DEPARTMENT OF THE ARMY PERMIT
Regional General Permit 33
Discharge of Dredged or Fill Material Associated with Certain Conservation Practices Sponsored by NRCS/HUD in Waters of the United States In the State of Iowa

Permittee: General public meeting the terms and conditions herein.

Number: CEMVR-OD-P-2020-1497(Regional General Permit #33)

Expiration Date: March 22, 2026

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

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

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

1. **Project Description.**

A. The purpose of the Regional General Permit 33 (RGP 33) is to authorize the discharge of dredged or fill material in association with specific U.S. Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS), and Department of Housing and Urban Development (HUD)-sponsored activities which do not qualify for the Clean Water Act (CWA) 404(f)(1) exemptions. Specific practices included in this permit are non-exempt ponds, dams, grade stabilization structures, grassed waterways and subsurface drains associated with grassed waterways.

B. The purpose of the individual projects is to reduce erosion, reduce flood risk, trap sediment, provide water quality benefits on agricultural lands and/or provide water sources for livestock. This permit does not authorize the straightening or realignment of a stream channel. Incidental wildlife habitat and recreation benefits may accrue to landowners from the sediment pools associated with installation of structures under this permit, but such benefits are not part of the primary purpose of the projects. Regardless of the NRCS Conservation Practice Standard, recreational and wildlife benefits may not be the primary purpose of the individual projects under this RGP.

C. Permanent impacts to Waters of the United States authorized by this permit shall not result in the permanent loss of greater than 1500 linear feet of streambed or 2 acres of wetland. The combined loss of all waters shall not exceed 2 acres in total.

2. **Project Location.** The proposed regional general permit (RGP) will authorize work associated with the discharge of dredged and/or fill material into all waters of the United States (WUS), including wetlands, under the jurisdiction of the Rock Island District (District) located within the State of Iowa. This permit may be used on tribal lands within the state of Iowa; however, an individual 401 Water Quality Certification must be obtained from the Meskwaki Nation - Sac and Fox Tribe of the Mississippi in Iowa and the Winnebago Tribe of Nebraska in Iowa, as applicable, for the use on tribal lands, prior to authorization.

3. **Permit Conditions:**

A. **General Conditions:**

1) The permittee must notify the District Engineer, Rock Island District, for authorization of this Regional General Permit (RP) if they meet the criteria found below and in Table 1. The notification must include detailed drawings and sufficient information to determine if the proposed work conforms to the criteria and conditions of the RP, as well as a mitigation plan (see Section D), if unavoidable stream or wetland impacts will occur as a part of the project. Department of the Army permit application (ENG Form 4345) should be used for this purpose and is available to download at the Rock Island District Corps Regulatory (District) webpage. If the Corps determines that the work meets the provisions of the RP and no extraordinary conditions exist that warrant evaluation as an individual permit, the proponent will be notified to proceed.

2) The Lead Federal Agency (NRCS/HUD) is responsible for National Environmental Protection Act (NEPA) review and must provide completed NEPA documentation on letterhead to the Corps prior to the permit being issued.

3) The time limit for submittals ends 60 days prior to the expiration of the RP, unless the RP is modified, reissued or revoked. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at last one month before that date is reached. 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 RP.

4) If the project impacts an Outstanding Iowa Water, an individual 401 Water Quality Certification must be obtained and the permittee shall not begin work on the activity until a 401 is issued by the State or waived by the District Engineer.

5) You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party. If you sell the property associated by this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

6) If you discover any previously unknown historic, cultural or archeological remains or artifacts while accomplishing the activity authorized by this permit, you must immediately notify this office and NRCS or HUD of what you have found. The Lead Federal Agency (NRCS or HUD) 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.

7) You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

B. **Special Conditions:**

1) Projects authorized under this RGP must be in accordance with a binding agreement or a conservation plan between the Landowner and the NRCS or U.S. Department of Housing and Urban Development (HUD) or by approval in accordance with HUD financing. Applicants may include State governmental authorities (such as the Iowa Department of Agriculture and Land Stewardship) or local government authorities (such as Soil and Water Conservation Districts). The NRCS or HUD must be the Lead Federal Agency in this undertaking related to all applicable requirements under federal laws and regulations, such as the Endangered Species Act (ESA) and the National Historic Preservation Act (NHPA).

2) This regional permit can authorize impacts to streams with intermittent flow regimes, but does not authorize impacts to perennially flowing streams. Generally, the projects are constructed in upper watershed reaches in areas where there is little or no base flow in the channel. The structures will be strategically located to reduce erosion, where impacts are no more than minimal. This RGP contains limitations based upon drainage area thresholds, as defined in Table 1. After using Figure 1 and Table 1, the Lead Federal Agency will advise the applicant on whether or not a proposed project requires notification to the Corps based on the combination of the Landscape Region and drainage area for that project.

Regardless of the Drainage Area Reporting Thresholds in Table 1, the following will require notification (submittal of a pre-construction notification) to the Corps and may not proceed until the Corps provides written verification under this RGP or other permit authorization:

- Any structure constructed on any intermittent stream with permanent pools.
- Any project that exceeds 1/10-acre loss of wetland impact, and 300 linear feet of stream impact.
- Any structure constructed on a stream channel that creates an impoundment greater than 5 acres.

Figure 1: Landscape Regions for Regional General Permit 33- This figure will allow you to determine which landscape region your project resides within.

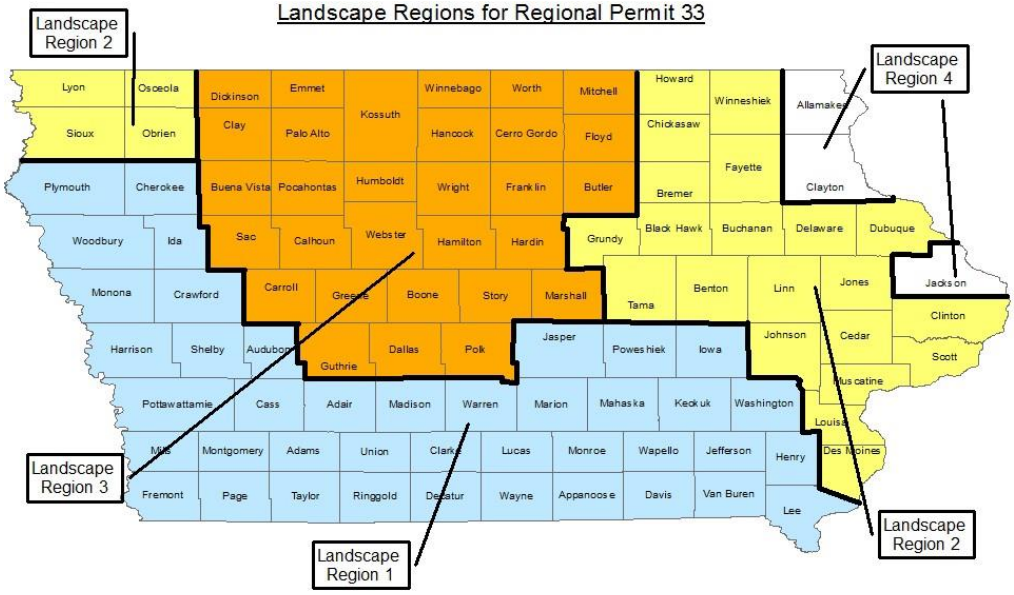

Table 1: Landscape Regions (LR) and Drainage Area Thresholds for Reporting and Permitting of Activities proposed under this RGP that do not meet the CWA 404(f) (1) exemptions.

Column 1	Column 2	Column 3	Column 4
Landscape Region (LR)	Non-Reporting Drainage Area Threshold	Reporting Drainage Area Threshold	Reporting to Corps and Require Individual Permit
LR 1	<640 acres	640-1280 acres	>1280 acres
LR 2	<440 acres	440-1000 acres	>1000 acres
LR 3	<320 acres	320-640 acres	>640 acres
LR 4	<440 acres	440-1000 acres	>1000 acres

Note: Drainage Area Threshold is the area of watershed, in acres, measured from the downstream end of the proposed project to the upper reach of the watershed.

Explanation of Table 1:

Column 1: For purposes of RGP 33, Iowa is divided into four landscape regions (Figure 1).

Column 2: Non-reporting drainage area threshold. All listed activities conducted in streams or other Waters of U.S., including wetlands, that are below the drainage thresholds listed in Column 2 for the specified Landscape Region do not require notification to the Corps, provided they are constructed in compliance with the permit general and special conditions. For example, activities that meet these drainage thresholds that are proposed in intermittent streams that contain permanent pools require reporting (that a permit application be submitted to the Corps for review).

Column 3: Reporting drainage area threshold. All listed activities conducted in streams or other Water of the U.S., including wetlands, which are within the drainage area thresholds listed in Column 3 for the specified Landscape Region require that a permit application be submitted to the Corps for review. The RID will determine whether the proposed impacts of the project are minimal and whether compensatory mitigation will be required, prior to verification under this RGP.

Column 4: All listed activities conducted in streams or other Waters of U.S., including wetlands, that meet the drainage area thresholds listed in Column 4 for the specified Landscape Region may not be authorized under this RGP. A permit application must be submitted to the Corps for review as an Individual Permit.

Special Conditions (continued)

3) When required by the terms of the permit (reporting thresholds above) the prospective permittee must notify the Corps by submitting a pre-construction notification (PCN) as early as possible.

The following needs to be included with a PCN application in order to be considered complete:

- The anticipated amount of loss and/or impacts to Waters of the U.S. expected to result from the activity in acres, linear feet or other appropriate unit of measure.
- A delineation of wetlands, other special aquatic sites and other waters such as lakes ponds and perennial, intermittent and ephemeral streams on the project site.
- If the proposed activity will result in the loss of greater than 1/10th acre of wetland then the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explain why the adverse effects are minimal and why compensatory mitigation should not be required. Drawings will be required to support this documentation.
- If the proposed activity will result in stream losses greater than 300 linear feet with flow regimes that are intermittent and contain permanent pools then the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explain why the adverse effects are minimal and why compensatory mitigation should not be required. The Iowa Stream Method should be used to aid in determining mitigation requirements.
- The PCN application can be located at: https://www.mvr.usace.army.mil/Portals/48/docs/regulatory/Permits/NW-IA/FillableApplicationJan2015.pdf?ver=2015-01-02-124325-530

4) Wetlands that are inundated with water greater than 3 feet in depth are considered conversion, therefore, those wetlands will be considered lost.

5) Projects must be designed to assure that flow, circulation patterns and chemical and biological characteristics of water of the United States are not impaired, that the reach of the waters is not reduced and that any adverse effect on the aquatic environment will be minimized. Example: Normal stream flows must be allowed to pass downstream. The structure must allow a downstream connection to exist; severing of jurisdiction will not be allowed.

6) The area between the maximum flood pool elevation and the normal pool elevation will be vegetated in grass. With the exception of structures and sleep slops, all areas without an established vegetative cover will be seeded in native vegetation.

7) Applicants must identify and notify the Rock Island District, Corps of Engineers of all impacts to fens, bogs, seeps or sedge meadows. Fill that will adversely impact these resources are not authorized.

8) If a project is on a stream listed on the Outstanding Iowa Waters (OIW) list, pre-application coordination with the Iowa Department of Natural Resources IADNR must occur and appropriate measures deemed necessary to protect the integrity of the Special Water must be included in the project plans.

9) Subsurface drainage is authorized only to facilitate installation of grassed waterways pursuant to NRCS design practices. Placing drainage tile primarily within a stream channel for purposes of or having the effect of channelizing the stream or converting Waters of the U.S. to non-waters is not authorized.

10) All disturbed areas not covered with riprap shall be seeded in accordance with NRCS Practice Standard 342, Critical Area Planting at: https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1241316.pdf

11) Erosion control features (i.e., silt fences, silt ditches, silt dikes, silt basins, re-vegetation, etc.) must be installed to provide continuous erosion control throughout the construction and post construction period. Where siltation control features have been reduced in capacity by 50% or more, the features shall be restored to their original condition with a minimum of delay.

12) All construction within waterways shall be conducted during no flow or low flow conditions.

13) Any material excavated, dredged or otherwise produced by the activity will not be returned to the stream/waterway, but will be deposited in an upland non-wetland area.

14) Clearing of vegetation, including trees located in or immediately adjacent to WOUS shall be limited to that which is in the pool or that which is absolutely necessary for construction of the project. All vegetative clearing material shall be moved to an upland, non-wetland disposal site.

15) Where project plans include armoring of a stream bank, acceptable materials are limited to clean riprap, consisting of field stone, quarry rock, broken Portland Cement Concrete (PCC) erosion control fabrics and/or other similar materials. When using broken PCC, all exposed reinforcing steel rod or mesh must be completely removed or cut flush with the surface of the concrete prior to placement. It shall be the applicant's responsibility to maintain the riprap such that any reinforcement material that becomes exposed in the future is removed. The use of asphalt and/or other solid waste is not authorized.

16) If, at the discretion of the District Engineer, corrective measures are deemed necessary to protect the public interest before, during and/or after completion of project construction, the permittee shall complete such corrective actions as directed by District Engineer on a case-by case basis.

C. **General Design Criteria:** These criteria must be met for all projects to be authorized under this RGP.

1) **Ponds**. A pond, as planned and defined by the NRCS, is defined as a water impoundment made by constructing an embankment or by excavating a pit or dugout. The primary purposes of a pond are to provide water for livestock, fish and wildlife, recreation, fire control, develop renewable energy systems, and other related uses, and to maintain or improve water quality. Specific criteria for use in designing ponds may be found in NRCS Technical Guide Practice Standard 378, Pond, at: https://www.nrcs.usda.gov/wps/PA_NRCSConsumption/download?cid=stelprdb1255003&ext=pdf

2) **Dams.** A dam, as planned and defined by the NRCS, is an artificial barrier that can impound water for one or more beneficial purposes. The primary purposes are to reduce downstream flood damage, provide permanent water storage for one or more beneficial uses (such as irrigation or livestock supply and other agricultural uses) or to create or improve habitat for fish and wildlife. Specific criteria for use in designing dams may be found in NRCS

Technical Guide Practice Standard 402, Dam, at: https://www.nrcs.usda.gov/wps/PA_NRCSConsumption/download?cid=stelprdb1046852&ext=pdf

3) **Grade Stabilization Structures:** A grade stabilization structure, as planned and defined by the NRCS, stabilizes the channel grade in a natural or constructed watercourse. The primary purposes are to stabilize grade, reduce erosion and/or improve water quality. A typical NRCS design is attached to this permit and specific criteria for use in designing a grade stabilization structure may be found in NRCS Technical Guide Practice Standard 410, Grade Stabilization Structure, at: https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1263175.pdf

4) **Grassed Waterways:** A grassed waterway, as planned and defined by the NRCS, is a shaped or graded channel that is established with suitable vegetation to carry surface water at a non-erosive velocity to a stable outlet. The primary purposes are to convey runoff from terraces, diversions, or other water concentrations without causing erosions or flooding, to reduce gully erosion and/or protect/improve water quality. Specific criteria for use in designing a grassed waterway may be found in NRCS Technical Guide Practice Standard 412, Grassed Waterway, at: https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1263177.pdf

5) **Subsurface Drains:** A conduit, as planned and defined by the NRCS, is installed beneath the ground surface to collect and/or convey excess water. This practice may be applied as part of a resource management system to remove or distribute excessive soil water or remove salts and other contaminants from the soil profile. In Iowa, subsurface drains are frequently used in association with grassed waterways to ensure that terrestrial vegetation can establish and are authorized under this permit when used as part of NRCS Practice 412 for installing grassed waterways. The subsurface drains may be not be placed in the thalweg of the stream channel. The subsurface drains may only be placed adjacent to the stream channel, and then backfilled and the surface graded, in order to facilitate construction of the grassed waterway. A typical NRCS design is attached to this permit and specific criteria for use in designing a subsurface drain may be found in NRCS Technical Guide Practice Standard 606, Subsurface Drain at: https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1263175.pdf

D. **Mitigation:**

1) Generally, projects will be constructed in upper watershed reaches in areas where there is little or no base flow in the channel. The structures will be strategically located to reduce downstream peak flows and upstream erosion, where applicable, so that impacts are no more than minimal. The projects will reduce erosion, trap sediment, provide water quality benefits on agricultural lands and/or provide water sources for livestock. Incidental wildlife habitat and recreation benefits may accrue, but such benefits will not be the primary purpose of the projects. In most cases, we expect that the beneficial water quality aspects of these projects will outweigh any adverse impacts, and mitigation will not be required. In the case that the DE determines the project to have adverse impacts on an aquatic resource, the DE will consider the following factors when determining appropriate and

practicable mitigation necessary to ensure that adverse effects on the aquatic environment are not more than minimal:

a. The activity must be designed and constructed to avoid and minimize adverse effects to Waters of the U.S., both temporary and permanent, to the maximum extent practicable at the project site. Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the adverse effects to the aquatic environment are minimal.

b. Compensatory mitigation may be required for stream or wetland impacts associated with any project which requires notification to the Corps. In general, compensatory mitigation will be required for all wetland losses that exceed 1/10-acre and for stream losses greater than 300 linear feet with flow regimes that are intermittent that contain permanent pools. The District Engineer may also determine that the effects of the proposed activity are less than minimal and provide a project-specific waiver of this requirement. Compensatory mitigation projects provided to offset losses of aquatic resources must follow the regulations published in the Federal Register dated April 10, 2008 under 33 CFR Parts 332 and 40 CFR Part 230 – Subpart J entitled "Compensatory Mitigation for Losses of Aquatic Resources,"(Mitigation Rule) and any such Corps regulation/guidance that would supplement these mitigation requirements such as the Rock Island District Mitigation and Monitoring Guidelines.

c. It is expected that most of the pool area with water depths of three feet or less will develop emergent wetland characteristics. Additional wetland mitigation is required if the acreage of wetland impacted by the structure and deep water exceeds the proposed acreage of pool with water depths of three feet or less.

d. The amount of mitigation required will be determined during review for authorization under this permit as per the mitigation rule requirements. Mitigation must be adequate to offset unavoidable impacts or losses to regulated WOUS. For any stream losses greater than 300 linear feet with flow regimes that are intermittent that contain permanent pools, completion of the Iowa Stream Mitigation Method is required to determine adequate compensatory stream mitigation. The Corps has the final approval in determining the appropriate and practicable mitigation necessary. The discharge of fill material into WOUS prior to Corps approval of the mitigation plan is prohibited.

2) The applicant is responsible for proposing an appropriate compensatory mitigation option to ensure that the activity results in less than minimal adverse effects to the aquatic environment. Applicants may propose the use of mitigation banks, in-lieu fee (ILF) programs or separate permittee-responsible mitigation. Applicants must adhere to the mitigation hierarchy found in the 2008 mitigation rule (33 CFR 332) when selecting appropriate methods for mitigation. A conceptual permittee-responsible mitigation plan may be submitted for initial review, however, a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) – (14) must be approved by the District Engineer before RGP 33 may be authorized for the proposed project.

3) All mitigation must be completed prior to or concurrent with project construction. If, in the opinion of the Corps, mitigation areas do not fully replace the aquatic functions that are lost due to the installation of the structure or project features, further mitigation measures may be deemed necessary on a case-by-case basis. Proposed mitigation areas may not be located in areas that are enrolled in programs such as the Conservation Reserve Program (CRP) or the Wetland Reserve Program (WRP).

E. **Historical Properties/Archaeological:** As Lead Federal Agency, the NRCS or the sponsor under HUD regulations will fulfill the collective responsibilities set forth in the National Historic Preservation Act (NHPA) and will achieve compliance with Section 106 of the NHPA utilizing established agency procedures. If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the lead Federal agency. Authorization under this RGP 33 is not considered effective until Section 106 compliance is achieved.

F. **Endangered Species:** As lead Federal Agency, the NRCS or the sponsor under HUD regulations will fulfill the collective responsibilities set forth in the Endangered Species Act (ESA) and will achieve compliance with that Act. This permit does not authorize the taking of a threatened or endangered species or its critical habitat. If an activity may result in take of a listed species, separate authorization under the ESA is required. If authorization under the ESA contains mandatory terms and conditions to implement the reasonable and prudent measures that are associated with an "incidental take", such terms and conditions become part of this permit. Failure to comply with the ESA terms and conditions or an unauthorized take would constitute non-compliance with this permit. Authorization under this RGP 33 is not considered effective until ESA compliance is achieved.

G. **Water Quality Certification:** By letter dated February 17, 2021 the Iowa Department of Natural Resources issued Section 401 water quality certification for this regional permit.

The permittee understands and agrees that, if future operations by the United States requires the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army of his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

«««< END OF SPECIAL CONDITIONS >»»

Further information:

1. **Congressional Authorities:** You have been authorized to undertake the activity described above pursuant to:

   ( ) 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 authorizations required by law.

   b. This permit does not grant any property rights or exclusive privileges.

   c. This permit does not authorize any injury to the property or rights of others.

   d. This permit does not authorize interference with any existing or proposed Federal project.

3. **Limits of Federal Liability.** In issuing this permit, the Federal Government does not assume any liability for the following:

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

   b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

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

   d. Design or construction deficiencies associated with the permitted work.

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

4. **Reliance on Applicant's Data**. The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. **Reevaluation of Permit Decision**. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

   a. You fail to comply with the terms and conditions of this permit.

   b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

c. Significant new information surfaces which the issuing office did not consider in reaching the original public interest decision. Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action, where appropriate. You will be required to pay for any corrective measures ordered by this office and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. **Extensions.** General condition 2 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

This permit becomes effective when the Federal official, designated to act for the District Engineer, has signed below

G. Ward Lenz Digitally signed by G. Ward Lenz Date: 2021.03.22 09:07:57 -05'00' 22/March/2021

_____ _____

Ward Lenz
Chief, Regulatory Division
Rock Island District

Date

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

_____ _____

Transferee

Date

February 17, 2021

Mr. Ward Lenz
Rock Island District Corps of Engineers
Clock Tower Building
PO Box 2004
Rock Island, IL 61204-2004
Ward.lenz@usace.army.mil

Subject: Section 401 Water Quality Certification for Regional Permit 33 (Fill Material Placed in Waters of the United States for Certain Conservation Practices Sponsored by U.S. Department of Agriculture Natural Resources Conservation Service and Department of Housing and Urban Development in the State of Iowa) CEMVR-OD-P-2020-1497

Dear Mr. Lenz,

The Iowa Department of Natural Resources (DNR) has examined the information furnished by the Rock Island District Corps of Engineers in the October 29, 2020 Joint Public Notice and the draft Regional Permit 33.

This conditional Section 401 Water Quality Certification is hereby granted for Regional Permit 33 by the DNR under the authority of Section 401 of the Federal Water Pollution Control Act (40 C.F.R. Part 121, effective September 11, 2020). The DNR certifies RP 33 (CEMVR-OD-P2020-1497) because there is reasonable expectation that the discharge from the proposed projects will comply with Iowa's water quality requirements with the following conditions:

(1) During construction and upon completion of the project, actions must be taken to prevent pollution affecting public health, fish, shellfish, wildlife, and recreation due to turbidity, pH, nutrients, suspended solids, floating debris, visible oil and grease, or other pollutants entering a water of the state. This condition will ensure permittees comply with Iowa's narrative water quality standards found at 567 IAC 61.3(2);

(2) Equipment used in waters of the state shall be cleaned of all hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, or other construction-related, potentially hazardous substances before arriving on site. Wash water shall not be discharged into a water of the state. This condition will ensure permittees comply with Iowa's narrative water quality standards found at 567 IAC 61.3(2);

(3) All cleared vegetative material shall be properly managed in such a manner that it cannot enter a water of the state and cause a violation of water quality standards. This condition will ensure permittees comply with Iowa's narrative water quality standards found at 567 IAC 61.3(2);

(4) All construction debris shall be properly managed in such a manner that it cannot enter a water of the state. This condition will ensure permittees comply with Iowa's narrative water quality standards found at 567 IAC 61.3(2);

(5) Erosion shall be managed so that sediment is not discharged to a water of the state in a manner that causes a violation of water quality standards. This condition will ensure permittees comply with Iowa's narrative water quality standards found at 567 IAC 61.3(2);

(6) Riprap and temporary crossings shall consist of clean material free of coatings of potentially hazardous substances. No asphalt or petroleum-based material shall be used as or included in riprap material placed in any water of the state or within the high-water table. This condition will ensure permittees comply with Iowa's narrative water quality standards found at 567 IAC 61.3(2); and

(7) Stockpiled dredged materials on the shore shall be managed so that sediment is not discharged to a water of the state in a manner that causes a violation of water quality standards. This condition will ensure permittees comply with Iowa's narrative water quality standards found at 567 IAC 61.3(2).

If you have any questions about the certification or any conditions contained therein, please contact me at Christine.schwake@dnr.iowa.gov or call (515) 725-8399.

Sincerely,

Christine Schwake

Christine Schwake
Environmental Specialist