.

r. That any barrel used for floatation which has contained a biocide (e.g., herbicide, pesticide or insecticide) will not be utilized as a floatation device.

s. That the boat dock will not be utilized for long-term boat mooring.

t. That if a floatation type boat dock is used it shall be securely anchored so as not to constitute a safety hazard.

Special Conditions (cont'd)
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u. The time limit for completing the work authorized is one-year from each permit determination. If additional time will be needed to complete the authorized activity, a written request for a time extension must be submitted to the Corps of Engineers and approved in writing.

v. That no attempt shall be made by the Permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized by this permit.

w. That the Permittee is responsible for ensuring that the contractor and/or workers executing the activity(s) authorized by this permit have full knowledge of the terms and conditions of the authorization and that a copy of the permit instrument is at the project site throughout the period work is underway.

x. That the Permittee agrees to make every reasonable effort to prosecute the construction or work authorized herein in a manner so as to minimize any adverse impact of the construction or work on fish, wildlife, and natural environmental values.

y. Upon notification from the Corps that work being performed does not comply with, or fall within the scope of, this permit, the responsible party will take immediate steps, as directed by the Corps, to bring the work into compliance with this authorization.

z. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstruction caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

Appendix A - DA Permit No. 200520001 (GP 05-01)

1. To receive consideration under this general permit, the applicant will provide a Notice of Intent to construct a particular project to the US Army Corps of Engineers, Oahe Project Operations Manager, 28563 Powerhouse Road, Pierre, South Dakota 57501.

2. Notice of Intent to construct a particular project shall also be provided to:

South Dakota Department of Game, Fish and Parks, Joe Foss Building, 523 East Capitol Avenue, Pierre, South Dakota 57501.

US Fish and Wildlife Service, 420 South Garfield, Suite 400, Pierre, South Dakota 57501.

3. The Notice of Intent, submitted by the applicant, must clearly describe the proposed work so the District Engineer or his designee can clearly determine whether or not the proposed work complies with the terms, conditions and limitations of this General Permit, and must contain the following information:

a. A completed permit application form (ENG Form 4345).

b. A cover letter describing the proposed work and indicating how the anticipated work will be accomplished. This letter must also indicate that the offices listed in paragraphs 2, above, have been notified and the date that these agencies were notified.

c. A drawing on an eight and one-half (8½) inch paper showing a vicinity map with the exact location of the project clearly marked, plan view and cross-sectional view(s) of the proposed work.

4. Following receipt of the Notice of Intent, the South Dakota Department of Game, Fish and Parks, and the US Fish and Wildlife Service will notify the District Engineer within fifteen (15) days of the Notice, of any objections they may have regarding that project. A failure to respond, within the fifteen (15) day period, will constitute a lack of objection by those agencies to the proposed work.

Appendix B - DA Permit No. 200520001 (GP 05-01). The following will govern the duration, utilization and applicability of this general permit:

1. The cumulative impacts of this general permit may be subject to reevaluation at the discretion of the District Engineer at any time, but will be reevaluated at the end of the five (5) years.
2. Any proposed project, which is located in an area containing historic, cultural, or archeological sites as listed in the National Register of Historic Places, or those known to be eligible for such listing, and all monthly supplements thereto; and any proposed project, which is located in a site included in the National Registry of Natural Landmarks, will not be considered under this general permit. In addition, any proposed project considered for authorization under this general permit will be subject to the terms and stipulations of the Final Programmatic Agreement for the Operation and Management of the Missouri River Main Stem System for Compliance with the National Historic Preservation Act, as amended, which became effective on 19 March 2004.
3. Any proposed project located in an area named in Acts of Congress or Presidential Proclamations as National Rivers, National Wilderness Areas, National Recreation Areas, National Lakeshores, National Parks, National Monuments, and such areas as may be established under Federal law for similar and related purposes, such as estuarine and marine sanctuaries, will not be considered under this general permit.
4. Sites where the activity would result in adverse impacts to Federally or state listed threatened and/or endangered species or their critical habitat will not be considered under this general permit. The project must comply with the Endangered Species Act.
5. Projects involving filling activities, permanent and/or temporary, that would impair the flow in and out of wetlands will not be considered under this general permit.
6. Projects located within the boundaries of a wetland area or environmentally sensitive areas; such as spawning, nesting, feeding and resting areas, river chutes, backwater areas, etc., will not be considered under this general permit.
7. The construction of new “low water boat ramps” and associated access roads, vehicular “turn-arounds”, riprap protection and parking areas that are to be re-located must be, as determined by the District Engineer, in close proximity to previously authorized facilities that are to be abandoned due to low lake levels.
8. The District Engineer has the discretion to require an individual permit on a case-by-case basis for any of the activities authorized herein.
9. Areas in which the density of boat ramps exceeds five (5) ramps per mile of river, on either side of the river, will not be considered under this general permit.