

Regional General Permit 2025-01 (25-RGP-01)

Effective Date: November 5, 2025

Expiration Date: November 4, 2030

**DEPARTMENT OF THE ARMY
REGIONAL GENERAL PERMIT 25-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 25-01 (25-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 25-01 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 25-RGP-01. Activities not authorized by 25-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 25-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 25-RGP-01.

Activities Requiring Notification: Notification is required for all activities under 25-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 25-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 25-RGP-01. For 25-RGP-01(E)(1), the Natural Resource Manager will issue a verification pursuant to Section 10 under the Authority of 25-RGP-01 in the form of a Shoreline Use Permit.

Table 1.1 – Reservoir Locations and Activities Authorized by 25-RGP-01

	Access Steps	New Private Docks	Maintenance / Modification of Existing Private Docks	Minor Dredging	Shoreline Stabilization
Old Hickory Lake	N/A	✓	✓	✓	✓
Lake Barkley	N/A	✓	✓	✓	✓
Cheatham Lake	N/A	✓	✓	✓	✓
Center Hill Lake	✓	N/A	✓	✓	✓
Lake Cumberland	✓	N/A	✓	✓	✓
Cordell Hull Lake	N/A	N/A	N/A	N/A	✓
Dale Hollow Lake	N/A	N/A	N/A	N/A	✓
J. Percy Priest Lake	N/A	N/A	N/A	N/A	✓
Laurel River Lake	N/A	N/A	N/A	N/A	✓
Martins Fork Lake	N/A	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

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 25-RGP-01.

CenterHillLake@usace.army.mil

- [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 25-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.

4. Ramps, Stairs and other Water Access: Activities required for the construction, repair, or replacement of ramps, stairs, and other water access structures, provided the activity meets all of the following criteria:

- a. The discharge of dredged or fill material into waters of the United States does not exceed 5 cubic yards of concrete, rock, crushed stone or gravel into forms, or in the form of pre-cast concrete planks or slabs;
- b. The water access structure does not exceed 5 feet in width;
- c. The base material is crushed stone, gravel or other suitable material;
- d. The excavation is limited to the area necessary for site preparation and all excavated material is removed to an area that has no waters of the United States; and,

No material is placed in wetlands.

F. SPECIAL CONDITION:

Special Condition 1: All regulated activities authorized by this permit that result in the alteration of aquatic resources within the State of Tennessee require authorization under the Tennessee Aquatic Resource Alteration Permit (ARAP) program. The Permittee shall comply with all state conditions included in the *Conditional Certification of Regional General Permit 25-RGP-01*, dated September 26, 2025, issued by the Tennessee Department of Environment and Conservation (TDEC).

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 25-RGP-01, the Corps shall be immediately notified. The Permittee agrees to make every reasonable effort to execute the work authorized by 25-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 25-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 25-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 25-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 Natural Resource Water, Cold Water Aquatic Habitat, Exceptional Waters, or candidate waters.

b. State of Tennessee: Water quality certification waived per lack of response from certifying authority during the reasonable period of time.

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 25-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 25-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, 2030). Work that is authorized by 25-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.

19. **Use of Multiple Permits.** Single and complete non-linear projects may not be “piecemealed” to avoid the limits in a general permit (nationwide, programmatic, or regional general permit) authorization. When general permit limits are exceeded, single and complete projects may be eligible for review and authorization by an individual permit. Unless otherwise indicated by a specific general permit or general permit category, the use of more than one general permit (nationwide, programmatic, or regional general permit) for a single and complete project is prohibited, except when the acreage or linear foot loss of waters of the US authorized by the general permits does

not exceed the loss limit of the general permit with the highest specified acreage limit.

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.

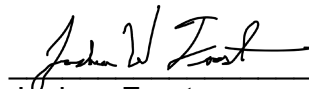
4. Reevaluation of Permit Decision. The Corps may re-evaluate its decision on an

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.



Joshua Frost
Chief, Regulatory Division

5 NOV 2025

(Date)

for Guillermo J. Guandique
Lieutenant Colonel, U.S. Army
District Commander



Andy Beshear
GOVERNOR

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

300 Sower Boulevard
Frankfort, Kentucky 40601
Phone: (502) 564-2150
Fax: 502-564-4245

Rebecca Goodman
SECRETARY

Anthony R. Hatton
COMMISSIONER

August 20, 2025

Josh Frost
Chief, Regulatory Division
U.S. Army Corps of Engineers, Nashville District
3701 Bell Road
Nashville, TN 37214-2660

Re: §401 Water Quality Certification
Regional General Permit 25-RGP-01
USACE ID Number: LRN-2025-00180

Dear Mr. Frost:

The Kentucky Division of Water has reviewed the Proposed Regional General Permit (RGP) 25-01 issued by the U.S. Army Corps of Engineers, Nashville District for the purposes of providing State certification in accordance with Section 401 of the Clean Water Act (CWA). This permit authorizes minor structures, fill, dredging, and work in US Army Corps of Engineers-Nashville District Reservoirs: Dale Hollow Lake, Lake Barkley, Lake Cumberland, Laurel River Lake, and Martins Fork Lake. Certain activities due to size, location or potential water quality impacts are not covered under this general certification; Activities not qualifying for authorization under this General Certification may be authorized by an Individual Water Quality Certification.

Pursuant to Section 401 of the CWA and 40 CFR 121.7(c), the Commonwealth of Kentucky certifies it has reasonable assurances that applicable water quality standards under Kentucky Administrative Regulations Title 401, Chapter 10, established pursuant to Sections 301, 302, 303, 304, 306, and 307 of the CWA, will not be violated by the above referenced programmatic general permits. The Kentucky Division of Water hereby **certifies with conditions** the Regional General Permit, 25-RGP-01, minor structures, fill, dredging, and work in US Army Corps of Engineers-Nashville District Reservoirs: Dale Hollow Lake, Lake Barkley, Lake Cumberland, Laurel River Lake, and Martins Fork Lake. Please contact the Water Quality Certification Section with any questions by calling (502)-564-3410 or by emailing 401WQC@ky.gov.

Sincerely,

Samantha Vogeler, Supervisor
Water Quality Certification Section
Kentucky Division of Water

Attachment: WQC Conditions Enclosure

cc: Austin Fitzgerald, USEPA: Atlanta (via email: fitzgerald.austin@epa.gov)

General Water Quality Certification - Regional General Permit 25-RGP-01

Minor Structures, Fill, Dredging, and Work in

Dale Hollow Lake, Lake Barkley, Lake Cumberland, Laurel River Lake, and Martins Fork Lake

This General Certification is issued August 20, 2025, in conformity with the requirements of Section 401 of the Clean Water Act of 1977, as amended (33 U.S.C. §1341), as well as Kentucky Statute KRS 224.16-050.

For this regional general permit 25-RGP-01, the definition of ‘surface water’ is as per 401 KAR 10:001 Chapter 10, Section 1(80): Surface Waters means those waters having well-defined banks and beds, either constantly or intermittently flowing; lakes and impounded waters; marshes and wetlands; and any subterranean waters flowing in well-defined channels and having a demonstrable hydrologic connection with the surface. Lagoons used for waste treatment and effluent ditches that are situated on property owned, leased, or under valid easement by a permitted discharger are not considered to be surface waters of the Commonwealth.

The Commonwealth of Kentucky hereby certifies under Section 401 of the Clean Water Act (CWA) that it has reasonable assurances that applicable water quality standards under Kentucky Administrative Regulations Title 401, Chapter 10, established pursuant to Sections 301, 302, 304, 306, and 307 of the CWA, will not be violated for the activity covered under REGIONAL PERMIT 25-RGP-01, namely Minor Structures, Fill, Dredging, and Work in US Army Corps of Engineers-Nashville District Reservoirs: Dale Hollow Lake, Lake Barkley, Lake Cumberland, Laurel River Lake, and Martins Fork Lake, provided the following conditions are met. Activities that do not meet the conditions of this General Certification require an Individual Section 401 Water Quality Certification.

1. The activity will not occur within a surface water of the Commonwealth identified by the Kentucky Division of Water as Outstanding State or National Resource Water, Cold Water Aquatic Habitat, Exceptional Waters, or candidate waters.
2. The activity will not occur within surface waters of the Commonwealth identified as perpetually-protected (e.g. deed restriction, conservation easement) mitigation sites.
3. The activity will impact less than ½ acre of wetland/marsh.
4. The activity will impact less than a cumulative 500 linear feet of stream. If opposite banks are stabilized, impacts to both banks are summed together to calculate the cumulative impact.
5. Use of creek rock for bank stabilization; grouted rip-rap; unformed, poured grout; unformed, poured concrete; poured asphalt; or asphalt pieces is not authorized under this certification. Poured concrete or grout will be permitted when contained by tightly sealed forms or cells.

6. This certification does not cover the installation and filling of barge mooring cells in surface waters of the Commonwealth; an individual water quality certification is required in all cases.
7. In-stream work shall not be conducted during fish spawning season, April 15th through June 15th.
8. The Kentucky Division of Water may require submission of a formal application for an individual certification for any project if the project has been determined to likely have a significant adverse effect upon water quality or degrade the waters of the Commonwealth so that existing uses of the water body or downstream waters are precluded.
9. Activities that do not meet the conditions of this General Water Quality Certification require an Individual Section 401 Water Quality Certification.
10. Activities qualifying for coverage under this General Water Quality Certification are subject to the following conditions:
 - a. Projects requiring in-stream stormwater detention/retention basins shall require individual water quality certifications.
 - b. Erosion and sedimentation pollution control plans and Best Management Practices must be designed, installed, and maintained in effective operating condition at all times during construction activities so that violations of state water quality standards do not occur.
 - c. Sediment and erosion control measures, such as check-dams constructed of any material, silt fencing, hay bales, etc., shall not be placed within surface waters of the Commonwealth, either temporarily or permanently, without prior approval by the Kentucky Division of Water's Water Quality Certification Section. If placement of sediment and erosion control measures in surface waters is unavoidable, design and placement of temporary erosion control measures shall not be constructed in such a manner that may result in instability of streams that are adjacent to, upstream, or downstream of the structures. All sediment and erosion control devices shall be removed, and the natural grade restored within the completion timeline of the activities.
 - d. Measures shall be taken to prevent or control spills of fuels, lubricants, or other toxic materials used in construction from entering the watercourse.
 - e. Removal of riparian vegetation shall be limited to that necessary for equipment access.
 - f. To the maximum extent practicable, all in-stream work under this certification shall be performed under low-flow conditions.

- g. Heavy equipment, e.g. bulldozers, backhoes, draglines, etc., if required for this project, should not be used or operated within the stream channel. In those instances in which such in-stream work is unavoidable, then it shall be performed in such a manner and duration as to minimize turbidity and disturbance to substrates and bank or riparian vegetation.
- h. Any fill shall be of such composition that it will not adversely affect the biological, chemical, or physical properties of the receiving waters and/or cause violations of water quality standards. If riprap is utilized, it should be of such weight and size that bank stress or slump conditions will not be created because of its placement.
- i. If there are water supply intakes located downstream that may be affected by increased turbidity and suspended solids, the permittee shall notify the operator when such work will be done.
- j. Should evidence of stream pollution or jurisdictional wetland impairment and/or violations of water quality standards occur as a result of this activity (either from a spill or other forms of water pollution), the Kentucky Division of Water shall be notified immediately by calling (800) 928-2380.

These conditions are necessary to prevent water pollution, monitor aquatic resources, minimize impact to aquatic resources, protect the use and designation of resources, allow more effective and efficient control practices, identify changes and conditions in ecological systems as a result of activities, and to warn of emergency conditions. [KRS 224.10-100, KRS 224.70-110, 401 KAR 10:030, Section 1(3)(b) & Section 1(4)(b); and 401 KAR 10:031, Section 2 & Section 4]

Violations of Kentucky state water quality standards may result in civil penalties and remediation actions.

For assistance contact the Kentucky Division of Water, Water Quality Certification Section by email (401WQC@ky.gov) or by phone (502)-564-3410.



STATE OF TENNESSEE
Department of Environment and Conservation
Division of Water Resources, Natural Resources Unit
Davy Crockett Tower, 9th Floor
500 James Robertson Parkway
Nashville, Tennessee 37243

September 26, 2025

Josh Frost
Chief, Regulatory Division
U. S. Army Corps of Engineers
3701 Bell Road
Nashville, TN 37214

SUBJECT: Section 401 Water Quality Certification
Conditional Certification of Regional General Permit 25-RGP-01

Dear Mr. Frost:

The Tennessee Department of Environment and Conservation (TDEC) acknowledges its responsibility for providing or withholding § 401 Water Quality Certifications for the U. S. Army Corps of Engineers (USACE) § 404 Nationwide Permits (NWP) and Regional General Permits (RGP). In this letter TDEC has provided a detailed listing of conditional certifications for 25-RGP-01. 25-RGP-01 would authorize minor structures, fill, dredging and work in or affecting specific reservoirs managed by the US Army Corps of Engineers – Nashville District within Tennessee and Kentucky.

The proposed permit 25-RGP-01 aims to improve internal agency efficiency within the Corps' Nashville District by reducing the scope of certain minor impacts to navigable waters within Corps reservoir boundaries that currently require review for Section 10 and/or Section 404 authorization by the Regulatory Division in addition to review and authorization by the reservoir's Natural Resource Manager.

Section 401 of *The Clean Water Act* (33 U.S.C. § 1341) requires an applicant for a federal permit that results in a discharge to obtain a water quality certification from the state that there is a reasonable assurance that the discharge will not violate applicable water quality standards.

Therefore, the state of Tennessee is required to certify whether any activity authorized by a proposed Regional General Permit that results in a discharge into Waters of the United States in Tennessee will meet all applicable water quality standards.

Accordingly, the Department requires reasonable assurance that all activities conducted under these RGPs will not violate provisions of *The Tennessee Water Quality Control Act of 1977* (T.C.A. § 69-3-101 et seq.) or §§ 301, 302, 303, 306 or 307 of *The Clean Water Act* (CWA).

§401 Water Quality Certification
25-RGP-01

The proposed RGP was placed on public notice on May 16, 2025, and a specific request for state 401 certification was sent to TDEC on May 29, 2025.

The RGP specifies certain permit limits or the scale of impact allowable for those activities intended for coverage. The activities included are associated with construction and modification of private docks, minor dredging for small boat access, and shoreline stabilization. The locations applicable to this RGP include the Old Hickory Lake, Lake Barkley, Cheatham Lake, Center Hill Lake, Cordell Hull Lake, Dale Hollow Lake, and J. Percy Priest reservoirs in Tennessee that are managed by the USACE Nashville District, with specific types of allowable activities varying with the specific reservoir.

Based on our review, the terms and conditions related to the exact nature, scale and resource impact of activities that may be authorized by the RGP in the State of Tennessee, require TDEC to provide a conditional certification for a subset of the potential activities covered. This is to ensure TDEC can consistently and defensibly carry out its responsibility as the certifying authority under §401 that all activities will meet the State's water quality standards in a defensible manner, will conform to the State's Rules and regulations for the CWA Section 401 and ARAP permitting process, and will align with the existing CWA Section 401 and ARAP General Permits in a manner that reduces regulatory confusion.

The Division will continue to review proposed activities and provide project-specific §401 water quality certification for a subset of activities that may be proposed and authorized by 25-RGP-01. However, for the conditional certifications below, the Division finds that it can certify the activities conducted under the RGP meeting these conditions will not violate water quality standards.

§401 Certification category 1 - Private Docks

The state of Tennessee hereby certifies the installation of support pilings, spud poles, anchors or similar structures for the construction, modification, maintenance, or replacement of fixed floating private docks or boathouses in lakes, ponds or reservoirs, as described and conditioned in the RGP.

§401 Certification category 2 - Minor Dredging

The state of Tennessee hereby certifies minor dredging activities associated with the construction and maintenance of small boat access to permitted dock facilities, provided that the cumulative total of dredging does not exceed 25 cubic yards, the work is conducted during the winter drawdown working in the dry, and excavated material is 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, as described and conditioned in the RGP.

§401 Certification category 3 - Shoreline Stabilization

§401 Water Quality Certification
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The state of Tennessee hereby certifies shoreline stabilization activities necessary for erosion control, with the following limitations:

1. Riprap or other hard armoring stabilization, individually or cumulatively, shall not exceed 300 linear feet of shoreline.
2. Riprap shall follow the natural contour of the shoreline.
3. Riprap shall not extend below the winter pool elevation.
4. The placement of riprap shall not interfere with an NPDES-permitted facility's ability to comply with the Seep Action Plan component of their permit.
5. Vegetative stabilization techniques, including live vegetative plantings, live stakes, branch packing, live fascines, vegetated soil lifts, brush mattresses, tree revetments, and coconut fiber coir rolls provided that the treatment area is limited to 1,000 linear feet per bank (shoreline) of the same stream or reservoir.
6. All other restrictions on applicable locations and other conditions of the RGP are met.

§401 Certification category 4 – Ramps, Stairs and other Water Access

The state of Tennessee hereby certifies activities required for the construction, repair, or replacement of ramps, stairs, and other water access structures provided the activity meets the criteria outlined in the RGP.

The Division appreciates the opportunity to provide this conditional Section 401 Water Quality Certification for Regional General Permit 25-RGP-01. For other activities seeking coverage under the RGP, we remain prepared to take timely action on applications for §401 certifications using either individual permits or general permits on an individual basis. The Division looks forward to further regulatory coordination with the USACE.

Sincerely,



April Grippo
Director, Division of Water Resources

Cc: Robbie Sykes - U. S. Fish & Wildlife Service; Cookeville, TN. robbie_sykes@fws.gov
Josh Campbell, Tennessee Wildlife Resources Agency, Nashville, TN josh.campbell@tn.gov
Julia Botz - U. S. Environmental Protection Agency; Atlanta, GA., botz.julia@epa.gov
Dani Walker - Nashville District Corps of Engineers, Danielle.F.Walker@usace.army.mil