DISTRICT PUBLIC NOTICE - PROPOSAL

REQUEST FOR COMMENTS ON 2020 NATIONWIDE PERMIT REISSUANCE

Comments on the proposed 2020 NWPs are due by November 16, 2020.

Comments relating to Iowa Regional Conditions on NWPs are due by November 16, 2020.

1. On September 15, 2020, the U.S. Army Corps of Engineers (Corps), published in the Federal Register its proposal to reissue the 52 existing Nationwide Permits and issue five new Nationwide Permits.

2. Nationwide Permits (NWPs) are general permits issued on a nationwide basis to streamline the authorization of activities that result in no more than minimal individual and cumulative adverse environmental effects. Many of the proposed NWPs require notification to the District Engineer before commencing those activities, to ensure that the activities authorized by those NWPs cause no more than minimal individual and cumulative adverse environmental effects.

3. National Issues Concerning the Proposed NWPs: The Federal Register Notice is the public’s opportunity to comment on the proposed NWPs, general conditions, and definitions. Due by November 16, 2020. Comments on national issues relating to these NWPs should be submitted to docket number COE-2020-0002 at www.regulations.gov, or by email to nationwidepermits2020@usace.army.mil, or by mail to Headquarters, U.S. Army Corps of Engineers, Directorate of Civil Works, ATTN: CECW-CO-R, 441 G Street, N.W., Washington, D.C. 20314-1000. Instructions for submitting comments are provided in the September 15, 2020, Federal Register Notice.

4. Regional Issues Concerning the Proposed NWPs, Including Regional Conditioning: Division Engineers are authorized to add Regional Conditions specific to the needs and/or requirements of a particular region or state. Regional Conditions are an important mechanism to help ensure that the adverse environmental effects of activities authorized by the NWPs are no more than minimal, both individually and cumulatively. Division Engineers may also suspend or revoke specific NWPs in certain geographic areas (e.g., states or watersheds) or high-value aquatic systems where the adverse environmental effects caused by activities authorized by those NWPs may be more than minimal. An enclosure for this public notice lists the proposed Regional Conditions currently under consideration by the Mississippi Valley Division for the state of Iowa (enclosed). The Rock Island District is seeking comments (due by November 16, 2020), on the proposed Regional Conditions and seeking comments on the need for additional
Regional Conditions to help ensure that the adverse environmental effects of activities authorized by the proposed NWPs are no more than minimal, individually and cumulatively. Unless otherwise noted, all proposed Regional Conditions listed on this enclosure are applicable for activities in Iowa. Comments on regional issues relating to the proposed NWPs and proposed Regional Conditions should be sent to Corps of Engineers, Rock Island District, Regulatory Branch, Clock Tower Building, Post Office Box 2004, Rock Island, Illinois 61204-2004, or email to: Al Frohlich at albert.j.frohlich@usace.army.mil. Similar public notices proposing Regional Conditions in other regions or states are being published concurrently by other division or district offices. After the final NWPs are issued, the final Regional Conditions will be issued after they are approved by the Division Commander.

5. States, tribes, and other certifying authorities will make their Clean Water Act Section 401 water quality certification (WQC) decisions after reviewing the proposed NWPs. States will make their Coastal Zone Management Act (CZMA) consistency determination decisions after reviewing the proposed NWPs.

6. Draft decision documents for each of the proposed NWPs, which include environmental documentation prepared for the purposes of the National Environmental Policy Act, have been written by Corps Headquarters. The decision documents will address compliance of the NWPs with the requirements for issuance under the Corps’ general permit authority. These draft decision documents, as well as the proposed NWPs, are available for viewing at www.regulations.gov, docket number COE-2020-0002. Final decision documents will be prepared for the NWPs that are issued.

7. Enclosed is an index of the proposed NWPs and Conditions. Anyone wishing to provide comments may obtain a full text copy of the NWPs through the Corps Home Page at https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Nationwide-Permits/, at www.regulations.gov in docket number COE-2020-0002, or at the following Federal Register address: https://www.federalregister.gov/documents/2020/09/15/2020-17116/proposal-to-reissue-and-modify-nationwide-permits.

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Iowa Proposed Regional Conditions - Nationwide Permits 2020

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. 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.

3. For Nationwide Permits when the U.S. Army Corps of Engineer’s (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.

4. 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.

5. Beyond what is described in General Condition No. 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.

6. 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.

7. All authorizations requested by applicants other than the Tribal Authority for use within lands under the jurisdiction of the Sac and Fox Tribe of the Mississippi in Iowa requires preconstruction notification to the District Engineer and coordination with the Tribal Authority.

8. With the exception of Nationwide Permit 13, all proposed projects that result in the loss of greater than 300 feet of Waters of the U.S., as defined in the definitions contained in the Nationwide Permits, requires a Pre-Construction Notice in accordance with General Condition No. 32 to the District Engineer.