



DEPARTMENT OF THE ARMY
Regional General Permit #36
Maintenance and Emergency Dredging

PERMITTEE: General Public and Government Agencies
PERMIT: Maintenance and Emergency Dredging (Regional General Permit #36)
EFFECTIVE DATE: -----
EXPIRATION DATE: -----
ISSUING OFFICE(S): U.S. Army Corps of Engineers, St. Louis District

A. Authorization and Applicability. Authorizes maintenance dredging (channels and basins) for certain navigation-related dredging projects using either mechanical or hydraulic methods and for emergency dredging operations performed during low-water and/or after high-water events. For the purposes of this Regional General Permit (RGP), maintenance dredging is for the removal of sediment accumulation around or within existing docks, loading facilities, harbors and/or barge fleeting and mooring areas to facilitate navigation and continued facility or structure use.

- 1. **Regulatory Authorities:** Section 404 of the Clean Water Act (33 U.S.C. 1344)
Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403)

This permit does not authorize work under Section 9 of the Rivers and Harbors Act (33 U.S.C. 404) or Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408).

- 2. **Project Location:** This RGP authorizes work to be performed within the Mississippi River, Illinois River, and the Kaskaskia River within the St. Louis District’s Area of Review following the conditions and location restrictions outlined below.

3. Eligible Activities:

- a. **Maintenance Dredging – Upland Disposal:** The removal of accumulated sediment for maintenance of existing docks, loading facilities, and harbors as well as barge fleeting and mooring areas to previously authorized depths or controlling depths for ingress/egress, whichever is less. All dredged material must be deposited and retained in an area that has no waters of the United States unless otherwise specifically approved by the district engineer under separate authorization. Maintenance dredging with upland disposal is preferred over open river disposal.

Discharge of Return Water from Disposal Area: The return water from a contained disposal area is administratively defined as a discharge of dredged material by 33 CFR 323.2(d), even though the disposal itself occurs in an area that has no waters of the United States and does not require a section 404 permit. A separate Department of the Army authorization will be required for return water that is proposed to be discharged into a jurisdictional water under Nationwide Permit 16.

- b. **Maintenance Dredging - Open River Disposal:** The removal of accumulated sediment for maintenance of existing docks, loading facilities, and existing harbors as well as barge fleeting and mooring areas to previously authorized depths or controlling depths for ingress/egress, whichever is less and the disposing of the material in the navigable waters of the US. The removal and deposition of dredged material shall not exceed 75,000 cubic yards per RGP verification. Additional conditions on disposal location and timing of activities are outlined in the conditions below.
- c. **Emergency Dredging Operations during Low-Water Events or after High-Water Events:** Work performed to respond to low-water conditions, or similar situations which would result in an imminent safety hazard and/or elimination of navigation required for continued use of operating facilities. Dredging activities performed should be the minimum amount necessary to facilitate safe navigation. Estimated low-water and high-water events based on river gage data are outlined in the tables below:

Table 1. Mississippi River Mile 301.2, downstream of Lock & Dam #22, to Mississippi River Mile 0 at the Ohio River confluence.

| River Mile | Station | Low-Water Elevation (+2 ft at Gage Zero) | High-Water Elevation |
|-------------------|--------------------|---|----------------------|
| Pool 24 | | | |
| 301.2 | L&D 22 TW | NA* | 462.10 (16-ft) |
| 282.9 | Louisiana | NA* | 452.03 (15-ft) |
| 273.5 | L&D 24 HW | NA* | 446.81 (25-ft) |
| Pool 25 | | | |
| 273.2 | L&D 24 TW | NA* | 446.81 (25-ft) |
| 260.3 | Mosier Landing | NA* | 441.00 (41-Ft) |
| 241.5 | L&D 25 HW | NA* | 433.00 (26-ft) |
| Pool 26 | | | |
| 241.2 | L&D 25TW | NA* | 433.00 (26-ft) |
| 218.6 | Grafton | NA* | 423.21 (20-ft) |
| 201.1 | Mel Price L&D HW | NA* | 416.48 (21-ft) |
| Open River | | | |
| 200.5 | Mel Price L&D TW | 397.48 | 416.48 (21-ft) |
| 180.0 | St. Louis | 381.58 | 409.58 (30-ft) |
| 176.8 | Engineers Depot | 380.98 | 407.98 (29-ft) |
| 168.7 | Jefferson Barracks | 379.34 | 404.34 (27-ft) |
| 151.9 | Herculaneum | 370.23 | 394.23 (26-ft) |
| 109.9 | Chester | 342.73 | 367.73 (27-ft) |
| 52.1 | Cape Girardeau | 306.27 | 336.27 (32-ft) |
| 43.7 | Thebes | 301.71 | 332.71 (33-ft) |
| 20.2 | Thompson Landing | 281.03 | 318.03 (39-ft) |
| 2.0 | Birds Point | 275.91 | 311.91 (38-ft) |

*Water surface elevations within the pools are regulated by USACE to avoid low-water conditions.

Table 2. Illinois River Mile 80 at the tailwater of the Lock and Dam at LaGrange, Illinois to Illinois River Mile 0 at the Mississippi River confluence.

| River Mile | Station | Low-Water Elevation (+2 ft at Gage Zero) | High-Water Elevation |
|------------|-------------|---|----------------------|
| 70.8 | Meredosia | 419.71 | 434.71 (17-ft) |
| 61.3 | Valley City | 419.58 | 431.58 (14-ft) |
| 56.0 | Florence | 401.04 | 430.04 (31-ft) |
| 21.5 | Hardin | 401.10 | 424.10(25-ft) |

Table 3. Kaskaskia River Mile 35.5 at the tailwater of the Fayetteville head cut control structure to the headwater of the Kaskaskia Lock and Dam at River Mile 0.85.

| River Mile | Station | Low-Water Elevation | High-Water Elevation |
|------------|------------------------|---------------------|----------------------|
| 35.5 | Fayetteville Structure | 367.0 | 372.00 |
| 18.06 | Red Bud | 365.00 | 373.00 |
| 0.8 | L&D HW | 365.00 | 373.00 |
| 0.78 | L&D TW* | 342.73 | 367.73 |

*Based on Chester Gauge, Mississippi River

4. Exclusions/Restrictions:

- a. Regulated activities which would adversely affect public water supplies and/or navigation.
- b. Disposal of dredged material near river training structures or within Corps disposal areas, unless reviewed and authorized on a case-specific basis.
- c. Open river disposal of dredged materials that are not comprised of sands, silts, and clays.
- d. Impacts to federally owned land (such as dredging for docks at Corps of Engineers lease sites or on other land owned by a federal agency):
- e. The discharge of dredged and/or fill material into waters of the US, including wetlands, not associated with open river disposal.
- f. Activities shall be performed outside the fish spawning season (April 15-June 30), unless reviewed and authorized on a case-specific basis.
- g. This RGP does not authorize the construction of, or dredging associated with the establishment of new harbors, loading facilities, or the placement of new structures.

5. Regulatory Discretion: If a determination is made that the adverse effects of the proposed work are more than minimal, then the applicant will be notified that either:

- a. The project does not qualify for authorization under the RGP and instruct the applicant on the procedures to seek authorization under a separate Nationwide or Standard Individual Permit; or,
- b. The project is authorized under the RGP subject to the applicant's submission of an approved mitigation plan that would reduce adverse effects on the aquatic environment to the minimal level; or,
- c. The project is authorized under the RGP with specific modifications and conditions.

6. Pre-Construction Notification (PCN): All activities eligible for authorization by this RGP require submittal of a PCN and written Corps verification of coverage prior to starting work. The PCN shall include the specific location of dredging, quantity of dredged materials, disposal area location, and other pertinent information. The PCN will be provided to the resource agencies for all eligible activities. Please refer to Section B below for additional information regarding PCN requirements. Once a PCN is submitted, USACE will use its regulatory discretion for activity covered under Section 3 (b) and (c) to determine if the activity qualifies for this RGP.

7. Expiration: Unless otherwise specified in the Corps letter verifying a project complies with the terms and conditions of this RGP, the time limit for completing work authorized by the permit ends upon the expiration date of the RGP. Activities authorized under this RGP that have commenced construction or are under contract to commence construction in reliance upon this RGP, will remain authorized provided the activity is completed within 12 months of the date of the RGP expiration, suspension, or revocation; whichever is sooner.

8. Section 401 Water Quality Certification:

Where Section 404 activities are proposed, Section 401 of the Clean Water Act water quality certification has been conditionally issued for this RGP by the Illinois Environmental Protection Agency Division of Water Pollution Control (IEPA/WPC) and Missouri Department of Natural Resources (MDNR), subject to the general and special conditions (see enclosure). These conditions are part of the Corps permit when Section 404 activities are proposed (i.e., Open River Disposal or Discharge of Return Water). If you have any questions regarding Illinois water quality certification conditions, you may contact IEPA/WPC, at 217-782-3362 or for Missouri water quality certification conditions, you may contact the Missouri CWA Section 401 Coordinator by phone at 573-522-1131 or by email at wpsc401cert@dnr.mo.gov. See General Condition 3 in Section D below. In addition, some RGP authorizations may be subject to project-specific special conditions that will be specified in the Corps verification letter. This RGP does not obviate the need for other necessary federal, state, tribal, or local authorizations or permits.

B. Pre-Construction Notification (PCN) Information

All activities eligible for authorization by this RGP require submittal of a PCN and written Corps verification of coverage prior to starting work. Each PCN will be coordinated with resource agency partners and internal Corps offices ensure compliance with the general conditions associated with the RGP.

Timing of PCN: The prospective permittee must notify the Corps by submitting a PCN as early as possible. The Corps will determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30-day period to request the additional information necessary to make the PCN complete. Generally, the Corps will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all the requested information, then the Corps will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all the requested information has been received by the Corps. The prospective permittee shall not begin the activity until they are notified in writing by the Corps that the activity may proceed under the RGP with any special conditions imposed by the Corps.

Form and Content of PCN: The PCN must be in writing and should utilize the Corps Application for Department of the Army Permit Form ENG 6082, ENG 4345, or state-specific application (i.e., Illinois Joint Application). A letter containing the required information may also be used. A Complete PCN must include:

- a) Contact Information: including the Name, Address, Telephone Number, Email (if applicable) of the applicant and consultant authorized to speak on the applicant's behalf (if applicable).
- b) Location of the Proposed Dredging and Disposal Activity Areas: Latitude and Longitude in decimal degrees, Section-Township-Range and/or physical address.
- c) Description of the Proposed Activity: Detailed description of the proposed project, project's purpose, and need, dredging method, amount of material to be dredged, and a description of any avoidance and minimization measures intended to reduce the adverse environmental effects caused by the proposed activity.
- d) A copy of all DA authorizations previously issued for the work area.
- e) A vicinity map, plan view, and typical cross section drawings detailing the proposed method of dredging and disposal showing all impacts to waters of the US.
 - i. Engineering and/or colored drawings will be accepted on a case-by-case basis; however, general, and typical drawings or aerial photographs will be suitable if legible.
 - ii. Drawings shall include:
 1. A vicinity map or aerial photograph showing the precise location and dimensions of the dredge area and the proposed upland or open river dredge disposal area's specific limits, including geographic coordinates (decimal degrees) for each corner of the dredge and disposal areas.
 2. Top view and cross section drawings depicting the proposed distances and depths to which the dredging and disposal areas will extend into or from the water body, as measured from the bankline using current river surface elevation, the current and proposed depth of river substrate to be dredged as measured from current river bottom elevation, and the distance to any adjacent structures.
 3. An aquatic resource delineation map that clearly shows the locations and boundaries of any aquatic resources (i.e., wetlands, submerged aquatic vegetation, and/or other special aquatic sites defined in 40 CFR 230.3(q-1)), or mussel beds located within 50 feet of any proposed dredging or disposal areas. The size of each aquatic site (in acres or square feet) and its distance to the edge of the project boundary must be depicted on this map or aerial photograph.
- f) A statement that the work will be conducted in compliance with the terms and conditions of this Permit.
- g) A statement of estimated start and completion dates.

C. Mitigation

In accordance with the Federal Mitigation Rule (33 CFR part 332), the Section 404(b)(1) guidelines (40 CFR part 230), and current Corps policies, guidelines, and procedures for compensatory mitigation, regulated activities must be designed and constructed to avoid and minimize (mitigate) adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site). Mitigation includes actions which may avoid, minimize, rectify, reduce, or compensate for adverse environmental effects or activities which may otherwise be contrary to the public interest. Regulated activities which the Corps believes do not mitigate adverse environmental effects or are contrary to the public interest are ineligible for authorization by this RGP and will be evaluated by the Corps using individual permit procedures.

After all practicable steps to avoid and minimize adverse effects to waters of the US have been considered, the Corps may require compensatory mitigation to ensure that the regulated activity results in no more than minimal adverse environmental effects or will not be contrary to the public interest. In reviewing the complete PCN for the proposed activity, the Corps will determine whether the activity authorized by the RGP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. The Corps will issue the RGP verification for that activity if it meets the terms and conditions of the RGP, unless the Corps determines, after considering compensatory mitigation, that the proposed activity will result in more than minimal individual and cumulative adverse effects on the aquatic environment and other aspects of the public interest. When this occurs, the Corps will exercise discretionary authority to require an individual permit evaluation for the proposed regulated activity.

D. General Conditions:

To qualify for this RGP authorization, the prospective permittee must comply with the following conditions, as applicable, in addition to any project-specific special conditions imposed by the Corps.

1) Navigation

- a) The activity may not have an adverse effect on navigation.
- b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States. The United States Coast Guard, Marine Safety Office, can be contacted at 314-269-2500 and 1222 Spruce Street, St. Louis, Missouri 63103-2832 for further information.
- c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of temporary structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his or her 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.
- d) The permitted activities shall not prohibit or interfere with future work, construction of river training structures, undertaken by the United States Government for navigation purposes, nor shall the United States Government be held liable for any changed conditions resulting from the installation of river training structures, revetment, etc.
- e) During dredging and disposal operations, the applicant shall comply with all U.S. Coast Guard and Corps of Engineers regulations concerning the prevention of navigation obstructions in navigable waters of the United States. The applicant shall conduct operations in the river such that there will be no unreasonable interference with navigation. Turbidity will be kept to the practicable minimum. Dredging equipment, including discharge lines, will be marked and lighted in accordance with U.S. Coast Guard regulations.

2) Dredging

- a. Dredge material proposed for open river disposal will be coordinated within the District to include the Dredging Project Manager, River Engineering, and Environmental to identify

the most suitable locations or potential dual usage of Corps channel maintenance dredge disposal areas to minimize navigation and aquatic resource impacts.

- b. Open river dredge disposal material shall be discharged in thalweg areas that do not impact the Corps' dredged and maintained navigation channel and where it is determined will not require later removal of the disposal material by the federal government to maintain the navigation channel.
- c. No dredging or open river disposal activity shall be conducted within 4,000 feet upstream and 500 feet downstream from any municipal drinking water intake structure along either bank of the navigable waterways. If dredging and/or disposal within this reach is anticipated, written concurrence from an official of the affected structure shall be provided to this office at least 60 working days prior to the activity. The activity shall not begin until written confirmation from this office has been received.
- d. The permittee shall develop a contingency plan for the prevention and control of spills of fuels, oils, or other hazardous materials. This plan shall be always maintained on board the dredge. All dredge personnel shall be familiar with the plan.
- e. The permittee, at the end of the dredging event, shall provide the Corps of Engineers Regulatory Branch with a report and georeferenced drawings with GPS coordinates showing the specific areas dredged, the total volume removed from each dredging area and the dredge disposal location.

3) Activities Affecting Structures or Works Built by the United States

If an activity requires review by, or permission from, the Corps pursuant to 33 U.S.C. 408 (Section 408) because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers (USACE) federally authorized Civil Works project (a "USACE project"), An activity is not authorized by the RGP until the appropriate Corps office issues the Section 408 permission or completes its review to alter, occupy, or use the USACE project, and the district engineer issues a written RGP verification.

4) Section 401 Water Quality Certification

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.

5) Compliance

- a. The permittee is responsible for ensuring that whoever performs, supervises, or oversees any portion of the physical work associated with the dredging and disposal activities has a copy of and is familiar with all the terms and conditions of the RGP and any special (permit-specific) conditions included in any written verification letter from the Corps.
- b. The activity must also comply with any special conditions added by the state, tribe, or U.S. EPA in its Section 401 Water Quality Certification. The permittee is ultimately responsible for ensuring compliance with all the terms and conditions of the RGP.
- c. Any authorized dredging and disposal activities must be properly maintained, including maintenance to ensure public safety and compliance with applicable RGP general conditions, as well as any activity-specific conditions added by the Corps to an RGP authorization.
- d. Each permittee who receives an RGP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and implementation of any required compensatory mitigation. The Corps will provide the permittee the certification document with the RGP verification letter. The completed certification document must be submitted to the Corps within 30 days of completion of the authorized activity or the implementation of any required compensatory mitigation, whichever occurs later.
- e. The permittee shall allow representatives from the Corps to inspect the proposed project site and the authorized activity to ensure that it is being, or has been, constructed and maintained in accordance with the RGP authorization.

6) Migratory Birds and Bald and Golden Eagles:

- a. The permittee is responsible for ensuring their action complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting the appropriate local office of the U.S. Fish and Wildlife Service (FWS) to determine applicable measures to reduce impacts to migratory birds or eagles, including whether "incidental take" permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.

7) Threatened & Endangered Species:

- a. No activity is authorized under this RGP which is likely to jeopardize the continued existence of a federally threatened or endangered species directly or indirectly or a species proposed for such designation, as identified under the Endangered Species Act (ESA), 50 CFR 402, or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized under the RGP which "may affect" a listed species or critical habitat, unless ESA Section 7 consultation addressing the effects of the proposed activity has been completed, and a Corps RGP verification letter is issued. Direct effects are the immediate effects on listed species and critical habitat caused by the RGP activity. Indirect effects are those effects on listed species and critical habitat that are caused by the RGP activity and are later in time, but still are reasonably certain to occur.
- b. No activity shall cause direct and/or indirect impacts resulting in temporary or permanent losses to mussel beds or pallid sturgeon habitat.
- c. Dredging must occur outside the April 15-June 30 timeframe for fish spawning. If emergency dredging during the spawning season is proposed, case-specific review will occur between the Corps and FWS.
- d. As a result of formal or informal consultation with the FWS, the Corps may add species-specific permit conditions to the RGP verification.
- e. Information on the location of federally threatened and endangered species and their critical habitat can be obtained directly from the offices of the FWS on their web page at www.fws.gov/ipac.
- f. All contract personnel associated with the project shall be informed of the potential presence of the endangered Pallid Sturgeon (*Scaphirhynchus albus*). The permittee must adhere to the following preventive measures: a) the cutterhead shall remain completely buried in the bottom material during dredging operations; b) if pumping water through the cutterhead is necessary to dislodge material or to clean the pumps or cutterhead, etc., the pumping rate must be reduced to the lowest rate possible until the cutterhead is at mid-depth, where the pumping rate can then be increased; c) during dredging, the pumping rates shall be reduced to the slowest speed feasible while the cutterhead is descending to the channel bottom.

8) Historic Properties/Cultural Resources:

- a. No activity which may affect historic properties listed or potentially eligible for listing on the National Register of Historic Places is authorized until the requirements of Section 106 of the National Historic Preservation Act (Section 106) have been fulfilled. Federal project proponents should follow their own procedures for complying with the requirements of Section 106 and provide documentation of compliance with those requirements.
- b. Information on the location and existence of historic and cultural resources, including shipwrecks, can be obtained from the State Historic Preservation Office, and the National Register of Historic Places.

- 9) Discovery of Previously Unknown Remains and Artifacts: If any previously unknown historic, cultural, or archeological remains and artifacts are discovered while accomplishing the activity authorized by this permit, the permittee must immediately notify the Corps of what they have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The Corps will initiate the federal, tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

10) Federally Authorized Corps Civil Works projects:

- a. A permittee is not authorized to begin any regulated activities described in this RGP if activities will alter or temporarily or permanently occupy or use a Corps federally authorized civil works project, unless the appropriate Corps office issues Section 408 permission to alter, occupy, or use the Corps civil works project (pursuant to 33 U.S.C. 408), and the Corps issues a written RGP verification. Examples of federal projects include but are not limited to works that were built by the Corps and are locally maintained (such as local flood control projects) or operated and maintained by the Corps (such as locks and dams).
- b. Impacts to federally owned land (such as dredging for docks at Corps of Engineers cottage lease sites or on other land owned by a federal agency): The permittee must notify the Real Estate Division to initiate coordination and obtain authorization from the Real Estate Division in order to be eligible for consideration under this RGP. The notification must include the current lease identification number, detailed drawings, and enough sufficient information to determine if the proposed work conforms to the criteria and conditions of the Lease prior to consideration and coordination of this RGP.

11) Aquatic Life Movements: No regulated activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species. If a bottomless culvert cannot be used, then the crossing should be designed and constructed to minimize adverse effects to aquatic life movements.

12) Spawning Areas: Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial sedimentation) of a designated or known spawning area are not authorized.

13) Pollutant or Hazardous Waste Spills: The permittee is responsible for removing pollutants and hazardous materials and for minimizing any contamination resulting from a spill in accordance with all applicable state, tribal, and federal laws. In accordance with applicable state, tribal, and federal laws and regulations, if a spill of any potential pollutant or hazardous waste occurs, it is the responsibility of the permittee to immediately notify the National Response Center at 1-800-424-8802 or nrc.uscg.mil.

14) Clean Construction Equipment: To prevent the spread of invasive species, all construction equipment must be clean prior to entering and before leaving the work site.

<<<<< END OF GENERAL CONDITIONS >>>>>

E. 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 authorizations 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. **Re-evaluation 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 the issuing 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.

6. **Extensions.** General condition 4 establishes a time limit for the completion of the activity authorized 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.

This permit becomes effective when the Federal official, designated to act for the District Engineer, has signed below.

Robert Gramke
Chief, Regulatory Branch
St. Louis District

Date