



**DEPARTMENT OF THE ARMY**  
NORFOLK DISTRICT, CORPS OF ENGINEERS  
FORT NORFOLK, 803 FRONT STREET  
NORFOLK, VIRGINIA 23510-1096

October 26, 2011

REPLY TO  
ATTENTION OF:

Southern Virginia Regulatory Section  
NAO 2011-1518/11-V1051 (Bennetts Creek)

City of Suffolk  
Department of parks and Recreation  
c/o Michael Kelly  
PO Box 1858  
Suffolk, Virginia 23439

Dear Mr. Kelly:

This is in reference to the Department of the Army application (NAO 2011-1518/11-V1051) you have submitted to replace an existing recreational fishing pier and to construct a pier addition to an existing fixed pier. The replacement pier will be 74-feet-long by 6-feet wide with a 10-foot-long by 125-foot-wide T-head and will encroach a maximum of 48 feet channelward of mean high water. The proposed pier addition will consist of a 6-foot-long by 10-foot-wide finger pier with a 21-foot-long-by 8-foot-wide floating pier and associated access ramp. The proposed pier addition will result in a maximum channelward encroachment of 52 feet. All work will be performed at 3000 Bennetts Creek Park Road in Suffolk, Virginia. Your proposed project as described above and depicted on attached drawings entitled "Bennett's Creek Fishing Pier & Canoe/Kayak Dock," dated October 12, 2011 and stamped as received by our office on October 12, 2011 satisfies the terms and conditions of Norfolk District's Regional Permit 19 (08-RP-19), Activity #5. Provided you follow the general and special terms and conditions of 08-RP-19, no further authorization will be required from the Corps. **You may not begin work until you have obtained a permit from the Virginia Marine Resources Commission and/or the Local Wetlands Board. This verification is not valid until you obtain their approval.**

**Enclosed is a "compliance certification" form, which must be signed and returned within 30 days of completion of the project, including any required mitigation. Your signature on this form certifies that you have completed the work in accordance with the regional permit terms and conditions.**

Activities authorized under 08-RP-19 must be completed by August 14, 2013. If this RP is reissued at that time, and if this work has not been started or completed, but the project continues to meet the terms and conditions of the revalidated RP, then the project will continue to be authorized. Activities which have commenced (i.e., are under construction) or are under contract to commence in reliance upon this RP that do not meet the terms and conditions of the revalidated RP will remain authorized provided the activity is completed within twelve months of the date of this RP's expiration (i.e. August 14, 2014), unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization in accordance with 33 CFR 325.7. If work cannot be completed by August 14, 2014, you must reapply for

DISK FOUND  
RYAN CONSTRUCTION  
NO INFORMATION

IMPACT ON:

TIDAL WETLANDS

FISHING PIER 150 SF

FEATHER DOCK 0 SF

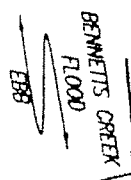
TOTAL 150 SF

SUBMERGED WETLANDS

FISHING PIER 1,329 SF

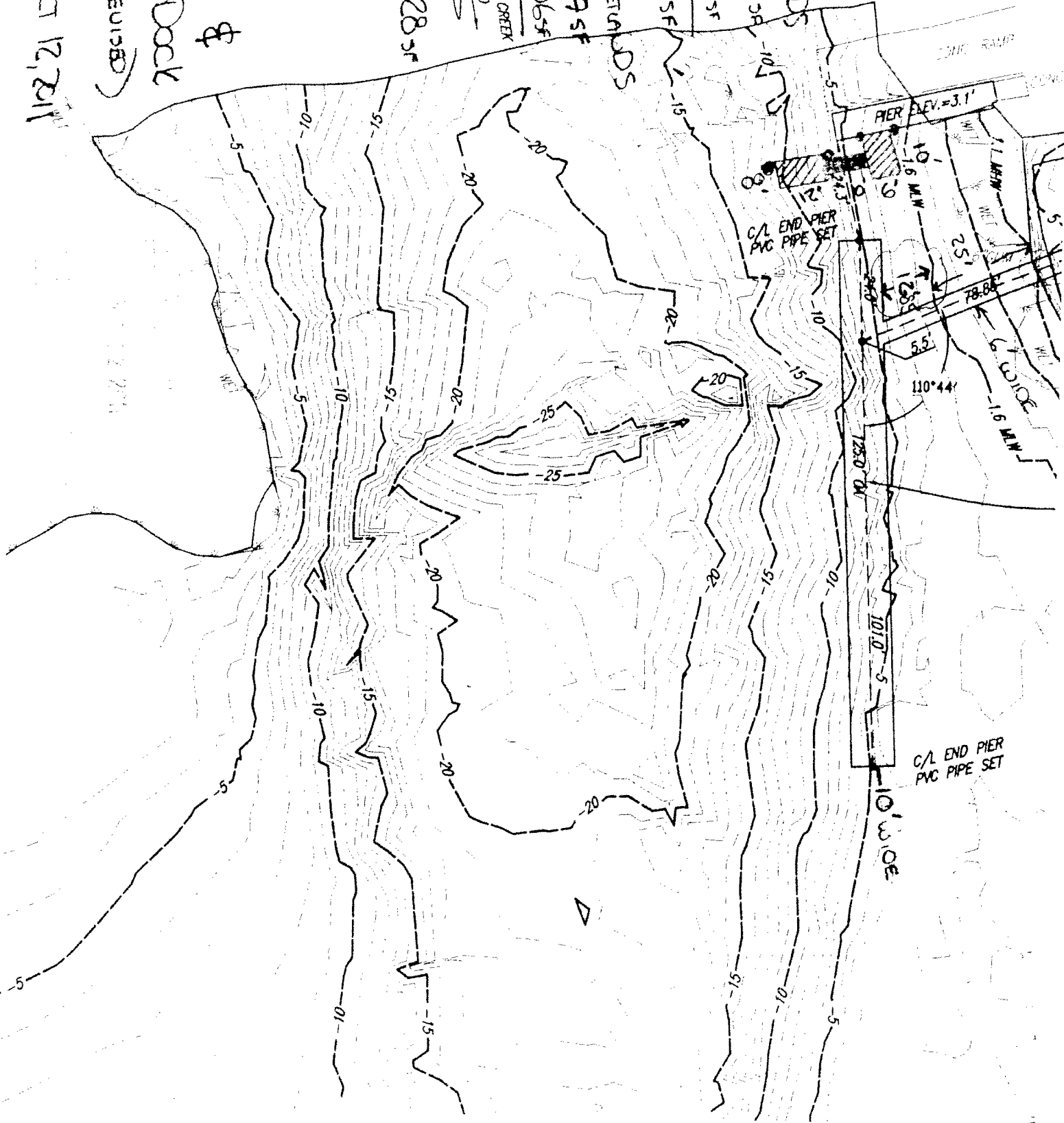
FEATHER DOCK 206 SF

TOT. 1528 SF

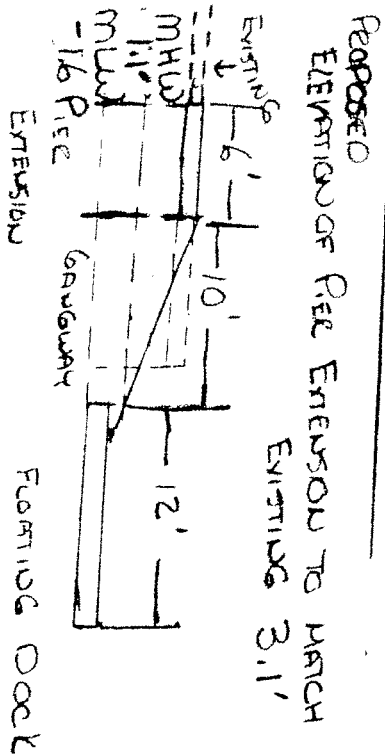
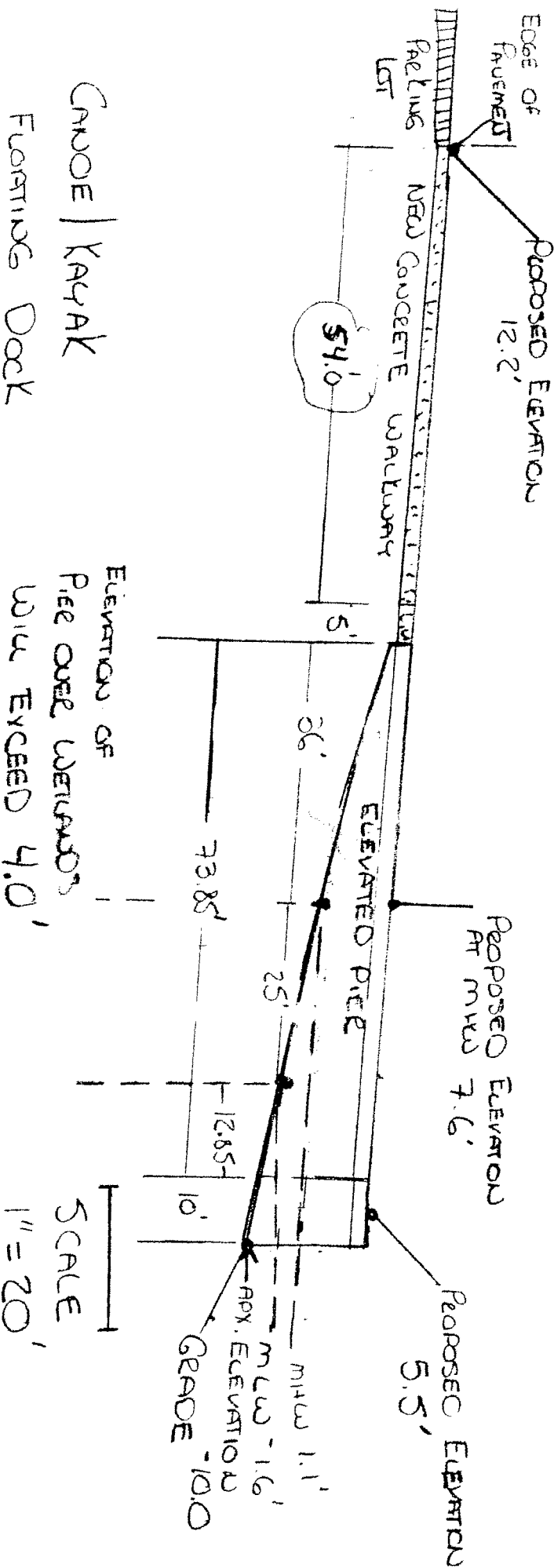


BENNETT'S CREEK  
FISHING PIER &  
CANOE/KAYAK DOCK  
SEPT 30, 2011 (REVISD)

1" = 30'  
OCT 12, 2011



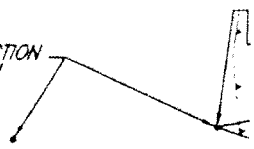
# FISHING PIER



CROSS SECTIONS  
 BENNETT'S CREEK  
 FISHING PIER &  
 FLUATING DOCK

(REVISED) SEPTEMBER 30,  
 2011  
 OCTOBER 12, 2011

DISK FOUND  
RYAN CONSTRUCTION  
NO INFORMATION

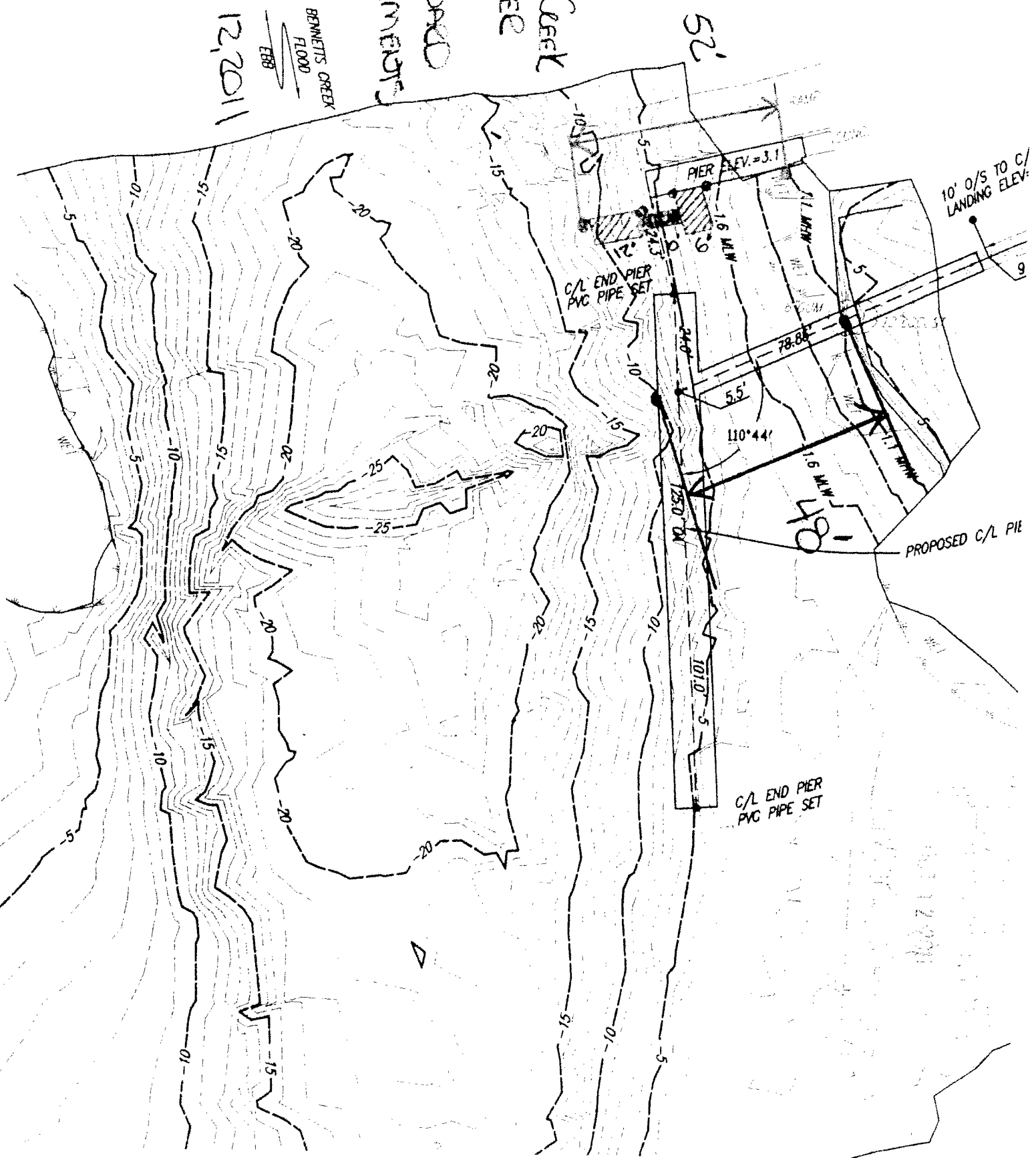
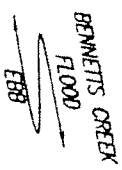


BENNETT'S CREEK  
FRIDGE PIER

CHAMPLAIN  
EUGENECAMPBELL

OCTOBER 12, 2011

1" = 30'  
SCALE





U.S. Army Corps  
Of Engineers  
Norfolk District

**CERTIFICATE OF COMPLIANCE  
WITH  
ARMY CORPS OF ENGINEERS PERMIT**

Permit Number: NAO-11-01518/11-V1051  
Corps Contact: Nicole Ange  
Name of Permittee: City of Suffolk, Department of Parks and Recreation, c/o Michael Kelly  
Date of Issuance: October 26, 2011  
Permit Type: Regional Permit 19 (RP-19) - For certain projects with State or local permits.

**Within 30 days of completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the following address:**

Norfolk District Corps of Engineers  
Regulatory Branch  
Attn: Nicole Ange  
803 Front Street  
Norfolk, VA 23510-1096

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification or revocation.

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation has been completed in accordance with the permit conditions.

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Signature of Permittee

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Date



**U.S. Army Corps  
Of Engineers**  
Norfolk District

Fort Norfolk, 803 Front Street  
Norfolk, Virginia 23510-1096

**CENAO-REG  
08-RP-19**

## **REGIONAL PERMIT**

**Effective Date: August 14, 2008**  
**Modified Date: August 26, 2010 and September 20, 2010**

**Expiration Date: August 14, 2013**

### **I. AUTHORIZED ACTIVITIES:**

**The following activities may be authorized under 08-RP-19, Regional Permit 19 (“RP”), subject to the conditions, limitations and descriptions set out further herein:**

- 1. Aerial transmission lines and other overhead lines.**
- 2. Groins, jetties, spurs and/or baffles and associated beach nourishment.**
- 3. Maintenance dredging for previously authorized projects.**
- 4. Bulkheads, riprap and associated backfill and/or excavation, including bulkhead repair and/or replacement, and bioengineering projects to prevent erosion.**
- 5. Open-pile piers at community, commercial or government facilities for recreational or commercial use.**
- 6. Boat ramps and accessory structures, including any fill or excavation for installation.**
- 7. Recreational or Commercial boathouses and covered boat lifts.**
- 8. Mooring piles/dolphins, fender piles and camels.**
- 9. Crab pounds.**
- 10. Submerged sills and associated beach nourishment.**
- 11. Low breakwaters and associated beach nourishment.**
- 12. Aquaculture/Mariculture activities.**
- 13. Commercial moorings associated with a permitted project and temporary in nature.**

### **II. AUTHORITIES:**

The people of the Commonwealth of Virginia are hereby authorized by the Secretary of the Army and the Chief of Engineers 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) to perform certain work in waters of the Commonwealth as described further herein strictly subject to the conditions and limitations set out further herein.

Activities receiving written authorization under this RP do not require further authorization unless the District Commander determines that overriding national factors of the public

**requirement to obtain a permit from VMRC and/or the local wetlands board has been waived for 08-RP-19, Activity #3 ONLY.**

2. Those activities on the Potomac River extending beyond the mean low water line must be authorized by the Virginia Marine Resources Commission, the Maryland Department of Natural Resources and/or the Potomac River Fisheries Commission in order to comply with this regional permit.
3. In the event the proposed project or any portion of the project receives a waiver (or exemption under the grandfather clause), the project would not qualify for this regional permit and a different general permit or an individual permit will be required.

**ACTIVITIES DO NOT QUALIFY FOR THIS REGIONAL PERMIT UNLESS, THEY SATISFY ALL OF THE SPECIAL AND GENERAL CONDITIONS LISTED BELOW:**

**V. ACTIVITY SPECIFIC SPECIAL CONDITIONS:**

**1. Aerial transmission lines and other overhead lines:**

- a. The following minimum clearances are required for aerial electric power transmission lines crossing navigable waters of the United States. These clearances are related to the clearances over the navigable channel provided by existing fixed bridges, or the clearances which would be required by the U.S. Coast Guard for new fixed bridges, in the vicinity of the proposed power line crossing. The clearances are based on the low point of the line under conditions which produce the greatest sag, taking into consideration temperature, load, wind, length of span, and type of supports as outlined in the National Electrical Safety Code.

Minimum additional clearance above clearance required for bridges:

<u>Nominal system voltage (kilovolt)</u>	<u>Feet</u>
115 and below.....	20
138.....	22
161.....	24
230.....	26
350.....	30
500.....	35
700.....	42
750 to 765.....	45

- b. Clearances for communication lines, stream gauging cables, and other aerial crossings are usually required to be a minimum of ten feet above clearances required for bridges. Overhead lines which require fill may need separate authorization from the Corps. Projects which require dredging for construction access will not qualify for this regional permit.
- c. In addition, the Federal Aviation Administration has responsibility for the marking of aerial transmission lines. Therefore, for those projects involving such work, an

- g. Special Conditions for Discharges and Structures in Sections VI and VII, respectively, apply to this activity as well as the general conditions listed in the regional permit.

**3. Maintenance dredging for previously authorized projects:**

- a. This RP authorizes maintenance dredging of projects which received a Norfolk District Letter of Permission 2 (LOP-02) or individual Department of the Army permit for the initial dredging. Areas to be dredged and dredged depths shall not exceed those specified by the original authorization.
- b. For maintenance dredging to qualify under this RP, all dredged material must be disposed of in a currently approved dredged material management site, in an approved upland disposal site, or at the Craney Island Dredged Material Management Area/Rehandling Basin. The disposal of dredged material into wetlands is not authorized by this permit. The currently approved dredged material management sites do not include ocean disposal sites. The use of ocean disposal must be permitted under separate authorization. If the dredged material is being disposed of in an upland area, the area must be properly designed to contain the material.
- c. If the applicant proposes to use the Craney Island Dredged Material Management Area for placement of the dredged material, the special conditions which must be adhered to and forms which must be completed in order to use Craney Island will be added to this RP for those projects for which it applies. The permittee is advised that the prime contractor performing the dredging project must obtain a Real Estate license from the Norfolk District Real Estate Office prior to the commencement of any work which would utilize the Craney Island Dredged Material Management Area or Government Bulkhead Facilities at the Craney Island Rehandling Basin. The permittee/prime contractor should contact Mr. David Parson of the Norfolk District Real Estate Acquisition, Management, and Disposal Section at (757) 201-7736 for further information regarding the Department of the Army License. (Please note that there are restrictions on the use of Craney Island. You may call the Norfolk District at 757-201-7652 to determine if Craney Island can be used.)
- d. If applicable, under this RP, periodic maintenance dredging may be performed for five (5) years from the date of the acknowledgment letter in order to coincide with the expiration of the Virginia Marine Resources Commission maintenance dredging permit, which is issued for a maximum of five (5) years.
- e. The Norfolk District must be advised in writing by the permittee at least two weeks before each maintenance dredging activity is undertaken so that the intended disposal area may be inspected. Disposal areas must be approved by the Norfolk District before use.
- f. Within 30 days of completion of the dredging, an after-dredge hydrographic survey, prepared by a state-certified engineer or surveyor, must be provided to the Corps. The hydrographic survey should reference a local tidal or geodetic datum.
- g. Barges and scows used to transport dredged material may be filled only to a point where no overflow occurs. No overflow pipes are allowed.



- i. Special Conditions for Discharges in Section VI below apply to this activity as well as the general conditions listed in the regional permit.

**5. Open-pile piers at community, commercial or government facilities for recreational or commercial use:**

- a. This authorization covers all open-pile piers, docks, wharfs associated with the construction or expansion of any community, commercial, or government facility whose primary use is commercial or recreational. This would include, but not be limited to, community fishing piers, piers at seafood processing facilities, piers at boat repair facilities, piers at marine terminals, recreational piers located on military installations or piers for military associated operational facilities utilized for training, aggregate handling facilities, and other non-recreational facilities. (Marine railways are excluded from this regional permit.)
- b. If the original purpose of the structure or facility changes, the permittee must submit a request for a permit modification (i.e. a recreational marina to a grain loading facility or coal handling facility).
- c. This work does not qualify for the RP if it involves any dredging or filling. In that event, an individual Department of the Army permit will be required. If dredging is proposed, it may qualify for the District's Letter of Permission 2 (08-LOP-02).
- d. Special Conditions for Structures in Section VII below apply to this activity as well as the general conditions listed in the regional permit.

**6. Boat Ramps and Accessory Structures, including associated fill and excavation necessary for installation:**

- a. This RP covers all boat ramps (concrete or open-pile timber), whether private, public, commercial or government-owned. For this RP, accessory structures include catwalks, pilings and small piers whose sole purpose is to make it easier to get boats into or out of the water. Permanent or semi-permanent mooring facilities are not covered.
- b. This permit authorizes excavation and/or filling within the limits of the boat ramp only (e.g. for bedding). Dredging or filling for water access to the ramp is not covered under this regional permit and will require separate Department of the Army authorization. Authorization of the boat ramp does not imply that a future dredging proposal to provide access to the structure would be approved.
- c. All boat ramps and accessory structures shall be located so as to eliminate or minimize impacts to vegetated wetlands.
- d. The pouring of concrete for the construction of boat ramps must be accomplished within a cofferdam unless the activity can be performed completely in the dry, such as during lake drawdown periods. The introduction of uncured concrete into surface waters is prohibited.

## 10. Submerged Sills and Associated Beach Nourishment:

- a. For the purpose of this RP, a submerged sill is defined as a low, detached structure constructed near shore and parallel to the shoreline for the purpose of building up an existing beach by trapping and retaining sand in the littoral zone. Because a sill acts like a natural bar, it is most effective when constructed at or near the mean low water line and low enough to allow wave overtopping.
- b. Submerged sills may be constructed of riprap, gabion baskets, or concrete. Alternative materials may be considered for use during the permit review process. The materials should be of sufficient weight or adequately anchored to prevent their being dislodged and carried about by wave action. Asphalt and materials containing asphalt or other toxic substances shall not be used in the construction of sills. As the design and location of sills is site specific, it is suggested that the Shoreline Erosion Advisory Service or the Virginia Institute of Marine Science be consulted for advice.
- c. The beach nourishment area and the submerged sill shall be marked as prescribed by the United States Coast Guard in accordance with 33 CFR 64. The permittee must contact the United States Coast Guard, Aids to Navigation Branch at (757) 398-6230 to ascertain the proper markings for the activity. Aids to navigation shall be deployed and maintained as appropriate.
- d. Submerged sills may not be connected to the upland or constructed in conjunction with groins or other erosion control structures. Such structures will require individual Department of the Army review.
- e. This RP authorizes beach nourishment landward of the sills provided the nourishment is for erosion control (and not solely recreational activities). Planting of vegetation to stabilize the nourishment area may be required by the Corps, where appropriate. The maximum beach nourishment area within waters of the United States that can be authorized under this Regional Permit is one (1) acre.
- f. All material proposed for beach nourishment must be of grain size comparable with the existing beach. All material will be obtained from either an upland source, a borrow pit, or a dredging project approved by the Corps.
- g. The beach nourishment material will not be placed in or affect any vegetated wetlands, submerged aquatic vegetation, or shellfish beds.
- h. The District Commander will require an individual Department of the Army permit for any project which he/she determines to have greater than minimal individual or cumulative impacts.
- i. Please note that beach nourishment projects may result in the creation of suitable habitat for various federally listed threatened or endangered species. If this occurs and the applicant proposes to either add to or replenish the area previously nourished, the Corps will consult with the Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act to insure the work does not adversely affect or jeopardize a federally listed or proposed threatened or endangered species.

- i. The beach nourishment material will not be placed in or affect any vegetated wetlands, submerged aquatic vegetation, or shellfish beds.
- j. The District Commander will require an individual Department of the Army permit for any project which he/she determines to have greater than minimal individual or cumulative impacts.
- k. Please be aware that beach nourishment projects may result in the creation of suitable habitat for various federally listed threatened or endangered species. If this occurs and you wish to either add to or replenish the area previously nourished, the Corps will consult with the Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act to insure the work does not adversely affect or jeopardize a federally listed or proposed threatened or endangered species.
- l. Special Conditions for Discharges and Structures in Section VI and VII, respectively, apply to this activity as well as the general conditions listed in the regional permit.

**12. Aquaculture/Mariculture Activities:**

- a. This authorization is limited to the bottom and suspended culturing and harvesting of bivalve mollusks in the intertidal and subaqueous areas of navigable waters. Activities covered include: deployment and maintenance of buoys, rafts, trays, and other equipment associated with the activity, and work including temporary wet storage, and harvesting.
- b. The aquaculture activity area and any elevated structures within the area shall be marked as prescribed by the United States Coast Guard in accordance with 33 CFR 64. The permittee must contact the United States Coast Guard, Aids to Navigation Branch at (757) 398-6230 to ascertain the proper markings for the activity. Aids to navigation shall be deployed and maintained as appropriate.
- c. No aquaculture activity shall occur within beds of submerged aquatic vegetation or saltmarsh, nor shall such vegetation be damaged or removed. Should an area become colonized by submerged aquatic vegetation or saltmarsh after an authorized aquaculture activity is installed, the activity shall be allowed to remain, however, no expansion into newly colonized areas is authorized by this regional permit. Information on the location of submerged aquatic vegetation can be obtained from the Norfolk District Corps of Engineers (at telephone (757) 201-7652) and from the Virginia Institute of Marine Science (at telephone (804) 642-7332).
- d. An aquaculture activity will not meet the terms for this RP if it will have more than minimal adverse effects on avian resources such as, but not limited to: shore birds, wading birds, or members of the waterfowl group. This includes nesting, feeding or resting activities by migratory birds identified at 50 CFR 10.13.
- e. An aquaculture activity will not qualify for this RP if it will have more than minimal adverse effects on existing or naturally occurring beds or population of shellfish, marine worms or other invertebrates that could be used by man, other mammals, birds, reptiles, or predatory fish.

7. Discharges of dredged or fill material into breeding areas for migratory waterfowl must be avoided to the maximum extent practicable.
8. Discharges into breeding areas for migratory waterfowl must be avoided to the maximum extent practicable.
9. All temporarily disturbed waters and wetlands must be restored to preconstruction contours as soon as these areas are no longer needed for their authorized purpose, and not later than completion of project construction. Following restoration of contours, the soil in wetlands must be mechanically loosened to a depth of 12 inches, and the wetlands must then be seeded or sprigged with appropriate native wetland vegetation.

#### **VII. SPECIAL CONDITIONS FOR STRUCTURES:**

1. The permittee must install and maintain, at his/her expense, any safety lights, markers and/or signals prescribed by the United States Coast Guard (USCG), through regulations or otherwise, on the authorized facilities and/or structures. The USCG may be reached at the following address and telephone number: Commander (oan), Fifth Coast Guard District, Federal Building, 431 Crawford Street, Portsmouth, Virginia 23704, and telephone number (757) 398-6230.
2. The permittee hereby acknowledges and recognizes the possibility that the structures permitted herein may be subject to damage by waves caused by wash from passing vessels. The issuance of this RP does not relieve the permittee from taking all proper steps to ensure the integrity of the structure permitted herein and to safeguard the safety of boats moored thereto from damage by waves. The permittee hereby acknowledges that the United States has no involvement or responsibility or liability of any kind for any such damage and agrees that it shall not hold the U.S. liable or involve the U.S. in any actions or claims regarding any such damages.
3. If work will occur in areas that contain submerged aquatic vegetation (SAV), additional avoidance and minimization measures, such as relocating a structure or time of year restrictions, may be required to reduce impacts to SAV.

#### **VIII. GENERAL CONDITIONS:**

The following conditions apply to all activities authorized under Regional General Permits (RP).

1. **Geographic jurisdiction.** This regional permit will authorize work undertaken within the geographical limits of the Commonwealth of Virginia under the regulatory jurisdiction of the Norfolk District.
2. **Compliance Certification.** A Certificate of Compliance must be completed and a copy retained for your records. The original Certificate of Compliance shall be mailed to, U. S. Army Corps of Engineers, Regulatory Branch, 803 Front Street, Norfolk, Virginia 23510-1096 within 30 days of completion of the project.
3. **Other permits.** Authorization does not obviate the need to obtain other Federal, state, or local authorizations required by law or to comply with all Federal, state, or local laws.

intent to avoid the requirements of Section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effects created or permitted by the applicant. If circumstances justify granting the assistance, the Norfolk District is required to notify the ACHP and provide documentation specifying the circumstances, explaining the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, State Historic Preservation Officer, Tribal Historic Preservation Officer, appropriate Indian tribes if the undertaking occurs on or affect historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have legitimate interest in the impacts to the permitted activity on historic properties. If the permittee, during construction or work authorized herein, encounters a previously unidentified archaeological or other cultural resource, he/she must immediately stop work and notify the Norfolk District of what has been found. Coordination with the Virginia Department of Historic Resources will commence and the permittee will subsequently be advised when he/she may recommence work.

- 10. Tribal rights.** No activity authorized may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.
- 11. National lands.** Authorized activities shall not impinge upon the value of any National Wildlife Refuge, National Forest, National Park, or any other area administered by the FWS, U.S. Forest Service, or National Park Service.
- 12. Endangered species.** (a) No activity is authorized under any RP which 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 which will destroy or adversely modify the critical habitat of such species. No activity is authorized under any RP which "may affect" a listed species or critical habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed. (b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. Federal permittees must provide the district commander with the appropriate documentation to demonstrate compliance with those requirements. (c) Non-federal permittees shall notify the district commander if any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, and shall not begin work on the activity until notified by the district commander that the requirements of the ESA have been satisfied and that the activity is authorized. Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the USFWS Virginia Field Office at 6669 Short Lane, Gloucester, VA 23061 and/or NOAA Fisheries Habitat Conservation Division, P.O. Box 1346, 7580 Spencer Road, Gloucester Point, VA 23062. For activities that might affect Federally-listed rare, endangered, or threatened species or designated critical habitat, notification must include the name(s) of the endangered or threatened species that may be affected by the proposed work or that utilize the designated critical habitat that may be affected by the proposed work. The district commander will determine whether the proposed activity "may affect" or will have "no effect" to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps' determination within 45 days of receipt of a complete notification. In cases where the non-Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the project, and has so notified the Corps, the applicant shall not begin work until the Corps has provided

19. **Environmental Justice.** Activities authorized under this RP must comply with Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations".
20. **Federal liability.** In issuing this RP, 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 RP; (d) design or construction deficiencies associated with the permitted work; (e) damage claims associated with any future modification, suspension, or revocation of this permit.

**General Conditions Related to Minimizing Environmental Impacts:**

21. **Avoidance and minimization.** Discharges of dredged or fill material into waters of the United States shall be avoided and impacts minimized to the maximum extent practicable.
22. **Heavy equipment in wetlands.** Heavy equipment working in wetlands must be placed on mats or other measures must be taken to minimize soil disturbance.
23. **Temporary fills.** All temporarily disturbed waters and wetlands must be restored to preconstruction contours as soon as these areas are no longer needed for their authorized purpose, and not later than completion of project construction. Following restoration of contours, the soil in wetlands must be mechanically loosened to a depth of 12 inches, and the wetlands must then be seeded or sprigged with appropriate native wetland vegetation.
24. **Sedimentation and erosion control.** Appropriate erosion and sediment controls must be employed and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark, must be permanently stabilized at the earliest practicable date.
25. **Aquatic life movements.** No authorized activities may substantially disrupt the movement of aquatic life indigenous to the waterbody, including those species which normally migrate through the area, unless the activity's primary purpose is to impound water. The Norfolk District has determined that fish and wildlife are most often present in any stream being crossed, in the absence of evidence to the contrary.
26. **Discharge of pollutants.** All authorized activities involving any discharge of pollutants into waters of the United States shall be consistent with applicable water quality standards, effluent limitations, standards of performance, prohibitions, and pretreatment standards and management practices established pursuant to the CWA (33 U.S.C. § 1251 *et seq.*) and applicable state and local laws. No discharge of dredged or fill material in association with this authorization may consist of unsuitable material such as trash, debris, car bodies, asphalt, etc.
27. **Obstruction of high flows.** Discharges of dredged or fill material must not permanently restrict or impede the passage of normal or expected high flows.
28. **Waterbird breeding areas.** Discharges of dredged or fill material into breeding areas for migratory waterfowl must be avoided to the maximum extent practicable.
29. **Native trout and anadromous fishes.** Authorizations for discharges of dredged or fill material into native trout waters or anadromous fish use areas will be conditioned to limit in-stream work within timeframes recommended by the DGIF and/or NOAA Fisheries. Coordination with DGIF and/or NOAA Fisheries will be conducted by the Corps. The

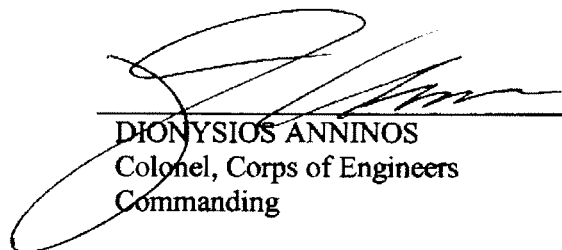
party, he/she may be required to restore the area to the satisfaction of the Norfolk District.

- 38. Transfer of authorization.** In order to transfer authorization under this RP, the transferee or permittee must supply the Norfolk District with a written request. Such transfer is effective upon written approval by the Norfolk District of a transfer document signed by both parties evidencing that the transferee commits to assuming all responsibilities of the original permittee under the permit.
- 39. Binding effect.** The provisions of the permit authorization shall be binding on any assignee or successor in interest of the original permittee.

**General Conditions Regarding Duration of Authorizations, Time Extensions for Authorizations, and Permit Expiration:**

- 40. Duration of Activity's Authorization.** Activities authorized under 08-RP-19 must be completed by August 14, 2013. If this RP is reissued at that time, and if this work has not been started or completed, but the project continues to meet the terms and conditions of the revalidated RP, then the project will continue to be authorized. The Norfolk District will issue a special public notice announcing any changes to the Regional Permits when they occur; however, it is incumbent upon you to remain informed of changes to the RPs. Activities which have commenced (i.e., are under construction) or are under contract to commence in reliance upon this RP that do not meet the terms and conditions of the revalidated RP will remain authorized provided the activity is completed within twelve months of the date of this RP's expiration (i.e. August 14, 2014), unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization in accordance with 33 CFR 325.7(a-e). If work cannot be completed by August 14, 2014, you must reapply for separate permit authorization in order to meet current permit criteria.
- 41. Expiration of 08-RP-19.** Unless further modified, suspended, or revoked, this general permit will be in effect until August 14, 2013. Upon expiration, it may be considered for revalidation. Activities completed under the authorization of a RP which was in effect at the time the activity was completed continue to be authorized by that RP.

14 Aug 2008  
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Date

  
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DIONYSIOS ANNINOS  
Colonel, Corps of Engineers  
Commanding