



US Army Corps  
of Engineers  
Rock Island District

# **PUBLIC NOTICE**

**NATIONWIDE PERMITS**

Date: May 20, 2002

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## **PUBLIC NOTICE ANNOUNCING REGIONAL CONDITIONS FOR NATIONWIDE PERMITS**

On May 17, 2002, the Mississippi Valley Division Engineer approved Regional Conditions for the Nationwide Permits (NWP). These conditions apply to all activities authorized by NWP. Regional conditions provide additional protection for the aquatic environment by ensuring that the NWP authorize only those activities with minimal adverse effects on the aquatic environment. Regional conditions will help ensure protection of high value waters within the District.

The Rock Island District has posted its Corps regional conditions for the NWP on its Internet home page at: <http://www.mvr.usace.army.mil/Regulatory/nationwidepermits/NationWidePermits-HomePage.htm> A copy of the regional conditions is provided in Attachment 1.

Iowa Department of Natural Resources has proposed to issue Section 401 Water Quality Certification for all NWP.

Illinois Environmental Protection Agency has issued Section 401 Water Quality Certification for NWP 3, 4, 5, 6, 7, 12, 13, 14, 20, 22, 27, 29, 36, 38, 41, and 44.

The Division Engineer considers the Missouri Department of Natural Resources' Section 401 Water Quality Certifications for selected NWP denied. Individual Section 401 Water Quality Certifications will be required for any project requiring authorization under Section 404 of the Clean Water Act.

Questions concerning implementation of the new and modified NWP and conditions or the Corps regional conditions within the Rock Island District should be sent to Rock Island District, Corps of Engineers, ATTN: Ms. Donna M. Jones, P.E., CEMVR-OD-PE, Post Office Box 2004, Rock Island, Illinois 61204-2004.

Donna M. Jones, P.E.  
Chief, Enforcement Section  
Regulatory Branch

### **NOTICE TO POSTMASTERS:**

Please post this notice for 30 days from the issuance date.

### **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. For more information call the Rock Island District Public Affairs Office, 309/794-5274.

## Attachment 1

NOTE: None of the regional conditions pertain to paragraph a. of Nationwide Permit Number 40.

### REGIONAL CONDITIONS WITHIN IOWA

1. Side slopes of a newly constructed channel will be no steeper than 2:1 and planted to permanent, perennial, native vegetation if it is not armored.
2. NWP's with mitigation may require recording of the permit 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 provide proof of recording to the Corps.
3. Mitigation shall be scheduled for construction prior to or concurrent with the construction of the main project.

### REGIONAL CONDITIONS WITHIN ILLINOIS

NOTE: The Chicago District has proposed alternate regional conditions for work in McHenry, Kane, Lake, DuPage, Will and Cook Counties in Illinois. Information regarding Chicago District requirements can be accessed through their website at <http://www.lrc.usace.army.mil/co-r/>. If you have any questions regarding the Chicago District proposal, please contact Ms. Karon Marzec, Senior Project Manager, by telephone at 312/353-6400, ext. 4030 or e-mail [karon.m.marzec@usace.army.mil](mailto:karon.m.marzec@usace.army.mil).

1. Bank stabilization projects involving armoring of the streambank with riprap or the construction of retaining walls within High Value Subwatersheds exceeding 250 feet will require a PCN to the Corps of Engineers in accordance with Notification Condition (Number 13).
2. A proposed activity to be authorized under Nationwide Permits 12 or 14 within the Cache River Wetlands Areas (Alexander and Pulaski Counties), Kaskaskia River (Clinton, St. Clair, and Washington Counties), or Wabash River (Gallatin and White Counties) will require a PCN to the Corps of Engineers in accordance with the Notification Condition (Number 13).
3. Stormwater management facilities shall not be located within an intermittent stream.

**High Value Subwatersheds** – The state of Illinois has defined these areas through a combination of factors. Various sources of information were used to analyze and rank subwatersheds. Federal Threatened and Endangered Species, % of wetlands in the watershed, Natural Areas Inventory, and Biological Stream Categorization were factors used for High Value designation. A map highlighting these areas is attached with a numerical listing of the 8-digit hydrologic units.

### REGIONAL CONDITIONS WITHIN MISSOURI

- 1. NWP 3 – Maintenance.** The permittee must notify the District Engineer when repairing, rehabilitating or replacing low water crossings if: discharges of fill or dredged material would raise or lower the lowest elevation of the crossing by a total of 12-inches or more, or when removing the structure. The permittee must propose and employ measures to mitigate the potential impact of impounding gravel above the low water crossing or of releasing impounded-gravel downstream of the structure. Such mitigation might include: removing impounded gravel in the unstable area upstream of the low water crossing to prevent it from being transported downstream and/or constructing a notched weir to slow the release of impounded gravel from upstream of the low water crossing.
- 2. NWP 12 - Utility Activities.** Except for a minimal corridor that is essential for operation and maintenance of the utility line, the right-of-way must be allowed to re-vegetate naturally to native tree species when forested wetlands or riparian wooded areas are cleared in order to construct the utility line. This does not preclude the planting of native vegetation.
- 3. NWP 23 - Approved Categorical Exclusions.** The permittee must notify the District Engineer in accordance with the "Notification" general condition of the NWP's (general condition 13) when a Federal agency's categorically excluded activities are in or affect waters of the United States. This notification must include a delineation of special aquatic sites, including wetlands. In addition to information required by NWP general condition 13 (b), the notification must identify the approved categorical exclusion that applies (i.e. list Federal Register citation) and include documentation that the project fits the categorical exclusion.

**4. NWP 27 - Stream and Wetland Restoration Activities.** NWP 27 will not be used to authorize discharges associated with relocation of forested wetlands.

**5. NWP 29 - Notification Requirements.** Prior to issuing a verification letter for this NWP, the District Engineer will coordinate all requests for NWP 29 with the U.S. Fish and Wildlife Service (USFWS) for its evaluation of impacts to Federally listed endangered species. Coordination with the USFWS will follow the procedures in general condition 13(e) for agency coordination in January 15, 2002, *Federal Register*, Issuance of Nationwide Permits; Notice (67 FR 2092).

**6. NWP 43 - Stormwater Management Facilities.** The permittee must notify the District Engineer in accordance with the "Notification" general condition of the NWPs (general condition 13) when a regulated in-stream basin impacts an intermittent stream. The permittee's mitigation plan must specifically identify measures to prevent the export of contaminants directed into any in-stream basin by the upland collection system. The permittee must also include mitigation for any in-stream projects that would adversely impact normal aquatic life migration. This NWP does not authorize the retention of water, in excess of that required to meet stormwater management requirements, for other purposes such as recreational lakes, reflecting pools and irrigation.

**7. Recording Mitigation (Applicable To All NWPs).** NWPs with mitigation may require recording of the permit mitigation areas 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 provide proof of recording to the Corps.

**8. Notification Requirement for Activities Proposed in Fens, Seeps and Bogs (Applicable To All NWPs).** The permittee must notify the District Engineer in accordance with the "Notification" general condition of the NWPs (general condition 13) when any regulated activity impacts a fen, seep or bog of any size.

**9. Notification for Confined Animal Feeding Operations (Applicable To All NWPs).** The permittee must notify the District Engineer in accordance with the "Notification" general condition for agency coordination (general condition 13(e)) about any discharges of dredged or fill material associated with the construction of any portion of a confined animal feeding operation (CAFO).

**10. Seasonal Restrictions for Activities Proposed in Spawning Areas (Applicable To All NWPs).** In addition to the requirements of NWP general condition 20, for any regulated activity, the following specific seasonal restrictions apply. Between the closed dates listed in the Missouri Combined Stream Spawning List, the permittee must not excavate from or discharge into the listed waters. The list of waters with seasonal restrictions is available on request from the Corps or at <http://www.nwk.usace.army.mil/regulatory/gravel.txt> ([Missouri Combined Stream Spawning Season List](#)).

#### **11. District-Designated Waters.**

**St. Louis District:** For any discharge or excavation activity requiring authorization, proposed under NWPs 39, 41, 42 and 43, in any ephemeral, intermittent, and perennial streams in the following Missouri watersheds, the permittee must notify the District Engineer in accordance with the "Notification" general condition 13 (*Federal Register*, 67 FR 2090-2092).

St. Louis County: Wildhorse Creek, Bonhomme Creek, Creve Coeur Creek, Fox Creek, and Deer Creek.

St. Charles County: Dardenne Creek and Perouque Creek.

Jefferson County: Saline/Sugar/Romaine Creeks, Rock Creek, Dulin/Bourne/Heads/Bear Creeks, La Barque Creek, Glaize Creek, and Joachim/Sandy Creeks.

Ste. Genevieve and Perry Counties: Saline Creek.

Cape Girardeau County: Indian Creek, Williams/Hubble/Randol/ Goose Creeks, Ramsey Branch, Ranney Creek, and Byrd Creek.

**Memphis District:** For any regulated activity proposed under NWPs 14, 39, 41, 42 and 43, in the following waters; the permittee must notify the District Engineer in accordance with the "Notification" general condition 13 (*Federal Register*, 67 FR 2090-2092).

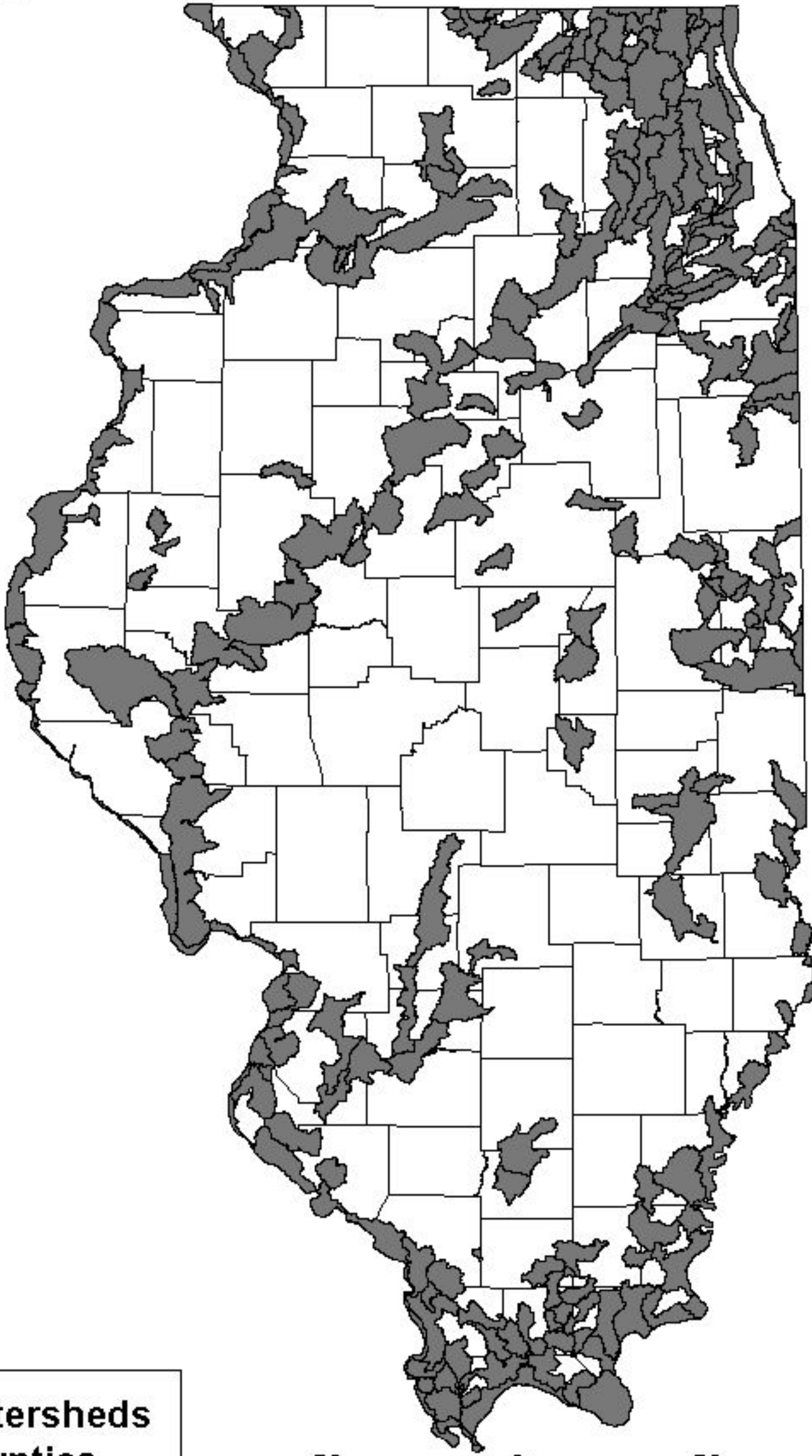
St. Francis Floodway from 1 mile below Wappapello Lake to the Arkansas/Missouri state line below U.S. Highway 314, in Dunklin County.

Castor River from the Union Pacific Railroad bridge, in Stoddard County, to the headwater levee, in Bollinger County.

Ramsey Branch from St. Louis District line to Headwater Diversion Channel in Cape Girardeau and Scott Counties.

Ramsey Creek from the Headwater Diversion Channel to State Routes PP & N (East Branch), and Scott County Route 325 (West Branch) in Scott County.

# High Value Subwatersheds



	<b>Watersheds</b>
	<b>Counties</b>





**CATALOG**

<b>UNIT*</b>	<b>SUB BASIN NAME</b>
7120004	DES PLAINES
7120004	DES PLAINES
7120004	DES PLAINES
7120004	DES PLAINES
7120004	DES PLAINES
7120004	DES PLAINES
7120004	DES PLAINES
7120004	DES PLAINES
7120004	DES PLAINES
7120004	DES PLAINES
7120004	DES PLAINES
7120004	DES PLAINES
7120004	DES PLAINES
7120004	DES PLAINES
7120004	DES PLAINES
7120005	UPPER ILLINOIS
7120005	UPPER ILLINOIS
7120005	UPPER ILLINOIS
7120006	UPPER FOX
7120006	UPPER FOX
7120006	UPPER FOX
7120006	UPPER FOX
7120006	UPPER FOX
7120006	UPPER FOX
7120006	UPPER FOX
7120006	UPPER FOX
7120006	UPPER FOX
7120006	UPPER FOX
7120006	UPPER FOX
7120007	LOWER FOX
7120007	LOWER FOX
7120007	LOWER FOX
7120007	LOWER FOX
7120007	LOWER FOX
7120007	LOWER FOX
7120007	LOWER FOX
7120007	LOWER FOX
7120007	LOWER FOX
7120007	LOWER FOX
7130001	UPPER ILLINOIS
7130001	UPPER ILLINOIS
7130001	UPPER ILLINOIS
7130001	UPPER ILLINOIS
7130002	VERMILION
7130002	VERMILION
7130003	MIDDLE ILLINOIS
7130003	MIDDLE ILLINOIS
7130003	MIDDLE ILLINOIS
7130003	MIDDLE ILLINOIS
7130003	MIDDLE ILLINOIS
7130004	MACKINAW
7130004	MACKINAW
7130004	MACKINAW
7130004	MACKINAW
7130005	SPOON
7130006	UPPER SANGAMON
7130006	UPPER SANGAMON
7130006	UPPER SANGAMON
7130007	LOWER SANGAMON/S FORK
7130008	LOWER SANGAMON/S FORK

**CATALOG**

<b>UNIT*</b>	<b>SUB BASIN NAME</b>
7130009	SALT FK, SANGAMON
7130009	SALT FK, SANGAMON
7130010	LA MOINE
7130010	LA MOINE
7130010	LA MOINE
7130010	LA MOINE
7130010	LA MOINE
7130011	LOWER ILLINOIS
7130011	LOWER ILLINOIS
7130011	LOWER ILLINOIS
7140101	MISS SOUTH CENTRAL
7140101	MISS SOUTH CENTRAL
7140101	MISS SOUTH CENTRAL
7140101	MISS SOUTH CENTRAL
7140101	MISS SOUTH CENTRAL
7140105	MISS SOUTH
7140105	MISS SOUTH
7140105	MISS SOUTH
7140105	MISS SOUTH
7140105	MISS SOUTH
7140105	MISS SOUTH
7140105	MISS SOUTH
7140105	MISS SOUTH
7140106	BIG MUDDY
7140106	BIG MUDDY
7140106	BIG MUDDY
7140106	BIG MUDDY
7140106	BIG MUDDY
7140108	CACHE
7140108	CACHE
7140108	CACHE
7140108	CACHE
7140108	CACHE
7140201	UPPER KASKASKIA
7140202	MIDDLE KASK/SOAL
7140202	MIDDLE KASK/SOAL
7140202	MIDDLE KASK/SOAL
7140203	MIDDLE KASK/SOAL
7140203	MIDDLE KASK/SOAL
7140204	LOWER KASKASKIA
7140204	LOWER KASKASKIA
7140204	LOWER KASKASKIA
7140204	LOWER KASKASKIA
7140204	LOWER KASKASKIA

\* - Leading zero does not display for these 8-digit hydrologic units.