

DEPARTMENT OF THE ARMY PERMIT

Regional General Permit: **CONSTRUCTION OF STEPS, WALKWAYS, OR FOOTBRIDGES IN ALL 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 fill 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. 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 in height.

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 all waters of the United States, excluding wetlands, 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 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.**
- 3. You shall place all excavated material on a non-wetland, upland site and not allow any runoff water or deposited material from the disposal site to enter the waterway.**

4. 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.

5. 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.

6. 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.

7. 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.

August 31, 2016

PROCEDURES FOR VERIFYING AUTHORIZATION

REGIONAL GENERAL PERMIT NO. **1984-09051-GS**

For the Construction of Steps, Walkways, or Footbridges in 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 in all waters of the United States, excluding wetlands, 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, and does not include any fill in wetlands. 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. 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 in height.

This regional general permit is currently valid until **August 31, 2021**. 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 2nd Street
Rogers, Arkansas 72726-2439

Bull Shoals
Norfork

Operations Manager
Mountain Home Project Office
Corps of Engineers
324 West 7th 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 review the National Register of Historic Places for known historic properties, and review any completed archeological reconnaissance and surveys in the affected area.

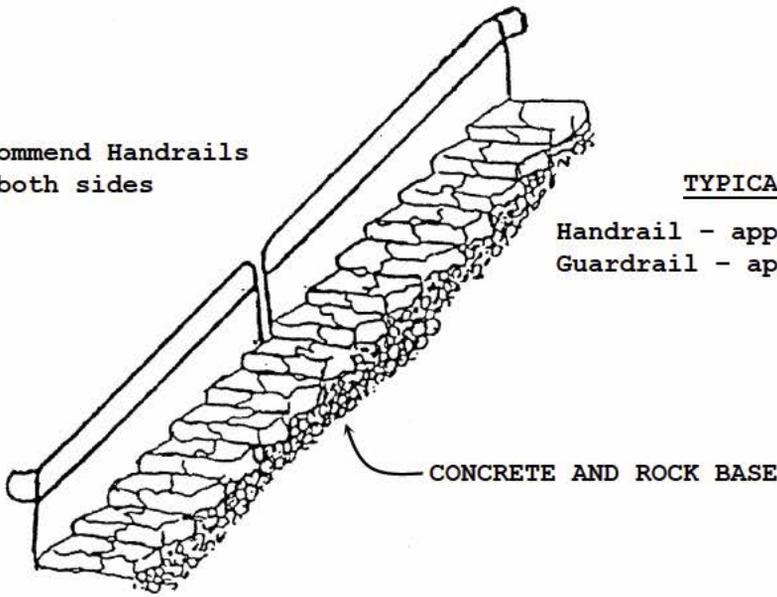
e. In areas where the United States has acquired an interest in the real estate under the jurisdiction of the Corps of Engineers, such as easements for occasional flooding, a real estate instrument will be required. Processing of the real estate instrument will begin when plans are received from you. 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).

Recommend Handrails
on both sides

TYPICAL DRAWINGS FOR STEPS

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



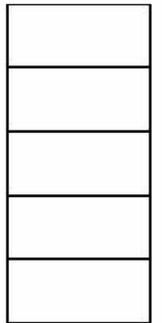
Tread depth at least 11"

Tread Riser
6" to 7"

RUNNER

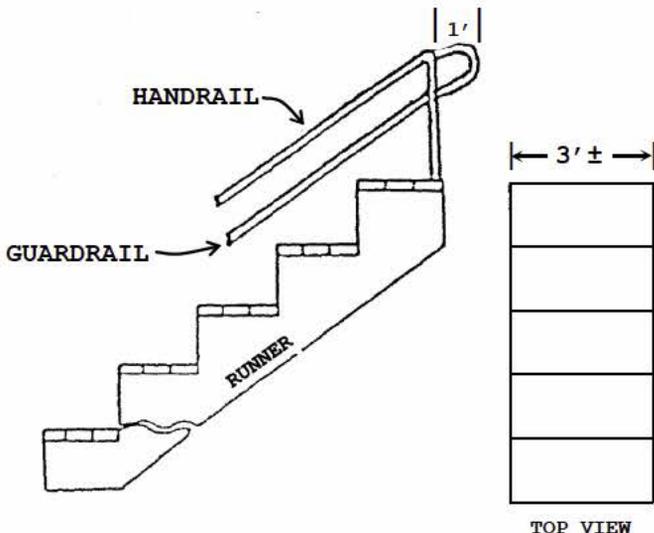
HANDRAIL
GUARDRAIL

3' ±

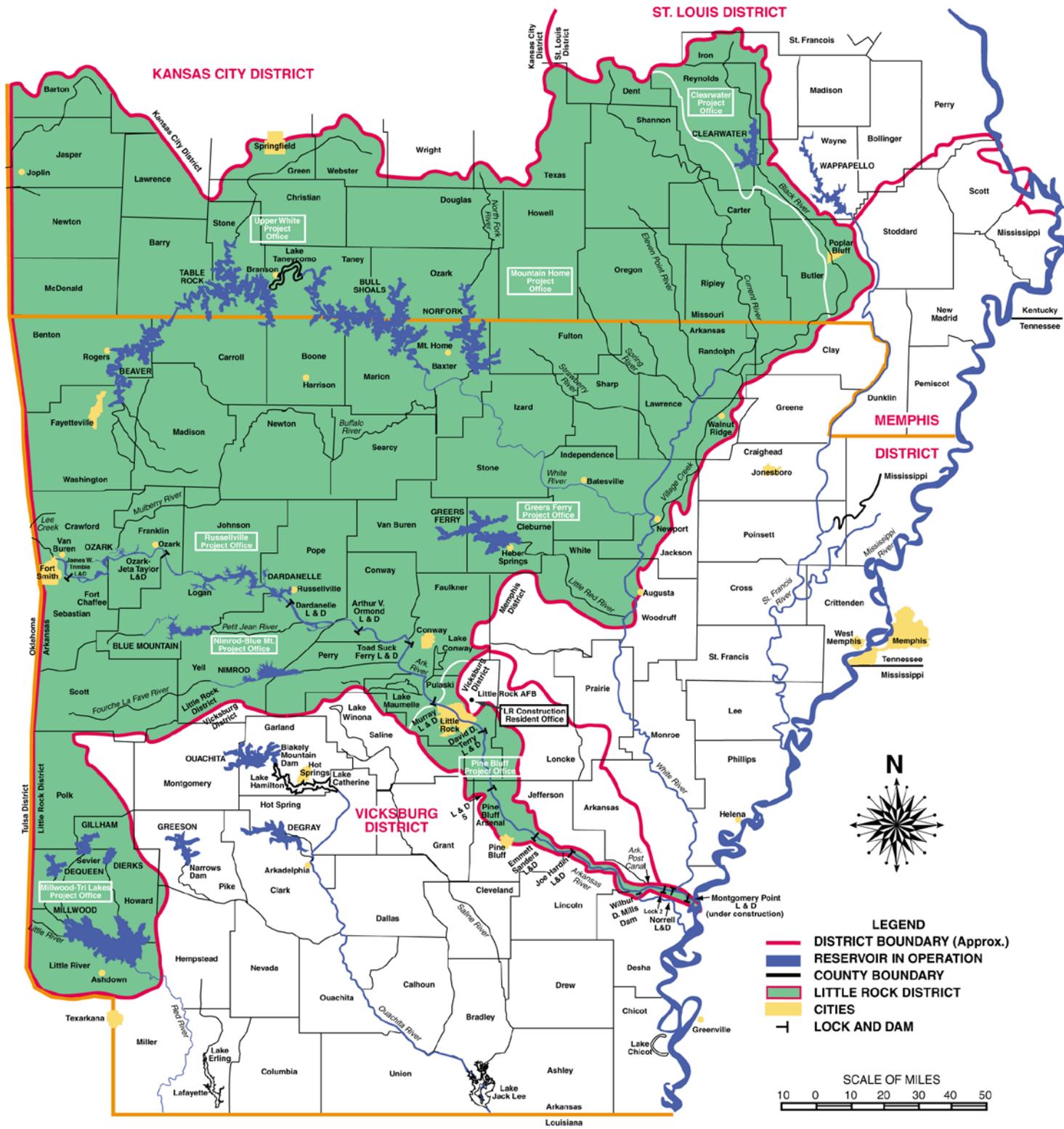


TOP VIEW

CONCRETE



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 St. Louis District

Action No. 1984-09051-GS
 Regional General Permit
 Little Rock District in Arkansas and Mississippi
STEPS, WALKWAYS, or FOOTBRIDGES
 August 2016

Sheet 2 of 2



ARKANSAS
Department of Environmental Quality

JAN 16 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: Re-issuance of General Permit 1984-09051-GS

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 the U.S. Army Corps of Engineers 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 State of Arkansas.

ADEQ has determined that there is a reasonable assurance that this activity 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 a waterbody and will not violate the water quality criteria.

Pursuant to §401(a)(1) of the Clean Water Act, the ADEQ hereby issues water quality certification for this project: **1984-09051-GS**, 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
Melissa Lombardi, U.S. Fish and Wildlife Service
Wanda Boyd, Region VI, U.S. Environmental Protection Agency

STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES

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

www.dnr.mo.gov

MAR 17 2016

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 1984-09051-GS/CEL000319

Dear Colonel Paul:

The Department of Natural Resources (DNR), Water Protection Program, 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. 1984-09051-GS in which you are proposing the reissuance of the regional general permit for an additional five years. The regional general permit would authorize 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, 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. In the interest of safety, we recommend handrails approximately 30 to 34 inches in height be added along with a guardrail approximately 24 inches high. Only clean, non-polluting structure materials shall be used. Any structure material containing chemicals that would result in violation of Missouri's Water Quality Standards shall not be used.

This WQC is being reissued under Section 401 of Public Law 95-217, The Clean Water Act of 1977 and subsequent revisions. This office certifies the proposed project 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. 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. Mr. Ken Tomlin of DNR's Public Drinking Water Branch may be contacted at (573) 526-0269 for the presence of such supplies.

2. 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 in the most current Water Quality Report (Section 305(b) Report). For convenience a table of these impaired waters is provided at the following website: http://www.nwk.usace.army.mil/Portals/29/docs/regulatory/nationwidepermits/2012/MOWQC_Con7.pdf; or
 - b. Located in or occur within two miles upstream of a designated outstanding state or national resource water.
3. Antidegradation requirements dictate all appropriate and reasonable Best Management Practices related to erosion and sediment control, project stabilization and prevention of water quality degradation are applied and maintained; for example, preserving vegetation, streambank stability and basic drainage. Applicants will be responsible for ensuring permit requirements and relevant WQC conditions are met.
4. Only clean, nonpolluting fill shall be used. The following materials are not suitable where contact with water is expected, such as for bank stabilization, and shall not be used due to their potential to cause violations of the general and numeric criteria of the Water Quality Standards:
 - a. Earthen fill, gravel, fragmented asphalt, broken concrete where the material does not meet the specifications stated in the Missouri Nationwide Permit Regional Conditions (www.nwk.usace.army.mil/Portals/29/docs/regulatory/nationwidepermits/2012/MOReg_Con.pdf), since these materials are usually not substantial enough to withstand erosive flows;
 - b. Concrete with exposed rebar;
 - c. Tires, vehicles or vehicle bodies, construction or demolition debris are solid waste and are excluded from placement in the waters of the state;
 - d. Liquid concrete, including grouted riprap, if not placed as part of an engineered structure; and
 - e. Any material containing chemicals that would result in violation of Missouri's Water Quality Standards.
5. 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.
6. The project shall not fill wetlands, jurisdictional springs or springs that have connectivity to jurisdictional waters.

7. 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 DNR's Southwest Regional Office at (417) 891-4300 or Southeast Regional Office at (573) 840-9750.
8. 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.
9. 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 DNR's Environmental Emergency Response number at (573) 634-2436.
10. Only clean, nonpolluting fill shall be used.
11. Clearing of vegetation/trees shall be the minimum necessary to accomplish the activity. A vegetated corridor shall be maintained from the high bank on either side of the jurisdictional channel to protect water quality and to provide for long-term stability of the stream channel, unless physical barriers prevent such a corridor. Lack of ownership or control of any portion of this corridor may be considered a legitimate and discretionary cause to waive this requirement on that portion.
12. 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-stream.
13. The riparian area, banks, etc., shall be restored to a stable condition to protect water quality as soon as possible. Planting should maximize the use of native, flood tolerant species to provide soil stabilization and protect water quality. Invasive, non-native species are prohibited. Seeding, mulching and needed fertilization should be within three days of final contouring. On-site inspections of these areas should be conducted as necessary to ensure successful re-vegetation and stabilization, and to ensure erosion and deposition of soil in waters of the state is not occurring from these projects.

Colonel Courtney W. Paul
Page Four

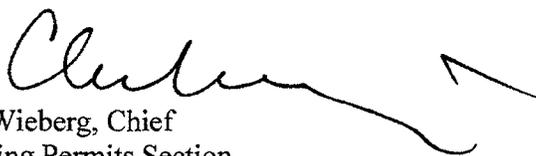
14. Representatives from DNR shall be allowed on the project property to inspect the authorized activity at any time deemed necessary by DNR to ensure compliance with the above conditions.
15. The WQC is based on the plans as submitted. Should any plan modifications occur, please contact DNR to determine 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 DNR to protect our environment.

Sincerely,

WATER PROTECTION PROGRAM


Chris Wieberg, Chief
Operating Permits Section

CW:mip

- c: Mr. Art Goodin, Southeast Regional Office
Mr. Kevin Hess, Southwest Regional Office
Mr. John Hoke, Watershed Protection Section
Mr. Rodney Kelley, U.S. Army Corps of Engineers, Little Rock District
Ms. Crystal McNeal, Southeast Regional Office
Ms. Anna Nowack, Watershed Protection Section
Ms. Tina White, Southwest Regional Office