

PUBLIC NOTICE



US Army Corps
of Engineers
St. Louis District

Permit Number SLD-MGP-4
Issue Date: August 6, 2015
Expiration Date: September 5, 2015

30-Day Notice

STATE OF MISSOURI

PROPOSED ISSUANCE / RENEWAL OF GENERAL PERMIT FOR PRIVATE BOAT DOCKS, ASSOCIATED DOCK STRUCTURES, & MINOR DISCHARGES IN THE MISSOURI RIVER, MISSISSIPPI RIVER, MERAMEC RIVER, FEMME OSAGE & THE SALT RIVER

In accordance with Title 33 CFR 325.2 and 325.7(e), as published in the November 13, 1986, Federal Register, the U.S. Army Corps of Engineers St. Louis District, in conjunction with the Kansas City District, proposes to renew authorization of General Permit No. 4 for an additional 5-year period. This general permit was originally issued on May 17, 1978, and last renewed on November 9, 2010. The general permit authorizes the placement of small private boat docks, associated dock structures, and minor discharges up to 25 cubic yards, including excavation, at locations described in Appendix I.

Notes: The Kansas City District will also issue a public notice describing the proposed renewal of this general permit within their regulatory geographic region. The Kansas City District can be contacted by writing to: Mr. James Reenan, Missouri State Regulatory Office, U.S. Army Corps of Engineers, 515 East High Street, Suite 102, Jefferson City, Missouri 65101, telephone No. 816-389-3832 or email to james.s.reenan@usace.army.mil.

General Permit No. 4 is scheduled to expire on November 9, 2015 unless reissued, revoked, or specifically extended.

JOINT PUBLIC NOTICE: This public notice is issued jointly with the Missouri Department of Natural Resources, Water Protection Program. The Department of Natural Resources will use the comments to this notice in deciding whether to grant Section 401 water quality certification. Commentors are requested to furnish a copy of their comments to the Missouri Department of Natural Resources, Water Protection Program, NPDES Permits and Engineering Section, P.O. Box 176, Jefferson City, Missouri 65102-0176.

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

ACTIVITY: Construction, installation, and maintenance of fixed or floating private boat docks, no larger than 40-foot-long by 20-foot-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 commercial docks are authorized. A copy of the current general permit and appendices may be accessed at: <http://www.nwk.usace.army.mil/Missions/RegulatoryBranch/GeneralPermits.aspx>.

WETLANDS/AQUATIC HABITAT: No discharge of dredged or fill material is authorized in wetlands by this general permit.

CRITERIA FOR AUTHORIZATION: Applications for authorization under this general permit require individual review with case-by-case determinations for authorization.

DURATION OF THE GENERAL PERMIT: The general permit would expire 5 years from the date of issuance/renewal unless it is specifically modified, suspended, or revoked prior to that date. Upon its next expiration the general permit would be considered for renewal. The general permit 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 would have a significant environmental impact or are otherwise not in the public interest. This general permit does not and would not obviate the need to obtain other federal, state, or local authorizations required by law.

PROCEDURE FOR APPLYING: Individuals desiring to perform activities in accordance with the criteria for this general permit must notify the Corps of Engineers. 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. An ENG Form 4345 may be used for this purpose. Copies of the form and instructions for applying for the general permit may be obtained by writing or calling the appropriate Corps district, or by accessing the following address: <http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/ObtainPermit.aspx>

CULTURAL RESOURCES: The St. Louis District will comply with the National Historic Preservation Act of 1966 and 36 CFR 800. 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 State and the Advisory Council on Historic Preservation, a determination of "no effect" or "no adverse effect" is made in accordance with established criteria. Also, if any historical or archeological materials are revealed during the construction or installation of the authorized structures, both the District Engineer and the State must be notified. We will evaluate input by the State Historic Preservation Officer and the public in response to this public notice, and we may conduct or require on an individual basis a reconnaissance survey of any permit area to check for unknown historic properties, if warranted.

ENDANGERED SPECIES: In compliance with the Endangered Species Act, a preliminary determination has been made that the described work will not affect species designated as threatened or endangered or adversely affect critical habitat, which occur in the geographic limits of the general permit. Also, comments will be solicited from the U.S. Fish and Wildlife Service and other interested agencies and individuals concerning the potential impacts to federally listed threatened or endangered species within the scope of the general permit. Reference Appendix II for permitting requirements if federally listed threatened or endangered species are likely to be present or their habitat would be modified in any permit area.

PERMIT CONDITIONS: Proposed permit conditions are shown in Appendix III.

FLOODPLAINS: This activity is being reviewed in accordance with Executive Order 11988, Floodplain Management, which discourages direct or indirect support of floodplain development whenever there is a practicable alternative. By this public notice, comments are requested from individuals and agencies that believe the described work will adversely impact the floodplain.

WATER QUALITY CERTIFICATION: Section 401 of the Clean Water Act (33 USC 1341) requires that all discharges of dredged or fill material must be certified by the appropriate state agency as complying with applicable effluent limitations and water quality standards. This public notice serves as an application to the state in which the discharge site is located for certification of the discharge. The discharge must be certified before a Department of the Army permit can be issued. Certification, if issued, expresses the state's opinion that the discharge will not violate applicable water quality standards.

PUBLIC INTEREST REVIEW: The decision to issue a permit will be based on an evaluation of the probable impact including the cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, esthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and, in

general, the needs and welfare of the people. The evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency under authority of Section 404(b) of the Clean Water Act (33 USC 1344). The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

COMMENTS: This notice is provided to outline details of the above-described activity so this District may consider all pertinent comments prior to determining if issuance of a permit would be in the public interest. Any interested party is invited to submit to this office written facts or objections relative to the activity on or before the public notice expiration date. Comments both favorable and unfavorable will be accepted and made a part of the record and will receive full consideration in determining whether it would be in the public interest to issue the Department of the Army permit. Copies of all comments, including names and addresses of commenters, should be provided to this office at the address shown in the ADDITIONAL INFORMATION section, below.

PUBLIC HEARING: Any person may request, in writing, prior to the expiration date of this public notice, that a public hearing be held to consider this application. Such requests shall state, with particularity, the reasons for holding a public hearing.

ADDITIONAL INFORMATION: Additional information about this application may be obtained by contacting Charles Frerker, U.S. Army Corps of Engineers, Regulatory Branch (OD-F), 1222 Spruce Street, St. Louis, Missouri 63103-2833, telephone No. 314-331-8583 or email to Charles.F.Frerker@usace.army.mil. All comments to this public notice should be directed to the above address.

NOTE: This public notice will be posted on the St. Louis District Regulatory web page and can be viewed at the following address:

<http://www.mvs.usace.army.mil/ConOps/permits/pn.htm>

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 mouth.
 - 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.

APPENDIX III

PROPOSED Special Conditions:

- a. You must sign and return a "Compliance Certification" after you complete the authorized work. 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 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. You must not use lumber products treated with pentachlorophenol or creosote for the construction of boat docks, connecting walkway ramps, or support piers, or for future repairs of existing docks, walkways, or piers. Chromated copper arsenate (CCA) treated lumber products are acceptable if consistent with U.S. Environmental Protection Agency (EPA) regulations. EPA is currently reassessing the safety of CCA as part of its ongoing re-registration program for older pesticides, therefore, permittees proposing to use CCA-treated lumber products should keep informed about the regulatory status of this product by contacting EPA directly or visiting <http://www.epa.gov/oppad001/reregistration/cca/> or http://www.epa.gov/pesticides/factsheets/alpha_fs.htm
- 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.

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. Dredging for boat access or basins in association with boat dock construction is not authorized under this general permit.

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

l. 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, St. Louis 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.

m. 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.

n. 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.

o. 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.

p. 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.

q. You must immediately remove all construction debris or waste materials at the project site and properly dispose of such materials in a registered landfill, or other appropriate location where the materials could not reenter any waters of the United States, including adjacent wetlands.

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

s. You must restrict the clearing of timber and other vegetation to the absolute minimum required to accomplish the work.

t. 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.

u. Riprap or field rock used for bank protection must conform to a reasonably well-graded mixture, consisting of pieces varying in size from 20 pounds up to at least 150 pound pieces. Gravel and dirt should not exceed 15% of the total fill volume. This general permit does not authorize additional erosion control measures that exceed the discharge of 25 cubic yards of fill material, including the volume of any proposed excavation.

v. 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.

w. You must provide notification to the appropriate Corps of Engineers district, 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.

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 St. Louis District at the address shown at the bottom of this page upon completion of the project.

APPLICATION NUMBER: MVS-200X-XXX

APPLICANT: General Public

PROJECT LOCATION: XXXX River, XXX mile in Section, Township, Range, County, Missouri.

- 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
ATTN: CEMVS-OD-F
1222 Spruce Street
St. Louis, Missouri 63103-2833