DEPARTMENT OF THE ARMY PERMIT
Regional Permit 7
Fill Material Placed for Linear Transportation Projects
In Waters of the United States
In the State of Iowa

Permittee: General Public meeting the terms and conditions herein.

Number: CEMVR-OD-P-2012-0880 (Regional Permit 7)

Expiration Date: December 31, 2018

Issuing Office: U.S. Army Corps of Engineers, Rock Island District
Clock Tower Building-P.O. Box 2004
Rock Island, Illinois 61204-2004

You are authorized to perform work in accordance with the terms and conditions specified below.

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers (Corps) having jurisdiction over the permitted activity, or the appropriate official of that office, acting under the authority of the Commanding Officer.

Permit Conditions:

- **General Conditions:**

1. The permittee must notify the District Engineer, Rock Island District, for authorization of this general permit. The notification must include detailed drawings and sufficient information to determine if the proposed work conforms to the criteria and conditions of the general permit, as well as a mitigation plan (see special condition 17), if unavoidable stream or wetland impacts will occur as a part of the project. Department of the Army (DA) permit application (ENG Form 4345) may be used for this purpose and is available to download at: http://www.mvr.usace.army.mil/Missions/Regulatory/ApplicationFormsInstructions.aspx. If the Corps determines that the work meets the provisions of the general permit and no extraordinary conditions exist that warrant evaluation as an individual permit, the proponent will be notified to proceed.
2. The time limit for completing the work authorized ends December 31, 2018, unless the Regional Permit 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.
3. 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, in compliance with General Condition 5 below. 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.
4. 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.
5. If you sell the property associated with 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.

6. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

7. 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.

❖ **Special Conditions:**

1. All work authorized under this regional permit will be in association with the construction, expansion, modification, or improvement of linear transportation projects (e.g. roads, bridges, culverts, railways, recreational trails) across or in Waters of the United States (WOUS). Any stream channel modifications, including bank stabilization, are limited to the minimum necessary to construct or protect the linear transportation project and must be in the immediate vicinity of the project.

2. This regional permit is limited to excavation activities and fill material placed in wetlands or below the ordinary high water mark of other waters for linear transportation projects. Bridge and/or culvert construction on new alignments must be located within 500 feet of either side of the centerline of existing structures. New bridge, culvert, or roadway alignments must be based upon sound conservation and safety bases.

3. Riprap shall be clean native fieldstone, clean quarry run 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, and items such as car bodies are specifically excluded from this authorization.

4. This regional permit also authorizes temporary structures, fill and work necessary to construct the linear transportation project; temporary impacts must be the minimum necessary to achieve project objectives. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable when temporary structures, work and discharges are necessary for construction activities, access fills or dewatering of construction sites. Temporary fills must consist of materials and be placed in a manner that will not be eroded by expected high flows. Material used as temporary fill for access, cofferdams, or other temporary structures required for the construction of transportation projects shall be included in the project plans or specifications, shall be clean, appropriately sized material (less than 15% fines passing a Number 200 US sieve) and shall be free of soil, sod, and other deleterious materials; material shall be clean coarse aggregate or non-erodible non-earthen fill that will not cause siltation. Sandbags, pre-fabricated rigid materials, sheet piling, inflatable bladders and fabric lined basins may be used for temporary facilities. Temporary work/fills shall be constructed in a manner to maintain flow in these waters by utilizing dam and pumping, fluming, culverts or other such techniques. Areas affected temporarily must be returned to pre-construction elevations and must be re-vegetated, as appropriate.

5. All temporary structures and fill will be removed completely by mechanical meals no later than 30 days after they are no longer needed for construction activities. Temporary fill materials, cleared vegetative materials, construction debris, including old bridge materials, and other fill not necessary for meeting the project purpose must be disposed of at an upland area or licensed landfill as appropriate.

6. Permittees must take all practicable measures to avoid and minimize impacts to WOUS by both temporary and permanent fills. Once such measures are taken, up to 1 acre of wetland and 500 feet of existing channel length may be permanently impacted in conjunction with each road crossing project. If the permanent loss of wetland exceeds 0.10 acres, compensatory wetland mitigation is required and must follow the regulations published in the Federal Register dated April 10, 2008 under 33 CFR Parts 325 and 332 and 40 CFR Part 230 entitled "Compensatory Mitigation for Losses of Aquatic Resources; Final Rule". 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. The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that adverse effects on the aquatic environment are minimal: (a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to WOUS to the maximum extent practicable at the project site. (b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating) will be required to the extent necessary to ensure that the adverse effects to the aquatic environment are minimal. (c) For stream impacts and for wetland losses of 1/10-acre or less the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in minimal adverse effects on the aquatic environment. Per the mitigation rule requirements, when permitted impacts are located within the service area of an approved mitigation bank or in-lieu fee program and the bank or in-lieu fee program has the appropriate number and resource type of credits available, the permittee's compensatory mitigation requirements may be met by securing those credits from the sponsor. Prior to commencing land disturbing activities, the applicant shall submit documentation of the purchase/allocation of mitigation credits from the appropriate mitigation bank or in-lieu fee program. If no mitigation bank or in-lieu fee credits are available, prospective permittees shall provide a stream mitigation plan with their Department of the Army permit application. Proposed project designs resulting in reductions in stream length will require applicants to seek foot-for-foot stream length replacement, where practicable, and/or in-stream and riparian mitigation measures. Specific mitigation conditions to ensure mitigation success will be included on a case by case basis in the authorization letter accompanying this permit.

7. This permit does not authorize construction in environmentally sensitive areas, such as mussel beds, fish spawning areas, waterfowl nesting areas, fens, bogs, seeps, or sedge meadows, etc.

8. Minor stream shaping and channel realignment is authorized where necessary to provide adequate flow conveyance and proper alignment of the channel through the road crossing. Such activities must occur within 500 feet upstream and downstream of the centerline of the pre-existing roadway (measured on the centerline of the existing channel), with a maximum distance of existing channel length impacted (filled or abandoned) not to exceed 500 feet. Permittees must take all practicable measures to avoid and minimize impacts, but if stream loss is determined unavoidable, prospective permittees will provide adequate mitigation to replace lost aquatic functions and values. Mitigation for stream impacts will follow the April 2008 Mitigation Rule requirements (referenced in Special Condition 6 above). Stream mitigation may include but is not limited to the following:

   a. Side slopes of a newly constructed or modified channel will be no steeper than 2:1 and planted to permanent, perennial, native vegetation if it is not armored.

   b. Native grass filter strips a minimum of 35 feet in width (measured from the top of the bank landward) shall be established along both sides of the realigned or modified channel unless there is a physical reason for not including one (such as a rock ledge). Land ownership is not an acceptable reason for limiting filter strips.

   c. Native trees and/or shrubs shall be planted along both sides of the realigned or modified channel. Replanting rates of trees and/or shrubs will be based on existing pre-project baseline vegetation conditions and the size of the selected tree/shrubs to be replanted.

   d. Stream banks shall be stabilized with planted vegetation, riprap, or other suitable permanent bank stabilization measures to the limits of stream bank disturbance. Plantings of native prairie grasses are recommended where appropriate to diversify the stream bank protection.

   e. The proposed channel shall have the same or greater carrying capacity as the existing channel.

f. If the proposed channel grade is steeper than the grade of the existing channel, grade control structures are required at the upstream and downstream ends of the proposed channel. The downstream slopes of the grade control structures shall be no steeper than 20H: 1V and upstream slopes shall be no steeper than 4H: 1V. All structures must be keyed into the channel bed and banks and must be able to withstand and pass expected high flows. The structures must be V-shaped with the point of the V pointing upstream. The sides of the V must be angled upstream (approximately 30 degrees measured along the shoreline). The center section will be lower in elevation than the outer sections to concentrate flows to the stream middle during periods of low flow. The structures must be submerged at normal stream flow (75% of the year). The structures must be fish passable.

g. In-stream habitat structures and/or the use of rock riffles may be used to enhance aquatic habitat in the stream stretch modified by stream shaping or channel alignment. In-stream habitat structures should be constructed similar to grade control structures.

h. In areas where the stream channel is relocated, by-passed meanders must be preserved if they will not be a safety or structural hazard. The preserved meanders will remain as oxbow wetlands or pools.

i. Lowering the immediate floodplain through excavation, in order to establish or re-establish connectivity between the stream and floodplain.

9. Measures must be taken for heavy equipment usage in wetland areas to minimize soil disturbance and compaction. All exposed soils and other fills as well as any work below the ordinary high water mark must be permanently stabilized at the earliest practicable date using permanent native vegetation, bioengineering methods, or armoring.

10. Any excavation or placement of temporary or permanent fill must be performed in a way that would not result in the physical destruction of important fish spawning areas, including smothering of downstream spawning areas via turbidity. Any spoil material excavated, dredged or otherwise produced must not be returned to the waterway 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.

11. Petroleum products, other chemicals, and other unsuitable materials (e.g. trash, debris, asphalt, etc.) will be prevented from entering water bodies, streams, and wetlands.

12. Appropriate soil erosion and sediment control measures must be used and maintained during project construction. Erosion and sediment control features (i.e. silt fences, silt ditches, silt dikes, silt basins, etc.) must be installed to provide continuous control throughout the construction and post construction period as well as the re-vegetation of all disturbed areas upon project completion.

13. Temporary and permanent structures must be installed to maintain low flow conditions and to pass normal and expected high flows.

14. Historic Properties.

    a. In cases where the district engineer determines that the activity may affect properties listed, or eligible for listing in the National Register of Historic Places, the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

    b. Federal permittees and their designated state agencies should follow their own procedures for complying with the requirements of Section 106 of the NHPA. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will review the documentation and determine whether it is sufficient to address Section 106 compliance for the activity, or whether additional Section 106 consultation is necessary.

c. Non-federal permittees must include notification to the district engineer 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 of Historic Places, including previously unidentified properties. For such activities, the notification must state which historic properties may be affected by the proposed work or 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 of Historic Places (see 33 CFR 330.4(g)). The applicant shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. Based on the information submitted and these efforts, the district engineer shall determine whether the proposed activity has the potential to cause an effect on the historic properties. Where a 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 district engineer either that the activity has no potential to cause effects or that consultation under Section 106 of the NHPA has been completed. Non-federal permittees shall provide all pertinent correspondence with the IHPA documenting compliance.

d. Permittees 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.

15. 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 the Federal Endangered Species Act (ESA), or which will 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.

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 district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer 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 include notification to the district engineer 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, and shall not begin work on the activity until notified by the district engineer 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 district engineer will determine whether the proposed activity "may affect" or will have "no effect" to 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, 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 offices of the U.S. Fish and Wildlife Service or their World Wide Web page at http://www.fws.gov/r9endspp/endspp.html .

e. Permittees shall provide all appropriate documentation to this district indicating compliance with state and federal threatened and endangered species acts.

16. Water Quality Certification. The conditions listed in the attached Section 401 Water Quality Certification from the Iowa DNR (IDNR) are considered to be part of this Regional Permit. An individual Section 401 water quality certification will be required for projects that impact fens, bogs, seeps, or sedge meadows.

17. Mitigation. As published in the Federal Register dated April 10, 2008, under 33 CFR Parts 325 and 332 and 40 CFR Part 230 entitled "Compensatory Mitigation for Losses of Aquatic Resources; Final Rule," when permitted impacts are located within the service area of an approved mitigation bank or in-lieu fee program and the sponsor has the appropriate number and resource type of credits available, the permittee's compensatory mitigation requirements may be met by securing those credits from the sponsor and providing documentation of purchase to the District Engineer. When permittee responsible mitigation is deemed environmentally advantageous to compensate for stream/wetland impacts or no bank or in-lieu fee credits are available, a mitigation plan including a summary of the approved acres and performance standards for the mitigation plan will be provided for approval and included in the letter authorizing the project and the following conditions will apply:

a. Mitigation shall be constructed prior to or concurrent with the construction of the main project. The technical specifications listed in the permittee's mitigation document will be used as a compliance document for construction, monitoring, site protection, etc., of the mitigation plan. However, the information contained in this document is superseded by any additional permit conditions or written specifications provided by the Corps of Engineers. If excavation and construction are completed outside an optimal seeding period, temporary erosion control protection shall be implemented immediately upon completion of excavation and construction and shall be maintained until such time as wetland plantings can be completed during an optimal period. The permanent wetland plantings shall then be completed during the next optimal seeding period.

b. The boundaries of wetland mitigation sites shall be identified clearly by the placement of permanent markers.

c. If tiling is present in the wetland mitigation site the tile must not detract from the function of the wetland.

d. Mitigation sites shall be fenced with a permanent fence if any domestic livestock are to be allowed to graze adjacent areas.

e. It is the permittee's responsibility to complete the required mitigation as set forth in the project details and will not be considered fulfilled until the permittee has demonstrated mitigation success and received written verification from the Corps of Engineers.The wetland mitigation site shall be protected from future activities that may interfere with or be detrimental to wetland functions and values.

f. An as-built drawing of the mitigation site must be submitted to the Corps of Engineers and the IDNR by December 31 in the year that the mitigation is complete. This

information will use GPS coordinates for location information. The as-built plan must include details, plan view drawings, and cross sectional drawings of all excavations and fills at the mitigation site(s). It must also include planting plans, planting lists, and maps showing the locations of all areas that were wetland prior to construction, all areas that are to be created wetland, all preserved stream channel segments, relocated stream channels, all filter strips, all splash basins, and all other structures (including all streambed stabilization structures).

g. Annual monitoring reports shall be submitted to the Corps of Engineers and the IDNR by December 31 for at least five years for emergent wetland impacts and at least 10 years for forested wetland impacts following planting. The annual reports must include photos, a map with drawn boundaries indicating exactly what areas are wetland according to the 1987 Corps of Engineers Wetland Delineation Manual (Technical Report Y-87-1) and Midwest Supplement, a vegetative cover map of created wetlands indicating dominant species in each vegetative community, and an assessment of wetland hydrology in each vegetative community. For each data point where data was gathered to determine wetland presence, a data sheet will be supplied showing evidence that wetlands or uplands were identified. The reports must also include assessments of the functionality of each splash basin, rock riffle, and streambed stabilization structure, new stream meandered sections, and aerial coverage calculations of native vegetation within each filter strip area and any corrective actions taken or needed. The results of the reports will be documented annually on the Rock Island District Standard Mitigation Reporting Form available at: http://www2.mvr.usace.army.mil/Regulatory/ or in an annual progress report as specified in RGL 06-03, http://www.usace.army.mil/CECW/Documents/cecwo/reg/rgls/rgl06-03.pdf. All annual monitoring reports shall be formatted for 8.5 x 11- inch paper.

h. The permittee (in a timely manner) will perform any corrective measures and monitoring deemed necessary by the Corps of Engineers to insure the success of the project (including mitigation). The permittee will assume all liability for accomplishing this corrective work. The corrective actions may include such modifications to the mitigation site as re-grading, re-planting, additional erosion control, etc, or may involve relocating the mitigation to another location. The permittee must accomplish corrective measures involving re-grading or erosion control within 60 days from the date that they are notified of a need. Deadlines for corrective measures involving re-planting will be determined based on best planting dates. Deadlines for corrective measures involving the relocation of mitigation will be determined by the Corps of Engineers. Corrective action may also involve additional monitoring to ensure success.

i. Projects with mitigation require recording of the permit with the Register 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 of Engineers. If the permit cannot be recorded in the manner indicated, the permittee shall provide the Corps of Engineers with documentation of agreements, contracts, etc., demonstrating to the Corps of Engineers' satisfaction that the mitigation site will be protected from future activities that may interfere with or be detrimental to wetland functions and values to a level of assurance equivalent to that provided by the aforementioned recording process.

j. The mitigation site shall be protected from future activities that may interfere with or be detrimental to wetland/stream functions and values, which include, but are not limited to, the following:

- **Commercial Activities**. There shall be no commercial, industrial or residential activity undertaken or allowed within the mitigation area. There shall be no buildings, dwellings, barns, roads, advertising signs, billboards or other structures built or placed in the mitigation area, except when provided in the original mitigation plan, the permittee may install a viewing site, outdoor seating facility along with a plaque or other historical signage, tree stands or water fowl hunting blinds; There shall be no dredging, filling, excavating, mining, drilling or removal of any topsoil, sand, gravel, rock, minerals or other materials.

- **Agriculture**. No plowing, tilling, cultivating, planting, timbering, or other agricultural activities may take place within the mitigation area except for the purposes described in the permittee's approved mitigation plan. The permittee is obligated to establish or re-establish vegetation through seeding or plantings in furtherance of that plan. Further, the permittee may manipulate vegetation, topography and hydrology on the mitigation area through diking, pumping, water management, excavating, burning, cutting pesticide application and other suitable methods for the purpose of protecting, enhancing buffers, wetlands and wetland vegetation. The permittee is responsible for compliance with all federal, state and local laws governing the safety and maintenance of the property, including the control of noxious weeds within the mitigation area. Grazing of the mitigation area by domestic livestock is prohibited.

- **Land and Water**. The permittee must acquire, preserve and defend acquisition and any water or land rights where needed to maintain the ecological functions of the required mitigation. The permittee is obligated to install, operate and maintain water control structures for the purpose of protecting, re-establishing and enhancing wetlands and their functional values. This includes the right to transport construction materials to and from the site of any existing or proposed water control structure. The hydrology of the mitigation area will not otherwise be altered in any way or by any means including pumping, draining, diking, impounding or diverting surface or ground water into or out of the mitigation area.

- **Liability.** The permittee shall notify the district engineer within 60 days if the compensatory mitigation project is not achieving its performance standards as anticipated. The permittee shall provide 60-day advance notification to the district engineer if any action is taken to modify the approved mitigation plan. Remedial work may include re-grading and/or replanting the mitigation site. The permittee shall take immediate proactive steps necessary to correct any deficiencies outlined in the monitoring reports and shall coordinate with this office during implementation to insure compliance with the terms and conditions in this permit.

- **Conveyance.** The permittee shall provide 60-day advance notification to the district engineer prior to any planned conveyance of mitigation lands for the district engineer's approval. The notification shall identify how and by whom the approved mitigation shall be accomplished. The permittee shall provide documentation of any conveyance in writing and by certified mail within 15 days after the conveyance. The responsible party in identified in the permit shall retain all liability for maintaining adequate mitigation and accomplishing any needed corrective work should the district engineer determine that the mitigation is not satisfactory.

<<<<< END OF SPECIAL CONDITIONS >>>>>

Further information:

1. **Congressional Authorities:** You have been authorized to undertake the activity described above pursuant to:

   (X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

   (X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

   ( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. **Limits of this authorization.**

   a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

   b. This permit does not grant any property rights or exclusive privileges.

   c. This permit does not authorize any injury to the property or rights of others.

   d. This permit does not authorize interference with any existing or proposed Federal project.

3. **Limits of Federal Liability.** In issuing this permit, the Federal Government does not assume any liability for the following:

   a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

   b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

   c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

   d. Design or construction deficiencies associated with the permitted work.

   e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. **Reliance on Applicant's Data**. The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. **Reevaluation of Permit Decision**. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

   a. You fail to comply with the terms and conditions of this permit.

   b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

   c. Significant new information surfaces which the issuing office did not consider in reaching the original public interest decision.
   Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such

as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action, where appropriate. You will be required to pay for any corrective measures ordered by this office and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. **Extensions.** General condition 2 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below

Mark J Deschenes

Mark J Deschenes
Colonel, U.S. Army
District engineer, Rock Island District

MARCH 7 2014

Date

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

Transferee

Date