



# PUBLIC NOTICE

US Army Corps  
of Engineers  
Rock Island District

Applicant: U.S. Army Corps of Engineers  
CEMVR-OD-P-2020-0641

Date: June 09, 2020  
Expires: July 08, 2020  
Section 10/404

**Joint Public Notice  
US Army Corps of Engineers  
Iowa Department of Natural Resources**

**New Regional General Permit 40  
Bank Stabilization Activities  
In the State of Iowa**

1. **Applicant:** The U.S. Army Corps of Engineers, Rock Island District, with regulatory jurisdiction in Iowa are pursuing the development of this regional permit.
2. **Project Location:** The regional permit will authorize work associated with the discharge of dredged and/or fill material into all Waters of the United States (WUS), including wetlands, for bank stabilization activities under jurisdiction of the Rock Island District (District) in the State of Iowa, excluding tribal lands.
3. **Project Description:**
  - A. Authorized Work.
    - Proposed Limits.
      - 1) The following bank stabilization techniques will be authorized under this regional permit: blanket riprap, seawalls, gabions, minor bank shaping with appropriate biotechnical streambank protection techniques, bendway weirs, longitudinal peaked stone riprap, stone hardpoints, stream barbs, and rock riffles. For design projects not specifically listed, the plans must be approved by the Corps of Engineers and the Iowa Department of Natural Resources, Water Quality Bureau.
      - 2) Impacts to Waters of the United States authorized within this permit shall not exceed 2,000 linear feet of shoreline at any one location. If armoring opposite banks of the same stream reach, you are limited to a maximum of armoring 1,000 linear feet per bank and will require a waiver of the two cubic yards per running foot of fill material placed below the ordinary high water mark. IA Department of Natural Resources, Fish and Wildlife Service, and United States Environmental Protection Agency must be given an opportunity to comment on any proposed project requiring a waiver, prior to authorization.

B. Project Location. All waters of the United States in the state of Iowa within the regulatory boundaries of the Rock Island District.

**3. Permit Conditions:**

A. General Conditions:

1) The permittee must notify the District Engineer (DE), Rock Island District, for authorization of this Regional General Permit (RGP). The notification must include detailed drawings and sufficient information to determine if the proposed work conforms to the criteria and conditions of the RP, as well as a mitigation plan (see Section D), if unavoidable stream or wetland impacts will occur as a part of the project. Department of the Army (DA) permit application (ENG Form 4345) should be used for this purpose and is available to download at the Rock Island District Corps Regulatory (District) webpage.

2) The time limit for submittals ends 60 days prior to the expiration of the RP, unless the RP 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 RP is modified or revoked, you will have twelve months from this date to complete your activity under the present terms and conditions of this RP.

3) If the project impacts an Outstanding Iowa Water (OIW), an individual 401 Water Quality Certification (WQC) must be obtained and permittee shall not begin work on the activity until a 401 is issued by the State or waived by the DE, and you have received notification from this office to proceed.

4) 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.

5) 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.

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:

1) Riprap, if used for bank stabilization, shall be clean native fieldstone, clean quarry rock, or appropriately graded clean broken concrete with all reinforcing rods and/or wire cut flush with the surface of the concrete. It shall be the permittee's responsibility to maintain the riprap such that any reinforcement material that becomes exposed in the future is removed. The concrete pieces shall be appropriately graded and no piece shall be larger than 3 feet across the longest flat surface. No riprap shall be placed at a distance greater than 4 feet horizontally from the toe of the bank. Asphalt, broken concrete containing asphalt, petroleum based material, liquid concrete, and items such as car bodies are specifically excluded from this authorization.

### 2) Design Specifications:

#### a. Blanket Riprap.

- Bank shoreline protection shall not exceed 2,000 feet in length and must contain less than two cubic yards of fill material per running foot below the ordinary high water mark.
- For projects involving continuous placement of riprap along the bank, toe of the bank, or other similar applications, the cross sectional area of the natural channel shall not be reduced by more than 10 percent nor the volume of material exceed 2 cubic yards per lineal foot of stream bank or shoreline. The bank may be graded to obtain a flatter slope and to lessen the quantity of material required.
- A well distributed mix of stones weighing from 20 to 200 pounds should be used.
- The riprap should be from 12 inches to 18 inches thick. Portions of the riprap layer under water should be increased to 18 inches to 30 inches thick.
- Riprap materials shall not be placed at a steeper slope than 2:1 (2 horizontal to 1 vertical) for dumped riprap and 1.5:1 for hand-placed riprap. A bedding layer of either six inches of gravel or filter material must be used if required to prevent loss of fines through the riprap material. The riprap must be sized to withstand the anticipated forces from flood flows or wave action.
- A riprap trench or apron should be provided at the base of the protected bank for stability.
- Both ends of the project should be tied into the bank, with the most common method being to excavate a trench in the bank and fill it with riprap. Additionally the project should be tied into the bank at regular intervals of between 100 feet and 200 feet.
- Blanket riprap shall be constructed to current design standards of the U.S. Department of Agriculture, Natural Resources Conservation Service. Current NRCS design materials are available online through links on the Iowa NRCS webpage: [www.ia.nrcs.usda.gov](http://www.ia.nrcs.usda.gov).

b. Seawalls and Gabions. Seawalls and gabions shall not exceed 500 feet in length and will be constructed at or landward of the waterline as determined by the normal pool elevation unless:

- It is constructed in alignment with an existing seawall(s) or gabion structure(s).
- The volume of material placed, including the structure, will not exceed 2 cubic yards per lineal foot.
- The cross sectional area of the natural channel shall not be reduced by more than 10 percent nor the volume of material exceed 2 cubic yards per lineal foot of stream bank or shoreline. The bank may be graded to obtain a flatter slope and to lessen the quantity of material required.
- Seawalls and Gabions shall be constructed to current design standards of the U.S. Department of Agriculture, Natural Resources Conservation Service. Current NRCS design materials are available online through links on the Iowa NRCS webpage: [www.ia.nrcs.usda.gov](http://www.ia.nrcs.usda.gov).

c. Bank Shaping with appropriate biotechnical streambank protection techniques. Minimal grading and bank shaping activities for state-of-the-art natural vegetative stabilization methods, such as the willow post method, will be authorized under this regional permit. No material produced as a result of grading and bank shaping shall be deposited into any water of the US, including wetland areas. Material produced by grading and bank shaping shall be pulled back from the water's edge.

d. Hard Points. Hard points are short rock intrusions extending only a short distance from the bank. Jetties, which extend from the bank further than hard points, are specifically excluded from this regional permit. Hard points may be used if they are keyed into the bank and if they do not extend from the bank more than the minimum necessary to achieve adequate erosion protection. The Corps of Engineers will determine on a case by case basis whether the proposed hard point is acceptable for the stream.

e. Longitudinal Peaked Stone Riprap. Longitudinal peaked stone riprap is a continuous stone dike placed along the toe of the bank. Riprap with a gradation from maximum stone size of 400 pounds to 50 percent to 70 percent smaller than a 90 pound stone size is placed in a pyramid or triangular shaped cross section at the toe of an eroding bank without shaping the banks. The riprap should be tied into the bank at both the upstream and downstream ends. Additionally, short riprap dikes should be tied into the bank at regular intervals of between 100 feet and 200 feet. Longitudinal peaked stone riprap shall be constructed to current design standards of the U.S. Department of Agriculture, Natural Resources Conservation Service. Current NRCS design materials are available online through links on the Iowa NRCS webpage: [www.ia.nrcs.usda.gov](http://www.ia.nrcs.usda.gov). The construction of longitudinal peaked stone riprap is not authorized under this Regional Permit on the Mississippi River, Missouri River or on the Des Moines River.

f. Bendway Weirs. A bendway weir is a low-level rock sill located in the channel of a bend angled 0 degrees to 25 degrees upstream into the stream flow. The structures are spaced approximately 50 feet to 150 feet apart. The weirs should be attached (keyed into) the outer

bank of the stream bend. The weirs should be built of well-graded stone with an upper weight limit of 650 pounds to 1000 pounds. Typically, the weirs are 2 feet high at the stream end and rise to 4 feet high at the bank end. Bendway weirs act to redirect the flow away from the eroding bank as flow over the weir is redirected at right angles to the downstream face of the weir. Bendway weirs may extend into the channel a maximum of 33% of stream width. Bendway weirs should be constructed based on engineering/design principles developed by the U. S. Army Corps of Engineers and current design standards of the U.S. Department of Agriculture, Natural Resources Conservation Service. Current NRCS design materials are available online through links on the Iowa NRCS webpage: [www.ia.nrcs.usda.gov](http://www.ia.nrcs.usda.gov). The construction of bendway weirs are not be authorized under this Regional Permit on the Mississippi River, Missouri River, or on the Des Moines River.

g. Stream Barbs. A stream barb is a rock structure which projects out from the bank on a sharp upstream angle of 20 to 30 degrees, measured from bank tangent line. Stream barbs are designed to direct the stream current away from the eroding bank to the center of the channel. The barbs will be built of well-graded stone with an upper weight limit of 650 pounds to 1000 pounds. At the bank, the top of the barbs will be constructed to the design height, typically 4 to 8 feet above the streambed. The top of the barbs will incline from the bank end to streambed level at the streamward end. The incline will be according to design, typically 10% (10 horizontal to 1 vertical). On silt-bottom streams, the barbs will be keyed into the streambed by excavating a core trench for the full length of the barb and backfilling with riprap rock. The barbs will be keyed into the outer bank. The bank key trench will be excavated perpendicular to the streambank from streambed to top-of-bank, and backfilled with riprap rock. Stream barbs are designed to extend into the channel a maximum of 33% of stream width. Stream barbs should be constructed on engineering/design principles developed by the U.S. Army Corps of Engineers and current design standards of the U.S. Department of Agriculture, Natural Resources Conservation Service. Current NRCS design materials are available online through links on the Iowa NRCS webpage: [www.ia.nrcs.usda.gov](http://www.ia.nrcs.usda.gov). The construction of stream barbs is not to be authorized under this Regional Permit on the Mississippi River, Missouri River, or on the Des Moines River.

h. Rock Riffles. Rock riffle structures are low-head weir structures constructed over the streambed from bank-to-bank. Constructed rock riffles are used to stabilize the streambed where downcutting erosion is occurring. Rock riffles will be built of well-graded riprap rock with an upper weight limit of 650 pounds to 1000 pounds. The largest individual stones will be sorted from the stockpiled rock to be placed as emergent boulders and crest stone. The crest of the riffle will be “V” shaped on the centerline of the structure. From the crest, the downstream slope will be no steeper than 20H:1V, and the upstream slope will be no steeper than 4H:1V. Riffle structures will be keyed into the streambed and bank using riprap rock. Bed keys will be constructed from bank-to-bank with a minimum depth of 2 feet and minimum width of 4 feet. Bank keys will be constructed into both banks with a minimum depth of 5 feet and a minimum width of 4 feet, extending upward on a 1.5H to 1V slope toward the top-of-bank. Rock riffles shall be constructed to current design standards of the U.S. Department of Agriculture, Natural Resources Conservation Service. Current NRCS design materials are available online through links on the Iowa NRCS webpage: [www.ia.nrcs.usda.gov](http://www.ia.nrcs.usda.gov). The construction of rock riffles is not to be authorized under this regional permit on the Mississippi River, Missouri River, or on the Des Moines River.

1) Measures must be taken for heavy equipment usage in wetland areas to minimize soil disturbance and compaction.

2) Any spoil material excavated, dredged, or otherwise produced, must not be returned to the waterway or wetlands but must be deposited in a self-contained area in compliance with all state statutes. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.

C. Temporary Impacts/Restoration Requirements:

1) The permittee is required to replant all temporary construction right-of-way (ROW) located within wetlands to the standards stated in the Rock Island District (MVR) Regulatory Branch Mitigation and Monitoring Guidelines.

2) Side slopes of a newly constructed channel will be no steeper than 2:1 and planted with permanent, perennial, native vegetation if not armored.

3) If jurisdictional wetlands and/or streams will be excavated within the permit area, the permittee will side-cast and stockpile the topsoil (top 10-12 inches), if practicable and/or if site conditions allow, that is being removed during the initial construction, in order to re-establish the topsoil once construction is complete. The soil must be returned to its original contours and a re-established topsoil is shall be present prior to the re-planting of vegetation. This ensures that the organic/hydric soils that were present prior to construction are returned to their natural condition and can provide for a fertile habitat to re-plant vegetation and increase the survival rate of any new habitat.

D. Mitigation:

1) If the permanent loss of wetland exceeds 0.10 acres or for stream losses greater than 300 linear feet, compensatory mitigation is required and must follow the regulations published in the Federal Register dated April 10, 2008 under 33 CFR Parts 332 and 40 CFR Part 230 – Subpart J entitled “Compensatory Mitigation for Losses of Aquatic Resources,” and any such Corps regulation/guidance that would supplement these mitigation requirements such as the Rock Island District Mitigation and Monitoring Guidelines.

2) The amount of mitigation required will be determined during review for authorization under this permit as per the mitigation rule requirements. Mitigation must be adequate to offset unavoidable impacts or losses to regulated waters of the United States (WOUS). For all permanent stream losses greater than 300 feet completion of the Iowa Stream Mitigation Method (ISMM) is required to determine adequate compensatory stream mitigation. The Corps has the final approval in determining the appropriate and practicable mitigation necessary. The discharge of fill material into WOUS prior to Corps approval of the mitigation plan is prohibited.

E. Water Quality Certification: This permit will be coordinated with the Iowa DNR Water Quality Branch to obtain a general 401 Water Quality Certification prior to issuance. In instances where a waiver is required an individual 401 Water Quality Certification must be obtained prior to permit authorization.

#### 4. Agency Review:

A. 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).

B. 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 9<sup>th</sup> 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).

#### 5. Historical/Archaeological:

A. 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.

B. Federal permittee's should follow their own procedures for complying with the requirements of Section 106 of NHPA, permittee's must provide the DE with the appropriate documentation to demonstrate compliance with those requirements.

C. Non-federal permittee's 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) 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.

D. 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.

E. Permittee's 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.

## **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 regional permit 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 of Engineers:** Comments or questions concerning this notice may be directed to **Mr. Sean Dillard (309/794-5379)**, email [Sean.m.dillard@usace.army.mil](mailto:Sean.m.dillard@usace.army.mil), US Army Corps of Engineers, Rock Island District, ATTN: OD-P (Sean Dillard), Clock Tower Building - Post Office Box 2004, Rock Island, Illinois 61204-2004.

*matthew a zehr*

Mr. Matthew A. Zehr  
Chief, Iowa Permits Section  
Regulatory Branch

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