



DEPARTMENT OF THE ARMY
LITTLE ROCK DISTRICT, CORPS OF ENGINEERS
POST OFFICE BOX 867
LITTLE ROCK, ARKANSAS 72203-0867

REPLY TO
ATTENTION OF

CESWL-RD

January 21, 2010

09051-GS

JOINT PUBLIC NOTICE
CORPS OF ENGINEERS - STATES OF ARKANSAS AND MISSOURI

RENEWAL OF A GENERAL PERMIT for the placement of dredged and fill material in waters of the United States associated with the construction of steps, walkways, or footbridges on all navigable waters of the United States within the Little Rock District in the States of Arkansas and Missouri.

TO WHOM IT MAY CONCERN:

Background. On September 24, 2009, the Little Rock District Corps of Engineers issued a joint public notice with the States of Arkansas and Missouri announcing consideration of a time extension for this general permit for the construction of steps, walkways, or footbridges on all navigable waters of the United States within the Little Rock District. The authority for permit issuance is found in Section 10 of the Rivers and Harbors Act of 1899 (33 U.S. Code 403) and Section 404 of the Clean Water Act (33 U.S. Code 1344). Corps districts are authorized to develop general permits in accordance with Title 33, Code of Federal Regulations Parts 325.2(e)(2) and 325.5(c)(1).

Determination to Extend. After reviewing the previous actions authorized under this general permit and comments received on the public notice, it is our assessment that the work authorized will not have significant adverse environmental impacts and that the public interest will be served by extending the period of the general permit.

The policies of this general permit will be subject to reconsideration at any time, but will be reviewed at least every five (5) years. This general permit is therefore extended for a period of 5 years until **January 21, 2015**, unless it is revoked or specifically extended in the interim.

Notification/Verification Requirement. Anyone wanting to do work under the proposed general permit would have to notify the Little Rock District and receive verification that the proposed work met the limits of the general permit. The notification/verification details are outlined in the Procedures for Verifying Authorization attached to the general permit.

Consideration of New/Additional Information. If additional information, developed during the life of the permit, indicates factors contrary to the public interest, this general permit may be suspended, modified, or revoked.

Interested parties are requested to provide comments on this general permit at any time during the life of the permit. Comments should be addressed to Chief, Regulatory Division, US Army Corps of Engineers, PO Box 867, Little Rock, Arkansas 72203-0867.

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NOTE: The mailing list for this Public Notice is arranged by state and county(s) where the project is located, and also includes any addressees who have asked to receive copies of all public notices. Please discard notices that are not of interest to you. If you have no need for any of these notices, please advise us so that your name can be removed from the mailing list.

Enclosures

Joyce C. Perser
Chief, Regulatory Division

DEPARTMENT OF THE ARMY PERMIT

General Permit: **General Permit for Activities Involving the Construction of Steps, Walkways, or Footbridges on all Navigable Waters of the United States within the Little Rock District in the States of Arkansas and Missouri.**

Permit No.: **09051 - GS**

Issuing Office: Department of the Army
Little Rock District
P.O. Box 867
Little Rock, Arkansas 72203-0867

NOTE: The term "you" and its derivatives, as used in this general permit, means any of the permittees whose work is authorized under its terms and conditions. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: **Work authorized under this general permit is limited to the construction of steps, walkways, or footbridges.**

The construction of wooden, concrete, metal, gravel, or native stone steps is not to exceed four (4) feet in width and not to exceed 6- by 8-foot landings. All structures shall be securely anchored. Pentachlorophenol-treated material shall not be used below the ordinary high water elevation of the waterbody for projects in the State of Missouri. In the interest of safety, we recommend that handrails, approximately 30 to 34 inches in height, be added along with a guardrail approximately 24 inches high.

Examples of typical work, which falls within the scope of this general permit and the limits, are shown on the attached drawings. (See attached sheets 1 of 2 and 2 of 2.)

Project Location: **In navigable waters of the United States within the Little Rock District in the States of Arkansas and Missouri.**

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Permit Conditions:

General Conditions:

1. Authorization under this general permit is valid for **three years** from the date of the verification letter to you. 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 general permit in good condition and in conformance with the terms and conditions of this general 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 general 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 general 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 general permit, you must inform the new owner to contact this office so that the authorization can be transferred or reissued.
5. 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 general permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. 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 in accordance with the terms and conditions of this general permit.

Special Conditions:

1. **You shall not use creosote-treated materials, as well as pentachlorophenol-treated materials, below the ordinary high-water elevation of any waterbody within the State of Missouri. All wood products used in construction of these facilities should be properly drained, wiped, or otherwise treated such that preservative materials will not seep from the wood and enter waters of the state.**

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- 2. You shall use clean, nonpollutional material for construction. Fuel, oil, other petroleum products, and equipment shall not be stored below the ordinary high water mark of the waterbody.**
- 3. You shall perform all construction activity in a manner that will minimize increased turbidity of the water in the work area and otherwise avoid adverse effects on water quality and aquatic life.**
- 4. You shall place all excavated material on a non-wetland, upland site and not allow any runoff water from the disposal site to enter the waterway.**
- 5. You shall perform all construction in such a manner as to not destroy or endanger the critical habitat of a threatened or endangered species, as identified under the Endangered Species Act.**
- 6. You shall perform the authorized activity in such a manner as to not cause unreasonable interference with navigation.**
- 7. You shall seed, replant, or give some other equivalent type of protection against subsequent erosion to all areas disturbed or newly created by your construction activity.**
- 8. If your authorized activity involves the use of Government-owned land, you must obtain written approval from the Chief of the Real Estate Branch and/or the Operations Manager at the appropriate Project Office. This general permit will not be valid unless the proper easement or permit can be obtained for the use of Government-owned land. Additional conditions for work involving the location, placement of fill, construction and operations in the impacted areas will be included in these documents.**
- 9. Your facility will not be authorized in a component of the National Wild and Scenic River System or in a component of a State Wild and Scenic River System.**
- 10. Your facility will not be authorized in a wetland area.**

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. Code 403).

Section 404 of the Clean Water Act (33 U.S. Code 1344).

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() Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization:

- a. This general permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
- b. This general permit does not grant any property rights or exclusive privileges.
- c. This general permit does not authorize any injury to the property or rights of others.
- d. This general permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability: In issuing this general 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 general permit.
- d. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this general permit.

4. Reliance on Applicant's Data: The determination of this office that your proposed work complies with the terms and conditions of this general permit was made in reliance on the information you provided.

5. Reevaluation of Permit Decision: This office may reevaluate its decision on this general 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 general permit.

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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 general permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures 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 your activity authorized by this general 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 favorable consideration to a request for an extension of this time limit.

Enclosure

PROCEDURES FOR VERIFYING AUTHORIZATION

GENERAL PERMIT - **09051 - GS**

For the Construction of Steps, Walkways, or Footbridges on all Navigable Waters of the United States within the Little Rock District in the States of Arkansas and Missouri.

1. The U.S. Army Corps of Engineers, Little Rock District, has issued the attached general permit for the construction of steps, walkways, or footbridges on all navigable waters of the United States within the Little Rock District in the States of Arkansas and Missouri. The purpose of the general permit is to provide authorization for the minimal impacts of the construction of steps, walkways, or footbridges on navigable waters in the Little Rock District.

Work authorized under this general permit would be limited to the construction of steps, walkways, or footbridges. The construction of wooden, concrete, metal, gravel, or native stone steps will not exceed four (4) feet in width and landings will not exceed 6 by 8 feet. The structures shall be securely anchored. Pentachlorophenol-treated material shall not be used below the ordinary high water elevation of the waterbody for projects in the State of Missouri. In the interest of safety we recommend that handrails, approximately 30 to 34 inches in height, be added along with a guardrail approximately 24 inches high.

This general permit is currently valid until **January 21, 2015**. The following procedures must be followed to verify authorization to do work under this general permit.

2. Procedures for Verifying Authorization. You shall use the following procedures in verifying authorization under this general permit.

a. You shall submit a written description of the proposed work at least 30 days prior to the proposed commencement of work to the District Engineer, ATTN: CESWL-RD, U.S. Army Corps of Engineers, Little Rock District, PO Box 867, Little Rock, Arkansas 72203-0867, or the appropriate Operations Manager for the lake or the reach of the river involved, as listed below:

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LAKES

OPERATIONS MANAGER

Arkansas River
upstream of
Murray Lock
and Dam

Operations Manager
Russellville Project Office
Corps of Engineers
1598 Lock & Dam Road
Russellville, Arkansas 72802

Arkansas River
downstream of
Murray Lock
and Dam

Operations Manager
Pine Bluff Project Office
Corps of Engineers
4305 Charles W. Wooden Road
Pine Bluff, Arkansas 71611

Beaver

Operations Manager
Beaver Project Office
Corps of Engineers
2260 North 2nd Street
Rogers, Arkansas 72756

Bull Shoals
Norfork

Operations Manager
Mountain Home Project Office
Corps of Engineers
324 West 7th Street
Mountain Home, Arkansas 72653

Clearwater

Operations Manager
Clearwater Project Office
Corps of Engineers
RR #3, Box 3559D
Piedmont, Missouri 63957

Dardanelle
Ozark

Operations Manager
Russellville Project Office
Corps of Engineers
PO Box 1087
Russellville, Arkansas 72801

CESWL-RD

Greers Ferry	Operations Manager Greers Ferry Project Office Corps of Engineers 700 Heber Springs Road North or PO Box 1088 Heber Springs, Arkansas 72543
Millwood Dequeen Dierks Gillham	Operations Manager Millwood-Tri Lakes Project Office 1528 Highway 32 East Ashdown, Arkansas 71822
Nimrod Blue Mountain	Operations Manager Nimrod-Blue Mountain Project Office Corps of Engineers 3 Highway 7 South Plainview, Arkansas 72857
Table Rock	Operations Manager Table Rock Project Office Corps of Engineers 4600 State Highway 165 Branson, Missouri 65616-8980

b. Included with the submittal shall be drawings, which accurately depict the work and its exact location. The type, sizes, and quantities of structures and/or materials to be used should be fully described, including appropriate dimensions.

c. Upon receipt of your request, the Corps of Engineers will determine whether the work falls within the criteria established by this general permit. The length of time required to process each request under this general permit will be directly related to the adequacy and completeness of the information you submit. You will receive a letter of verification if the work is covered by this general permit. If the work cannot be authorized under this general permit, you will be notified that your application must be processed under other procedures, which may involve submission of additional information and likely issuance of a public notice.

d. To comply with the intent of the National Historic Preservation Act (NHPA), each proposed activity that meets the criteria in this general permit will be coordinated with our staff archeologists for review. The Corps archeologists will (1) review the National Register of Historic Places for known historic properties, (2) review any completed archeological reconnaissance and surveys in the affected area, and, if indicated, (3) complete an archeological reconnaissance on the proposed site if one has not already been accomplished.

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e. In areas where the United States has acquired an interest in the real estate under the jurisdiction of the Corps of Engineers, such as easements for occasional flooding, a real estate instrument will be required. Processing of the real estate instrument will begin when plans are received from you. If the request for use of the real estate is disapproved, the authority granted under this general permit would be null and void.

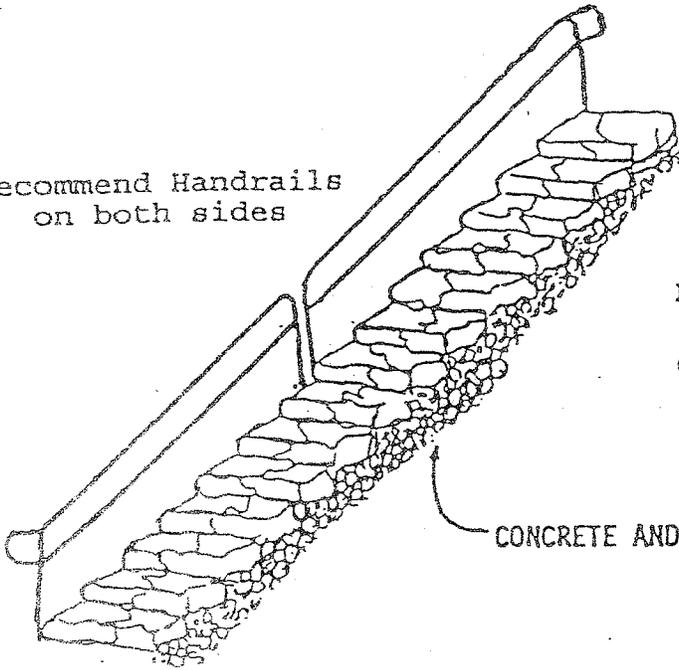
f. Projects using this general permit will be reviewed by the Planning Office (Floodplain Management).

Recommend Handrails
on both sides

TYPICAL DRAWINGS FOR STEPS

Handrail - approximately 34 inches high

Guardrail - approximately 24 inches high



CONCRETE AND ROCK BASE

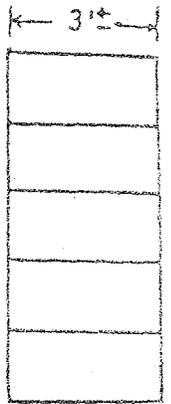
STONE

Tread depth at least 11"

Tread Riser
6" to 7"

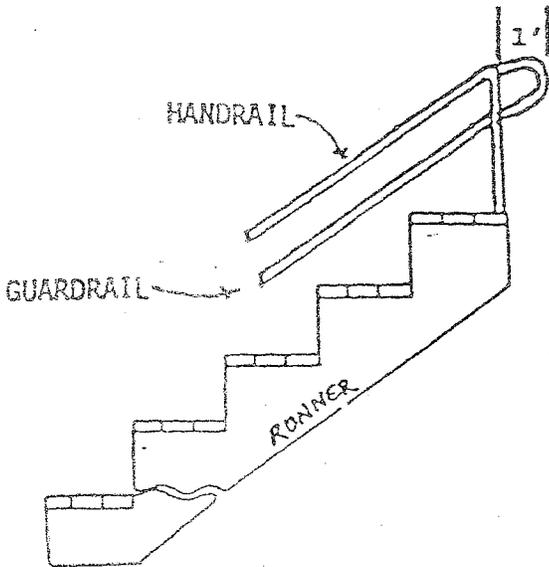
RUNNER

HANDRAIL
GUARDRAIL



TOP VIEW

CONCRETE



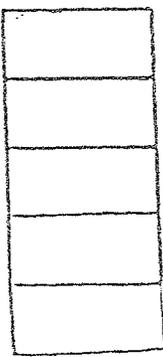
HANDRAIL

GUARDRAIL

RUNNER

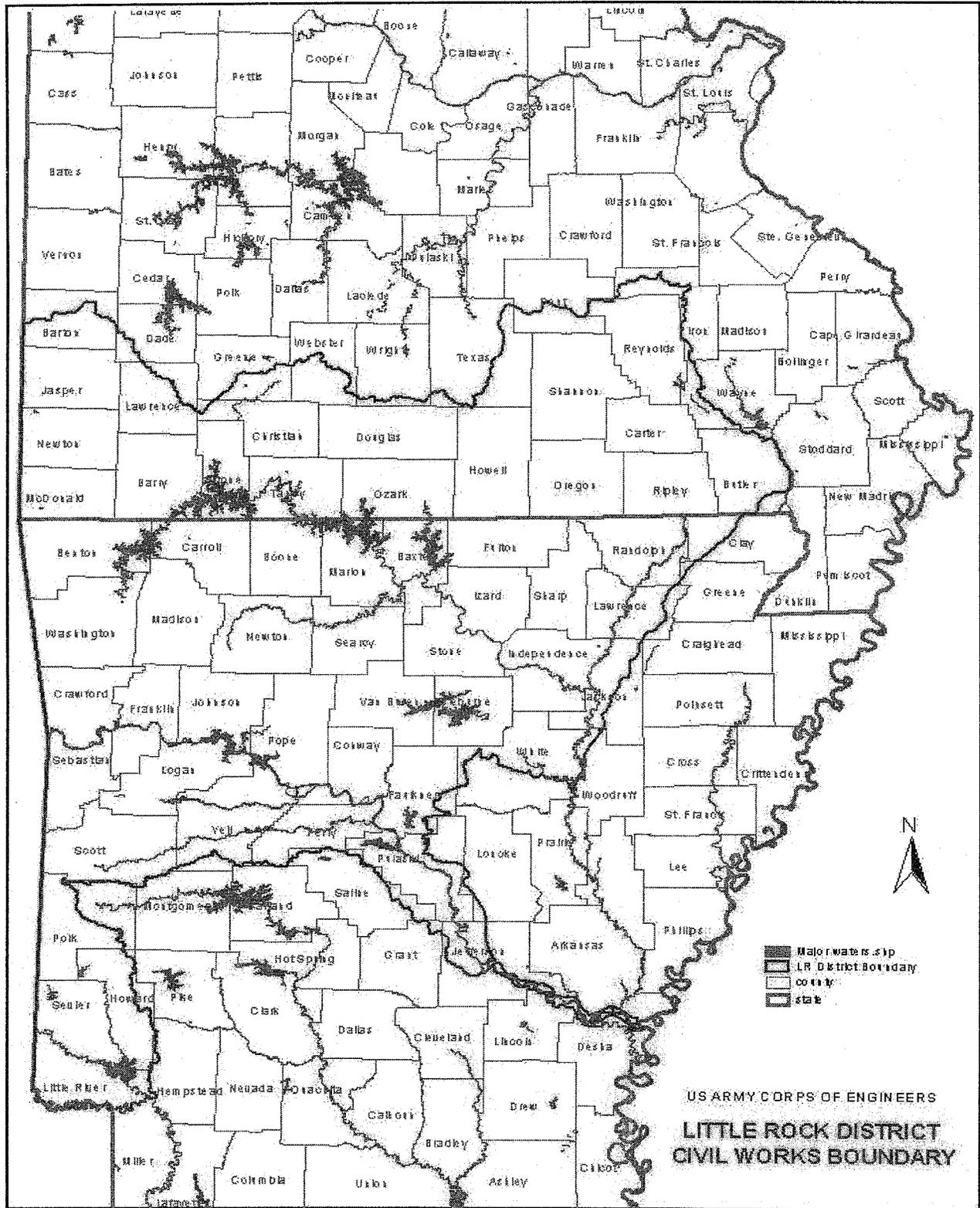
1'

3' ±



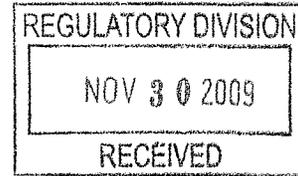
TOP VIEW

WOODEN



ADEQ

ARKANSAS
Department of Environmental Quality



November 24, 2009

Colonel Donald E. Jackson, Jr.
District Commander, Little Rock District Corps of Engineers
P. O. Box 867
Little Rock, Arkansas 72203-0867

RE: Public Notice: Re-issuance of General Permit 09051-GS:

Dear Colonel Jackson:

The Arkansas Department of Environmental Quality ("ADEQ") has completed its review of the above referenced public notice for re-issuance of the U.S. Army Corps of Engineers General Permit 09051-GS for the State of Arkansas.

ADEQ has determined that there is a reasonable assurance that this activity will be conducted in a manner which, according to the Arkansas Pollution Control and Ecology Commission's Regulation No. 2, will not physically alter a significant segment of a waterbody and will not violate the water quality criteria.

Pursuant to §401(a)(1) of the Clean Water Act, the ADEQ hereby issues water quality certification for this project contingent upon the following conditions:

- 1) Individual Water Quality Certification requests must be submitted to ADEQ for any activity impacting Extraordinary Resource Waters, Ecologically Sensitive Waters, and Natural and Scenic Waters as identified in Regulation # 2.
- 2) The applicant shall contact ADEQ for a Short Term Activity Authorization needs determination for activities that have the potential to violate water quality criteria.
- 3) The applicant shall comply with NPDES Storm Water Program requirements.

Please contact Jason Hooks of the Water Division at (501) 682-0028 if you have any questions regarding this certification.

Sincerely,



Teresa Marks
Director

cc: Christopher G. Davies, Project Manager, Little Rock District, USACE
J. Randy Young, P.E., Chairman, Technical Review Committee, ANRC
Craig Uyeda, Chief, River Basins Section, Arkansas Game and Fish Commission
Wanda Boyd, Region VI, Environmental Protection Agency

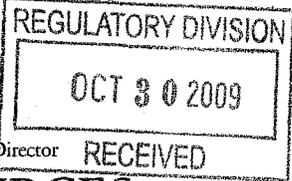
ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY

5301 NORTHSORE DRIVE / NORTH LITTLE ROCK / ARKANSAS 72118-5317 / TELEPHONE 501-682-0744 / FAX 501-682-0880

www.adeq.state.ar.us



Jeremiah W. (Jay) Nixon, Governor • Mark N. Templeton, Director



DEPARTMENT OF NATURAL RESOURCES

www.dnr.mo.gov

OCT 22 2009

Mr. Christopher G. Davies
Army Corps of Engineers
Little Rock District
P.O. Box 867
Little Rock, AR 72203-0867

09051-GS/CEL000319

Dear Mr. Davies:

The Missouri Department of Natural Resources' Water Protection Program (Department) has reviewed Public Notice Permit No. 09051-GS in which the U.S. Army Corps of Engineers' (Corps) proposes to extend General Permit 09051-GS/CEL000319 for another five (5) year period and request reissuance of the Clean Water Act Section 401 Water Quality Certification (certification) from the Department. This General Permit is used for the construction of steps, walkways and footbridges where the work is considered to be minor, non-controversial, and without anticipated significant individual or cumulative adverse impacts on the environment.

This office hereby issues this certification, subject to the applicant's compliance with the following conditions:

1. Project activities shall not cause the general or numeric criteria to be exceeded nor impair beneficial uses established in Missouri Water Quality Standards, 10 CSR 20-7.031.
2. Please be informed that certain water bodies may be listed as impaired pursuant to Section 303(d) of the Clean Water Act. Project activities shall not cause or contribute to the impairment of these waters. The 303(d) listed waters can be found at [http://www.dnr.mo.gov/env/wpp/waterquality/303\(d\).htm](http://www.dnr.mo.gov/env/wpp/waterquality/303(d).htm).
3. This certification shall not be construed or interpreted to imply the requirements for other permits are replaced or superceded. Any National Pollutant Discharge Elimination System Permits, General Permits for Land Disturbance, or other requirements shall be complied with. Applicants with questions are encouraged to call the Water Protection Program, NPDES Permits and Engineering Section, at (573) 526-3589.
4. Care shall be taken to keep machinery out of the waterway as much as possible. Fuel, oil and other petroleum products, equipment and any solid waste shall not be stored below the ordinary high water mark at any time or in the adjacent floodway beyond normal working hours. All precautions shall be taken to avoid the release of wastes or fuel to streams and other adjacent water bodies as a result of this operation.

enter waters of the state shall be immediately cleaned up and disposed of properly. Any such spills of petroleum shall be reported as soon as possible to the Department's 24-hour Environmental Emergency Response number at (573) 634-2436.

6. Only clean, nonpolluting fill shall be used. The following materials are not suitable for bank stabilization and shall not be used due to their potential to cause violations of the general criteria of the Water Quality Standards, 10 CSR 20-7.031(3)(A)-(H):
 - a. Earthen fill, gravel, broken concrete where the material does not meet the specifications outlined below, and fragmented asphalt, since these materials are usually not substantial enough to withstand erosive flows;
 - b. Concrete with exposed rebar;
 - c. Tires, vehicles or vehicle bodies, construction or demolition debris are solid waste and are excluded from placement in the waters of the state;
 - d. Liquid concrete, including grouted riprap, if not placed as part of an engineered structure; and
 - e. Any material containing chemical pollutants (for example: creosote or pentachlorophenol).

Recycled or broken concrete may be used provided that it is reasonably well graded, consisting of pieces varying in size from 20 pounds up to and including at least 150 pound pieces. Applicants must break all large slabs to conform to the well-graded requirement. Generally, the maximum weight of any piece shall not be more than 500 pounds. Gravel and dirt shall not exceed 15 percent of the total fill volume. All protruding reinforcement rods, trash, asphalt and other extraneous materials must be removed from the broken concrete prior to placement.

Recycled or broken concrete being used simply as fill need not conform to the well-graded requirement. It shall, however, be free of extraneous materials and shall be placed to eliminate voids within the fill.

7. Clearing of vegetation/trees shall be the minimum necessary to accomplish the activity.
8. Planting of any required vegetation shall maximize the use of native, flood tolerant species to provide soil stabilization and wildlife benefits. Invasive, non-native species are prohibited.
9. Best Management Practices shall be used during construction to minimize erosion.

Mr. Christopher G. Davies
Page 3

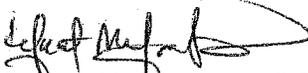
10. Work shall be conducted at low flow whenever possible.
11. There shall be no filling of any wetlands, jurisdictional springs or springs that have a connectivity to jurisdictional waters.
12. Any excavated material shall be removed to an upland for disposal.

You may appeal to have the matter heard by the Administrative Hearing Commission (commission). To appeal, you must file a petition with the commission within thirty (30) days after the date this decision was mailed or the date it was delivered, whichever date was earlier. If any such petition is sent by registered mail or certified mail, it will be deemed filed on the date it is mailed; if it is sent by any method other than registered mail or certified mail, it will be deemed filed on the date it is received by the commission.

Water Quality Standards must be met during any operations authorized by these permits. If you have any questions, please contact Ms. Carrie M. Schulte by phone at (573) 751-7023, by e-mail at carrie.schulte@dnr.mo.gov, or by mail at Missouri Department of Natural Resources, Water Protection Program, NPDES Permits and Engineering Section, P.O. Box 176, Jefferson City, MO 65109. Thank you for working with the Department to protect our environment.

Sincerely,

WATER PROTECTION PROGRAM


for Robert K. Morrison, P.E., Chief
Water Pollution Control Branch

RKM:csp

- c:
- Ms. Pamela Foster, Southeast Regional Office
 - Mr. Bill Goodwin, Missouri Department of Conservation
 - Mr. Brad Ledbetter, Southeast Regional Office
 - Mr. Michael Smith, Missouri Department of Conservation
 - Ms. Janet Sternburg, Missouri Department of Conservation
 - Ms. Tina White, Southwest Regional Office