

**DEPARTMENT OF THE ARMY PERMIT
Regional General Permit #46
New and Maintenance Dredging
In Section 10 Waters of the United States
In Iowa and Illinois**

Permittee: General Public meeting the terms and conditions herein.

Number: CEMVR-OD-P-2020-0704 (Regional General Permit #46)

Expiration Date: March 29, 2026

Issuing Office: U.S. Army Corps of Engineers, Rock Island District
Clock Tower Building-P.O. Box 2004
Rock Island, Illinois 61204-2004

You are authorized to perform work in accordance with the terms and conditions specified below.

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 (Corps) 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.

Authorized Work. Authorizes new dredging projects and/or maintenance dredging (channels and basins) for certain navigation-related dredging projects using either mechanical or hydraulic methods.

For the purposes of this Regional General Permit (RGP), maintenance dredging means dredging only within the previously approved areas and to the previously approved depths. Prospective maintenance dredging applications must document the previous DA permit which authorized dredging in the proposed project area and can not exceed the limits specified in the previous DA permit.

1. Discharges of Dredged Material into Waters of the U.S. associated with Maintenance or New Dredging:

Discharge of Return Water from Disposal Area: The return water from a contained disposal area is administratively defined as a discharge of dredged material, even though the disposal area itself may not be located in a water of the U.S. **A separate Department of the Army authorization permit will need to be issued for return water that is proposed to be discharged into a jurisdictional water since the State 401 Certification has not been issued for this RGP. Discharges of dredged or fill material are not authorized by this RGP.**

2. Project Location:

This RGP will authorize work to be performed on rivers designated as Section 10 Waters under the Rock Island District’s Regulatory jurisdiction. See Special Condition section below for a complete list and map of current Section 10 rivers. This RGP covers work on both privately-owned or federally-owned land.

3. Permit Conditions:

A. General Conditions:

- 1) **General Public (Private and Commercial):** The permittee must notify the District Engineer (DE) through a pre-construction notification in order to obtain authorization of this RGP, prior

to beginning work. (see item #3 below) The pre-construction notification must include detailed drawings and sufficient information to determine if the proposed work conforms to the criteria and conditions of the RGP. DA (DA) permit application (ENG Form 4345) should be used for this purpose and is available to download from the Rock Island District Regulatory webpage: <https://www.mvr.usace.army.mil/Missions/Regulatory/Permits/>

2) **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):**

- a) The permittee must notify the Real Estate Division at MVR-RE-USACE@usace.army.mil 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.

3) **The Pre-Construction Notification (PCN) shall include:** A completed and signed DA application (Form ENG 4345), or other suitable means of submittal (i.e. letter, report, etc.) that has the following information detailed:

- a) Name (Point of Contact), Address, Telephone, email (if applicable) of the applicant and consultant (if applicable);
- b) Signed statement acknowledging the authority of a consultant to speak on the applicant's behalf (if applicable);
- c) Latitude and Longitude of the proposed activity in decimal degrees;
- d) Description of the proposed activity, detailed description of dredging method, and the project's purpose and need;
- e) A copy of all DA authorizations previously issued for the work area.
- f) A vicinity map, plan view, and typical cross section drawings detailing the proposed method of dredging 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 will be suitable if legible.
 - ii. Drawings shall include:
 - 1. A vicinity map with the precise location of the activity and the upland dredged material disposal area, including geographic coordinates (decimal degrees);
 - 2. A top plan view of the showing: the property where work is proposed, its owner(s), length and width dimensions of all dredge areas, and their relationship to the adjacent property lines and existing structures, and the distance from the end of the dredge area to the centerline of a road or other fixed reference point;
 - 3. Top view and cross section drawings depicting the proposed distances and depths to which the dredging area will extend into the water body, as measured from the pool elevation line, current depth of water as measured from pool elevation, proposed depth of water as measured from pool elevation, presence or absence of vegetation on bottom, and the dimensions of all adjacent structures;
 - 4. Top view and cross section drawings depicting the proposed distances and depths of the area where dredge material will be placed, in relation to the nearest water body as measured from the pool elevation line;
 - 5. The distance from dredge areas to the top edge of any navigable channel in the immediate vicinity; and,

6. An aquatic resource delineation map that clearly demonstrates 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 portion of the proposed project. 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.
- g) A statement that the work will be conducted in compliance with the terms and conditions of this Permit.
 - h) A statement of estimated start and completion dates.
- 4) The time limit for submittals ends 60 days prior to the expiration of the RGP, unless the RGP is modified, reissued or revoked. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before that date is reached. If you commence or are under contract to commence this activity before the date the RGP is modified or revoked, you will have twelve months from the expiration date above, to complete your activity under the present terms and conditions of this RGP.
 - 5) You must maintain the activity authorized by this permit in good condition and 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. If you sell the property associated by this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the signed permit to this office to validate the transfer of your authorization. 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.
 - 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.

B. Section 10 Waters in the Rock Island District where RGP 46 may be used.

Below is a list of the Section 10 Waters recognized by the Rock Island District Regulatory Division:

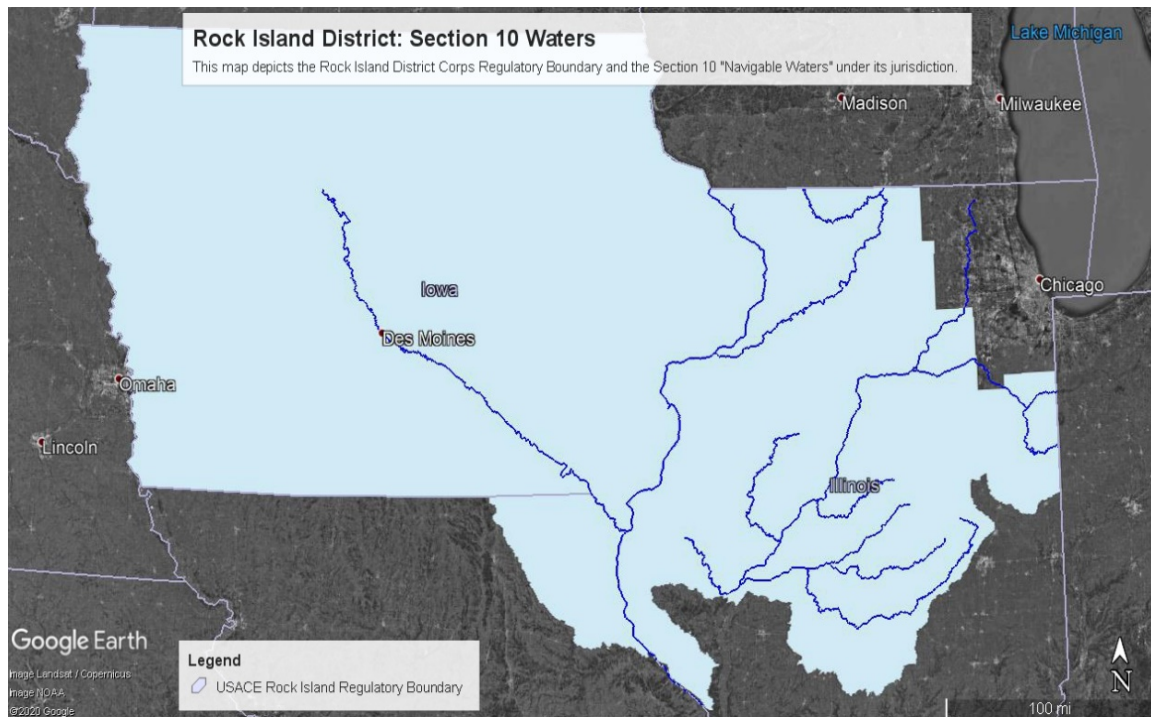
IOWA

1. Mississippi River - Mile 300 (Saverton, MO) upriver to mile 678.8.
2. Des Moines River - from its confluence with the Mississippi River in Lee County (IA) and Clark County (MO) to mile 315.0 at Fort Dodge, IA.
3. Iowa River - from its confluence with the Mississippi River in Louisa County, IA to mile 3.0 near Toolesboro, IA.

ILLINOIS

1. Mississippi River - Mile 300 (Saverton, MO) upriver to mile 580.7.
2. Illinois River - LaGrange L&D to Dresden L&D
3. Rock River - from its confluence with the Mississippi River to IL-WI border.
4. Galena River - from its confluence with the Mississippi River in Jo Davies County to mile 4.0 at Galena, IL.
5. Fox River - from confluence with Illinois River in Ottawa, through Kendall, Kane and McHenry Counties.
6. Iroquois River - confluence with Kankakee River to Illinois state border.
7. Kankakee River - confluence with Illinois River to Illinois state border.

8. LaMoine River - from its confluence with the Illinois River in Schuyler County into Hancock County.
9. Mackinaw River - from its confluence with the Illinois River in Tazewell County into McLean County.
10. Salt Creek - from its confluence with Sugar Creek in Menard County to mile 70.0 in McClean County.
11. Sugar Creek - from its confluence with the Sangamon River in Menard County to mile 70.0 in McClean County.
12. Sangamon River - from its confluence with the Illinois River in Cass County into McClean County.
13. Spoon River - from its confluence with the Illinois River in Fulton County to mile 120.0 in Peoria County
14. Pecatonica River - throughout Stephenson and Winnebago counties.
15. Illinois and Michigan Canal - from the confluence with the Illinois River in Peru, LaSalle County to Dresden L&D.



C. Historic Properties/Archaeological:

- 1) Section 106 consultation is not required when the Corps determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR 800.3(a)). In cases where the DE determines that the activity may affect properties listed, or eligible for listing, in the National Register of Historic Places (National Register), the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) are met.
- 2) Federal permittees should follow their own procedures for complying with the requirements of Section 106 of NHPA, permittees must provide the DE with the appropriate documentation to demonstrate compliance with those requirements.

- 3) Non-federal permittees must submit information to the DE if the authorized activity may have the potential to cause effects to any historic properties listed, determined to be eligible for listing on, or potentially eligible for listing on the National Register, including previously unidentified properties. For such activities, the information must state which historic properties may be affected by the proposed work and include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of or potential for the presence of historic resources can be sought from the State Historic Preservation Officer (SHPO) and/or Tribal Historic Preservation Officer (THPO), as appropriate, and the National Register (see 33 CFR 330.4(g)). The DE shall make a reasonable and good faith effort to ensure that appropriate identification efforts are carried out, which may include background research, consultation, history interviews, sample field investigation, and field survey. Based on the information submitted and these efforts, the DE shall determine whether the proposed activity has the potential to cause an effect on the historic properties. Where the non-Federal applicant has identified historic properties which the activity may have the potential to cause effects, and so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the DE either that the activity has no potential to cause effects, or that consultation under Section 106 of the NHPA has been completed.
- 4) The DE will notify the prospective permittee within 45 days of receipt of a complete application whether NHPA Section 106 consultation is required. Section 106 consultation is not required when the Corps determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR 800.3(a)). If NHPA Section 106 consultation is required, the non-Federal applicant cannot begin work until Section 106 consultation is completed.
- 5) Permittees should be aware that section 110k of the NHPA (16 U.S.C. 16 470h-2(k)) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of Section 106 of the NHPA has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, explaining the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

D. Endangered Species:

- 1) No activity is authorized under this RGP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under Section 7 of the Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized under this RGP which may affect a listed species or critical habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed to address the effects of the proposed activity on a listed species or critical habitat.
- 2) Federal permittees and their designated state agencies should follow their own procedures for complying with the requirements of the ESA. Federal permittees must provide the Corps with the appropriate documentation to demonstrate compliance with

those requirements. The Corps will review the documentation and determine whether it is sufficient to address ESA compliance for the activity, or whether additional ESA consultation is necessary.

- 3) Non-federal permittees must provide the Corps with the appropriate documentation to demonstrate compliance with the ESA. If the authorized activity may have the potential to effect any listed species, or designated critical habitat might be affected, or is in the vicinity of the project, or is located in designated critical habitat, permittee shall not begin work on the activity until notified by the DE that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that may affect Federally-listed endangered or threatened species or designated critical habitat, the notification must include the name(s) of the endangered or threatened species that may be affected by the proposed work or that utilize the designated critical habitat that may be affected by the proposed work. The DE will determine whether the proposed activity may affect or will have no effect on listed species and designated critical habitat.
- 4) Authorization of an activity by this regional general permit does not authorize the taking of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the U.S. Fish and Wildlife Service (USFWS), both lethal and non-lethal takings of protected species are in violation of the ESA. Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the USFWS webpage.

The permittee understands and agrees that, if future operations by the United States requires the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army of 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.

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

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).
 - () 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. **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 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

Ward Lenz
Chief, Regulatory Division
Rock Island District

Date

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

Transferee

Date