

DEPARTMENT OF THE ARMY PERMIT

Permittee: General Public

Permit No. MVR-2017-1263, MVR-GP-41 (Permanent Protection/Repair of Flood Damaged Structures, Damaged Lands and/or Fills)

Issuing Office: U.S. Army Corps of Engineers, Rock Island District

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, within the Rock Island District's regulatory boundary, in accordance with the terms and conditions specified below.

Project Description: To excavate or place fill material for the permanent protection of and/or repair of existing flood damaged structures, damaged land areas and/or damaged fills as follows:

- a. Repair of levees to preexisting elevations and cross-section, including breach closures and associated borrow operations.
- b. Bridge embankment protection (armoring) and/or repair. In some circumstances, repair to the structure, for safety or practicality, requires a complete replacement.
- c. Repair of preexisting highway or railroad embankments and the addition or repair of stone (armoring) protection.
- d. Repair of preexisting utility protection structures.
- e. Placement of rock and/or earth materials for stream/ditch bank protection and/or stream/ditch bank restoration.
- f. Drainage channel/ditch restoration to pre-flood capacity and flow line unless the flow line must be altered due to other damage associated with the flood event.
- g. Restoration of creek channels to pre-flooding alignment and capacity.
- h. Construction of temporary roads and temporary fills to facilitate the completion of any of the above listed activities.
- i. Mechanical and/or hydraulic dredging of any recently accumulated sediment from the flood event. All accumulated sediment must be dredged within six (6) months of the event and removed from the waterbody to an approved upland location. The dredging is limited to accumulated sediment only from the flood event. Any additional dredging would need a separate Department of the Army permit determination.

If the proposed work involves any activity included in the following list you must provide preconstruction notification (PCN) to the Rock Island District, Corps of Engineers, prior to completing any of the listed work, and you must submit application materials as outlined in Appendix 1. Additionally, you must submit a mitigation plan, as outlined in the federal mitigation regulation found at 33 CFR 332, prior to completing any of the following flood recovery/repair activities:

- Work that may affect a Corps of Engineers Civil Works project (Section 408 permission is required prior to work);
- Any activities requiring obtaining borrow from forested wetlands or dredging or excavating for borrow material from any stream channel in Missouri;
- Activities that require borrowing earth material from potential migratory bird nesting areas;
- Repair activities that require any clearing of trees;
- Flood repairs in areas with known sensitive aquatic species listed in special condition "e".
- Repair work that requires working in Exceptional State Waters and/or Special Aquatic Life Use Waters;
- Activities associated with the restoration of a stream channel back to the original, pre-flood, location.
- Projects near listed or potential historic sites.
- Projects that may affect threatened or endangered species.

All flood repair activities supervised by the Corps of Engineers, pursuant to Public Law 84-99 or to Section 14 projects, and/or all repairs supervised by the United States Department of Agriculture, pursuant to any USDA Program authorized for flood recovery can be completed without PCN to the Corps of Engineers. However, all completed flood repair work, authorized by this permit, must be reported to the Rock Island District, Corps of Engineers, Regulatory Division, within 60 days of completing the flood repair project. The project report must include the location of the work, as-built drawings of the structure(s) and/or fill(s), and a discussion of the avoidance and minimization measures incorporated into the project and mitigation measures employed.

Project Location: In waters of the United States (rivers, lakes, streams and wetlands) within the Rock Island District's regulatory boundary in the State of Missouri, that are declared flood disaster areas by the Governor of the state and/or the President of the United States.

Permit Conditions:

General Conditions:

1. This general permit expires on **14 June 2028**, 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 that expiration date to complete the activity under the present terms and conditions of this 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. If a conditioned water quality certification has been issued 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 certification is attached if it contains such conditions.
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 this permit.

Special Conditions:

See continuation sheets, pages 5 through 8, of this document. In addition, review Appendix 1 for information required to be submitted to the Corps of Engineers if your project requires PCN before beginning work. Appendix I also contains the list of information you must submit after completing your project if PCN is not required for your particular project.

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. failure to comply with the terms and conditions of this permit.
 - b. The information provided by the project proponent in support of the 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.
6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit.

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

GENERAL PUBLIC - SIGNATURE NOT REQUIRED
(PERMITTEE)

(DATE WORK BEGAN)

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

(DISTRICT ENGINEER)
JESSE T. CURRY
COLONEL, CORPS OF ENGINEERS, DISTRICT COMMANDER
BY: WARD LENZ
CHIEF, REGULATORY DIVISION

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

(TRANSFEREE)

(DATE)

MVR-GP-41 Special Conditions:

a. You must sign and return the attached "Compliance Certification" after the authorized work and any required mitigation is completed. Your signature will certify that you completed the work in accordance with this permit, including the general and the special conditions, and that any required mitigation was completed in accordance with the permit conditions.

b. (Activities occurring in navigable waters under Section 10 of the Rivers and Harbors Act of 1899 Only). 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. If the work, authorized by this permit, requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers federally authorized project, the prospective permittee must submit PCN as outlined on the first page of this permit. An activity that requires a Section 408 determination is not authorized by GP-41 until the Rock Island District issues the Section 408 authorization to alter, occupy, or use the Corps of Engineers project and the district engineer issues a written GP-41 verification.

d. If any part of the authorized work is performed by a contractor, before starting work you must discuss the terms and conditions of this permit with the contractor; and, you must give a copy of this entire permit to the contractor.

e. You must contact the Corps if any work is proposed in areas of listed sensitive aquatic species. The list of sensitive aquatic species in Missouri can be found at:
<https://usace.contentdm.oclc.org/utis/getfile/collection/p16021coll11/id/6218>

f. You must employ measures to prevent spilled fuels, lubricants, excessive suspended solids including dredged material, and/or wet concrete from entering the waters of the United States and formulate a contingency plan to be effective in the event of a spill.

g. 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. Use of small aggregate material less than 20 lbs. per aggregate, such as creek gravel, for stabilization and erosion control is prohibited.

h. You must excavate or fill in the watercourse so as to minimize increases in suspended solids and turbidity which may degrade water quality and damage aquatic life outside the immediate area of operation. Activities should be conducted during low water periods and must be conducted outside major spawning season for fish, unless a waiver is obtained from the Corps of Engineers. The list of waters with seasonal spawning restrictions in Missouri can be found at:
<https://usace.contentdm.oclc.org/utis/getfile/collection/p16021coll11/id/6215>

i. You must use the stream crossing guidelines for any temporary stream crossing constructed in a regulated waterway. The guidelines, for Missouri can be found at:
<https://usace.contentdm.oclc.org/utis/getfile/collection/p16021coll11/id/6216>

MVR-GP-41 Special Conditions Continued:

Stream crossings and use of construction machinery in waterways should be limited to the minimum extent necessary.

j. You must immediately remove and properly dispose of all debris during every phase of the project in order to prevent the accumulation of unsightly, deleterious and/or toxic materials in or near the water body. All construction debris must be disposed of in an upland site, outside the floodplain, and in such a manner that it cannot enter into a waterway or into a wetland.

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

l. You must restrict the clearing of timber and other vegetation to the absolute minimum required to accomplish the work. You must avoid the removal of mature trees to prevent potential impacts to bald eagle roost sites. Work should be limited to one side of the channel only. However, work from both sides of the channel is permitted if it is demonstrated that it results in minimizing tree clearing. Vegetated riparian buffer areas should be included along both sides of any channel restoration projects. All wooded areas cleared for site access must be allowed to return to forested habitat. Mitigation may be required for other timber clearing.

m. 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. All plant material, including seed mixes, should be composed of native species. If seeding does not successfully stabilize the disturbed soil areas by the end of the first growing season, you must implement alternate measures, such as placing riprap, slope terracing with untreated railroad ties, gabions or concrete blocks, or additional vegetative plantings, to protect the disturbed areas from further erosion. Clearing, grading, and replanting should be planned and timed so that only the smallest area is in a bare soil condition. You must contact the Corps of Engineers prior to beginning work on any additional erosion control measures so that we can determine if additional authorization is required.

n. You must dispose of excess concrete and wash water from concrete trucks and other concrete mixing equipment in an upland 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 not dispose of any construction debris or waste materials below the ordinary high water mark of any water body, in a wetland area, or at any location where the materials could be introduced into the water body or an adjacent wetland as a result of runoff, flooding, wind, or other natural forces.

p. You must use only graded rock, quarry-run rock and/or clean concrete rubble for riprap. The material must be reasonably well graded, consisting of pieces varying in size from 20 pounds up to and including at least 150-pound pieces. Generally, the maximum weight of any piece should not be more than 500 pounds. Gravel and dirt should not exceed 15% of the total fill volume. If you use concrete rubble, you must break all large slabs to conform to the well graded requirement, and remove all exposed reinforcement rods, trash, asphalt, and other extraneous materials before you place the rubble in the waters of the United States. Graded rock requirements can be altered provided approval is received from the Corps' Regulatory Division prior to placement.

q. You must completely remove all temporary fills, including sandbags (to the extent practicable), in the Waters of the United States within 30 days of the end of the flood emergency. If sandbags are needed for a longer duration until permanent repairs are made, you must request a waiver of this condition in writing.

MVR-GP-41 Special Conditions Continued:

- r. You must avoid impacts to wetlands to the fullest extent practicable. When wetlands impacts are unavoidable, borrow site selection will be based on the following order of preference: upland (non-wetland) sources, areas riverward of the levee previously used for borrow, currently farmed prior converted cropland, farmed wetlands, or other authorized excavation sites. You must mitigate for all unavoidable proposed wetland excavation or fill activities authorized by this permit. You must develop mitigation plans on a case-by-case basis which must be approved by the Corps. This permit does not authorize actions designed to drain or otherwise convert wetlands to other uses, nor actions where a practicable alternative to impacting wetlands is available unless the Corps of Engineers, in consultation with other resource agencies, determine that sediment removal from existing wetlands will restore wetland functions and create valued habitat diversity. All borrow areas should have 5:1 horizontal to vertical side slopes and the water depth should be three feet deep or less under normal circumstances.
- s. You must place all fills and structures in waterways such that they do not result in stream channel constriction, they do not cause redirection of flows in such a way as to cause upstream or downstream erosion, and/or they do not restrict aquatic organism movement, especially during periods of low flow. Channelization projects or shortening of waterways, other than restoration of creek channels to pre-flood alignment, are not authorized by this permit.
- t. No activity is authorized under this GP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify designated critical habitat or critical habitat proposed for such designation. No activity is authorized under this GP which “may affect” a listed species or critical habitat, unless ESA section 7 consultation addressing the consequences of the proposed activity on listed species or critical habitat has been completed.
- u. No activity is authorized under this GP which may have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.
- v. Permittees that discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this GP, they must immediately notify the district engineer 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 district engineer will initiate the Federal, Tribal, and state coordination required to determine if the items or remains warrant a recovery effort if the site is eligible for listing in the National Register of Historic Places.
- w. You must NOT undertake any activity that results in a new structure or replacement of a previously authorized structure with an increase in scope or design of the original structure. Small changes that do not affect elevations, such as the reconstruction of a levee around a scour hole at pre-existing elevations, and that do not convert wetland to upland (non-wetland) or a different wetland use beyond what is unavoidable such as to go around a scour hole, may be authorized upon notification to the Corps. Levee breach repairs constructed on new alignments must be setback farther from the stream channel than the original alignment.

MVR-GP-41 Special Conditions Continued:

x. You must contact the Missouri Department of Natural Resources, Water Protection Program, P.O. Box 176, Jefferson City, Missouri 65102-0176, in order to determine the need for a state permit for land disturbance, return water, or other activities that normally require such permits. Use of GP-41 shall not be construed or interpreted to imply that the requirements for all other federal, state, and/or local permits are replaced or superseded. Any national pollutant discharge elimination system (NPDES) permits, general permits for land disturbance, or any other permit requirements must be obtained and complied with.

y. You must notify the Corps of Engineers if one of the following common exotic species occurs in the project area. The zebra mussel (*Dreissena polymorpha*), Eurasian watermilfoil (*Myriophyllum spicatum*), purple loosestrife (*Lythrum salicaria*), Johnson grass (*Sorghum halepense*), sericia lespedeza (*Lespedeza cuneata*), salt cedar (*Tamarix spp.*), and reed canary grass (*Phalaris arundinacea*). You must take appropriate actions to prevent the spread of any exotic animal species and noxious and invasive plant species. Best management practices should be used to reduce the risk of transferring invasive plant and animal species to or from the project site. Best management practices can be found at: <http://www.invasivespeciesinfo.gov/toolkit/prevention.shtml>. The following best management practice can help prevent the spread of these species. Clean and certified weed-free seed should be used for plantings. Equipment brought on the project site should be washed to remove dirt, seeds and plant parts. If the equipment has been used in a body of water in the last 30 days it can be washed at a commercial car wash or dried for five or more days before using the equipment in another body of water. In addition, before transporting equipment from the project site all water, mud, plants and animals should be removed.

APPENDIX 1

Criteria for Authorization by General Permit MVR-GP-41

1. This general permit authorizes activities proposed by the general public, railroads, transportation departments, pipeline and utility companies, and government agencies.
2. If you propose to work under the authority of this General Permit and the project requires a PCN as outlined in the permit, you must notify the Rock Island District, Corps of Engineers, within two (2) years of the end of the flood event (when the nearest river gauge drops below flood stage for two months) and receive authorization prior to starting work within the Corps regulatory jurisdiction. This two-year period may be waived by the district engineer provided the permittee can demonstrate a delay based on available funding, contracting, or other similar delays. You must submit the following information:
 - a. Submit a completed application form ENG 4345 or a letter which includes all information required by form ENG 4345. The ENG 4345 is available at:
<http://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Obtain-a-Permit/>
 - b. Provide a complete description of the proposed work, including a statement describing compensatory mitigation to replace aquatic resources lost as a result of the project or a statement justifying why compensatory mitigation is not required, and a proposed plant list to restore all disturbed areas that result from the construction activities so that we can clearly and readily determine whether or not the proposed work complies with this GP and determine if compensatory mitigation is warranted. If required, compensatory mitigation plans must be in accordance with the mitigation regulations found at 33 CFR 332.
 - c. Describe and illustrate the location of the flood repair activities on an aerial photograph. The activity must be in counties where a current disaster declaration is issued by the Governor of the State of Missouri or the President of the United States. Include an 8 1/2" x 11" map with the location of the proposed project clearly marked, including the Section, Township, and Range and the latitude and longitude (decimal degrees).
 - d. Submit an 8 1/2" x 11" drawing(s) showing the details of the proposed repair work. Include a list of plant materials proposed for restoration and/or erosion control. The plant list should include both the common name and the Latin binomial.
 - e. Discussion of possible alternatives and why the preferred alternative was selected.
 - f. Also, as project proponent, you must send copies concurrently to the following addresses, but we will not necessarily solicit comments from these agencies. We will give these agencies an opportunity to request that we take discretionary authority to require that you apply for an individual permit, if a significant issue is identified.

General Permit MVR-GP-41 Appendix 1 (continued)

(1) For all repair projects, you must contact:

U.S. Environmental Protection Agency
Watershed Planning and Implementation Branch
11201 Renner Boulevard
Lenexa, Kansas 66219
(913) 551-7003

* Federal Emergency Management Agency
Region VII
9221 Ward Parkway, Suite 300
Kansas City, Missouri 64114-3372
(816) 283-7063

** You must contact FEMA for all proposed development located in the 100-year floodplain of a National Flood Insurance Program (NFIP) participating community in order to comply with local floodplain management regulations and secure a floodplain development permit from that community.*

(2) For repair projects in Missouri, you must contact:

U.S. Fish and Wildlife Service
Columbia Field Office
101 Park DeVille Drive, Suite A
Columbia, Missouri 65203
(573) 234-2132

Missouri Department of Natural Resources
Water Pollution Control Branch
P.O. Box 176
Jefferson City, Missouri 65102
1-800-361-4827 or (573) 751-1300

Missouri Department of Conservation
Policy Coordination
P.O. Box 180
Jefferson City, Missouri 65102-0180
(573) 522- 4115

Missouri Department of Natural Resources
Historic Preservation Program
P.O. Box 176
Jefferson City, Missouri 65102
(573) 751-7958

3. For projects NOT requiring pre-construction notification, a report of the completed repair activities must be submitted to the Corps that includes the work location (including an aerial photograph), as-built drawings of the structure(s) and/or fill(s), a list of plant materials (including Latin binomial name) incorporated into the project, and a discussion of the avoidance and minimization measures incorporated into the project and mitigation measures employed. The report must be submitted within 60 days of project completion.

4. We may reevaluate the cumulative impacts of this general permit at our discretion at any time. We will reevaluate cumulative impacts at least every five (5) years as part of the review process for the reissuance of GP-41.

5. The following is a list of flood damaged structures, damaged land areas and/or damaged fills authorized to be repaired under this general permit:

- a. Repair of levees to existing elevations, including breach closures and borrow operations.
- b. Bridge embankment protection (armoring) or repair. In some circumstances, repair to the structure, for safety or practicality, requires a complete replacement.
- c. Repair of pre-existing highway and/or railroad embankments and armor protection.
- d. Repair of pre-existing utility protection structures.
- e. Placement of rock and/or earth materials for emergency bank protection or restoration.

General Permit MVR-GP-41 Appendix I (continued)

- f. Drainage ditch restoration to pre-flood capacity and flow line unless the flow line must be altered due to other damage associated with the flood event.
 - g. Restoration of creek channels to pre-flooding alignment, capacity, and flow line.
 - h. Construction of temporary haul roads to facilitate any of the above listed activities.
 - i. Mechanical and/or hydraulic dredging of any recently accumulated sediment from the flood event. All accumulated sediment must be dredged within six (6) months of the event and removed from the waterbody to an approved upland location. The dredging is limited to accumulated sediment only from the flood event. Any additional dredging would need a separate Department of the Army permit determination.
6. The District Engineer may require an individual permit on a case-by-case basis for any activity authorized herein.
7. You must complete the authorized work within the five-year issuance period of the GP. If you need additional time to complete repairs or if flood damage occurs within the last year of the GP applicants must contact the Rock Island District, Corps of Engineers, for an extension of the authorization to complete the needed work. Contact should be made at least one month in advance of the GP expiration date if possible.
8. Flood repair activities, supervised by the U. S. Army Corps of Engineers, pursuant to Public Law 84-99, and/or supervised by the United States Department of Agriculture (USDA), pursuant to any USDA program authorized for flood recovery, do not require a PCN to the Corps of Engineers, Regulatory Division. It is the responsibility of these federal agencies to comply with all environmental laws and Presidential Executive Orders. However, agencies of the USDA and the Corps of Engineers must report all work completed under the authorization of GP-41 to the Rock Island District, Regulatory Division as outlined on page one of the permit. Submit reports to U.S. Army Corps of Engineers, Rock Island District, P.O. Box 2004, Rock Island, Illinois 61204-2004 (Attn: Regulatory Division GP-41).

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 Rock Island District at the address shown at the bottom of this page upon completion of the project. Submit a separate certification page for each individual authorized project

PERMIT NUMBER: General Permit No. 41 (MVR 2007-1263)

PERMITTEE (Enter permittee's name and mailing address):

PROJECT LOCATION (Enter latitude & longitude (decimal degrees) and Section, Township and Range, County, State):

- 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 paragraph "a" and in paragraph "b" above.

(PERMITTEE)

(DATE)

Return this certification to:

Department of the Army
Rock Island District, Corps of Engineers
P.O. Box 2004
Rock Island, IL 61204-2004
ATTN: Regulatory Division (GP-41)
illinoismoregulatory@usace.army.mil



US Army Corps
of Engineers

Kansas City District
Missouri State Regulatory Office
515 East High Street #202
Jefferson City, MO 65101
Tel.: 573-634-2248
Fax: 573-634-7960

Regulatory Offices in the State of Missouri

August 2018

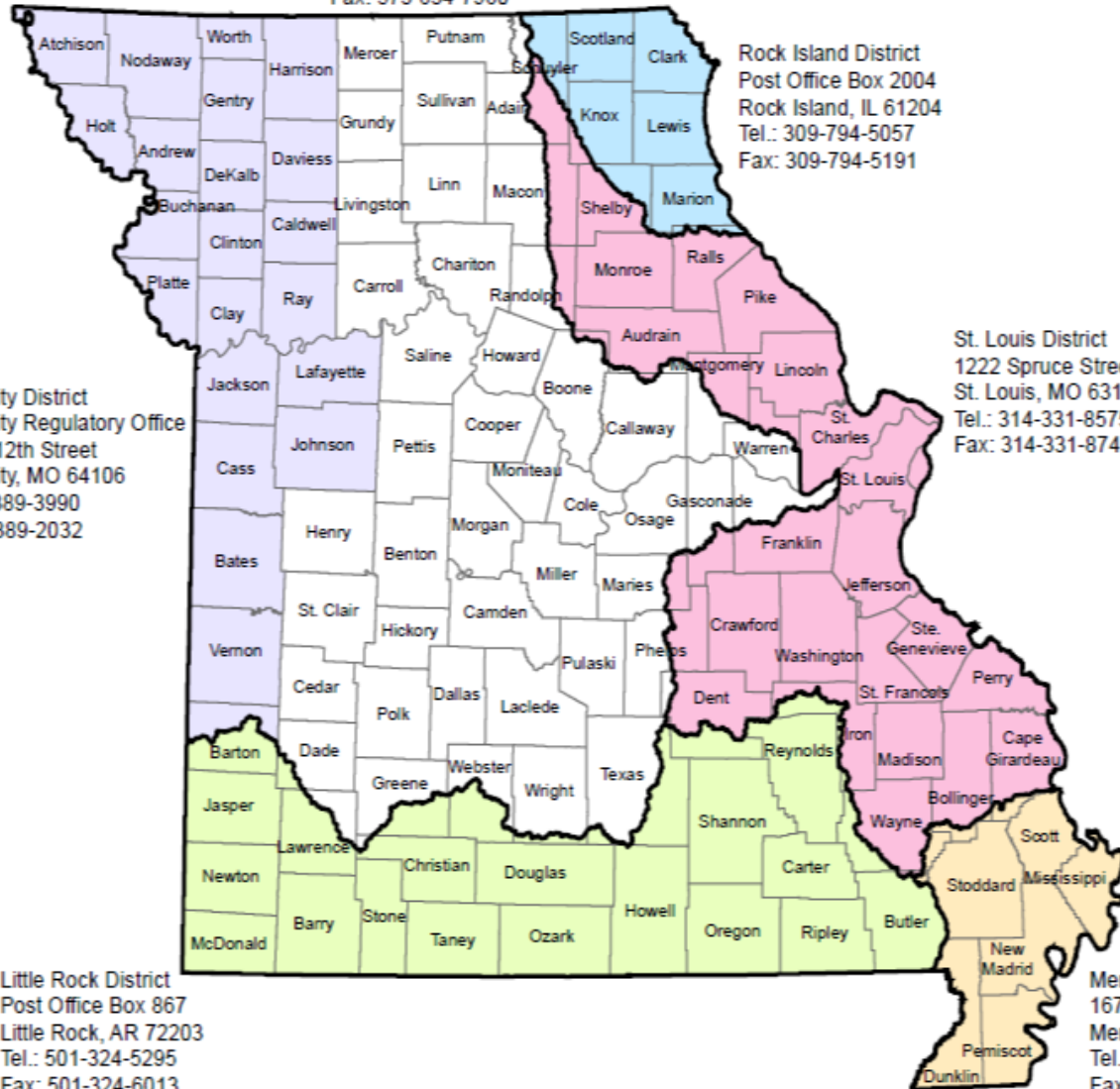
Rock Island District
Post Office Box 2004
Rock Island, IL 61204
Tel.: 309-794-5057
Fax: 309-794-5191

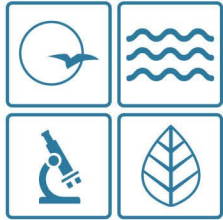
Kansas City District
Kansas City Regulatory Office
601 East 12th Street
Kansas City, MO 64106
Tel.: 816-389-3990
Fax: 816-389-2032

St. Louis District
1222 Spruce Street
St. Louis, MO 63103
Tel.: 314-331-8575
Fax: 314-331-8741

Little Rock District
Post Office Box 867
Little Rock, AR 72203
Tel.: 501-324-5295
Fax: 501-324-6013

Memphis District
167 North Main, B202
Memphis, TN 38103
Tel.: 901-544-3471
Fax: 901-544-0211





MISSOURI
DEPARTMENT OF
NATURAL RESOURCES

Michael L. Parson
Governor

Dru Buntin
Director

March 23, 2023

Colonel Travis J. Rayfield
Kansas City District
U.S. Army Corps of Engineers
635 Federal Building
601 East 12th Street
Kansas City, MO 64106-2824

RE: GP-41/NWK-2007-02078/CEK004650, Statewide

Dear Colonel Travis J. Rayfield:

The Missouri Department of Natural Resources' Water Protection Program has reviewed your request for Clean Water Act (CWA) Section 401 Water Quality Certification (WQC) to accompany the U.S. Army Corps of Engineers' (USACE) Permit for NWK-2007-02078 in which the USACE Kansas City District (NWK-2007-02078), St. Louis District (MVS-2022-00007), Rock Island District, Little Rock District, and Memphis District (MVM-2007-00588) are proposing to reissue Regional General Permit 41 (GP-41) for flood recovery activities in waters of the United States within the state of Missouri and Kansas. This permit is currently referred to as Region Permit 35 Missouri in the USACE's Rock Island District, but is anticipated to be changed to GP-41 for this reissuance.

GP-41 authorizes the discharges of dredged or fill material in conjunction with the permanent protection and/or repair of flood damaged structures, damaged land areas, and/or damaged fills in waters of the United States throughout Missouri that are declared flood disaster areas by the Governor of Missouri and/or the President of the United States. Project proponents include the public and local, state, and federal agencies to repair damages to federal, state, and private properties.

This WQC is being issued under Section 401 of Public Law 95-217, the CWA of 1977 and subsequent revisions. Pursuant to Section 121.7(d), this office certifies the proposed project will comply with Missouri water quality requirements, provided the following conditions are met:

1. Programmatic WQC is denied for any project on a water that is listed for a sediment-related impairment, aquatic habitat alteration, channelization, or unknown impairment as listed in the most current Water Quality Report (Section 305(b) Report) at <https://dnr.mo.gov/water/what-were-doing/water-planning/quality-standards-impaired-waters-total-maximum-daily-loads/impaired-waters>. Although intended to result in minimal impacts, GP-41 authorizations in these waters may contribute to impairments and result in noncompliance with Missouri's



general water quality criteria requiring waters be free from physical, chemical, and hydrologic changes that would impair the natural biological community [10 CSR 20-7.031(4)(H)] or exceedances of Missouri Water Quality Standards specific criteria [10 CSR 20-7.031(5)]. Since WQC conditions cannot be established to address all concerns from the variety of impairments and activities authorized by GP-41, individual review for WQC will be required. Requirements for individual WQC will be determined on a case-by-case basis based on the specific impairments, and additional testing, design, disposal, or Best Management Practice (BMP) considerations may be required.

To determine the location of waters noted above, the Department's geospatial data is available upon request, and all published data is available on the Missouri Spatial Data Information Services website at <https://msdis.missouri.edu/>. Additional information to identify the project location, including stream reaches with listed impairments or special water designations, may be viewed online at <https://modnr.maps.arcgis.com/apps/webappviewer/index.html?id=87ebef4af15d438ca658ce0b2bbc862e> or obtained from the Department's Water Protection Program at 573-522-4502.

2. Programmatic WQC is denied for any project on a water designated as an outstanding state or national resource water as found in Tables D and E of Missouri Water Quality Standards [10 CSR 20-7.031(1)(T) and (U)]. These waters are provided a Tier 3 level of protection in the Missouri antidegradation policy and are subject to no lowering of water quality [10 CSR 20-7.031(3)(C)]. In order to comply with the Missouri Antidegradation Implementation Procedure, any discharge to an outstanding state or national resource water requires an individual WQC to ensure that impacts will be temporary and the public can participate in the decision [10 CSR 20-7.031(3)(D)].

To determine the location of waters noted above, the Department's geospatial data is available upon request, and all published data is available on the Missouri Spatial Data Information Services website at <https://msdis.missouri.edu/>. Additional information to identify the project location, including stream reaches with listed impairments or special water designations, may be viewed online at <https://modnr.maps.arcgis.com/apps/webappviewer/index.html?id=87ebef4af15d438ca658ce0b2bbc862e> or obtained from the Department's Water Protection Program at 573-522-4502.

3. Missouri Water Quality Standards antidegradation requirements dictate all appropriate and reasonable BMPs related to erosion and sediment control, project stabilization, and prevention of water quality degradation are applied and maintained [10 CSR 20-7.031(3)(D)]; for example, preserving vegetation, streambank stability, and basic drainage. Special care shall be taken to select BMPs that protect and maintain the existing water quality. Appropriate BMPs shall be selected to provide effective erosion and sediment controls to minimize the discharge of pollutants. BMPs shall be properly installed prior to conducting authorized activities and maintained, repaired, and/or replaced as needed during all phases of the project to limit the

amount of discharge of water contaminants to waters of the state. The project shall not involve more than normal stormwater or incidental loading of sediment caused by project activities so as to comply with Missouri's general water quality criteria [10 CSR 20-7.031(4)].

4. After avoidance and minimization for the proposed project, all unavoidable, adverse impacts shall be mitigated appropriately based on type and extent of impacts to ensure compliance with the Missouri Water Quality Standards antidegradation requirement that waters of the state shall be maintained and protected [10 CSR 20-7.031(3)] and Missouri Clean Water Law, which provides the Department authority to adopt remedial measures to prevent, control, or abate pollution [Section 644.026.1(9), RSMo] and approval authority for compensatory mitigation used in connection with any WQC [Section 644.026.1(26), RSMo]. Unless the Department agrees to an alternative, mitigation for loss of aquatic resources shall be in conformance with compensatory mitigation guidance currently approved for use in Missouri, including guidance provided by the Missouri Stream Mitigation Method, the Missouri Wetland Mitigation Method, and/or Missouri guidance regarding compensatory wetland mitigation ratios. Compensatory mitigation shall be within the state of Missouri. Mitigation guidance documents can be located online at www.nwk.usace.army.mil/Missions/RegulatoryBranch/StateofMissouri.
5. Channelization of streams is not allowed under this WQC. Channelization includes but is not limited to reducing the length of the channel, widening the channel for increased water storage or flow, and/or construction of hard structures which concentrate flow. Unless necessary for a stream crossing associated with infrastructure projects and contained within an associated right-of-way, bank stabilization activities only along one bank of a stream are permitted, including, but not limited to, bank sloping and riprapping. The redirection of flow by excavation of the opposite bank or a streambed is considered a channel modification and is prohibited. This will ensure compliance with the Missouri Water Quality Standards general criterion requiring waters to be free from physical, chemical, or hydrologic changes that would impair the natural biological community [10 CSR 20-7.031(4)(H)].
6. Unless returning to pre-flood conditions, a stream channel shall not be relocated, straightened, cut-off, shortened, widened, or otherwise modified. A stream channel is defined as the area between the high banks of the creek where water is flowing, or in the case of a dry stream where water would flow after a rain event. This will ensure compliance with the Missouri Water Quality Standards general criterion requiring waters to be free from physical, chemical, or hydrologic changes that would impair the natural biological community [10 CSR 20-7.031(4)(H)].
7. A stream returned to a pre-flood location as part of an authorized project shall incorporate natural channel design features relative to a morphologically stable and appropriate stream channel [dimension (cross-section), pattern (sinuosity), profile (slope)] and incorporate measures (grade control, in-stream habitat, riparian plantings, etc.). Relocations resulting in a reduced channel length generally require additional mitigation to replace net losses of stream channel. This will ensure compliance with the Missouri antidegradation requirement that

waters of the state shall be maintained and protected [10 CSR 20-7.031(3)] under Missouri Clean Water Law, which provides the Department authority to adopt remedial measures to prevent, control, or abate pollution [Section 644.026.1(9), RSMo] and approval authority for compensatory mitigation used in connection with any WQC [Section 644.026.1(26), RSMo].

8. A stream's pattern, profile, and dimension, including but not limited to sinuosity, slope, and channel width, shall be maintained as much as practicable. Streambed gradient shall not be adversely impacted during project construction. No project shall accelerate bed or bank erosion. This will ensure compliance with the Missouri Water Quality Standards general criterion requiring waters to be free from physical, chemical, or hydrologic changes that would impair the natural biological community [10 CSR 20-7.031(4)(H)].
9. Only clean, nonpolluting fill shall be used. The following materials are not suitable where contact with water is expected and shall not be used due to their potential to cause violations of the general criteria of Missouri's Water Quality Standards [10 CSR 20-7.031(4)]:
 - a. Earthen fill, gravel, and broken concrete where the material does not meet the Suitable Material specifications stated in the "Missouri Nationwide Permit Regional Conditions" (<https://usace.contentdm.oclc.org/digital/collection/p16021coll11/id/2662/>) in locations where erosive flows are expected to occur on a regular basis, such as streambanks and/or lake shorelines.
 - b. Asphalt.
 - c. Concrete with exposed rebar.
 - d. Tires, vehicles or vehicle bodies, and construction or demolition debris are solid waste and are excluded from placement in the waters of the state. Properly sized, broken concrete without exposed rebar is allowed.
 - e. Liquid concrete, including grouted riprap, if not placed in forms as part of an engineered structure.
 - f. Any material that would result in violation of Missouri Water Quality Standards general criteria [10 CSR 20-7.031(4)] or specific criteria [10 CSR 20-7.031(5)].
10. Waste concrete or concrete rinsate shall be disposed of in a manner that does not result in any discharge to the jurisdictional water ways. This will ensure compliance with the Missouri Water Quality Standards general criteria requiring waters be free from unsightly bottom deposits [10 CSR 20-7.031(4)(A)]; substances resulting in toxicity to human, animal, or aquatic life [10 CSR 20-7.031(4)(D)]; and physical, chemical, or hydrologic changes that would impair the natural biological community [10 CSR 20-7.031(4)(H)].
11. Culverts shall be sized and placed appropriately and shall not impact aquatic habitat or create an impediment to the passage of aquatic organisms and/or sediment. Culverts shall be constructed so that it does not cause future scouring. This will ensure compliance with the Missouri Water Quality Standards general criterion requiring waters to be free from physical or hydrologic changes that would impair the natural biological community [10 CSR 20-7.031(4)(H)]. "General Guidelines for Stream Crossings" can be found in the "2017

Nationwide Permit Regional Conditions for Missouri” and at <https://www.nwk.usace.army.mil/Portals/29/docs/regulatory/NWP/2021/MO/MORC1Streams.pdf>.

12. Clearing of vegetation and trees shall be the minimum necessary to accomplish the activity except for the removal of invasive or noxious species and placement of ecologically beneficial practices. This will ensure compliance with the Missouri antidegradation requirement for BMPs [10 CSR 20-7.031(3)(D)].
13. All efforts shall be made to minimize exposure of unprotected soils. To the best of your or your contractor’s ability, project activity shall be conducted at times of little or no rainfall to limit the amount of overland flow as well as sediment disturbance and transport caused by heavy equipment. This will ensure compliance with the Missouri antidegradation requirement for BMPs [10 CSR 20-7.031(3)(D)] and general criteria [10 CSR 20-7.031(4)].
14. Disturbed riparian area, banks, etc., shall be restored to a stable condition to protect water quality as soon as possible. Seeding, mulching, and needed fertilization should be initiated immediately and completed within three days of final contouring. To ensure erosion of soil and deposition of sediment in waters of the state are not occurring from this project, on-site inspections of these areas should be conducted as necessary until successful revegetation and stabilization have been achieved. This will ensure compliance with the Missouri antidegradation requirement for BMPs [10 CSR 20-7.031(3)(D)].
15. Any stockpiled material shall be managed with appropriate BMPs or removed from the site and placed beyond the high bank on a non-wetland site. This will ensure compliance with the Missouri Water Quality Standards antidegradation requirement that waters of the state shall be maintained and protected [10 CSR 20-7.031(3)] and general criterion requiring waters to be free from physical, chemical, or hydrologic changes that would impair the natural biological community [10 CSR 20-7.031(4)(H)].
16. No new or expanded wet stormwater retention basins or similar impoundment structures may be constructed unless they are located off-channel. In-channel dry stormwater detention basins are allowable if the stream channel is either temporarily or not adversely affected by the basin. This will ensure compliance with the Missouri Water Quality Standards general criterion requiring waters to be free from physical, chemical, or hydrologic changes that would impair the natural biological community [10 CSR 20-7.031(4)(H)].
17. The quality of downstream water supplies shall not be adversely affected by this project. Any water supply intakes or other activities which may be affected by suspended solids and turbidity increases caused by work in the watercourse shall be investigated and sufficient notice given to the owners to allow preparation for any changes in water quality. The Department’s Water Protection Program’s Public Drinking Water Branch may be contacted by

phone at 573-526-0269 for the presence of drinking water supply intakes. This condition will ensure compliance with Missouri Safe Drinking Water Law [Section 640.100.1, RSMo] and Missouri's general water quality criteria [10 CSR 20-7.031(4)(A)-(H)].

18. Sand, gravel, or other dredged materials shall not be stockpiled within the channel, placed against the banks, or otherwise disposed of in a manner that will redirect erosive forces within the channel or threaten the stability of the channel or the bank lines. This will ensure compliance with the Missouri Water Quality Standards antidegradation requirement that waters of the state shall be maintained and protected [10 CSR 20-7.031(3)] and general criterion requiring waters to be free from physical, chemical, or hydrologic changes that would impair the natural biological community [10 CSR 20-7.031(4)(H)].
19. Sand or gravel shall not be excavated below water elevation at the time of removal, except if the stream is dry at the time of excavation, excavation shall not occur deeper than the lowest undisturbed elevation of the stream bottom adjacent to the site. This will ensure compliance with the Missouri Water Quality Standards general criterion requiring waters to be free from physical, chemical, or hydrologic changes that would impair the natural biological community [10 CSR 20-7.031(4)(H)].
20. Care shall be taken to keep machinery out of the water way as much as possible. If work in the water way is unavoidable, it shall be performed during low-flow conditions and in a way that minimizes the duration and amount of any disturbance to banks, substrate, and vegetation to prevent increases in turbidity. This will ensure compliance with the Missouri Water Quality Standards antidegradation requirement for BMPs [10 CSR 20-7.031(3)(D)] and general criteria [10 CSR 20-7.031(4)].
21. Fuel, oil and other petroleum products, equipment, construction materials, and any solid waste shall not be stored below the ordinary high water mark at any time or in the adjacent flood-prone areas beyond normal working hours. All precautions shall be taken to avoid the release of wastes or fuel to streams and other adjacent waters as a result of this operation. This will ensure compliance with the Missouri Water Quality Standards antidegradation requirement for BMPs [10 CSR 20-7.031(3)(D)] and Missouri Water Quality Standards general criteria requiring waters be free from substances preventing beneficial uses [10 CSR 20-7.031(3)(A)]; substances causing unsightly color or turbidity [10 CSR 20-7.031(4)(C)]; and physical, chemical, or hydrologic changes that would impair the natural biological community [10 CSR 20-7.031(4)(H)].
22. Petroleum products spilled into any water or on the banks where the material may enter waters of the state shall be cleaned up immediately and disposed of properly. Any such spills of petroleum shall be reported as soon as possible, but no later than 24 hours after discovery to the Department's Environmental Emergency Response phone line at 573-634-2436 or website at <http://dnr.mo.gov/env/esp/esp-eer.htm>. This will ensure compliance with Missouri Environmental Improvement Authority [Section 260.015, RSMo] to provide for the conservation of state water resources by the prevention of pollution and proper methods of

disposal and Missouri Water Quality Standards general criteria requiring waters be free from substances that prevent maintenance of beneficial uses; cause unsightly color, turbidity, or toxicity; and/or impair the natural biological community [10 CSR 20-7.031(4)(A), -(B) -(H)].

Land disturbance activities disturbing one or more acres of total area for the entire project or less than one acre for sites that are part of a common promotional plan of development or sale may require a stormwater permit. This will ensure compliance with CWA Section 402 National Pollutant Discharge Elimination System (NPDES) Permit requirements under Missouri Clean Water Law [Section 644.026.1, RSMo]. Instructions on how to apply for and receive the online land disturbance permit are located at <https://dnr.mo.gov/data-e-services/water/electronic-permitting-epermitting>; for technical assistance contact the ePermitting hotline at 573-526-2082 or toll free at 855-789-3889. Questions regarding permit requirements may be directed to the Department's Land Disturbance Permit Coordinator at 573-526-1139.

Many municipalities and some counties are covered under Municipal Separate Storm Sewer System Permit (MS4) NPDES permits with measures to control and possibly treat stormwater. The stormwater requirements of the Stormwater Management Plan and any related ordinances are not replaced or superseded by acquisition of a WQC. Prior to conducting any work, project proponents should consult with local authorities to determine any local requirements. This ensures compliance with CWA Section 402 National Pollutant Discharge Elimination System Permit requirements under Missouri Clean Water Law [Section 644.026.1, RSMo].

Acquisition of a WQC does not replace or supersede the requirements for other permits, including CWA Section 402 National Pollutant Discharge Elimination System Permits required under Missouri Clean Water Law [Section 644.026.1, RSMo]. Permits or any other requirements should remain in effect. If the activity includes piling dredged material on land, the applicant may need a general permit for return water and stormwater from the dredged material. Information regarding permit requirements and applications may be directed to the Department's Operating Permits Section by phone at 573-522-4502 (if in Central Field Operations area), Northeast Regional Office by phone at 660-385-8000, Kansas City Regional Office by phone at 816-251-0700, St. Louis Regional Office by phone at 314-416-2960, Southwest Regional Office by phone at 417-891-4300, or Southeast Regional Office by phone at 573-840-9750. A map of regional offices can be found at <https://dnr.mo.gov/about-us/division-environmental-quality/regional-office>.

If you were adversely affected by this decision, you may be entitled to an appeal before the Administrative Hearing Commission (AHC) pursuant to Section 621.250, RSMo. To appeal, you must file a petition with the AHC within 30 days after the date this decision was mailed or the date it was delivered, whichever date was earlier. If any such petition is sent by registered mail or certified mail, it will be deemed filed on the date it is mailed; if it is sent by any method other than registered mail or certified mail, it will be deemed filed on the date it is received by the AHC. Contact information for the AHC is: Administrative Hearing Commission, United States Post Office Building, Third Floor, 131 West High Street, P.O. Box 1557, Jefferson City, MO 65102; phone: 573-751-2422; fax: 573-751-5018; and website: <https://ahc.mo.gov>.

Colonel Travis J. Rayfield
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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 Billy Hackett by mail: Department of Natural Resources, Water Protection Program, P.O. Box 176, Jefferson City, MO 65102-0176; phone: 573-522-1131; and email: billy.hackett@dnr.mo.gov. Thank you for working with the Department to protect our aquatic resources.

Sincerely,

WATER POLLUTION CONTROL BRANCH



John Hoke
Chief

JH:bhp

- c: Joe Bowdish, Northeast Regional Office
- Dustin Hampton, Southeast Regional Office
- Olivia Jackson, Kansas City Regional Office
- James C. Kelley, Jr., U.S. Army Corps of Engineers, Rock Island District
- Jason Kirkman, Southeast Regional Office
- Brad Ledbetter, Southeast Regional Office
- Robert D. McDermott, U.S. Army Corps of Engineers, Memphis District
- Stacie McElhaney, Southeast Regional Office
- David P. Meyer, U.S. Army Corps of Engineers, St. Louis District
- James Reenan, U.S. Army Corps of Engineers, Kansas City District
- David M. Rupe, U.S. Army Corps of Engineers, Little Rock District
- Terrie Williams, Kansas City Regional Office
- Randall Willoughby, Southwest Regional Office