

Regional Conditions for Missouri

1. NWP 12 – Utility Activities. The permittee must notify the District Engineer in accordance with the "Notification" general condition of the NWPs (general condition 27) when new utility line construction activities parallel a stream and have multiple stream crossings (example: a gravity fed utility line that crosses a stream multiple times). The preconstruction notification must include a revegetation plan for impacted riparian areas. Impacted riparian areas must be revegetated with native species similar to the composition removed (i.e., native trees or grasses), except for a minimal corridor that is essential for operation and maintenance of the utility line. The applicant must submit rationale for the minimum width necessary for the operation and maintenance corridor.

2. NWP 13 – Bank Stabilization. Broken concrete used as bank stabilization must be reasonably well graded, consisting of pieces varying in size from 20 pounds up to and including at least 150 pound pieces. Applicants must break all large slabs to conform to the well graded requirement. 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. All protruding reinforcement rods, trash, asphalt, and other extraneous materials must be removed from the broken concrete prior to placement in waters of the United States.

3. NWP 23 – Approved Categorical Exclusions. The permittee must notify the District Engineer in accordance with the "Notification" general condition of the NWPs (general condition 27) for all regulated NWP 23 activities in waters of the United States. In addition to information required by NWP general condition 27, the notification must identify the approved categorical exclusion that applies (e.g., as listed in Regulatory Guidance Letter 05-07 or Federal Register) and include documentation that the project fits the categorical exclusion.

4. NWP 27 – Stream and Wetland Restoration Activities. The permittee must notify the District Engineer in accordance with the "Notification" general condition of the NWPs (general condition 27) for any regulated discharge associated with the relocation of forested wetlands.

5. NWP 40 – Agricultural Activities. NWP 40 does not authorize discharges that cause the loss of greater than 300 linear feet of stream bed, unless for intermittent and ephemeral stream beds this 300 linear foot limit is waived in writing by the district engineer.

6. NWP 43 – Stormwater Management Facilities. This NWP does not authorize the retention of water, in excess of that required to meet stormwater management requirements, for other purposes such as recreational lakes, reflecting pools and irrigation.

7. NWP 44 – Mining Activities. In-stream sand and gravel mining is excluded from NWP 44 in Missouri.

8. NWP 45 – Emergency Repair Activities. This NWP does not authorize the removal of borrow material from waters of the United States to restore uplands lost in discrete events.

9. NWPs 3 and 14 – Low Water Crossings. The permittee must notify the District Engineer when repairing, rehabilitating or replacing low water crossings when discharges of dredged or fill material would raise or lower the lowest elevation of the crossing by a total of 12-inches or more, or when removing the structure. The permittee must propose and employ measures to mitigate the potential impact of impounding gravel above the low water crossing or of releasing impounded-gravel downstream of the structure. Such mitigation might include: removing impounded gravel in the unstable area upstream of the low water crossing to prevent it from being transported downstream and/or constructing a notched weir to slow the release of impounded gravel from upstream of the low water crossing.

10. Agency Coordination Requirements for Waiver of 300 Linear Foot Limit Associated with NWPs 29, 39, 40, 42, and 43. Agency Coordination Requirements for Waiver of 300 Linear Foot Limit Associated with NWPs 29, 39, 40, 42, and 43. Agency coordination procedures will be completed prior to granting a request for a waiver of the 300 linear foot limit for losses of intermittent and ephemeral streams. The applicant must provide documentation of avoidance and minimization of individual and cumulative impacts associated with the proposed project.

11. Suitable Material (Applicable to all NWPs). In addition to the specific examples in General Condition 6 of the NWPs, the following materials are not suitable for fill activities into waters of the U.S. in conjunction with any NWP: buses or rail cars, construction or demolition debris, garbage, loose or improperly placed tires, treated lumber (chromated copper arsenate (CCA), creosote, and pentachlorophenol), liquid concrete not poured into forms, grouted riprap, bagged cement, and sewage or organic waste.

12. Culverts. The permittee must notify the District Engineer in accordance with the "Notification" general condition of the NWPs (general condition 27) for any regulated activity which involves the construction of a new or replacement culvert on a class P or C stream in Missouri. Class P and C streams in Missouri is available upon request from the Corps or at the following link: <http://www.sos.mo.gov/adrules/csr/current/10csr/10c20-7c.pdf>. All culverts must be designed to allow the natural passage of aquatic organisms. The culvert design must mimic the natural shape and flow of the channel. For all box culverts with three or more cells on class P and C streams, the opening of the center culvert must be slightly lower than the adjacent culverts to concentrate low flows for the passage of aquatic organisms.

13. Notification Requirement for Aquatic Resources in Missouri (Applicable To All NWPs). The permittee must notify the District Engineer in accordance with the

"Notification" general condition of the NWP (general condition 27) for any regulated activity which may impact a jurisdictional fen, seep or bog of any size.

14. Seasonal Restrictions for Activities Proposed in Spawning Areas (Applicable To All NWPs). In addition to the requirements of NWP general condition 3, for any regulated activity, the following specific seasonal restrictions apply. Between the closed dates listed in the Missouri Combined Stream Spawning List, the permittee must not excavate from or discharge into the listed waters. The list of waters with seasonal restrictions is available on request from the Corps or at the following link: <http://www.nwk.usace.army.mil/regulatory/gravel.txt>

15. Zebra Mussel (Applicable To All NWPs). The permittee must notify the District Engineer in accordance with the "Notification" general condition of the NWPs (general condition 27) for any regulated activity where the applicant is proposing to remove equipment from a known zebra mussel water to use in a different water not known to support zebra mussels. Known zebra mussel waters within Missouri is available on request from the Corps or can be found at the following webpage: <http://nas.er.usgs.gov/queries/zmbyst.asp>. The notification must include measures to limit the likelihood of spreading the zebra mussel to other waters.

16. Priority Watersheds (Applicable To All NWPs). The permittee must notify the District Engineer in accordance with the "Notification" general condition of the NWPs (general condition 27) for any regulated activity in a priority watershed. The list of priority watersheds requiring notification is available on request from the Corps or at the following link: <http://www.nwk.usace.army.mil/regulatory/2007nwps/COAs.pdf>

17. Lake of the Ozarks: The permittee must notify the District Engineer in accordance with the "Notification" general condition of the NWPs (general condition 27) for any regulated activity associated with NWPs 3, 7, 12, 14, 15, 18, 22, 27, 33, and 45. A copy of this notification must also concurrently be sent to AmerenUE. NWPs 2, 13, 16, 19, 25, 29, 31, 35, 36, 39, 41, and 44 are revoked in the Lake of the Ozarks. NWPs 1, 9, 10, 11 and 28 are only valid when both AmerenUE and the Missouri Water Patrol have approved the activity. The Corps and AmerenUE, regardless of the request to use any NWP, may verify the activity under the provisions of Regional General Permit 38M (<http://www.nwk.usace.army.mil/regulatory/gp/GP-38M.pdf>). Additional information on AmerenUE and Lake of the Ozarks permit requirements can be found at the following webpage: http://www.ameren.com/Environment/adc_ev_PermitRequirements.asp.