



**DEPARTMENT OF THE ARMY
Little Rock District, Corps of Engineers
Post Office Box 867
Little Rock, Arkansas 72203-0867**

CESWL-RO

February 7 ,2006

General Permit-09045-GK

**JOINT PUBLIC NOTICE
CORPS OF ENGINEERS - STATES OF ARKANSAS and MISSOURI**

ISSUANCE OF A GENERAL PERMIT

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

TO WHOM IT MAY CONCERN:

Background. Within the Little Rock District there have historically been two general permits used to authorize boat ramps. General Permit 09045-GK authorized boat ramps in most waters of the United States within the Little Rock District in Arkansas and Missouri. 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 has decided to combine General Permits 09045-GK and 09090-GD.

On November 1, 2005, 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 general permits. The combined General Permit 09045-GK would be utilized to authorize boat launching ramps on all waters of the United States within the Little Rock District in Arkansas and Missouri.

Determination of Revision. After reviewing the previous actions authorized under the two historic general permits and 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 combining the two general permits into one general permit.

The policies of this general permit will be subject to reconsideration at any time, but will be reviewed at least every five (5) years. This general permit is currently valid through December 31, 2010, unless it is revoked or specifically extended in the interim.

Notification/Verification Requirement. Anyone wanting to do work under the proposed general permit would have to notify the Little Rock District and receive verification that the proposed work meets the limits of the general permit. The notification/verification details are

outlined in the Procedures for Verifying Authorization attached to the 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 general permit may be suspended, modified, or revoked.

Interested parties are requested to provide comments on this general permit at any time during the life of the permit. Comments should be addressed to Chief, Regulatory Office, 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.

//s//

Wally Z. Walters
Colonel, US Army
District Engineer

Enclosures

PROCEDURES FOR VERIFYING AUTHORIZATION

GENERAL PERMIT – 09045 – GK

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

1. The US Army Corps of Engineers, Little Rock District, has issued the attached general permit for boat launching ramps on waters of the United States within the Little Rock District in Arkansas and Missouri. The purpose of the general permit is to provide authorization for launching ramps that require less than 300 cubic yards of permanent fill and 100 cubic yards of temporary fill for cofferdam construction.

Your request for authorization under this general permit certifies that you possess the authority to undertake the proposed work.

This general permit is currently valid until **December 31, 2010**.

2. Procedures for Verifying Authorization. You shall use the following procedures in verifying authorization under this general permit.

a. You shall submit a written description of the proposed work to the District Engineer, ATTN: CESWL-RO, US Army Corps of Engineers, Little Rock District, P.O. Box 867, Little Rock, Arkansas 72203-0867 or the appropriate Operations Manager for the Corps of Engineers lake involved, as listed below at least 30 days prior to proposed commencement of work. This general permit is applicable to waters of the United States within the Little Rock District in Arkansas and Missouri including lakes constructed and operated by the Army Corps of Engineers.

LAKE(S) OPERATIONS MANAGER

Beaver Operations Project Manager
Corps of Engineers
2260 N. 2nd. St.
Rogers, Arkansas 72726-2439

Bull Shoals Operations Project Manager
Norfolk Corps of Engineers
324 West 7th Street
Mountain Home, Arkansas 72654-2070

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

Dardanelle Operations Project Manager
Corps of Engineers
1598 Lock & Dam Road
Russellville, Arkansas 72801

Ozark Operations Project Manager
Corps of Engineers
6024 Lock & Dam Road
Ozark, Arkansas 72949-4848

Toad Suck Operations Project Manager
Corps of Engineers
6298 Highway 60 West
Conway, Arkansas 72032-7926

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

Millwood Operations Project Manager
Corps of Engineers
1528 Highway 32E
Ashdown, Arkansas 71822

DeQueen Operations Project Manager
Corps of Engineers
706 DeQueen Lake Road
DeQueen, Arkansas 71832-5217

Dierks Operations Project Manager
Corps of Engineers
PO Box 8
Dierks, Arkansas 71833-0008

Nimrod Operations Manager
Corps of Engineers
3 Highway 7 South
Plainview, Arkansas 72857

Blue Mountain Operations Project Manager
Corps of Engineers
Route 1 box 173AA
Waveland, Arkansas 72867

Table Rock Operations Manager
4600 State Highway 165 Suite A
Branson, Missouri 65616-8976

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

Arkansas Post Operations Project Manager
Corps of Engineers
35 Wild Goose Lane
Tichnor, Arkansas 72166-9655

b. Included with the submittal shall be drawings that 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 District's Regulatory Project Manager will determine whether the work falls within the criteria established by this general permit. The length of time required to process each request under this general permit will be directly related to the adequacy and completeness of the information you submit. The Project Manager will coordinate the request with other District subject matter experts as follows:

(1). To comply with the intent of the National Historic Preservation Act (NHPA), each proposed activity will be coordinated with our staff archaeologists.

(2). Any project located on Section 10 navigable waterways will be coordinated with the Engineering Division, Hydraulic and Technical Service Branch and the Operation Technical Support Branch.

(3). All requests for authorization under this general permit will be coordinated with the District expert on floodplains.

(4). 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 of occasional flooding, a real estate instrument will be required. Processing of the real estate instrument will begin when plans are received from the applicant. If the request for use of the real estate is disapproved, the authority granted under this general permit will be null and void.

You will receive a letter of verification if the work is covered by this general permit. If the work cannot be authorized under this 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.

DEPARTMENT OF THE ARMY PERMIT

General Permit: General Permit for 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.: **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 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 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 water body 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 fill material placed 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 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 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 general permit does not authorize any dredging or excavation below the ordinary high water mark of the water body 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 water body 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 general permit includes excavation and removal of accumulated sediment to previously authorized depths or controlling depths for ingress/egress whichever is less, provided the dredged material is disposed of at an upland site and proper siltation controls are used.

Project Location: This 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 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 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 general permit in good condition and in conformance with the terms and conditions of this 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 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 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 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 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 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 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 (feet) - **32**

Total area of disturbance for ramp construction (acres) - **0.25**

Concrete for ramp base and granular material for bedding or paving (cubic yards) - **100**

Backfill and concrete for retaining walls and riprap for bank protection (cubic yards) - **200**

Total permanent fill material (cubic yards) - **300**

Temporary cofferdam (cubic yards) - **100**

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. You shall perform all construction activity in a way to minimize increased turbidity of the water in the work area and otherwise avoid adverse effects on water quality and aquatic life.

5. You shall use clean, non-pollutional material for construction.

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

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

8. You shall not use any material that may contain unacceptable levels of pathogenic organisms in areas used for sports involving physical contact with the water.

9. You shall not locate the structure in an area of concentrated shellfish production.

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

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

12. A flood plain development permit shall be secured from all municipalities and counties in which a project shall be constructed, in accordance with Title 44, Code of Federal Regulations, related to the National Flood Insurance Program.

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

14. 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:

(X) 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 general permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

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

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

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

3. Limits of Federal Liability: In issuing this 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 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 general permit.

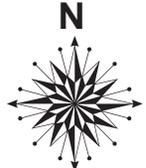
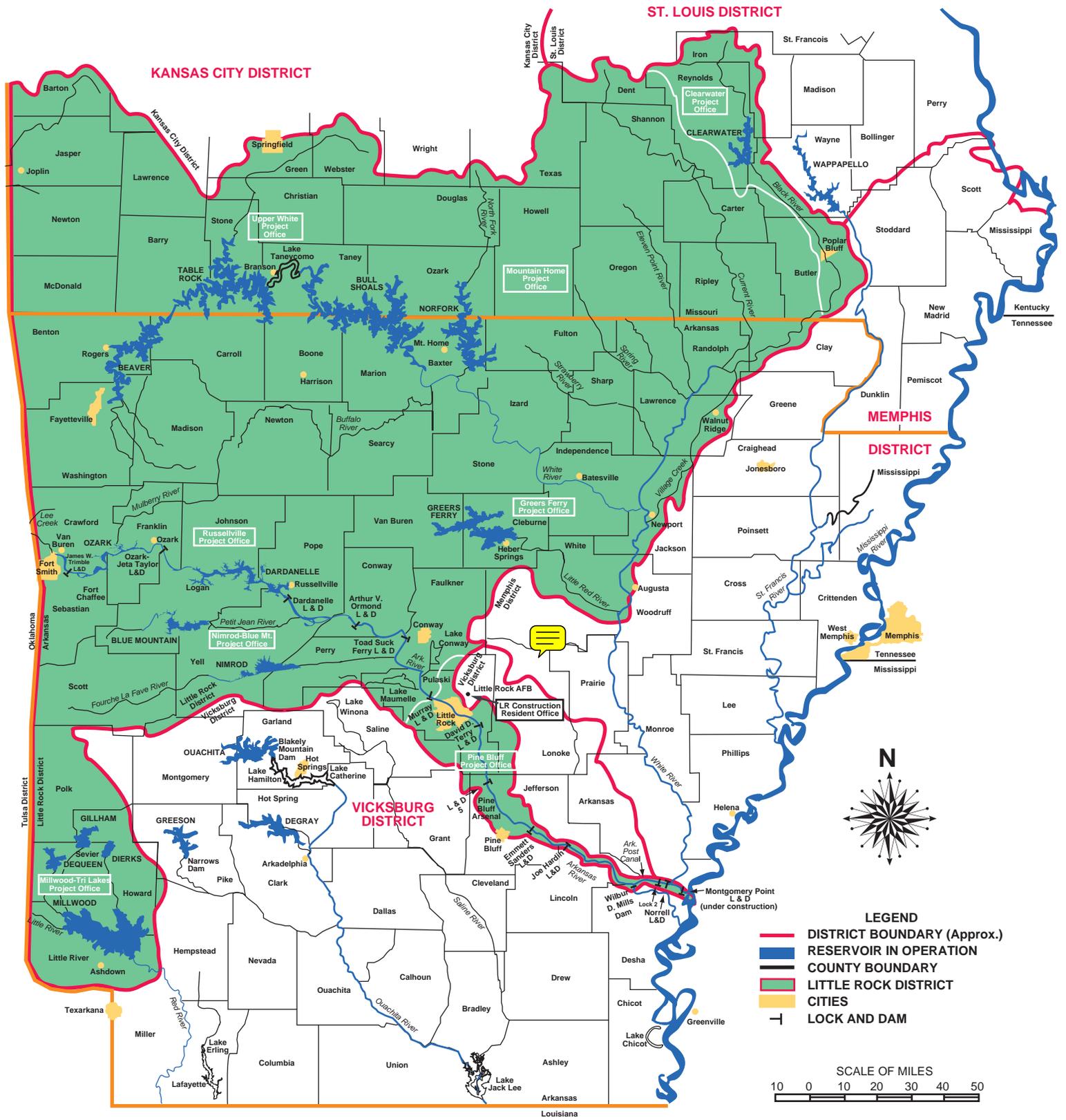
4. Reliance on Applicant's Data: The determination of this office that your proposed work complies with the terms and conditions of this general permit was made in reliance on the information you provided.

5. Reevaluation of Permit Decision: This office may reevaluate its decision on this 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 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 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 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.



Louisiana