

PUBLIC NOTICE



**US Army Corps
of Engineers
Memphis District**

Permit No. GP-45

Issue Date: September 29, 2020

STATE OF MISSOURI
ISSUANCE OF REGIONAL GENERAL PERMIT 45 (GP-45)
MAINTENANCE OF MAN-MADE LAKES AND PONDS

The U.S. Army Corps of Engineers, Memphis District, **HAS ISSUED GP-45**, authorizing the discharge of dredged or fill material associated with activities designed to improve water quality, improve fish and wildlife habitat, maintain recreational value, and extend the lifespan of man-made lakes and ponds. This permit authorizes the removal and discharge of lakebed/pond sediment in conjunction with mechanical dredging, hydraulic dredging (including return water from such activities) and excavation activities. The use of standard construction equipment to remove accumulated sediment is authorized by this permit. The dredged/excavated material may be used in the construction of jetties/breakwaters, shoreline stabilization structures, fish and wildlife habitat improvement structures and other similar activities. This regional general permit is issued under the authority of Section 404 of the Clean Water Act (33 USC 1344). It does not obviate the need for project proponents to obtain other Federal, state, or local authorizations.

DURATION OF THE GENERAL PERMIT: The GP-45 has been issued and is in effect for a period of five years from the issue date listed above (September 29, 2020), unless it is specifically modified, suspended, or revoked prior to the expiration date. Upon its expiration, GP-45 will be considered for renewal. The GP-45 may be modified, suspended or revoked, in whole or in part, at any time if it is determined that the cumulative effects of the activities authorized by GP-45 have a significant environmental impact or is otherwise determined contrary to the public interest.

APPLICANT: General public, government agencies

PROJECT LOCATION: All Counties in Missouri – Man-made lakes and ponds in the State of Missouri, lakeward of the ordinary high water mark (OHWM). The Lake of the Ozarks, and locations in or occurring within two miles upstream of a designated outstanding state or national resource water pursuant to Missouri 10 CSR 20-7.031, are excluded from GP-45. Discharges in other Waters of the United States are not authorized by GP-45.

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

ACTIVITY: GP-45 authorizes the discharge of dredged or fill material associated with activities designed to improve water quality, improve fish and wildlife habitat, maintain recreational value, and extend the lifespan of man-made lakes and ponds. This permit authorizes the removal and discharge of lakebed/pond sediment in conjunction with mechanical dredging, hydraulic dredging (including return water from such activities) and excavation activities. The use of standard construction equipment to remove accumulated sediment is authorized by this permit. The dredged/excavated material may be used in the construction of jetties/breakwaters, shoreline stabilization structures, fish and wildlife habitat improvement structures and other similar activities. Fill material from off-site locations shall only be used as long as the fill material is determined to be suitable material by the Corps. The original depths, elevations, contours and size of the water body shall not be exceeded as a result of the sediment removal process. Dredged or excavated material must be disposed of in an upland area, a previously authorized disposal area or as described in the “Authorized Uses of Dredged/Excavated Material” section of this permit. All material must be stabilized where it cannot be introduced into the water body or any adjacent wetland as a result of runoff, flooding, wind, or other natural forces. GP-45 will also authorize the construction of jetties, breakwaters, hard points, bank stabilization, temporary sediment basins or similar features designed to attenuate wave action not associated with sediment removal. This permit will only be used to authorize regulated activities in existing man-made lakes and ponds located in jurisdictional Waters of the United States. This permit does not apply to lacustrine systems that have wholly converted to a palustrine system due to lack of maintenance and/or abandonment. This permit shall be used to authorize a project that results in an overall net benefit and does not result in a more than minimal impact to the aquatic environment.

NOTIFICATION PROCEDURES: All activities authorized by this General Permit require written pre-construction notification (PCN) to the Corps of Engineers. The written notification shall include a completed application form ENG 4345, or equivalent information, location map and detailed drawings. Copies of ENG Form 4345, instructions or assistance may be obtained by downloading at: <http://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Obtain-a-Permit/> or may be obtained by writing or calling the Memphis District, Corps of Engineers, Regulatory Division, 167 North Main Street, Memphis, Tennessee, 38103. Phone Number (901) 544-3471.

SECTION 401 WATER QUALITY CERTIFICATION: The Missouri Department of Natural Resources (MDNR), Water Protection Program, has issued programmatic Section 401 Water Quality Certifications for GP-45. The conditions of this certification are conditions of GP-45.

ADDITIONAL INFORMATION: Additional information about GP-45 may be obtained by contacting Charles D. Keating, Regulatory Division, Memphis District, 167 North Main Street, Memphis, Tennessee, 38103, (901)544-0733 or via email at charles.d.keating@usace.army.mil. All comments to this public notice should be directed to the above address.



US Army Corps
of Engineers
Memphis District

DEPARTMENT OF THE ARMY PERMIT

Permittee: General Public, Government Agencies

Permit No. GP 45 (Maintenance of Man-Made Lakes and Ponds)

Issuing Office: U.S. Army Engineer District, Memphis, Tennessee

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 in accordance with the terms and conditions specified below.

Project Description: This Regional General Permit (RGP) authorizes the discharge of dredged or fill material associated with activities designed to improve water quality, improve fish and wildlife habitat, maintain recreational value, and extend the lifespan of man-made lakes and ponds. This permit authorizes the removal and discharge of lakebed/pond sediment in conjunction with mechanical dredging, hydraulic dredging (including return water from such activities) and excavation activities. The use of standard construction equipment to remove accumulated sediment is authorized by this permit. The dredged/excavated material may be used in the construction of jetties/breakwaters, shoreline stabilization structures, fish and wildlife habitat improvement structures and other similar activities. Fill material from off-site locations shall only be used as long as the fill material is determined to be suitable material by the Corps. The original depths, elevations, contours and size of the water body shall not be exceeded as a result of the sediment removal process. Dredged or excavated material must be disposed of in an upland area, a previously authorized disposal area or as described in the "Authorized Uses of Dredged/Excavated Material" section of this permit. All material must be stabilized where it cannot be introduced into the water body or any adjacent wetland as a result of runoff, flooding, wind, or other natural forces. This RGP will also authorize the construction of jetties, breakwaters, hard points, bank stabilization, temporary sediment basins or similar features designed to attenuate wave action not associated with sediment removal. This permit will only be used to authorize regulated activities in existing man-made lakes and ponds located in jurisdictional Waters of the United States. This permit does not apply to lacustrine systems that have wholly converted to a palustrine system due to lack of maintenance and/or abandonment. This permit shall be used to authorize a project that results in an overall net benefit and does not result in a more than minimal impact to the aquatic environment.

Authorized Uses of Dredged/Excavated Material:

1. Authorized uses of dredged/excavated material within "Waters of the United States" is limited to the boundary established by the ordinary high water mark (OHWM) of the impoundment from which it was removed.
2. The dredged/excavated material may be used to re-build eroded bank lines, provided the toe of the new slope does not exceed that of the original bank toe. The discharged material must be armored or appropriately stabilized to prevent the dredged/excavated material from re-entering the water body. Alternatively, these structures may be constructed entirely of riprap. The slope of re-shaped or armored banks may vary from 1(h):1(v) to 10(h):1(v).
3. The dredged/excavated material may be used as the foundation/core of jetties, breakwaters, seawalls, hard points, or similar features that attenuate wave action. The discharged material must be armored or appropriately stabilized to prevent the dredged/excavated material from re-entering the water body. Alternatively, these structures may be constructed entirely of riprap. Breakwater structures will be limited to 400-foot length, 15-foot top widths, heights varying between 3 and 20 feet and side slopes varying from 1(h):1(v) to 6(h):1(v).

4. The dredged/excavated material may be used to construct temporary structures such as coffer dams, causeways, work platforms or similar features. The temporary structures must be armored or appropriately stabilized to prevent the dredged/excavated material from re-entering the water body. Immediately upon the completion of the construction activity, all temporary fill material shall be removed in its entirety from Waters of the United States, placed in an upland area or previously approved disposal area and stabilized such that it cannot re-enter the water body. The area in which the temporary structure was placed shall be restored to its pre-construction condition. Additionally, a cultural resource assessment may be required if ground disturbance is proposed in the construction/removal of the temporary sediment basin.

5. The dredged/excavated material may be used for other similar activities and structures on a case-by-case basis.

Preconstruction Notification Procedures (PCN): Permit applicants must notify the Memphis District Regulatory Program to receive authorization under this RGP. The notification must include:

1. A completed application form ENG 4345, or equivalent information. Copies of ENG Form 4345, instructions or assistance may be obtained by writing or calling the Memphis District, Corps of Engineers, or by downloading at: <http://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Obtain-a-Permit/>

2. A clearly marked site location map.

3. Detailed drawings (plan and cross-sectional views of each work area), and sufficient information to determine if the proposed work conforms to the criteria and conditions of the RGP, including a wetland delineation, if necessary.

4. A description of any known, unsafe contaminants occurring within the dredged or fill material that is part of the overall project. An individual Section 401 Clean Water Act Water Quality Certification (401 WQC) is required if contaminants are known or suspected to exist within the dredged or fill material.

5. Proposed vegetation clearing limits must be identified on a current aerial image with specific dimensions.

6. If the activity occurs within the proximity of any water supply intake, except where the activity is for the repair or improvement of public water supply intake structures, then you must identify in the PCN the locations and stakeholders for each water supply intake structure. Written permission must be obtained by the water supplier, and provided to the Corps, before the authorized project may commence.

Other Information:

1. Project-specific special conditions may be incorporated into project-specific permits to further minimize impacts.

2. No activity associated with an environmental remediation activity is authorized under this RGP.

3. Generally, compensatory mitigation will not be required for impacts to wetlands formed as a result of erosion or sedimentation. If other special aquatic sites are impacted, compensatory mitigation will be determined on a case-by-case basis.

Project Location: All Counties in Missouri – Man-made lakes and ponds in the State of Missouri, lakeward of the OHWM. The Lake of the Ozarks, and locations in or occurring within two miles upstream of a designated outstanding state or national resource water pursuant to Missouri 10 CSR 20-7.031, are excluded from use of this RGP. Discharges in other Waters of the United States are not authorized by this RGP.

Permit Conditions:**General Conditions:**

1. The time limit for completing the work authorized ends on five years from the date of issuance. For individually authorized projects where notification is required, the work is authorized for two years from the date of permit verification received from the Corps of Engineers. If you find that you need more time to complete the authorized activity when notification is required, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
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. A Missouri Department of Natural Resources (MDNR) Clean Water Act Section 401 Water Quality Certification has been conditionally issued for this RGP, except in those cases where contaminants are known or suspected in the dredged or fill material of the overall project. 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.
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.
7. Dredged material disposal sites must be approved by the Corps prior to use.

Special Conditions:

See continuation sheets, pages 6 and 7, of this document.

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 verification of this RGP 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 RGP 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 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 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 established a time limit for the completion of the activity 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.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit (GP 45).

GENERAL PUBLIC – SIGNATURE NOT REQUIRED
(PERMITTEE)

(DATE)

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

for

(DISTRICT ENGINEER)
ZACHARY L. MILLER
COLONEL, CORPS OF ENGINEERS

29 September 2020

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

(TRANSFEREE)

(DATE)

Special Conditions:

- a. You must sign and return a "Compliance Certification" after you complete the authorized work and any required mitigation. Your signature will certify that you completed the work in accordance with this permit, including general and special conditions, and any required mitigation.
- b. Dredged or excavated material must be disposed of in an upland, a previously authorized disposal area or as described in the "Authorized Uses of Dredged/Excavated Material" section of this permit. All material must be stabilized were it cannot be introduced into the water body or any adjacent wetland as a result of runoff, flooding, wind, or other natural forces.
- c. If the activity includes piling dredged material on land, the applicant may need a Clean Water Act (CWA) Section 402 National Pollution Discharge Elimination System general permit from the Missouri Department of Natural Resources for return water and stormwater from the dredged material. It is recommended you contact MDNR to obtain information regarding CWA Section 402 permit requirements. MDNR can be reached at their Central Field Operations Office at (573) 522-3322, Kansas City Regional Office at (816) 251-0700, Northeast Regional Office at (660) 385-8000, Southeast Regional Office at (573) 840-9750, Southwest Regional Office at (417) 891-4300, or St. Louis Regional Office at (314) 416-2960.
- d. The following materials are not suitable for fill activities in waters of the United States: vehicle bodies, construction or demolition debris other than concrete rubble as described in Special Condition (j) asphalt in any form, garbage, tires, liquid concrete not poured into forms, grouted riprap, bagged cement and sewage or organic waste. Treated lumber products that do not comply with the Registration Documents issued by the USEPA under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) and that are not in accordance with standards issued by American Wood Protection Association or the International Code Council, are not considered suitable material. Additional information on treated lumber products may be found at: <https://www.epa.gov/ingredients-used-pesticide-products/overview-wood-preservative-chemicals>
- e. You must excavate, dredge and/or fill in the watercourse in a manner that will minimize the amount of suspended solids and turbidity which may degrade water quality and damage aquatic life outside the immediate area of operation.
- f. 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.
- g. 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.
- h. You must store all construction materials, equipment, and/or petroleum products, when not in use, above anticipated high-water levels.
- i. 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 water of the United States.
- j. In addition to the requirements of General Condition 3, if any funerary objects or human remains are unearthed at any time during the course of this authorized work, you must halt construction activities and notify the Corps of Engineers at 901-544-3473, 901-544-3471, or 901-544-3682 immediately.

Special Conditions cont.:

k. For all vegetative planting you must not plant any plant species listed at:

<https://usace.contentdm.oclc.org/utis/getfile/collection/p16021coll1/id/2655>. These species must not be used for revegetation unless waived in writing by the District Engineer based on a case specific analysis of the re-vegetation plan. Best management practices should be used to reduce the risk of transferring invasive plant and animal species to or from the project site. Known zebra mussel waters within Missouri and information on control methods can be found at <https://huntfish.mdc.mo.gov/sites/default/files/downloads/page/ZebraMusselMap.pdf> and <https://mdc.mo.gov/wildlife/nuisance-problem-species/invasive-species/zebra-mussel-control>

l. Verification of this RGP may come with additional site-specific conditions and you must comply with those site-specific conditions identified in the RGP verification letter.

m. This RGP does not authorize any activity that would conflict with a Corps civil works project's congressionally authorized purposes, established limitations or restrictions, or limit an agency's ability to conduct necessary operation and maintenance functions. Per Section 14 of the Rivers and Harbors Act of 1899, as amended (33 U.S.C. 408), no project that has the potential to take possession of or make use of for any purpose, or build upon, alter, deface, destroy, move, injure, or obstruct a Corps civil works constructed work or project, including, but not limited to, levees, dams, jetties, navigation channels, borrow areas, dredged material disposal sites, flood control projects, etc., shall be permitted unless the project has been reviewed and approved by the appropriate Corps approval authority. If the proposed activity has the potential to modify or conflict with a Corps civil works authorized project, the permittee must submit the information described in the "Notification Procedures". Permittees shall not begin the activity until notified by the Corps that the activity may proceed under the general permit.

n. 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 the Federal Endangered Species Act (ESA), or which directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized which "may effect" a listed species or critical habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed.

o. No activity which may affect historic properties listed or eligible for listing, in the National Register of Historic Places is authorized by GP-45 until the District Engineer has complied with the provisions of 33 CFR part 325, Appendix C (or amended regulations). The Corps will check the National Register of Historic Places and the Federal Register, along with other databases, for every PCN request received and considered for authorization under the GP-45 to determine if any properties listed or proposed for listing in the National Register would be impacted by the project. Should any such properties be identified, the Corps will coordinate with the Missouri SHPO and comply with the provisions of 33 CFR part 325, Appendix C (or amended regulations).

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

APPLICATION NUMBER: ENTER PERMIT NUMBER

APPLICANT: ENTER APPLICANT NAME
ADDRESS

PROJECT LOCATION: ENTER LOCATION DESCRIPTION

- a. I certify that the authorized work was done in accordance with the Corps authorization, including any general or specific conditions.
- b. I certify that any required mitigation was completed in accordance with the permit conditions.
- c. Your signature below, as permittee, indicates that you have completed the authorized project as certified in paragraphs a and b above.

(PERMITTEE)

(DATE)

Return this certification to:

U.S. Army Corps of Engineers
Memphis District
Regulatory Division
167 North Main Street,
Memphis, Tennessee 38103