



US Army Corps
of Engineers
Rock Island District

PUBLIC NOTICE

Applicant: U.S. Army Corps of Engineers Date: July 28, 2020
CEMVR-OD-P-2020-704 Expires: August 26, 2020
Section: 10/404

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

New Regional General Permit 46
New and Maintenance Dredging 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.
3. **Project Description:** The U.S. Army Corps of Engineers (Corps) proposes this new RGP to authorize both new dredging projects and previously authorized maintenance dredging (channels and basins) for certain navigation-related dredging projects, by either mechanical or hydraulic method. For the purposes of this RGP, maintenance dredging means dredging only within the previously approved areas and to the approved depths dredged, as authorized with the most recent Department of the Army (DA Permit). Prospective permittees must document that a previous DA Permit authorized dredging in the proposed project area and does not exceed the limits specified in the previous DA Permit.
4. **Discharges of Dredged Material into Waters of the U.S. associated with Maintenance or New Dredging:** This RGP authorizes, pursuant to Section 404 of the Clean Water Act, a discharge of dredged material, other than incidental fallback, into non-tidal waters of the U.S. for the following activities:
 - A. **Discharge of Dredged Material Due to Dredging Method:** Certain types of dredging methods (i.e. mechanical) often result in a discharge (redeposit) of dredged material into the water of the U.S. during operation. This discharge is authorized with this RGP provided.

(1) The permittee demonstrates, to the satisfaction of the Corps, that the discharge of dredged material associated with the method of dredging is unavoidable.

(2) The permittee demonstrates, to the satisfaction of the Corps, that the discharge of dredged material associated with the method of dredging would be minimized to the maximum extent practicable.

(3) The discharge (redeposit) of dredged material into waters would occur only as a result of the dredging method.

(4) The discharge (redeposit) of dredged material into waters would only occur within the footprint of the dredging activity.

B. Discharge of Return Water from Disposal Area: The return water from a contained disposal area is administratively defined as a discharge of dredged material, even though the disposal area itself may not be located in Waters of the U.S. The discharge is authorized with this RGP provided:

- The quality of the return water is regulated by the state through the Section 401 certification procedures.

5. Permit Conditions:

A. General Conditions:

(1) **Privately-owned land:** The permittee must notify the District Engineer (DE) for authorization of this RGP. The pre-certification notification (PCN) 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:** The permittee must notify the Real Estate Division at MVR-RE-USACE@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 Lease/agreement prior to consideration and coordination of this Regional Permit. Real Estate has an application separate from the Regulatory Application.

(3) **For Regulatory,** the PCN shall include: A completed and signed Department of the Army application (Form ENG 4345), or other suitable means of submittal (i.e. letter, report, etc.) that has the following information detailed:

- a. Name (Point of Contact), Address, Telephone, email (if applicable) of the applicant and consultant (if applicable);
- b. Signed statement acknowledging the use of a consultant (if applicable);

- c. Longitude and Latitude of the proposed activity in decimal degrees;
- d. Description of the proposed activity, detailed description of construction methods in the order of commencement, and the purpose and need;
- e. A copy of all DA authorizations previously issued for the work area.
- f. A vicinity map, plan view, and typical cross section drawings detailing the proposed method of construction showing all impacts to waters of the US. Engineered and/or colored drawings will be accepted on a case by case basis; however, general and typical drawings will be suitable if found legible. Drawings shall include:
- g. A vicinity map with the precise location of the activity and the upland dredged material disposal area so that its geographic coordinates (decimal degrees) can be determined;
- h. A top plan view of the drawing showing the property, its owner(s), length and width dimensions of all dredge areas, and their relationship to the adjacent property lines and existing structures, and the distance from the end of the dredge area to the centerline of a road or other fixed reference point;
- i. Top view and cross section drawings depicting the proposed distances and depths the dredging area will extend into the water body as measured from the pool elevation line, current depth of water as measured from pool elevation, proposed depth of water as measured from pool elevation, presence or absence of vegetation on bottom, and height and length of all adjacent structures;
- j. Top view and cross section drawings depicting the proposed distances and depths the upland dredging material placement area will be from the nearest water body as measured from the pool elevation line, depth of water at the beginning of the terminal structure as measured from pool elevation, presence or absence of vegetation on bottom, and height and length of all structures;
- k. The distance from dredge areas to the top edge of any navigable channel in the immediate vicinity;
- l. An aquatic resource delineation map that clearly demonstrates the locations and boundaries of any aquatic resources (i.e. wetlands, submerged aquatic vegetation, and/or other special aquatic sites defined in 40 CFR 230.3(q-1)) or mussel beds located within 50 feet of any portion of the proposed project. The size of each aquatic site (in acres or square feet) and its distance to the edge of the project boundary must be depicted on this map.
- m. A statement that the work will be conducted in compliance with the terms and conditions of this Permit.
- n. A statement of estimated start and completion dates.

(4) 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.

(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) 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:

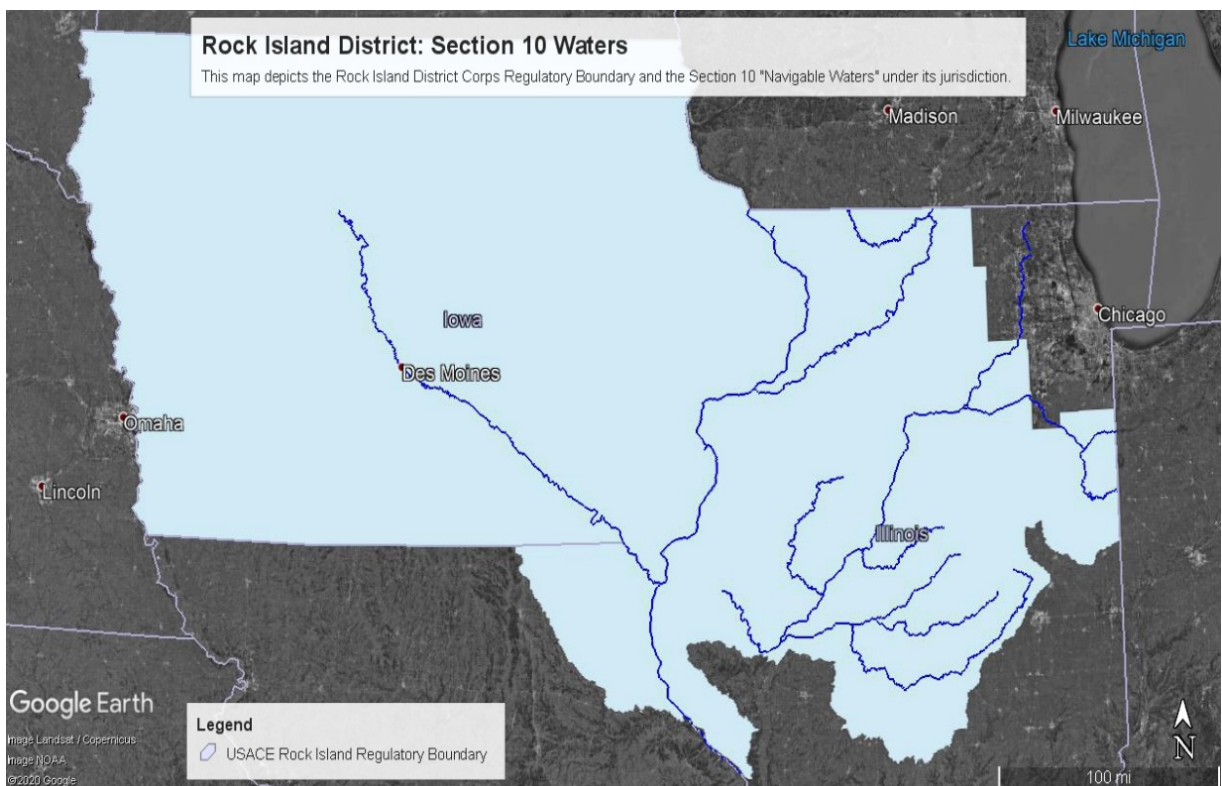
IOWA

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. Peconica 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. 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>.

6. 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.

7. **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.

8. **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).

9. **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.

10. **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.

11. **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.

12. **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 contact **Mrs. Donna Hardy (309-794-5378)**, email donna.r.hardy@usace.army.mil.



Attach
Plan

Mrs. Donna Hardy
Project Manager
Regulatory Branch

REQUEST TO POSTMASTERS: Please post this notice conspicuously and continuously until the expiration date specified at the top of page 1.

NOTICE TO EDITORS: This notice is provided as background information for your use in formatting news stories. This notice is not a contract for classified display advertising.