

DEPARTMENT OF THE ARMY PERMIT

Regional General Permit: **US ARMY CORPS OF ENGINEERS WORK ON THE McCLELLAN-KERR ARKANSAS RIVER NAVIGATION SYSTEM IN ARKANSAS AND ON US ARMY CORPS OF ENGINEERS LAKES WITHIN LITTLE ROCK DISTRICT, INCLUDING THAT WORK CONDUCTED BY RECOGNIZED STAKEHOLDERS AND SANCTIONED BY THE US ARMY CORPS OF ENGINEERS**

Permit No.: **1988-09046-GU**

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

NOTE: The term "you" and its derivatives, as used in this regional 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 regional general permit is limited to the following and DOES NOT INCLUDE ANY FILLS IN WETLANDS: (Examples of typical work which falls within the scope of this regional general permit are shown on the attached drawings (see enclosed Sheets 2 through 8 of 8).)**

- 1. Disposal of minor amounts of dredged material in waters of the United States associated with activities such as the removal of shoals or emergency work to maintain the navigation channel. The material would be sidecast outside of the navigation channel or placed in a previously approved disposal area.**
- 2. The placement of dredged and fill material in waters of the United States associated with the repair, rehabilitation, and maintenance of existing dikes, existing revetments, and other existing channel stabilization structures.**
- 3. The placement of dredged and fill material in waters of the United States associated with the construction, modification, or maintenance of dikes, revetments, and other channel stabilization structures necessary to maintain the navigation system.**
- 4. The placement of dredged and fill material in waters of the United States associated with levee maintenance and scour holes.**

Project Location: **Work would be on the McClellan-Kerr Arkansas River Navigation System in Arkansas and on US Army Corps of Engineers Lakes within the Little Rock District (see enclosed Sheet 1 of 8).**

Permit Conditions:

General Conditions:

1. Authorization under this regional general permit is valid for **three years** from the date of your verification letter unless the regional general permit is modified, revoked, or suspended. If you find additional times is needed to complete the authorized activity, a time extension request should be submitted to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this regional general permit in good condition and in conformance with the terms and conditions of this regional 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 regional 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 regional general permit, you must immediately halt construction activity and notify this office. We will initiate the state and tribal 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 regional 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 regional 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 regional general permit.

**Special Conditions:**

1. **No activity is authorized under this regional general permit which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will destroy or adversely modify the critical habitat of such species. No activity is authorized under this regional general permit which “may affect” a listed species or critical habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed.**
2. **Any activity authorized under this regional general permit which would be located within 1,000 feet of any known active Interior Least Tern nesting site would require coordination with the United States Fish & Wildlife Service (USFWS) and other agencies as appropriate.**

- 3. Any activity authorized under this regional general permit which would be conducted from January 15<sup>th</sup> through May 30<sup>th</sup> and located within 1,000 feet of identified gravel habitat boundaries would require coordination with the USFWS and other agencies as appropriate.**
- 4. Any activity authorized under this regional general permit which would be located within 1,000 feet of any known active mussel concentration would require coordination with the USFWS and other agencies as appropriate.**
- 5. Any activity authorized under this regional general permit which would be located within 1,000 feet of any known migratory bird breeding colony or active bald or golden eagle nest would require coordination with the USFWS and other agencies as appropriate.**
- 6. The clearing of suitable habitat trees and/or snags (typically greater than 3-5 inches in diameter at breast height that have exfoliating bark, cracks, crevices, and/or hollows) within a 150-foot radius of a known occupied maternity roost tree associated with this project must be conducted during the Northern Long-eared Bat (*Myotis septentrionalis*) winter hibernation period between November 15<sup>th</sup> and March 15<sup>th</sup> through that portion of the McClellan-Kerr Arkansas River Navigation System from the Oklahoma/Arkansas State Line downstream to Pulaski County, as well as Arkansas County, Arkansas. The clearing of trees associated with this project must be conducted during the Indiana Bat (*Myotis sodalis*) winter hibernation period between November 15<sup>th</sup> and March 15<sup>th</sup> in Crawford, Franklin, Johnson, and Pope Counties, Arkansas. Alternatively, a professional biologist can perform a habitat assessment to ensure that no Northern Long-eared Bats or Indiana Bats are present outside of this hibernation period. This assessment must be submitted to the Corps of Engineers Regulatory Division for review, coordination with Federal and state agencies, and approval before tree removal can commence.**
- 7. The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that adverse effects on the aquatic environment are minimal:**
  - (a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).**
  - (b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the adverse effects to the aquatic environment are minimal.**
  - (c) For losses of streams or other open waters, the district engineer may require compensatory mitigation, such as the use of mitigation banks, in-lieu fee programs, or separate permittee-responsible mitigation, to ensure that the activity results in no more than minimal adverse effects on the aquatic environment. Compensatory mitigation projects provided to offset losses of aquatic resources must comply with 33 Code of Federal Regulations Part 332.**

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).

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

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

2. Limits of this authorization:

a. This regional general permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This regional general permit does not grant any property rights or exclusive privileges.

c. This regional general permit does not authorize any injury to the property or rights of others.

d. This regional general permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability: In issuing this regional 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 regional 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 regional 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 regional general permit was made in reliance on the information you provided.

5. **Reevaluation of Permit Decision:** This office may reevaluate its decision on this regional general permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

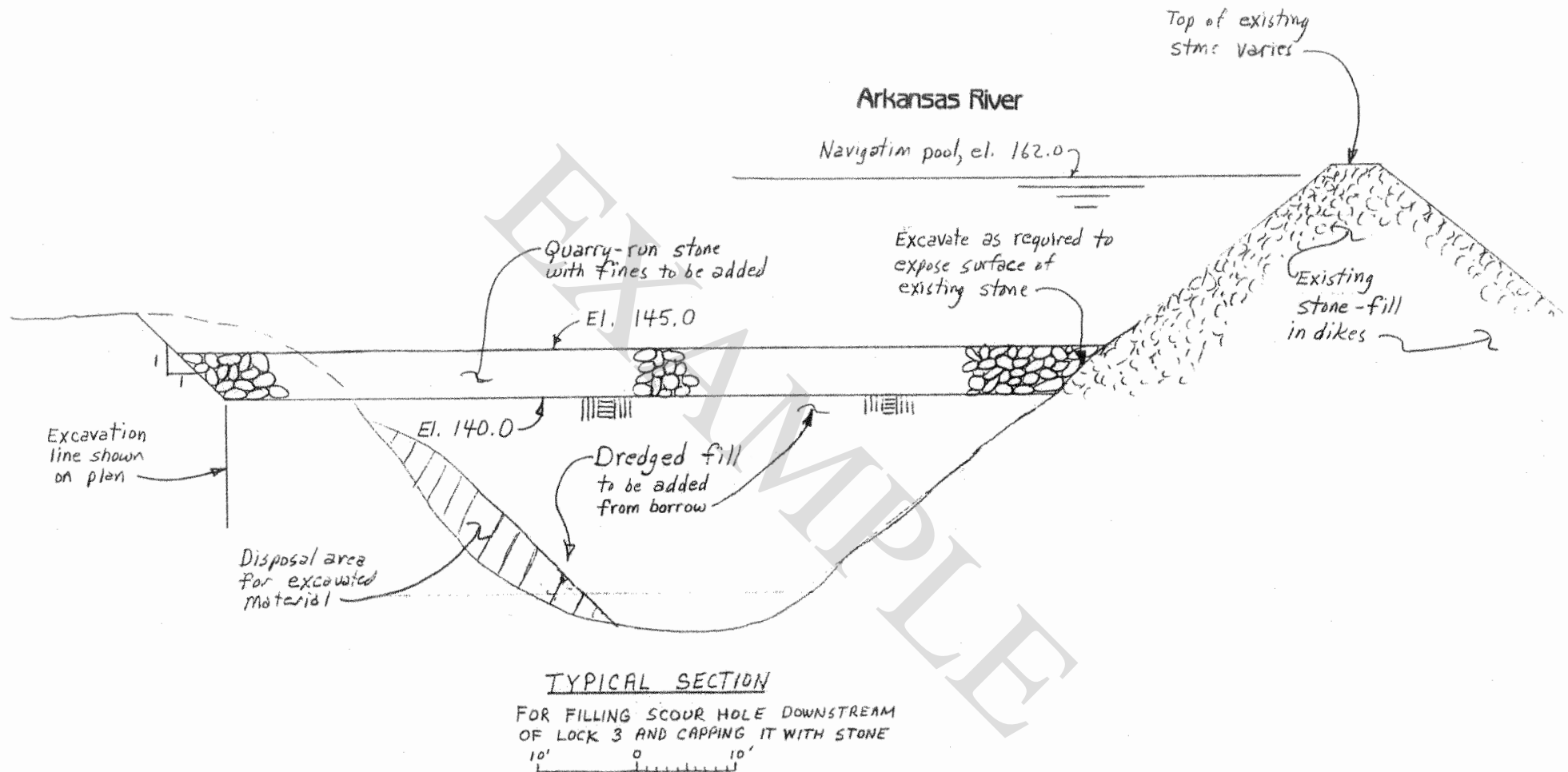
- a. You fail to comply with the terms and conditions of this regional general permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).
- c. Significant new information surfaces which this office did not consider 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 regional 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 regional 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.



## Fill of Scour Hole



**TYPICAL SECTION**

**ACTION NO. 1988-09046-GU**  
**Regional General Permit**  
**Corps Work on the MKARNS in Arkansas**  
**and on Corps Lakes within SWL**  
**April 2021**  
**Sheet 2 of 8**

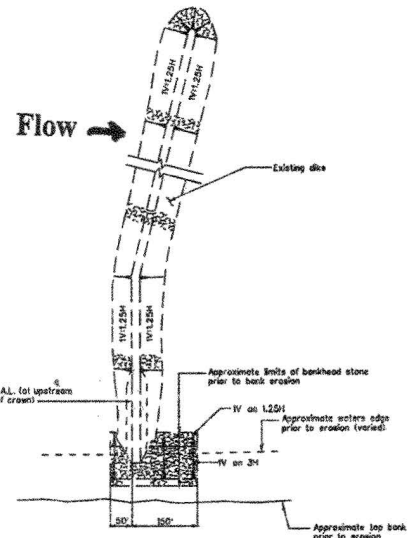
TABLE NO. 1  
Navigation System Information

LOCK AND DAM NAME	NAVIGATION MILE	UPPER POOL ELEVATION
Harrell, (No. 1)	10.3	142
Widow Mts, (No. 2)	13.3	162
Joe Hardin, (No. 3)	50.2	182
Emmett Sanders, (No. 4)	66.0	196
No. 5	86.3	213
David D. Terry, (No. 6)	108.1	231
Murray, (No. 7)	125.4	249
Toad Suck Ferry, (No. 8)	155.9	265
Arthur V. Ormond, (No. 9)	176.8	+264 - 287
Bardonia	205.5	+316 - 338
Ozark-Jetta Taylor	256.8	+370 - 372
James W. Trimble, (No. 13)	292.8	391

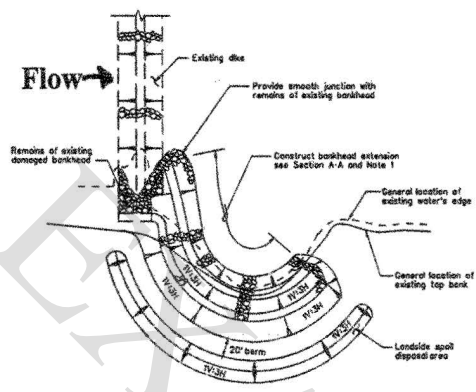
\*Use 267.0 water surface for construction  
\*\*Use 337.0 water surface for construction  
\*\*\*Use 372.0 water surface for construction

TABLE NO. 2  
Bankhead/Trench-Fill Revetment  
Crown Width Criteria

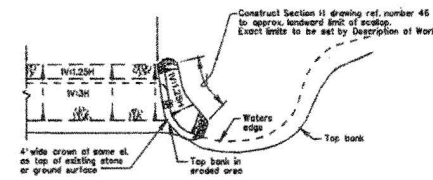
MAXIMUM WATER DEPTH BELOW POOL	BANKHEAD/TRENCH-FILL REVELMENT CROWN WIDTH
8.00' or shallower	5'
10.25'	6'
12.50'	7'
14.75'	8'
17.00'	9'
19.25'	10'
21.50'	11'
23.75'	12'
26.00'	13'
28.25'	14'
30.50'	15'
32.75'	16'
35.00'	17'
37.25'	18'
39.50'	19'
41.75' or deeper	20'



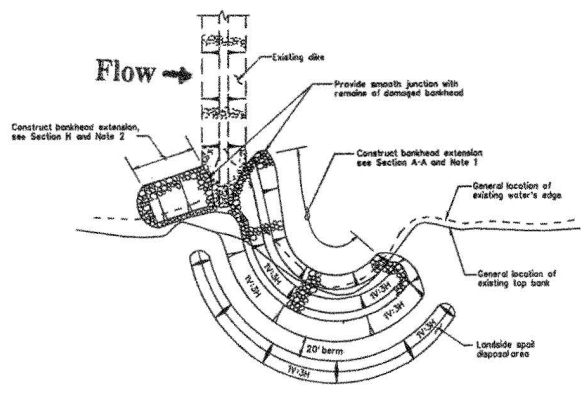
TYPICAL DIKE WITH BANKHEAD  
AT TIME OF INITIAL CONSTRUCTION



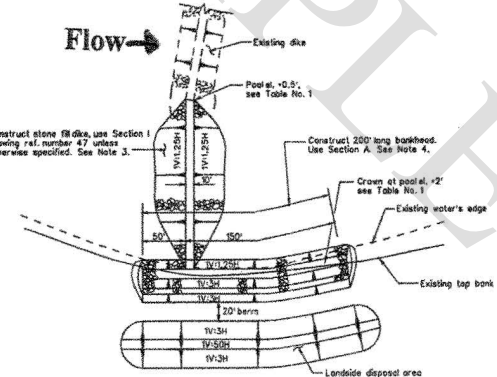
TYPE I REPAIR  
BANKHEAD EXTENSION  
DOWNSTREAM OF DIKE



TYPE IV REPAIR  
TYPICAL PLAN FOR DUMPED STONE ADDED  
TO UPSTREAM OR DOWNSTREAM ENDS OF  
TRENCH-FILL REVELMENTS OR BANKHEADS  
TO PREVENT RAVELLING



TYPE II REPAIR  
BANKHEAD EXTENSION  
UPSTREAM AND DOWNSTREAM OF DIKE



TYPE III REPAIR  
NEW BANKHEAD AND DIKE EXTENSION

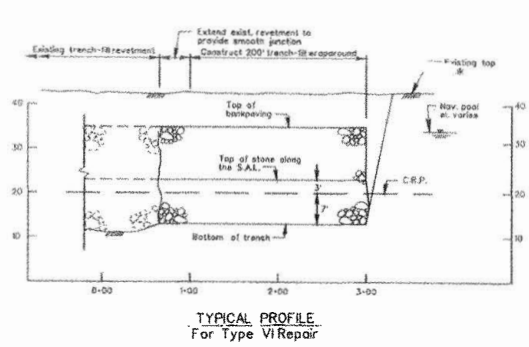
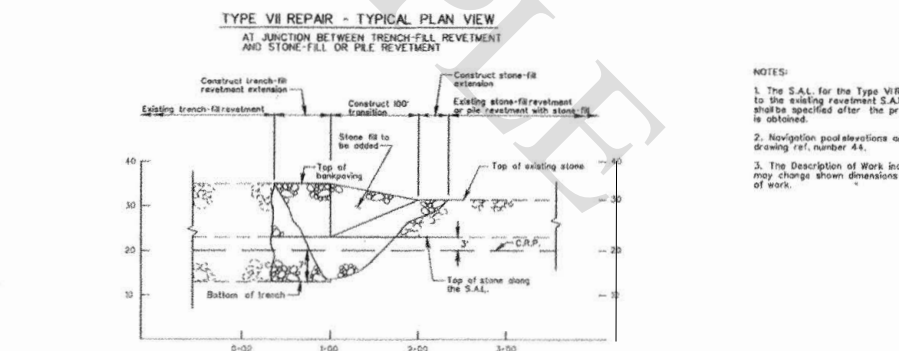
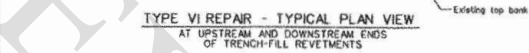
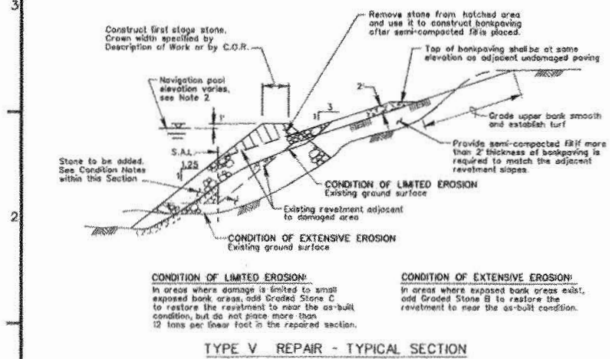
- NOTES:
1. The length of the downstream bankhead extension shall be set by the Contracting Officer's Representative (C.O.R.) at the time of construction. Total length of bankhead downstream from the upstream edge of dike crown shall be at least the length of the eroded pocket or 150', whichever is greater, unless otherwise directed.
  2. The length of the upstream bankhead extension shall be set by the C.O.R. at the time of construction. The stone protection shall generally extend to the landward limit of the scour pocket as determined by a line perpendicular to the S.A.L. of the dike.
  3. The C.O.R. shall set the alignment of the dike extension approximately perpendicular to the existing bankline. The dike extension shall be constructed after the bankhead. The dike shall have a 10' crown which slopes from pool +2' of the landward end to pool +0.5' at the intersection with the existing dike, unless otherwise directed by the C.O.R.
  4. The bankhead S.A.L. shall be perpendicular to the dike S.A.L. from 50' upstream to 70' downstream of the S.A.L. The downstream 80' of the bankhead shall curve towards the river channel. The contractor shall have the option of river-side disposal as shown on Section A. The C.O.R. shall set the crown width based on Table No. 2.
  5. The Description of Work included in the Task Order may change shown dimensions and will define scope of work.

DESIGNED BY: RWS  
CHECKED BY: RWS  
DATE: APRIL 2007  
PROJECT NO.: W8275-07-S-001  
SHEET NO.: 3  
SHEET TITLE: BANKHEAD & RETEMENT REPAIRS  
TYPES I, II, III, AND IV

## Bankhead and Revetment Repairs Types I, II, III, and IV

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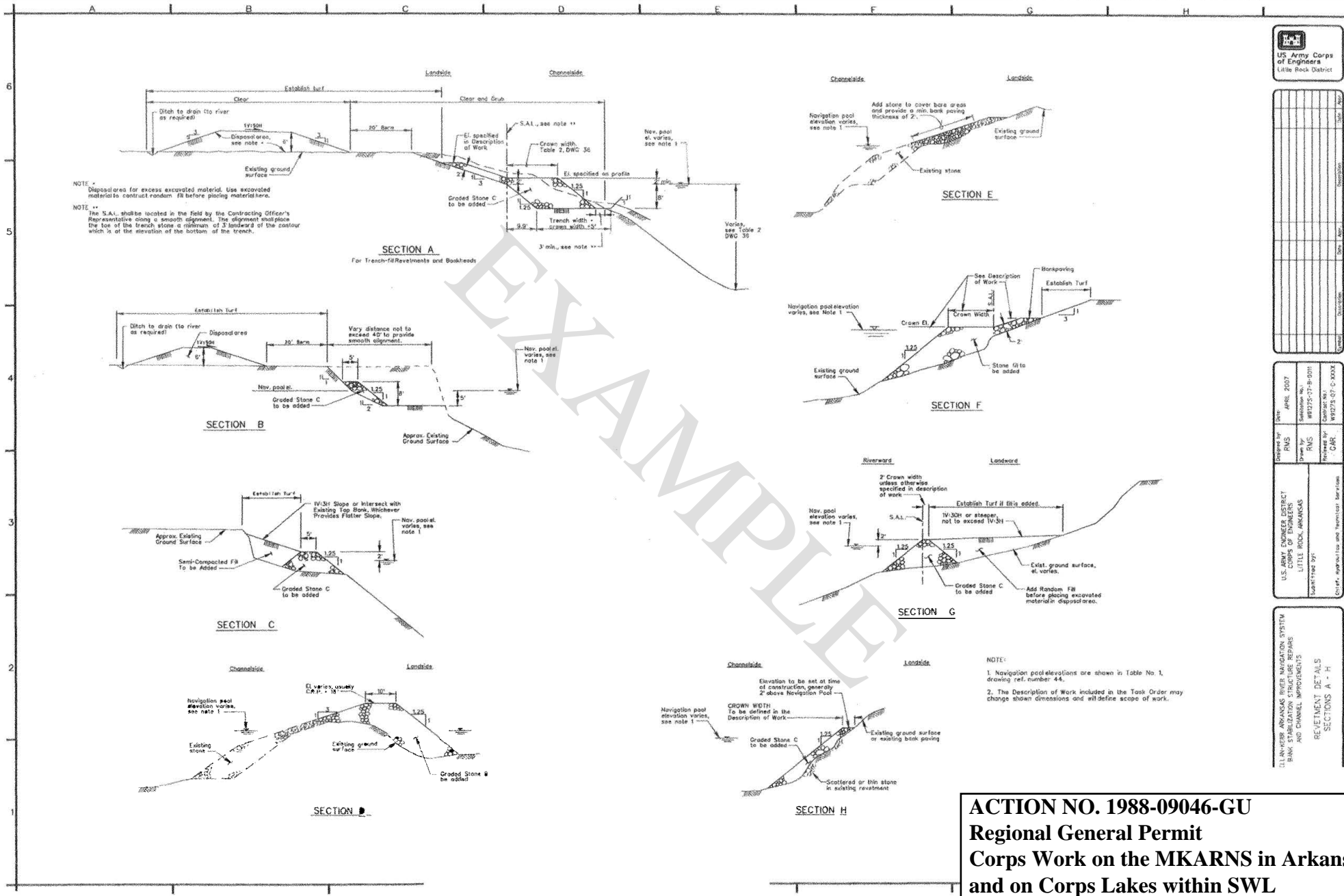




TYPICAL PROFILE  
For Type VI Repair

NOTES:

1. The S.A.L. for the Type V Repairs shall be parallel to the existing pavement S.A.L. The offset distance shall be specified after the pre-construction survey is obtained.
2. Navigation pool elevations are shown in Table No. 1, drawing ref. number 44.
3. The Description of Work included in the Task Order may change shown dimensions and will define scope of work.



Revetment Details  
Sections A-H

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**April 2021**

US Army Corps of Engineers  
Little Rock District

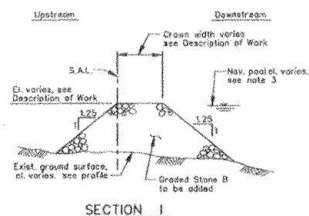
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RMS	RMS	APRIL 2021	2
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RMS	RMS	APRIL 2021	4
RMS	RMS	APRIL 2021	5
RMS	RMS	APRIL 2021	6
RMS	RMS	APRIL 2021	7
RMS	RMS	APRIL 2021	8
RMS	RMS	APRIL 2021	9
RMS	RMS	APRIL 2021	10

U.S. ARMY CORPS OF ENGINEERS  
LITTLE ROCK, ARKANSAS

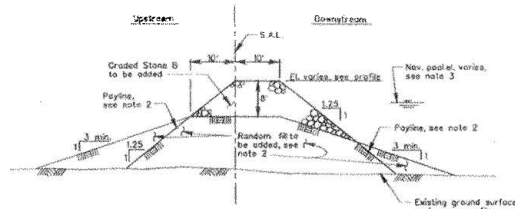
Submitted by: **SWL**

Checked by: **SWL**

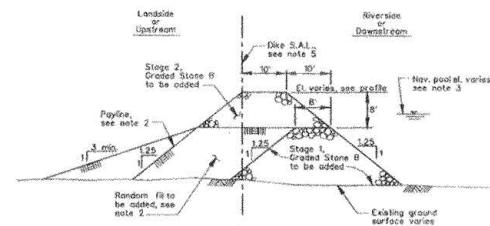
Approved by: **SWL**



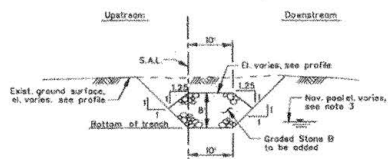
SECTION 1



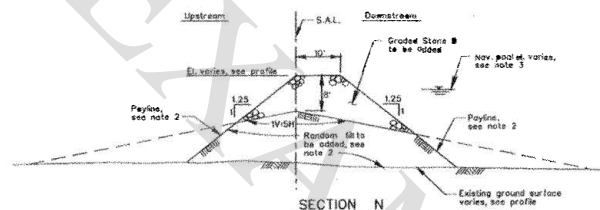
SECTION M



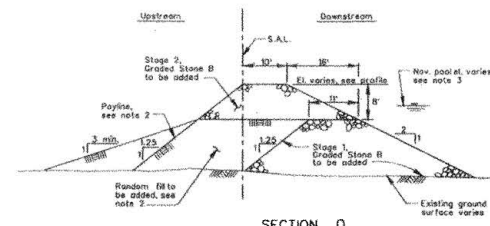
SECTION F



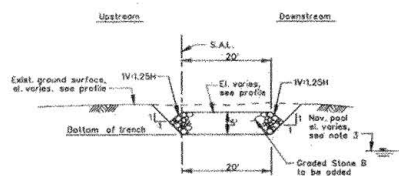
SECTION J



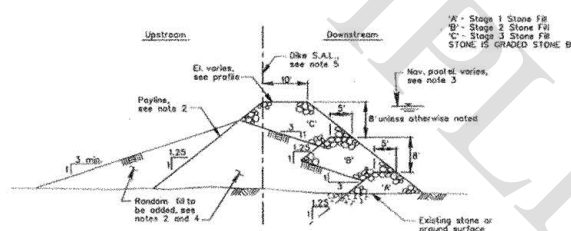
SECTION N



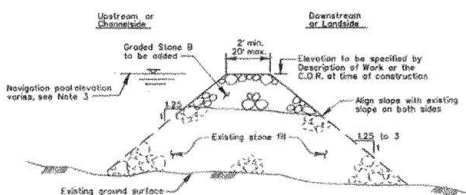
SECTION C



## SECTION K



SECTION 0



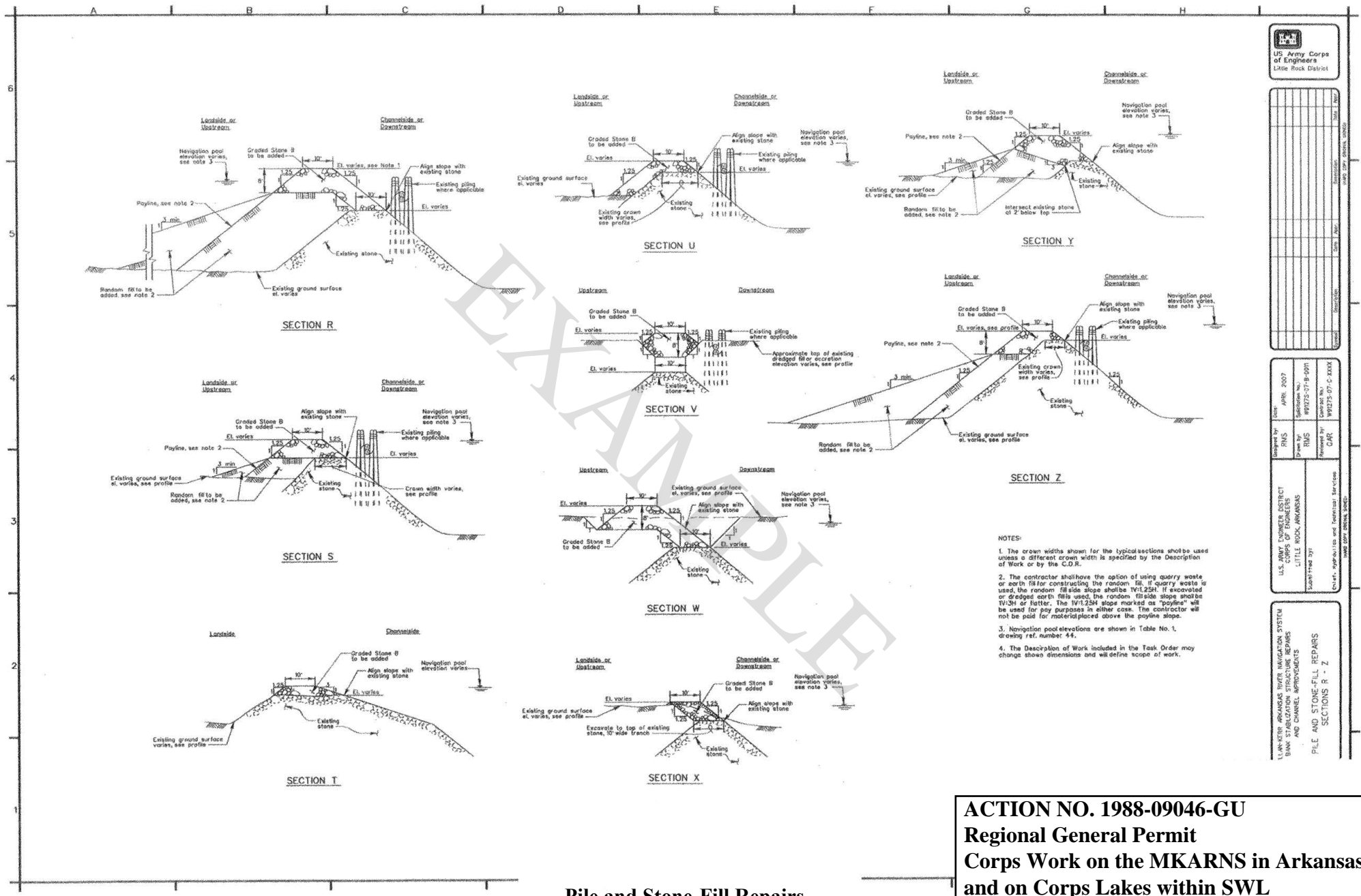
SECTION L

USED TO RAISE LOW AREAS IN  
EXISTING STONE-CELL STRUCTURES

NOTES:

1. The crown widths shown for the typical sections shall be used unless a different crown width is specified by the Description of Work or by the C.O.R.
2. The contractor shall have the option of using quarry waste or earth fill for constructing the random fill. If quarry waste is used, the side slopes of the random fill shall be 1V:2.5H. If excavated or dredged earth fills are used, the side slopes shall be 1V:1.5H. In either case, the fill shall be 1V:1.25H unless otherwise specified. If payine shall be used for pay purposes in either case, the contractor will not be paid for material which is placed above the payine slope.
3. New pile elevations are shown in Table No. 1, drawing ref. number 44.
4. For Section 0, the contractor shall place enough random fill after each stage of stone fill to support the next stage of stone fill.
5. The Description of Work included in the Task Order may change shown dimensions and details of the work.

STONE-FILL REPAIRS



- NOTES:
1. The crown widths shown for the typical sections shall be used unless a different crown width is specified by the Description of Work or by the C.O.R.
  2. The contractor shall have the option of using quarry waste or earth fill for constructing the random fill. If quarry waste is used, the random fill side slope shall be W:1.25H. If excavated or dredged earth fills are used, the random fill side slope shall be W:1.25H or better. The W:1.25H slope marked as "payline" will be used for pay purposes in either case. The contractor will not be paid for material placed above the payline slope.
  3. Navigation pool elevations are shown in Table No. 1, drawing ref. number 44.
  4. The Description of Work included in the Task Order may change shown dimensions and will define scope of work.



US Army Corps of Engineers  
Little Rock District

Task Order No.	Task Order Title	Date	Drawn By	Checked By	Approved By
1988-09046-GU	Regional General Permit	April 2021	W1275-07-B-001	W1275-07-C-000X	

Designed by	Drawn by	Checked by	Reviewed by
RMS	RMS	W1275-07-B-001	W1275-07-C-000X
U.S. ARMY ENGINEER DISTRICT CORPS OF ENGINEERS LITTLE ROCK, ARKANSAS	U.S. ARMY ENGINEER DISTRICT CORPS OF ENGINEERS LITTLE ROCK, ARKANSAS	U.S. ARMY ENGINEER DISTRICT CORPS OF ENGINEERS LITTLE ROCK, ARKANSAS	U.S. ARMY ENGINEER DISTRICT CORPS OF ENGINEERS LITTLE ROCK, ARKANSAS

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**Sheet 7 of 8**

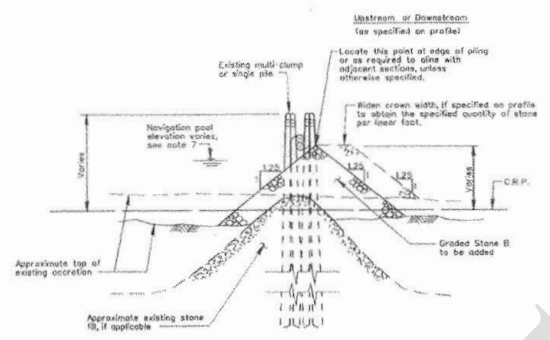
**Pile and Stone-Fill Repairs**  
**Sections R-Z**

NO.	DATE	BY	FOR	REVISION
1	APRIL 2007	RMS	DESIGN	DESIGN
2	APRIL 2007	RMS	DESIGN	DESIGN
3	APRIL 2007	RMS	DESIGN	DESIGN
4	APRIL 2007	RMS	DESIGN	DESIGN
5	APRIL 2007	RMS	DESIGN	DESIGN
6	APRIL 2007	RMS	DESIGN	DESIGN
7	APRIL 2007	RMS	DESIGN	DESIGN
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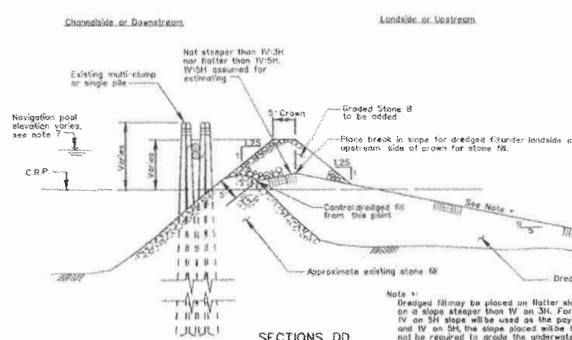
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CHECKED BY	RMS
APPROVED BY	RMS
DATE	APRIL 2007
PROJECT NO.	W9275-07-B-001
CONTRACT NO.	W9275-07-C-007X
SECTION	GENERAL PLAN

PROJECT NO.	W9275-07-B-001
CONTRACT NO.	W9275-07-C-007X
SECTION	GENERAL PLAN
DATE	APRIL 2007
PROJECT NO.	W9275-07-B-001
CONTRACT NO.	W9275-07-C-007X
SECTION	GENERAL PLAN
DATE	APRIL 2007

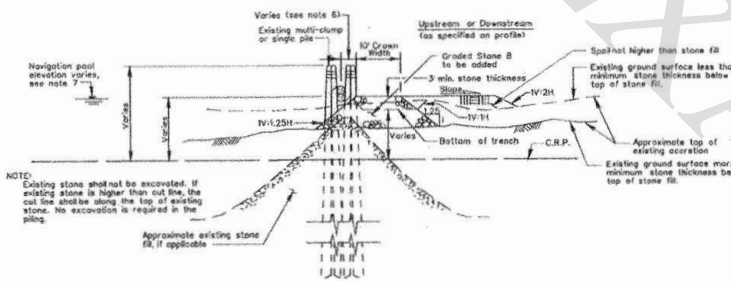
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SECTION	GENERAL PLAN
DATE	APRIL 2007
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CONTRACT NO.	W9275-07-C-007X
SECTION	GENERAL PLAN
DATE	APRIL 2007



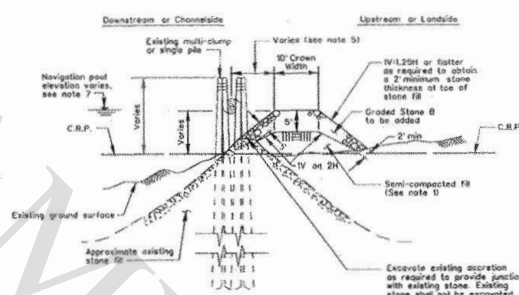
SECTION AA  
CONDITION WHERE PEAKED SECTION  
IS TO BE PLACED IN EXISTING PILE DIKE



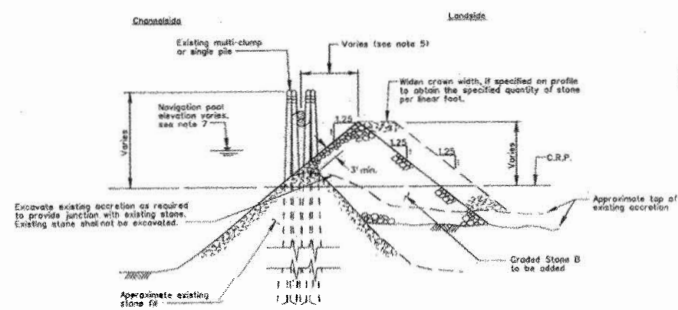
SECTIONS DD



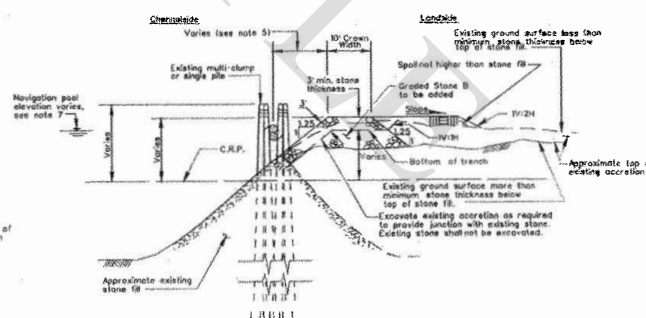
SECTION BB  
CONDITION WHERE CROWN SECTION  
IS TO BE PLACED IN EXISTING PILE DIKE



SECTION EE  
CONDITION WHERE CROWN SECTION IS TO  
BE PLACED IN EXISTING PILE DIKE WITH STONE  
FILL OR PILE REVELMENT WITH STONE FILL AND  
EXISTING GROUND SURFACE IS MORE THAN 5'  
BELOW TOP OF STONE FILL



SECTION CC  
CONDITION WHERE PEAKED SECTION  
IS TO BE PLACED IN EXISTING PILE  
REVELMENT WITH STONE FILL



SECTION FF  
CONDITION WHERE CROWN SECTION  
IS TO BE PLACED IN EXISTING PILE  
REVELMENT WITH STONE FILL

- NOTES:
1. Unless otherwise specified, borrow material for constructing semi-compacted fill in Section EE shall be obtained no closer than 20 feet from the stone fill to be added, and borrow excavation shall not be lower than the lowest stone to be added adjacent to the excavation. Materials required to be excavated may be used for borrow. At distances greater than 50 feet from any existing or proposed structure there is no restriction on excavation for borrow, except in no instance will excavation of high bank land for borrow be permitted and in no instance will excavation lower than 5 feet below the lowest stone to be added be permitted.
  2. Dimensions shown for crown width and minimum stone thickness shall be used unless otherwise specified.
  3. Spill may be placed as shown unless otherwise specified.
  4. For single pile revetments and dikes, the S.A.L. is located on the channelward or upstream surface of piles. For multi-clump revetments and dikes, the S.A.L. is located along the center of the channelward or upstream row of clumps.
  5. Varies as required to align downstream or channelside slope of stone fill to be added with downstream or channelside slope of existing stone fill, unless otherwise specified.
  6. Varies as required to provide for maximum utilization of existing stone fill and accretion as required to align with adjacent sections, unless otherwise specified.
  7. See Table No. 1, Drawing ref. number 44, for navigation pool elevations.
  8. The Description of Work included in the Task Order may change shown dimensions and will define scope of work.

# Pile Structures Sections AA-FF General Plan

**ACTION NO. 1988-09046-GU**  
**Regional General Permit**  
**Corps Work on the MKARNS in Arkansas**  
**and on Corps Lakes within SWL**  
**April 2021** **Sheet 8 of 8**

PROCEDURES FOR VERIFYING AUTHORIZATION

REGIONAL GENERAL PERMIT – **1988-09046-GU**

FOR US ARMY CORPS OF ENGINEERS WORK ON THE  
McCLELLAN-KERR ARKANSAS RIVER NAVIGATION SYSTEM IN ARKANSAS  
AND ON US ARMY CORPS OF ENGINEERS LAKES  
WITHIN THE LITTLE ROCK DISTRICT

1. The US Army Corps of Engineers, Little Rock District, has issued the enclosed regional general permit for work on the McClellan-Kerr Arkansas River Navigation System within the State of Arkansas and for work on US Army Corps of Engineers Lakes within the Little Rock District. This regional general permit is currently valid until **April 7, 2026**. The following procedures must be followed to verify authorization to do work under this regional general permit.
2. Procedures for Verifying Authorization. You shall use the following procedures in verifying authorization under this regional general permit.
  - a. You shall submit a written description of the proposed work to the District Engineer, ATTN: CESWL-RD, US Army Corps of Engineers, Little Rock District, PO Box 867, Little Rock, Arkansas 72203-0867 or via email at [CESWL-Regulatory@usace.army.mil](mailto:CESWL-Regulatory@usace.army.mil), at least 30 days prior to proposed commencement of work.
  - 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 Regulatory Division will determine whether the work falls within the criteria established by this regional general permit. The length of time required to evaluate each request under this regional general permit will be directly related to the adequacy and completeness of the information you submit. You will receive a memorandum if the work is covered by this regional general permit. If the work cannot be authorized under this regional general permit, you will be notified that your application must be evaluated 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 regional general permit will be coordinated

with our staff archaeologists for review. The Corps archeologists would (1) review the National Register of Historic Places for known historic properties, (2) review any completed archeological surveys in the affected area, and, if indicated, (3) complete an archeological reconnaissance on the proposed site if one has not already been accomplished. Due to the minor impacts of the placement of dredged and fill material in waters of the United States associated with these activities, no further coordination is proposed unless it is determined that cultural resources could be impacted by the proposed activity.

e. If the proposed work calls for material to be placed in waters in excess of the material in the original design, the applicant must contact each county or city in which the project is located for compliance with their floodplain ordinance. Hydraulic calculations may be required by the cities and/or counties participating in the National Flood Insurance Program.

f. No activity is authorized under this RGP which is likely to jeopardize the continued existence of a threatened or endangered (T&E) species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will destroy or adversely modify the critical habitat of such species. All applications must identify any Federally listed (or proposed for listing) endangered or threatened species or critical habitat that might be affected or is in the vicinity of the project. Updated and additional information on the location of T&E species and their critical habitat, as well as clearance procedures, can be obtained directly from the offices of the USFWS or at <http://ecos.fws.gov/ipac/>.

g. The State Land Commission offices will be notified of a proposed action as appropriate.



October 26, 2020

Colonel Eric M. Noe, District Commander  
Little Rock District Corps of Engineers  
P. O. Box 867  
Little Rock, Arkansas 72203-0867

RE: 401 Water Quality Certification **SWL 1988-09046-GU**–Re-Issuance of Regional General Permit for U.S. Army Corps of Engineers Work on the McClellan-Kerr Arkansas River Navigation System in Arkansas and on the U.S. Army Corps of Engineers Lakes within the Little Rock District.

Dear Colonel Noe:

The Department of Energy and Environment, Division of Environmental Quality (DEQ) has completed its review of the above referenced public notice for the re-issuance of the U.S. (USACE), Regional General permit for work, including the placement of dredged and fill material, in waters of the United States associated with USACE work on the McClellan-Kerr Arkansas River Navigation System in Arkansas and on USACE Lakes within the Little Rock District. This Regional General Permit is for the repair of levees, creation of dredged material disposal areas, fill of scour holes, and the construction, modification, or maintenance of dikes and revetments.

DEQ 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 Rule 2, will not physically alter a significant segment of the waterbody and will not permanently violate the water quality criteria.

Pursuant to §401(a)(1) of the Clean Water Act, the DEQ hereby issues water quality certification for this project: **SWL 1988-09046-GU/DEQ 20200397** contingent upon the following conditions:

- 1) Individual Water Quality Certification requests must be submitted to DEQ for any activity impacting Extraordinary Resource Waters, Ecologically Sensitive Waters, and Natural and Scenic Waters as identified in Rule 2.
- 2) The applicant shall contact DEQ to determine if a Short Term Activity Authorization (STAA) is needed for activities that have the potential to violate water quality criteria.
- 3) If a construction site will disturb equal to or greater than one (1) acre and less than five (5) acres, the applicant shall comply with the requirements in Rule 6.203 for Stormwater discharge associated with a small construction site, as defined in APC&EC Rule 6. If the construction site will disturb five (5) acres or more, the applicant shall comply with the



terms of the Stormwater Construction General Permit Number ARR150000 prior to the start of construction. BMPs must be implemented regardless of the size. More information can be obtained by contacting the NPDES Stormwater Section of DEQ at (501) 682-0621.

In issuing this certification, DEQ does not assume any liability for the following:

- A. Damages to the proposed project, or uses thereof, as a result of other permitted or unpermitted activities or from natural causes.
- B. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity specified in this certification.
- C. Design or construction deficiencies associated with this proposed project.

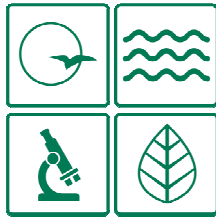
Please contact Mrs. Melanie Treat, at (501) 682-0040 if you have any questions regarding this certification.

Sincerely,

A handwritten signature in black ink that reads "Bryan Leamons". The signature is written in a cursive, flowing style.

Bryan Leamons, P.E.  
Senior Operations Manager, Office of Water Quality

cc: Gerald Dickson, USACE, [Gerald.W.Dickson@usace.army.mil](mailto:Gerald.W.Dickson@usace.army.mil)  
Wanda Boyd, EPA,



**Missouri Department of** [dnr.mo.gov](http://dnr.mo.gov)  
**NATURAL RESOURCES**  
Michael L. Parson, Governor Carol S. Comer, Director

November 19, 2020

Colonel Eric M. Noe, District Engineer  
Regulatory Division  
Little Rock District  
U.S. Army Corps of Engineers  
P.O. Box 867  
Little Rock, AR 72203-0867

RE: 1988-09046-GU/CEL000780 in Multiple Counties

Dear Colonel Noe:

The Missouri Department of Natural Resources' Water Protection Program has reviewed your request for Clean Water Act (CWA) Section 401 Water Quality Certification (WQC) to accompany the U.S. Army Corps of Engineers' (USACE) Permit for 1988-09046-GU in which you are proposing to renew the Regional General Permit (RGP) for an additional five years.

The RGP will only allow activities on the USACE's lakes within the Little Rock District in Missouri and would authorize repair of levees, creation of dredged material disposal areas, fill of scour holes, and the construction, modification, or maintenance of dikes and revetments that would have no significant individual nor cumulative adverse environmental impacts. Avoidance and minimization of impacts would be required by the RGP as practicable, and activities authorized by the RGP will be evaluated by the USACE on a case-by-case basis for compensatory mitigation. Work authorized under this RGP will not authorize any fills in wetlands.

This WQC is being issued under Section 401 of Public Law 95-217, the CWA of 1977 and subsequent revisions. Pursuant to Section 121.7(c), this office certifies the proposed project will comply with Missouri water quality requirements, provided the following conditions are met:

1. Project activities shall not cause the general or specific criteria to be exceeded nor impair beneficial uses established in Missouri Water Quality Standards, 10 CSR 20-7.031.
2. Only the repair of structures shall be authorized by this WQC. The construction of new structures shall require individual WQC. This will ensure compliance with the Missouri antidegradation requirement for maintenance and protection of designated uses [10 CSR 20-7.031(3)] under Missouri Clean Water Law, which provides the Department authority to adopt remedial measures to prevent, control, or abate pollution [Chapter 644.026.1(9), RSMo].



3. Individual WQC shall be required for any RGP issued on a water that is:
  - a. Listed for a sediment-related impairment, aquatic habitat alteration, channelization, or unknown impairment as listed in the most current Water Quality Report (Section 305(b) Report) at <http://dnr.mo.gov/env/wpp/waterquality/303d/303d.htm>; or
  - b. Located in or occur within two miles upstream of a designated outstanding state or national resource water as found in Missouri Water Quality Standards [10 CSR 20-7.031] at <http://s1.sos.mo.gov/cmsimages/adrules/csr/current/10csr/10c20-7a.pdf>.

To determine the location of the waters noted above, the Department's geospatial data is available upon request, and all published data is available on the Missouri Spatial Data Information Services website at [msdis.missouri.edu/](http://msdis.missouri.edu/). Additional information to identify the project location, including stream reaches with listed impairments or special water designations, may be obtained from the Department's Water Protection Program at 573-522-4502.

4. After avoidance and minimization for a proposed project, all unavoidable, adverse impacts shall be mitigated appropriately based on type and extent of impacts to ensure compliance with the Missouri Water Quality Standards antidegradation requirement for maintenance and protection of designated uses [10 CSR 20-7.031(3)] and Missouri Clean Water Law, which provides the Department authority to adopt remedial measures to prevent, control, or abate pollution [Chapter 644.026.1(9), RSMo] and approval authority for compensatory mitigation used in connection with any WQC [Chapter 644.026.1(26), RSMo]. Unless the Department agrees to an alternative, mitigation for loss of aquatic resources shall be in conformance with compensatory mitigation guidance currently approved for use in Missouri. Compensatory mitigation shall be within the state of Missouri. The project proponent shall comply with the higher value of compensatory mitigation required by either the Department or the USACE, but not both unless explicitly noted. Mitigation guidance documents can be located online at [www.nwk.usace.army.mil/Missions/RegulatoryBranch/StateofMissouri](http://www.nwk.usace.army.mil/Missions/RegulatoryBranch/StateofMissouri).
5. Only clean, nonpolluting fill shall be used. The following materials are not suitable where contact with water is expected and shall not be used due to their potential to cause violations of the general criteria of Missouri's Water Quality Standards [10 CSR 20-7.031(4)(A)-(H)]:
  - a. Earthen fill, gravel, and broken concrete where the material does not meet the Suitable Material specifications stated in the "Missouri Nationwide Permit Regional Conditions" (<https://usace.contentdm.oclc.org/digital/collection/p16021coll11/id/2662/>) in locations where erosive flows are expected to occur on a regular basis, such as streambanks and/or lake shorelines.
  - b. Fragmented asphalt.
  - c. Concrete with exposed rebar.
  - d. Tires, vehicles or vehicle bodies, and construction or demolition debris are solid waste and are excluded from placement in the waters of the state.

- e. Liquid concrete, including grouted riprap, if not placed in forms as part of an engineered structure.
  - f. Any material containing chemicals that would result in violation of Missouri Water Quality Standards general criteria [10 CSR 20-7.031(4)] or specific criteria [10 CSR 20-7.031(5)].
6. Temporary fills shall be removed promptly and the fill site restored immediately following construction. This will ensure compliance with the Missouri Water Quality Standards antidegradation requirements for maintenance and protection of designated uses [10 CSR 20-7.031(3)] and general criterion requiring waters to be free from physical, chemical, or hydrologic changes that would impair the natural biological community [10 CSR 20-7.031(4)(G)].
  7. Placement of fill in scour holes shall be limited to only the amount needed to restore or protect the function of the adjacent structure. This will ensure compliance with the Missouri Water Quality Standards antidegradation requirements for maintenance and protection of designated uses [10 CSR 20-7.031(3)] and general criterion requiring waters to be free from physical, chemical, or hydrologic changes that would impair the natural biological community [10 CSR 20-7.031(4)(G)].
  8. No project shall accelerate shoreline, streambank, or streambed erosion. This will ensure compliance with the Missouri Water Quality Standards general criterion requiring waters to be free from physical, chemical, or hydrologic changes that would impair the natural biological community [10 CSR 20-7.031(4)(G)].
  9. Sand, gravel, or other dredged materials shall not be stockpiled within a lake or stream, placed against shorelines or streambanks, or otherwise disposed of in a manner that will redirect erosive forces within the channel or threaten the stability of shorelines or streambanks. This will ensure compliance with the Missouri Water Quality Standards general criterion requiring waters to be free from physical, chemical, or hydrologic changes that would impair the natural biological community [10 CSR 20-7.031(4)(G)].
  10. Project proponents shall not dispose of waste materials, water, or garbage below the ordinary high water mark of any other water body, in a wetland area, or at any location where the materials could be introduced into the water body or an adjacent wetland as a result of runoff, flooding, wind, or other natural forces. This will ensure compliance with the Missouri Water Quality Standards antidegradation requirements for maintenance and protection of designated uses [10 CSR 20-7.031(3)] and general criterion requiring waters to be free from physical, chemical, or hydrologic changes that would impair the natural biological community [10 CSR 20-7.031(4)(G)].

11. Channelization is prohibited for projects receiving programmatic WQC. Channelization includes, but is not limited to, reducing the length of a channel, widening a channel for increased water storage or flow, and/or construction of hard structures which concentrate flow. Unless necessary for a stream crossing associated with infrastructure projects and contained within an associated right-of-way, bank stabilization activities only along one bank of a stream are permitted, including, but not limited to, bank sloping and riprapping. The redirection of flow by excavation of the opposite streambank or a streambed is considered a channel modification and is prohibited by this WQC. This will ensure compliance with the Missouri Water Quality Standards general criterion requiring waters to be free from physical, chemical, or hydrologic changes that would impair the natural biological community [10 CSR 20-7.031(4)(G)].
12. Water supply intakes which may be affected by suspended solids and turbidity increases caused by work in a watercourse shall be investigated and sufficient notice given to the owners to allow preparation for any changes in water quality. The Department's Water Protection Program's Public Drinking Water Branch may be contacted by phone at 573-526-0269 for the presence of such supplies. This condition will ensure compliance with Missouri Safe Drinking Water Law [Chapter 640.100.1, RSMo].
13. Missouri Water Quality Standards antidegradation requirements dictate all appropriate and reasonable Best Management Practices (BMPs) related to erosion and sediment control, project stabilization, and prevention of water quality degradation are applied and maintained [10 CSR 20-7.031(3)(B)]; for example, preserving vegetation, streambank stability, and basic drainage. BMPs shall be properly installed prior to conducting authorized activities and maintained, repaired, and/or replaced as needed during all phases of the project to limit the amount of discharge of water contaminants to waters of the state. A project shall not involve more than normal stormwater or incidental loading of sediment caused by project activities so as to comply with Missouri's general water quality criteria [10 CSR 20-7.031(4)(A)-(H)].
14. Clearing of vegetation and trees shall be the minimum necessary to accomplish the activity except for the removal of invasive or noxious species and placement of ecologically beneficial practices. This will ensure compliance with Missouri antidegradation requirement regarding BMPs [10 CSR 20-7.031(3)(B)].
15. All efforts shall be made to minimize exposure of unprotected soils. To the best of the applicant's ability, project activity shall be conducted at times of little or no rainfall to limit the amount of overland flow and sediment disturbance caused by heavy equipment. This will ensure compliance with Missouri antidegradation requirements for BMPs [10 CSR 20-7.031(3)(B)].

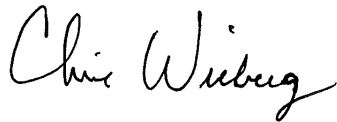
16. Care shall be taken to keep machinery out of the water way as much as possible. If work in the water way is unavoidable, it shall be performed in a way that minimizes the duration and amount of any disturbance to banks, substrate, and vegetation to prevent increases in turbidity. Fuel, oil and other petroleum products, equipment, construction materials, and any solid waste shall not be stored below the ordinary high water mark at any time or in the adjacent flood-prone areas beyond normal working hours. All precautions shall be taken to avoid the release of wastes or fuel to streams and other adjacent waters as a result of this operation. This will ensure compliance with the Missouri Water Quality Standards antidegradation requirement for BMPs [10 CSR 20-7.031(3)(B)] and Missouri Water Quality Standards general criteria requiring waters be free from substances preventing beneficial uses [10 CSR 20-7.031(3)(A)]; substances causing unsightly color or turbidity [10 CSR 20-7.031(4)(C)]; and physical, chemical, or hydrologic changes that would impair the natural biological community [10 CSR 20-7.031(4)(G)].
17. Petroleum products spilled into any water or on the banks where the material may enter waters of the state shall be cleaned up immediately and disposed of properly. Any such spills of petroleum shall be reported as soon as possible, but no later than 24 hours after discovery to the Department's Environmental Emergency Response phone line at 573-634-2436 or website at <http://dnr.mo.gov/env/esp/esp-eer.htm>. This will ensure compliance with Missouri Environmental Improvement Authority [Chapter 260.015, RSMo] to provide for the conservation of state water resources by the prevention of pollution and proper methods of disposal and Missouri Water Quality Standards general criteria requiring waters be free from substances that prevent maintenance of beneficial uses; cause unsightly color, turbidity, or toxicity; and/or impair the natural biological community [10 CSR 20-7.031(4)(B)-(G)].
18. Acquisition of a WQC shall not be construed or interpreted to imply the requirements for other permits are replaced or superseded, including CWA Section 402 National Pollutant Discharge Elimination System Permits required under Missouri Clean Water Law [Chapter 644.026.1, RSMo]. Permits or any other requirements shall remain in effect. If the activity includes piling dredged material on land, the applicant may need a general permit for return water and stormwater from the dredged material. Information regarding permit requirements and applications may be directed to the Department's Southwest Regional Office by phone at 417-891-4300 or Southeast Regional Office by phone at 573-840-9750.
19. Land disturbance activities disturbing one or more acres of total area for the entire project or less than one acre for sites that are part of a common promotional plan of development may require a stormwater permit. This will ensure compliance with CWA Section 402 National Pollutant Discharge Elimination System Permit requirements under Missouri Clean Water Law [Chapter 644.026.1, RSMo]. Instructions on how to apply for and receive the online land disturbance permit are located at [www.dnr.mo.gov/env/wpp/epermit/help.htm](http://www.dnr.mo.gov/env/wpp/epermit/help.htm). Questions regarding permit requirements may be directed to the Department's Land Disturbance phone line at 573-526-2082 or toll free at 855-789-3889.

If you were adversely affected by this decision, you may be entitled to an appeal before the Administrative Hearing Commission (AHC) pursuant to Section 621.250, RSMo. To appeal, you must file a petition with the AHC within 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 AHC. Contact information for the AHC is: Administrative Hearing Commission, United States Post Office Building, Third Floor, 131 West High Street, P.O. Box 1557, Jefferson City, MO 65102; phone: 573-751-2422; fax: 573-751-5018; and website: [www.oa.mo.gov/ahc](http://www.oa.mo.gov/ahc).

This WQC is part of the USACE's permit. Water Quality Standards must be met during any operations authorized. If you have any questions, please contact Mike Irwin by mail at Department of Natural Resources, Water Protection Program, P.O. Box 176, Jefferson City, MO 65102-0176; by phone at 573-522-1131; and by email at [mike.irwin@dnr.mo.gov](mailto:mike.irwin@dnr.mo.gov). Thank you for working with the Department to protect our aquatic resources.

Sincerely,

WATER PROTECTION PROGRAM



Chris Wieberg  
Director

CW:mip

c: Gerald Dickson, U.S. Army Corps of Engineers, Little Rock District  
Kevin Hess, Southwest Regional Office  
Brad Ledbetter, Southeast Regional Office  
Katlynn Steers, Southeast Regional Office