



US Army Corps
of Engineers®
Little Rock District

JOINT PUBLIC NOTICE

*CORPS OF ENGINEERS – STATES OF
ARKANSAS AND MISSOURI*

Application Number: 1988-09046-GU

Date: October 26, 2015

ISSUANCE OF A REGIONAL GENERAL PERMIT

for the placement of dredged and fill material in waters of the United States associated with 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, including that work conducted by recognized stakeholders and sanctioned by the US Army Corps of Engineers.

TO WHOM IT MAY CONCERN:

Background. On September 10, 2014, the Little Rock District Corps of Engineers issued a joint public notice with the States of Arkansas and Missouri announcing consideration of issuance of this regional general permit for repair of levees, creation of dredged material disposal areas, fill of scour holes, and the construction, modification, or maintenance of dikes and revetments. 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).

Determination to Issue. After reviewing comments received on the public notice, it is our assessment that the work authorized will not have significant adverse environmental impacts and that the public interest will be served by issuance of the regional general permit.

The policies of this regional general permit will be subject to reconsideration at any time, but will be reviewed at least every five (5) years. This regional general permit is therefore issued for a period of 5 years until **October 26, 2020**, unless it is revoked or specifically extended in the interim.

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

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

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

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.

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 time 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 15th through May 30th 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. The clearing of trees associated with this project must be conducted during the Northern Long-eared Bat (*Myotis septentrionalis*) winter hibernation period between October 15th and April 1st 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 October 15th and April 1st 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.

6. 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.

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.

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 attached 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 **October 26, 2020**. 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, 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.

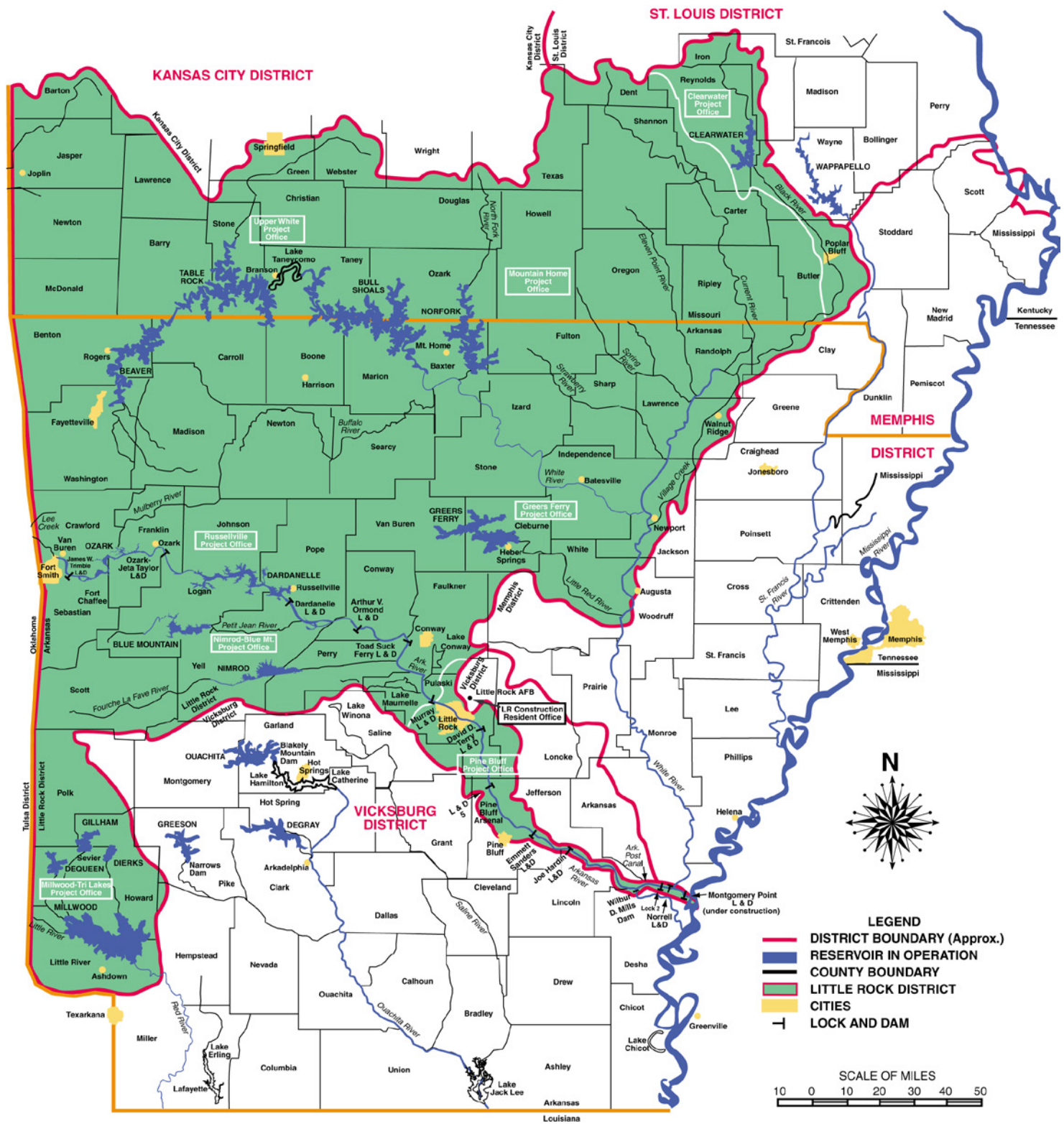
c. Upon receipt of your request, the Corps of Engineers Regulatory Division will determine whether the work falls within the criteria established by this regional general permit. The length of time required to evaluate each request under this regional general permit will be directly related to the adequacy and completeness of the information you submit. You will receive a 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 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. The State Land Commission offices will be notified of a proposed action as appropriate.



Points of Contact
U. S. ARMY CORPS OF ENGINEERS
Regulatory Activities – Little Rock District & Adjacent Districts

Little Rock District
 ATTN: CESWL-RD
 700 West Capitol Ave.
 Little Rock, AR 72201-3221
 (501) 324-5295

Memphis District
 ATTN: CEMVM-OD-R
 167 N. Main Street
 Room B-202
 Memphis, TN 38103-1894
 (901) 544-3471

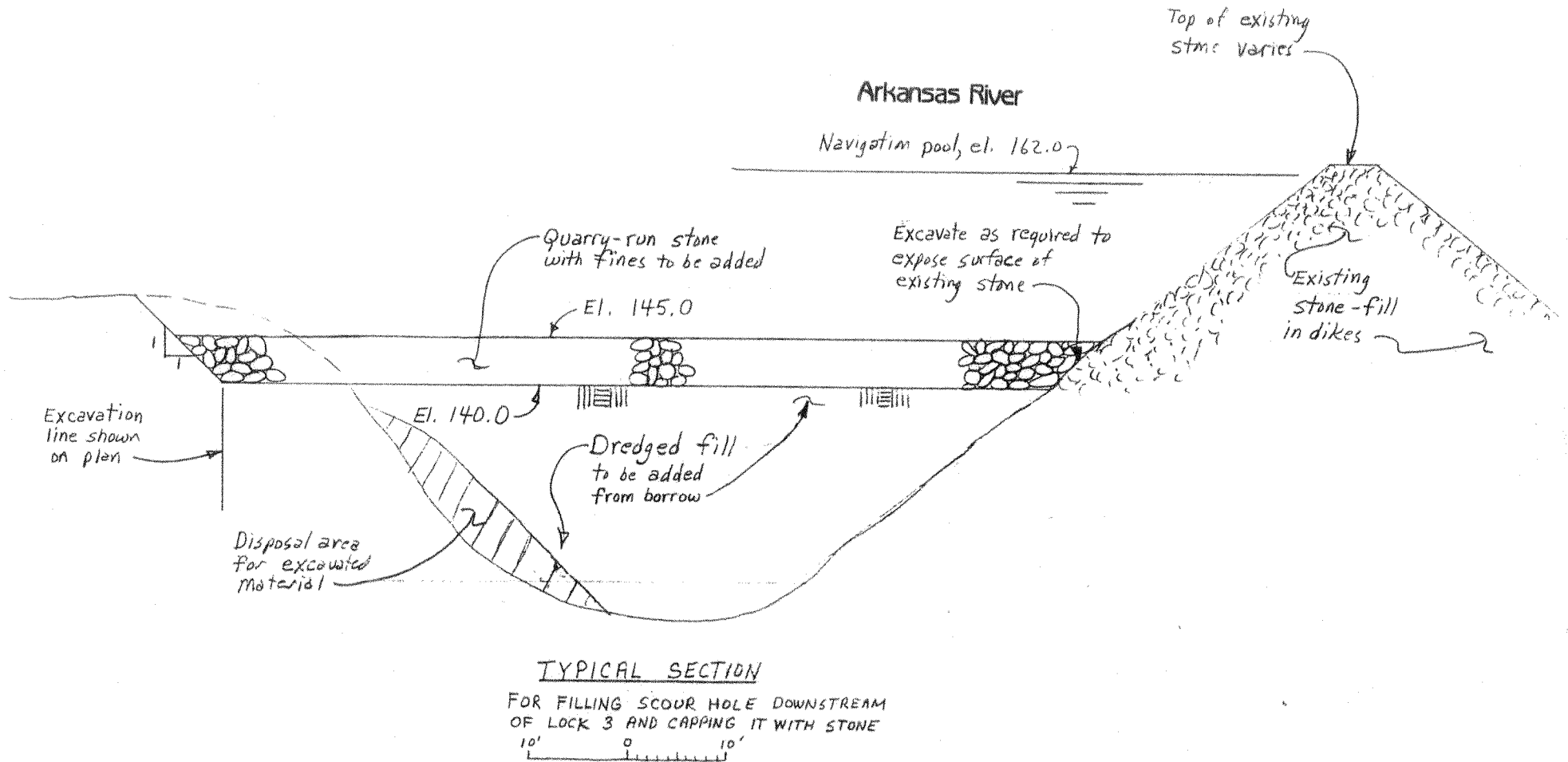
Vicksburg District
 ATTN: CEMVK-OD-F
 4155 Clay Street
 Vicksburg, MS 39183-3435
 (601) 631-7660

ACTION NO. 1988-09046-GU
 Regional General Permit
CORPS WORK ON THE MKARNS IN
ARKANSAS AND ON CORPS LAKES
WITHIN SWL

October 2015

SHEET 1 of 8

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**

October 2015

SHEET 2 of 8

TABLE NO. 1

Navigation System Information

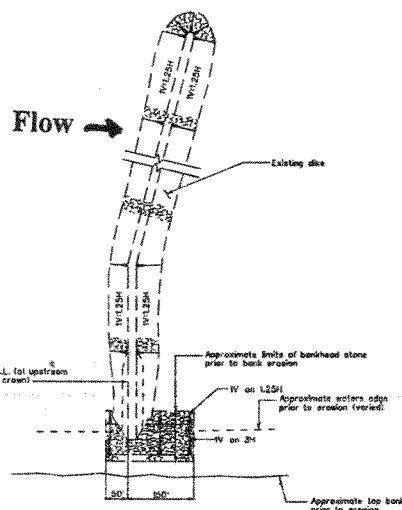
LOCK AND DAM NAME	NAVIGATION MILE	UPPER POOL ELEVATION
Narrel, (No. 1)	10.3	142
Wabur Mts. (No. 2)	13.3	162
Joe Hardin, (No. 3)	50.2	182
Emmett Sanders, (No. 4)	66.0	196
No. 5	86.3	213
David O. Terry, (No. 6)	108.1	231
Murray, (No. 7)	125.4	249
Toad Suck Ferry, (No. 8)	165.9	265
Arthur V. Dransfield, (No. 9)	175.9	284 - 287
Donahoe	205.5	336 - 338
Druck-John Taylor	236.8	370 - 372
James W. Tinsale, (No. 12)	292.6	391

Use 287.0 water surface for construction
Use 337.0 water surface for construction
Use 372.0 water surface for construction

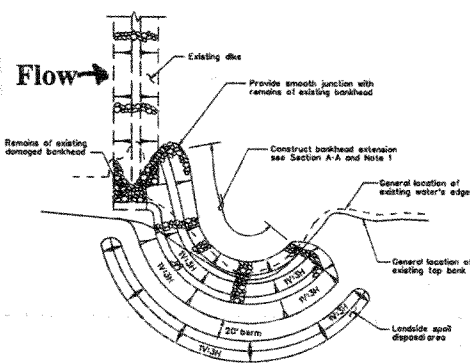
TABLE NO. 2

Bankhead/Trench-Fill
Crown Width Criteria

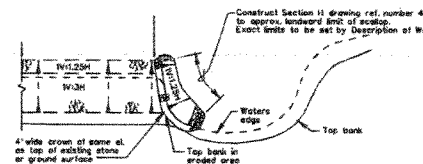
MAXIMUM WATER DEPTH BELOW POOL	BANKHEAD/TRENCH-FILL REPAIR CROWN WIDTH
8.00' or shallower	5'
10.25'	6'
12.50'	7'
14.75'	8'
17.00'	9'
19.25'	10'
21.50'	11'
23.75'	12'
26.00'	13'
28.25'	14'
30.50'	15'
32.75'	16'
35.00'	17'
37.25'	18'
39.50'	19'
41.75' or deeper	20'



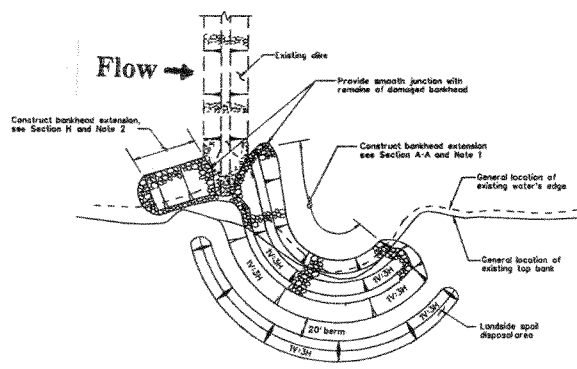
TYPICAL DIKE WITH BANKHEAD
AT TIME OF INITIAL CONSTRUCTION



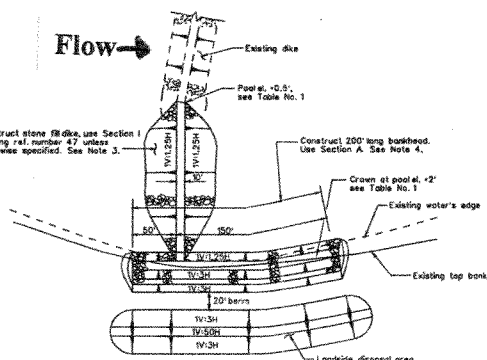
TYPE I REPAIR
BANKHEAD EXTENSION
DOWNSTREAM OF DIKE



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 line 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' at 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 riverbank disposal as shown in 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.

Drawn by: RWS
Checked by: RWS
Date: APR 2007
Scale: 1/4" = 1'-0"
Project: MKARNS
Task Order: 1888-09046-GU
Revision: 1

U.S. ARMY ENGINEER DISTRICT
CORPS OF ENGINEERS
LITTLE ROCK, ARKANSAS
Submitted by: [Signature]
Approved by: [Signature]
Date: [Date]

ACTION NO. 1888-09046-GU
Regional General Permit
CORPS WORK ON THE MKARNS IN
ARKANSAS AND ON CORPS LAKES
WITHIN SWL

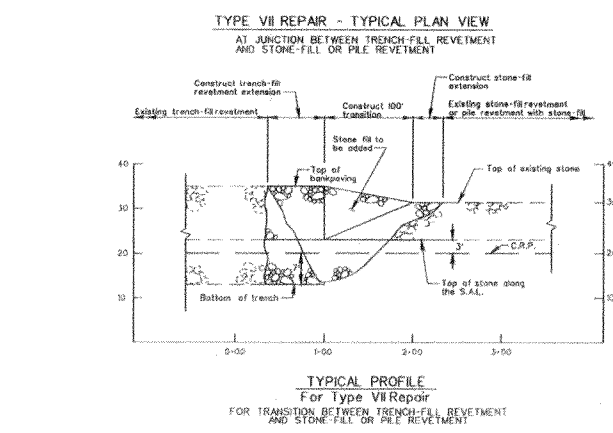
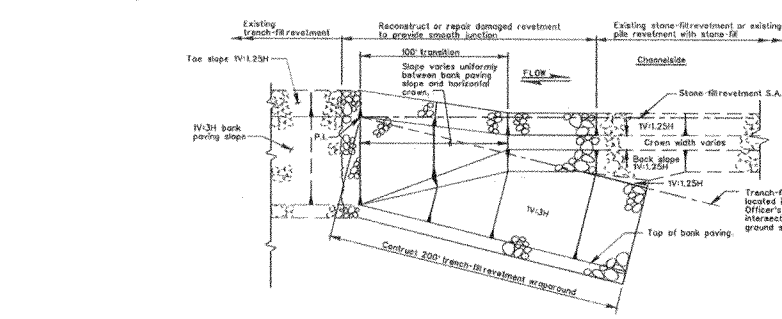
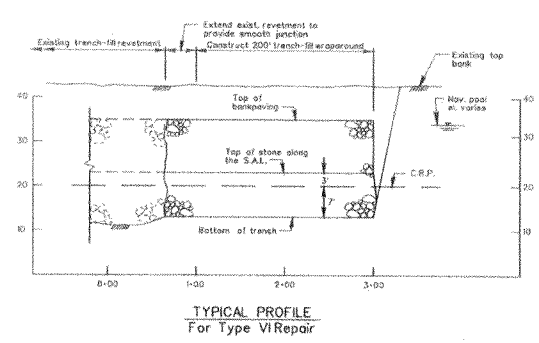
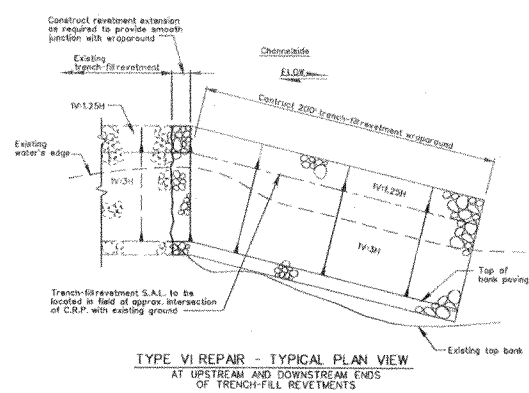
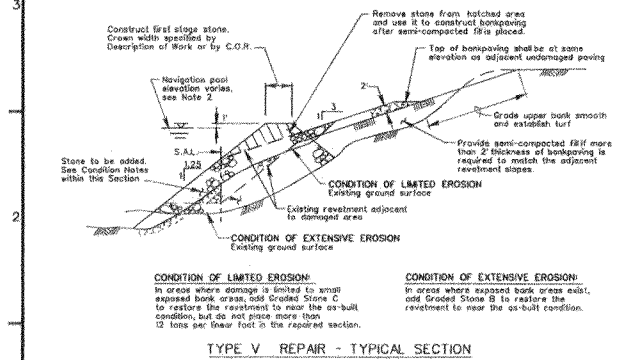
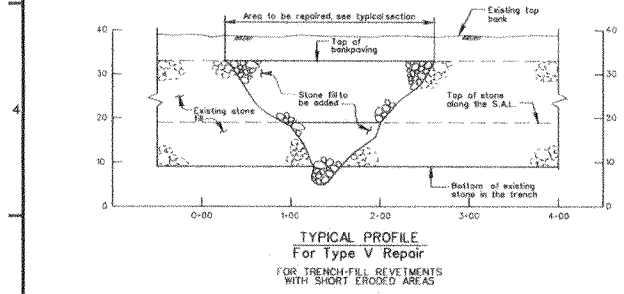
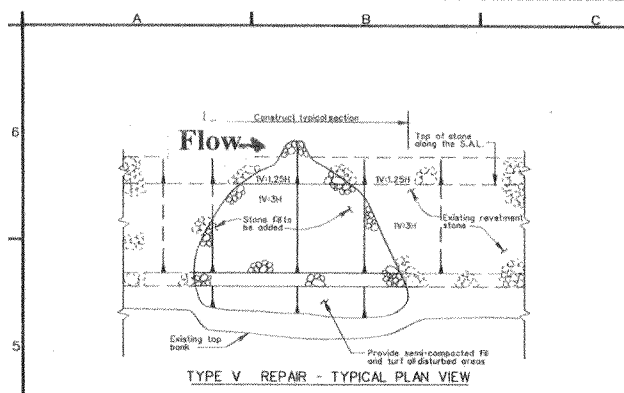
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Bankhead and Revetment Repairs
Types I, II, III, and IV

Sheet No.	Revision	Date	By	Check
1				
2				
3				
4				
5				
6				
7				
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9				
10				

Designed by	ENG	Date	APRIL 2007
Drawn by	ENG	Substation No.	W1275-07-0-001
Checked by	ENG	Contract No.	W1275-07-C-0000
Reviewed by	CAR	Submitted by	YJL

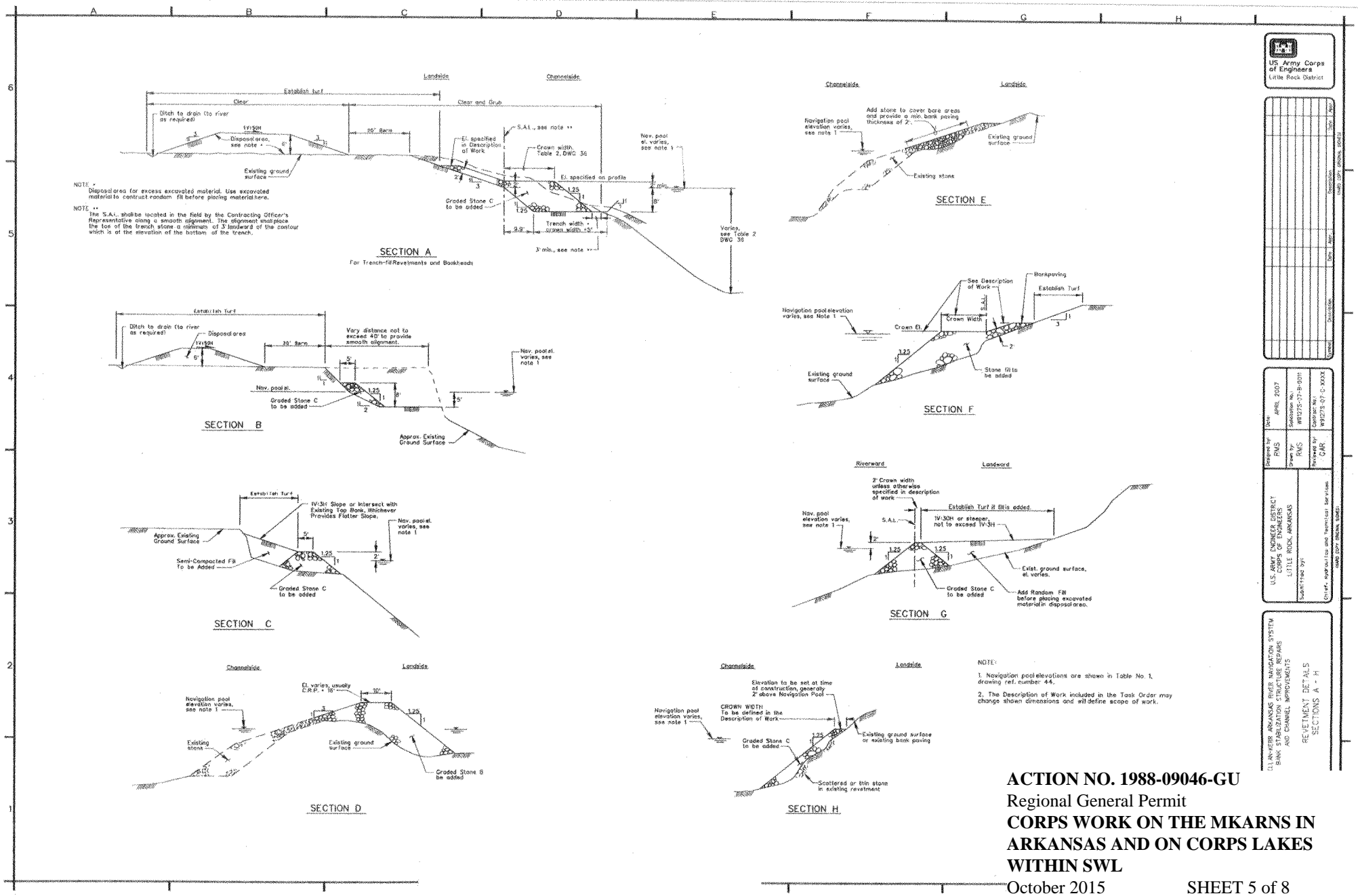
U.S. ARMY ENGINEER DISTRICT
CORPS OF ENGINEERS
LITTLE ROCK, ARKANSAS
SUBMITTED BY
YJL
U.S. ARMY ENGINEER DISTRICT
CORPS OF ENGINEERS
LITTLE ROCK, ARKANSAS
REVIEWED BY
CAR
U.S. ARMY ENGINEER DISTRICT
CORPS OF ENGINEERS
LITTLE ROCK, ARKANSAS
REVIEWED BY
CAR



- NOTES:
1. The S.A.L. for the Type VII Repair shall be parallel to the existing revetment 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 Structure Repairs Types V, VI, and VII

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Revetment Details Sections A-H

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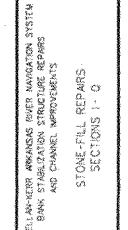


Project No.	Task Order No.	Section No.	Sheet No.	Revision
1988-09046-GU	1988-09046-GU	1988-09046-GU	1988-09046-GU	1988-09046-GU

Project No.	Task Order No.	Section No.	Sheet No.	Revision
1988-09046-GU	1988-09046-GU	1988-09046-GU	1988-09046-GU	1988-09046-GU

Project No.	Task Order No.	Section No.	Sheet No.	Revision
1988-09046-GU	1988-09046-GU	1988-09046-GU	1988-09046-GU	1988-09046-GU

Project No.	Task Order No.	Section No.	Sheet No.	Revision
1988-09046-GU	1988-09046-GU	1988-09046-GU	1988-09046-GU	1988-09046-GU



SECTION I

SECTION M

SECTION F

SECTION J

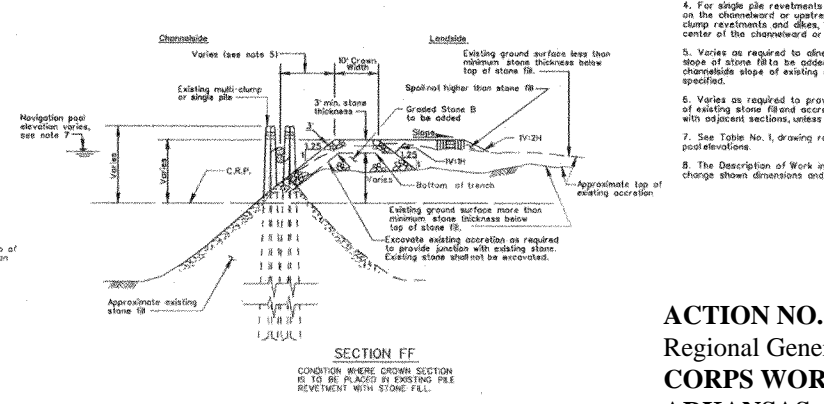
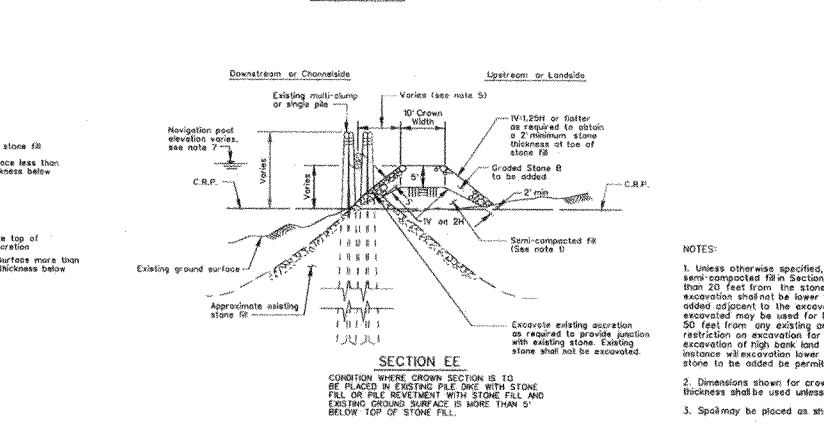
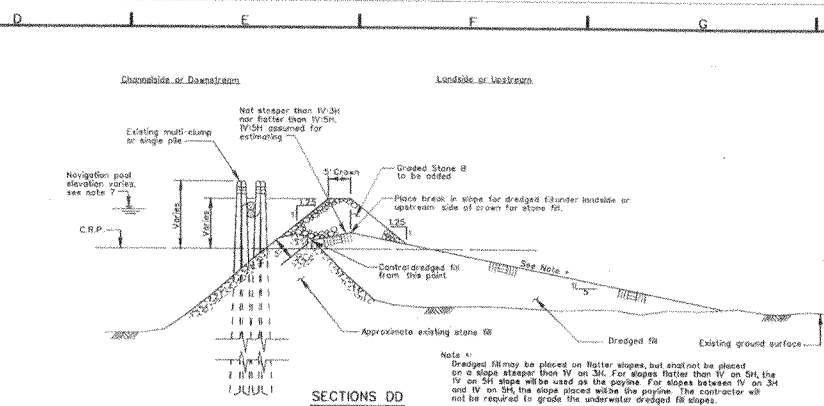
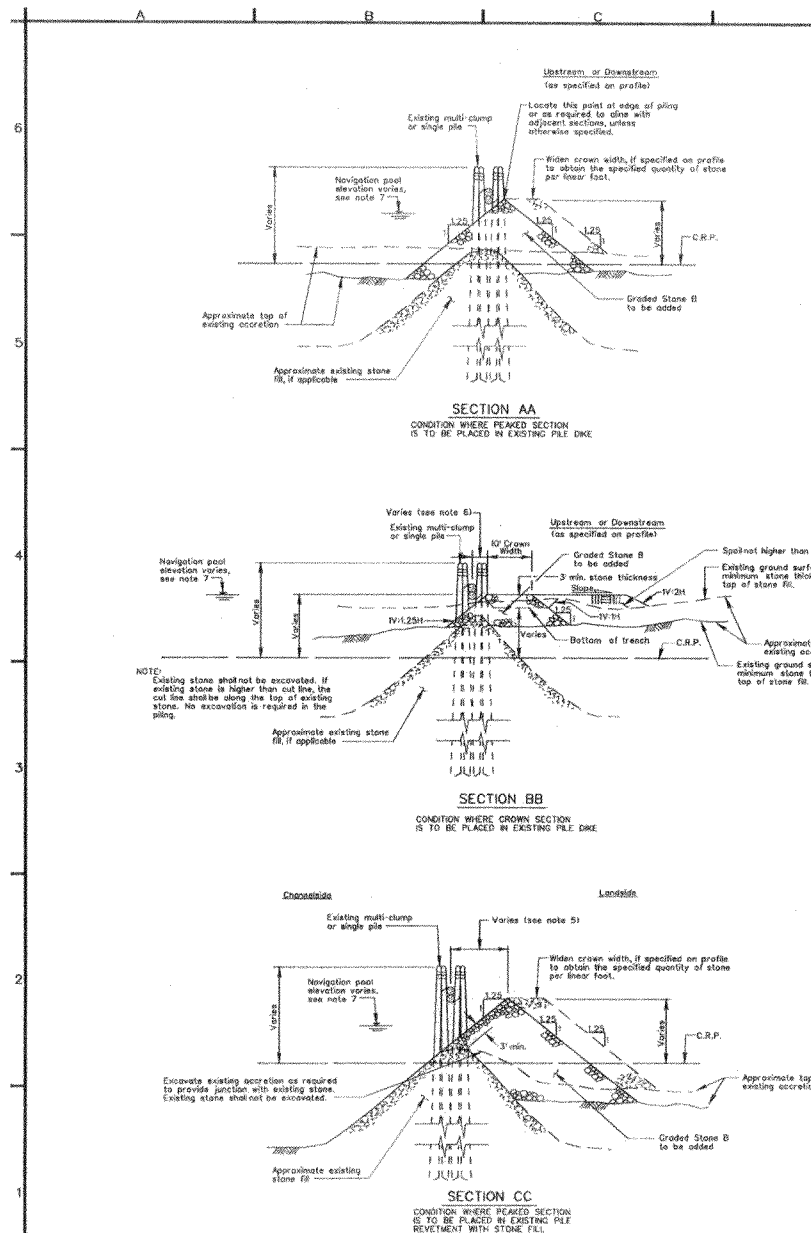
SECTION N

SECTION Q

SECTION K

SECTION 0

SECTION L
GOVERNMENT CONTRACTS
GOVERNMENT CONTRACTS



- 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. Spoil 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 channelward slope of stone fill to be added with downstream or channelward slope of existing stone fill, unless otherwise specified.
 6. Varies as required to provide for maximum utilization of existing stone fill and accretion or 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.

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CORPS WORK ON THE MKARNS IN ARKANSAS AND ON CORPS LAKES WITHIN SWL
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**Pile Structures
Sections AA-FF
General Plan**

US Army Corps of Engineers
Little Rock District

Drawn by	Checked by	Date
RMS	RMS	APRIL 2007
Drawn by	Checked by	Date
RMS	RMS	WPD25-27-B-001
Drawn by	Checked by	Date
RMS	RMS	WPD25-27-B-001
Drawn by	Checked by	Date
RMS	RMS	WPD25-27-B-001

U.S. ARMY ENGINEER DISTRICT
LITTLE ROCK, ARKANSAS

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SECTIONS AA - FF
GENERAL PLAN



ARKANSAS
Department of Environmental Quality

JAN 12 2015

Colonel Courtney W. Paul, District Commander
Little Rock District Corps of Engineers
P. O. Box 867
Little Rock, Arkansas 72203-0867

RE: Public Notice: Reissuance of 1988-09046-GU Corps of Engineers-States of Arkansas and Missouri

Dear Colonel Paul:

The Arkansas Department of Environmental Quality ("ADEQ") has completed its review of the above referenced public notice for the re-issuance of a Regional General Permit for the placement of dredged and fill material in waters of the United States associated with the U.S. Army Corps of Engineers work on the McClellan-Kerr Arkansas River Navigation System in Arkansas and on U.S. Army Corps of Engineers Lakes within the Little Rock District. In accordance with Title 33, Code of Federal Regulations Parts 325.2(e)(2) and 325.5(c)(1), the Little Rock District, US Army Corps of Engineers proposes to re-issue a general permit which 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. 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. Six projects have been approved under this regional general permit since January 21, 2010.

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

Therefore, pursuant to §401(a)(1) of the Clean Water Act, the ADEQ hereby issues water quality certification for this project: **1988-09046-GU**, contingent upon the following conditions:

- 1) The applicant shall implement all practicable best management practices to avoid excessive impacts of sedimentation and turbidity to the surface waters.
- 2) The applicant will take all reasonable measures to prevent the spillage or leakage of any chemicals, oil, grease, gasoline, diesel or other fuels. In the unlikely event such spillage or leakage occurs, the applicant must contact ADEQ immediately.

- 3) Individual Water Quality Certification requests must be submitted to ADEQ for any activity impacting Extraordinary Resource Waters, Ecologically Sensitive Waters, and Natural and Scenic Waters as identified in Regulation No. 2.
- 4) The applicant shall contact ADEQ for a Short Term Activity Authorization needs determination for activities that have the potential to violate water quality criteria.
- 5) The applicant shall comply with any applicable provisions of the NPDES Storm Water Program requirements.

In issuing this certification, ADEQ 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 Mark Hathcote, of the Water Division, at (501) 682-0028 if you have any questions regarding this certification.

Sincerely,



Ellen Carpenter
Chief, Water Division

cc: Christopher G. Davies, Project Manager, Little Rock District, USACE
Wanda Boyd, Region VI, U.S. Environmental Protection Agency
Melissa Lombardi, U.S. Fish and Wildlife Service



Jeremiah W. (Jay) Nixon, Governor • Sara Parker Pauley, Director

DEPARTMENT OF NATURAL RESOURCES

www.dnr.mo.gov

MAY 19 2015

Colonel Courtney W. Paul, District Commander
Little Rock District
U.S. Army Corps of Engineers
P.O. Box 867
Little Rock, AR 72203-0867

RE: Regional General Permit, 1988-09046-GU/CEL000780

Dear Colonel Paul:

The Missouri Department of Natural Resources' Water Protection Program (DNR) has reviewed your request for Clean Water Act Section 401 Water Quality Certification (WQC) to accompany the U.S. Army Corps of Engineers' (USACE) Permit No. 1988-09046-GU in which you are proposing the reissuance of the regional general permit for an additional five years. The regional general permit 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.

Activities that would be authorized by the general permit would be evaluated on a case-by-case basis for mitigation. Avoidance and minimization of impacts would be required as practicable. Work authorized under this permit will not allow any fills in wetlands.

The proposed general permits will only allow activities on the U.S. Army Corps of Engineers' lakes within the Little Rock District in Missouri.

This WQC is being issued under Section 401 of Public Law 95-217, The Clean Water Act of 1977 and subsequent revisions. This office certifies that the proposed project activities will not cause the general or numeric criteria to be exceeded nor impair beneficial uses established in the Water Quality Standards, 10 CSR 20-7.031, provided the following conditions are met:

1. Only the repair of structures is authorized. The construction of new structures would require additional review and issuance of a separate WQC.
2. Temporary fills shall be removed promptly and the fill site restored immediately following construction.
3. Dredging shall avoid important aquatic habitat. Aquatic habitat includes breeding and rearing areas of endangered, rare, threatened species and mussel beds.
4. Dredged material shall not be placed against the banks, or disposed of within any adjacent wetlands.



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5. Placement of fill in scour holes shall be limited to only the amount needed to restore or protect the function of the adjacent structure.
6. Water supply intakes or other activities, which may be affected by suspended solids and turbidity increases caused by work in the watercourse, shall be investigated and sufficient notice given to the owners to allow preparation for any changes in water quality. The DNR's Water Protection Program's Public Drinking Water Branch may be contacted at (573) 526-0269 for the presence of such supplies.
7. Antidegradation requirements dictate all appropriate and reasonable Best Management Practices related to erosion and sediment control, project stabilization and prevention of water quality degradation; for example, preserving vegetation, streambank stability and basic drainage are applied and maintained. Applicants will be responsible for ensuring that permit requirements and relevant WQC conditions are met.
8. Best Management Practices shall be used 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 construction disturbances.
9. After avoidance and minimization for the project, unavoidable impacts shall be mitigated appropriately. An approved mitigation plan needs to be submitted before consideration for WQC. Mitigation for loss of aquatic resources shall be in conformance with the April 10, 2008, joint regulation "Compensatory Mitigation for Losses of Aquatic Resources; Final Rule" [USACE: 33 CFR Part 332 and U.S. Environmental Protection Agency: 40 CFR Part 230] and with guidance located on-line at <http://www.nwk.usace.army.mil/Missions/RegulatoryBranch/StateofMissouri.aspx>.
10. If mitigation is required, provide the adverse impact debits for the stream and/or wetland impacts as well as the proposed mitigation credit using the Missouri Stream Mitigation Method or other approved method. If compensatory mitigation is being purchased from a mitigation bank or in-lieu fee sponsor, please name the provider and location. For adverse impacts within Missouri, proposed compensatory mitigation must be within the state of Missouri.
11. Impact calculations and proposed mitigation shall be discussed with the Department staff prior to USACE approval to ensure consistency with potential WQC conditions and compliance with 10 CSR 20-7.031 Water Quality Standards.
12. Acquisition of a WQC 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. Permits or any other requirements shall remain in effect. Land disturbance activities disturbing one or more acres of total area for the entire project require a stormwater permit. Instructions on how to apply for and receive the on-line land disturbance permit are located at <http://www.dnr.mo.gov/env/wpp/epermit/help.htm>. Questions regarding permit requirements may be directed to the Department's Southwest Regional Office at (417) 891-4300 or Southeast Regional Office at (573) 840-9750.

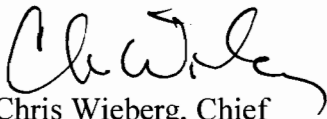
13. Prior to commencing any dredging activity, the applicant shall inquire about the need for a Missouri General Permit MO-G69, which protects waters of the state from the release of return water or precipitation runoff from Dredging Lakes/River Harbors activity. All terms for compliance with the Missouri General Permit MO-G69 are incorporated into the WQC. Applications may be submitted to the Department's Southwest Regional Office at (417) 891-4300 or Southeast Regional Office at (573) 840-9750.
14. Care shall be taken to keep machinery out of the water way as much as possible. 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 floodway 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.
15. 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.
16. Only clean, nonpolluting fill shall be used.
17. Clearing of vegetation/trees shall be the minimum necessary to accomplish the activity. A vegetated corridor shall be maintained or restored to a stable condition to protect water quality and to provide for long-term stability of the lake shore, unless physical barriers prevent such a corridor. Lack of ownership or control of any portion of this area may be considered a legitimate and discretionary cause to waive this requirement on that portion.
18. This WQC is not valid for any Section 404 Permit issued on a water that is:
 - a. Listed as impaired by inorganic sediment, aquatic habitat alteration or unknown impairment as listed in the most current Water Quality Report (Section 305(b) Report). or
 - b. Located in or occur within two miles upstream of a designated outstanding state or national resource water.
19. No project under this regional general permit shall accelerate bank erosion.
20. This general permit shall not be used for channelization or channel modification purposes. A stream channel shall not be relocated, straightened, cut-off, shortened, widened, or otherwise modified. A stream channel is defined as that area between the high banks of the creek where water is flowing, or in the case of a dry stream where water would flow after a rain event.
21. Conduct project activity at low flows and water levels to limit the amount of sediment disturbance caused by the heavy equipment. Limit the duration and extent that any heavy equipment is required to be in a water.
22. Representatives from DNR shall be allowed on the project property to inspect the authorized activity at any time deemed necessary by DNR to ensure compliance with the above conditions.
23. The WQC is based on the plans as submitted. Should any plan modifications occur, please contact DNR to determine whether the WQC remains valid or may be amended or revoked.

You may appeal to have the matter heard by the Administrative Hearing Commission (AHC). 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.

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 Mr. Mike Irwin by phone at (573) 522-1131, by e-mail at mike.irwin@dnr.mo.gov, or by mail at the Department of Natural Resources, Water Protection Program, P.O. Box 176, Jefferson City, MO 65102-0176. Thank you for working with the DNR to protect our environment.

Sincerely,

WATER PROTECTION PROGRAM

A handwritten signature in black ink, appearing to read "Chris Wieberg".

Chris Wieberg, Chief
Operating Permits Section

CW:mip

c: Mr. Christopher Davies, U.S. Army Corps of Engineers Little Rock District
Mr. Art Goodin, Southeast Regional Office
Ms. Crystal McNeal, Southeast Regional Office
Ms. Tina White, Southwest Regional Office
Mr. Bill Goodwin, Missouri Department of Conservation
Mr. Brad Ledbetter, Southeast Regional Office
Mr. Michael Smith, Missouri Department of Conservation
Ms. Janet Sternburg, Missouri Department of Conservation