



US ARMY Corps
Of Engineers®
Little Rock District

JOINT PUBLIC NOTICE

CORPS OF ENGINEERS – STATES OF ARKANSAS AND MISSOURI

Application Number: 1982-09045-GK

Date: January 8, 2016

Comments Due: February 2, 2016

CONSIDERATION OF REISSUANCE OF A REGIONAL GENERAL PERMIT

for the placement of dredged and fill material in waters of the United States associated with the construction of boat launching ramps on waters of the United States within the Little Rock District in the States of Arkansas and Missouri.

TO WHOM IT MAY CONCERN: Comments are invited on the reissuance of the regional general permit described below. Please see the Public Involvement section for details on submitting comments.

Point of Contact. If additional information is desired, please contact the project manager, Lisa Boyle, telephone number: (501) 324-5295, mailing address: Little Rock District Corps of Engineers, Regulatory Division, PO Box 867, Little Rock, Arkansas 72203-0867, email address: Lisa.A.Boyle@usace.army.mil

Background. Historically, within the Little Rock District, there have been two general permits used to authorize boat ramps. Regional General Permit 09045-GK authorized boat ramps in most waters of the United States within the Little Rock District in Arkansas and Missouri. Regional General Permit 09090-GD authorized boat ramps on Corps of Engineers lakes within the Little Rock District in Arkansas and Missouri. In an attempt to streamline the permit process and to more efficiently process permit requests, the Little Rock District Corps of Engineers combined Regional General Permits 09045-GK and 09090-GD on February 7, 2006. The Little Rock District Corps of Engineers issued a joint public notice with the States of Arkansas and Missouri announcing the proposal to combine the two regional general permits into 09045-GK. The purpose of Regional General Permit 09045-GK is to provide authorization for the minimal impacts of the construction of boat launching ramps on all waters of the United States within the Little Rock District in Arkansas and Missouri.

This regional general permit has been reissued multiple times since 1976. The authority for permit issuance is found in Section 10 of the Rivers and Harbors Act of 1899 (33 U.S. Code 403) and Section 404 of the Clean Water Act (33 U.S. Code 1344). Corps districts are authorized to develop regional general permits in accordance with Title 33, Code of Federal Regulations Parts 325.2(e)(2) and 325.5(c)(1).

Proposed Reissuance. This regional general permit has proven to be successful in authorizing a minor, noncontroversial category of work that has had no significant individual nor cumulative adverse environmental impacts, and we propose to reissue the regional general permit an additional five (5) years. Twenty-three projects have been approved under this regional general permit since December 20, 2010.

Copies of the regional general permit and procedures for verifying authorization are enclosed. The documents attached are as presently administered with minor revisions to update the documents.

Notification/Verification Requirement. The Little Rock District Regulatory Division must be notified and provide verification that the proposed work meets the terms and conditions of the regional general permit. The notification/verification details are outlined in the Procedures for Verifying Authorization attached to the regional general permit.

Water Quality Certification. By copy of this public notice, water quality certification is being requested from the Arkansas Department of Environmental Quality and Missouri Department of Natural Resources in accordance with Section 401(a)(1) of the Clean Water Act. Upon completion of the comment period, a determination relative to water quality certification will be made.

Public Involvement. Any interested party is invited to submit to the above-listed POC written comments, objections or suggestions related to this proposed reissuance on or before **February 2, 2016**. Comments, both favorable and unfavorable, will be accepted and made a part of this record and will receive full consideration in determining whether it would be in the public interest to reissue the regional general permit.

Any person may request, in writing, prior to the expiration date of this public notice, that a public hearing be held to consider the proposed regional general permit. Such requests shall state, with particularity, the reasons for holding a public hearing. The District Engineer will determine if the issues raised are substantial and whether a hearing is needed for making a decision.

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

Enclosures

DRAFT VERIFICATION

DEPARTMENT OF THE ARMY PERMIT

Regional General Permit: **BOAT LAUNCHING RAMPS ON WATERS OF THE UNITED STATES WITHIN THE LITTLE ROCK DISTRICT IN ARKANSAS AND MISSOURI (INCLUDING CORPS OF ENGINEERS LAKES)**

Permit No.: **1982-09045-GK**

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 restricted to the construction, operation, and maintenance of boat launching ramps and associated bank stabilization. It will cover the following activities when applicable:**

- a. Excavating through the bank of the affected waterbody to establish the necessary grade of the ramp. The amount of excavation would be determined by the bank's height above the normal water surface and the relative steepness of the bank.**
- b. The placement of fill material onto the ramp surface to establish the proper grade and the granular fill placed for bedding in conjunction with the ramp.**
- c. The pouring of concrete or placement of precast concrete slabs or other paving material to create a ramp surface. Ramp surface materials not authorized by this regional general permit include petroleum-based materials such as asphalt, materials containing petroleum products or chemical pollutants, and wooden materials that could be washed into the waterway.**
- d. The placement of riprap or the construction of retaining walls when required as an integral part of ramp construction for bank stabilization.**
- e. The placement of temporary fill material for the construction of a temporary cofferdam when pouring a concrete slab below the normal water surface. The use of precast concrete slabs would preclude the need for cofferdam construction.**

This regional general permit covers launching ramps that require less than 300 cubic yards of permanent fill and 100 cubic yards of temporary fill for cofferdam construction. The permanent fill includes material deposited for subgrade preparation as well as concrete for the ramp and riprap or other fill used for bank stabilization. This regional general permit does not authorize any dredging or excavation below the ordinary high water mark of the waterbody as may be required for boat access to the ramp. All excess materials resulting from excavation for the ramp or excess fill material will be placed above the ordinary high water mark of the waterbody and outside the limits of any wetlands, and must not be placed in the proximity of a public water supply intake.

Maintenance of boat ramps authorized under this regional general permit includes excavation and removal of accumulated sediment, provided the dredged material is disposed of at an upland site and proper siltation controls are used.

Project Location: This regional general permit is applicable to waters of the United States within the Little Rock District in Arkansas and Missouri including certain lakes constructed and operated by the U.S. Army Corps of Engineers. Authorization will not be granted for ramps proposed in areas which conflict with the applicable shoreline and land-use allocations as established by the Little Rock District in the Master Plan for Development and Management of each lake. Prospective applicants for ramps must contact the District Office in Little Rock or the appropriate Project Office for the lake involved to obtain a determination on whether the proposed site is acceptable.

Permit Conditions:

General Conditions:

1. Authorization under this regional general permit is valid for **three years** from the date of the verification letter to you. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this 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 notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this 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. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

2. This regional general permit limits the quantities of fill placed below the ordinary high water mark for construction of boat launching ramps to the following:

Width of boat launching ramp – 40 feet

Total area of disturbance for ramp construction - 0.25 acres

Concrete for ramp base and granular material for bedding or paving – 100 cubic yards

Backfill and concrete for retaining walls and riprap for bank protection – 200 cubic yards

Total permanent fill material – 300 cubic yards

Temporary cofferdam – 100 cubic yards

3. You shall not construct boat ramps which would affect Corps of Engineers bank stabilization work (dikes, revetments, etc.), if the construction would endanger the structures, or adversely affect navigation.

4. No activity may include unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.).

Material used for construction or discharged must be free from toxic pollutants in toxic amounts.

5. You shall place all excavated material on an upland location and not allow any runoff water from the disposal site to enter the waterbody.

6. You shall not locate the structure in the proximity of a public water supply intake.

7. No activity may occur in areas of concentrated shellfish populations.

8. You shall not adversely affect a Federally threatened or endangered species or its critical habitat, as identified under the Endangered Species Act, as amended.

9. You shall seed, replant, or give equivalent type of protection against erosion to areas disturbed or newly created by your construction activity.

10. You shall comply with applicable Federal Emergency Management Agency-approved state or local floodplain management requirements.

11. This regional general permit does not authorize any ramp within one-half shoreline mile of another ramp authorized by this regional general permit or within convenient driving distance of an existing public launching facility.

12. Construction activities below the ordinary high water mark will be prohibited from March 15 to June 15 (the critical period for fish spawning activities).

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

Section 10 of the Rivers and Harbors Act of 1899 (33 U.S. Code 403).

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

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).

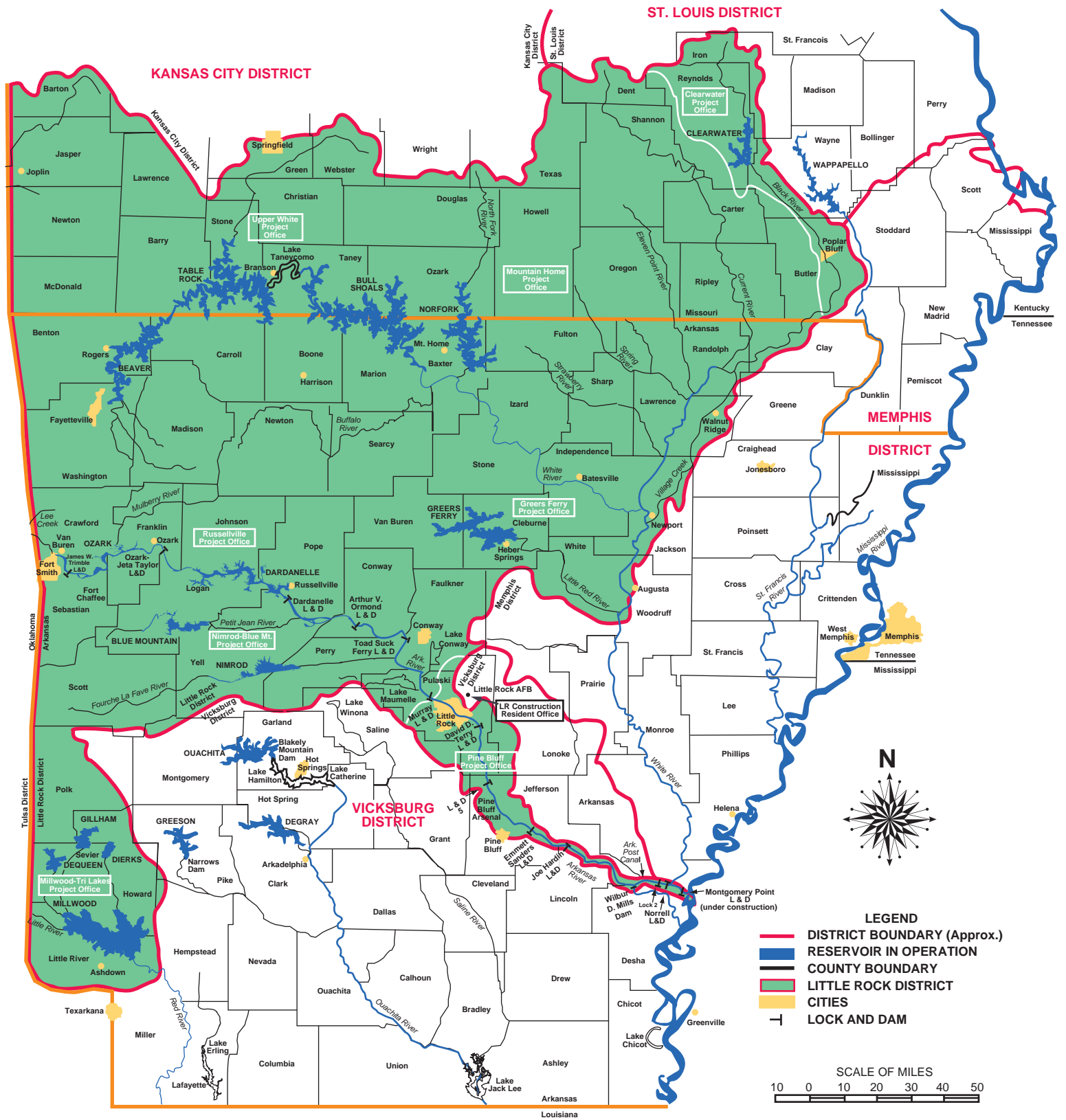
c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

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

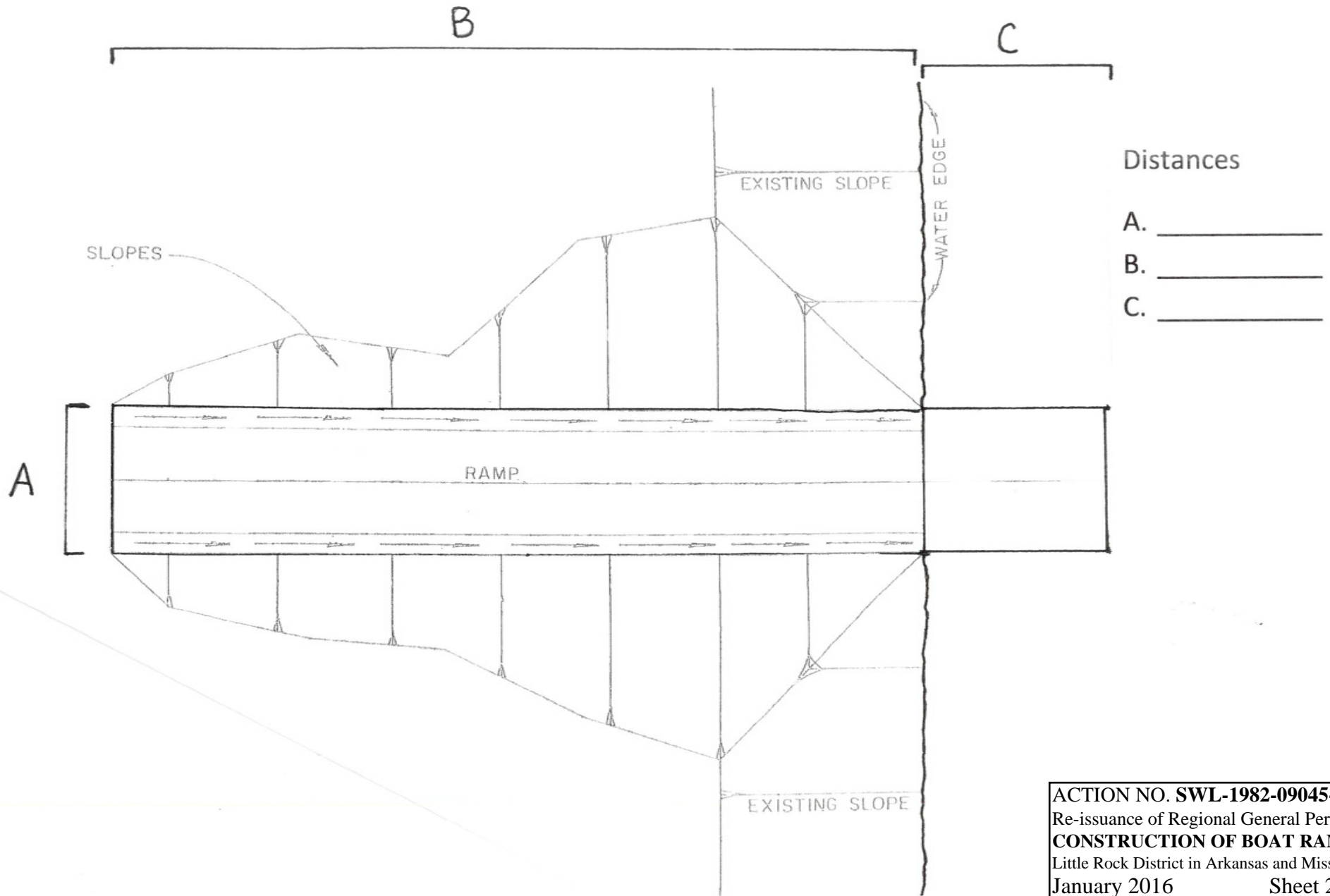
if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

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.

Enclosures



ACTION NO. SWL-1982-09045-GK
 Re-issuance of Regional General Permit
CONSTRUCTION OF BOAT RAMPS
 Little Rock District in Arkansas and Missouri
 January 2016
 Sheet 1 of 2



ACTION NO. SWL-1982-09045-GK
 Re-issuance of Regional General Permit
CONSTRUCTION OF BOAT RAMPS
 Little Rock District in Arkansas and Missouri
 January 2016 Sheet 2 of 2

PROCEDURES FOR VERIFYING AUTHORIZATION

REGIONAL GENERAL PERMIT – 1982-09045-GK

FOR the placement of dredged and fill material in waters of the United States associated with a regional general permit for boat launching ramps within the Little Rock District in the States of Arkansas and Missouri

1. The US Army Corps of Engineers, Little Rock District, has issued the enclosed regional general permit for boat launching ramps in all waters of the United States within the Little Rock District in Arkansas and Missouri. This regional general permit is currently valid until <<Expiration Date>>. 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 at least 30 days prior to the proposed commencement of work to the District Engineer, ATTN: CESWL-RD, U.S. Army Corps of Engineers, Little Rock District, PO Box 867, Little Rock, Arkansas 72203-0867, or the appropriate Operations or Site Manager for the lake or the reach of the river involved, as listed below:

LAKES

MAILING ADDRESS

Arkansas River
upstream of
Murray Lock
and Dam

Site Manager
Russellville Site Office
Corps of Engineers
1598 Lock & Dam Road
Russellville, Arkansas 72802-8462

Arkansas River
downstream of
Murray Lock
and Dam

Site Manager
Pine Bluff Site Office
Corps of Engineers
PO Box 7835
Pine Bluff, Arkansas 71611

Beaver

Operations Project Manager
Beaver Project Office
Corps of Engineers
2260 North 2nd Street
Rogers, Arkansas 72726-2439

Bull Shoals Norfolk	Operations Project Manager Mountain Home Project Office Corps of Engineers 324 West 7 th Street Mountain Home, Arkansas 72653-4360
Clearwater	Operations Project Manager Clearwater Project Office Corps of Engineers Route 3, Box 3559D Piedmont, Missouri 63957-9560
Dardanelle Ozark	Site Manager Russellville Site Office Corps of Engineers 1598 Lock & Dam Road Russellville, Arkansas 72802-8462
Greers Ferry	Operations Project Manager Greers Ferry Project Office Corps of Engineers PO Box 1088 Heber Springs, Arkansas 72543-9022
Millwood Dequeen Dierks Gillham	Operations Project Manager Millwood-Tri Lakes Project Office Corps of Engineers 1528 Highway 32 East Ashdown, Arkansas 71822
Nimrod Blue Mountain	Operations Project Manager Nimrod-Blue Mountain Project Office Corps of Engineers 3 Highway 7 South Plainview, Arkansas 72857-8802
Table Rock	Operations Project Manager Table Rock Project Office Corps of Engineers 4600 State Highway 165, Suite A Branson, Missouri 65616-8980

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

c. Upon receipt of your request, the Corps of Engineers will determine whether the work falls within the criteria established by this regional general permit. The length of time required to process 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 letter of verification 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 processed under other procedures, which may involve submission of additional information and likely issuance of a public notice.

d. To comply with the intent of the National Historic Preservation Act (NHPA), each proposed activity that meets the criteria in this regional general permit will be coordinated with our staff archaeologists in Environmental Branch, for review. A copy of the application will be furnished to the Arkansas State Historic Preservation Office (ASHPO) with a 14-day period for comment. The Corps archaeologists will (1) review the National Register of Historic Places for known historic properties, (2) review any completed archeological reconnaissance and surveys in the affected area, and, if indicated, (3) complete an archeological reconnaissance on the proposed site if one has not already been accomplished.

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

f. Projects using this regional general permit will be reviewed by the Planning and Environmental Division (Floodplain Management or compliance with 33 U.S. Code Section 408).