

**DEPARTMENT OF THE ARMY PERMIT
Regional General Permit #47
Recreational Docks
In Section 10 Waters of the United States
In Iowa and Illinois**

Permittee: General Public meeting the terms and conditions herein.

Number: CEMVR-OD-P-2020-0702 (Regional General Permit #47)

Expiration Date: March 29, 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 (Corps) 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.

Authorized Work. Authorizes the construction, modification and maintenance of non-commercial, recreational, single-family, community and public, floating and/or pile-supported dock facilities; and associated floating and or pile-supported, water-based structures. Associated water-based structures include, but are not limited to walkways, fixed decks, boat hoists and jet-ski floats.

Project Location. This regional general permit (RGP) will authorize work to be performed on rivers designated as Section 10 waters under the Rock Island District’s Regulatory jurisdiction. See Permit Conditions B below for a complete list and map of current Section 10 rivers. This RGP covers work completed on both privately-owned or federally-owned land. Docks on federally owned land must adhere to Permit General Condition A(2) Federally-owned land.

Permit Conditions:

A. General Conditions:

- 1) **General Public (Private and Commercial):** The permittee must notify the District Engineer (DE) for authorization of this RGP. The notification must include detailed drawings and sufficient information to determine if the proposed work conforms to the criteria and conditions of the RGP. Department of the Army (DA) permit application (ENG Form 4345) should be used for this purpose and is available to download from the Rock Island District Regulatory webpage: <https://www.mvr.usace.army.mil/Missions/Regulatory/Permits/>
- 2) **Federally-owned Land:**
 - a. All impacts to federally-owned land must adhere to all of the conditions stated below 2) b through f, and 3) a through h, unless otherwise stated in the cottage lease or shoreline management conditions.

- b. Cottage Lease Area: The permittee must notify the Real Estate Division, at MVR-RE-CottageSites@usace.army.mil to initiate coordination and to obtain authorization of this RGP. The notification must include the current lease identification number, detailed drawings, and sufficient information to determine if the proposed work conforms to the criteria and conditions of the Cottage Lease, prior to consideration and coordination of this RGP.
- c. Shoreline Management Area: The permittee must notify the Mississippi River Project Office Shoreline Management Section, at 309-794-4439 to initiate coordination and obtain authorization under this RGP. The notification must include the site's Shoreline Management identification number, detailed drawings, and sufficient information to determine if the proposed work conforms to the criteria and conditions of the Shoreline Management Plan, prior to consideration and coordination of this RGP.
- d. Electrical installations must be weatherproofed and meet all current applicable electric codes and regulations. In addition, electrical installations must be certified in writing by a state-registered electrician. The written certification must be submitted to the Corps upon request.
- e. Floats and the flotation material must be specifically fabricated for marina use and warranted by the manufacturer for a minimum of 8 years against sinking, becoming waterlogged, cracking, peeling fragmenting or losing beads. Foam bead flotation is not allowed. Reuse of plastic or metal drums or barrels not specifically manufactured for marine flotation use is prohibited.
- f. No dock structure shall be used for human habitation. Installation of structures conducive to human habitation such as sleeping accommodations cooking facilities, heating facilities, toilet or shower facilities, refrigeration, television, etc. is prohibited.

3) General Activity Restrictions:

- a. Length: The dock must only extend into the water from the shoreline out to the point where there is adequate depth to accomplish the primary purpose of the dock (e.g. for mooring a boat or using a boat hoist or lift, this is typically 3 feet in depth.). No section or portion of the dock can exceed 24 feet in dimension and the total dock surface area cannot exceed 600 square feet.
- b. Width: The width of a dock must be no less than 3 feet wide and may not exceed 8 feet wide, unless otherwise authorized by a waiver in a Corps verification letter. Note: Shoreline Management Docks have separate criteria to be met.
- c. All docks must be securely anchored in place using posts, dead men, or other suitable means. Altering the natural terrain or vegetation, anchoring to trees or obstructing use of the shoreline is not allowed.
- d. For the construction of new boat docks, connecting walkway ramps, or support piers, or for future repairs of existing docks, walkways, or piers, you must use lumber products treated with wood preservatives in strict compliance with the Registration Documents issued by the US Environmental Protection Agency (EPA) under the Federal Insecticide, Fungicide and Rodenticide Act (FEFRA) and in accordance with standards issued by American Wood Protection Association or the International Code Council.
- e. The time limit for submittals ends 60 days prior to the expiration of the RGP, unless the RGP 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 least one month before that date is reached. If you commence or are under contract to commence this activity before the date the RGP is modified or revoked, you will have twelve months from the expiration date above to complete your activity under the present terms and conditions of this RGP.

- f. You must maintain the activity authorized by this permit in good working 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 the appropriate 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 the appropriate office, which may require restoration of the area.
- g. If you discover any previously unknown historic or archaeological 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.
- h. 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. Section 10 Waters in the Rock Island District where RGP 47 may be used.

Below is a list of the Section 10 Waters recognized by the Rock Island District Regulatory Division:

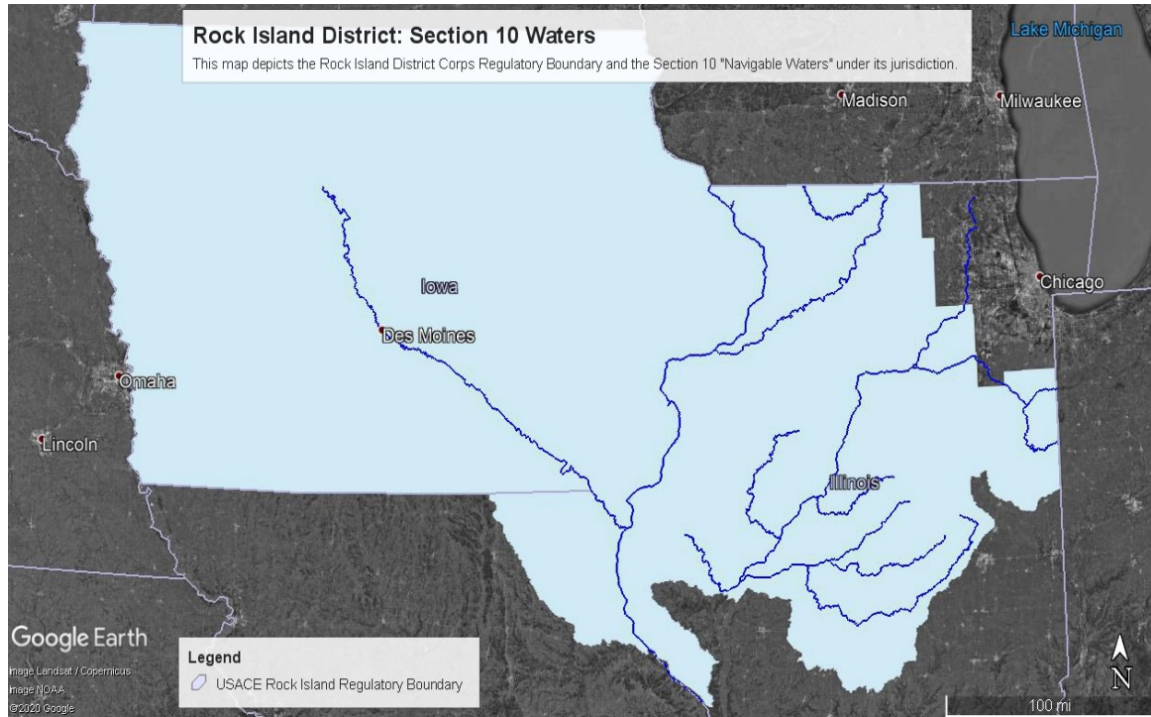
IOWA

1. Mississippi River - Mile 300 (Saverton, MO) upriver to mile 678.8.
2. Des Moines River - from its confluence with the Mississippi River in Lee County (IA) and Clark County (MO) to mile 315.0 at Fort Dodge, IA.
3. Iowa River - from its confluence with the Mississippi River in Louisa County, IA to mile 3.0 near Toolesboro, IA.

ILLINOIS

1. Mississippi River - Mile 300 (Saverton, MO) upriver to mile 580.7.
2. Illinois River - LaGrange L&D to Dresden L&D
3. Rock River - from its confluence with the Mississippi River to IL-WI border.
4. Galena River - from its confluence with the Mississippi River in Jo Davies County to mile 4.0 at Galena, IL.
5. Fox River - from confluence with Illinois River in Ottawa, through Kendall, Kane and McHenry Counties.
6. Iroquois River - confluence with Kankakee River to Illinois state border.
7. Kankakee River - confluence with Illinois River to Illinois state border.
8. LaMoine River - from its confluence with the Illinois River in Schuyler County into Hancock County.
9. Mackinaw River - from its confluence with the Illinois River in Tazewell County into McLean County.
10. Salt Creek - from its confluence with Sugar Creek in Menard County to mile 70.0 in McClean County.
11. Sugar Creek - from its confluence with the Sangamon River in Menard County to mile 70.0 in McClean County.
12. Sangamon River - from its confluence with the Illinois River in Cass County into McClean County.
13. Spoon River - from its confluence with the Illinois River in Fulton County to mile 120.0 in Peoria County

14. Pecatonica River - throughout Stephenson and Winnebago counties.
15. Illinois and Michigan Canal - from the confluence with the Illinois River in Peru, LaSalle County to Dresden L&D.



C. Historic Properties/Archaeological:

- 1) Section 106 consultation is not required when the Corps determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR 800.3(a)). In cases where the DE determines that the activity may affect properties listed, or eligible for listing, in the National Register of Historic Places (National Register), the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) are met.
- 2) Federal permittees should follow their own procedures for complying with the requirements of Section 106 of NHPA, permittees must provide the DE with the appropriate documentation to demonstrate compliance with those requirements
- 3) Non-federal permittees must submit information to the DE if the authorized activity may have the potential to cause effects to any historic properties listed, determined to be eligible for listing on, or potentially eligible for listing on the National Register, including previously unidentified properties. For such activities, the information must state which historic properties may be affected by the proposed work and include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of or potential for the presence of historic resources can be sought from the State Historic Preservation Officer (SHPO) and/or Tribal Historic Preservation Officer (THPO), as appropriate, and the National Register (see 33 CFR 330.4(g)). The DE shall make a reasonable and good faith effort to ensure that appropriate identification efforts are carried out, which may include background

research, consultation, history interviews, sample field investigation, and field survey. Based on the information submitted and these efforts, the DE shall determine whether the proposed activity has the potential to cause an effect on the historic properties. Where the non-Federal applicant has identified historic properties which the activity may have the potential to cause effects, and so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the DE either that the activity has no potential to cause effects, or that consultation under Section 106 of the NHPA has been completed.

- 4) The DE will notify the prospective permittee within 45 days of receipt of a complete application whether NHPA Section 106 consultation is required. Section 106 consultation is not required when the Corps determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR 800.3(a)). If NHPA Section 106 consultation is required, the non-Federal applicant cannot begin work until Section 106 consultation is completed.
- 5) Permittees should be aware that section 110k of the NHPA (16 U.S.C. 16 470h-2(k)) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of Section 106 of the NHPA has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, explaining the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

D. Endangered Species:

- 1) 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 Section 7 of the Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized under this RGP which may affect a listed species or critical habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed to address the effects of the proposed activity on a listed species or critical habitat.
- 2) Federal permittees and their designated state agencies should follow their own procedures for complying with the requirements of the ESA. Federal permittees must provide the Corps with the appropriate documentation to demonstrate compliance with those requirements. The Corps will review the documentation and determine whether it is sufficient to address ESA compliance for the activity, or whether additional ESA consultation is necessary.
- 3) Non-federal permittees must provide the Corps with the appropriate documentation to demonstrate compliance with the ESA. If the authorized activity may have the potential to effect any listed species, or designated critical habitat might be affected, or is in the vicinity of the project, or is located in designated critical habitat, permittee shall not begin work on the activity until notified by the DE that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that may affect federally listed endangered or threatened species or designated critical habitat, the notification must

include the name(s) of the endangered or threatened species that may be affected by the proposed work or that utilize the designated critical habitat that may be affected by the proposed work. The DE will determine whether the proposed activity may affect or will have no effect on listed species and designated critical habitat.

- 4) Authorization of an activity by this regional general permit does not authorize the taking of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the U.S. Fish and Wildlife Service (USFWS), both lethal and non-lethal takings of protected species are in violation of the ESA. Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the USFWS webpage.

The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters or presents a risk to navigation or public safety, 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 GENERAL CONDITIONS >>>>

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).
 - () 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 A(3e) 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

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