Regional General Permit 17-01

U.S. ARMY CORPS OF ENGINEERS BUILDING STRONG®

DEPARTMENT OF THE ARMY REGIONAL GENERAL PERMIT NM/WEST TX-17-01 FOR EMERGENCY REPAIR AND PROTECTION ACTIVITIES

EFFECTIVE DATE: May 17, 2023 **EXPIRATION DATE:** May 17, 2028

In accordance with Section 404 of the Clean Water Act (33 U.S.C. 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), the U.S. Army Corps of Engineers (Corps) hereby authorizes certain limited discharges of dredged and fill material into waters of the United States, including navigable waters, associated with emergency situations subject to regulatory review by the Albuquerque District, Regulatory Division, within New Mexico, West Texas, and the Navajo Nation.

ISSUING OFFICE: U.S. Army Corps of Engineers, Albuquerque District

LOCATION: This RGP is applicable to all waters of the United States, including navigable waters, subject to regulatory review by the Albuquerque District, Regulatory Division, within New Mexico, West Texas, and the Navajo Nation.

Note: The term "this office" refers to the Albuquerque District office of the Corps of Engineers, which has jurisdiction over the permitted activity, or the appropriate official of this office acting under the authority of the commanding officer.

Scope of Authorized Activities: Work authorized by this RGP is limited to discharges of dredged or fill material into waters of the United States, including wetlands, and/or work in or affecting navigable waters of the United States, associated with an emergency situation. An “emergency situation” is present where there is a clear, sudden, unexpected, and imminent threat to life or property demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property or essential public services (i.e., a situation that could potentially result in an unacceptable hazard to life, a significant loss of property, or damage to essential public services if corrective action requiring a permit is not undertaken immediately).

Activities authorized by this RGP are limited to discharges of dredged or fill material that are the minimum necessary to alleviate the emergency situation and that would not result in more than minimal individual and cumulative adverse effects. Activities that would result in the loss of greater than 1/2-acre of waters of the United States cannot be authorized by this RGP.

This RGP does not authorize long-planned-for projects, nor does it authorize projects that are likely to have been known to the applicant, but for which an application was not submitted in a timely manner. That is, the applicant's failure to act in a timely manner prior to the emergency event will not obligate the Corps or other agencies to authorize work under this RGP.

Note: The limited scope of this permit is necessary to ensure that the expedited agency coordination procedures in General Condition 4 are only employed to address true emergencies that could not have been planned for and mitigated in advance. Projects or impacts known in advance to the applicant require full agency coordination and Corps review as required by 33 CFR 320-332.

Activities Covered by this RGP: Permanent or temporary work or structures in navigable waters of the U.S., and/or the permanent or temporary discharge of dredged and/or fill material into waters of the U.S.,

including wetlands, for repair or protection activities for which this office has determined that an emergency situation exists as defined by this RGP. Typical activities authorized under this RGP include, but are not limited to:

- Bank stabilization (not to exceed 500-linear feet, unless this limit is waived by the Corps in writing);
- Restoration of damaged areas;
- Temporary fills for staging, access, and dewatering;
- Repair, replacement, or rehabilitation of existing structures and/or fills (e.g. roads, bridges, utility pipelines and flood control structures, including attendant features, irrigation pumps or intakes, and other existing structures located in waters of the U.S.);
- Construction or repair of fire/fuel breaks, debris and sediment containment structures, including erosion control basins (erosion control basins cannot be located within a perennial or intermittent stream);
- Removal of accumulated debris and/or sediment (limited to restoring flow conveyance/channel geometry to pre-event dimensions); and
- Other activities associated to emergency repair or protection to prevent or mitigate loss of, or damage to, life, health, property or essential public services.

This RGP may NOT be used to upgrade an existing structure to current standards when that activity would result in additional adverse effects on aquatic resources, except in very limited circumstances. Such upgrade projects shall be considered separate activities for which other forms of authorization will be required.

Projects that are beyond the scope and timing of this emergency permit should be authorized using the appropriate general or individual permit. Impacts to waters of the U.S., including wetlands, shall be avoided or minimized through the use of practicable alternatives.

Compensatory mitigation for unavoidable adverse impacts to waters of the U.S. may be required.

NOTIFICATION AND APPROVAL PROCEDURES: The applicant must notify the Corps as early as possible and shall not begin the activity until the Corps provides written authorization that the activity may proceed under this RGP with any site-specific special conditions imposed by the Corps. The Corps recognizes there may be situations where imminent threats to life or property may occur, and the applicant has not received authorization to proceed from the Corps. It is not the intention of this permit to require threats to life or property to remain unaddressed. If an applicant chooses to proceed without prior authorization from the Corps, the applicant must ensure that notice of such a unilateral decision to proceed is made to this office by telephone or e-mail within 24 hours, and those messages should include the information identified in items 1 and 2 below. Formal written notification requesting after-the-fact authorization must be sent to this office within 7 working days. Electronic notification by email is preferred. Notification should be provided to the NM/TX Branch Chief at:

Email: SPA-RD-NM@usace.army.mil
Mail: U.S. Army Corps of Engineers Albuquerque District Regulatory Division
4101 Jefferson Plaza NE Albuquerque, NM 87109
Phone: (505) 342-3280

Contents of Notification: The notification should be in writing and include the following information:

1. Name, address and telephone number of the person(s) responsible for the work, the owner of the affected lands (if different from the permittee), and the contractor(s) that will be performing the work, if applicable.
2. A description of the proposed work including:
    a. Purpose and need - describe nature of emergency that makes use of this RGP necessary and why such actions were not anticipated earlier.
    b. A description of waters of the United States that may be affected by the activities.

c. Type, composition, and quantity of material to be excavated or placed (including temporary material used for cofferdams, etc).
d. Length, width, and depth of fill area and/or excavation area.
e. A discussion of the direct and indirect adverse environmental effects of the activity.
f. Location of disposal site for excavated material.
g. Type of equipment to be used.
h. Identification/delineation of wetlands (if present)
i. The receiving site for excess water (drainage projects).
j. Any other pertinent, supporting data.

3. A location map indicating the location of the proposed work and a legal description (section, township, range, and county, NAD 83 UTM coordinates or latitude and longitude).
4. A set of 8.5 by 11-inch drawings showing the details of the proposed work (plan and cross-sectional views showing elevations and dimensions). In situations where detailed plans are not available prior to construction, conceptual/as-built plans may be submitted with project notification. Detailed plans, however, are required after-the-fact with the post-activity report.
5. Pre-construction photos depicting the physical setting (to be compared to post- construction site conditions from the same photo points). Photos should contain figure labels with time, date, bearing, and a general description of the site.
6. A compensatory mitigation plan for permanent impacts that exceed 0.1 acres.
7. A written statement that the permittee agrees to abide by the terms and conditions of this permit.

The notification must clearly describe the project so that the Corps can determine whether the work complies with the terms and conditions of the RGP.

District Engineers (DE) Decision: In reviewing the notification for the proposed activity, the DE will determine whether the activity authorized by this RGP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public's interest. The applicant may, as an option, submit a proposed mitigation plan with the notification to expedite the process and the DE will consider any mitigation (See General Condition 5) the applicant has included in the proposal in determining whether the net adverse environmental effects for the proposed work are minimal. If the DE determines the activity complies with the terms and conditions of this RGP and the adverse effects are minimal, this office will notify the applicant that the project has been authorized including any project-specific conditions deemed necessary.

If the DE determines the adverse effects of the proposed work are more than minimal, the DE will notify the applicant either:

1. That the project does not qualify for authorization under this RGP and instruct the applicant on the procedures to seek authorization under an individual permit; **OR**

2. That the project is authorized under this RGP subject to the applicant submitting a mitigation proposal that would reduce the adverse effects to the minimal level.

GENERAL CONDITIONS OF THIS RGP: To qualify for this RGP, the permittee must comply with the following general conditions (GC), in addition to any project specific special conditions imposed by the Corps:

1. **Timing of Projects:** Projects authorized under this RGP must be initiated within seven (7) days of receiving written verification from the Corps. Projects that cannot be initiated within this immediate timeframe generally would not meet the definition of an “emergency situation”. If the project start time can be delayed for more than a week, the imminent threat of impending loss may have diminished in magnitude as well as immediacy, and other permitting authorities may be more appropriate. However, there may be limited circumstances where after coordination with other agencies,

the Corps determines that there are logistical considerations that necessitate an extension of between 1 and 7 days.

The time limit for completing the work authorized by this RGP is 45 days from the date of permit verification, unless otherwise specified in the Corps verification letter. If additional time is required to complete the authorized activity, a written request for a time extension, including justification for the request, must be submitted to the Corps at least 10 days prior to the expiration of the verification.

2. **Special Conditions:** The activity must comply with any case-specific special conditions included in the written Corps verification.

3. **Critical Resource Waters:** The Corps may authorize activities under this RGP only after it is determined that the impacts to critical resource waters will be no more than minimal. If the Corps identifies a critical resource water at the project site, the Corps will notify all appropriate agencies and initiate consultation as necessary.

4. **Agency Coordination:** Upon receipt of notification, the Corps will immediately provide an electronic copy to appropriate agencies, which may include, but are not limited to: the U.S. Environmental Protection Agency, the U.S. Fish and Wildlife Service, the appropriate Tribal entity, the Navajo Nation Division of Natural Resources, the Navajo Nation Environmental Protection Agency, the appropriate Tribal Historic Preservation Officer, the New Mexico Environment Department, the New Mexico Department of Game and Fish, the New Mexico State Historic Preservation Office, the Texas Commission on Environmental Quality, the Railroad Commission of Texas, the Texas Parks and Wildlife Department, and the Texas Historical Commission. These agencies will be requested to communicate to the Corps Regulatory Project Manager, as expeditiously as possible, a response indicating whether they intend to provide substantive, site-specific comments regarding the proposed project. If notified that comments will be provided by an agency or tribal representative, the Corps will provide an opportunity for comments. Due to the emergency nature of the projects being reviewed, comments will be requested within a 24-hour to 3-day review timeframe, which may be extended by request to 5 days if circumstances warrant such extension. If the Corps does not receive a response from agencies within the specified timeframe, the Corps will proceed with its authorization. If there are substantive changes to the project after the Corps authorizes work, or a need to conduct a site visit, the Corps will provide additional opportunity for agency comment and for coordinating agencies to participate.

The Corps will fully consider any agency comments received within the specified timeframe concerning the proposed activity's impacts and the need for mitigation to reduce the project's adverse environmental effects to a minimal level. The Corps will indicate the results of that consideration in the administrative record and will provide an informal response to the commenting agency.

5. **Mitigation:** Discharges of dredged or fill material into waters of the United States must be avoided or minimized to the maximum extent practicable. Compensation for unavoidable discharges into waters of the United States may be required in accordance with the Mitigation Rule (33 CFR 332).

6. **Access to Site:** The permittee must allow representatives from this office and other agencies to inspect the authorized activity at any time deemed necessary to ensure the project is being or has been accomplished in accordance with the terms and conditions of this RGP.

7. **Tribal Rights:** No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights, and tribal water quality.

8. **Water Quality Certification:** For Permittees on Non-tribal Land in New Mexico:
The New Mexico Environment Department has issued conditional Water Quality Certification (WQC) for this RGP (Attached).

For Permittees on Non-tribal Land in Texas:
The Railroad Commission of Texas has issued conditional Water Quality Certification (WQC) for this RGP (Attached).

WQC was requested from the Texas Commission on Environmental Quality (TCEQ). No response was received from the TCEQ. Therefore, within lands where the TCEQ is the certifying authority, WQC requirements associated to this RGP have been waived per 40 CFR 121.9 (c).

For Permittees on Tribal Lands:
WQC was requested from the Native American tribes within the Albuquerque District, New Mexico/West Texas Branch area of responsibility that have been granted certifying authority by the EPA. For tribes that did not provide a response to our WQC request, WQC requirements associated to this RGP within the jurisdictional boundaries of those tribes have been waived per 40 CFR 121.9 (c).

Tribes with certifying authority and WQC status:
- Pueblo of Acoma, Waived
- Pueblo of Isleta, Conditional WQC (Attached)
- Pueblo of Laguna, Waived
- Pueblo of Nambe, Waived
- Picuris Pueblo, Waived
- Pueblo of Pojoaque, Waived
- Pueblo of Sandia, Conditional WQC (Attached)
- Pueblo of Santa Ana, Conditional WQC (Attached)
- Pueblo of Tesuque, Waived
- Ohkay Owingeh, Waived
- Santa Clara Pueblo, Conditional WQC (Attached)
- Taos Pueblo, Waived
- Navajo Nation, Conditional WQC (Attached)
- Ute Mountain Ute Tribe, Conditional WQC (Attached)

Allotted lands within the Navajo Nation:
EPA Region-9 is the certifying authority for allotted lands within the Navajo Nation and has issued conditional WQC for this RGP (Attached).

Tribes with EPA as the water quality certification authority:
WQC was requested from EPA Region-6 for those tribes that do not have certifying authority. The EPA Region-6 has provided WQC for the RGP with no conditions (Attached). The EPA Region-6 WQC is applicable to the following tribes that do not have certifying authority:

- Jemez Pueblo
- Jicarilla Apache Nation
- Mescalero Apache Nation
- Ysleta del Sur
- Pueblo of Cochiti
- Pueblo of San Felipe
- Pueblo of San Ildefonso
- Santa Domingo/Kewa Pueblo
- Zia Pueblo
- Zuni Pueblo

9. **Endangered Species:** No activity is authorized under this RGP which is likely to directly or indirectly 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

directly or indirectly destroy or adversely modify designated critical habitat or critical habitat proposed for such designation. No activity is authorized under this RGP which "may affect" a listed species or critical habitat unless ESA section 7 consultation addressing the consequences of the proposed activity on listed species or critical habitat has been completed or emergency Section 7 consultation has been authorized by the USFWS. See 50 CFR 402.02 for the definition of "effects of the action" for the purposes of ESA section 7 consultation, as well as 50 CFR 402.17, which provides further explanation under ESA section 7 regarding "activities that are reasonably certain to occur" and "consequences caused by the proposed action."

As a result of formal, informal, emergency consultation, or conference with the FWS, the district engineer may add species-specific permit conditions to the RGP authorization.

Authorization of an activity by this RGP does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the FWS, the Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word "harm" in the definition of "take" means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering.

Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the office of the FWS or their world wide web pages at http://www.fws.gov/ or http://www.fws.gov/ipac, respectively.

10. **Historic Properties:** An activity which may affect historic properties listed, or eligible for listing, in the National Register of Historic Places is not authorized by this permit until the Corps has complied with current procedures for addressing the requirements of Section 106 of the National Historic Preservation Act. The permittee must notify the Corps if the activity may affect any historic properties listed, determined to be eligible for listing, or which the permittee has reason to believe may be eligible for listing in the National Register of Historic Places, and will not begin the activity until notified by the Corps that the requirements of the National Historic Preservation Act have been satisfied and that the activity is authorized. If the permittee discovers any previously unknown historic, cultural, or archeological remains and artifacts while accomplishing the activity authorized by an NWP, they must immediately notify the district engineer of what they have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal, and state coordination required to determine if the item(s) or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

11. **Soil Erosion and Sediment Controls:** Every effort must be made to ensure any material dredged or excavated from waters of the United States is not redeposited into waters of the United States via runoff or overflow from a contained land disposal area. When feasible, erosion and sedimentation controls, such as siltation or turbidity curtains, sedimentation basins, straw bales/waddles, or other means designed to minimize turbidity in the watercourse above background levels existing at the time of construction, shall be used and maintained in effective operating condition during construction unless conditions preclude their use, or if conditions are such that the proposed work would not increase turbidity levels above the background level existing at the time of the work. All exposed soil and other fills, as well as any work below the ordinary high-water mark, must be stabilized at the earliest practicable date to preclude additional damage to the project area through erosion or sedimentation.

12. **Equipment:** When feasible, and if personnel would not be put into any additional potential hazard, heavy equipment working in wetlands must be placed on mats, or other measures must be taken to

minimize wetland disturbance.

13. **Suitable Material:** Use of broken concrete as fill or bank stabilization material is prohibited unless the applicant demonstrates that its use is the only practicable material (with respect to cost, existing technology, and logistics). Any applicant who wishes to use broken concrete as bank stabilization must provide notification to the Corps along with justification for such use. Use of broken concrete with rebar, used tires (loose or formed into bales), car bodies, or other materials deemed unsuitable by this office are prohibited for use under this RGP in waters of the United States. Applicants are encouraged to use clean rock that is free of organic matter, sand, dirt, and gravel when utilizing gabion baskets. Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see section 307 of the Clean Water Act).

14. **Wild and Scenic Rivers:** No activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while that river is in an official study status, unless the appropriate Federal agency with direct management responsibility for that river has determined, in writing, that the proposed activity would not adversely affect the Wild and Scenic River designation or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency in the area (e.g., FWS, National Park Service, U.S. Forest Service, and Bureau of Land Management). For the most current information regarding the location of rivers having the wild and scenic and/or “study river” designation, please visit the following website: https://www.rivers.gov/index.php

15. **Aquatic Life Movements:** No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species. If a bottomless culvert cannot be used, then the crossing should be designed and constructed to minimize adverse effects to aquatic life movements.

16. **Spawning Areas:** Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

17. **Migratory Bird Breeding Areas:** Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable. The permittee is responsible for ensuring that an action authorized by this RGP complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting the appropriate local office of the U.S. Fish and Wildlife Service to determine what measures, if any, are necessary or appropriate to reduce adverse effects to migratory birds or eagles, including whether “incidental take” permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.

18. **Navigation:** (a) No activity may cause more than a minimal adverse effect on navigation. (b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States. (c) 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 Page 2 of 25 the opinion of the Secretary of the Army or his or her 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 obstructions 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.

19. **Water Supply Intakes:** No discharge of dredged or fill material may occur in the proximity of a public water supply intake except where the discharge is for the repair of the public water supply intake structures or adjacent bank stabilization.

20. **Stream Channelization:** This RGP does not authorize the blockage or filling of an existing stream meander. Stream channelization is prohibited, except for minor channelization or alignments in the vicinity of stream crossings.

21. **Management of Water Flows:** To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization, storm water management activities, and temporary and permanent road crossings, except as provided below. The activity must be constructed to withstand expected high flows. No material may be placed in a manner that will be eroded by normal or expected high flows. The activity must not restrict or impede the passage of normal or high flows, to the maximum extent practical, unless the primary purpose of the activity is to impound water or manage high flows.

22. **Adverse Effects from Impoundments:** If the discharge creates an impoundment of water, adverse effects on the aquatic system caused by the accelerated passage of water and/or the restriction of its flow shall be minimized to the maximum extent practicable.

23. **Proper Maintenance:** Any structure or fill authorized by this RGP shall be maintained; including maintenance to ensure public safety, unless it is later determined that the structure is further contributing to other adverse conditions to private or public property. In such situations, corrective measures will be taken to rectify these adverse conditions, including removal and/or redesign of the original emergency corrective action, or appropriate mitigation as determined through coordination with the permittee and the appropriate Federal, State, Tribal, or local agency.

24. **Removal of Temporary Fills:** Temporary fills shall be removed in their entirety and the affected areas returned to pre-existing elevations and contours. The affected area shall be revegetated, as necessary, with appropriate vegetation common to the area.

25. **Removal of Vegetation:** Rooted vegetation removal must be authorized in advance by the Corps and shall be limited to that which is necessary to allow passage of expected high flows through a structure's inlet or outlet.

26. **Post-Activity Reports:** The permittee shall provide a concise written report to this office as soon as practicable (or within 45 days of completing the project) after completion of any action conducted under this RGP. These reports enable the Corps to track the use of this RGP to verify that the minimal effects determination is being met as required by Section 404(e) of the CWA. Failure to provide timely reports following responses to emergencies is non-compliance with the General Conditions of this RGP and would be considered a violation (33 CFR 326.4(d)). In situations where there are multiple projects being implemented in an area by a permittee, the permittee may consolidate reporting into a single comprehensive report.

At a minimum, the Post-Activity Report shall include any changes to the information provided in the original notification and the following:

i. A description of the work that was completed;
ii. Photos:
    (a) Pre and post-construction (date and location);
iii. Detailed plans or as-built drawings (if required and if not submitted with the original notification);
iv. Statement confirming that all general and special conditions were followed; and
v. Mitigation Plan, if applicable (if deferred due to urgency of the proposed project)

27. The permittee must comply with all Federal, State, Tribal, and local applicable regulations and ordinances.

FURTHER INFORMATION:

1. Congressional Authorities: Activities conducted under this RGP are authorized pursuant to:

(X) Section 10 of the River and Harbor Act of 1899 (33 U.S.C. 403).
(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

2. Limits of authorization under RGP #
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 provision of permit verification under this RGP is not contrary to the public interest is made in reliance on the information provided by the permittee.

5. Reevaluation of Permit Decision: This office may reevaluate its decision to issue this RGP, or on the verification that any particular activity qualifies for this RGP, at any time circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
a. Failure to comply with the terms and conditions of this permit.
b. The information provided in support of the permit verification request or after-action report proves to be false, incomplete, or inaccurate. See Item 4 above.
c. Significant new information becomes available which this office did not consider in reaching the original public interest decision.
d. The activity is determined to result in more than minimal impacts.

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 compliance with the terms and conditions of this permit and for the initiation of legal action where appropriate. The permittee will be required to pay for any corrective measures ordered by this office. If the permittee fails 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 the permittee for the cost.

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

Christina Schroeder

_____ May 17, 2023

For Kelly Allen DATE

Chief, Regulatory Division