

Regional General Permit 20-01 (20-RGP-01)

Effective Date: September 10, 2020

Expiration Date: September 9, 2025

**DEPARTMENT OF THE ARMY
REGIONAL GENERAL PERMIT 20-RGP-01**

AUTHORIZING MINOR STRUCTURES, FILL, DREDGING AND WORK IN THE FOLLOWING US ARMY CORPS OF ENGINEERS LAKES WITHIN THE STATE OF TENNESSEE AND THE COMMONWEALTH OF KENTUCKY:

OLD HICKORY LAKE; LAKE BARKLEY; CHEATHAM LAKE; CENTER HILL LAKE; LAKE CUMBERLAND; CORDELL HULL LAKE; DALE HOLLOW LAKE; J. PERCY PRIEST LAKE; LAUREL RIVER LAKE; AND MARTINS FORK LAKE.

A. On the recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 United States Code (U.S.C.) § 403) (Section 10) and Section 404 of the Clean Water Act (CWA, 33 U.S.C. § 1344) (Section 404), authority is hereby given under Regional General Permit 20-01 (20-RGP-01) for minor structures, fill and work in or affecting US Army Corps of Engineers-Nashville District Reservoirs: Old Hickory Lake, Lake Barkley, Cheatham Lake, Center Hill Lake, Lake Cumberland, Cordell Hull Lake, Dale Hollow Lake, J. Percy Priest Lake, Laurel River Lake, and Martins Fork Lake within the State of Tennessee and the Commonwealth of Kentucky.

B. The U.S. Army Corps of Engineers (USACE) manage reservoir shoreline activities on government property on Old Hickory Lake, Lake Barkley, Cheatham Lake, Center Hill Lake, Lake Cumberland, Cordell Hull Lake, Dale Hollow Lake, J. Percy Priest Lake, Laurel River Lake, and Martins Fork Lake. This RGP is designed to avoid increased permit verification times by reducing unnecessary coordination between the Project Natural Resources Manager and the Regulatory Division.

C. Regional General Permit 20-01 authorizes activities which are considered to be minor in nature and would cause only minimal individual and cumulative environmental impacts. All proposals must be in accordance with the guidelines and limitations set forth in the conditions of 20-RGP-01. Activities not authorized by 20-RGP-01 and activities that exceed the limitations of the RGP require individual review by the USACE Regulatory Division and authorization under another general permit or an individual permit. In addition, on a case-by-case basis over concerns for the aquatic environment, the Nashville District Commander may exercise discretionary authority to override this regional permit and require an individual application and review.

D. Prior to conducting work under the authority of 20-RGP-01, a Shoreline Use Permit must first be obtained from the Natural Resource Manager for any activities located on Corps property and a verification of 20-RGP-01.

Activities Requiring Notification: Notification is required for all activities under 20-RGP-01, and the application for a Shoreline Use Permit to the applicable reservoir’s Natural Resource Managers shall serve as notice. When the USACE Natural Resource Manager completes review of a proposed activity and issues a Shoreline Use Permit¹ (issued pursuant to 36 CFR 327.30) for a below-listed structure, fill or work consistent with 20-RGP-01 on the following reservoirs (Table 1.1), the activity is automatically authorized by the USACE pursuant to Section 10 and/or Section 404 under the authority of 20-RGP-01. For 20-RGP-01(E)(1), the Natural Resource Manager will issue a verification pursuant to Section 10 under the Authority of 20-RGP-01 in the form of a Shoreline Use Permit.

Table 1.1 – Reservoir Locations and Activities Authorized by 20-RGP-01

	New Private Docks	Maintenance / Modification of Existing Private Docks	Minor Dredging	Shoreline Stabilization
Old Hickory Lake	✓	✓	✓	✓
Lake Barkley	✓	✓	✓	✓
Cheatham Lake	✓	✓	✓	✓
Center Hill Lake	N/A	✓	✓	✓
Lake Cumberland	N/A	✓	✓	✓
Cordell Hull Lake	N/A	N/A	N/A	✓
Dale Hollow Lake	N/A	N/A	N/A	✓
J. Percy Priest Lake	N/A	N/A	N/A	✓
Laurel River Lake	N/A	N/A	N/A	✓
Martins Fork Lake	N/A	N/A	N/A	✓
*Section E – “Activities authorized by this RGP” contains detailed descriptions of the authorized activities.				

More information on shoreline use permits may be obtained from:

- [Center Hill Lake](#)
Center Hill Lake Natural Resource Manager
158 Resource Lane
Lancaster, TN 38569
Phone: (931) 858-3125
CenterHillLake@usace.army.mil

¹ This general permit does not supersede any of the procedures, provisions, or requirements found within the applicable Shoreline Management plans. Natural Resource Managers may include any additional conditions and/or restrictions that he or she determines to be appropriate. Proposed activities which are not consistent with the applicable Shoreline Management Plan, Master Plan, Operational Management Plan, or any other applicable policy or regulation, are not eligible for verification under 20-RGP-01.

- [Cheatham Lake](#)
Cheatham Lake Natural Resource Manager
1798 Cheatham Dam Road
Ashland City, TN 37015-9805
Phone: (615) 254-3734
CheathamLake@usace.army.mil
- [Cordell Hull Lake](#)
Cordell Hull Lake Natural Resource Manager
71 Corps Lane
Carthage, TN 37030
Phone: (615) 735-1034
CordellHullLake@usace.army.mil
- [Dale Hollow Lake](#)
Dale Hollow Lake Natural Resource Manger
5050 Dale Hollow Dam Road
Celina, TN 38551
Phone: (931) 243-3136
DaleHollowLake@usace.army.mil
- [J. Percy Priest Lake](#)
J. Percy Priest Lake Natural Resource Manager
3737 Bell Road
Nashville, TN 37214
Phone: (615) 889-1975
jpercypriestlake@usace.army.mil
- [Lake Barkley](#)
Lake Barkley Natural Resource Manager
P.O. Box 218
Grand Rivers, KY 42045
Phone: (270) 362-4236
LakeBarkley@usace.army.mil
- [Lake Cumberland](#)
Lake Cumberland Natural Resource Manager
855 Boat Dock Road
Somerset, KY 42501
Phone: (606) 679-6337
lakecumberland@usace.army.mil

- [Laurel River Lake](#)
Laurel River Lake Natural Resource Manager
1433 Robert E. Blair Memorial Highway
London, KY 40744
Phone: (606) 864-6412
LaurelRiverLake@usace.army.mil
- [Martins Fork Lake](#)
Martins Fork Lake Natural Resource Manager
5965 State Hwy 987
Three Point, KY 40815
Phone: (606) 573-7655
MartinsForkLake@usace.army.mil
- [Old Hickory Lake](#)
Old Hickory Lake Natural Resource Manager
5 Power Plant Rd.
Hendersonville, TN 37075
Phone: (615) 822-4846
OldHickoryLake@usace.army.mil

E. Activities authorized by this RGP: This RGP authorizes the following work in or affecting navigable waters of the United States and discharges of dredge or fill material into waters of the United States. After work is authorized by this RGP, a Department of the Army individual or general permit must approve any proposed modifications beyond the limitations of the original authorization. Additionally, for any proposal to modify an existing structure to receive authorization under this RGP, both the existing and proposed work must meet the conditions of this RGP.

1. Private Docks. Construction, modification, replacement, and maintenance of fixed floating²³⁴ docks. Private dock structures must comply with the required size and construction materials outlined in the Shoreline Management Plan for the appropriate reservoir. See Table 1.1 for applicable reservoirs.

2. Minor Dredging. Construction and maintenance of small boat access to permitted private dock facilities.

a. New work excavation or dredging of material from the reservoir bottom to create sufficient depth for mooring and navigation of vessels. Up to 25 cubic yards of material may be removed.

² Under 33 CFR 322.5(d)(2), floating structures for recreational boats in Corps-controlled, federally-owned lakes are not authorized by a DA Permit but, instead, by a Shoreline Use Permit issued under 36 CFR 327.30.

³ Fixed piers, fixed walkways, or fixed docks are INELIGIBLE for authorization under 20-RGP-01.

⁴ For the purposes of this RGP, a "fixed floating" dock is a structure that is anchored and/or secured by piling, spud poles, or other similar structure, where the dock structure is able to rise and fall freely along the piling or spud pole.

b. Maintenance dredging for small boat access to permitted private dock facilities is limited to the removal of accumulated sediment to previously authorized depths and contours, provided the cumulative total of dredging authorized at the site (not including maintenance dredging) does not exceed 25 cubic yards.

Work shall be conducted during the winter drawdown (which is referred to as work in the dry), the channel bottom must drain lakeward. Dredged materials would be disposed at a Natural Resource Manager approved upland contained disposal site off of Corps of Engineers property above the Flood Risk Profile or above the 100-year flood contour. See Table 1.1 for applicable reservoirs.

3. Shoreline Stabilization: Shoreline stabilization necessary for erosion control. All fill and excavation work shall be performed in the dry. Seawalls, stacked gabion baskets, vertically stacked stone, retaining walls, bulkheads, etc. are not authorized. See Table 1.1 for applicable reservoirs.

- a. Riprap: The total length of riprap shoreline stabilization necessary for erosion control must not exceed 500 linear feet, must not extend below winter pool elevation, and the discharge must not exceed one cubic yard per running foot, as measured along the length of the treated bank.
- b. Vegetation stabilization techniques: Vegetation stabilization techniques including live vegetative plantings, live stakes, branch packing, live fascines, vegetated soil lifts brush mattresses tree revetments and coconut fiber coir rolls may be performed for an unlimited total length.

GENERAL CONDITIONS:

1. **Maintenance.** The Permittee must maintain the facilities or activities authorized by this RGP in good condition and in compliance with the terms and conditions of this RGP. This RGP may be revoked with written notice if: (a) the structure is not completed in accordance with approved plans; (b) in the Corps' judgment, the structure is not maintained as provided herein or the structure is abandoned. If this RGP is revoked, the Permittee may be required to remove the structure within 30 days, at the Permittee's expense.

2. **Claims for Damages.** Modification, suspension or revocation of this RGP shall not be the basis for any claim for damages against the United States.

3. **Inspections.** Representatives of the Corps must be allowed to inspect the authorized activity at any time deemed necessary to ensure the work is accomplished in accordance with the terms and conditions of the RGP. It is the Permittee's responsibility to obtain other federal, state or local approvals required for the work.

4. **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, the Shoreline Management Plan, 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 the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps, 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.

5. **Fills Within 100-Year Floodplains.** The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

6. **Public Use.** No attempt shall be made by a Permittee to prevent the full and free use by the public of all navigable waters at or adjacent to an activity authorized by this RGP. The work authorized under this RGP must not cause an adverse impact to navigation and must not interfere with the public's right to free navigation on all navigable waters of the U.S.

7. **Abandonment.** If and when a Permittee desires to abandon the activity authorized by this RGP, the Permittee must restore the area to the original condition or a condition satisfactory to the Corps. Other state or federal permitting agencies may have additional restoration requirements.

8. **Wave Damage.** The Permittee hereby recognizes the possibility that the structure permitted herein may be subject to damage by waves from passing vessels. The issuance of this RGP does not relieve the Permittee from responsibility for taking all proper steps to ensure the integrity of the structure permitted herein and the safety of boats moored thereto from damage by wave wash, and the Permittee shall not hold the United States liable for such damage.

9. **Endangered Species.** The activities authorized by this RGP will not jeopardize a threatened or endangered species as identified under the Endangered Species Act, or destroy or adversely modify the critical habitat of such species. If the Permittee or the Permittee's contractors discover any federally listed threatened or endangered species or their habitat while accomplishing work or activities authorized by 20-RGP-01, the Corps shall be immediately notified. The Permittee agrees to make every reasonable effort to execute the work authorized by 20-RGP-01 in a manner that minimizes any adverse impact on fish, wildlife and natural environmental values.

10. **Cultural, Tribal, and Historic Resources.** No work or activity is authorized by 20-RGP-01 that would impact, affect, or otherwise degrade any cultural or tribal resources, including resources listed in or nominated for listing in the National Register of Historic

Places. This includes any future sites that become listed or nominated. If the Permittee or the Permittee's contractors discover any previously unknown historic or archaeological remains while accomplishing the activity authorized by the RGP, the Corps shall be immediately notified.

11. Section 401 Clean Water Act Water Quality Certification. All regulated activities authorized by 20-RGP-01 pursuant to Section 404 of the Clean Water Act (CWA) require Section 401 CWA certification or waiver to be considered valid. The Permittee shall comply with all state conditions included in the CWA Section 401 Water Quality Certification for 20-RGP-01 (if certified), or, in order for this RGP to be valid, the Permittee must obtain authorization from the appropriate agency under Section 401 of the Clean Water Act and comply with all conditions of this authorization.

a. Commonwealth of Kentucky: Individual certification is required if the activity occurs within surface waters of the Commonwealth identified by the Kentucky Division of Water as Outstanding State or National Resource Water, Cold Water Aquatic Habitat, or Exceptional Waters.

b. State of Tennessee: Individual certification is required if bank stabilization hard armoring exceeds 150 linear feet in length.

12. Suitable Material. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).

13. Discretionary Authority. Activities not specified in this RGP or which exceed the limitations of this RGP require prior authorization under a Department of the Army general permit or individual permit issued by the Corps. In addition, on a case-by-case basis that the concerns for the aquatic environment so indicate, the Nashville District Commander may exercise discretionary authority to override the regional permit and require an individual application and review.

14. Other Permits. The Permittee shall obtain and comply with all appropriate federal, state and local authorizations required for the type of activity authorized by 20-RGP-01.

15. Awareness of Permit Terms and Conditions. The Permittee shall ensure that owners, contractors, subcontractors, and other personnel performing permitted work are aware of the terms and conditions of 20-RGP-01.

16. Modification, Suspension or Revocation. The District Commander may, by following the procedures outlined in Corps regulations (33 C.F.R. § 325.7), modify, suspend or revoke this RGP for an individual activity, a category of activities, or a geographic area if the District Commander determines it to be in the public interest. The general public would be notified of such action by public notice.

17. Expiration Date. Authorized work must be completed by the expiration date of this

RGP (September 9, 2025). Work that is authorized by 20-RGP-01, but that is not completed prior to the expiration date of the RGP, may be authorized by subsequent re-issuance of the RGP, if and when the RGP is re-authorized by the Corps. Permits from other State and Federal agencies may have different expiration dates.

18. Violations and Non-Compliance. If the Secretary of the Army or an authorized representative of the Secretary of the Army determines there has been a violation of the terms and conditions of this RGP, he or she may suspend or revoke the authorization for an individual project under this RGP. In addition, failure to comply with the terms and conditions of this RGP may result in removal of the structures, restoration of the waterway, and imposition of penalties, as provided by law.

FURTHER INFORMATION:

1. Congressional Authorities: Authorization to undertake the activities described above are issued pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403) and Section 404 of the CWA (33 U.S.C. § 1344).

2. Limits of This Authorization.

- a. This RGP does not obviate the need to obtain other Federal, State or local authorizations required by law.
- b. This RGP does not grant any property rights or exclusive privileges.
- c. This RGP 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. The Permittee agrees that, if future operations by the Federal Government require the removal, relocation or other alteration of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his or her authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of navigable waters of the U.S., the Permittee will be required, upon due notice from the Corps, 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.

3. Limits of Federal Liability. In issuing this RGP, 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 activities, 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 U.S. in the public interest.

- c. Damages to persons, property, to other permitted or unpermitted activities, or structures caused by the activity authorized by this RGP.
- 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. Reevaluation of Permit Decision. The Corps may re-evaluate its decision on an activity authorized by this RGP at any time that circumstances warrant re-evaluation. Circumstances that may require a re-evaluation include, but are not limited to, the following:

- a. The Permittee's failure to comply with the terms and conditions of the RGP.
- b. The information provided by the Permittee in support of a permit application proves to have been false, incomplete or inaccurate.
- c. Significant new information surfaces that the Corps did not consider in reaching the original public interest decision.

Such a re-evaluation may result in a determination that it is appropriate to use the modification, suspension and revocation procedures contained in 33 C.F.R. § 325.7 or enforcement procedures in 33 C.F.R Part 326. The referenced enforcement procedures provide for the issuance of an administrative order requiring the Permittee to comply with the terms and conditions of the applicable permit authorization and for the initiation of legal action where appropriate. The Permittee will be required to pay for any corrective measures ordered by the Corps, and, if the Permittee fails to comply with such directive, the Corps may, in certain situations (such as those specified in 33 C.F.R § 209.170), accomplish the corrective measures by contract or otherwise and bill the Permittee for the cost.

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

Todd N. Tillinger, P.E.
Chief, Regulatory Division

September 10, 2020

(Date)

for Sonny B. Avichal, P.E.
Lieutenant Colonel, U.S. Army
District Engineer