



**US Army Corps
of Engineers**
Vicksburg District

General Permit

4155 Clay Street
Vicksburg, MS 39183-3435
www.mvk.usace.army.mil

FILE NO.: General Permit 60
DATE: September 18, 2014
EXPIRES: September 18, 2019

FOR: ENTERGY OWNED ARKANSAS HYDROPOWER LAKES PROGRAMMATIC GENERAL PERMIT (PGP) FOR MINOR CONSTRUCTION ACTIVITIES AND THE ASSOCIATED DISCHARGE OF DREDGED AND/OR FILL MATERIAL FOR THE FOLLOWING ACTIVITIES:

**MVK-PGP-60-A: SHORELINE STABILIZATION/RETAINING WALLS
MVK-PGP-60-B: BOAT RAMPS
MVK-PGP-60-C: DREDGING/EXCAVATION
MVK-PGP-60-D: CUT-IN BOAT DOCKS**

WHERE: LAKE CATHERINE AND LAKE HAMILTON, GARLAND AND HOT SPRING COUNTIES, ARKANSAS, WITHIN THE REGULATORY JURISDICTION OF THE VICKSBURG DISTRICT

BY WHOM: DISTRICT ENGINEER, VICKSBURG DISTRICT, ON BEHALF OF ENTERGY ARKANSAS, INCORPORATED, HYDRO OPERATIONS

The Vicksburg District is hereby issuing a Department of the Army Programmatic General Permit for regulated activities associated with minor construction activities within waters of the United States, and the associated discharge of dredged and/or fill material within the regulatory jurisdiction of the Vicksburg District on Entergy owned lakes in the State of Arkansas. A map identifying the Vicksburg District is provided (enclosure 1). A general location map identifying the Entergy owned lakes: Catherine and Hamilton, within the Vicksburg District is provided (enclosure 2).

This General Permit contains certain conditions and limitations intended to protect the environment and natural and cultural resources. Conformance with conditions contained in this General Permit is necessary for authorization under

the General Permit. In cases where the Corps District Engineer or Entergy Personnel considers it necessary, an application will be required for an individual permit.

This action is being taken pursuant to Federal regulations printed in the Federal Register on November 13, 1986, concerning permits for activities in waters of the United States. These regulations state the U.S. Army Corps of Engineers' responsibility for regulating structures or work in or affecting waters of the United States under Section 404 of the Clean Water Act (33 U.S.C. 1344).

General Permits may be issued for a category or categories of activities when: (1) those activities are substantially similar in nature and cause only minimal individual and cumulative environmental impacts; or (2) the General Permit would result in avoiding unnecessary duplication of the regulatory control exercised by another federal, state, or local agency, provided it has been determined that the environmental consequences of the action are individually and cumulatively minimal. The determination that the proposed activities comply with the requirements for issuance of General Permits was made using information which is available for inspection at the offices of the Vicksburg District's Regulatory Branch at 4155 Clay Street, Vicksburg, Mississippi.

In compliance with requirements of Section 401 of the Clean Water Act, the Vicksburg District has obtained water quality certification (WQC) from the Arkansas Department of Environmental Quality, stating that the work authorized by the General Permit will not violate applicable provisions of Sections 301, 302, 306, and 307 of the Act, provided the applicant complies with the conditions of the WQC. A copy of the certification with required conditions is attached (enclosure 3).

Authorization to conduct work under this General Permit does not negate the responsibility of the applicant to obtain other State or local authorizations or permits required by law for the proposed activity.

This General Permit does not supersede any of the agreed upon regulations that are in the Federal Energy Regulatory Commission (FERC) approved Shoreline Management Plan for Lakes Catherine and Hamilton.

REQUEST FOR AUTHORIZATION UNDER THE GENERAL PERMIT: IN ORDER TO BE AUTHORIZED BY THIS GENERAL PERMIT, PERSONS PROPOSING THE WORK ARE REQUIRED TO SUBMIT TO ENTERGY ARKANSAS HYDRO OPERATIONS OFFICE, IN WRITING, THE FOLLOWING INFORMATION:

a. State the number of the Programmatic General Permit under which the work is to be conducted. (General Permit-60)

b. Statement that the work will be conducted in compliance with the terms and conditions of the General Permit and will not adversely impact adjoining properties.

c. Location map showing the proposed worksite (including section, township, range, county).

d. Drawing of the proposed structure including dimensions and length of work.

e. A brief description of the present condition of the project site.

f. Estimated starting and completion dates of construction.

g. Name, mailing address, and telephone number of (person/agency) applying for authorization.

Upon receipt of this information, Entergy Arkansas Hydro Operations Office will evaluate the proposal and advise the inquiring party, in writing, that the work will or will not be authorized under the General Permit.

If the work is authorized under the General Permit, Entergy Arkansas Hydro Operations Office will send a copy of the letter of approval along with the background information to the Vicksburg District for filing purposes.

Listed below are the types of activities that may be authorized under this Programmatic General Permit, along with the special conditions and limitations.

DEFINITIONS:

Excavation – Removal of newly deposited silt or other material through means that result only in incidental fall-back.

Dredging – Any form of excavation under the water or below the high water mark.

Wetlands – For this Programmatic General Permit, the Corps recognizes wetlands at Lakes Hamilton and Catherine as those areas previously identified in Entergy's Shoreline Management Plan as "Limited Use – Existing Wetlands Areas".

Ordinary High Water (OHW) – A line on the shore established by the fluctuation of water and indicated by the physical characteristics, or by other appropriate means that consider the characteristics of the surrounding areas.

1. MVK-PGP-60-A: Shoreline Stabilization/Retaining Walls: This General Permit authorizes the construction of retaining walls, the placement of armoring systems (rip rap), bioengineering, and other standard shoreline protection/stabilization devices at, along, or roughly paralleling the shoreline or bank.

a. Retaining wall construction is limited to a total project length of 750 feet. There is no limit to the length that may be authorized for other protection devices.

b. Protection structures must be at:

1. ordinary high water line in non-tidal waterbodies;

2. landward of all jurisdictional wetlands.

c. No wetlands shall be filled, although protection devices may be constructed for wetland areas, as long as the wetlands themselves are not otherwise adversely affected.

1. If the area or any portion to be protected is a wetland, no fill may be placed in the wetland, and the shore protection device must be designed to allow the normal hydrologic regime to be maintained in wetland areas.

2. Flow-through retaining walls (e.g., gabions) designed to dissipate wave energy in wetland areas may be constructed waterward of the wetlands and placed below the line of ordinary high water, if they are designed to allow for the normal hydrologic regime and they do not interfere with navigation.

d. Armoring material (e.g., rip rap) placed below the plane of ordinary high water may not exceed an average of one (1) cubic yard per linear foot of shoreline being protected.

e. Vertical face structures intended to replace failing erosion control structures may be placed waterward of the line of ordinary high water, but shall not extend more than 24 inches waterward from the base of the failed structure. In no instances shall vegetated wetlands (emergent or submersed) or shellfish beds be filled.

f. Rip rap or other approved stabilization material shall not extend farther than six feet into the waterway from the ordinary high water line.

g. Use of the appropriate filter fabric is required to stabilize backfill and other easily eroded material.

h. Only clean material, free of waste, metal and organic trash, unsightly debris, petroleum products (e.g., asphalt), etc., may be used as backfill.

i. Only clean rip rap material, free of exposed rebar, asphalt, plastic, soil, etc., may be used as armoring material to augment/armor other protection devises/measures.

j. Solid groins and jetties roughly perpendicular to the shoreline are not authorized under this General Permit.

k. This General Permit may not be used to create fast land, or otherwise accrete land.

2. MVK-PGP-60-B: Boat Ramps: This General Permit authorizes the construction or modification of boat ramps.

a. Care shall be taken in the placement of boat ramps to avoid interrupting the natural movement of sediments.

b. Stormwater runoff from boat ramp approaches and parking areas shall not be directed down the boat ramp.

c. This type of activity is limited to 100 cubic yards of dredged material and 25 cubic yards of fill material placed below ordinary high water. Fill material must be approved by Entergy personnel (e.g., concrete).

d. Best management practices should be used at all times during construction to minimize turbidity at both the dredge and spoil disposal sites.

e. All dredged material shall be properly confined in an upland area, unless otherwise specifically authorized.

f. Spoil disposal areas shall be immediately seeded and stabilized to prevent the movement of sediment off-site and into adjacent drainage areas.

g. No dredging or filling is authorized in wetlands or submerged grass beds, and no dredged material shall be used to raise the elevation of any wetlands, unless otherwise specifically authorized.

3. MVK-PGP-60-C: Dredging/Excavation: This General Permit authorizes dredging/excavation to depths no greater than the depth of the waters leading to the area to be maintained.

a. Dredging shall be limited to the previously dredged and previously authorized dimensions.

b. Dredging of up to 500 cubic yards of material is authorized by this General Permit.

c. Best management practices shall be used at all times during construction to minimize turbidity at both the dredge and spoil sites.

d. All dredged material shall be properly confined in an upland area, unless otherwise specifically authorized.

e. Spoil disposal areas shall be immediately seeded and stabilized to prevent the movement of sediment off-site and into adjacent drainage areas.

f. No dredging is authorized in wetlands or designated fish spawning nursery areas. Exceptions may be made for noxious and/or exotic vegetation in man-made water bodies.

4. **MVK-PGP-60-D: Cut-In Boat Docks**: This General Permit authorizes the placement of dredged and/or fill material related to the construction and installation of cut-in boat docks.

a. No keyhole slips are permitted.

b. Cut-in slips shall be indented, or angled such that the cut-in is less than or equal to 45 degrees. Cut-in slips shall not be situated such that they are perpendicular to the shoreline (e.g., with 90 degree sides).

c. Best management practices should be used at all times during construction to minimize turbidity at both the dredge and disposal sites.

d. All dredged material shall be properly confined in an upland area, unless otherwise specifically authorized.

e. Spoil disposal areas shall be immediately seeded and stabilized to prevent the movement of sediment off-site and into adjacent drainage areas.

f. No dredging or filling is authorized in wetlands or designated fish spawning nursery areas. No material shall be used to raise the elevation of any wetlands, unless otherwise specifically authorized.

g. Disturbed wetland areas shall be revegetated with naturally occurring indigenous species, if the area has not revegetated to pre-project conditions within one year of project completion.

General Conditions:

a. No activity that may adversely impact a site listed in or eligible for listing in the National Register of Historic Places, or a site that has previously been unevaluated, would be allowed by this General Permit. Additional fill material

would not be taken from a known historical or archaeological site within or outside of regulated areas. If the permittee, during prosecution of work authorized herein, inadvertently discovers or accidentally destroys a cultural resource such as a cemetery, shipwreck, mound, historic structure, or archaeological site, within the area subject to Department of the Army jurisdiction, they would cease work in the immediate area and notify the District Engineer within 24 hours. The District Engineer, in consultation with the appropriate State Historic Preservation Officer and the Federally recognized Tribe, would comply with the procedures set forth in 33 CFR 325, Appendix C, paragraph 11 (Historic Properties Discovered During Construction).

Note: Ground disturbance activities will continue to be evaluated and issued under the guidelines contained in the Historic Properties Management Plan (HPMP) and under the Programmatic Agreement among the Federal Energy Regulatory Commission, Entergy Corporation, the Arkansas State Historic Preservation Officer, and interested federally recognized tribes.

b. Dredged, excavated, or fill material used for construction shall be non-polluting material, in accordance with the Environmental Protection Agency Guidelines for the Discharge of Dredged or Fill Material found in 40 CFR 230.

c. All construction activities shall be performed in a manner that will minimize increased turbidity of the water in the work area, and otherwise avoid adverse effects on water quality and aquatic life, especially during fish spawning seasons.

d. All fill material shall be compacted upon completion of construction. The site shall be naturally revegetated or manually seeded, or sodded as necessary, to restore cover and prevent erosion. In areas subject to currents, riprap may be required for slope protection.

e. All material not used as backfill shall be placed upland, and no runoff water from these disposal sites shall be allowed to enter the waterway or adjacent wetlands.

f. The discharge shall not be located so as to adversely affect a public water supply intake and/or a national or state fish hatchery intake.

g. The discharge shall not contain unacceptable levels of pathogenic organisms in areas used for sports involving physical contact with the water.

h. The discharge shall not occur in areas of concentrated shellfish production.

i. No activity that is likely to adversely affect Federally listed threatened or endangered species, or that is likely to destroy or adversely modify the critical habitat of such species, is authorized under this General Permit.

j. The construction activity shall not result in the relocation of the stream or river channel, and shall not impede stream flow.

k. Authorized structures shall not increase frequency, duration, or elevation of floodwaters on adjoining property.

l. Creation of fast lands is not authorized under this General Permit.

m. Authorization may not be granted for structures and activities that may be hazardous to navigation or that may produce adverse effects on the chemical, physical, or biological integrity of water bodies, such as the dredging and filling of wetlands. The term "wetland" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Such areas serve important purposes relating to water quality, fish and wildlife, recreation, and other elements in the general public interest. As environmentally vital areas, they constitute productive and valuable public resources, the unnecessary alteration or destruction of which is contrary to the public interest.

n. Satisfactory plans shall be submitted, and all State and local permits shall be obtained before work can be initiated.

o. The discharge shall not occur within 1,500 feet of a colonial wading bird rookery or nest location, without the consent of the U.S. Fish and Wildlife Service.

p. The time limit for completing an authorized activity ends one year from the date of the authorization. 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 expiration date.

q. The permittee agrees to make every reasonable effort to perform the work authorized herein in a manner so as to minimize any adverse impact on fish, wildlife, and natural environmental values.

r. 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 v., 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 authorization from this office, which may require restoration of the area.

s. If you sell the property associated with the authorization under this General Permit, you must contact this office so that the authorization can be transferred to the new owner.

t. 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.

u. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.

v. This permit does not grant any property rights or exclusive privileges.

w. This permit does not authorize any injury to the property or rights of others.

x. This permit does not authorize interference with any existing or proposed Federal project.

aa. In issuing individual authorizations under this General Permit, the Federal Government, State of Arkansas, designated resource agencies, their employees or staffs do not assume any liability for the following:

1. Damages to the permitted project, or uses thereof, as a result of other permitted or unpermitted activities, or from natural causes.

2. 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.

3. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

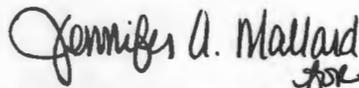
4. Design or construction deficiencies associated with the permitted work.

5. Damage claims associated with any future modification, suspension, or revocation of this permit.

bb. In issuing individual authorizations under this General Permit, the Government will rely on the information and data which the permittee provides in connection with his permit application. If, subsequent to the authorization, such information and data prove to be false, incomplete, or inaccurate, this authorization may be modified, suspended, or revoked, in whole or in part, and/or the Government may, in addition, institute appropriate legal proceedings.

This General Permit is valid for five years. At the end of that time, the cumulative environmental effects of completed work will be reviewed and reissuance of the permit may be considered. However, if unforeseen adverse environmental effects result from the issuance of this General Permit, it may be modified or terminated at any time.

Additional copies of this notice are available upon request from this office. Requests may be addressed to the USACE, ATTN: CEMVK-OD-FP, 4155 Clay Street, Vicksburg, Mississippi 39183-3435.

Handwritten signature of Jennifer A. Mallard in cursive script.

**Michael F. McNair, R.F.
Chief, Regulatory Branch**

Enclosures

