



US Army Corps
of Engineers
Rock Island District

PUBLIC NOTICE

Applicant: U.S. Army Corps of Engineers
CEMVR-OD-P-2020-702

Date: July 28, 2020
Expires: August 26, 2020
Section: 10

Joint Public Notice
U. S. Army Corps of Engineers
Iowa Department of Natural Resources
Illinois Department of Natural Resources

New Regional General Permit 47
Recreational Docks in the States of Iowa and Illinois

- 1. Applicant:** The U.S. Army Corps of Engineers, Rock Island District, with regulatory jurisdiction in Iowa and Illinois are pursuing the development of this Regional General Permit (RGP).
- 2. Project Location:** This RGP will authorize work to be performed on rivers designated as Section 10 waters managed by the Rock Island District under the District’s Regulatory jurisdiction. See Special Condition section for complete list and map of current Section 10 rivers. This RGP covers work on both privately-owned or federally-owned land. Docks on federally owned land must adhere to Permit Condition A(2).
- 3. Project Description:** The U.S. Army Corps of Engineers (Corps) proposes this new RGP to authorize 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.

4. Permit Conditions:

A. General Conditions:

(1) *Privately-owned land:* 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 (b or c, d-f and 3a-h) unless otherwise stated in the cottage lease or shoreline management conditions.

b. **Cottage Lease Area:** The permittee must notify the Rock Island District, Real Estate Division, at (MVR-RE-CottageSites@usace.army.mil) to initiate coordination to obtain authorization of this RGP. The notification must include current lease or real estate agreement 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 Regional Permit. Real Estate has an application separate from the Regulatory Application.

c. **Shoreline Management Area:** The permittee must notify the Mississippi River Project Office, Shoreline Management Office (309-794-4439 or email b5mrposlne@usace.army.mil) to initiate coordination to obtain authorization of 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 Regional Permit.

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 be allowed. Reuse of plastic or metal drums or barrels not specifically manufactured for marine flotation use if 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 be 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 this date 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.

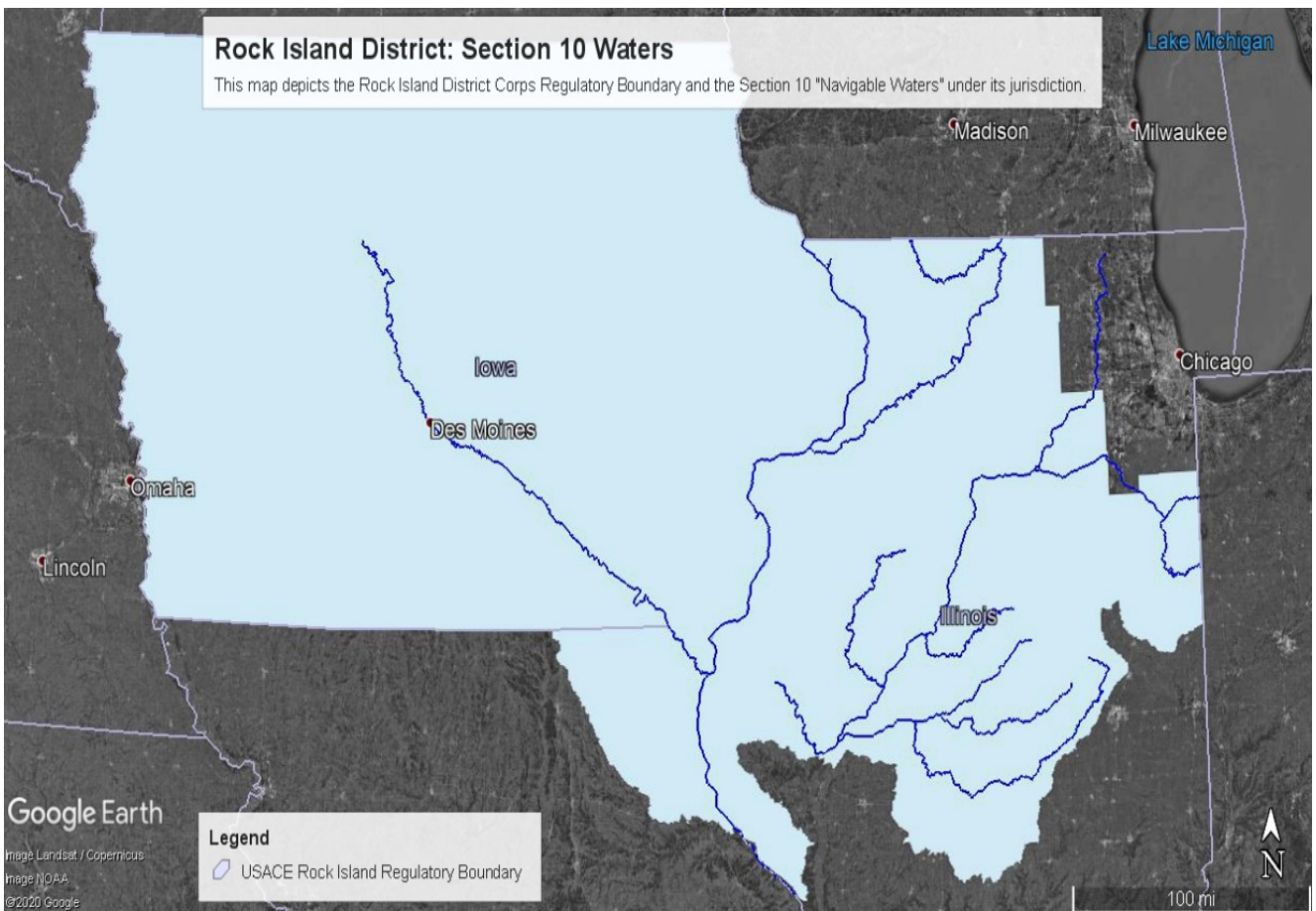
g. If you discover any previously unknown historic or archaeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery 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. **Special Conditions:** The list of Section 10 Waters within the Rock Island District Regulatory jurisdiction:

- IOWA
 - Mississippi River - mile 300 (Saverton, MO) upriver to mile 678.8.
 - 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.
 - Iowa River - from its confluence with the Mississippi River in Louisa County, IA to mile 3.0 near Toolesboro, IA.
- ILLINOIS
 - Mississippi River - Mile 300 (Saverton, MO) upriver to mile 580.7.
 - Illinois River - LaGrange L&D to Dresden L&D
 - Rock River - from its confluence with the Mississippi River to IL-WI border.

- Galena River - from its confluence with the Mississippi River in Jo Davies County to mile 4.0 at Galena, IL.
- Fox River - from confluence with Illinois River in Ottawa, through Kendall, Kane and McHenry Counties.
- Iroquois River - confluence with Kankakee River to Illinois state border.
- Kankakee River - confluence with Illinois River to Illinois state border.
- LaMoine River - from its confluence with the Illinois River in Schuyler County into Hancock County.
- Mackinaw River - from its confluence with the Illinois River in Tazewell County into McLean County.
- Salt Creek - from its confluence with Sugar Creek in Menard County to mile 70.0 in McClean County.
- Sugar Creek - from its confluence with the Sangamon River in Menard County to mile 70.0 in McClean County.
- Sangamon River - from its confluence with the Illinois River in Cass County into McClean County.
- Spoon River - from its confluence with the Illinois River in Fulton County to mile 120.0 in Peoria County
- Pecatonica River - throughout Stephenson and Winnebago counties.
- Illinois and Michigan Canal - from the confluence with the Illinois River in Peru, LaSalle County to Dresden L&D.



C. **Agency Review:**

(1) Department of the Army, Corps of Engineers. The Department of the Army application is being processed under the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344).

(2) State of Iowa. The project plans have been submitted to the Iowa Department of Natural Resources for state certification of the proposed work in accordance with Section 401 of the Clean Water Act. The certification, if issued, will express the Department's opinion that the proposed activity will comply with Iowa's water quality standards (Chapter 61 IAC). The applicant has also applied for authorization of work in the floodplain pursuant to Chapter 455B of the Iowa Code and other applicable state permits. Written comments concerning possible impacts to waters of Iowa should be addressed to: Iowa Department of Natural Resources, 502 East 9th Street, Des Moines, Iowa 50319. A copy of the comments should be provided to the Corps of Engineers office (see paragraph 11. of this public notice for address).

(3) State of Illinois. The project plans have been submitted to the Illinois Department of Natural Resources, Office of Water Resources (IDNR/OWR) as the joint application process requires that IDNR/OWR permits be obtained for construction within floodways; construction and other activities within public bodies of water; and construction, operation and maintenance of dams pursuant to the State of Illinois Rivers, Lakes, and Streams Act (615 ILCS 5). Inquiries concerning IDNR/OWR jurisdiction and/or review of the activity should be directed to the Office of Water Resources at dnr.dworm@illinois.gov or 217/782-3863. Information on the IDNR/OWR regulatory and other programs can be found at <http://dnr.state.il.us/owr>.

5. **Historic Properties/Archaeological:** 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.

6. **Endangered Species:**

A. No activity is authorized under this regional permit 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.

B. 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.

C. 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.

D. Authorization of an activity by this regional general permit does not authorize the "take" 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 "takes" 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.

7. **Dredge/Fill Material Guidelines:** The evaluation of the impact of the proposed activity on the public interest will also include application of the guidelines promulgated by the Administrator of the United States Environmental Protection Agency under authority of Section 404(b) of the Clean Water Act (40 CFR Part 230).

8. **Public Interest Review:** The decision whether to issue the Corps permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit 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, cultural values, 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 production and, in general, the needs and welfare of the people.

9. **Who Should Reply:** The Corps of Engineers is 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 activity. Any comments received will be considered by the Corps of 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 the other public interest factors listed above. 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. These statements should be submitted on or before the expiration date specified at the top of page 1. These statements should bear upon the adequacy of plans and suitability of locations and should, if appropriate, suggest any changes considered desirable.

10. **Public Hearing Requests:** Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. A request may be denied if substantive reasons for holding a hearing are not provided.

11. **Reply to the Corps.** Comments concerning the Corps permit should be addressed to the District Engineer, US Army Corps of Engineers, Rock Island District, ATTN: OD-P (Hardy), Clock Tower Building - Post Office Box 2004, Rock Island, Illinois 61204-2004. For additional information you may contact: **Mrs. Donna Hardy (309-794-5378)**, email donna.r.hardy@usace.army.mil.

Attach
Plan



Mrs. Donna Hardy
Project Manager
Regulatory Branch

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