



STATE OF IOWA

TERRY E. BRANSTAD, GOVERNOR
KIM REYNOLDS, LT. GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
CHUCK GIPP, DIRECTOR

March 3, 2017

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

Subject: Section 401 Water Quality Certification for the 2017 Nationwide Permits

Dear Mr. Lenz,

On January 6, 2017, in Part III of the Federal Register (Vol. 82 Number 4, pp 1860-2008) U.S. Army Corps of Engineers (Corps) announced the reissuance of 50 existing nationwide permits (NWP), general conditions, and definitions, with some modifications. The Corps also issued two new NWPs and one new general condition. The NWPs, general conditions, and definitions will be effective on March 19, 2017.

In accordance with Section 401 of the Federal Clean Water Act (33 U.S.C. par. 1251 et. seq.), the Iowa Department of Natural Resources has reviewed the proposed modifications and additions to the NWPs and Iowa Regional Conditions and, by this letter, is issuing Section 401 Water Quality Certification with the following conditions:

1. Side slopes of a newly constructed channel will be no steeper than 2:1 and planted to permanent, perennial, native vegetation if not armored.
2. Nationwide permits with mitigation may require recording of the nationwide permit and pertinent drawings with the Registrar of Deeds or other appropriate official charged with the responsibility for maintaining records of title to, or interest in, real property and require the permittee to provide proof of that recording to the Corps.
3. Mitigation shall be scheduled prior to, or concurrent with, the discharge of dredged or fill material into waters of the United States, unless an alternate timeline is specifically approved in the authorization.
4. For newly constructed channels through areas that are unvegetated, native grass filter strips, or a riparian buffer with native trees or shrubs a minimum of 35 feet wide from the top of the bank must be planted along both sides of the new channel. A survival rate of 80 percent of native species shall be achieved within three years of establishment of the buffer strip.

5. For single-family residences authorized under nationwide permit 29, the permanent loss of waters of the United States (including jurisdictional wetlands) must not exceed 1/4 acre.
6. For nationwide permit 46, the discharge of dredged or fill material into ditches that would sever the jurisdiction of an upstream water of the United States from a downstream water of the United States is not allowed.
7. For projects that impact an Outstanding National Resource Water, Outstanding Iowa Water, fens, bogs, seeps, or sedge meadows, a Pre-Construction Notice in accordance with General Condition No. 32 and an Individual Section 401 Water Quality Certification will be required.
8. For nationwide permits when the Corps' District Engineer has issued a waiver to allow the permittee to exceed the limits of the nationwide permit, an Individual Section 401 Water Quality Certification will be required.
9. Operation of heavy equipment within the stream channel should be avoided. If in-stream work is unavoidable, it shall be performed in such a manner as to minimize the duration of the disturbance, turbidity increases, substrate disturbance, bank disturbance, and disturbance to riparian vegetation. This condition does not further restrict otherwise authorized drainage ditch maintenance activities.
10. Any bank stabilization activity involving a method that protrudes from the bank contour, such as jetties, stream barbs and/or weirs, will require a Pre-Construction Notice in accordance with General Condition No. 32.
11. Beyond what is described in General Condition # 6, suitable fill material shall consist of clean materials, free from debris, trash, and other deleterious materials. If broken concrete is used as riprap, all reinforcing rods must be cut flush with the surface of the concrete, and individual pieces of concrete shall be appropriately graded and not exceed 3 feet in any dimension. Asphalt, car bodies, and broken concrete containing asphalt, and liquid concrete are specifically excluded.
12. No non-native, invasive or other plant species included on the Corps "Excluded Plant List" shall be planted for re-vegetation or stabilization purposes. The plant list can be found on the Corps website at: <http://www.mvr.usace.army.mil/Missions/Regulatory.aspx>. To prevent the spread of non-native and/or invasive plant species, the permittee shall ensure that equipment to be utilized in Waters of the United States is cleaned before arriving on site. Wash water shall not be discharged into any wetland, waterway, or any other surface water conveyances.

For any project that occurs on the Mississippi River, Missouri River, or a Category 4c 303(d) listed water body (attached), the Corps will contact the IDNR (Section 401 Water Quality staff) for project-specific comments/conditions to protect water quality/aquatic resources prior to finalizing the permit decision.

Best management practices must be used to prevent and control spills of hazardous substances and if there is a release, it must be reported to the Iowa Department of Natural Resources at 515-725-8694 as soon as possible but not later than 6 hours after the onset or discovery of the hazardous condition. If the hazardous condition involves the release of an EPA regulated material or an oil as defined by the EPA, the release may also need to be reported to the National Response Center at (800) 424-8802. Federal Reporting is required within 15 minutes of event occurrence or discovery.

We would like to ask the Corps to encourage applicants to use natural channel design principles and bioengineering techniques when the project involves reconstructing stream channels. This will help restore or enhance the habitat values of the reconstructed stream channel.

If you have any questions or comments regarding this Section 401 Water Quality Certification, please contact me at the address shown below or call (515) 725-8399.

Sincerely,



Christine M. Schwake
Environmental Specialist

Enclosures

cc: Mr. John Moeschen, U.S. Army Corps of Engineers, Nebraska Regulatory Field
Office, 8901 S. 154th ST, STE 1, Omaha, NE 68138-3635

Iowa Antidegradation Implementation Procedure

Appendix B – Outstanding Iowa Waters

STREAMS	DESCRIPTION	Length (Miles)
Baron Springs	Mouth (S2, T91N, R6W, Clayton Co.) to spring source (S4, T91N, R6W, Clayton Co.)	1.99
Bear Creek	From road crossing in SW ¼, NW1/4, S11, T86N, R10W, Benton Co. to E line, S25, T87N, R10W, Buchanan Co.	5.2
Bloody Run	From (W. line of Section 22, T95N, R4W, Clayton Co.) to the confluence with Unnamed Creek (NAD83) UTM Coordinates X(Easting) 645284.89 Y(Northing) 4766657.44	8.59
Brownfield Creek	Mouth (Clayton Co.) to spring source (S31, T91N, R3W, Clayton Co.)	.94
Clear Creek	Mouth (Allamakee Co.) to W. line of Section 25, T99N, R4W, Allamakee Co.	3.79
Deer Creek	Road crossing in SE¼, S35, T100N, R19W, Worth Co. to the N. line of S7, T100N, R19W, Worth Co.	7.29
Dousman Creek	Mouth (S33, T96N, R3W, Allamakee Co.) to Allamakee-Clayton Co. line	3.44
Duck Creek	From the mouth (S14, T100N, R06W Allamakee Co.) to the Iowa-Minnesota state line.	1.98
Ensign Creek (aka Ensign Hollow)	Mouth (S28, T92N, R6W, Clayton Co.) to spring source (S29, T92N, R6W, Clayton Co.)	1.05
Unnamed Creek (a.k.a. Erickson Spring Branch)	Mouth (S23, T98N, R4W, Allamakee Co.) to W. line of S23, T98N, R4W, Allamakee Co.	.91
French Creek	Mouth (Allamakee Co.) to E. line of Section 23, T99N, R5W, Allamakee Co.	5.58
Grannis Creek	Mouth (S30, T95N, R7W, Fayette Co.) to W. line of S36, T93N, R8W, Fayette Co.	3.56
Jones Creek	From the mouth (S19, T98N, R04W Allamakee Co.) to bridge crossing at Clonkitty Rd. (S14, T98N, R05W Allamakee Co.)	5.75
Kleinlein Creek	Mouth (Clayton Co.) to spring source (South Spring) (S10, T91N, R6W, Clayton Co.)	3.96
Lime Creek	From confluence with unnamed tributary in NE ¼, NW ¼, S34, T87N, R10W, Buchanan Co. to N. line of S23, T87N, R10W, Buchanan Co.	3.0
Little Paint Creek	Mouth to N. line of Section 30, T97N, R3W	1.92
Ludlow Creek	Mouth (S2, T96N, R6W, Allamakee Co.) to confluence with an unnamed tributary (S33, T97N, R6W, Allamakee Co.)	2.00
Mill Creek (aka Big Mill Creek)	Confluence with Little Mill Cr. to confluence with Unnamed Cr. (S1, T86N, R3E, Jackson Co.)	8.04
Mossey Glen Creek	Mouth (S3, T91N, R5W, Clayton Co.) to S. line of S10, T91N, R5W, Clayton Co.	1.96
North Bear Creek	Mouth (S25, T100N, R7W, Winneshiek Co.) to Iowa-Minnesota state line	6.39
Pine Creek (aka South Pine Creek)	Mouth (S26, T99N, R7W, Winneshiek Co.) to N. line of S21, T99N, R7W, Winneshiek Co.	2.80
Smith Creek (aka Trout River)	Mouth (S21, T98N, R7W, Winneshiek Co.) to S. line of S33, T98N, R7W, Winneshiek Co.	3.42
South Canoe Creek	From the mouth (S22, T99N, R08W Winneshiek Co.) to the bridge crossing at Winn Rd. (S21, T99N, R08W Winneshiek Co.)	1.90
Spring Branch Creek	Mouth (S10, T88N, R5W, Delaware Co.) to spring source (S35, T89N, R5W, Delaware Co.)	2.83
Storybook Hollow	Mouth (S7, T86N, R4E, Jackson Co.) to S. line of S12, T86N, R3E, Jackson Co.	1.37
Trout Run	Mouth (S16, T98N, R4W, Allamakee Co.) through one mile reach	1.0
Twin Springs Creek	Mouth (S17, T98N, R8W, Winneshiek Co.) to springs in Twin Springs Park (S20, T98N, R8W, Winneshiek Co.)	0.61
Unnamed Creek (aka Cold Water Cr.)	Mouth (S32, T100N, R9W, Winneshiek Co.) to N. line of Section 31, T100N, R9W, Winneshiek Co.)	2.46
Unnamed Creek (aka S. Fk. Big Mill)	Mouth (S8, T86N, R4E, Jackson Co.) to W. line of S17, T86N, R4E, Jackson Co.	0.97
Village Creek	Mouth (Allamakee Co.) to W. line of S19, T98N, R4W, Allamakee Co.	13.32
Waterloo Creek	Mouth (S35, T100N, R6W, Allamakee Co.) to Iowa-Minnesota state line	9.39
West Branch French Creek	From the mouth (S23, T99N, R05W, Allamakee Co.) to the confluence with Unnamed Creek (S26, T99N, R05W, Allamakee Co.)	.67
Grand Total		118.08

LAKES	Description (Section, Township, Range)	Size (Acres)
Big Spirit Lake SGMA	S33, T100N, R36W	5684
West Okoboji Lake SGMA	S20, T99N, R36W	3,847

Category 4c Impaired Waters

<u>County(ies)</u>	<u>Water body</u>	<u>Location</u>
Adams	Binder Lake	S25, T72N, R34W
Boone & Dallas	Little Beaver Creek	S14, T81N, R27W (Dallas) to S29, T82N, R27W (Boone)
Cherokee & Ida	Maple River	S13, T88N, R40W (Ida) to S5, T91N, R39W (Cherokee)
Cherokee	Maple Creek	S5, T91N, R39W to S1, T91N, R39W
Clarke	South White Breast Creek	S3, T71N, R24W to headwaters
Clayton	Roberts Creek	S25, T94N, R5W to S16, T94N, R5W
Dallas & Boone	Little Beaver Creek	S14, T81N, R27W (Dallas) to S29, T82N, R27W (Boone)
Des Moines	Allen Green Refuge Marsh	S29, T72N, R1W
Fremont	Missouri River	Entire length
Guthrie	Lakin Slough	S34, T81N, R30W
Harrison	Round Lake	S13, T80N, R45W
Harrison	Missouri River	Entire length
Harrison & Shelby	Mosquito Creek	S9, T78N, R41W (Harrison) to NW 1/4, S12, T80N, R40W (Shelby)
Ida & Cherokee	Maple River	S13, T88N, R40W (Ida) to S5, T91N, R39W (Cherokee)
Ida	Halfway Creek	S22, T89N, R39W to SE 1/4, S24, T89N, R39W
Jasper & Poweshiek	North Skunk River	S20, T78N, R16W (Poweshiek) to S22, T81N, R19W (Jasper)
Kossuth & Winnebago	Little Buffalo Cr. (aka N. Buffalo)	S4, T97N, R27W (Kossuth) to S5, T98N, R26W (Winnebago)
Louisa	Klum Lake	S25, T75N, R2W
Lucas	White Breast Creek	S11, T73N, R22W to S22, T72N, R23W
Mahaska & Marion	Des Moines River	S33, T75N, R17W (Mahaska) to S19, T76N, R18W (Marion)
Marion & Mahaska	Des Moines River	S33, T75N, R17W (Mahaska) to S19, T76N, R18W (Marion)
Mills	Missouri River	Entire length
Monona	Missouri River	Entire length
Monona	Badger Lake	S28-33, T85N, R46W
Monona	Blencoe Lake	S25, T82N, R46W
Monona	Upper Blencoe Lake	S24, T82N, R46W
Monona	Rabbit Island Lake	S28, T85N, R47W
Pocahontas	Little Clear Lake	S6, T91N, R34W & S31-32, T92N, R34W
Pottawattamie	Jordan Creek	Mouth (S31, T74N, R39W) to Confluence w/Spring Creek (S4, T74N, R39W)
Pottawattamie	Missouri River	Entire length
Poweshiek & Jasper	North Skunk River	S20, T78N, R16W (Poweshiek) to S22, T81N, R19W (Jasper)
Sac	Black Hawk Wildlife Area	S9, T86N, R36W
Shelby & Harrison	Mosquito Creek	S9, T78N, R41W (Harrison) to NW 1/4, S12, T80N, R40W (Shelby)
Winnebago & Kossuth	Little Buffalo Cr. (aka N. Buffalo)	S4, T97N, R27W (Kossuth) to S5, T98N, R26W (Winnebago)
Woodbury	Missouri River	Entire length

Counties	OIW - 401	Fens, etc. - 401	4c - comments	Mississippi - comments	Missouri - comments
Adair		X			
Adams			X		
Allamakee	X	X		X	
Benton	X	X			
Black Hawk		X			
Boone			X		
Bremer		X			
Buchanan	X	X			
Butler		X			
Carroll		X			
Cerro Gordo		X			
Cherokee		X	X		
Chickasaw		X			
Clarke			X		
Clay		X			
Clayton	X	X	X	X	
Clinton		X		X	
Dallas			X		
Delaware	X	X			
Des Moines			X	X	
Dickinson	X	X			
Dubuque		X		X	
Emmet		X			
Fayette	X	X			
Floyd		X			
Franklin		X			
Fremont			X		X
Grundy		X			
Guthrie		X	X		
Hancock		X			
Harrison			X		X
Howard		X			
Ida			X		
Jackson	X			X	
Jasper			X		
Kossuth			X		
Lee				X	
Linn		X			
Louisa			X	X	
Lucas			X		
Mahaska			X		
Marion			X		
Mills			X		X
Mitchell		X			
Monona			X		X
Muscatine				X	
Osceola		X			
Pocahontas			X		
Pottawattamie			X		X
Poweshiek			X		
Sac			X		
Scott				X	
Shelby			X		
Story		X			
Warren		X			
Winnebago			X		
Winneshiek	X				
Woodbury			X		X
Worth	X				