PUBLIC NOTICE

US Army Corps of Engineers St. Louis District

Permit No. GP-4

STATE OF MISSOURI

Reissuance of General Permit for
Private Boat Docks, Associated Dock Structures and Minor Discharges in the
Missouri River, Mississippi River, Meramec River, Femme Osage & Salt River
Within St. Louis District Regulatory Boundaries

The U.S. Army Corps of Engineers, St. Louis District **HAS ISSUED** general permit CEMVS-GP-4 for construction, placement and maintenance of small fixed or floating boat docks, associated dock structures, and minor discharges up to 25 cubic yards, including excavation within the navigable and historically navigable rivers in the State of Missouri, within the St. Louis District, under the authority of Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) and Section 404 of the Clean Water Act (33 USC 1344).

Duration of this General Permit. The general permit has been issued and is in effect for five (5) years from the date of this notice, unless revoked or specifically extended.

Notification Procedures.

Corps of Engineers: The permit applicant must notify the District Engineer, St. Louis District, for authorization of this general permit. The notification must include detailed drawings and sufficient information to determine if the proposed work conforms to the criteria and conditions of the general permit. Department of the Army (DA) permit application (ENG Form 4345) may be used for this purpose and is available to download at:
http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/ObtainaPermit.aspx.

You may also request a copy of the DA application form from our office at U.S. Army Corps of Engineers, Regulatory Branch (OD-F), 1222 Spruce Street, St. Louis, Missouri 63103-2833; telephone (314) 331-8575.

If the Corps determines that the work meets the provisions of the general permit, and no extraordinary conditions exist that warrant evaluation as an individual permit, the proponent will be notified to proceed. If the Corps determines that the subject work does not meet the provisions of the general permit, or that extraordinary conditions exist, the applicant will be notified that an individual permit will be necessary.

State of Missouri: The permit applicant must notify the Missouri Department of Natural Resources(MDNR) and request a determination if an individual State water quality certification is required or if the activity is certified by the attached November 19, 2015 MDNR programmatic certification. To notify MDNR, you may contact Mr. Mike Irwin by phone at (573) 751-1131, by e-mail at mike.irwin@dnr.mo.gov, or wpsc401cert@dnr.mo.gov, or by mail at Missouri Department of Natural Resources, Water Protection Program, NPDES Permits and Engineering Section, P.O. Box 176, Jefferson City, MO 65102-0176.

Conditions of this General Permit. All activities authorized by this general permit must comply with the general and special conditions of the enclosed copy of the general permit.

Enclosure

CEMVS-GP-4 Permit Document

DEPARTMENT OF THE ARMY PERMIT

Permittee General Public

Permit No. GP-4 (Private Boat Docks)

Issuing Office U.S. Army Engineer District, St. Louis

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, and with the plans and drawings attached hereto which are incorporated in and made a part of this permit.

Project Description: Construction, installation, and maintenance of fixed or floating private boat docks, no larger than 40-feet-long by 20-feet-wide, with attendant features that are necessary for the use and maintenance of the dock, i.e. walkways, piers, deadmen, and stairs. In addition, minor discharges up to 25 cubic yards, including the volume of any area excavated, which are necessary for installation of the dock and protection of the adjacent riverbank. No commercial docks are authorized.

Project Location: The Missouri River, Mississippi River and also navigable/historically navigable waters of the Meramec River, Femme Osage and the Salt River, pursuant to Section 10 of the Rivers and Harbors Act of 1899 (as specified in Appendix I).

Permit Conditions:

General Conditions:

1. This general permit expires on **December 18, 2020**, unless it is modified, revoked or specifically extended, and the time limit for completing the authorized work ends on this date, unless your individual general permit verification letter specifies an earlier date. Provided the verification letter does not specify an earlier date, if you have started the work or are under contract to begin this activity before the general permit expires, you will have twelve (12) months from the expiration date to complete the activity under the present terms and conditions of the general permit.

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. The permit applicant must notify the Missouri Department of Natural Resources(MDNR) and request a determination if an individual State water quality certification is required or if the activity is certified by the attached November 19, 2015 MDNR programmatic certification. To notify MDNR, you may contact Mr. Mike Irwin by phone at (573) 751-1131, by e-mail at mike.irwin@dnr.mo.gov, or wpsc401cert@dnr.mo.gov, or by mail at Missouri Department of Natural Resources, Water Protection Program, NPDES Permits and Engineering Section, P.O. Box 176, Jefferson City, MO 65102-0176. If MDNR advises that the programmatic certification is applicable, or if MDNR issues an individual conditioned water quality certification for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the November 19, 2015, programmatic certification is attached to this permit document.

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.

Special Conditions: See continuation sheets, pages 4, 5 and 6, of this document.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

(x) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

(x) 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 issuance of this permit 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 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 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 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.

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

(PERMITTEE) (DATE)

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

Danny D. McClendon 12/18/15

(DISTRICT ENGINEER) (DATE)
ANTHONY P. MITCHELL, COLONEL
BY: DANNY D. McCLENDON
Chief, Regulatory Branch

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 associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE) (DATE)

GP-4 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 specific conditions, and that any required mitigation was completed in accordance with the permit conditions.

b. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

c. The authorized activity must not interfere with normal navigation or in any way hinder by location, construction, or operation, any navigation structures or maintenance of those structures, including those constructed or modified to provide environmental benefit under the Biological Opinion, Avoid and Minimize, and Environmental Management Programs, without Government consent.

d. Boat docks must be marked to comply with the U.S. Coast Guard requirements in accordance with "MARKINGS OF STRUCTURES ON THE WESTERN RIVERS." Information concerning U.S. Coast Guard boat dock regulations may be obtained by writing to the following address: Aids to Navigation Branch, Commander (OAN), 8th Coast Guard District, Hale Boggs Federal Building, 500 Camp Street, New Orleans, LA 70130-3396.

e. You must discuss the terms and conditions of the permit and provide a copy of the permit to any contractor that works under the authority of this permit.

f. You must maintain the authorized structures in good condition, acceptable for normal daily use, thereby, causing no undue harm to the environment or general public.

g. For the construction of boat docks, connecting walkway ramps, or support piers, or for future repairs of existing docks, walkways, or piers, you must use lumber products treated with wood preservatives in strict compliance with the Registration Documents issued by the US Environmental Protection Agency (EPA) under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) and in accordance with standards issued by American Wood Protection Association or the International Code Council.

h. A floating boat dock must be constructed with a flotation method and devices of a type constructed of low-density, closed-cell, rigid plastic foam; high-impact polyethylene fiberglass material; or metal and/or timber framing. On all new docks, flotation shall be of materials that will not become waterlogged (not over 1 1/2 percent by volume ASTM), is resistant to damage by animals, and will not sink or contaminate the water if punctured. Foam bead flotation that is not subject to deterioration through loss of beads, meets the above criteria, and has a minimum density of 1.2 lb/cu ft is authorized. Foam bead flotation with a density of 1.0 lb/cu ft, but does not otherwise meet the above criteria is authorized provided it is encased in an approved protective coating which enables it to meet the specifications above. An approved coating is defined as warranted by the manufacturer for a period of at least eight years against cracking, peeling, sloughing and deterioration from ultra violet rays, while retaining its resiliency against ice and bumps by watercraft. Existing flotation will be authorized until it has severely deteriorated and is no longer serviceable or capable of supporting the structure, at which time it must be replaced with approved flotation. Metal drum buoyancy units are not permitted unless they are steam cleaned and filled with flotation foam. This general permit does not authorize floating docks that currently utilize or would utilize flotation devices that contain or did in the past contain harmful chemicals.

GP-4 Special Conditions (continued):

i. Floating boat docks must be anchored to the shoreline with a minimum of two, 3/8-inch diameter or larger steel cables. Anchoring docks to live trees is prohibited.

j. No gasoline dispensing facilities or petroleum storage tanks are allowed on boat docks authorized under this general permit.

k. No structure authorized by this general permit may be located in the proximity of a property listed in the National Register of Historic Places unless, after coordination with the Missouri Department of Natural Resources (MDNR), State Historic Preservation Office, and the Advisory Council on Historic Preservation, a determination of "no effect" or "no adverse effect" is made in accordance with criteria established by 36 CFR 800. In addition, all work must be suspended and you must contact the Corps of Engineers, Kansas City District, in the event that cultural resources are revealed during the construction or placement of structures, or other discharges, authorized by this permit. The authorized work may not resume until the permittee receives clearance from the Corps of Engineers.

l. You must limit any discharge of fill material to a total of 25 cubic yards in association with dock placement, including the volume of area excavated, for the placement of walkways, piers, deadmen, stairs and riprap. No discharge of fill is authorized in wetlands.

m. You must use clean, uncontaminated materials for fill in order to minimize excessive turbidity by leaching of fines, as well as to preclude the entrance of deleterious and/or toxic materials into the waters of the United States by natural runoff or by leaching.

n. You must dispose of excess concrete and wash water from concrete trucks and other concrete mixing equipment in a nonwetland area above the ordinary high water mark and at a location where the concrete and wash water cannot enter the water body or an adjacent wetland area.

o. You must excavate, dredge and/or fill in the watercourse in a manner that will minimize increases in suspended solids and turbidity which may degrade water quality and damage aquatic life outside the immediate area of operation. Dredging for boat access or basins in association with boat dock construction is not authorized under this general permit.

p. You must immediately remove all construction debris or waste materials located riverward of the ordinary high water mark of the regulated water body (generally located on the high bank), and properly dispose of such materials in a registered landfill, or other appropriate location that complies with state regulations or local ordinances. In the absence of state regulations or local ordinances, you must dispose of construction debris or waste material at an upland location where the materials could not reenter any waters of the United States, including adjacent wetlands.

q. You must store all construction materials, equipment, and/or petroleum products, when not in use, above anticipated high water levels.

r. You must restrict the clearing of timber and other vegetation to the absolute minimum required to accomplish the work. If tree clearing or removal of native vegetation is proposed, then additional coordination shall be necessary to avoid and/or minimize impacts to listed species such as the Indiana bat and northern long-eared bat.

s. Upon completion of earthwork operations, you must seed, replant or otherwise protect from erosion all fills in the water or on shore, and other areas on shore disturbed during construction.

GP-4 Special Conditions (continued):

t. You must use only graded rock and/or quarry-run rock when initiating bank protection work with 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.

u. No activity is authorized under this general permit which is likely to 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, or which is likely to destroy or adversely modify the habitat of such species. See Appendix II, paragraph No. 1 for permitting requirements if these species are likely to be present or their habitat would be modified.

v. You must provide notification to the Corps of Engineers, as specified in Appendix II, before you initiate any activity and receive written confirmation of authorization under this general permit from the Corps of Engineers before you start any work.

w. The approved structure and work shall not prohibit or interfere with future work, construction of weirs, or dikes, undertaken by the United States Government for navigation purposes. The approved structure and work shall be removed, at no cost to the United States Government, when deemed necessary for actions required by the United States Government (bankline repairs, construction of new structures, dredging, etc.). The United States Government shall not be held liable for any changed conditions resulting from the installation of weirs, dikes, revetment, etc.

x. This permit does not authorize any form of dredging. However, if future permit requests are made associated with this authorization, no dredging shall be authorized within 200 feet of any structure built or authorized by the Federal Government, nor within 500 feet of any bridge, pier or abutment. No potential future dredging or placement of dredged material shall be conducted within ¼ mile upstream or downstream of any chute, tributary mouth, park or refuge area. No dredging or placement of material shall be conducted within a dike field. Therefore no structures should be built within those areas.

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 Kansas City District and the Missouri Department of Natural Resources, at the addresses shown at the bottom of this page, upon completion of the project.

APPLICATION NUMBER: _____

APPLICANT: _____

PROJECT LOCATION: _____

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:

1. U.S. Army Corps of Engineers
   Regulatory Branch (OD-F)
   1222 Spruce Street
   St. Louis, Missouri 63103-2833

2. Missouri Department of Natural Resources
   Water Protection Program
   P.O. Box 176
   Jefferson City, Missouri 65102

APPENDIX I

Criteria for Authorization by General Permit SLD-MGP-4

1. The proposed private fixed or floating boat dock must be constructed no larger than 40-feet-long by 20-feet-wide and must not extend into the navigation channel.

2. All authorized structures must be marked as required by regulations administered by the U.S. Coast Guard.

3. All authorized private docks must be constructed and anchored with materials and in a manner required by the special conditions of the permit document.

4. This general permit does not authorize commercial docks.

5. No gasoline dispensing facilities or petroleum storage tanks are allowed on boat docks authorized by the general permit.

6. The dock must be placed at one of the following locations:

a. On the left or right descending bank, riverward of the ordinary high water mark (OHWM) in the Missouri River, between river mile 50.0 to the confluence with the Mississippi River.

b. Riverward of the OHWM in the main channel or in a backwater area of the Missouri River, including side channels, chutes, sloughs, etc., in the following zones:

St. Louis District		
Nearby City	River Miles	Remarks
St. Charles	32.0-25.0	
Riverside Sand	18.0-16.0	
Pelican Bend	13.0-12.0	
State Highway 140	8.5-7.5	

c. On the left or right descending bank, riverward of the ordinary high water mark (OHWM) in the Meramec River from river mile 49.0 to the mouth.

d. On the left or right descending bank, riverward of the ordinary high water mark (OHWM) in the Salt River between river mile 5.1 to the mouth.

e. On right descending bank, riverward of the ordinary high water mark (OHWM) in the Mississippi River, from river mile 300.0 to its confluence with the Ohio River.

f. On the left or right descending bank, riverward of the ordinary high water mark (OHWM) in the Femme Osage Creek, from Callaway Fork in St. Charles County, Missouri to its confluence with the Missouri River.

APPENDIX II

CORPS REVIEW PROCEDURES FOR AUTHORIZATION BY GENERAL PERMIT SLD-MGP-4 (FOR CORPS USE ONLY)

1. ENDANGERED SPECIES CONSULTATION. The Corps of Engineers has made a "no effect" determination for activities authorized under this general permit (SLD-MGP-4) in any of the water bodies identified as containing federally listed threatened or endangered species; unless the Corps of Engineers is provided site specific information that would warrant informal consultation with the U.S. Fish and Wildlife. The Corps of Engineers will maintain a list of waters where the activities authorized under this permit may affect the following species and/or habitat: Pallid Sturgeon, Pink Mucket, Scaleshell, Sheepnose, Snuff Box, Spectacle Case, Fat Pocketbook, Grotto Sculpin, Least Tern, Piping Plover and the Decurrent False Aster.

a. Additional project specific conditions must be imposed if, through timely informal consultation between the Service and the Corps, they are determined to be necessary to avoid the likelihood of adverse effects to listed species or designated critical habitat.

b. In the event that the likelihood of adverse effects to listed species or designated critical habitat cannot be avoided, authorization will not be provided under the general permit until such time as: i) formal consultation between the Service and the Corps is provided; ii) a non-jeopardy Biological opinion is issued; and iii) the terms and conditions of any associated Incidental Take Statement are incorporated as enforceable conditions to the project authorization under the general permit.

2. PERMIT NOTIFICATION. To propose work under the authority of this general permit, you must provide notification to the Corps of Engineers, St. Louis District, before you initiate any activity. You must submit the following information in this notification:

(1) A completed application form ENG 4345, or equivalent information.
(2) A clearly marked site location map.
(3) A drawing showing the details of the proposed work (Plan and Cross-sectional views).
(4) Location of any known mussel or clam beds.

You must receive written confirmation of authorization under this general permit from the Corps of Engineers before you start any activity.

3. COMPLIANCE CERTIFICATION. Permittee must sign, date, and return the enclosed "Compliance Certification" to the originating office upon completion of the authorized work and any required mitigation. A completed certification will be furnished with each MVS-MGP-4 verification notice.

STATE OF MISSOURI
Jeremiah W. (Jay) Nixon, Governor • Sara Parker Pauley, Director
DEPARTMENT OF NATURAL RESOURCES
www.dnr.mo.gov

NOV 19 2015

Colonel Andrew D. Sexton
Kansas City District
U.S. Army Corps of Engineers
601 East 12th St.
Kansas City, MO 64106

Colonel Anthony P. Mitchell
St. Louis District
U.S. Army Corps of Engineers
1222 Spruce St.
St. Louis, MO 63103-2833

RE: NWK-GP-4/2005-00648/CEK006776, Various Counties, Revised Certification
SLD-MGP-4/CES001212, Various Counties, Revised Certification

Dear Colonels Sexton and Mitchell:

The Missouri 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) Kansas City District's Permit Number NWK General Permit 4 (GP-4)/(2005-00648) in conjunction with the USACE's St. Louis District's Permit Number SLD-MGP-4 to renew authorization of GP-4 for another five-year period within their respective regulatory geographic regions. The general permit authorizes the placement of small private boat docks, associated dock structures and minor discharges up to 25 cubic yards including excavation. The Kansas City District includes the Missouri River at locations as described in Appendix I of the permit and in navigable portions of the Big Blue River, Gasconade River, Grand River, Lamine River and Osage River. The St. Louis District includes locations of the Missouri River at locations as described in Appendix I of the permit and navigable portions of the Mississippi River, Meramec River, Femme Osage and the Salt River.

These permits are the USACE's authorization to construct, install and maintain fixed or floating private boat docks no larger than 40-feet-long by 20-feet-wide with attendant features that are necessary for the use and maintenance of the dock; i.e., walkways, piers, deadman structures and stairs. In addition, minor discharges up to 25 cubic yards including the volume of any area excavated which may be necessary for installation of the dock or protection of the adjacent riverbank. No discharge of dredged or fill material is authorized in wetlands by this general permit. No commercial docks are authorized.

Applications for authorization under this general permit require individual review case-by-case determinations for authorization. Individuals desiring to perform activities in accordance with the criteria for this general permit must notify the USACE.

This WQC is being issued under Section 401 of Public Law 95-217, The Clean Water Act of 1977 and subsequent revisions. This office certifies that the proposed activities 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 for GP-4 shall not be valid on a water that is:
   a. Listed as impaired by inorganic sediment, aquatic habitat alteration or unknown impairment as listed in the most current Water Quality Report (Section 305(b) Report).
   b. Located in or occurs within two miles upstream of a designated Outstanding State or National Resource Water. For convenience, a table of these waters is provided at the following website: http://www.sos.mo.gov/adrules/csr/current/10csr/10c20-7a.pdf.

2. 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. DNR, Water Protection Program, Public Drinking Water Branch may be contacted at (573) 526-0269 for the presence of such supplies.

3. Best Management Practices shall be used during all phases of these projects to limit the amount of discharge of water contaminants to waters of the state. The projects shall not involve more than normal stormwater or incidental loading of sediment caused by construction disturbances.

4. 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.

5. Project activity shall be conducted 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.

6. No project shall accelerate bed or bank erosion.

7. Only clean, nonpolluting fill should be used. The following materials are not suitable for bank stabilization and should not be used due to their potential to cause violations of the general criteria of the Water Quality Standards (10 CSR 20-7.031 (4)(A)-(H)):
   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/MORegCon.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 chemical pollutants (including but not limited to creosote or pentachlorophenol).

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, Environmental Emergency Response at (573) 634-2436.

10. Any waste concrete or concrete rinsate shall be disposed of in a manner that does not result in any discharge to the jurisdictional water ways.

11. The proposed projects could encounter sites of conservation concern, including those that have not been recorded. To determine the potential for species of concern within or near a project, please visit:
    - Missouri Department of Conservation's "Natural Heritage Review" website at http://mdcgis.mdc.mo.gov/heritage/newheritage/heritage.htm, and
    - U.S. Fish and Wildlife Service's "Information, Planning and Conservation" website at http://ecos.fws.gov/ipac/.

    If the proposed projects encounter and will potentially affect a species of concern, please report it to the Missouri Department of Conservation and the U.S. Fish and Wildlife Service.

12. No project shall be constructed in, or immediately upstream of, any known mussel beds. The Missouri Department of Conservation's Policy Coordination Unit shall be consulted at (573) 751-4115 to determine if any known beds are present.

13. If compensatory mitigation is required by the USACE, an approved plan and any corresponding documentation pertaining to the purchase of compensatory mitigation credits and/or real estate restrictions shall be provided to the address below.

14. 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. Questions regarding permit requirements may be directed to DNR's Northeast Regional

Office at (660) 385-8000, Kansas City Regional Office at (816) 251-0700, St. Louis Regional Office at (314) 416-2960, Southwest Regional Office at (417) 891-4300 or Southeast Regional Office at (573) 840-9750.

15. A copy of the signed "Compliance Certification" referenced in GP-4 Special Condition a. must be submitted as proof of project completion when the original is submitted to the USACE. This document is to be sent to the address below or electronically to wpsc401cert@dnr.mo.gov.

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 Missouri 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

for Timothy W Bull
Chris Wieberg, Chief
Operating Permits Section

CW:mip

c: Mr. Joe Bowdish, Northeast Regional Office
Ms. Jesse Cochran, Kansas City Regional Office
Mr. Charles Frerker, U.S. Army Corps of Engineers, St. Louis District
Mr. Eric Gilstrap, St. Louis Regional Office
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Mr. John Hoke, Watershed Protection Section
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