



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

August 25, 2004

CESWL-PR-R

09092 - GF

**JOINT PUBLIC NOTICE
CORPS OF ENGINEERS - STATES OF Arkansas and Missouri**

CONSIDERATION OF TIME EXTENSION OF A GENERAL PERMIT

For the placement of dredged and fill material in waters of the United States associated with renewal of a general permit for water intakes, pumps, and connecting water pipelines, including intakes and coils for heating and cooling systems in Navigable 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 renewal of the general permit described below. Please see the Public Involvement section for details on submitting comments. (Comment Period Expiration Date- **September 19, 2004**)

Point of Contact. If additional information is desired, please contact the project manager, Mr. Tim Scott, telephone number: (501) 324-5296, mailing address: Little Rock District Corps of Engineers, Regulatory Branch, P.O. Box 867, Little Rock, Arkansas 72203-0867, e-mail address: tim.scott@usace.army.mil.

Background. On September 17, 1999, the Little Rock District Corps of Engineers issued a general permit for water intakes, pumps, and connecting water pipelines, including intakes and coils for heating and cooling systems on all navigable waters of the United States within the Little Rock District in the States of Arkansas and Missouri. The purpose of the general permit is to provide authorization for the minimal impacts of water intakes, pumps, and connecting water pipelines, including intakes and coils for heating and cooling systems on navigable waters in the Little Rock District.

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 general permits in accordance with Title 33, Code of Federal Regulations Parts 325.2(e)(2) and 325.5(c)(1).

Note: This general permit satisfies only the requirements of these two statutes, and does not relieve applicants of the requirements to obtain the proper real estate instrument if such facilities are constructed on Government-owned property.

Proposed Work. Work authorized under this general permit is limited to the construction of permanent water intakes and pumps with underground water pipelines, including intakes and pumps with heating and cooling systems, and the construction of temporary water intakes and water lines with pumps, in which the maximum withdrawal rate does not exceed one acre-foot per year or a total of 325,900 gallons

per year. It authorizes the construction of berms, pads, or dikes and any incidental redeposit of fill material associated with excavation for installation of pumps and to provide submersion of the pump (See Special Condition No. 8).

Proposed Time Extension. This 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 extend the expiration date an additional five (5) years. Eighty-four (84) projects have been approved under this general permit since September 1999.

A copy of the draft general permit is enclosed. A special condition has been added to provide adequate screening of all water intakes.

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 met the limits of the general permit. The notification/verification details are outlined in the Procedures for Verifying Authorization attached to the 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 the Missouri Department of Natural Resources (MDNR), 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. Interested persons are encouraged to provide comments, objections, or suggestions related to this proposed time extension in writing to Mr. Tim Scott, at the address listed above, or by calling (501) 324-5296. Persons submitting comments should refer to either General Permit No. 09092 or the General Permit for the placement of dredged and fill material in waters of the United States associated with for water intakes, pumps, and connecting water pipelines, including intakes and coils for heating and cooling systems. Written comments will be received until **September 19, 2004**.

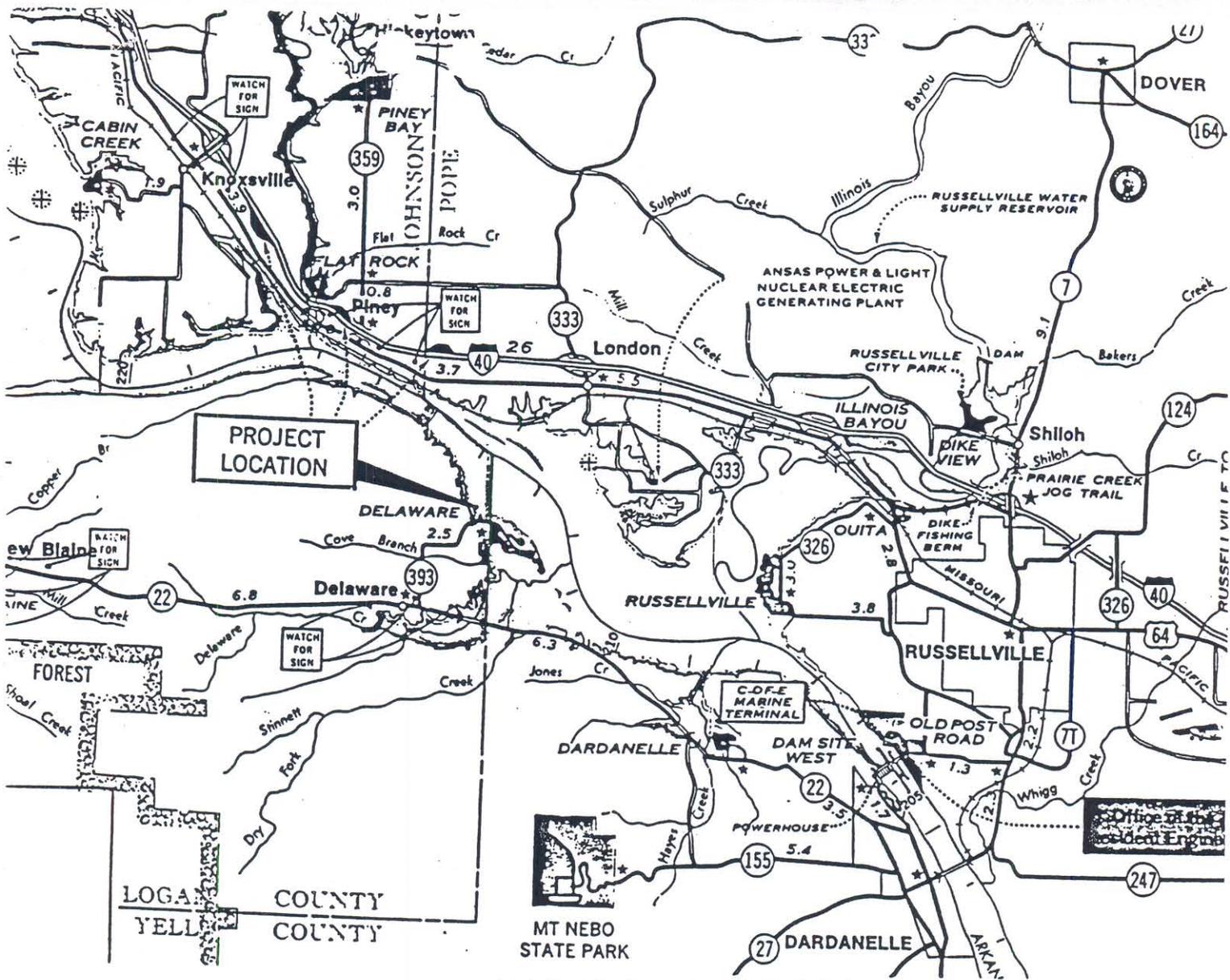
Any person may request in writing within the comment period specified in this notice that a public hearing be held to consider this general permit. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. The District Engineer will determine if the issues 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.

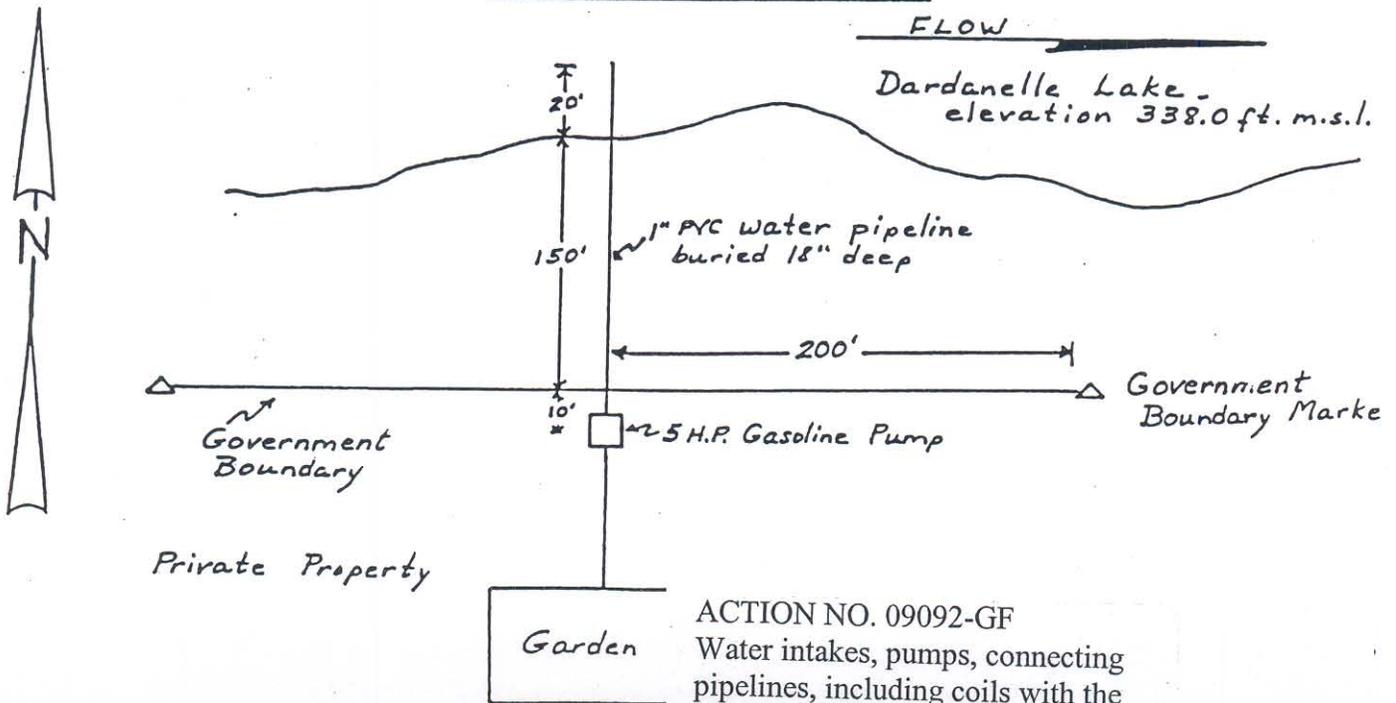


ACTION NO. 09092-GF

Water intakes, pumps, connecting pipelines, including coils, within the Little Rock District in the States of Arkansas and Missouri Sept 17 2004



SAMPLE DRAWING



ACTION NO. 09092-GF
 Water intakes, pumps, connecting pipelines, including coils with the Little Rock District in the States of Arkansas and Missouri. Sept 17, 2004 2 OF 2

PROCEDURES FOR VERIFYING AUTHORIZATION

GENERAL PERMIT - 09092-GF

FOR water intakes, pumps, and connecting water pipelines, including intakes and coils for heating and cooling systems in Navigable 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 general permit for water intakes, pumps, and connecting water pipelines, including intakes and coils for heating and cooling systems in all navigable waters of the United States within the States of Arkansas and Missouri.

Work authorized under this general permit would be limited to the construction of permanent water intakes and pumps with underground water pipelines, including intakes and pumps with heating and cooling systems, and the construction of temporary water intakes and water lines with pumps, in which the maximum withdrawal rate does not exceed one acre-foot per year or a total of 325,900 gallons per year. It authorizes the construction of berms, pads, or dikes and any incidental redeposit of fill material associated with excavation for installation of pumps and to provide submersion of the pump (See Special Condition No.8 of the permit),

This general permit is currently valid until <expiration Date> (proposed).

The following procedures must be followed to verify authorization to do work under this general permit.

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 at least 30 days prior to proposed commencement of work to the District Engineer, ATTN: CESWL-ET-WR, U.S. Army Corps of Engineers, Little Rock District, P.O. Box 867, Little Rock, Arkansas 72203-0867, or the appropriate Operations Manager for the Project Office involved, as listed below:

PROJECT OFFICE	ADDRESS
Arkansas River upstream of Murray Lock and dam	Operations Manager Russellville Project Office Corps of Engineers 1598 Lock & Dam Road Russellville, Arkansas 72802
Arkansas River downstream of Murray Lock and dam	Operations Manager Pine Bluff Resident Office Corps of Engineers 4305 Charles W. Wooden Road Pine Bluff, Arkansas 71611
Beaver	Operations Manager Beaver Project Office Corps of Engineers 2260 North 2nd Street Rogers, Arkansas 72756
Bull Shoals Norfolk	Operations Manager Mountain Home Project Office Corps of Engineers 324 West 7th Street Mountain Home, Arkansas 72653
Clearwater	Operations Manager Clearwater Project Office Corps of Engineers RR #3, Box 3559D Piedmont, Missouri 63957
Greers Ferry	Operations Manager Greers Ferry Project Office Corps of Engineers 700 Heber Springs Road North or P.O. Box 1081 Heber Springs, Arkansas 72543
Millwood Dequeen Dierks Gillham	Operations Manager Millwood-Tri Lakes Project Office 1528 Highway 32 East Ashdown, Arkansas 71822
Nimrod Blue Mountain	Operations Manager Nimrod-Blue Mountain Project Office Corps of Engineers 3 Highway 7 South Plainview, Arkansas 72857

Walnut Ridge

Northeast Regulatory Field Office
Corps of Engineers
P.O. Box 865
Walnut Ridge, Arkansas 72476-0865

Table Rock

NW Regulatory Field Office
Table Rock Project Office
Corps of Engineers
4600 State Highway 165
Branson, Missouri 65616-8980

b. Included with the submittal shall be drawings which accurately depict the work and its exact location. The type of pump and capacity, the size of water intake and water pipeline should be fully described, as well as an estimate of the gallons of water to be used each day and total of gallons per year.

c. Upon receipt of your request, the Corps of Engineers 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. 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.

d. To comply with the intent of the National Historic Preservation Act (NHPA), each proposed activity that meets the criteria in this general permit will be coordinated with our staff archaeologists in Planning Section, for review. The Corps archaeologists will (1) review the National Register of Historic Places for known historic properties, (2) review any completed archeological reconnaissances 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 general permit will be null and void.

DEPARTMENT OF THE ARMY PERMIT

General Permit: **General Permit for activities involving the construction of water intakes, pumps, and connecting water pipelines, including intakes and coils for heating and cooling systems in navigable waters of the United States within the Little Rock District in the states of Arkansas and Missouri.**

Permit No.: **09092-GF**

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 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 limited to the construction of permanent water intakes and pumps with underground water pipelines, including intakes and pumps with heating and cooling systems, and the construction of temporary water intakes and water lines with pumps, in which the maximum withdrawal rate does not exceed one acre-foot per year or a total of 325,900 gallons per year. It authorizes the construction of berms, pads, or dikes and any incidental redeposit of fill material associated with excavation for installation of pumps and to provide submersion of the pump (See Special Condition No. 8).**

An example of typical work which falls within the scope of this general permit is shown on the attached drawings.

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 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. In Missouri the primary responsibility for allocating water quantities rests with the Department of Natural Resources, Water Resource Division, P.O. Box 176, Jefferson City, Missouri 65102. Since in Missouri only major water users (those who use 100,000 gallons per day or more) are required to register water usage, you will not be required to register the water usage authorized by this general permit.**
- 2. In Arkansas the primary responsibility for allocating water quantities rest with the Arkansas Soil and Water Conservation Commission, and Arkansas State Law (Act 180 of 1969) requires the registration of surface water diversions with that agency. For purposes of this Department of the Army permit, the maximum withdrawal rate, as recommended by the Director, Arkansas Soil and Water Conservation Commission shall not exceed one acre-foot per year (325,900 gallons). However, during low stream flow conditions the Commission may allocate amounts of water withdrawal and may require you, through their authority, to reduce your withdrawal rate significantly.**
- 3. You shall perform all construction activity 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 use clean, nonpollutional material for construction.**
- 5. You shall place all excess excavated material on a non-wetland, upland site and not allow any runoff water from the disposal site to enter the waterway. Also no material will be placed on lands or flowage easements belonging to the United States without prior approval from the Corps of Engineers.**
- 6. Your facility will not be authorized in an area classified as a wetland.**
- 7. 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.**
- 8. You shall use no more than 10 cubic yards of dredged or fill material in the construction of a berm, pad, or dike for installation of a pump or to provide submersion, and shall not place the material in such a way as to block the channel or cause stream diversion.**

9. You shall perform the authorized activity in such a manner as to not cause unreasonable interference with navigation, including recreational boating.

10. You shall perform the authorized activity in such a manner as to not significantly disrupt the movement of those species of aquatic life indigenous to the water body.

11. 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.

12. If your authorized activity involves use of Government-owned land you must obtain written approval from the Chief, Real Estate Division and/or the Operations Manager at the appropriate Project Office. This General Permit will not be valid unless the appropriate easement or permit can be obtained for the use of Government-owned land. Additional conditions for the placement, construction and operation of the impacted area will be included in these documents.

13. For any intake structure authorized by this General Permit, you shall securely screen the intake pipe against the entry therein of any fish.

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 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.

Enclosure