



**US Army Corps  
of Engineers®**  
Vicksburg District



**US Army Corps  
of Engineers®**  
Memphis District



4155 Clay Street  
Vicksburg, MS 39183-3435  
[www.mvk.usace.army.mil](http://www.mvk.usace.army.mil)

167 North Main Street  
Memphis, TN 38103  
[www.mvm.usace.army.mil](http://www.mvm.usace.army.mil)

# Public Notice

<b>FILE NO.:</b>	<b>MVK-2022-210 (General Permit 30)</b>
<b>EVALUATOR:</b>	<b>Ms. Jennifer Brown</b>
<b>PHONE NO.:</b>	<b>(601) 631-7071</b>
<b>E-MAIL:</b>	<b><a href="mailto:GeneralPermitReissuance@usace.army.mil">GeneralPermitReissuance@usace.army.mil</a></b>
<b>DATE:</b>	<b>March 30, 2022</b>
<b>EXPIRATION DATE:</b>	<b>April 29, 2022</b>

**FOR: REGULATED ACTIVITIES IN WATERS OF THE UNITED STATES ASSOCIATED WITH AQUATIC HABITAT REHABILITATION PROJECTS UNDERTAKEN BY, OR CONSTRUCTED IN COOPERATION WITH, THE UNITED STATES FOREST SERVICE, THE NATURAL RESOURCE CONSERVATION SERVICE, THE UNITED STATES FISH AND WILDLIFE SERVICE, AND/OR THE ARKANSAS GAME AND FISH COMMISSION**

**WHERE: REGULATORY JURISDICTION OF THE VICKSBURG AND MEMPHIS DISTRICTS IN ARKANSAS**

**BY WHOM: DISTRICT ENGINEERS, VICKSBURG AND MEMPHIS DISTRICTS, ON BEHALF OF THE PUBLIC**

Interested parties are hereby notified that the U.S. Army Corps of Engineers (USACE), Vicksburg and Memphis Districts, are proposing the issuance of a Department of the Army General Permit (General Permit 30) for the construction of aquatic habitat rehabilitation projects in waters of the United States (U.S.) undertaken by, or constructed in cooperation with, the United States Forest Service (USFS), the Natural Resource Conservation Service (NRCS), the United States Fish and Wildlife Service (USFWS) and/or the Arkansas Game and Fish Commission (AGFC) within the regulatory jurisdiction of the Vicksburg and Memphis Districts in the State of Arkansas. Typical activities include barrier removal (such as low head dams, roadways with culverts, fords, bank to bank road crossings and other transportation crossings), installation of natural and nature-based features, streambank stabilization, stream relocation, and aquatic habitat improvement or establishment.

A map of the Vicksburg District and Memphis District boundaries in Arkansas is enclosed.

Comments regarding this proposal should be forwarded via email to: [GeneralPermitReissuance@usace.army.mil](mailto:GeneralPermitReissuance@usace.army.mil); or by hard copy to: USACE, Vicksburg District, ATTN: Regulatory Division, 4155 Clay Street, Vicksburg, Mississippi 39183-3435. Comments must reach the Vicksburg District, Regulatory Division office by the expiration date cited above.

This action is being taken pursuant to Federal regulations printed in the Federal Register on November 13, 1986, concerning permits for activities in waters of the United States. These regulations state the U.S. Army Corps of Engineers' responsibility for regulating: structures or work in or affecting navigable waters of the United States under Section 10 of the Rivers and Harbors Act of 1899 (30 Stat. 1151; 33 U.S.C. 403); and, discharges of dredged and/or fill material into waters of the United States under Section 404 of the Clean Water Act (33 U.S.C. 1344).

General Permits may be issued for a category or categories of activities when: (1) those activities are substantially similar in nature and cause only minimal individual and cumulative environmental impacts; or (2) the General Permit would result in avoiding unnecessary duplication of the regulatory control exercised by another Federal, State, or local agency, provided it has been determined that the environmental consequences of the action are individually and cumulatively minimal. The final decision regarding a determination that the proposed activities comply with the requirements for issuance of General Permits was made using information that is available for inspection at the offices of the Vicksburg District's Regulatory Division at 4155 Clay Street, Vicksburg, Mississippi 39183-3435 and the Memphis District's Regulatory Division at 167 North Main Street, Memphis, Tennessee 38103.

This General Permit would contain certain limitations intended to protect the environment and natural and cultural resources. Construction, dredging, or fill operations which include regulated work and/or discharges of dredged or fill material into Section 10/404 or Section 404 regulated waters of the United States (collectively hereafter referred to as: WOTUS) which are not specifically authorized by this General Permit are prohibited unless specifically approved by the District Engineer via separate authorization. Conformance with conditions contained in the General Permit would not necessarily guarantee authorization under this General Permit. In cases where the District Engineer considers it necessary, an application for an individual permit would be required.

In compliance with requirements of Section 401 of the Clean Water Act, the Vicksburg District requests water quality certification (WQC) for General Permit 30 from Arkansas Department of Energy and Environment, Division of Environmental Quality.

Authorization to conduct work under this General Permit would not negate the responsibility of the applicant to obtain other Federal, State or local authorizations or

permits required by law for the proposed activity.

**Proposed General Permit 30:**

**ACTIVITIES WHICH WOULD BE AUTHORIZED UNDER GP-30:**

Activities which would be authorized under General Permit 30 must feature aquatic habitat rehabilitation as a primary purpose. Typical activities which would be authorized under GP-30 include: barrier removal (such as low head dams, roadways with culverts, fords, bank to bank road crossings and other transportation crossings); installation of natural and nature-based features; streambank stabilization; stream relocation; and aquatic habitat improvement or establishment.

**REQUEST FOR AUTHORIZATION UNDER THE GENERAL PERMIT - APPLICATION REQUIREMENTS:** IN ORDER TO BE AUTHORIZED BY THIS GENERAL PERMIT, PARTIES PROPOSING THE WORK WOULD BE REQUIRED TO SUBMIT TO THE DISTRICT ENGINEER, IN WRITING, THE FOLLOWING INFORMATION IN 8 ½ x 11 INCH FORMAT AT LEAST 60 DAYS PRIOR TO THE PLANNED START DATE FOR THE WORK:

- a. State the number of the General Permit under which the work would be conducted. (General Permit - 30) (GP-30)
- b. A statement that the work would be conducted in compliance with the terms and conditions of GP-30 and would not adversely impact adjoining properties.
- c. Name, mailing address, telephone number, and e-mail address of the party (person/agency) applying for authorization and for the agent (if applicable).
- d. A location description including: latitude and longitude; Section, Township, Range; County and location map showing the proposed worksite.
- e. A description of the proposed activity and its purpose, including:
  1. Drawings (plan and profile) of the proposed project plans.
  2. Elevations (when available) and/or indication of the ordinary high water mark.
  3. Dimensions (in feet), total area impacted (in acres for wetlands; in both acres and linear feet for streams).
  4. Amounts of dredged and/or fill material (in cubic yards) that would be discharged into waters of the U.S.
- f. Estimated initiation and completion dates of construction.

g. A delineation of all waters of the United States (WOTUS) within the project area, including special aquatic sites (e.g. wetlands) and other waters of the U.S. such as lakes or ponds, and perennial, intermittent, or ephemeral streams. Wetland delineations must be prepared in accordance with the current method required by the Corps. The applicant may ask the Corps to delineate the special aquatic sites, including wetlands, and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many wetlands, other special aquatic sites, and/or other waters. Furthermore, the application evaluation period would not start until the delineation has been submitted by the applicant or completed by the Corps, as applicable.

h. An informational narrative and/or list detailing:

1. Individual aquatic resource impacts (in acres for wetlands; in acres and linear feet for streams);
2. Total quantity of impacts for each resource type (e.g. emergent wetland, forested wetland, intermittent stream, etc.);
3. All impact activities (discharge of dredged and/or fill material, conversion, etc.), and the impact duration (temporary or permanent);
4. The latitude/longitude (approximate center point) for each impact; and
5. Current site photos representative of the WOTUS to be impacted.

[NOTE: An Aquatic Resources Identification and Impacts Spreadsheet is available for use on the Vicksburg District's Regulatory Web Page]:

<http://www.mvk.usace.army.mil/Missions/Regulatory/Permits.aspx>

i. A narrative describing how impacts to WOTUS would be minimized to the maximum extent practicable. For projects that include adverse impacts to WOTUS, the complete application would include information on mitigation in all forms (i.e. avoidance, minimization, and compensation).

The narrative must include a description of the Best Management Practices (BMPs) that would be used to minimize movement of disturbed soil(s) from the construction area into adjacent WOTUS.

For projects with unavoidable adverse functional impacts greater than 0.10 acre to wetlands or greater than 0.03 acre of streams, the complete application would include a statement describing: how, if required, the compensatory mitigation requirement would be satisfied (either through the purchase of mitigation credits from an approved mitigation bank or "in lieu fee" provider, or through permittee responsible mitigation); or explaining why the project-specific adverse effects are no more than minimal or how the project would result in a net increase in aquatic resource functions

and services and why compensatory mitigation should not be required. As an alternative, the prospective permittee could submit a conceptual or detailed mitigation plan. If the applicant proposes permittee responsible mitigation, the application would not be considered complete until the Corps receives an acceptable permittee responsible mitigation plan.

[NOTE: Information on the Vicksburg District's current mitigation requirements is available on the MVK Regulatory Web Page]:  
<http://www.mvk.usace.army.mil/Missions/Regulatory/Mitigation.aspx>

j. If another Federal agency is involved in the project through technical assistance, funding/grants, or other means: identify the agency; briefly describe the involvement of the agency; and provide a point of contact (name, phone number and email address).

k. Federal permittees would follow their own procedures for complying with the requirements of the Endangered Species Act (ESA). Federal permittee must provide appropriate documentation to demonstrate compliance with those requirements.

For non-Federal permittees: if any ESA-listed species (or species proposed for listing) or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, the application must include the name(s) of those endangered or threatened species that might be affected by the proposed activity or utilize the designated critical habitat that might be affected by the proposed activity.

l. Federal permittees would follow their own procedures for complying with the requirements of Section 106 of the National Historic Preservation Act. Federal permittees must provide appropriate documentation to demonstrate compliance with those requirements.

For non-Federal permittees, if the activity might have the potential to cause effects to a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, the application must state which historic property might have the potential to be affected by the proposed activity and include a vicinity map indicating the location of the historic property.

m. For work proposed: on or adjacent to any stream in a component of a National Wild and Scenic Rivers System or in a component of a State Natural and Scenic Rivers System; on a property/area owned or managed by a State or Federal natural resource agency (e.g. wildlife management areas, national wildlife refuges, national forests, etc.), the applicant must submit with their request for authorization under this General Permit, the agency point of contact (including phone number, mailing address, and email address) and proof of initiation of the applicant's request for approval from the managing agency.

n. For activities affecting structures or works built by the United States: If a GP-30 activity also requires permission from the Corps pursuant to 33 U.S.C. 408 because it would alter or temporarily or permanently occupy or use a USACE Federally-authorized Civil Works project, the application must include a statement (and any associated documents) confirming that the project applicant has submitted a written request for Section 408 permission to the appropriate Corps office having jurisdiction over that USACE project.

Special Conditions:

1. Low head dam removal subject to potential permitting under this General Permit would not exceed 300 feet in length and 25 feet in height.
2. Wetland impacts from the proposed construction activities would not exceed two (2) acres. Stream impacts from the proposed construction activities would not exceed 2,000 linear feet or 0.5 acres. The discharge of rock/stone or similar material into a stream would not exceed 3 cubic yards per running foot (below the ordinary high water mark) unless the district engineer waives this criterion by making a written determination concluding that the discharge would result in no more than minimal adverse environmental effects.
3. Adequate best management practices would be required. All construction activities would be performed in a manner that will prevent off-site movement of disturbed soils, minimize increased turbidity of the water in the work area, and otherwise avoid adverse effects on water quality and aquatic life, especially during fish spawning seasons. The fill material would be compacted upon completion of construction. The site would be revegetated by sod, seed (native, or non-native non-invasive, species only), or another acceptable method, as necessary, to restore cover and prevent erosion. Soil stabilization and erosion control measures for bare ground must be complete within 30 days, weather permitting. In no case would bare ground go un stabilized for more than 120 days. In areas subject to currents, riprap or other measures could be used for slope protection subject to limitations discussed in Special Condition 2.
4. Material used for fill could be obtained from onsite and/or offsite upland sources. Additional material would not be obtained from any WOTUS or any area which would adversely affect an adjacent WOTUS unless the purpose and location of the excavation is integral to the restoration/enhancement of the targeted aquatic habitat.
5. Fill placed outside of the footprint of the structures authorized by GP-30 would be similar in nature to the existing substrate and shall be confined to the minimum quantity necessary. Access roads would be aligned to minimize impacts to WOTUS.
6. Construction and/or maintenance activities would be conducted during low flow periods of streams/rivers.

7. No activity that has the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places, or a site that has previously been unevaluated, shall be authorized by this General Permit until the requirements of Section 106 of the National Historic Preservation Act have been satisfied. Fill material shall not be taken from a known historical or archaeological site within or outside regulated areas. If the permittee, during prosecution of work authorized herein, inadvertently discovers or accidentally destroys a cultural resource such as a cemetery, shipwreck, mound, historic structure, or archaeological site, within the area subject to Department of the Army jurisdiction, they shall cease work in the immediate area and notify the District Engineer within 24 hours. If bones are found, they should not be removed or photographed; the uncovered bones should be covered with a thin layer of soil, and the local sheriff and Corps of Engineers Regulatory Division should be contacted immediately. The District Engineer, in consultation with the appropriate State Historic Preservation Office and the Federally recognized Tribe, will comply with the procedures set forth in 33 CFR 325, Appendix C, paragraph 11 (Historic Properties Discovered During Construction).

8. Activities would not be authorized for activities proposed on or adjacent to any stream in a component of a National Wild and Scenic Rivers System or in a component of a State Natural and Scenic Rivers System, without the appropriate Federal or State authorization.

9. Dredged, excavated, or fill material used for construction would be nonpolluting material in accordance with the Environmental Protection Agency Guidelines for the Discharge of Dredged or Fill Material found in 40 CFR 230.

10. All excavated material not used as backfill would be placed in a non-jurisdictional area (i.e., upland) or be placed in a manner determined to be beneficial to wetland function and ecological production. If dredged material is to be placed in an upland contained disposal area and return water discharged back into WOTUS, a separate Department of the Army authorization may be required (See Nationwide Permit No. 16).

11. The discharge would not be located so as to adversely affect a public water supply intake or a national fish hatchery intake.

12. The discharge would not contain unacceptable levels of pathogenic organisms in areas used for activities involving physical contact with the water.

13. The discharge would not occur in areas of concentrated shellfish production.

14. No activity would be authorized under this General Permit which would be likely to directly or indirectly jeopardize the continued existence of a Federally-listed threatened or endangered species or a species proposed for such designation, as identified under the Endangered Species Act (ESA), or that will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity shall be authorized under this General Permit which "may affect" a listed species or critical

habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed.

15. Activities in WOTUS that may impact known wading bird rookeries would be avoided to the maximum extent practicable. The permittee would be responsible for obtaining any “take” permits required under the U.S. Fish and Wildlife Service’s regulations governing compliance with the Migratory Bird Treaty Act or the Bald and Golden Eagle Protection Act. The permittee must contact the appropriate local office of the U.S. Fish and Wildlife Service to determine if such “take” permits are required for the activity.

16. The construction activity would not result in the blockage of a natural stream or river channel or drain jurisdictional wetlands.

17. No sewage, oil, refuse, or other pollutants would be discharged into WOTUS.

18. Projects located on property encumbered by a Natural Resources Conservation Service (NRCS) Wetlands Reserve Program (WRP), Wetland Reserve Easement (WRE) or any other easement/real estate instrument would not be authorized without written release/approval from the NRCS. Under such situations, the application would not be considered complete until the Corps is provided written documentation of release/approval from the agreement by the NRCS.

19. Activities would not be authorized on a property/area managed by a State or Federal natural resource agency (e.g. wildlife management areas, national wildlife refuges, national forests, etc.) without documented approval (e.g. special use permit, waiver, etc.) from the managing agency.

20. Authorizations for this General Permit would not be granted to an applicant who is in noncompliance with a Department of the Army permit until such noncompliance has been resolved.

21. Any conditions in the water quality certification issued from the Arkansas Division of Environmental Quality that satisfy the requirements of 40 CFR Part 121.7(d) would be incorporated into the permit by reference. Enforcement actions resulting from noncompliance with these conditions may be initiated by the USACE or the Environmental Protection Agency.

22. The permittee would return a Certification of Compliance after completing construction of the authorized activity.

General Conditions:

A. The activity authorized by GP-30 would be maintained in good condition and in conformance with the terms and conditions of the permit. The permittee shall not be relieved of this requirement if the permitted activity is abandoned. However, a good



faith transfer to a third party in compliance with General Condition “B.”, below, will be acceptable. Should the permittee desire to abandon the authorized activity without a good faith transfer, or wish to cease to maintain the authorized activity, the permittee shall obtain a modification of the authorization from this office, which may require restoration of the area.

B. If the property associated with the authorization under this General Permit is sold, the permittee would notify this office to ensure that the authorization is transferred to the new owner.

C. Representatives from this office would be allowed 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.

D. This permit would not obviate the need to obtain other Federal, State, or local authorizations required by law.

E. This permit would not grant any property rights or exclusive privileges.

F. This permit would not authorize any injury to the property or rights of others.

G. This permit would not authorize interference with, or damages to, any existing or proposed federal Civil Works project. An activity that requires Section 408 permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a USACE federally authorized Civil Works project (a “USACE project”) would not be authorized by GP-30 until the appropriate Corps office issues the Section 408 permission to alter, occupy, or use the USACE project, and the District Engineer issues a written GP-30 authorization.

H. 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 or her authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee would 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 could be made against the United States on account of any such removal or alteration.

I. In issuing this permit, the Federal Government would not assume any liability for the following:

1) Damages to the permitted project, or uses thereof, as a result of other permitted or unpermitted activities or from natural causes.

2) 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.

3) Damages to persons, property, or to other permitted or unpermitted activities Or structures caused by the activity authorized by this permit.

4) Design or construction deficiencies associated with the permitted work.

5) Damage claims associated with any future modification, suspension, or revocation of this permit.

J. In issuing individual authorization under this General Permit, the Government would rely on the information and data, which the prospective permittee provided in connection with the permit application. If, subsequent to the authorization, such information and data proved to be false, incomplete, or inaccurate, this authorization could be modified, suspended, or revoked, in whole or in part, and/or the Government may, in addition, institute appropriate legal proceedings.

K. The permittee would immediately notify the Corps of any unforeseen activities, including emergency activities, that are directly or indirectly associated with the authorized activity and that may require separate authorization.

L. The General Permit would be valid for 5 years from the date of issuance. At the end of that time, the cumulative environmental effects of completed work would be reviewed and reissuance of the permit may be considered. However, if unforeseen adverse environmental effects result from the issuance of this General Permit, it could be modified or terminated at any time.

M. Authorization under this General Permit would be valid until the General Permit expires. Activities which are under construction, or that are under contract to commence in reliance upon this General Permit, would remain authorized provided the activity is completed within 12 months of the date of expiration.

#### FURTHER INFORMATION:

- a. Additional copies of this Public Notice are available upon request. Requests may be addressed to: USACE, Vicksburg District, Attention: Regulatory Division, 4155 Clay Street, Vicksburg, Mississippi 39183-3435; or to: [GeneralPermitReissuance@usace.army.mil](mailto:GeneralPermitReissuance@usace.army.mil).
- b. The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed General Permit on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation,

economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

- c. The USACE Vicksburg and Memphis Districts are soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed General Permit. Any comments received will be considered by the District Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.
- d. Any person may make a written request for a public hearing to consider this proposed General Permit. This request must be made by the expiration date of this public notice and must clearly state why a hearing is necessary. Any individual or agency may comment on the proposal described in this notice; however, failure to comment will be interpreted to mean that there is no objection to the proposed General Permit. All comments received will be evaluated during the review process of this proposed General Permit.
- e. Please bring this announcement to the attention of anyone you know who might be interested in this matter. Comments can be submitted by e-mail to: [GeneralPermitReissuance@usace.army.mil](mailto:GeneralPermitReissuance@usace.army.mil); or by standard mail to: Vicksburg District, U.S. Army Corps of Engineers, Attention: Regulatory Division, 4155 Clay Street, Vicksburg, Mississippi 39183-3435.

*Cori Carraway*

Cori Carraway  
Chief (Acting), Regulatory Division

Enclosure

