



US Army Corps
of Engineers®
Little Rock District

PUBLIC NOTICE

CORPS OF ENGINEERS

Application Number: 2021 NWP Reissuance

Date: March 8, 2021

SUBJECT: Special Public Notice for the Nationwide Permit Reissuance and Regional Conditions for the State of Missouri – Issuance of Regional Conditions.

SUMMARY: On January 13, 2021, the U.S. Army Corps of Engineers (Corps) published a final rule in the Federal Register (86 FR 2744) announcing the reissuance of 12 existing nationwide permits (NWP) and four new NWP, as well as the reissuance of NWP general conditions and definitions with some modifications. These 16 NWP will go into effect on March 15, 2021, and will expire on March 14, 2026:

- NWP 12 – Oil or Natural Gas Pipeline Activities
- NWP 21 – Surface Coal Mining Activities
- NWP 29 – Residential Developments
- NWP 39 – Commercial and Institutional Developments
- NWP 40 – Agricultural Activities
- NWP 42 – Recreational Facilities
- NWP 43 – Stormwater Management Facilities
- NWP 44 – Mining Activities
- NWP 48 – Commercial Shellfish Mariculture Activities
- NWP 50 – Underground Coal Mining Activities
- NWP 51 – Land-Based Renewable Energy Generation Facilities
- NWP 52 – Water-Based Renewable Energy Generation Pilot Projects
- NWP 55 – Seaweed Mariculture Activities
- NWP 56 – Finfish Mariculture Activities
- NWP 57 – Electric Utility Line and Telecommunications Activities
- NWP 58 – Utility Line Activities for Water and Other Substances

The 12 existing NWP published in the January 13, 2021 final rule replace the 2017 versions of these NWP. The 2017 versions of NWP 12, 21, 29, 39, 40, 42, 43, 44, 48, 50, 51, and 52 expire on March 14, 2021. According to 33 CFR § 330.6(b), activities which have commenced (i.e, are under construction) or are under contract to commence in reliance upon an NWP that was verified under the 2017 NWP, will remain authorized provided the activity is completed within twelve months of the date of an NWP's expiration, modification, or revocation. If an activity that was verified under these 12 existing NWP and has commenced or is under contract to commence, they will remain authorized until March 14, 2022.

REGIONAL CONDITIONS: With the publication of these NWP's in the Federal Register, the Northwestern Division has finalized regional conditions for these 16 NWP's in Missouri. Regional conditions provide additional protection for the aquatic environment and help ensure that the NWP's authorize only those activities with no more than minimal adverse environmental effects. Regional conditions help ensure protection of high value waters within the Little Rock District. The Regional Conditions are enclosed.

WATER QUALITY CERTIFICATION: The Section 401 Water Quality Certifications (WQCs) have been issued for Section 404 NWP activities by the Missouri Department of Natural Resources (MDNR). The WQCs were reviewed by the Northwestern Division (NWD) Commander and WQC is waived for NWP's 21, 44, 48, 50, 51, 52, 55, and 56. For NWP's 12, 29, 39, 40, 42, 43, 57, and 58, NWD has determined the MDNR WQC conditions (enclosed) will be added as regional conditions.

NWP 2017: There are 40 existing NWP's that were not reissued or modified by the January 13, 2021 final rule. These 40 NWP's were published in the January 6, 2017, issue of the Federal Register (82 FR 1860) and these NWP's remain in effect until the Corps issues a final rule reissuing those NWP's or March 18, 2022, whichever comes first. The 40 2017 NWP's that remain in effect are:

- NWP 1 – Aids to Navigation
- NWP 2 – Structures in Artificial Canals
- NWP 3 – Maintenance
- NWP 4 – Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities
- NWP 5 – Scientific Measurement Devices
- NWP 6 – Survey Activities
- NWP 7 – Outfall Structures and Associated Intake Structures
- NWP 8 – Oil and Gas Structures on the Outer Continental Shelf
- NWP 9 – Structures in Fleeting and Anchorage Areas
- NWP 10 – Mooring Buoys
- NWP 11 – Temporary Recreational Structures
- NWP 13 – Bank Stabilization
- NWP 14 – Linear Transportation Projects
- NWP 15 – U.S. Coast Guard Approved Bridges
- NWP 16 – Return Water From Upland Contained Disposal Areas
- NWP 17 – Hydropower Projects
- NWP 18 – Minor Discharges
- NWP 19 – Minor Dredging
- NWP 20 – Response Operations for Oil or Hazardous Substances
- NWP 22 – Removal of Vessels
- NWP 23 – Approved Categorical Exclusions
- NWP 24 – Indian Tribe or State Administered Section 404 Programs
- NWP 25 – Structural Discharges
- NWP 27 – Aquatic Habitat Restoration, Establishment, and Enhancement Activities
- NWP 28 – Modifications of Existing Marinas
- NWP 30 – Moist Soil Management for Wildlife
- NWP 31 – Maintenance of Existing Flood Control Facilities
- NWP 32 – Completed Enforcement Actions
- NWP 33 – Temporary Construction, Access, and Dewatering
- NWP 34 – Cranberry Production Activities

- NWP 35 – Maintenance Dredging of Existing Basins
- NWP 36 – Boat Ramps
- NWP 37 – Emergency Watershed Protection and Rehabilitation
- NWP 38 – Cleanup of Hazardous and Toxic Waste
- NWP 41 – Reshaping Existing Drainage Ditches
- NWP 45 – Repair of Uplands Damaged by Discrete Events
- NWP 46 – Discharges in Ditches
- NWP 49 – Coal Remining Activities
- NWP 53 – Removal of Low-Head Dams
- NWP 54 – Living Shorelines

The regional conditions and WQCs for these 40 NWPs, that were approved by division engineers in 2017, remain in effect while these 2017 NWPs remain in effect.

The January 13, 2021, Federal Register notice is available for viewing at <https://www.federalregister.gov/documents/2021/01/13/2021-00102/reissuance-and-modification-of-nationwide-permits>.

As an alternative, interested parties can access the January 13, 2021, final rule and related documents at: <https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Nationwide-Permits/>.

All Little Rock District NWP Documents and information will be posted at: <https://www.swl.usace.army.mil/Missions/Regulatory/Types-of-Permits/#Nationwide%20Permits/>.

POINT OF CONTACT: If you have questions or need additional information please contact Lisa Boyle via email at lisa.a.boyle@usace.army.mil or by phone at (501) 340-1385.

Enclosures:

Regional Conditions
Section 401 Water Quality Certifications Conditions



US Army Corps
of Engineers
Kansas City District

STATE OF MISSOURI 2021 NATIONWIDE PERMIT REGIONAL CONDITIONS

For All Nationwide Permits

1. Stream Crossings. In addition to requirements of General Condition 2 and General Condition 9 of the Nationwide Permits, the following guidelines for stream crossings apply for regulated activities in waters of the United States (WOTUS). The guidelines are available at:

<https://www.nwk.usace.army.mil/Portals/29/docs/regulatory/NWP/2021/MO/MORC1Streams.pdf>

- Corps Districts may waive RC 1 when project site geomorphology (i.e. bedrock, gradient) or existing alterations (i.e. adjacent impoundment, as part of a dry detention basin) creates conflict with the guidelines. The applicant must provide Pre-construction Notification (PCN) to the District Engineer for any waiver request.

2. Seasonal Restrictions for Activities Proposed in Spawning Areas. In addition to the requirements of General Condition 3 of the Nationwide Permits, the following specific seasonal restrictions apply for regulated activities in WOTUS. Between the closed dates listed in the Missouri Combined Stream Spawning List, the permittee must not excavate from or discharge into the listed waters. The list of waters with seasonal restrictions is available on request from the Corps or at:

<https://www.nwk.usace.army.mil/Portals/29/docs/regulatory/NWP/2021/MO/MORC2SpawningArea.pdf>

- Corps Districts may waive RC 2 when the applicant demonstrates imminent threats to public safety and health, or to property. The Corps will consult with the U.S. Fish and Wildlife Service and Missouri Department of Conservation before granting the waiver and may add additional special conditions to protect aquatic life during the operation. The applicant must PCN to the District Engineer for any waiver request.

3. Suitable Material. In addition to the specific examples in General Condition 6 of the Nationwide Permits, the following materials are not suitable for fill activities in WOTUS: garbage, tires, treated lumber products that do not comply with the Registration Documents issued by the U.S. Environmental Protection Agency (USEPA) under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) and that are not in accordance with standards issued by American Wood Protection Association of the International Code Council, liquid concrete not poured into forms, grouted riprap, bagged cement and sewage or organic waste.

- Broken concrete used as bank stabilization must be reasonably well graded, consisting of pieces varying in size from 20 pounds up to and including at least 150-pound pieces to withstand expected high flows. Applicants must break all large slabs to conform to the well graded requirement. Generally, the maximum weight of any piece should not be more than 500 pounds. Gravel and dirt should not exceed 15% of the total fill volume when using broken concrete as fill. All protruding reinforcement rods, trash, asphalt, and other extraneous materials must be removed from the broken concrete prior to placement in WOTUS.

4. Priority Watersheds. The applicant must provide PCN to the District Engineer for any regulated activity in a priority watershed. The list of priority watersheds requiring notification is available on request from the Corps or at:

<https://www.nwk.usace.army.mil/Portals/29/docs/regulatory/NWP/2021/MO/MORC4PriorityWaters.pdf>

5. Sensitive Aquatic Species. The applicant must provide PCN to the District Engineer for any regulated activity in waters listed at:

<https://www.nwk.usace.army.mil/Portals/29/docs/regulatory/NWP/2021/MO/MORC5AquaSpecies.pdf>.

The submitted PCN will be coordinated in accordance with General Condition 32(d) with the U.S. Fish and Wildlife Service as determined appropriate by the Corps.

For Specific Nationwide Permits:

6. Lake of the Ozarks. The applicant must provide a PCN to the District Engineer for any regulated activity associated with Nationwide Permit 12, 57, and 58 within Lake of the Ozarks. A copy of this notification must also concurrently be sent to Ameren Missouri. Nationwide Permits 29 and 44 are revoked in the Lake of the Ozarks. The Corps and Ameren Missouri, regardless of the request to use any Nationwide Permit, may verify the activity under the provisions of Regional General Permit 38M, which can be found at <https://www.nwk.usace.army.mil/Missions/Regulatory-Branch/General-Permits/>. Additional information on Ameren Missouri and Lake of the Ozarks permit requirements can be found at the following webpage: <https://www.ameren.com/missouri/residential/lake-of-the-ozarks/permitting-process-forms>.

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Note: PCN to the District Engineer must be in accordance with General Condition 32 of the Nationwide Permits.



General Guidelines for Stream Crossings Regional Condition 1

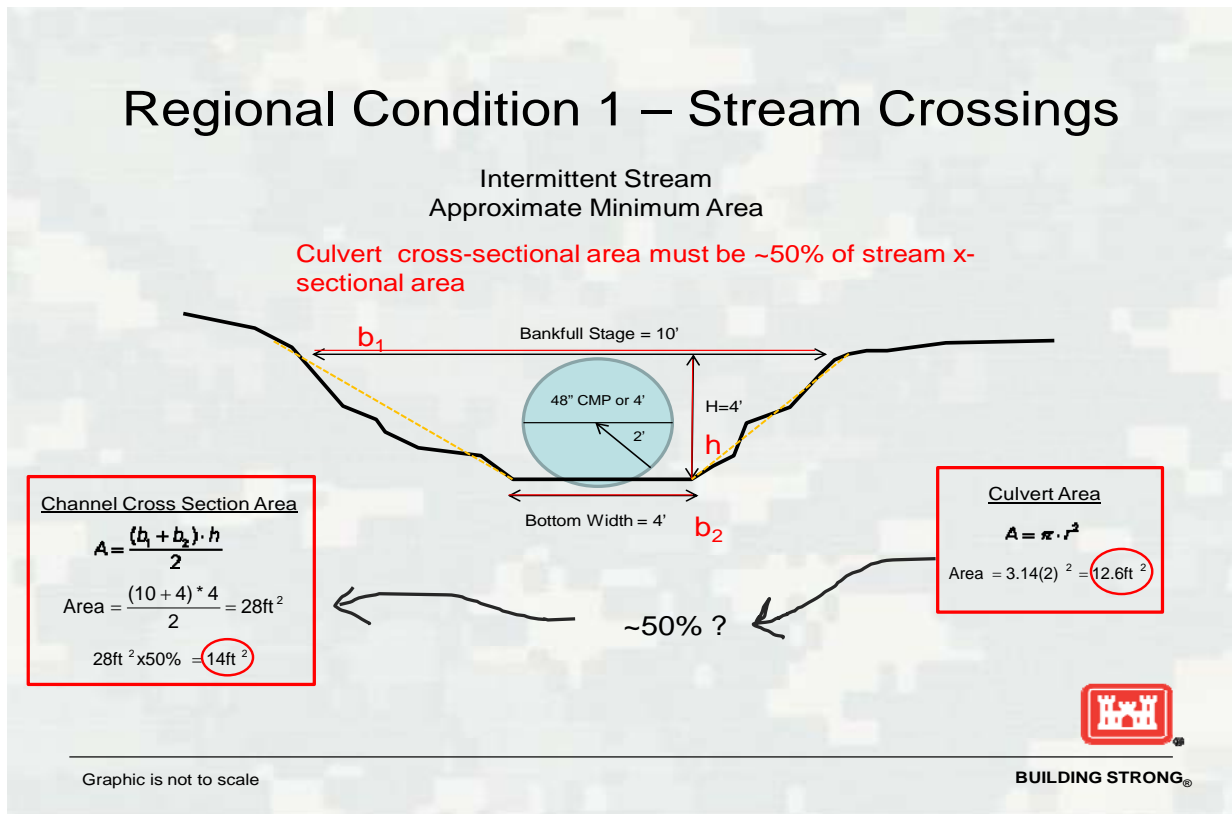
For all Nationwide Permits that involve the construction/installation of culverts and low water crossings, measures will be included in the construction, design, and installation that will allow for the passage of flows and promote the safe passage of fish and other aquatic organisms. The following General Guidelines are required to supplement General Condition (2) Aquatic Life Movements and General Condition (9) Management of Water Flows.

Culverts:

- New or replacement culverts (e.g., box or tubular, pipes, etc.) must be designed, sized, and placed correctly. Culverts perched above the grade of the stream are not allowed. This includes other in-stream structures placed at the inlet with the purpose to reduce sedimentation within the stream crossing. It is acceptable for a portion of the water to pass over the structure if it is designed to be overtopped. Culverts must be the shortest length necessary to meet the project purpose, and a single culvert is encouraged.
- Drop boxes or other structures placed at the inlet with the purpose to reduce sedimentation within the stream crossing are not allowed. Culvert must be the shortest length necessary to meet the project purpose.
- New or replacement culverts, in conjunction with the associated fill material, shall have an appropriately sized opening that allows water flow through and over the crossing that is relative to the bankfull area (See Image 1). For purposes of this regional condition, bankfull area is defined as the height and width of the stream channel within the project to the top of the high bank(s). In addition, if elevations differ on both sides of the stream the lowest elevation shall be used as the height. The following basic guidelines shall be used when designing new or replacement crossing projects:

Stream Type	% of crossing profile that shall remain open
Perennial	Designed to allow an 85% opening to include the culvert(s) and area above the crossing up to the bankfull area.
Intermittent	Designed to allow a 50% opening to include the culvert(s) and area above the crossing up to the bankfull area.
Ephemeral	Placed at a depth below or at the natural stream bottom to provide for passage during low flow conditions.

Image 1



- For permanent crossings, the culvert must be embedded and backfilled below the grade of the stream on both the upstream and downstream sides ≥ 1 foot for culverts >48 inches. On culverts ≤ 48 inches the bottom of the culvert must be placed at a depth below or at the natural stream bottom to provide for aquatic organism passage during low flow conditions. Culverts in streams with non-erodible beds (i.e. bedrock or stable clay) must be constructed flush with the stream bed, but do not need to be embedded. Culverts in streams with highly erodible beds must be embedded deeper to lessen the chance of future perching due to downstream degradation and may be accompanied with other grade control measures to prevent erosion while maintaining General Condition (2) Aquatic Life Movements.

Low Water Crossings:

- The applicant must notify the District Engineer when repairing, rehabilitating or replacing low water crossings when discharges of dredged or fill material would raise or lower the lowest elevation of the crossing.
- When replacing or removing low water crossings the applicant must propose and employ measures to mitigate for and minimize the potential of streambed headcutting where channel incision has occurred downstream of the structure and the structure is providing grade control that is preventing channel incision from migrating upstream.



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Missouri Regional Condition #2 to Nationwide Permits Seasonal Restrictions for Activities Proposed in Fish Spawning Areas March 2021

ID	Stream Name	Downstream Boundary (From)	Upstream Boundary (To)	Closure Period	Listing Criteria	Length (Miles)	County
1	Baker Branch	the tributary (Unnamed Creek ⑦) confluence immediately downstream of CR-SW 1075	the upstream MDC boundary (Taberville Prairie CA)	15 May - 15 July	2,4,5	4.4	St. Clair
2	Barren Fork ①	its mouth (confluence with Tavern Creek)	MO-17	15 March - 15 June	2,4	2.9	Miller
3	Barren Fork ②	its mouth (confluence with Sinking Creek)	CR-A-D	15 Nov. - 15 Feb.	6	3.4	Shannon
4	Bass Creek	its mouth (confluence with Turkey Creek)	US-63	15 May - 15 July	2,5,7	4.4	Boone
5	Bear Creek	RT-A	the south section line (6, 33N, 24W)	15 March - 15 June	2,4	10.5	Cedar, Polk
6	Beaver Creek	Bull Shoals Lake (654' AMSL)	MO-76	15 March - 31 July	2,4	24.3	Taney
7	Big Buffalo Creek	Lake of the Ozarks (660' AMSL)	its headwaters	1 April - 30 June	2,5	10.8	Benton, Morgan
8	Big Cane Creek	the Missouri-Arkansas border	its source (convergence of Cane Creek & Little Cane Creek)	1 March - 15 June	2,7	4.2	Butler
9	Big Creek	its mouth (confluence with St. Francis River)	MO-143	15 March - 15 June	5,6	12.3	Wayne, Iron
10	Big Piney River	its mouth (confluence with Gasconade River)	MO-17	15 March - 15 June	2,4,6,7	84.8	Pulaski, Phelps, Texas
11	Big River	its mouth (confluence with Meramec River)	the upstream MDC boundary (Leadwood Access)	15 March - 15 June	2,6	108.4	Jefferson, Washington, St. Francois
12	Black River ①	the Missouri-Arkansas border	Clearwater Dam	1 Feb. - 15 June	2,4,6,7	91.8	Butler, Wayne
13	Black River ②	Clearwater Lake (498' AMSL)	its source (convergence of West Fork Black River & East Fork Black River)	1 April - 31 July	2,4	27	Reynolds
14	Blue River	the Missouri-Kansas border	RT-W (Bannister RD)	1 April - 30 June	4,7	10.8	Jackson
15	Blue Spring Branch	its mouth (confluence with Bois Brule Creek)	RT-M	1 Dec. - 31 March	2	6.3	Perry
16	Blue Springs Branch	its mouth (confluence with Blue Springs Creek)	its source (Blue Springs)	15 Nov. - 15 Feb.	6	0.2	Crawford
17	Blue Springs Creek	its mouth (confluence with Meramec River)	the confluence of Blue Springs Branch	15 Nov. - 15 Feb.	5,6	4.3	Crawford
18	Bonne Femme Creek	CR-Andrew Sapp RD	US-63	15 May - 15 July	2,5,7	9.8	Boone
19	Bourbeuse River	its mouth (confluence with Meramec River)	the confluence of Clear Creek	15 March - 15 June	2,4	139.6	Franklin, Crawford, Gasconade, Phelps
20	Brush Creek ①	its mouth (confluence with Shoal Creek)	its headwaters	15 March - 15 June	2,4,5	8.4	Caldwell
21	Brush Creek ②	its mouth (confluence with Sac River)	the south section line (6, 35N, 24W)	15 March - 15 June	1,2	13.8	St. Clair, Cedar, Polk
22	Brushy Fork	its mouth (confluence with Barren Fork)	MO-17	15 March - 15 June	2,4	2	Miller
23	Cahoonie Creek	its mouth (confluence with Thomas Creek)	the west section line (3, 36N, 20W)	15 March - 15 June	2,4	2.8	Dallas, Hickory
24	Cane Creek ①	its mouth (convergence with Little Cane Creek & source of Big Cane Creek)	the north section line (11, 22N, 5E)	1 Feb. - 15 June	2	5.5	Butler

25	Cane Creek ②	MO-158	the confluence of Tenmile Creek	1 Feb. - 15 June	2	14.2	Butler
26	Castor River	its mouth (confluence with Castor River Diversion Channel)	CR-208	1 Feb. - 31 May	2,4	59.8	Bollinger, Wayne, Madison
27	Chariton River	US-136	the Missouri-Iowa border	1 March - 30 April	2,4,5,7	19	Schuyler, Putnam
28	Cinque Hommes Creek	the confluence of Bois Brule Creek	US-61	1 Dec. - 31 March	2	11.5	Perry
29	Clear Creek ①	its mouth (confluence with Fishing River)	RT-W	1 June - 31 August	2	23.2	Clay, Clinton
30	Clear Creek ②	its mouth (confluence with Lamine River)	its headwaters	15 May - 15 July	2	12.7	Cooper
31	Courtois Creek	its mouth (confluence with Huzzah Creek)	MO-8	15 March - 15 June	4,5,6	15.8	Crawford
32	Crabapple Creek	its mouth (confluence with Shoal Creek)	its headwaters	15 March - 15 June	2,4,5	9.3	Caldwell
33	Crane Creek	Quail Spur RD	CR-1240	15 Nov. - 15 Feb.	6	10	Stone, Lawrence
34	Crooked River	MO-10	its headwaters	15 March - 15 June	2,4	65.5	Ray, Caldwell, Clinton
35	Culley Creek	its mouth (confluence with Moniteau Creek)	the north section line (14, 46N, 17W)	15 May - 15 July	2	1.9	Cooper
36	Current River	the Carter-Ripley county line (downstream NPS boundary (Ozark National Scenic Riverways))	its source (convergence of Pigeon Creek & Montauk Spring Branch)	15 March - 15 June	2,5,6	112	Carter, Shannon, Texas, Dent
37	Des Moines River	its mouth (confluence with Mississippi River)	US-27	1 March - 15 June	2	14.8	Clark
38	Dousinbury Creek	its mouth (confluence with Niangua River)	RT-JJ	15 March - 15 June	2	0.8	Dallas
39	Draffen Branch	its mouth (confluence with Moniteau Creek)	CR-Harned RD	15 May - 15 July	2	3.3	Cooper
40	Dry Fork	its mouth (confluence with Meramec River)	MO-8	15 Nov. - 15 Feb.	6	5.8	Crawford, Phelps
41	East Fork Big Creek	its mouth (convergence with West Fork Big Creek & source of Big Creek)	the Missouri-Iowa border	15 March - 15 June	2,4	39.5	Harrison
42	East Fork Crooked River	its mouth (confluence with Crooked River)	its headwaters	15 May - 15 July	2,4	32.2	Ray, Caldwell
43	East Fork Niangua River	its mouth (convergence with West Fork Niangua River and source of Niangua River)	the south section line (33, 32N, 18W)	15 March - 15 June	2,4	0.6	Webster
44	Eleven Point River	the Missouri-Arkansas border	the Middle Fork Eleven Point River confluence	15 March - 15 June	5,6	54.4	Oregon
45	Elk River	the Missouri-Oklahoma border	its source (convergence of Big Sugar Creek & Little Sugar Creek)	15 March - 15 June	4,6	24.7	McDonald
46	Fiery Fork	its mouth (confluence with Little Niangua River)	the tributary confluence immediately upstream of CR-7-17H (Fiery Fork RD)	15 March - 15 June	2	3.6	Camden
47	First Nicholson Creek (East Drywood Creek)	the downstream MDNR boundary (Prairie State Park)	the most upstream crossing of CR-West Central RD	15 March - 15 June	4,5,7	4.1	Barton
48	Flat Creek	Table Rock Lake (915' AMSL)	MO-39	15 March - 15 June	2	16.1	Stone, Barry
49	Fleck Creek	the downstream MDNR boundary (Prairie State Park)	the first tributary (Unnamed Creek ⑧) confluence upstream	15 March - 15 June	4,7	1	Barton
50	Fourmile Creek	its mouth (confluence with Niangua River)	RT-P	15 March - 15 June	2	0.8	Dallas

51	Gans Creek	its mouth (convergence with Clear Creek & source of Little Bonne Femme Creek)	US-63	15 March - 15 June	5,7	5.4	Boone
52	Gasconade River	its mouth (confluence with Missouri River)	MO-5	15 March - 15 June	2,4,6,7	289.9	Gasconade, Osage, Maries, Phelps, Pulaski, Laclede, Wright
53	Grand River	its mouth (confluence with Missouri River)	the Thompson River confluence	1 March – 15 June	2,4	61.3	Carroll, Chariton, Livingston
54	Greasy Creek	its mouth (confluence with Niangua River)	the south section line (34, 33N, 20W)	15 March - 15 June	2,4	14.2	Dallas
55	Greer Spring Branch	its mouth (confluence with Eleven Point River)	its source (Greer Spring)	15 Nov. - 15 Feb.	4,6	1.4	Oregon
56	Grindstone Creek	its mouth (confluence with Grand River)	its headwaters	15 May - 15 July	2,4	42.5	Daviess, DeKalb, Clinton
57	Hickory Creek ①	MO-6	its headwaters	15 May - 15 July	2	8.6	Grundy, Daviess
58	Hickory Creek ②	its mouth (confluence with Shoal Creek)	CR-Monark DR	15 Feb. - 15 July	2	7.6	Newton
59	High Creek	the confluence of McElroy Creek	its headwaters	1 June - 31 August	2	10.7	Atchison
60	Howard Creek	its mouth (confluence with Smiley Creek)	its headwaters	15 May - 15 July	2	4.1	Cooper, Moniteau
61	Huzzah Creek	its mouth (confluence with Meramec River)	CR-Willhite RD	15 March - 15 June	4,5,6	35.8	Crawford
62	Jack Buster Creek	its mouth (confluence with Saline Creek)	RT-MM	15 March - 15 June	2	3.6	Miller
63	Jack's Fork	its mouth (confluence with Current River)	its source (convergence of North Prong Jack's Fork & South Prong Jack's Fork)	15 March - 15 June	5,6	46.7	Shannon, Texas
64	James River	Table Rock Lake (915' AMSL)	Lake Springfield Dam	15 March - 15 June	2,6	51.1	Stone, Christian, Greene
65	Joachim Creek	RT-A	RT-V	15 March - 15 June	6	18.3	Jefferson
66	Jones Creek	its mouth (confluence with Niangua River)	CR-Jones Creek RD	15 March - 15 June	2	0.3	Dallas
67	Kelley Branch	its mouth (confluence with Silver Fork)	RT-U	15 March - 15 July	2,4,7	6.6	Boone
68	Kenser Creek	its mouth (confluence with Tavern Creek)	MO-42	15 March - 15 June	2	0.3	Miller
69	La Barque Creek	its mouth (confluence with Meramec River)	its headwaters	15 March - 15 June	4,7	6.2	Jefferson
70	Lane Spring Branch	its mouth (confluence with Little Piney Creek)	its source (Lane Spring)	15 Nov. - 15 Feb.	6	0.2	Phelps
71	Little Black River	the east section line (25, 24N, 3E)	its source (convergence of North Prong Little Black River & South Prong Little Black River)	15 March - 15 June	2,4,5	8.6	Ripley
72	Little Maries Creek	its mouth (confluence with Maries River)	the south section line (33, 43N, 10W)	15 March - 15 June	2	3.4	Osage
73	Little Niangua River	Lake of the Ozarks (660' AMSL)	the east section line (26, 36N, 19W)	15 March - 15 June	1,2,4,7	46.8	Camden, Hickory, Dallas
74	Little Piney Creek	the confluence of Beaver Creek	the Phelps-Dent county line	15 Nov. - 15 Feb.	2,5,6	15.1	Phelps
75	Little Pomme de Terre River	its mouth (confluence with Pomme de Terre River)	US-65	15 March - 15 June	2	9.5	Polk, Greene
76	Little Saline Creek	its mouth (confluence with Saline Creek)	its headwaters	15 March - 15 June	2	9.8	Miller
77	Little Wilson Creek	its mouth (confluence with Pomme de Terre River)	CR-244 th ST	15 March - 15 June	2	2.1	Polk
78	Locust Creek	MO-6	US-136	1 March - 30 April	2,4,7	36.5	Sullivan, Putnam

79	Log Creek	its mouth (confluence with Shoal Creek)	its headwaters	15 March - 15 June	2,4,5	14.7	Caldwell
80	Lost Creek	the Missouri-Oklahoma border	RT-CC	1 May - 31 July	2	7.1	Newton
81	Macks Creek	its mouth (confluence with Little Niangua River)	Coffey Hollow RD	15 March - 15 June	2	2.2	Camden
82	Maries River	its mouth (confluence with Osage River)	the south section line (26, 41N, 10W)	15 March - 15 June	2	37.4	Osage, Maries
83	Maze Creek	Stockton Lake (867' AMSL)	CR-231	15 March - 15 June	2	4	Dade
84	McElroy Creek	its mouth (confluence with High Creek)	the Missouri-Iowa border	1 June - 31 August	2	6.6	Atchison
85	Meramec River ①	CR-Thurman Lake RD (upstream boundary of Scott's Ford Access)	MO-8	15 Nov. - 15 Feb.	6	8.8	Crawford, Phelps
86	Meramec River ②	its mouth (confluence with Mississippi River)	MO-19	15 March - 15 June	2,4,5,6	205.8	St. Louis, Jefferson, Franklin, Crawford, Dent
87	Meyers Branch	its mouth (confluence with Tavern Creek)	its headwaters	1 May - 31 July	2,7	2.5	Callaway
88	Mill Creek ①	MO-111	its headwaters	15 March - 15 June	2,4	9.7	Atchison
89	Mill Creek ②	its mouth (confluence with Little Piney Creek)	the confluence of Deep Hollow Creek	15 Nov. - 15 Feb.	5,6	9.3	Phelps
90	Mill Creek ③	its mouth (confluence with Wet Glaize Creek)	MO-7	15 March - 15 June	7	4.9	Camden
91	Mineral Fork	its mouth (confluence with Big River)	RT-F	15 March - 15 June	4,6	14.9	Washington
92	Mississippi River	the Missouri River confluence	Mel Price Lock & Dam	1 April - 15 June	2	5.6	St. Charles
93	Moniteau Creek	MO-87	its headwaters	15 March - 15 July	2	30.9	Moniteau, Cooper
94	Niangua River	Lake of the Ozarks (660' AMSL)	its source (convergence of East Fork Niangua River & West Fork Niangua River)	15 March - 15 June	1,2,7	109	Camden, Dallas, Laclede, Webster
95	North Dry Sac River	its mouth (confluence with Little Sac River)	the east section line (19, 31N, 21W)	15 March - 15 June	2,4	9.2	Polk, Greene
96	North Fork River	Norfork Lake (554' AMSL)	the Ozark-Douglas county line	15 Nov. - 15 Feb.	4,5,6	23.9	Ozark
97	North Little Tavern Creek	its mouth (confluence with Tavern Creek)	the Miller-Maries county line	15 March - 15 June	2	3.3	Miller
98	Osage Fork of the Gasconade River	its mouth (confluence with Gasconade River)	RT-F	15 March - 15 June	2,6,7	68.6	Laclede, Wright, Webster
99	Osage River	its mouth (confluence with Missouri River)	Bagnell Dam	15 March - 15 June	2,4,7	85.6	Cole, Osage, Miller
100	Panther Creek	its mouth (confluence with Brush Creek)	the St. Clair-Polk county line	15 March - 15 June	2	2.5	St. Clair
101	Piney Spring Branch	its mouth (confluence with Little Piney Creek)	its source (Piney Spring)	15 Nov. - 15 Feb.	6	0.2	Phelps
102	Pisgah Creek	its mouth (confluence with Moniteau Creek)	RT-W	15 May - 15 July	2	8.1	Cooper
103	Pomme de Terre River ①	Pomme de Terre Reservoir (839' AMSL)	RT-D	15 March - 15 June	4	12.4	Polk
104	Pomme de Terre River ②	E 475 th RD	the first tributary confluence upstream of CR-Arrow Head RD	15 March - 15 June	1,2,4	31.8	Polk, Dallas, Greene, Webster
105	Roubidoux Creek ①	the north section line (10, 34N, 12W)	MO-32	15 March - 15 June	2	24.4	Pulaski, Texas
106	Roubidoux Creek ②	its mouth (confluence with Gasconade River)	the upstream MDC boundary (Roubidoux Creek CA)	15 Nov. - 15 Feb.	6	2.2	Pulaski

107	Sac River ①	from Harry S. Truman Reservoir (706' AMSL)	the west section line (14, 36N, 26W)	1 March - 1 June	4	3.2	St. Clair
108	Sac River ②	Stockton Lake (867' AMSL)	CR-34	15 March - 15 June	4	13	Dade, Green
109	Saint Francis River ①	the Missouri-Arkansas border	Wappapello Dam	1 Feb. - 31 June	2,4	113	Dunklin, Butler, Stoddard, Wayne
110	Saint Francis River ②	Wappapello Lake (355' AMSL)	MO-72	1 Feb. - 31 May	2,4,6	63.2	Wayne, Madison
111	Saline Creek	its mouth (confluence with Osage River)	US-54	15 March - 15 June	2	13.1	Miller
112	Salt Creek	its mouth (confluence with Missouri River)	its headwaters	1 June - 31 August	2,7	5.9	Howard
113	Shoal Creek	RT-D	its headwaters	15 May - 15 July	2,4,5	74.8	Livingston, Caldwell, Clinton
114	Silver Fork	US-63	RT-V	15 March - 15 July	2,4,7	9.6	Boone
115	Smiley Creek	its mouth (confluence with Moniteau Creek)	its headwaters	15 May - 15 July	2	8.2	Cooper, Moniteau
116	South Fabius River	US-24/US-61	the Marion-Shelby county line	15 March - 15 June	4,7	42.1	Marion
117	South Fork Pomme de Terre River	its mouth (confluence with Pomme de Terre River)	CR-J RD	15 March - 15 June	2	3.7	Greene, Webster
118	South Fork Turkey Creek	its mouth (convergence with North Fork Turkey Creek & source of Turkey Creek)	RT-H	15 March - 15 July	2,7	2.7	Boone
119	South Little Tavern Creek	its mouth (confluence with Tavern Creek)	the confluence of Atwell Creek	15 March - 15 June	2,4	1.6	Miller
120	South Prong Little Black River	its mouth (convergence with North Prong Little Black River & source of Little Black River)	MO-21	15 March - 15 June	2,4,5	5.5	Ripley
121	Spring Creek	its mouth (confluence with Big Piney River)	the confluence of Bradford Branch	15 Nov. - 15 Feb.	5,6	7.9	Phelps
122	Spring River ①	RT-H	US-60	15 Nov. - 15 Feb.	2,4	14.1	Lawrence
123	Spring River ②	the Missouri-Kansas border	MO-43	15 April - 15 July	2,4	12.3	Jasper
124	Starks Creek	its mouth (confluence with Little Niangua River)	the north section line (22, 38N, 20W)	15 March - 15 June	2	2.2	Hickory
125	Sugar Creek ①	MO-146	its headwaters	15 March - 15 July	2,4	25.7	Grundy, Harrison
126	Sugar Creek ②	its mouth (confluence with Cuivre River)	RT-B	15 March - 15 June	4,5,7	13.5	Lincoln
127	Swan Creek	Bull Shoals Lake (654' AMSL)	the upstream USACE boundary	15 March - 15 June	2	4.6	Taney
128	Tavern Creek ①	its mouth (confluence with Missouri River)	its headwaters	1 May - 31 July	2,7	8.4	Callaway
129	Tavern Creek ②	its mouth (confluence with Osage River)	Bennett RD	15 March - 15 June	1,2,4	43.8	Miller
130	Tenmile Creek	its mouth (confluence with Cane Creek)	RT-B	15 March - 15 June	6	15.4	Butler, Carter
131	Thomas Creek	its mouth (confluence with Little Niangua River)	CR-Howard Chapel RD	15 March - 15 June	2,4	8.7	Hickory, Dallas
132	Thompson River	the south section line (11, 66N, 26W)	the Missouri-Iowa border	15 March - 15 June	2,4	6.9	Harrison
133	Tombstone Creek	its mouth (confluence with Sugar Creek)	its headwaters	15 May - 15 July	2,4	10.9	Harrison, Daviess
134	Turkey Creek	its mouth (confluence with Boone Femme Creek)	its source (convergence of North Fork Turkey Creek & South Fork Turkey Creek)	15 March - 15 July	2,5,7	7.2	Boone
135	Turnback Creek	Stockton Lake (867' AMSL)	the Old Dilday Mill Dam	15 March - 15 June	4	13.4	Dade

136	Unnamed Creek ①	its mouth (confluence with Sugar Creek)	its headwaters	15 May - 15 July	2	5	Harrison
137	Unnamed Creek ②	its mouth (confluence with Sugar Creek)	its headwaters	15 May - 15 July	2	5.9	Harrison
138	Unnamed Creek ③	its mouth (confluence with Moniteau Creek)	its headwaters	15 May - 15 July	2	3.9	Cooper
139	Unnamed Creek ④	its mouth (confluence with Bass Creek)	the south section line (33, 47N, 12W)	15 May - 15 July	2	1.8	Boone
140	Unnamed Creek ⑤	its mouth (confluence with Baker Branch)	its headwaters	15 May - 15 July	2,4	0.9	St. Clair
141	Unnamed Creek ⑥	its mouth (confluence with Baker Branch)	its headwaters	15 May - 15 July	2,4	3.5	St. Clair
142	Unnamed Creek ⑦	its mouth (confluence with Baker Branch)	its headwaters	15 May - 15 July	2,4	2.7	St. Clair
143	Unnamed Creek ⑧	its mouth (confluence with Fleck Creek)	CR-West Central RD	15 March - 15 June	4,7	2.5	Barton
144	Weaubleau Creek	the downstream MDC boundary (Kings Prairie Access)	the St. Clair-Hickory county line	15 May - 15 July	2,4	14	St. Clair
145	West Brush Creek	its mouth (confluence with Moniteau Creek)	RT-O	15 March - 15 July	2	3.4	Cooper, Moniteau
146	West Fork Big Creek	its mouth (convergence with East Fork Big Creek & source of Big Creek)	the Missouri-Iowa border	15 March - 15 June	2,4	38.7	Harrison
147	West Fork Crooked River	its mouth (confluence with Crooked River)	its headwaters	15 May - 15 July	2,4	21.5	Ray
148	West Fork Niangua River	its mouth (convergence with East Fork Niangua River & source of Niangua River)	the south section line (33, 32N, 18W)	15 March - 15 June	2	0.3	Webster
149	West High Creek	its mouth (confluence with High Creek)	the Missouri-Iowa border	1 June - 31 August	2	6.2	Atchison
150	Wet Glaize Creek	its mouth (convergence with Dry Auglaize Creek & source of Grand Glaize Creek)	the confluence of Mill Creek	15 March - 15 June	7	6.6	Camden
151	Whetstone Creek	its mouth (confluence with Loutre River)	I-70	15 March - 15 June	2,4,5,7	17.7	Montgomery, Callaway
152	Whitewater River	its mouth (confluence with Castor River Diversion Channel)	RT-K	1 Feb. - 31 May	2,7	40.7	Cape Girardeau, Bollinger
153	Wilkins Spring Branch	its mouth (confluence with Mill Creek)	its source (Wilkins Spring)	15 Nov. - 15 Feb.	6	0.2	Phelps

Haw Creek		Morgan, Benton
Huzzah Creek		Crawford
Jacks Fork		Shannon, Texas
Joachim Creek		Jefferson
Little Black River		Butler, Ripley
Little Creek		Harrison
Little Dry Wood Creek		Vernon
Little Niangua River		Camden, Hickory
Little Platte River		Clinton
Little River		Dunklin
Locust Creek	West Locust Creek East Locust Creek	Chariton, Linn, Livingston, Putnam, Sullivan
Main Ditch		Pemiscot
Maries River		Maries, Osage
Marrowbone Creek		Daviess
Meramec River		Crawford, Dent, Franklin, Jefferson, St. Louis
Moniteau Creek		Cooper, Moniteau
Moreau River		Cole, Moniteau
Niangua River	Greasy Creek	Camden, Dallas, Webster
North Fork River	Spring Creek	Ozark
Osage River		Miller, Cole, Osage
Peno Creek		Pike

Pomme de Terre River		Dallas, Greene, Polk
Pomme de Terre River		Benton, Hickory
Sac River		Greene, Polk
Sac River		Cedar, St. Clair
Saint Francis River	Mingo Ditch	Butler, Dunklin, Madison,
	Lick Creek	
Saint Johns Diversion Ditch		New Madrid
Shoal Creek (NE)		Putnam
Shoal Creek (SW)		Newton
South Fabius River	Little Fabius River	Knox, Lewis, Marion, Shelby
	North Fork	
	South Fork	
Spring Creek		Adair, Sullivan
Spring River	North Fork	Barton, Jasper, Lawrence
Sugar Creek		Grundy, Harrison
Tavern Creek		Miller
Whetstone Creek		Callaway, Montgomery
Yellow Creek	East Yellow Creek	Chariton, Linn, Sullivan
	West Yellow Creek	



US Army Corps
of Engineers
Kansas City District

Sensitive Aquatic Species Waters Regional Condition 5

Sensitive Aquatic Species: Includes all mussel and hellbender species with a Federal status, including Endangered, Threatened, Proposed Endangered (published in Federal Register).

Curtis Pearlymussel (E)

Pink mucket (E)

Higgins Eye (E)

Scaleshell (E)

Fat pocketbook (E)

Winged mapleleaf (E)

Spectaclecase (E)

Sheepnose (E)

Snuffbox (E)

Neosho mucket (E)

Rabbitsfoot (E)

Ozark Hellbender (E)

1. **Belle Fountain/State Line Ditch** – from the Route NN Bridge on the border of Pemiscot and Dunklin Counties, to the Missouri (Dunklin County)-Arkansas (Mississippi County) border, including all portions of the waterbody that make up the border between Missouri and Arkansas.
2. **Big Piney River** – from the confluence of Arthur Creek in Texas County to its confluence with the Gasconade River in Pulaski County.
3. **Big River** – from confluence of Belews Creek in Jefferson County to its confluence with the Meramec River in Jefferson/St. Louis Counties.
4. **Black River** – from the point of discharge from Clearwater Dam in Wayne County to the Missouri (Butler County)-Arkansas (Clay County) border in Butler County.
5. **Bourbeuse River** – from the confluence of Clear Creek in Phelps County to its confluence with the Meramec River in Franklin County.
6. **Bryant Creek** – from the confluence of Planer Branch in Douglas County to its confluence with the North Fork of the White River in Ozark County.

7. **Cane Creek** – from the confluence of Kenner Spring Branch in Butler County to the confluence of Harviell Ditch in Butler County.
8. **Castor River** – from the confluence of Pond Creek in Bollinger County including all unchannelized reaches to the Castor River Diversion Channel in Bollinger County.
9. **Center Creek** – from 0.4 miles upstream of Missouri Route 71 in Jasper County to 0.35 miles upstream from confluence with Spring River in Jasper County.
10. **Current River** – from the confluence of Pigeon Creek in Dent County to the confluence of Spring Bluff Creek in Ripley County.
11. **Eleven Point River** – from the confluence of Greer Spring Branch in Oregon County to the Missouri (Oregon County)-Arkansas (Randolph County) border.
12. **Elk River** – from the confluence of Indian Creek in McDonald County to 1.25 miles upstream of the Missouri (McDonald County)-Oklahoma (Delaware County) border in McDonald County.
13. **Gasconade River** – from the confluence of Crocker Creek in Wright County to its confluence with the Missouri River in Gasconade County.
14. **Indian Creek** – from 0.5 miles downstream of the confluence of Elkhorn Creek in McDonald County to its confluence with Elk River in McDonald County.
15. **Jack’s Fork River** – from the Missouri Route 106 Bridge in Shannon County to its confluence with the Current River in Shannon County.
16. **Little Black River** – from the convergence of the North Prong Little Black River and the South Prong Little Black River in Ripley County to the Missouri (Ripley County) –Arkansas (Clay County) border.
17. **Main Ditch** – from 0.5 miles upstream from the confluence of Main Ditch and Belle Fountain/State Line Ditch in Dunklin County to its confluence with Belle Fountain/State Line Ditch in Dunklin County.
18. **Meramec River** – from the confluence of Pine Branch in Crawford County to its confluence with the Mississippi River in Jefferson/St. Louis County.
19. **Mississippi River** – from the confluence of the Des Moines River in Clark County to the mouth of the Cuivre Slough in St. Charles County.
20. **North Fork of the White River** – from the Missouri Route 14 Bridge in Douglas County to 0.5 miles downstream of the confluence of Bryant Creek in Ozark County.
21. **North Fork Spring River** – from the confluence of Buck Branch in Jasper County to its confluence with Spring River in Jasper County.

22. **Osage Fork of the Gasconade** – from the confluence of Little Cobb Creek in Laclede County to its confluence with the Gasconade River in Laclede County.
23. **Osage River** – from the point of discharge from Bagnell Dam in Miller County to its confluence with the Missouri River in Cole/Osage County.
24. **Sac River** – from the point of discharge from Stockton Dam in Cedar County to the confluence of Coon Creek in St. Clair County.
25. **Salt River** – from the confluence of Spencer Creek in Ralls County to its confluence with the Mississippi River in Pike County.
26. **Shoal Creek**– from 1.3 miles downstream of the confluence of Joyce Branch in Barry County to 0.6 miles upstream of the Missouri (Newton County)-Oklahoma (Cherokee County) border in Newton County.
27. **South Prong Little Black River** – from the Missouri Route 21 Bridge in Ripley County to its confluence with the North Prong Little Black River in Ripley County.
28. **Spring River**– from 0.6 miles upstream of Missouri Route 97 in Lawrence County to the Missouri (Jasper County)-Oklahoma (Cherokee County) border in Jasper County.
29. **St. Francis River** - from the confluence of Twelvemile Creek in Madison County to the confluence of Holiday Creek in Wayne County.

Table 1. Approximate number of river miles affected, by stream.

Stream	River Miles (Approx.)
Belle Fountain/State Line Ditch	9
Big Piney River	64.4
Big River	21
Black River	85.2
Bourbeuse River	134.6
Bryant Creek	40.7
Cane Creek	8.6
Castor River	15
Center Creek	25.9
Current River	127.4
Eleven Point River	33
Elk River	15.5
Gasconade River	234.1
Indian Creek	20.1
Jack's Fork River	13.6
Little Black River	46.3
Main Ditch	0.5
Meramec River	149.6
Mississippi River	128
Niangua River	33.5
North Fork of the White River	25.5
North Fork Spring River	10.2
Osage Fork of the Gasconade	25.5
Osage River	80.1
Sac River	44.3
Salt River	29.4
Shoal Creek	56.2
South Prong Little Black River	5.3
Spring River	53.9
St. Francis River	40
Total	1542.9

Table 2. UTM coordinates of the up and downstream boundaries of affected streams.

Stream	Upstream Boundary		Downstream Boundary	
	UTM X	UTM Y	UTM X	UTM Y
Belle Fountain/State Line Ditch	774043	3990025	760027	3987542
Big Piney River	593201	4143076	582326	4193333
Big River	707281	4245958	707755	4260876
Black River	697778	4112108	693911	4054007
Bourbeuse River	621128	4218921	684299	4252203
Bryant Creek	546217	4083083	563653	4050270
Cane Creek	723077	4068498	726147	4061507
Castor River	754001	4117222	766310	4110702
Center Creek	383973	4107775	356915	4112945
Current River	616571	4146679	693910	4054007
Eleven Point River	648210	4073798	663668	4040697
Elk River	370249	4049463	357338	4054844
Gasconade River	553621	4135739	626296	4281813
Indian Creek	381177	4064777	370249	4049463
Jack's Fork River	638066	4112527	652894	4117344
Little Black River	701987	4069127	703629	4041635
Main Ditch	760625	3987762	760027	3987541
Meramec River	640007	4208265	732120	4252098
Mississippi River	634210	4470987	705669	4307614
North Fork of the White River	575418	4075419	563642	4049557
North Fork Spring River	373315	4124811	363873	4125767
Osage Fork of the Gasconade	547178	4158807	549159	4178300
Osage River	532836	4228480	591605	4272311
Sac River	432132	4172089	434943	4202936
Salt River	643164	4379439	667061	4370415
Shoal Creek	406567	4074863	356712	4100494
South Prong Little Black River	695553	4068918	701987	4069127
Spring River	416479	4110808	356374	4117655
St. Francis River	725098	4139242	726688	4108421

Sensitive Aquatic Species Missouri Stream Reaches

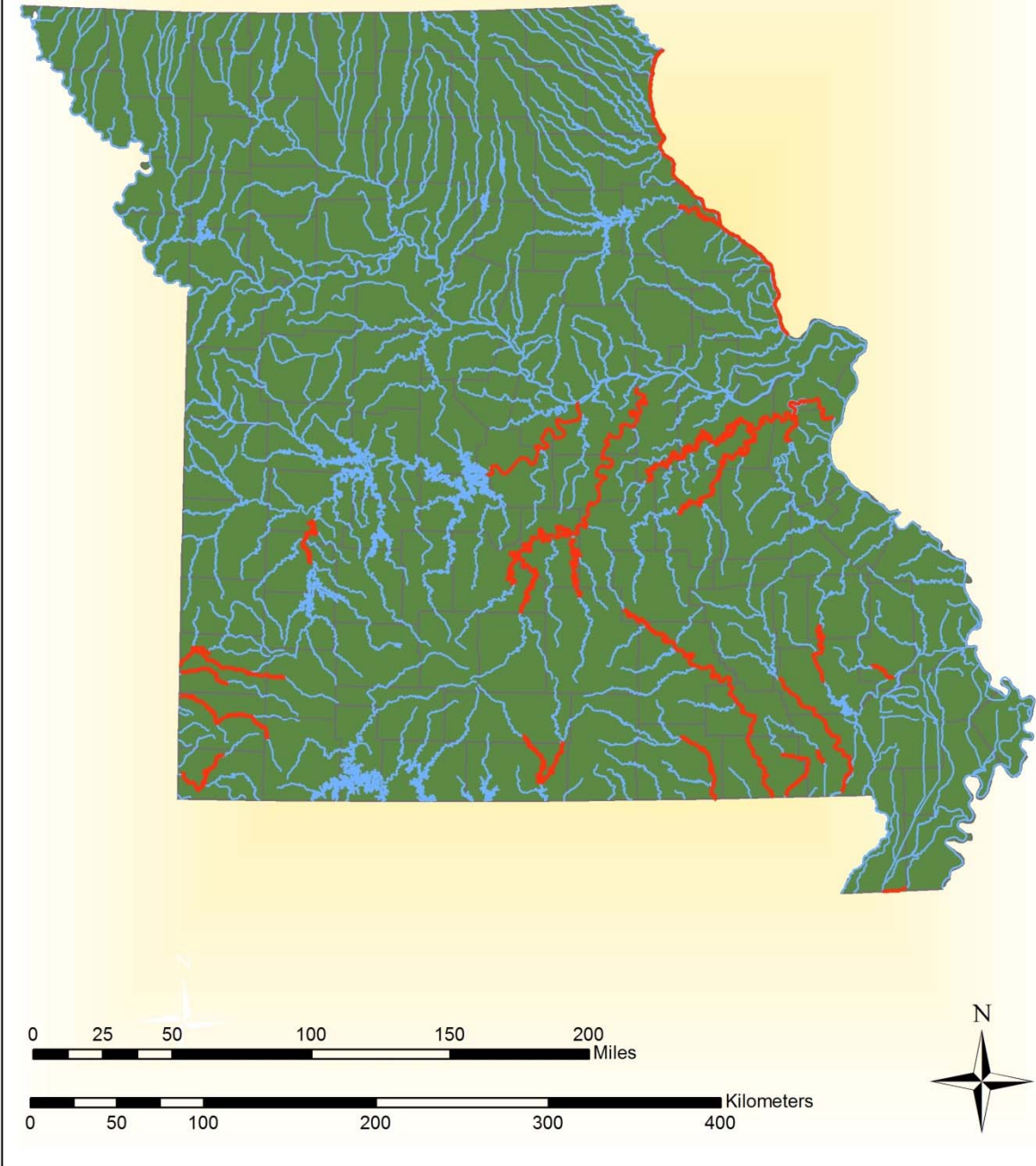


Figure 1. Location of affected streams within Missouri.

Missouri Clean Water Act Section 401 Water Quality Certification (WQC) Conditions for Nationwide Permits (NWP) published in the January 13, 2021 Federal Register.

Effective March 15, 2021

WQC is waived for NWPs 21, 44, 48, 50, 51, 52, 55, and 56.

The following WQC conditions are required for NWPs 12, 29, 39, 40, 42, 43, 57, and 58.

GENERAL CONDITIONS

1. A stream's pattern, profile, and dimension, including but not limited to sinuosity, slope, and channel width, shall not be adversely impacted during project construction. No project shall accelerate bed or bank 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)].
2. Channelization of streams is not allowed under this precertification. Channelization includes but is not limited to reducing the length of the channel, widening the 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, construction easement, or permanent easement, 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 bank or a streambed is considered a channel modification and is not authorized 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)].
3. No new or expanded wet stormwater retention basins or similar impoundment structures may be constructed unless they are located off-channel. In-channel dry stormwater detention basins are allowable if the stream channel is either temporarily or not adversely affected by the basin. 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)].
4. 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://www.nwk.usace.army.mil/Portals/29/docs/regulatory/NWP/2021/MO/MO_RegCon.pdf) in locations where erosive flows are expected to occur on a regular basis, such as streambanks and/or lake shorelines.
 - b. 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. Properly sized, broken concrete without exposed rebar is allowed.

- 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)].

5. Waste concrete or concrete rinsate shall be disposed of in a manner that does not result in discharge to any jurisdictional water ways. This will ensure compliance with the Missouri Water Quality Standards general criteria requiring waters be free from unsightly bottom deposits [10 CSR 20-7.031(4)(A)]; substances resulting in toxicity [10 CSR 20-7.031(4)(D)]; and physical, chemical, or hydrologic changes that would impair the natural biological community [10 CSR 20-7.031(4)(G)].

6. Missouri Water Quality Standards antidegradation requirements dictate all appropriate and reasonable Best Management Practices related to erosion and sediment control, project stabilization and prevention of water quality degradation are applied and maintained; for example, preserving vegetation, streambank stability and basic drainage [10 CSR 20-7.031(3)(B)]. Best Management Practices 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. The 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)]; <https://www.sos.mo.gov/cmsimages/adrules/csr/current/10csr/10c20-7a.pdf>

7. 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 the Missouri Water Quality Standards antidegradation requirement for Best Management Practices [10 CSR 20- 7.031(3)(B)].

8. 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 Best Management Practices [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)].

9. Petroleum products spilled into any water or on the banks where the material may 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, but no later than 24 hours after discovery to the Department of Natural Resources' Environmental Emergency Response number 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 to provide for the conservation of state water resources by the prevention of pollution and proper methods of disposal [Chapter 260.015, RSMo] and Missouri Water Quality Standards general criteria requiring waters be free from

substances that prevent maintenance of beneficial uses; cause unsightly bottom deposits, color, turbidity or toxicity; and/or impair the natural biological community [10 CSR 20- 7.031(4)(B)-(G)].

10. All efforts shall be made to minimize exposure of unprotected soils. To the best of the project proponent'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 Best Management Practices [10 CSR 20-7.031(3)(B)].

11. Programmatic WQC is denied for any NWP issued on a water that is 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: https://www.nwk.usace.army.mil/Portals/29/docs/regulatory/NWP/2021/MO/2020_MDNR_WQC_305b_Map.pdf. Although intended to result in minimal impacts, NWP authorizations in these waters may contribute to impairments and result in non-compliance with Missouri water quality standards general criteria requiring waters be free from physical, chemical and hydrologic changes that would impair the natural biological community [10 CSR 20-7.031(4)(B)] or exceedance of Missouri Water Quality Standards specific criteria [10 CSR 20-7.031(5)]. Since WQC General or Specific Conditions cannot be established to address all concerns from the variety of impairments and activities authorized by NWPs, individual review for WQC will be required. Requirements for individual WQC will be determined on a case-by-case basis based on the specific impairments, and additional testing, design, disposal or BMP considerations may be required.

To determine the location of the waters noted above, Department of Natural Resources' geospatial data is available upon request, and all published data is available on the Missouri Spatial Data Information Services website at 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 of Natural Resources' Water Protection Program at 573-522-4502.

NOTE: NWP activities occurring in waters identified by Condition 11 require applicants to obtain an individual WQC from the Missouri Department of Natural Resources.

12. Stream losses greater than 1/10 acre shall be mitigated at a minimum one-for-one ratio 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]. Mitigation for loss of aquatic resources should be in conformance with the compensatory mitigation guidance currently approved for use in Missouri, including guidance provided by the Missouri Stream Mitigation Method. Compensatory mitigation shall be within the state of Missouri. Mitigation guidance documents can be located online at: <https://www.nwk.usace.army.mil/Missions/Regulatory-Branch/State-of-Missouri/>

SPECIFIC CONDITIONS

For NWPs 12, 57 and 58:

- a. For project crossings that must disturb a water body, work shall be conducted in such a manner as to seal off the work area from flow and minimize sediment transport. Material resulting from the activity shall not be sidecast into waters of the state for more than one month. This will ensure compliance with the Missouri Water Quality Standards antidegradation requirement for Best Management Practices [10 CSR 20-7.031(3)(B) and 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)].
- b. If Horizontal Directional Drilling is used, drilling mud and/or other materials shall not be discharged into waters of the state. Best Management Practices shall be implemented to prevent possible discharges from reaching waters of the state. In the event materials are inadvertently discharged to waters of the state, notification to the Department of Natural Resources is required within 24 hours by calling 573-522-4502. This will ensure compliance with Missouri Water Quality Standards antidegradation requirement for Best Management Practices [10 CSR 20-7.031(3)(B)] and Missouri Environmental Improvement Authority [Chapter 260.015, RSMo] to provide for the conservation of state air, land and water resources by the prevention of pollution and proper methods of disposal.
- c. Project crossings shall be placed as close to perpendicular as possible and shall be limited to a maximum crossing length of no more than one and one-half times the width of the stream. This will ensure compliance with the Missouri antidegradation requirement for maintenance and protection of designated uses [10 CSR 20-7.031(3)] and Best Management Practices [10 CSR 20-7.031(3)(B)].

General Information:

Missouri Department of Natural Resources

Water Protection Program

Division of Environmental Quality

P.O. Box 176 Jefferson City, MO 65102-0176

wpsc401cert@dnr.mo.gov

800-361-4827 or 573-522-4502

<http://www.dnr.mo.gov/env/wpp>

Consistent with Section 401 of the Clean Water Act, these precertified conditions are designed to ensure activities carried out under Nationwide Permits (NWPs) authorized by the U.S. Army Corps of Engineers (USACE) will comply with Missouri water quality requirements. Where applicable, these conditions are in addition to, not a replacement for, any federal requirements or conditions.

Pursuant to Chapter 644.037, RSMo, the Department of Natural Resources shall certify without conditions NWPs as they apply to impacts on wetlands in Missouri.

Pursuant to Chapter 644.038, RSMo, the Department of Natural Resources certifies all NWP's for impacts in all waters of the state without the above-stated or any other conditions for the construction of highways and bridges approved by the Missouri Highway and Transportation Commission. The Memorandum of Understanding of 2016 and any subsequent modifications between the two agencies outline the requirements by which the Missouri Department of Transportation will design and construct projects in order to protect the water quality of waters of the state.

Unless the Department agrees to an alternative, requests for WQC should be sent electronically to wpssc401cert@dnr.mo.gov [Section 644.026.26, RSMo and 10 CSR 20-6.060(5)]. A request for Water Quality Certification shall (1) identify the project proponent and point of contact; (2) identify the proposed project; (3) identify the applicable USACE permit; (4) identify the location of any potential discharge that may result from the project and location of receiving waters; (5) include a description of any methods and means proposed to monitor the discharge and the equipment or measures planned to treat, control, or manage the discharge; (6) include all other federal, interstate, state, or local agency authorizations required for the proposed project, including all approvals or denials already received.

Although not required to apply for WQC, the Department may request additional information prior to providing a WQC decision to ensure Missouri water quality requirements are met, such as a response to comments from the Department, other resource agencies, and/or the public; planned compensatory mitigation; and/or an analysis of practicable alternatives.

An issued WQC, whether programmatically or individually issued, becomes part of and expires with the Section 404 and/or Section 10 permit unless explicitly stated in the WQC.

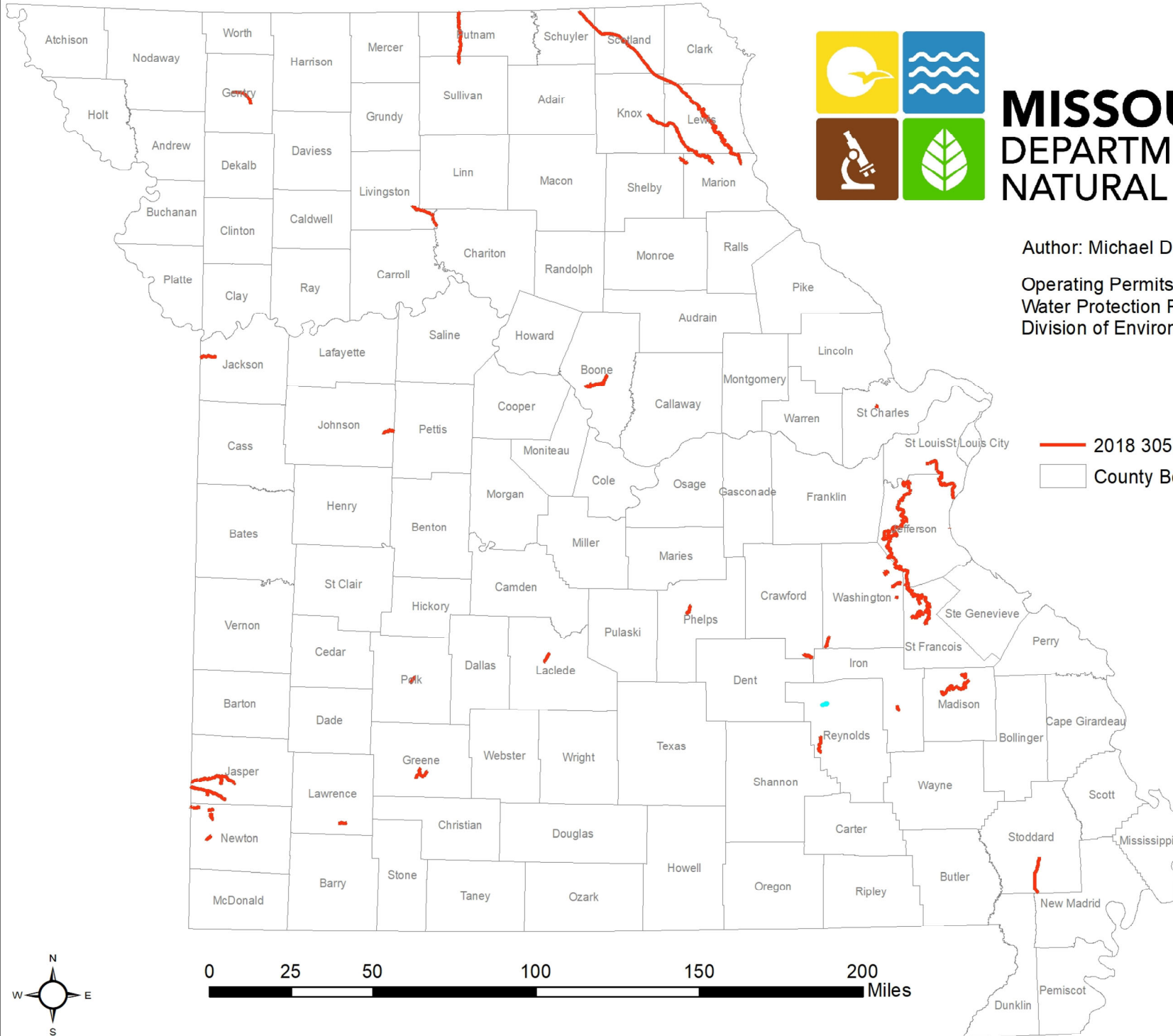
Acquisition of NWP's and the attendant WQC's shall not be construed or interpreted to imply the requirements for other permits are replaced or superseded, including Clean Water Act Section 402 National Pollutant Discharge Elimination System Permits required under Missouri Clean Water Law [Chapter 644.026.1, RSMo] for land disturbance or return water from material deposition. Permits or any other requirements shall remain in effect. Project proponents with questions are encouraged to contact the Department of Natural Resources' regional office in the project area. A regional office map with contact information is located at: www.dnr.mo.gov/regions/.

The Department of Natural Resources encourages, but does not require the permittee to consider environmentally-friendly design techniques to include stormwater management strategies that maintain or restore the original site hydrology through infiltration, evaporation, or reuse of stormwater. Designs might include using porous pavement or creating vegetated swales and/or rain gardens. More information can be found at these websites: <https://www.epa.gov/nps/urban-runoff-low-impact-development> and http://www.lid-stormwater.net/lid_techniques.htm.

The Department of Natural Resources encourages the use of native vegetation to protect impacted areas from future water quality concerns. Native vegetation has evolved with Missouri's geology, climate and wildlife to occur within a region as a result of natural processes rather than human intervention. For areas where direct impacts to streams are to be avoided, the Department of Natural Resources recommends a minimum riparian buffer strip width of 50 feet as measured from top of bank.

The Department of Natural Resources encourages the use of Horizontal Directional Drilling for stream and wetland crossings when practicable. If properly utilized, Horizontal Directional Drilling is an alternative to more traditional, open-trench methods and can result in significant minimization and/or complete avoidance of aquatic resource impacts. The following publication provides guidance on how to protect water quality through Best Management Practices on project sites. For more information, please read: "Protecting Water Quality: A field guide to erosion, sediment and stormwater best management practices for development sites in Missouri and Kansas" dated January 2011 and located online at <http://dnr.mo.gov/env/wpp/wpcp-guide.htm>.

2020 MISSOURI 305(b) WATERS REQUIRING INDIVIDUAL 401 WQC



MISSOURI
DEPARTMENT OF
NATURAL RESOURCES

Author: Michael D. Irwin

Operating Permits Section
Water Protection Program
Division of Environmental Quality

— 2018 305(b) requiring individual 401
□ County Boundary

Although the data in this data set have been compiled by the Missouri Department of Natural Resources, no warranty, expressed or implied, is made by the Department as to the accuracy of the data and related materials. The act of distribution shall not constitute any such warranty, and no responsibility is assumed by the Department in the use of these data or related materials."

Waterbody	Impact Size	Units	Pollutant	Source Description	County(ies)
	2.5 Mi.		Cadmium in sediment	Mill Tailings	Newton
Beef Br.	2.5 Mi.		Lead in sediment	Mill Tailings	Newton
	2.5 Mi.		Zinc in sediment	Mill Tailings	Newton
	5.8 Mi.		Cadmium in sediment	Oronogo/Duenweg Mining Belt	Jasper
Bens Branch	5.8 Mi.		Lead in sediment	Oronogo/Duenweg Mining Belt	Jasper
	5.8 Mi.		Zinc in sediment	Oronogo/Duenweg Mining Belt	Jasper
Big Cr.	1.8 Mi.		Cadmium in sediment	Glover smelter	Iron
Big R.	55.6 Mi.		Lead in sediment	Old Lead Belt tailings	Jefferson
	52.7 Mi.		Sedimentation/Siltation	Old Lead Belt tailings	St. Francois/Jefferson
	52.8 Mi.		Cadmium in sediment	Old Lead Belt tailings	St. Francois/Jefferson
Big R.	52.3 Mi.		Lead in sediment	Mill Tailings	St. Francois/Jefferson
	81.3 Mi.		Zinc in sediment	Old Lead Belt tailings	St. Francois/Jefferson
Brush Creek	5.4 Mi.		Polycyclic Aromatic Hydrocarbons-PAHs in sediment	Nonpoint Source	Jackson
	19 Mi.		Cadmium in sediment	Tri-State Mining District	Jasper
Center Cr.	19 Mi.		Lead in sediment	Tri-State Mining District	Jasper
	19 Mi.		Zinc in sediment	Tri-State Mining District	Jasper
Courtois Cr.	2.6 Mi.		Lead in sediment	Doe Run Viburnum Division Lead mine	Washington
Crooked Cr.	3.5 Mi.		Cadmium in sediment	Buick Lead Smelter	Crawford
	3.5 Mi.		Lead in sediment	Buick Lead Smelter	Crawford
Douger Br.	2.8 Mi.		Lead in sediment	Aurora Lead Mining District	Lawrence
	2.8 Mi.		Zinc in sediment	Aurora Lead Mining District	Lawrence
Dry Auglaize Cr.	3 Mi.		Cause Unknown	Source Unknown	Laclede
	1.2 Mi.		Cadmium in sediment	Leadwood tailings pond	St. Francois
Eaton Br.	1.2 Mi.		Lead in sediment	Leadwood tailings pond	St. Francois
	1.2 Mi.		Zinc in sediment	Leadwood tailings pond	St. Francois
Flat River Cr.	4.7 Mi.		Sedimentation/Siltation	Old Lead Belt tailings	St. Francois
	4.7 Mi.		Lead in sediment	Old Lead Belt tailings	St. Francois
Grand R.	8 Mi.		Fishes Bioassessments	Channelization	Gentry
Grand R.	11.5 Mi.		Fishes Bioassessments	Channelization	Livingston/Chariton
Hinkson Cr.	7.6 Mi.		Cause Unknown	Urban Runoff/Storm Sewers	Boone
Hinkson Cr.	6.8 Mi.		Cause Unknown	Urban Runoff/Storm Sewers	Boone
Indian Cr.	1.9 Mi.		Lead in sediment	Doe Run Viburnum Division Lead mine	Washington
	1.9 Mi.		Zinc in sediment	Doe Run Viburnum Division Lead mine	Washington
	1.6 Mi.		Cadmium in sediment	Tri-State Mining District	Newton
Jacobs Br.	1.6 Mi.		Lead in sediment	Tri-State Mining District	Newton

	1.6 Mi.	Zinc in sediment	Tri-State Mining District	Newton
Jordan Cr.	3.8 Mi.	Polycyclic Aromatic Hydrocarbons-PAHs in sediment	Urban NPS	Greene
Koen Cr.	1 Mi.	Lead in sediment	Mine Tailings	St. Francois
L. Beaver Cr.	3.5 Mi.	Sedimentation/Siltation	Smith Sand and Gravel	Phelps
L. St. Francis R.	24.2 Mi.	Lead in sediment	Catherine Lead Mine, pos. Mine La Motte	Madison
Lateral #2 Main Ditch	11.5 Mi.	Sedimentation/Siltation	Nonpoint Source	Stoddard
Locust Cr.	19.4 Mi.	Fishes Bioassessments	Channelization	Putnam/Sullivan
Logan Cr.	6.1 Mi.	Lead in sediment	Sweetwater Lead Mine/Mill	Reynolds
Long Br.	6 Mi.	Cause Unknown	Source Unknown	Johnson/Pettis
Meramec R.	22.8 Mi.	Lead in sediment	Old Lead belt tailings	St. Louis
Mississippi R.	0.2 Mi.	Lead in sediment	Herculaneum smelter	Jefferson
	0.2 Mi.	Zinc in sediment	Herculaneum smelter	Jefferson
N. Fabius R.	92 Mi.	Habitat Assessment, Streams	Channelization	Schuyler/Marion
North Branch Wilsons Cr.	3.8 Mi.	Zinc in sediment	Urban NPS	Greene
Peruque Cr.	0.3 Mi.	Cause Unknown	Lake St. Louis Dam	St. Charles
	1 Mi.	Sedimentation/Siltation	Barite tailings pond	Washington
	1 Mi.	Zinc in sediment	Mill Tailings	Washington
S. Fabius R.	4.2 Mi.	Fishes Bioassessments	Channelization	Shelby/Marion
Salt Pine Cr.	1.2 Mi.	Lead in sediment	Barite tailings pond	Washington
	1.2 Mi.	Zinc in sediment	Barite tailings pond	Washington
Shaw Br.	1.2 Mi.	Lead in sediment	Federal tailings pond	St. Francois
	1 Mi.	Lead in sediment	Mill Tailings	Washington
Shibboleth Br.	1 Mi.	Zinc in sediment	Mill Tailings	Washington
	3 Mi.	Lead in sediment	Barite tailings ponds	Washington
Shibboleth Br.	3 Mi.	Zinc in sediment	Mill Tailings	Washington
Shoal Cr	3.8 Mi.	Zinc in sediment	Mill Tailings	Newton
Silver Cr.	1.9 Mi.	Zinc in sediment	Mill Tailings	Newton
Town Br.	2.5 Mi.	Cause Unknown	Source Unknown	Polk
	1.5 Mi.	Sedimentation/Siltation	Barite tailings pond	Washington
Trib. Old Mines Cr.	1.5 Mi.	Lead in sediment	Barite tailings pond	Washington
	1.5 Mi.	Zinc in sediment	Barite tailings pond	Washington
	2.9 Mi.	Cadmium in sediment	Abandoned Smelter Site	Jasper
Trib. to Turkey Cr.	2.9 Mi.	Lead in sediment	Abandoned Smelter Site	Jasper
	2.9 Mi.	Zinc in sediment	Abandoned Smelter Site	Jasper
Troublesome Cr.	41.3 Mi.	Sedimentation/Siltation	Habitat Mod. - other than Hydromod.	Knox/Marion
	7.7 Mi.	Cadmium in sediment	Tri-State Mining District	Jasper

Turkey Cr.	7.7 Mi.	Lead in sediment	Tri-State Mining District	Jasper
	7.7 Mi.	Zinc in sediment	Tri-State Mining District	Jasper
	6.1 Mi.	Cadmium in sediment	Tri-State Mining District	Jasper
Turkey Cr.	6.1 Mi.	Lead in sediment	Tri-State Mining District	Jasper
	6.1 Mi.	Zinc in sediment	Tri-State Mining District	Jasper
	2.4 Mi.	Cadmium in sediment	Bonne Terre chat pile	St. Francois
Turkey Cr.	2.4 Mi.	Copper in sediment	Bonne Terre chat pile	St. Francois
	2.4 Mi.	Lead in sediment	Bonne Terre chat pile	St. Francois
	2.4 Mi.	Nickel in sediment	Bonne Terre chat pile	St. Francois
Village Cr.	2.4 Mi.	Zinc in sediment	Bonne Terre chat pile	St. Francois
	1.9 Mi.	Sedimentation/Siltation	Mine La Motte tailings area	Madison
	2.1 Mi.	Lead in sediment	West Fork Lead Mine/Mill	Reynolds
W. Fk. Black R.	2.1 Mi.	Nickel in sediment	West Fork Lead Mine/Mill	Reynolds
	2.2 Mi.	Cadmium in sediment	Mill Tailings	Newton
Willow Br.	2.2 Mi.	Zinc in sediment	Mill Tailings	Newton
	3.9 Mi.	Polycyclic Aromatic Hydrocarbons-PAHs in sediment	Nonpoint Source	Greene