

**DEPARTMENT OF THE ARMY  
REGIONAL GENERAL PERMIT, IDAHO  
(RGP-Idaho)**

NAVIGABLE WATERS OF THE UNITED STATES WITHIN THE STATE OF DAHO

Effective Date: October 23, 2009

Expiration Date: October 22, 2014

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**I. AUTHORITY**

In accordance with 33 CFR 325.2(e) (2), the U.S. Army Corps of Engineers (Corps) hereby issues this regional general permit (RGP) that authorizes certain activities in Navigable Waters of the United States, pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33U.S.C. 403) The State of Idaho Departments of Lands and Water Resources may also require separate approvals for these activities.

**II. AUTHORIZED ACTIVITIES**

Activities described below in A through D may be constructed individually or in combination with one another.

**A. CONSTRUCTION, REPAIR OR REPLACEMENT OF PIERS AND FLOATING DOCKS:** Single-use and joint-use piers and floating docks, with necessary electrical service, are authorized under the following terms:

1. One pier or floating dock is authorized for each riparian property owner.
2. The facility shall be for non-commercial activities only.
3. All electric wiring shall be in accordance with National Electrical Code (NEC) requirements.
4. Piers or floating docks shall extend into the waterway no further than the line of navigation. This limit is generally 55 feet, but in cases where the applicant can provide information that the line of navigation is greater, the applicant may request a longer extension waterward not to exceed 100 if the Corps makes a specific finding that the greater length will not appreciably impact navigation.
5. Total deck area of a single-use pier or floating dock, including the access ramp, shall not exceed 700 square feet. Total deck area of a joint-use pier or floating dock, including the access ramp, shall not exceed 1,100 square feet.
6. Only open-pile pier and floating construction is authorized. Pile size and driving requirements are set forth at Special Conditions 12 and 13. Piling shall be driven or set in excavated footings. If piling is set by excavating and backfilling the footings, the work must be accomplished in accordance with Nationwide Permits (NWP) 18 and 19 (33CFR 330, Appendix A). (See Note 1 at the end of Part II) All excavation and filling of footings shall be done in the dry during low water conditions. All excess excavated material shall be disposed of in a suitable upland location in a manner that precludes it from reentering waters of the United States. Piles may be bolted to bedrock if conditions preclude other attachment methods.

7. No other structures, such as living quarters, toilets, fueling facilities, or hard-covered boat moorages shall be constructed or installed on any float or pier.

8. Floating docks shall be designed to contain flotation material under all conditions (white bead Styrofoam may not be used under any circumstances).

9. Piers and floating docks shall be constructed in a manner that no more than 8 linear feet of shoreline vegetation shall be disturbed at the access point to the pier or dock.

**B. CONSTRUCTION, REPAIR OR REPLACEMENT OF MARINE LAUNCHING RAILS:** One marine launching rail, with necessary electrical service, per riparian property ownership is authorized under the following terms:

1. The marine launching rail shall be for non-commercial use.

2. All electrical wiring shall be in accordance with NEC requirements.

3. Marine launching rail systems shall be anchored to the surface of the bed of the waterway or on low profile concrete plank ties, poured concrete footings, untreated wood ties, or similar structures resting on the bed. If a boat launching ramp exists on the property, the marine launching rail system can be installed on the existing ramp surface. If minor dredging or backfilling is required this work must be in accordance with NWP 18 and 19 (33CFR 330, Appendix A) (See Note 1 at the end of Part II).

4. Marine launching rail systems shall not extend more that 10 feet vertically below low water.

5. Construction of marine launching rails shall be done in the dry during low water conditions.

6. Pile size and driving requirements are set forth at Special Conditions 12 and 13.

**C. CONSTRUCTION, REPAIR OR REPLACEMENT OF MOORING PILES:** A maximum of four mooring piles per riparian property ownership is authorized under the following terms:

1. Mooring piles shall be for a non-commercial use.

2. Piles shall be single and separate and not constructed so as to form a multi-piled dolphin.

3. Mooring piles shall not be installed more than 55 feet water ward of the ordinary high water mark or to length of the permitted dock, whichever is less.

4. Pile size and driving requirements are set forth at Special Conditions 12 and 13.

**D. CONSTRUCTION REPAIR OR REPLACEMENT OF PORTABLE BOAT LIFT STATIONS:**

A maximum of two portable boat lift stations (with cover and necessary electrical service) per private riparian property ownership are authorized under the following terms:

1. Portable boat-lift stations shall be for non-commercial use.

2. All electric wiring shall be in accordance with the NEC requirements.

3. Portable boat-lift stations shall not be installed more than 55 feet water ward of the ordinary high watermark or the length of the permitted dock, whichever is less.
4. Portable boat-lift stations shall be located adjacent to existing authorized floating docks and piers. They shall not extend water ward of the existing, authorized float or pier.
5. Canopies shall be part of the boat-lift station or a framework attached to the floating dock or pier.

Note 1: The NWP re-issuance schedule will differ from this RGP. Conditions and limitations included in the re-issuance of NWP authorizing minor discharges and dredging will apply to this RGP.

### **III. NAVIGABLE WATERS OF THE UNITED STATES IN IDAHO**

- A. A complete list of all Navigable Waters of the United States as defined by Section 10 of the Rivers and Harbors Act of 1899 within the state of Idaho are listed below and shown on Sheet 1 of the drawings.
- B. Navigable Waters of the United States within the State of Idaho include:
  1. Snake River upstream to River Miles 445.5
  2. Clearwater River upstream to River Mile 40.5
  3. North Fork Clearwater River upstream to River Mile 57.9.
  4. Clark Fork River upstream to River Mile 4
  5. Kootenai River from Bonners Ferry to the Canadian border
  6. Pack River upstream to River Mile 1.5
  7. Pend Oreille River
  8. Lake Pend Oreille to elevation 2,062.5 m.s.l. (ordinary high water mark)
  9. Bear Lake

### **IV. EXCLUSION AREAS**

- A. Portions of the Pend Oreille River and Lake Pend Oreille upstream of Albeni Falls Dam, including reaches of the Pack and Clark Fork Rivers, which are influenced by Lake Pend Oreille, are subject to Regional General Permit 27, which is being reissued by separate action.
- B. Reaches of Section 10 waters that are designated as critical habitat for endangered species or are designated as Wild and Scenic Rivers. These waters include:

1. The Clearwater River from it's confluence with the Snake River upstream to the North Fork and the North Fork Clearwater River from it's confluence with the Clearwater River upstream to Dworshak Dam.
  2. The Snake River from Hells Canyon Dam downstream.
  3. Kootenai River from Bonners Ferry downstream to Ball Creek.
  4. Areas within ½ mile of a bald eagle nest.
  5. Areas within 500 feet of municipal water intakes. One municipal water intake is known to exist at Weiser, Idaho. This restriction will apply to any other municipal water intakes within the RGPI project area.
  6. Areas within 100 feet of the mouth of any river, stream or creek.
- C. The above waters are excluded from the RGPI coverage and will require individual Department of Army Permits for the associated activities.

## V. DEFINITIONS

The following definitions are applicable for the purpose of this Regional Permit:

A. Navigable Waters of the United States - All waters of the United States that are subject to the ebb and flow of the tide shoreward to the mean high water mark, and/or are presently used, or have been used in the past, or may be susceptible to use to transport interstate or foreign commerce. These waters within the state of Idaho are listed in III, above and shown on drawing sheet 1.

B. Ordinary High Water Mark - The line on the shore established by the fluctuations of water and indicated by physical characteristics such as clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

C. Riparian Property - Property bordering the shoreline of the lake or waterway. For the purposes of this regional permit, riparian property is the property that borders the shoreline at the ordinary high water.

D. Line of Navigation - A line connecting the pier heads of existing piers and docks located 200 yards along the shoreline in both directions from the proposed pier or dock.

E. Single-use and Joint-use – Single-use means use by a single permittee and join-use means use by more than a single permittee.

## VI. PROCEDURE FOR OBTAINING APPROVAL

A. Individuals who want to construct an activity described in the RGPI shall submit the information listed at B, C, and D, below to the appropriate Corps of Engineers office, with a copy to the Idaho Historic Preservation Office, 210 Main Street, Boise, Idaho 83702, Attention: Travis Pitkin and, if your project is located in Adams, Washington, Payette or Canyon Counties, also send a copy to the Idaho Department of Fish and Game, Southwest Region, 3101 South Powerline Road, Nampa, Idaho 83868.

For activities located in the Kootenai River send correspondence to:  
Corps of Engineers Regulatory Office  
3815 Schreiber Way  
Coeur d'Alene, Idaho 83815-8363  
Telephone 208-765-7440

For activities located in the North Fork Clearwater River send correspondence to:

Corps of Engineers Regulatory Office  
201 North Third Avenue  
Walla Walla, Washington 99362-1876  
Telephone 509-527-7156

For activities located on the Snake River upstream of Hells Canyon Dam send correspondence to:

Corps of Engineers Regulatory Office  
10095 West Emerald Street  
Boise, Idaho 83704-9754  
Telephone 208-345-2154

For activities located in Bear Lake send correspondence to:

Corps of Engineers Regulatory Office  
900 North Skyline Drive, Suite A  
Idaho Falls, Idaho 83402-1718  
Telephone 208-522-1676

B. Completed application for a Department of the Army Permit (Joint Application for Permits).  
Application forms are available on the Walla Walla District Regulatory webpage at:  
<http://www.nww.usace.army.mil/html/offices/op/rf/pamphlet/applform.htm>

C. Location map, clearly showing proposed structure location on a controlled map such as a U.S.G.S quad map.

D. Drawings of the proposed project, including plan-view and cross-section view.

**APPLICANTS ARE NOT AUTHORIZED TO BEGIN CONSTRUCTION UNTIL THEY RECEIVE WRITTEN VERIFICATION FROM THE ARMY CORPS OF ENGINEERS THAT THE WORK COMPLIES WITH THE REGIONAL PERMIT.**

## VII. CONDITIONS

The following General and Special Conditions shall be followed:

### A. GENERAL CONDITIONS:

1. Maintenance. You shall maintain the activity authorized by this Regional Permit in good condition and in conformance with the terms and conditions. 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 3 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you shall obtain a modification of this permit from this office, which may require restoration of the area.
2. Historic properties. Any activity proposed on a known historic or archaeological property, either listed or eligible for listing in the National Register of Historic Places, will not be permitted if found not to be in compliance with the National Historic Preservation Act. If you discover any previously unknown historic or archaeological remains while accomplishing the activity authorized by this permit, you shall immediately notify this office of what you have found. We will initiate the Federal, Tribal, and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing on the National Register of Historic Places.
3. Transfer of Permit. If you sell the property associated with this permit, the new owner shall request, in writing, that the permit be transferred to them.
4. Inspections. You shall allow representatives from this office to inspect the authorized activity any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

### B. SPECIAL CONDITIONS:

1. An Encroachment Permit shall be obtained from the Idaho Department of Lands and/or a Stream Alteration Permit shall be obtained from the Idaho Department of Water Resources, if required, before commencing work on any activity authorized by this Regional Permit.
2. Activities not specifically authorized by this Regional Permit require a separate Department of the Army Permit.
3. Activities may not jeopardize any federally listed, threatened or endangered species. All applications submitted under this Regional Permit, will be reviewed by the Corps of Engineers to determine if the work will have any effect on a listed species. If the Corps of Engineers determines a specific project may affect a listed species, we will initiate consultation with the responsible federal agency as required under Section 7 of the Endangered Species Act.
4. Use of structures authorized under the RGPI may not interfere with navigation.
5. Structures proposed within boundaries of any Federal Government fee-owned lands, are not authorized under this Regional Permit.

6. The permittee shall obtain the legal right to use and occupy the affected submerged land. An easement or lease of the submerged land may be required.
7. Existing native shoreline or riverbank vegetation shall be protected to the extent possible to minimize soil disturbance, erosion, delivery of sediment to the waterway and minimize the affect of construction activity on aquatic biota.
8. Disturbed shoreline or riverbank shall be protected by appropriate soil erosion control practices to minimize sediment delivery into the water, which may result in an adverse impact to aquatic biota.
9. Disturbed soils shall be re-vegetated with native plant species.
10. All construction debris shall be disposed of in an upland location in a manner that precludes it from reentering waters of the United State, including wetlands. Disposal must be in compliance with all state and local regulations with regard to open burning of construction debris.
11. Wood materials used to construct any of the activities described in this regional permit shall comply with the Idaho Department of Environmental Quality Policy Memorandum PM97-1. Chromated Copper Arsenate (CCA) is being phased out as a preservative in residential use. Contact the Idaho Department of Environmental Quality for further information on use of this product.
12. Hammer or vibratory pile-driving equipment is allowed when driving piling into the bed during in-water work. In-water pile driving shall utilize a bubble curtain and a 6-inch minimum thickness wood block (or rubber /synthetic equivalent) between the driving apparatus and steel pile while hammer-driving piles.
13. The maximum size for steel piles is 10 inches in diameter. The maximum size for wood pile shall be 18 inches.

## **VIII. FURTHER INFORMATION**

### **A. LIMITS OF THIS AUTHORIZATION**

1. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.
2. This permit does not grant any property rights or exclusive privileges.
3. This permit does not authorize any injury to the property or rights of others.
4. This permit does not authorize the interference with any existing or proposed Federal project.

**B. LIMITS OF FEDERAL LIABILITY:** In issuing this permit, the Federal Government does 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 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.
- C. REEVALUATION OF PERMIT DECISIONS: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
1. Permittee fails to comply with the terms and conditions of this permit
  2. The information provided by permittee in support of the permit application proves to be false, incomplete, or inaccurate
  3. Significant new information surfaces which this office did not consider in reaching the original public interest decision. Such reevaluation may result in a determination that it is appropriate to use the suspension, modification, or 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 permittee to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. Permittee will be required to pay for any corrective measures ordered by this office, and if the permittee fails to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170 to protect the navigable waters) accomplish the corrective measures by contract or otherwise and bill the permittee for the cost.
- D. EXPIRATION: This regional permit expires 5 years from the date of issuance and will be subject to public review prior to being reissued.

The permittee shall comply with all conditions contained in this regional permit or the permit is not valid and a separate Department of the Army Permit will be required to authorize the work.

//SIGNED//

David B. Barrows  
Chief, Regulatory Division