

PUBLIC NOTICE



**US Army Corps
of Engineers
Little Rock District**

Permit No. GP-45

Issue Date: September 29, 2020

STATE OF MISSOURI
ISSUANCE OF REGIONAL GENERAL PERMIT 45 (GP-45)
MAINTENANCE OF MAN-MADE LAKES AND PONDS

The U.S. Army Corps of Engineers, Little Rock District, **HAS ISSUED GP-45**, authorizing the discharge of dredged or fill material associated with activities designed to improve water quality, improve fish and wildlife habitat, maintain recreational value, and extend the lifespan of man-made lakes and ponds. This permit authorizes the removal and discharge of lakebed/pond sediment in conjunction with mechanical dredging, hydraulic dredging (including return water from such activities) and excavation activities. The use of standard construction equipment to remove accumulated sediment is authorized by this permit. The dredged/excavated material may be used in the construction of jetties/breakwaters, shoreline stabilization structures, fish and wildlife habitat improvement structures and other similar activities. This regional general permit is issued under the authority of Section 404 of the Clean Water Act (33 USC 1344). It does not obviate the need for project proponents to obtain other Federal, state, or local authorizations.

DURATION OF THE GENERAL PERMIT: The GP-45 has been issued and is in effect for a period of five years from the issue date listed above (September 29, 2020), unless it is specifically modified, suspended, or revoked prior to the expiration date. Upon its expiration, GP-45 will be considered for renewal. The GP-45 may be modified, suspended or revoked, in whole or in part, at any time if it is determined that the cumulative effects of the activities authorized by GP-45 have a significant environmental impact or is otherwise determined contrary to the public interest.

APPLICANT: General public, government agencies

PROJECT LOCATION: All Counties in Missouri – Man-made lakes and ponds in the State of Missouri, lakeward of the ordinary high water mark (OHWM). The Lake of the Ozarks, and locations in or occurring within two miles upstream of a designated outstanding state or national resource water pursuant to Missouri 10 CSR 20-7.031, are excluded from GP-45. Discharges in other Waters of the United States are not authorized by GP-45.

AUTHORITY: Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 USC 1344).

ACTIVITY: GP-45 authorizes the discharge of dredged or fill material associated with activities designed to improve water quality, improve fish and wildlife habitat, maintain recreational value, and extend the lifespan of man-made lakes and ponds. This permit authorizes the removal and discharge of lakebed/pond sediment in conjunction with mechanical dredging, hydraulic dredging (including return water from such activities) and excavation activities. The use of standard construction equipment to remove accumulated sediment is authorized by this permit. The dredged/excavated material may be used in the construction of jetties/breakwaters, shoreline stabilization structures, fish and wildlife habitat improvement structures and other similar activities. Fill material from off-site locations shall only be used as long as the fill material is determined to be suitable material by the Corps. The original depths, elevations, contours and size of the water body shall not be exceeded as a result of the sediment removal process. Dredged or excavated material must be disposed of in an upland area, a previously authorized disposal area or as described in the “Authorized Uses of Dredged/Excavated Material” section of this permit. All material must be stabilized where it cannot be introduced into the water body or any adjacent wetland as a result of runoff, flooding, wind, or other natural forces. GP-45 will also authorize the construction of jetties, breakwaters, hard points, bank stabilization, temporary sediment basins or similar features designed to attenuate wave action not associated with sediment removal. This permit will only be used to authorize regulated activities in existing man-made lakes and ponds located in jurisdictional Waters of the United States. This permit does not apply to lacustrine systems that have wholly converted to a palustrine system due to lack of maintenance and/or abandonment. This permit shall be used to authorize a project that results in an overall net benefit and does not result in a more than minimal impact to the aquatic environment.

NOTIFICATION PROCEDURES: All activities authorized by this General Permit require written pre-construction notification (PCN) to the Corps of Engineers. The written notification shall include a completed application form ENG 4345, or equivalent information, location map and detailed drawings. Copies of ENG Form 4345, instructions or assistance may be obtained by downloading at: <http://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Obtain-a-Permit/> or may be obtained by writing or calling the Little Rock District Corps of Engineers, Regulatory Division, P.O. Box 867, Little Rock, Arkansas 72203-0867, telephone: 501-324-5295, or email: CESWL-Regulatory@usace.army.mil.

SECTION 401 WATER QUALITY CERTIFICATION: The Missouri Department of Natural Resources (MDNR), Water Protection Program, has issued programmatic Section 401 Water Quality Certifications for GP-45. The conditions of this certification are conditions of GP-45.

ADDITIONAL INFORMATION: Additional information about GP-45 may be obtained by contacting Rocky Presley, Branson Regulatory Field Office, 4600 Highway 165, Branson, Missouri 65616, at (501) 340-1390 or via email at rocky.l.presley@usace.army.mil. All comments to this public notice should be directed to the above address.



DEPARTMENT OF THE ARMY PERMIT

Permittee: General Public, Government Agencies

Permit No. GP 45 (Maintenance of Man-Made Lakes and Ponds)

Issuing Office: U.S. Army Engineer District, Little Rock

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. 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: This Regional General Permit (RGP) authorizes the discharge of dredged or fill material associated with activities designed to improve water quality, improve fish and wildlife habitat, maintain recreational value, and extend the lifespan of man-made lakes and ponds. This permit authorizes the removal and discharge of lakebed/pond sediment in conjunction with mechanical dredging, hydraulic dredging (including return water from such activities) and excavation activities. The use of standard construction equipment to remove accumulated sediment is authorized by this permit. The dredged/excavated material may be used in the construction of jetties/breakwaters, shoreline stabilization structures, fish and wildlife habitat improvement structures and other similar activities. Fill material from off-site locations shall only be used as long as the fill material is determined to be suitable material by the Corps. The original depths, elevations, contours and size of the water body shall not be exceeded as a result of the sediment removal process. Dredged or excavated material must be disposed of in an upland area, a previously authorized disposal area or as described in the "Authorized Uses of Dredged/Excavated Material" section of this permit. All material must be stabilized where it cannot be introduced into the water body or any adjacent wetland as a result of runoff, flooding, wind, or other natural forces. This RGP will also authorize the construction of jetties, breakwaters, hard points, bank stabilization, temporary sediment basins or similar features designed to attenuate wave action not associated with sediment removal. This permit will only be used to authorize regulated activities in existing man-made lakes and ponds located in jurisdictional Waters of the United States. This permit does not apply to lacustrine systems that have wholly converted to a palustrine system due to lack of maintenance and/or abandonment. This permit shall be used to authorize a project that results in an overall net benefit and does not result in a more than minimal impact to the aquatic environment.

Authorized Uses of Dredged/Excavated Material:

1. Authorized uses of dredged/excavated material within "Waters of the United States" is limited to the boundary established by the ordinary high water mark (OHWM) of the impoundment from which it was removed.
2. The dredged/excavated material may be used to re-build eroded bank lines, provided the toe of the new slope does not exceed that of the original bank toe. The discharged material must be armored or appropriately stabilized to prevent the dredged/excavated material from re-entering the water body. Alternatively, these structures may be constructed entirely of riprap. The slope of re-shaped or armored banks may vary from 1(h):1(v) to 10(h):1(v).
3. The dredged/excavated material may be used as the foundation/core of jetties, breakwaters, seawalls, hard points, or similar features that attenuate wave action. The discharged material must be armored or appropriately stabilized to prevent the dredged/excavated material from re-entering the water body. Alternatively, these structures may be constructed entirely of riprap. Breakwater structures will be limited to 400-foot length, 15-foot top widths, heights varying between 3 and 20 feet and side slopes varying from 1(h):1(v) to 6(h):1(v).

4. The dredged/excavated material may be used to construct temporary structures such as coffer dams, causeways, work platforms or similar features. The temporary structures must be armored or appropriately stabilized to prevent the dredged/excavated material from re-entering the water body. Immediately upon the completion of the construction activity, all temporary fill material shall be removed in its entirety from Waters of the United States, placed in an upland area or previously approved disposal area and stabilized such that it cannot re-enter the water body. The area in which the temporary structure was placed shall be restored to its pre-construction condition. Additionally, a cultural resource assessment may be required if ground disturbance is proposed in the construction/removal of the temporary sediment basin.

5. The dredged/excavated material may be used for other similar activities and structures on a case-by-case basis.

Preconstruction Notification Procedures (PCN): Permit applicants must notify the Little Rock District Regulatory Program to receive authorization under this RGP. The notification must include:

1. A completed application form ENG 4345, or equivalent information. Copies of ENG Form 4345, instructions or assistance may be obtained by writing or calling the Little Rock District, Corps of Engineers, or by downloading at: <http://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Obtain-a-Permit/>
2. A clearly marked site location map.
3. Detailed drawings (plan and cross-sectional views of each work area), and sufficient information to determine if the proposed work conforms to the criteria and conditions of the RGP, including a wetland delineation, if necessary.
4. A description of any known, unsafe contaminants occurring within the dredged or fill material that is part of the overall project. An individual Section 401 Clean Water Act Water Quality Certification (401 WQC) is required if contaminants are known or suspected to exist within the dredged or fill material.
5. Proposed vegetation clearing limits must be identified on a current aerial image with specific dimensions.
6. If the activity occurs within the proximity of any water supply intake, except where the activity is for the repair or improvement of public water supply intake structures, then you must identify in the PCN the locations and stakeholders for each water supply intake structure. Written permission must be obtained by the water supplier, and provided to the Corps, before the authorized project may commence.

Other Information:

1. Project-specific special conditions may be incorporated into project-specific permits to further minimize impacts.
2. No activity associated with an environmental remediation activity is authorized under this RGP.
3. Generally, compensatory mitigation will not be required for impacts to wetlands formed as a result of erosion or sedimentation. If other special aquatic sites are impacted, compensatory mitigation will be determined on a case-by-case basis.

Project Location: All Counties in Missouri – Man-made lakes and ponds in the State of Missouri, lakeward of the OHWM. The Lake of the Ozarks, and locations in or occurring within two miles upstream of a designated outstanding state or national resource water pursuant to Missouri 10 CSR 20-7.031, are excluded from use of this RGP. Discharges in other Waters of the United States are not authorized by this RGP.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on five years from the date of issuance. For individually authorized projects where notification is required, the work is authorized for two years from the date of permit verification received from the Corps of Engineers. If you find that you need more time to complete the authorized activity when notification is required, 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 permit in conformance with the terms and conditions of this 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 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 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 permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. A Missouri Department of Natural Resources (MDNR) Clean Water Act Section 401 Water Quality Certification has been conditionally issued for this RGP, except in those cases where contaminants are known or suspected in the dredged or fill material of the overall project. You must comply with the terms and conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached.
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 your permit.
7. Dredged material disposal sites must be approved by the Corps prior to use.

Special Conditions:

See continuation sheets, pages 6 and 7, of this document.

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.C. 403).
 Section 404 of the Clean Water Act (33 U.S.C. 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 permit does not obviate the need to obtain other Federal, state, or local authorization required by law.
 - b. This permit does not grant any property rights or exclusive privileges.

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

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

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

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that verification of this RGP is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this RGP 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 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 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 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 established a time limit for the completion of the activity by this 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.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit (GP 45).

GENERAL PUBLIC – SIGNATURE NOT REQUIRED
(PERMITTEE)

(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

CHITWOOD.SARA Digitally signed by
H.L.1249359609 CHITWOOD.SARAH.L.124935960
9
Date: 2020.09.28 13:10:20 -05'00'

29 September 2020

(DATE)

Eric M. Noe, PMP
Colonel, US Army
SWL District Engineer
BY: Sarah Chitwood
Chief, SWL Regulatory Division

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE)

(DATE)

Special Conditions:

- a. You must sign and return a "Compliance Certification" after you complete the authorized work and any required mitigation. Your signature will certify that you completed the work in accordance with this permit, including general and special conditions, and any required mitigation.
- b. Dredged or excavated material must be disposed of in an upland, a previously authorized disposal area or as described in the "Authorized Uses of Dredged/Excavated Material" section of this permit. All material must be stabilized were it cannot be introduced into the water body or any adjacent wetland as a result of runoff, flooding, wind, or other natural forces.
- c. If the activity includes piling dredged material on land, the applicant may need a Clean Water Act (CWA) Section 402 National Pollution Discharge Elimination System general permit from the Missouri Department of Natural Resources for return water and stormwater from the dredged material. It is recommended you contact MDNR to obtain information regarding CWA Section 402 permit requirements. MDNR can be reached at their Central Field Operations Office at (573) 522-3322, Kansas City Regional Office at (816) 251-0700, Northeast Regional Office at (660) 385-8000, Southeast Regional Office at (573) 840-9750, Southwest Regional Office at (417) 891-4300, or St. Louis Regional Office at (314) 416-2960.
- d. The following materials are not suitable for fill activities in waters of the United States: vehicle bodies, construction or demolition debris other than concrete rubble as described in Special Condition (j) asphalt in any form, garbage, tires, liquid concrete not poured into forms, grouted riprap, bagged cement and sewage or organic waste. Treated lumber products that do not comply with the Registration Documents issued by the USEPA under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) and that are not in accordance with standards issued by American Wood Protection Association or the International Code Council, are not considered suitable material. Additional information on treated lumber products may be found at: <https://www.epa.gov/ingredients-used-pesticide-products/overview-wood-preservative-chemicals>
- e. You must excavate, dredge and/or fill in the watercourse in a manner that will minimize the amount of suspended solids and turbidity which may degrade water quality and damage aquatic life outside the immediate area of operation.
- f. You must immediately remove and properly dispose of all debris during every phase of the project in order to prevent the accumulation of unsightly, deleterious and/or toxic materials in or near the water body.
- g. You must not dispose of any construction debris or waste materials below the ordinary high water mark of any water body, in a wetland area, or at any location where the materials could be introduced into the water body or an adjacent wetland as a result of runoff, flooding, wind, or other natural forces.
- h. You must store all construction materials, equipment, and/or petroleum products, when not in use, above anticipated high-water levels.
- i. You must use only graded rock, quarry-run rock and/or clean concrete rubble for riprap. The material must be reasonably well graded, consisting of pieces varying in size from 20 pounds up to and including at least 150-pound pieces. Generally, the maximum weight of any piece should not be more than 500 pounds. Gravel and dirt should not exceed 15% of the total fill volume. If you use concrete rubble, you must break all large slabs to conform to the well graded requirement, and remove all exposed reinforcement rods, trash, asphalt, and other extraneous materials before you place the rubble in the water of the United States.
- j. In addition to the requirements of General Condition 3, if any funerary objects or human remains are unearthed at any time during the course of this authorized work, you must halt construction activities and notify the Corps of Engineers at 501-324-5295 immediately.

Special Conditions cont.:

k. For all vegetative planting you must not plant any plant species listed at:

<https://usace.contentdm.oclc.org/utis/getfile/collection/p16021coll11/id/2655>. These species must not be used for revegetation unless waived in writing by the District Engineer based on a case specific analysis of the revegetation plan. Best management practices should be used to reduce the risk of transferring invasive plant and animal species to or from the project site. Known zebra mussel waters within Missouri and information on control methods can be found at <https://huntfish.mdc.mo.gov/sites/default/files/downloads/page/ZebraMusselMap.pdf> and <https://mdc.mo.gov/wildlife/nuisance-problem-species/invasive-species/zebra-mussel-control>

l. Verification of this RGP may come with additional site-specific conditions and you must comply with those site-specific conditions identified in the RGP verification letter.

m. This RGP does not authorize any activity that would conflict with a Corps civil works project's congressionally authorized purposes, established limitations or restrictions, or limit an agency's ability to conduct necessary operation and maintenance functions. Per Section 14 of the Rivers and Harbors Act of 1899, as amended (33 U.S.C. 408), no project that has the potential to take possession of or make use of for any purpose, or build upon, alter, deface, destroy, move, injure, or obstruct a Corps civil works constructed work or project, including, but not limited to, levees, dams, jetties, navigation channels, borrow areas, dredged material disposal sites, flood control projects, etc., shall be permitted unless the project has been reviewed and approved by the appropriate Corps approval authority. If the proposed activity has the potential to modify or conflict with a Corps civil works authorized project, the permittee must submit the information described in the "Notification Procedures". Permittees shall not begin the activity until notified by the Corps that the activity may proceed under the general permit.

n. No activity is authorized under this RGP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized which "may effect" a listed species or critical habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed.

o. No activity which may affect historic properties listed or eligible for listing, in the National Register of Historic Places is authorized by GP-45 until the District Engineer has complied with the provisions of 33 CFR part 325, Appendix C (or amended regulations). The Corps will check the National Register of Historic Places and the Federal Register, along with other databases, for every PCN request received and considered for authorization under the GP-45 to determine if any properties listed or proposed for listing in the National Register would be impacted by the project. Should any such properties be identified, the Corps will coordinate with the Missouri SHPO and comply with the provisions of 33 CFR part 325, Appendix C (or amended regulations).

COMPLIANCE CERTIFICATION

Special condition "a" of this permit document requires that you submit a signed certification regarding the completed work and any required mitigation. This certification page satisfies this condition if it is provided to the Little Rock District at the address shown at the bottom of this page upon completion of the project.

APPLICATION NUMBER: ENTER PERMIT NUMBER

APPLICANT: ENTER APPLICANT NAME
ADDRESS

PROJECT LOCATION: ENTER LOCATION DESCRIPTION

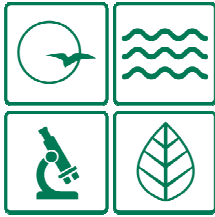
- a. I certify that the authorized work was done in accordance with the Corps authorization, including any general or specific conditions.
- b. I certify that any required mitigation was completed in accordance with the permit conditions.
- c. Your signature below, as permittee, indicates that you have completed the authorized project as certified in paragraphs a and b above.

(PERMITTEE)

(DATE)

Return this certification to:

U.S. Army Corps of Engineers, Little Rock
ATTENTION: CESWL-RD
PO Box 867
Little Rock, Arkansas 72203-0867



Missouri Department of dnr.mo.gov

NATURAL RESOURCES

Michael L. Parson, Governor

Carol S. Comer, Director

September 15, 2020

Colonel William C. Hannah, Jr.
Kansas City District
U.S. Army Corps of Engineers
635 Federal Building, Suite 402
Kansas City, MO 64106-2896

RE: U.S. Army Corps of Engineers, Kansas City District, GP-45/NWK-2020-00282;
SWL-2020-00137; MVS-2020-00194; MVM-2020-00146; MVR-2020-00566 in Multiple
Counties

Dear Colonel William C. Hannah, Jr.:

The Missouri Department of Natural Resources' Water Protection Program has reviewed your request for Clean Water Act (CWA) Section 401 Water Quality Certification (WQC) to accompany the U.S. Army Corps of Engineers' (USACE) Permit for GP-45/NWK-2020-00282; SWL-2020-00137; MVS-2020-00194; MVM-2020-00146; MVR-2020-00566 in which you are proposing to issue a Regional General Permit (RGP) which would authorize the maintenance of man-made lakes and ponds.

Permitted activities involve mechanical or hydraulic dredging for sediment removal, construction of wave attenuation structures, shoreline stabilization, and fish and wildlife habitat improvement. The permit does not allow sediment removal beyond original depths, elevations, contours, and size and does not apply to lacustrine systems that have wholly converted to a palustrine system due to lack of maintenance and/or abandonment.

This RGP will apply lakeward of the ordinary high water mark in existing, man-made lakes and ponds in all counties within the state of Missouri excluding the Lake of the Ozarks and locations in or occurring within two miles upstream of a designated outstanding national or state resource water pursuant to Missouri 10 CSR 20-7.031(3)(C).

This WQC is being issued under Section 401 of Public Law 95-217, the CWA 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. This WQC applies only to sediment removal activities to return water bodies to original depths, elevations, and contours. Uses of dredged material not specifically authorized in the

RGP shall require notification to the Department. The Department shall respond within 15 days whether or not individual WQC will be required. This will ensure compliance with the Missouri Water Quality Standards general criterion requiring waters to be free from physical, chemical, or hydrologic changes that would impair the natural biological community [10 CSR 20-7.031(4)(G)].

2. Notification to the Department is required for any NWP issued on a water that is listed for a sediment-related impairment, pollutant contamination, aquatic habitat alteration, channelization, or unknown impairment as listed in the most current Water Quality Report (Section 305(b) Report) at <http://dnr.mo.gov/env/wpp/waterquality/303d/303d.htm>.

The Department shall review the proposed project and respond within 15 days whether or not individual WQC will be required. This will ensure compliance with the Missouri Water Quality Standards antidegradation requirements for maintenance and protection of designated uses [10 CSR 20-7.031(3)].

To determine the location of the waters provided above, the Department's geospatial data is available upon request, and all published data is available on the Missouri Spatial Data Information Services website at msdis.missouri.edu/. Additional information to identify the project location, including stream reaches with listed impairments or special water designations, may be obtained from the Department's Water Protection Program at 573-522-4502.

3. Any waiver of RGP requirements by the USACE for a proposed project shall require notification to the Department. The Department shall review the proposed project and any waived requirements and respond within 15 days whether or not individual WQC will be required. This condition ensures compliance with the Missouri Water Quality Standards antidegradation requirements for maintenance and protection of designated uses [10 CSR 20-7.031(3)].
4. After avoidance and minimization for the proposed project, all unavoidable, adverse impacts shall be mitigated appropriately based on type and extent of impacts to ensure compliance with the Missouri Water Quality Standards antidegradation requirement for maintenance and protection of designated uses [10 CSR 20-7.031(3)] and Missouri Clean Water Law, which provides the Department authority to adopt remedial measures to prevent, control, or abate pollution [Chapter 644.026.1(9), RSMo] and approval authority for compensatory mitigation associated with WQCs [Chapter 644.026.1(26), RSMo]. Unless the Department agrees to an alternative, mitigation for loss of aquatic resources shall be in conformance with compensatory mitigation guidance currently approved for use in Missouri unless the Department agrees to an alternative. Compensatory mitigation shall be within the state of Missouri. The project proponent shall comply with the higher value of compensatory

mitigation required by either the Department or the USACE, but not both unless explicitly noted. Mitigation guidance documents can be located online at www.nwk.usace.army.mil/Missions/RegulatoryBranch/StateofMissouri.

5. Water supply intakes or other activities, which may be affected by suspended solids and turbidity increases caused by work in the watercourse, shall be investigated and sufficient notice given to the owners to allow preparation for any changes in water quality. The Department's Water Protection Program's Public Drinking Water Branch may be contacted by phone at 573-526-0269 for the presence of such supplies. This condition will ensure compliance with Missouri Safe Drinking Water Law [Chapter 640.100.1, RSMo].
6. Acquisition of a WQC shall not be construed or interpreted to imply the requirements for other permits are replaced or superseded, including CWA Section 402 National Pollutant Discharge Elimination System Permits required under Missouri Clean Water Law [Chapter 644.026.1, RSMo]. Permits or any other requirements shall remain in effect. If the activity includes piling dredged material on land, the applicant may need a general permit for return water and stormwater from the dredged material. Information regarding permit requirements and applications may be directed to the Department's Operating Permits Section by phone at 573-522-4502, Northeast Regional Office by phone at 660-385-8000, Kansas City Regional Office by phone at 816-251-0700, St. Louis Regional Office by phone at 314-416-2960, Southwest Regional Office by phone at 417-891-4300, or Southeast Regional Office by phone at 573-840-9750.
7. Land disturbance activities disturbing one or more acres of total area for the entire project or less than one acre for sites that are part of a common promotional plan of development may require a stormwater permit. This will ensure compliance with CWA Section 402 National Pollutant Discharge Elimination System Permit requirements under Missouri Clean Water Law [Chapter 644.026.1, RSMo]. Instructions on how to apply for and receive the online land disturbance permit are located at www.dnr.mo.gov/env/wpp/epermit/help.htm. Questions regarding permit requirements may be directed to the Department's Land Disturbance phone line at 573-526-2082 or toll free at 855-789-3889.
8. Many communities are covered under Municipal Separate Storm Sewer System Permits with measures to control and possibly treat stormwater. The project proponent shall comply with all stormwater requirements of any appropriate community's Stormwater Management Plan and any related ordinances. This is to ensure compliance with CWA Section 402 National Pollutant Discharge Elimination System Permit requirements under Missouri Clean Water Law [Chapter 644.026.1, RSMo].
9. The project proponent shall not dispose of dredged materials, waste materials, water, or garbage below the ordinary high water mark of any other water body, in a wetland area, or at any location where the materials could be introduced into the water body or an adjacent wetland as a result of runoff, flooding, wind, or other natural forces. This will ensure

compliance with the Missouri Water Quality Standards antidegradation requirements for maintenance and protection of designated uses [10 CSR 20-7.031(3)].

10. No project shall not contribute to erosion of shoreline within the proposed water body or streambanks upstream and/or downstream of the water body. Only changes intended within the scope of the RGP are allowable. This will ensure compliance with the Missouri Water Quality Standards general criterion requiring waters to be free from physical, chemical, or hydrologic changes that would impair the natural biological community [10 CSR 20-7.031(4)(G)].
11. Aside from dredged materials, only clean, nonpolluting fill shall be used. Dredged materials shall be properly armored when used as fill material where erosion may occur. The following materials are not suitable where contact with water is expected and shall not be used due to their potential to cause violations of the general criteria of Missouri's Water Quality Standards [10 CSR 20-7.031(4)(A)-(H)]:
 - a. Earthen fill, gravel, and broken concrete where the material does not meet the Suitable Material specifications stated in the "Missouri Nationwide Permit Regional Conditions" (<https://usace.contentdm.oclc.org/digital/collection/p16021coll11/id/2662/>) in locations where erosive flows are expected to occur on a regular basis, such as streambanks and/or lake shorelines.
 - b. Fragmented asphalt.
 - c. Concrete with exposed rebar.
 - d. Tires, vehicles or vehicle bodies, and construction or demolition debris are solid waste and are excluded from placement in the waters of the state.
 - e. Liquid concrete, including grouted riprap, if not placed in forms as part of an engineered structure.
 - f. Any material containing chemicals that would result in violation of Missouri Water Quality Standards general criteria [10 CSR 20-7.031(4)] or specific criteria [10 CSR 20-7.031(5)].
12. Waste concrete or concrete rinsate shall be disposed of in a manner that does not result in any discharge to any jurisdictional water ways. This will ensure compliance with the Missouri Water Quality Standards general criteria requiring waters be free from unsightly bottom deposits [10 CSR 20-7.031(4)(A)]; substances resulting in toxicity [10 CSR 20-7.031(4)(D)]; and physical, chemical, or hydrologic changes that would impair the natural biological community [10 CSR 20-7.031(4)(G)].
13. Temporary fills shall be removed promptly and the fill site restored immediately following construction. This will ensure compliance with the Missouri Water Quality Standards antidegradation requirements for maintenance and protection of designated uses [10 CSR 20-7.031(3)].

14. For projects that may impact aquatic resources, Missouri Water Quality Standards antidegradation requirements dictate all appropriate and reasonable Best Management Practices (BMPs) related to erosion and sediment control, project stabilization, and prevention of water quality degradation are applied and maintained [10 CSR 20-7.031(3)(B)]; for example, preserving vegetation, streambank stability, and basic drainage. BMPs shall be properly installed prior to conducting authorized activities and maintained, repaired and/or replaced as needed 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 project activities so as to comply with Missouri's general water quality criteria [10 CSR 20-7.031(4)].
15. Dredging shall be performed in a way that minimizes the duration and amount of any disturbance to shorelines, substrate, and vegetation to prevent increases in turbidity. Clearing of vegetation and trees shall be the minimum necessary to accomplish the activity except for the removal of invasive or noxious species and placement of ecologically beneficial practices. Project activity shall be conducted at low water levels to limit the amount of sediment disturbance caused by dredging equipment. This will ensure compliance with the Missouri Water Quality Standards antidegradation requirement for BMPs [10 CSR 20-7.031(3)(B)] and Missouri Water Quality Standards general criteria requiring waters be free from substances preventing beneficial uses [10 CSR 20-7.031(3)(A)]; substances causing unsightly color or turbidity [10 CSR 20-7.031(4)(C)]; and physical, chemical, or hydrologic changes that would impair the natural biological community [10 CSR 20-7.031(4)(G)].
16. Disturbed areas shall be restored to a stable condition to protect water quality as soon as possible. Seeding, mulching, and needed fertilization should be within three days of final contouring. To ensure erosion and deposition of soil in waters of the state are not occurring from this project, onsite inspections of these areas should be conducted as necessary to ensure successful revegetation and stabilization. This will ensure compliance with Missouri antidegradation requirements regarding BMPs [10 CSR 20-7.031(3)(B)].
17. Care shall be taken to keep machinery out of the water way as much as possible. If work in the water way is unavoidable, it shall be performed in a way that minimizes the duration and amount of any disturbance to banks, substrate, and vegetation to prevent increases in turbidity. Project activity shall be conducted at low flows and water levels to limit the amount of sediment disturbance caused by the heavy equipment. This will ensure compliance with the Missouri Water Quality Standards antidegradation requirement for BMPs [10 CSR 20-7.031(3)(B)] and Missouri Water Quality Standards general criteria requiring waters be free from substances preventing beneficial uses [10 CSR 20-7.031(3)(A)]; substances causing unsightly color or turbidity [10 CSR 20-7.031(4)(C)]; and physical, chemical, or hydrologic changes that would impair the natural biological community [10 CSR 20-7.031(4)(G)].

18. All efforts shall be made to minimize exposure of unprotected soils. To the best of the applicant's ability, project activity shall be conducted at times of little or no rainfall to limit the amount of overland flow and sediment disturbance caused by heavy equipment. This will ensure compliance with Missouri antidegradation requirements for BMPs [10 CSR 20-7.031(3)(B)].
19. 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 flood-prone areas 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. This will ensure compliance with Missouri Water Quality Standards general criteria requiring waters be free from substances that prevent maintenance of beneficial uses; cause unsightly color, turbidity, or toxicity; and/or impair the natural biological community [10 CSR 20-7.031(4)(B)-(G)].
20. Petroleum products spilled into any water or on the banks where the material may enter waters of the state shall be cleaned up immediately and disposed of properly. Any such spills of petroleum shall be reported as soon as possible, but no later than 24 hours after discovery to the Department's Environmental Emergency Response phone line at 573-634-2436 or website at <http://dnr.mo.gov/env/esp/esp-eer.htm>. This will ensure compliance with Missouri Environmental Improvement Authority [Chapter 260.015, RSMo] to provide for the conservation of state air, land, and water resources by the prevention of pollution and proper methods of disposal and Missouri Water Quality Standards general criteria requiring waters be free from substances that prevent maintenance of beneficial uses; cause unsightly color, turbidity, or toxicity; and/or impair the natural biological community [10 CSR 20-7.031(4)(B)-(G)].

An issued WQC becomes part of and expires with the RGP. Consultation with the Department is required should the RGP require modification. Not all permit modifications require the WQC to be modified or reissued. For example, when a permit expiration date is extended or the permit is reissued and there are no changes to the original project or Water Quality Standards [10 CSR 20-7.031], the WQC may remain valid for that project.

If you were adversely affected by this decision, you may be entitled to an appeal before the Administrative Hearing Commission (AHC) pursuant to Section 621.250, RSMo. 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. Contact information for the AHC is: Administrative Hearing Commission, United States Post Office Building, Third Floor, 131 West High Street, P.O. Box 1557, Jefferson City, MO 65102; phone: 573-751-2422; fax: 573-751-5018; and website: www.oa.mo.gov/ahc.

Colonel William C. Hannah, Jr.
Page 7

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 Mike Irwin by mail at Department of Natural Resources, Water Protection Program, P.O. Box 176, Jefferson City, MO 65102-0176; by phone at 573-522-1131; and by email at mike.irwin@dnr.mo.gov. Thank you for working with the Department to protect our aquatic resources.

Sincerely,

WATER PROTECTION PROGRAM

Chris Wieberg
Director

CW:mip

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