



US Army Corps  
of Engineers®  
Little Rock District

# JOINT PUBLIC NOTICE

*CORPS OF ENGINEERS – STATES OF ARKANSAS AND MISSOURI*

**Application Number: 1984-09051-GS**

**Date: November 26, 2014**

**Comments Due: December 22, 2014**

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## **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 steps, walkways, or footbridges within the Little Rock District in the States of Arkansas and Missouri.

**TO WHOM IT MAY CONCERN: Comments are invited on the renewal 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, Rodney Kelley, 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: [Rodney.Kelley@usace.army.mil](mailto:Rodney.Kelley@usace.army.mil)

Background. On January 21, 2010, the Little Rock District Corps of Engineers issued a regional general permit for the construction of steps, walkways, or footbridges on all waters of the United States within the Little Rock District in the States of Arkansas and Missouri. 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 to propose reissue the regional general permit for an additional five (5) years. Eleven projects have been approved under this regional general permit since January 21, 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. Anyone proposing to do work under this regional general permit must notify the Little Rock District and receive verification that the proposed work meets 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.

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 **December 22, 2014**. 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

DEPARTMENT OF THE ARMY PERMIT

Regional General Permit: **CONSTRUCTION OF STEPS, WALKWAYS, OR FOOTBRIDGES ON WATERS OF THE UNITED STATES WITHIN THE LITTLE ROCK DISTRICT IN THE STATES OF ARKANSAS AND MISSOURI**

Permit No.: **1984-09051-GS**

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

**NOTE:** The term "you" and its derivatives, as used in this 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 construction of steps, walkways, or footbridges, as described below, and does not include any fills in wetlands.**

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

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

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

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

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

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.

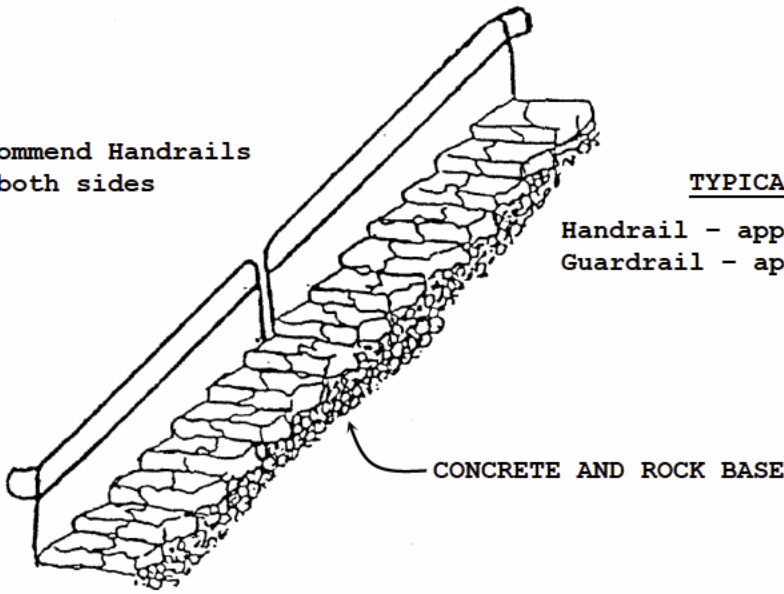
6. Extensions: General Condition 1 establishes a time limit for the completion of your activity authorized by this regional general permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

DRAFT

Recommend Handrails  
on both sides

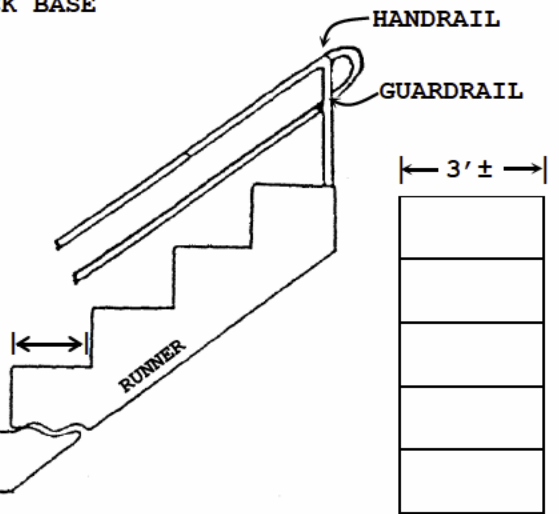
TYPICAL DRAWINGS FOR STEPS

Handrail - approximately 30-40 inches high  
Guardrail - approximately 24 inches high



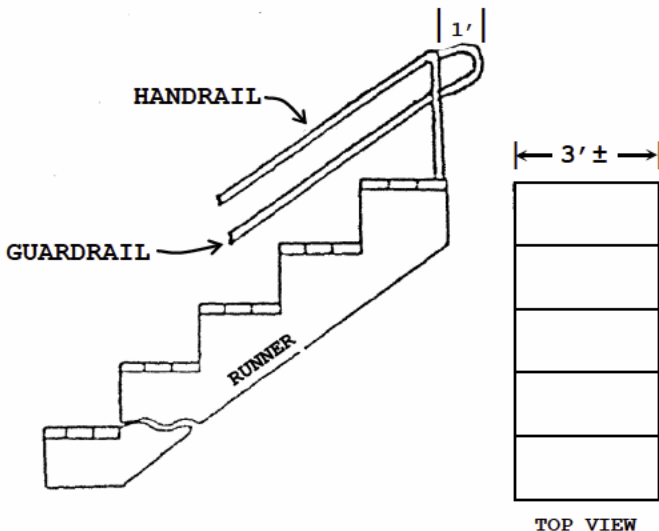
Tread depth at least 11"

Tread Riser  
6" to 7"



TOP VIEW

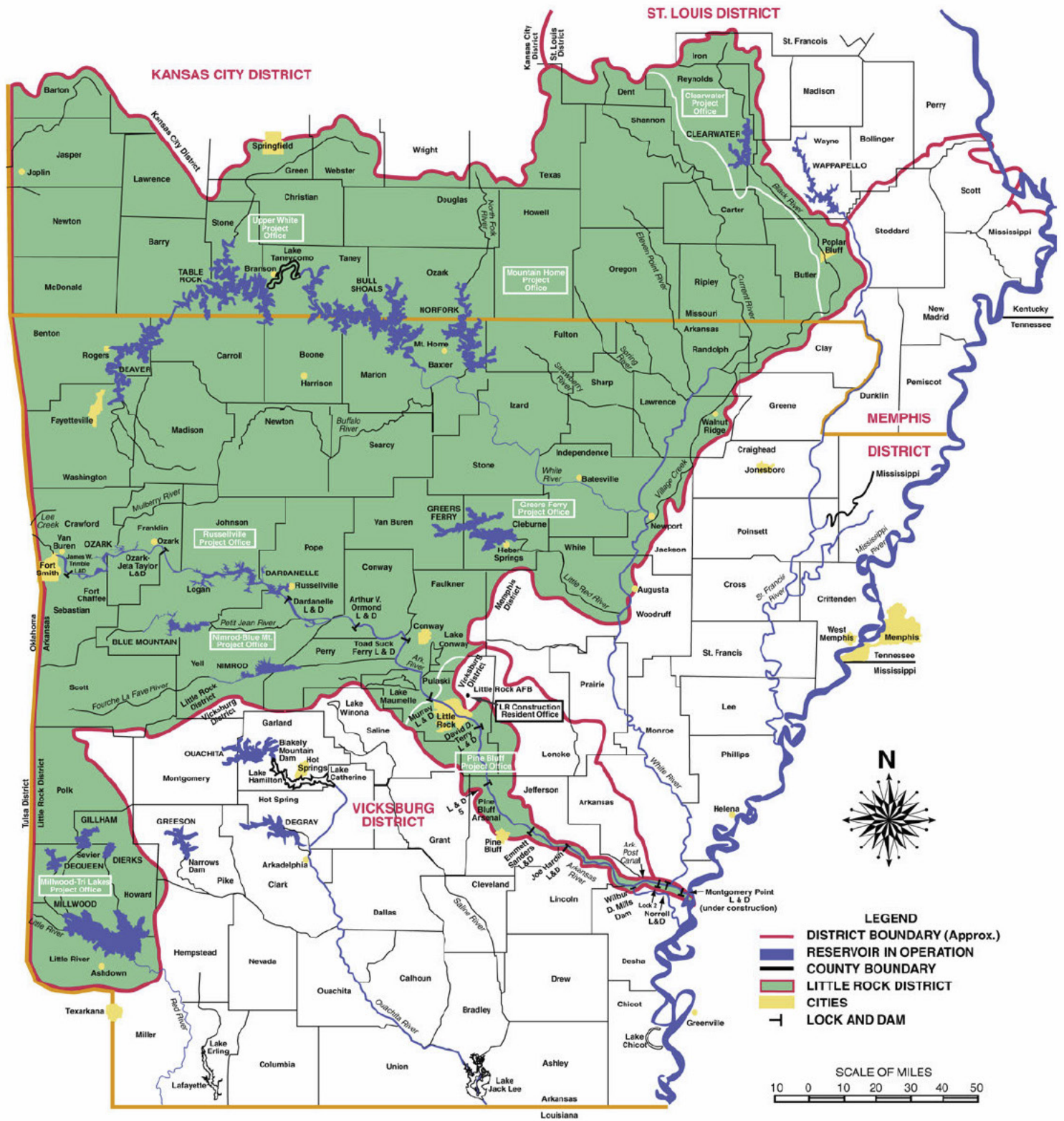
CONCRETE



TOP VIEW

WOODEN





**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

Kansas City District ATTN: Action No. 1984-09051-GS Regional General Permit Little Rock District in Arkansas and Missouri <b>STEPS, WALKWAYS, or FOOTBRIDGES</b> November 2014	St. Louis District November 2014
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PROCEDURES FOR VERIFYING AUTHORIZATION

REGIONAL GENERAL PERMIT-1984-09051-GS

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

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

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

This 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 Manager for the lake or the reach of the river involved, as listed below:

LAKES

Arkansas River  
upstream of  
Murray Lock  
and Dam

OPERATIONS MANAGER

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

LAKES

OPERATIONS MANAGER

Arkansas River  
downstream of  
Murray Lock  
and Dam

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

Beaver

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

Bull Shoals  
Norfolk

Operations Manager  
Mountain Home Project Office  
Corps of Engineers  
324 West 7<sup>th</sup> Street  
Mountain Home, Arkansas 72653-4360

Clearwater

Operations Manager  
Clearwater Project Office  
Corps of Engineers  
Route 3, Box 3559D  
Piedmont, Missouri 63957-9560

Dardanelle  
Ozark

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

Greers Ferry

Operations Manager  
Greers Ferry Project Office  
Corps of Engineers  
PO Box 1088  
Heber Springs, Arkansas 72543-9022

Millwood  
Dequeen  
Dierks  
Gillham

Operations Manager  
Millwood-Tri Lakes  
Project Office  
1528 Highway 32 East  
Ashdown, Arkansas 71822

LAKES

Nimrod  
Blue Mountain

Table Rock

OPERATIONS MANAGER

Operations Manager  
Nimrod-Blue Mountain Project  
Office  
Corps of Engineers  
3 Highway 7 South  
Plainview, Arkansas 72857-8802

Operations 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 archeologists for review. The Corps archeologists will (1) review the National Register of Historic Places for known historic properties, (2) review any completed archeological reconnaissance and surveys in the affected area.

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 would be null and void.

f. Projects using this regional general permit will be reviewed by the Planning and Environmental Division (Floodplain Management).