



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, LOS ANGELES DISTRICT
3636 NORTH CENTRAL AVENUE, SUITE 900
PHOENIX, AZ 85012-1939

October 2, 2019

SUBJECT: Letter of Permission

Ms. Effie Yazzie
Lake Powell Navajo Tribal Park
P.O. Box 4803
Page, Arizona 86040

Dear Ms. Yazzie:

I am responding to your request SPL-2019-00602 as the authorized agent for Mr. Martin L. Begaye, for a Department of Army permit for the proposed project, Navajo Nation Colorado River Access Dock. The proposed project is located approximately four miles north of Milepost 536.5 on US Highway 89A on the Colorado River (36.851517, -111.605517) on the Navajo Nation in Coconino County, Arizona.

Under the provisions of Section 10 of the Rivers and Harbors Act of March 3, 1899 (33 U.S.C. 403), you are hereby authorized to conduct the work described below in the Colorado River on the Navajo Nation in Coconino County, Arizona as shown on the enclosed drawings.

Specifically, and as shown on the attached drawing(s)/map(s), you are authorized to:

1. Construction, installation and operation of a dock facility on the south bank of the Colorado River measuring a total of 12 feet long and 128 feet wide, accessed by two gangways, each measuring 60 feet long and 6 feet wide, connected to the shoreline. The dock installation is proposed in two phases, with the first phase consisting of the installation of a 12 feet long by 64 feet wide dock and the two gangways, as noted above. The second phase will consist of two dock extensions, one on the upstream side and one on the downstream side, each measuring 12 feet long by 32 feet wide.

You must sign and date all copies of this Letter of Permission (LOP) indicating you agree to the work as described and will comply with all conditions. A signed copy of this Letter of Permission must be returned to the Corps of Engineers by email or regular mail. In addition, please notify this office as to the dates of commencement (within 10 days prior to the start of construction) and completion of the activity (within 10 days following the end of construction) using the enclosed forms.

Furthermore, you are hereby advised that the Corps of Engineers has established an Administrative Appeal Process which is fully described in 33 CFR part 331. The complete appeal process is diagrammed in the enclosed Appendix B.

Thank you for participating in our regulatory program. If you have any questions, please contact Therese Carpenter of my staff at (602) 230-6952 or via email at Anne.T.Carpenter@usace.army.mil.

Please help me to evaluate and improve the regulatory experience for others by completing the customer survey form at http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey.

Sincerely,



Sallie Diebolt
Chief, Arizona Branch
Regulatory Division

Enclosure(s)

PERMITTEE

DATE

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this LOP will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

TRANSFEREE

DATE

Enclosure(s)

PERMIT CONDITIONS

General Conditions:

1. The time limit for completing the authorized activity ends on October 2, 2021. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished with the terms and conditions of your permit.
6. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

Furthermore, you must comply with the following non-discretionary Special Conditions:

Special Conditions:

1. The permittee shall not disturb shoreline or native vegetation beyond that proposed in the original application.
2. **The permittee understands and agrees that this LOP is only valid if the property on which the dock is connected is owned by the applicant or that legal rights to the activity have been secured in an agreement with the landowner.** The docks shall be positioned with no less than a 5' setback from the upstream and downstream property lines unless written authorization is obtained. If the property is governed by a Homeowner Association (HOA), written authorization must be obtained from the HOA prior to initiating activities.

3. The courtesy docks shall extend no further than **72 feet** from the ordinary high water mark to the outside (river side) of the dock, **nor may they extend out further than adjacent docks.**
4. This permit does not authorize dredging in the Colorado River.
5. The permittee shall not divert flows outside of the ordinary high water mark of the Colorado River.
6. The permittee shall not use mechanized equipment below the ordinary high water mark of the Colorado River. The permittee shall not discharge construction debris into the waters of the Colorado River. The permittee shall remove all construction debris/equipment from the site immediately upon completion of construction.
7. Prior to onset of construction, the permittee shall provide the contractor(s) with a copy of this permit. The contractor shall read and agree to comply with all conditions herein. A copy of this permit shall be kept onsite at all times during construction

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to **Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).**
2. Limits of this authorization.
 - a. This permit does not obviate the need to obtain other Federal, state, 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 issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
- 5. Reevaluation of Permit Decision. 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:
 - a. You fail to comply with the terms and conditions of this permit.
 - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
 - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

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 you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measure ordered by this office, and if you fail 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 you for the cost.

- 6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give you favorable consideration to a request for an extension of this time limit.

**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND
REQUEST FOR APPEAL**

Applicant: Navajo Nation Parks and Recreation		File Number: SPL-2019-00602	Date: OCTOBER 2, 2019
Attached is:			See Section below
X	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)		A
	PROFFERED PERMIT (Standard Permit or Letter of permission)		B
	PERMIT DENIAL		C
	APPROVED JURISDICTIONAL DETERMINATION		D
	PRELIMINARY JURISDICTIONAL DETERMINATION		E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://www.usace.army.mil/cecw/pages/reg_materials.aspx or Corps regulations at 33 CFR Part 331.

- A: INITIAL PROFFERED PERMIT:** You may accept or object to the permit.
- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
 - **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.
- B: PROFFERED PERMIT:** You may accept or appeal the permit
- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
 - **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.
- C: PERMIT DENIAL:** You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

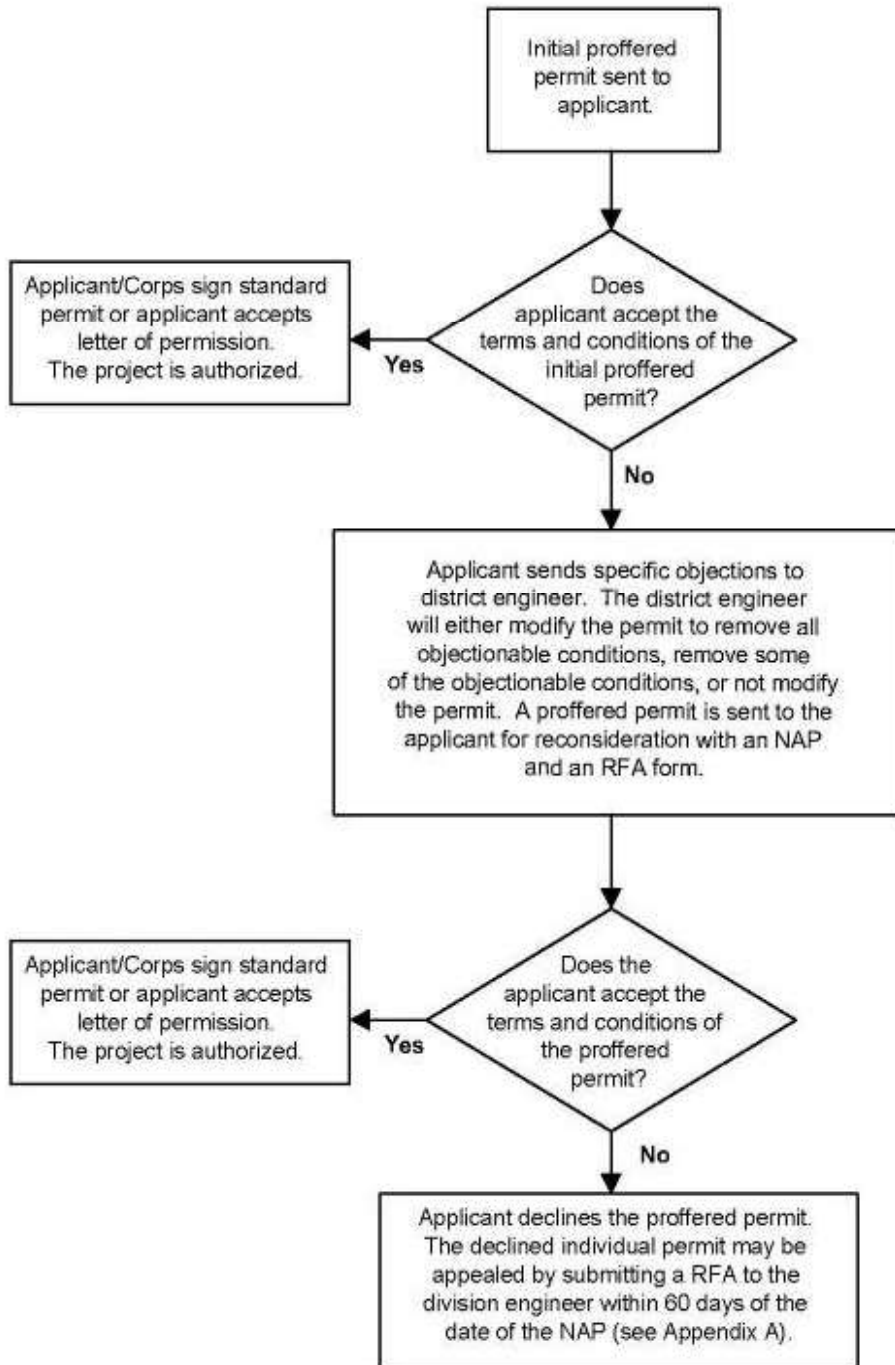
If you have questions regarding this decision and/or the appeal process you may contact: Therese Carpenter
Project Manager
U.S. Army Corps of Engineers
Los Angeles District
3636 North Central Avenue, Suite 900
Phoenix, AZ 85012-1939
Phone: (602) 230-6952
Email: Anne.T.Carpenter@usace.army.mil

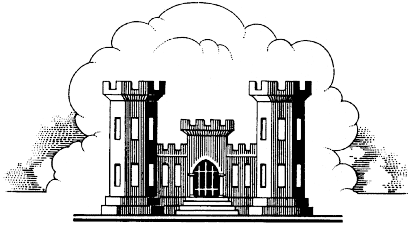
If you only have questions regarding the appeal process you may also contact: Thomas J. Cavanaugh
Administrative Appeal Review Officer
U.S. Army Corps of Engineers
South Pacific Division
450 Golden Gate Ave.
San Francisco, California 94102
Phone: (415) 503-6574
Fax: (415) 503-6646
Email: thomas.j.cavanaugh@usace.army.mil

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

<hr/> Signature of appellant or agent.	Date:	Telephone number:
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Applicant Options with Initial Proffered Permit





LOS ANGELES DISTRICT
U.S. ARMY CORPS OF ENGINEERS

**NOTIFICATION OF COMMENCEMENT OF WORK
FOR
DEPARTMENT OF THE ARMY PERMIT**

Permit Number: *SPL-2019-00602*

Name of Permittee: *Navajo Nation Parks and Recreation; Martin L. Begaye*

Date of Issuance: *October 2, 2019*

Date work in waters of the U.S. will commence: _____

Estimated construction period (in weeks): _____

Name & phone of contractor (if any): _____

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

I hereby certify that I, and the contractor (if applicable), have read and agree to comply with the terms and conditions of the above referenced permit.

Signature of Permittee

Date

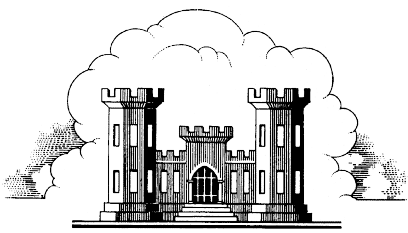
At least ten (10) days prior to the commencement of the activity authorized by this permit, sign this certification and return it using ONE of the following methods:

(1) EMAIL a statement including all the above information to:
Anne.T.Carpenter@usace.army.mil

OR

(2) MAIL to the following address:

U.S. Army Corps of Engineers
Regulatory Division
ATTN: CESPL-RG-SPL-2019-00602
3636 North Central Avenue, Suite 900
Phoenix, Arizona 85012-1939



LOS ANGELES DISTRICT
U.S. ARMY CORPS OF ENGINEERS

**NOTIFICATION OF COMPLETION OF WORK AND
CERTIFICATION OF COMPLIANCE WITH
DEPARTMENT OF THE ARMY PERMIT**

Permit Number: *SPL-2019-00602*

Name of Permittee: *Navajo Nation Parks and Recreation; Martin L. Begaye*

Date of Issuance: *October 2, 2019*

Date work in waters of the U.S. completed: _____

Construction period (in weeks): _____

Name & phone of contractor (if any): _____

Please note that your permitted activity is subject to a compliance inspection by an Army Corps of Engineers representative. If you fail to comply with this permit you may be 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 said permit.

Signature of Permittee

Date

Upon completion of the activity authorized by this permit, sign this certification and return it using ONE of the following methods:

(1) EMAIL a statement including all the above information to:
Anne.T.Carpenter@usace.army.mil

OR

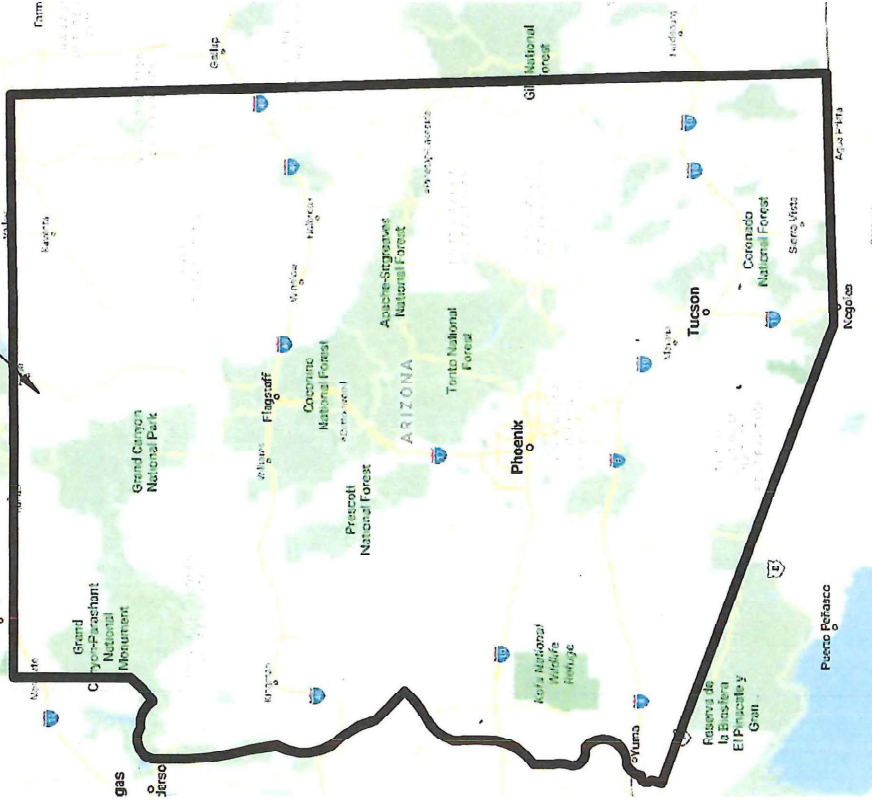
(2) MAIL to the following address:

U.S. Army Corps of Engineers
Regulatory Division
ATTN: CESPL-RG-SPL-2019-00602
3636 North Central Avenue, Suite 900
Phoenix, Arizona 85012-1939

SHEET LIST

SHEET NO.	SHEET NAME
G-001	COVER SHEET
AS-101	SITE PLAN
AS-102	ENLARGED SITE PLAN
AS-103	SITE SECTION

PROJECT LOCATION:
N36 51.091', W111 36.331'



1 PROJECT LOCATION

1 NOT TO SCALE

PROJECT
Navajo Nation Colorado River Access

2 VICINITY MAP

2 NOT TO SCALE

PROJECT NO.
NINCRA 01

DATE
11/30/2018

COVER SHEET
SHEET NUMBER
G-001

INCOMPLETE
DOCUMENTS FOR
INTERIM REVIEW
ONLY. NOT FOR
REGULATORY APPROVAL,
PERMIT, OR
CONSTRUCTION.

GENERAL NOTE: TOPOGRAPHY LINES APPROXIMATED.

COLORADO RIVER

1
AS-102

PROPOSED DOCK

N36 51.091', W111 36.331'

1
AS-101

1/64" = 1'-0"

PROJECT
Navajo Nation Colorado River Access

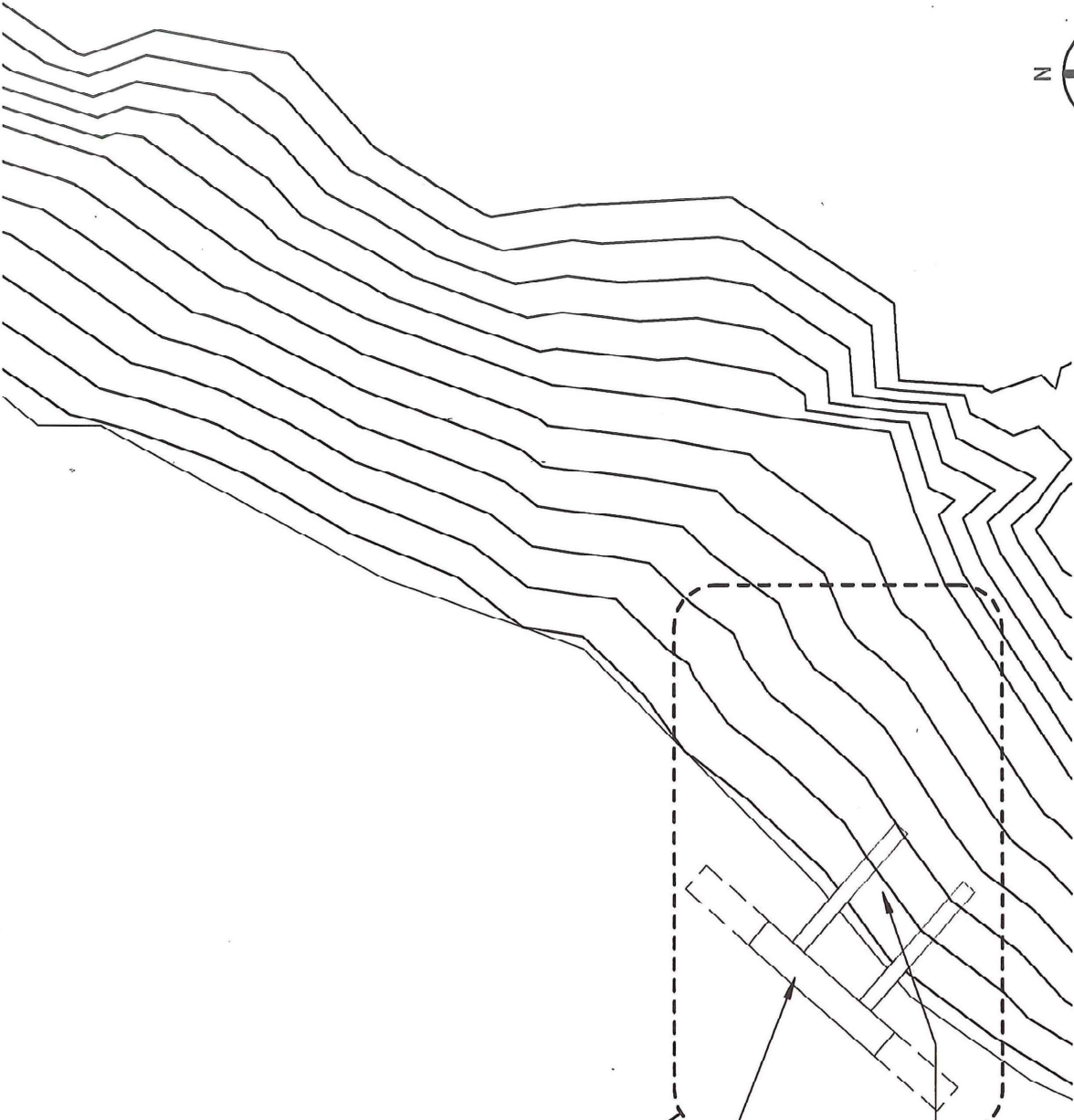
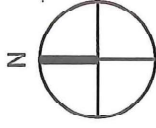
PROJECT NO.
NNCRA 01

DATE
11/30/2018

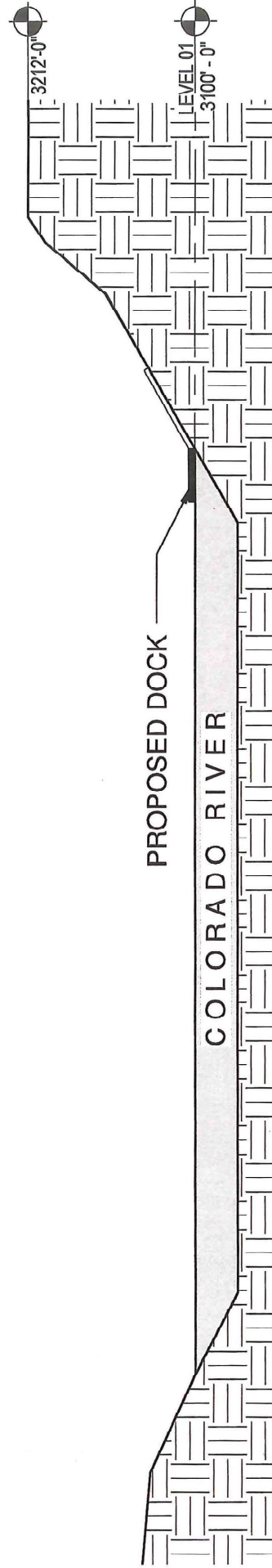
SITE PLAN
SHEET NUMBER

AS-101

INCOMPLETE
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PERMIT, OR
CONSTRUCTION.



GENERAL NOTE: TOPOGRAPHY APPROXIMATED.



1 SITE SECTION
1" = 100'-0"

PROJECT

Navajo Nation Colorado River Access

PROJECT NO.

NNCRA 01

DATE

11/30/2018

SITE SECTION

SHEET NUMBER

AS-103

INCOMPLETE
DOCUMENTS FOR
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PERMIT, OR
CONSTRUCTION.