

Memorandum

DATE: July 17, 2026
FROM: Brandon Harland
RE: Rationale for Section 401 Water Quality Certification for 2025-1077 USACE
Regional Permit 33 (RP33)

Description of Projects: Re-issuance of Regional General Permit 33 - Discharge of Dredged or Fill Material Associated with Certain Conservation Practices Sponsored by NRCS/HUD in Waters of the United States In the State of Iowa. The RP has substantial changes to the special conditions and mitigation section, as well as increases the project limits to 2,500LF of stream bed impact and adds BDAs and PALS under the list of activities included in the permit.

Location of Projects and Receiving Water Bodies:

All waters of the United States in Iowa within the regulatory boundaries of the Rock Island District.

If the project impacts an Outstanding Iowa Water (OIW), an individual 401 Water Quality Certification (WQC) must be obtained, and the permittee shall not begin work on the activity until an individual 401 WQC is issued by the state or waived.

This permit may be used on tribal lands in the state of Iowa; however, an individual 401 WQC from the applicable tribal government may be required prior to authorization.

Antidegradation

Pollutants of Concern

This project proposes activities required for fill material placed in Waters of the United States for bank stabilization activities. Chemicals will not be used. Thus, the pollutants present in the discharge from such construction are substances present in runoff, or are the result of a spill. The DNR has identified the following pollutant of concern in discharges from this project and the potential impacts on water quality:

Increased Turbidity/Total Suspended Solids

The turbidity of water is related to the amount of suspended solids contained in the water. Suspended solids decrease the clarity of water, reduce light penetration, and can impair the photosynthetic activity of aquatic plants. Suspended solids can be aesthetically displeasing and can reduce the recreational value of a water body. If suspended solids screen out light and impair growth of aquatic plants, dissolved oxygen levels can decrease. Suspended solids can be harmful to fish and other aquatic life by causing abrasive injuries and clogging gills and respiratory passages.

Increases in turbidity/total suspended solids from projects authorized by this project will generally be local and temporary. To address turbidity/total suspended solids, the permittee will control runoff to water bodies using a variety of best management practices (BMPs).

Best Management Practices in Permit and Certification Conditions

Permit-Based

The Corps has BMP-based conditions in the Section 404 permit.

Construction activity that disturb one or more acres require a storm water NPDES permit from the DNR. For projects that require storm water NPDES permits, Storm Water Pollution Prevention Plans (SWPPPs) are developed, which typically include BMP-based conditions.

Certification-Based

The DNR is adding BMP-based conditions to the certification. The combined listed BMPs, when adhered to by the permittee, protect Iowa's water quality by controlling erosion and sediment runoff to prevent pollution from reaching the nearby water bodies. Antidegradation requirements will be considered to be met if all appropriate and reasonable BMPs required by permit and certification are applied and maintained. See, 567 IAC 61.2(2); Iowa Antidegradation Implementation Procedure § 6.3.

Temporary and Limited Degradation

The State adopted Iowa Antidegradation Implementation Procedure (2010 and 2016) states that "A regulated activity shall not be considered to result in degradation, if the activity will result in only temporary and limited degradation of water quality as defined in the glossary and as further described in Sections 1.2 and 2.4." The effects can be regarded as temporary and limited following a review of all of the following factors, if applicable:

- a) Length of time during which water quality will be lowered
The length of time where there might be a lowering of water quality is relatively short for the proposed activity.
- b) Percent change in ambient conditions
The only significant change that is reasonably expected to occur would be for the presence of sediment in the stream if there is a heavy rainstorm or if the BMPs fail.
- c) Pollutants affected
Turbidity, total suspended solids.
- d) Likelihood for long-term water quality benefits to the water body
The projects authorized by RP40 can provide water quality benefits by stabilizing a stream bank.
- e) Degree to which achieving the applicable Water Quality Standards during the proposed activity will be at risk
The use of BMPs installed prior to construction, maintained during construction, and until the site has returned to pre-construction conditions should greatly increase the degree to which a project achieves the applicable water quality standards.
- f) Potential for any residual long-term effects on existing uses
The BMP-based conditions included in the Section 404 permit and certification include activities such as appropriate riprap and minimizing soil disturbance and compaction from heavy equipment. The projects authorized by RP40 should not contribute to any ongoing impacts to water quality.

For the above discussed reasons, the DNR makes the following finding:

This review concludes that water quality degradation due to this activity is temporary and limited.

Social and Economic Importance

This project is socially important for improving water quality and providing conservation practices.

This project is economically important for the community, by creating jobs in the planning and construction of this project and likely using materials from local sources, for the value of the property.

For the above discussed reasons, the DNR makes the following finding:

This review concludes that water quality degradation due to this activity is necessary to accommodate important economic and social development.

Water Quality Pre-Filing Meeting Request and Certification Request Form

This form should only be completed and submitted if your project requires one of the following:

- Corps of Engineers (Corps) standard/individual Section 404 permit;
- Corps Section 404 nationwide or regional permit where the Corps waives a limit;
- Corps Section 404 nationwide or regional permit on an [Outstanding Iowa Water](#);
- Federal Energy Regulatory Commission license; or
- Other federal permit or license requiring a Section 401 Water Quality Certification.

Federal regulation [40 CFR 121.4](#) requires the applicant to submit a pre-filing meeting request before filing a certification request. More information may be viewed on the [U.S. EPA Overview of §401 Certification](#) website.

IMPORTANT NOTE: Iowa Administrative Code 567—[Chapter 61](#) currently states that a certification request form **may not** be submitted until **at least 30 days** have passed since the “Pre-filing Meeting Request” was submitted to the DNR.

The following is a guide for completing the Department of Natural Resources’ (DNR) pre-filing meeting request and certification request form. The information is required, and if not filled out completely, the request may be determined to be incomplete, which may delay the 401 certification process. If additional space is needed for any item on the form, attach additional page(s) as necessary. Please note that DNR may request additional information if it is needed to prepare the §401 Water Quality Certification (certification).

Separately submit pre-filing meeting request and, when ready, the certification request and attachments by email to Section401WQC@dnr.iowa.gov

Contact Section 401 Water Quality Certification at the DNR with any questions:

Section401WQC@dnr.iowa.gov; 515-954-6450

Iowa DNR, Attn: Section 401 Water Quality Certification, 502 E 9th St, Des Moines IA 50319

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Water Quality Pre-Filing Meeting Request and Certification Request Form

Pre-Filing Meeting Request Instructions

1.
 - a. **Property Owner/Project Proponent (aka Applicant) Name.** Enter the name, primary residence mailing address, email address, and phone number(s) of the responsible party or parties. If the responsible party is an agency, company, corporation, or other organization, indicate the name of the organization and responsible officer. If there is more than one party, please attach a sheet with the necessary information. Please note that the Project Proponent means the applicant for a license or permit or the entity seeking certification.
 - b. **Authorized Agent's Name.** If applicable, indicate the name of the individual or agency, designated by you, to represent you in this process. An authorized agent (agent) can be an attorney, builder, contractor, engineer, or any other person or organization. Please provide the agent's complete mailing address, email, and telephone number where the agent can be reached during normal business hours. **Note: An agent is not required.**
2. **Proposed Project Description.** Please provide a name and description identifying the proposed project, (examples: Smith Lake shoreline stabilization, U.S. 66 Mississippi River Bridge replacement, utility line replacement, or Wallace Building rain garden). Proposed project means the activity or facility for which the project proponent has applied for a federal license or permit. Please include a map or diagram of the proposed project area, as well as photographs and any other relevant site data. If you have any other readily available water quality-related materials not specified in this form, please include a brief description here and include them as an attachment in the application. Existing water quality-related materials are those in the project proponent's possession or easily obtainable and inform the project proponent's development of the application or draft license or permit.
3. **Project Location:** The location should be provided as latitude and longitude and county that the project is located in. Provide latitude and longitude in decimal degrees with four decimal places, example: latitude: 41.5919, longitude: -93.6061. Use www.latlong.net if needed for finding latitude/longitude. Please provide the name of the water body (water bodies) receiving the discharge. For minor streams with no official name, you can use "unnamed tributary".

Receiving Water(s): This is the name of the water body (or water bodies) that will be affected by the project (e.g., rivers, streams, and/or wetlands).

Discharge: A discharge is any material entering the water (e.g., riprap, bridge piers, culvert, utility lines, fill material, dredged material, chemicals, etc.).
4. **Pre-filing Meeting Request Verification.** By signing the form, you must agree with everything stated in this section. The signature of the property owner/project proponent is required. If you are working with an authorized agent, their signature is also required.

Iowa Department of Natural Resources
Section 401 Water Quality Pre-Filing Meeting and Certification Request Form
Pre-Filing Meeting Request Form

1a. Property Owner/Project Proponent (aka Applicant) Name: _____

Company Name (if applicable): _____

Mailing Address: _____

Email Address: _____

Phone numbers (with area code): Home: _____ Cell: _____ Business: _____

1b. Authorized Agent's Name (if applicable): _____

Company Name: _____

Mailing Address: _____

Email Address: _____

Phone numbers (with area code): Business: _____ Cell: _____

2. Identify the Proposed Project:

3. Project Location:

County: _____ Latitude: _____ Longitude: _____

Receiving Water(s): _____

Discharge: _____

4. Pre-filing Meeting Request Verification:

I certify that I have read and understand the following statements per the Clean Water Act Section 401 Certification Rule:

- Submission of this form completes the requirement of the pre-filing meeting request.
- I cannot submit my certification request until at least 30 calendar days after submitting this pre-filing meeting request. This request must be signed by the Property Owner/Applicant and the Authorized Agent, if applicable.
- I have included the following materials in the application:
 - ☐ Map/diagram of the proposed project area (required)
 - ☐ Photographs of the proposed project area (required)
 - ☐ Relevant site data (if applicable)

Property Owner/Applicant's Name (printed): _____

Property Owner/Applicant's Signature: _____ Date: _____

If applicable: Authorized Agent's Name (printed): _____

Authorized Agent's Signature: _____ Date: _____

Water Quality Pre-Filing Meeting Request and Certification Request Form

Certification Request Instructions

5. **Corps Project Manager.** Enter the name, email address, and phone number(s) of the Corps project manager associated with the proposed project.
6. **Federal Permit / License Requiring Section 401 Water Quality Certificate and its Project Number.** Certification is required for any federal license or permit that authorizes an activity that may result in a discharge to a water of the United States. The federal agency can tell you what their identification number is for your project. Please check the appropriate box to indicate the federal agency. **Important:** A copy of the federal permit or license application is **required** to be submitted with this certification request. For the Corps of Engineers Section 404 permits, DNR Flood Plain, and Sovereign Lands permits, the application form can be found on the [DNR's Flood Plain webpage](#).
- Examples: Corps of Engineers NWP 27 #2020-0830
Corps of Engineers RP 33 #2020-1609
Corps of Engineers IP #2020-0361
FERC Hydropower #11530
7. **Include a description of any methods and means proposed to monitor the discharge and the equipment or measures planned to treat, control, or manage the discharge.** Please provide a description of the best management practices you will use to protect water quality as well as any methods and means proposed to monitor the discharge/equipment or measures planned to treat or control the discharge (e.g., silt fences will be installed to prevent sediment entering the water body, all equipment will be cleaned prior to construction, equipment will be checked regularly to ensure oil, gas, or other material do not enter the water body).
8. **Dates.** Exact start and end dates for the proposed project are required, while date(s) of proposed discharges can be approximate. While the DNR has a default reasonable period of time of 6 months to respond to a certification request, the DNR intends to respond to requests as quickly as possible within that time period.
9. **List all other federal, interstate, tribal, state, territorial, or local agency authorizations required for the proposed project, including all approvals or denials already received.** Typical authorizations include DNR Flood Plain, DNR Sovereign Lands, DNR NPDES Storm Water, and zoning permits.

Examples:

Agency	Type of Authorization	Agency Number	Date Applied	Date Approved	Date Denied
DNR	Flood Plain	2020-0517	6/15/2021	10/8/2021	
DNR	Sovereign Lands	2020-0517	6/15/2021		7/2/2021
DNR	NPDES	3500901	2/14/2021	5/20/2021	

10. **Date Pre-filing Meeting Request was submitted.** List the date that a pre-filing meeting request was submitted to the DNR.
11. **Certification Request Verification.** By signing the form, you must agree with everything stated in this section. The signature of the property owner/project proponent is required. If you are working with an authorized agent, their signature is also required.

Note: Certification requests must also be sent to the Federal Agency (i.e., Corps, FERC, etc.) at the same time. All projects in Iowa are in the Rock Island Corps District except for those below the ordinary high water mark of the Missouri River or west of the Missouri River, which are in the Omaha Corps District. For the Rock Island District Corps, send to the Corps project manager or to iowaregulatory@usace.army.mil. For the Omaha District Corps, send to the Corps project manager or to NE404Reg@usace.army.mil.

Iowa Department of Natural Resources
Section 401 Water Quality Pre-Filing Meeting and Certification Request Form
Certification Request Form

5. Corps Project Manager*:

Email Address: _____

Phone numbers (with area code): Business: _____ Cell: _____

*The corps project manager must be cc'ed on the certification request email.

6. Federal Permit / License Requiring Section 401 Water Quality Certificate and its Project Number*

Permit/License Number: _____ Federal Agency: ☐ Corps of Engineers ☐ FERC
☐ Other: _____

*A copy of the federal permit or license application is **required** to be submitted with a certification request.

7. Include a description of any methods and means proposed to monitor the discharge and the equipment or measures planned to treat, control, or manage the discharge. (Please provide a description of the best management practices you will use to protect water quality as well as any methods and means proposed to monitor the discharge/equipment or measures planned to treat or control the discharge.)

8. Dates*

Planned Start Date of Proposed Project: _____

Planned End Date of Proposed Project: _____

Approximate date(s) of discharge(s) (if known): _____

*In normal situations, the DNR issues certifications within 90 days. This period of time accommodates internal review and the mandatory public comment period. If your project is scheduled to start sooner, please contact us at Section401WQC@dnr.iowa.gov. Be advised that the DNR is entitled up to six months by law to review certification requests.

9. List all other federal (not listed in #6), interstate, tribal, state, territorial, or local agency authorizations required for the proposed project, including all approvals or denials already received:

Agency	Type of Authorization	Agency Number	Date Applied	Date Approved	Date Denied

10. Date Pre-filing Meeting Request was submitted _____

11. Certification Request Verification

This request is hereby made for the activities described herein. I hereby certify that all information contained herein is true, accurate, and complete to the best of my knowledge and belief. I have completed the following tasks, as required for the certification request:

- ☐ Cc'ed the Corps contact associated with the proposed project
- ☐ Attached a copy of the federal permit or license application
- ☐ Submitted to pre-filing meeting request at least 30 days ago

I further certify that I possess the authority to undertake the proposed activities. I hereby request that the certifying authority review and take action on this CWA 401 certification request within the applicable reasonable period of time. This application must be signed by the Property Owner/Applicant and the Authorized Agent, if applicable.

Property Owner/Applicant's Name (printed): _____

Property Owner/Applicant's Signature: _____ Date: _____

If applicable: Authorized Agent's Name (printed): _____

Authorized Agent's Signature: _____ Date: _____

DEPARTMENT OF THE ARMY PERMIT
Regional General Permit 33
Discharge of Dredged or Fill Material Associated with Certain
Conservation Practices Sponsored by NRCS/HUD in Waters of the
United States
In the State of Iowa

Permittee: General public meeting the terms and conditions herein.

Number: CEMVR-RD-2025-1077 (Regional Permit 33)

Expiration Date:

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 having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

1. **Project Description.**

- A. The purpose of the Regional General Permit 33 (RP 33) is to authorize the discharge of dredged or fill material in association with specific U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) and Department of Housing and Urban Development (HUD)-sponsored activities which do not qualify for the Clean Water Act (CWA) 404(f)(1) exemptions. Discharges of dredged and/or fill material that are associated with CWA 404(f)(1) exempt activities do not qualify for the exemptions when they are part of an activity whose purpose is to convert an area of the Waters of the United States (WOTUS) into a use to which it was not previously subject where the flow or circulation of WOTUS may be impaired or the reach of such waters reduced (CWA Section 404(f)(2)). Specific practices included in this permit are non-exempt ponds, dams, grade stabilization structures, grassed waterways,

subsurface drains associated with grassed waterways, and low-tech process-based restoration practices.

- B. The purpose of the individual projects is to reduce erosion, reduce flood risk, trap sediment, provide water quality benefits on agricultural lands and/or provide water sources for livestock. This permit does not authorize the straightening or realignment of a stream channel. Incidental wildlife habitat and recreation benefits may accrue to landowners from the sediment pools associated with installation of structures under this permit, but such benefits are not part of the primary purpose of the projects. Regardless of the NRCS Conservation Practice Standard, recreational and wildlife benefits may not be the primary purpose of the individual projects under this RGP.
- C. Permanent impacts to Waters of the United States authorized by this permit shall not result in the permanent loss of greater than 2,500 linear feet of streambed or 2 acres of wetland. The combined loss of all waters shall not exceed 2 acres in total.

- 2. **Project Location.** The proposed RP will authorize work associated with the discharge of dredged and/or fill material into all WOTUS, including wetlands, under the jurisdiction of the Rock Island District (District) located within the State of Iowa. This permit may be used on tribal lands within the state of Iowa; however, an individual 401 Water Quality Certification must be obtained from the Meskwaki Nation - Sac and Fox Tribe of the Mississippi in Iowa and the Winnebago Tribe of Nebraska in Iowa, as applicable, for the use on tribal lands, prior to authorization.

3. **Permit Conditions:**

A. **General Conditions:**

- 1) The permittee must notify the District Engineer (DE), Rock Island District, for authorization of this RP. The notification must include detailed drawings and sufficient information to determine if the proposed work conforms to the criteria and conditions of the RP. If unavoidable stream or wetland impacts requiring mitigation are expected to occur as part of this project (see Section D), a statement of the proposed mitigation measures must be included (e.g., estimated mitigation credits required and the Iowa Stream Mitigation Method Calculator, if applicable). Department of the Army (DA) permit application (ENG Form 4345) may be used for this purpose. If the Corps determines that the work meets the provisions of the RP33 and no extraordinary conditions exist that warrant evaluation as an individual permit, the proponent will be notified.
- 2) The Lead Federal Agency (USDA/HUD) is responsible for National Environmental Protection Act (NEPA) review and must provide completed

NEPA documentation on letterhead to the Corps prior to the permit being issued.

- 3) 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 last one month before that date is reached. If you have started the work or are under contract to begin this activity before the general permit expires, you will have twelve (12) months from that expiration date to complete the activity under the present terms and conditions of this RP.
- 4) Applicants must identify and notify the Rock Island District Corps of Engineers of all impacts to Outstanding Iowa Waters. Fill that will adversely impact these resources is not authorized.
- 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) If you discover any previously unknown historic, cultural or archeological remains or artifacts while accomplishing the activity authorized by this permit, you must immediately notify this office and USDA or HUD of what you have found. The Lead Federal Agency (USDA or HUD) 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.
- 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.

B. Special Conditions:

- 1) Projects authorized under this RP must be in accordance with a binding agreement or a conservation plan between the Landowner and the USDA or HUD or by approval in accordance with HUD financing. Applicants may include State governmental authorities (such as the Iowa Department of Agriculture

and Land Stewardship) or local government authorities (such as Soil and Water Conservation Districts). The USDA or HUD must be the Lead Federal Agency in this undertaking related to all applicable requirements under federal laws and regulations, such as the Endangered Species Act (ESA) and the National Historic Preservation Act (NHPA).

- 2) Projects must be designed to assure that flow, circulation patterns and chemical and biological characteristics of water of the United States are not impaired, that the reach of the waters is not reduced and that any adverse effect on the aquatic environment will be minimized. Example: Normal stream flows must be allowed to pass downstream. The structure must allow a downstream connection to exist; severing of jurisdiction will not be allowed.
- 3) With the exception of structures and steep slopes, all areas without an established vegetative cover will be seeded to native grasses and forbs, including mesic or hydric seeding where applicable. Seedings will not include any species identified by the most up to date "Iowa Noxious Weeds" list and/or those listed on the Corps "Excluded Species Plant List."
- 4) Applicants must identify and notify the Rock Island District, Corps of Engineers of all impacts to fens, bogs, seeps or sedge meadows. Fill that will adversely impact these resources are not authorized.
- 5) RP 33 authorizes any future discharge of dredged or fill material associated with periodic maintenance and the reversion of the area to its documented prior conditions and use (i.e., prior to the restoration, enhancement, or creation activities) even if the original construction of the structure did not require a Department of the Army permit. Before any reversion activity, the permittee, NRCS, or HUD must notify the District Engineer and include the documentation of the prior condition. Once an area has reverted to its prior physical condition, it will be subject to the Corps' regulatory requirements in place at that future date.
- 6) RP 33 authorizes all activities related to the repair, rehabilitation, or replacement of previously authorized, currently serviceable structure or fill, provided that the structure or fill is not to be put to uses differing from those originally specified in the application. Minor deviations in the structure's configuration or filled area, including those due to changes in materials, construction techniques, or current construction codes or safety standards which are necessary effects resulting from such repair, rehabilitation, or replacement and are minimal are authorized by this permit. The District Engineer retains the right to determine the extent of the pre-existing conditions, and the extent of any restoration work authorized by this permit.
- 7) RP 33 does not authorize new stream channelization or stream relocation. RP 33 does not authorize more than minimal temporary degradation of water

quality, more than minimal changes to the flow characteristics of the stream, or increased flooding.

- 8) Subsurface drainage is authorized only to facilitate installation of grassed waterways pursuant to NRCS design practices. Placing drainage tile primarily within a stream channel for purposes of or having the effect of channelizing the stream or converting Waters of the U.S. to non-waters is not authorized.
- 9) All disturbed areas not covered with riprap shall be seeded in accordance with NRCS Practice Standard 342, Critical Area Planting at:
https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1241316.pdf
- 10) Erosion control features (i.e., silt fences, silt ditches, silt dikes, silt basins, re-vegetation, etc.) must be installed to provide continuous erosion control throughout the construction and post construction period. Where siltation control features have been reduced in capacity by 50% or more, the features shall be restored to their original condition with a minimum of delay.
- 11) All construction within waterways shall be conducted during no flow or low flow conditions.
- 12) Any material excavated, dredged, or otherwise produced by the activity that will not be used for the construction of the structures will not be returned to the stream/waterway, but will be deposited in an upland non-wetland area.
- 13) Clearing of vegetation, including trees located in or immediately adjacent to WOTUS shall be limited to that which is in the pool or that which is absolutely necessary for construction of the project. All vegetative clearing material shall be moved to an upland, non-wetland disposal site.
- 14) Where project plans include armoring of a stream bank, acceptable materials are limited to clean riprap, consisting of field stone, quarry rock, broken Portland Cement Concrete (PCC) erosion control fabrics and/or other similar materials. When using broken PCC, all exposed reinforcing steel rod or mesh must be completely removed or cut flush with the surface of the concrete prior to placement. It shall be the applicant's responsibility to maintain the riprap such that any reinforcement material that becomes exposed in the future is removed. The use of asphalt and/or other solid waste is not authorized.
- 15) If, at the discretion of the District Engineer, corrective measures are deemed necessary to protect the public interest before, during and/or after completion of project construction, the permittee shall complete such corrective actions as directed by District Engineer on a case-by case basis.

C. **General Design Criteria:** These criteria must be met for all projects to be

authorized under this RGP.

- 1) **Ponds.** A pond, as planned and defined by the NRCS, is defined as a water impoundment made by constructing an embankment or by excavating a pit or dugout. The primary purposes of a pond are to provide water for livestock, fish and wildlife, recreation, fire control, develop renewable energy systems, and other related uses, and to maintain or improve water quality. Specific criteria for use in designing ponds may be found in NRCS Technical Guide Practice Standard 378, Pond, at: <https://www.nrcs.usda.gov/resources/guides-and-instructions/pond-no-378-conservation-practice-standard>
- 2) **Dams.** A dam, as planned and defined by the NRCS, is an artificial barrier that can impound water for one or more beneficial purposes. The primary purposes are to reduce downstream flood damage, provide permanent water storage for one or more beneficial uses (such as irrigation or livestock supply and other agricultural uses) or to create or improve habitat for fish and wildlife. Specific criteria for use in designing dams may be found in NRCS Technical Guide Practice Standard 402, Dam, at: <https://www.nrcs.usda.gov/resources/guides-and-instructions/dam-no-402-conservation-practice-standard>
- 3) **Grade Stabilization Structures:** A grade stabilization structure, as planned and defined by the NRCS, stabilizes the channel grade in a natural or constructed watercourse. The primary purposes are to stabilize grade, reduce erosion and/or improve water quality. A typical NRCS design is attached to this permit and specific criteria for use in designing a grade stabilization structure may be found in NRCS Technical Guide Practice Standard 410, Grade Stabilization Structure, at: <https://www.nrcs.usda.gov/resources/guides-and-instructions/grade-stabilization-structure-no-410-conservation-practice>
- 4) **Grassed Waterways:** A grassed waterway, as planned and defined by the NRCS, is a shaped or graded channel that is established with suitable vegetation to carry surface water at a non-erosive velocity to a stable outlet. The primary purposes are to convey runoff from terraces, diversions, or other water concentrations without causing erosions or flooding, to reduce gully erosion and/or protect/improve water quality. Specific criteria for use in designing a grassed waterway may be found in NRCS Technical Guide Practice Standard 412, Grassed Waterway, at: <https://www.nrcs.usda.gov/resources/guides-and-instructions/grassed-waterway-ac-412-conservation-practice-standard>
- 5) **Subsurface Drains:** A conduit, as planned and defined by the NRCS, is installed beneath the ground surface to collect and/or convey excess water. This practice may be applied as part of a resource management system to remove or distribute excessive soil water or remove salts and other contaminants from the soil profile. In Iowa, subsurface drains are frequently used in association with

grassed waterways to ensure that terrestrial vegetation can establish and are authorized under this permit when used as part of NRCS Practice 412 for installing grassed waterways. The subsurface drains may not be placed in the thalweg of the stream channel. The subsurface drains may only be placed adjacent to the stream channel, and then backfilled and the surface graded, in order to facilitate construction of the grassed waterway. A typical NRCS design is attached to this permit and specific criteria for use in designing a subsurface drain may be found in NRCS Technical Guide Practice Standard 606, Subsurface Drain at: <https://www.nrcs.usda.gov/resources/guides-and-instructions/subsurface-drain-ft-606-conservation-practice-standard>

- 6) **Low-Tech Process-Based Restoration to Enhance Floodplain Connectivity:** Beaver Dam Analogues (BDAs) and/or Post-Assisted Log Structures (PALS) are low-tech structures used to facilitate process-based restoration of rare and declining 'Stage 0' stream conditions. These structures are used to mimic, promote, and sustain the natural processes of beaver dam activity and wood accumulation that led to more fully connected floodplains. BDAs and PALS are hand-built with a mixture of woody debris and on-site soils and vegetation. This enhancement is intended primarily to kick-start natural ecological, geomorphic, and hydrologic processes required for maintenance of healthy and functioning streams and associated floodplains. Follow the conservation planning process and stream restoration guidance outlined in the Low-Tech Process-Based Restoration of Riverscapes Design Manual and Pocket Field Guide (Wheaton et al. 2019; available at: <http://lowtechpbr.restoration.usu.edu/>). Further BDA and PALS design criteria can be found in NRCS Conservation Practice Standard 643 (<https://efotg.sc.egov.usda.gov/api/CPSFile/47959/643> IA CPS Restoration of Rare or Declining Natural Communities 2024) or Conservation Practice Standard 395 (<https://efotg.sc.egov.usda.gov/api/CPSFile/47943/395> IA CPS Stream Habitat Improvement and Management 2024). Please note that this permit does not allow all practices found under those Standards, these resources can be used for this specific practice.

D. Mitigation:

- 1) The activity must be designed and constructed to avoid and minimize adverse effects to Waters of the U.S., both temporary and permanent, to the maximum extent practicable within the impact area. Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the adverse effects to the aquatic environment are minimal.
- 2) Compensatory mitigation may be required for stream or wetland impacts associated with these projects. Compensatory mitigation will be required for all wetland losses that exceed 1/10-acres (See Mitigation Condition D.6).

- a. Wetlands that are inundated with water greater than 3 feet in depth are considered conversion, therefore, those wetlands will be considered lost.
 - b. Mitigation for wetlands may not be required if there is an overall net increase in aquatic wetland function and size. It is expected that most of the pool area with water depths of three feet or less will develop emergent wetland characteristics. Additional wetland mitigation may be required if the acreage of wetland impacted by the structure and deep water exceeds the proposed acreage of pool with water depths of three feet or less.
- 3) In general, compensatory mitigation will be required for all streambed losses greater than 300 linear feet and/or 0.03-acres. Mitigation for streams may not be required if there is an overall net increase in aquatic resources function and services or unless the appropriate number of criteria from section D.5 are met.
 - 4) Compensatory mitigation projects provided to offset losses of aquatic resources 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.” Impacts to streams will be evaluated on a case-by-case basis.
 - 5) In support of minimizing impacts to streams with moderate to high functional integrity, Rock Island District has developed the following criteria to assist in identifying appropriate sites for projects on low-functioning streams. These include streams that not only that receive agricultural tile drainage and exhibit elevated nutrient loading, but also those that could have been previously impacted by anthropogenic alterations, possess minimal riparian buffering, display channel entrenchment, and show evidence of active erosion.

Mitigation is not required for streams converted to wetlands when the stream segment meets three or more of the following criteria:

- a. When documentation is provided indicating that the stream has been channelized or straightened over time, and the sinuosity of the stream within the impact area is measured at 1.19 or lower. If two or more streams are located within the impact area, each stream’s sinuosity will be calculated separately, and the length weighted average sinuosity within the area of impact will be used (weights based on the impacted stream length for each segment). Sinuosity is the ratio of stream length to valley length (Rosgen 1994).

Stream sinuosity of 1.19 or less often correlates with low stream functions because it typically reflects an altered or degraded stream condition that reduces the natural physical, chemical, and biological functions of a stream system.

The following Iowa DNR tool may be used to help assess stream sinuosity. While this tool provides a useful estimate, we recommend using it as a preliminary step and then consulting the U.S. Army Corps of Engineers to review and confirm sinuosity calculations.

The Iowa DNR Geospatial Data Clearinghouse Iowa Stream Sinuosity

Download

<https://geodata.iowa.gov/documents/3fb1ffcb81434b2bb9f239118c73cb55/about>

The following are examples of how to calculate sinuosity:



Figure 1: Rosgen 1994

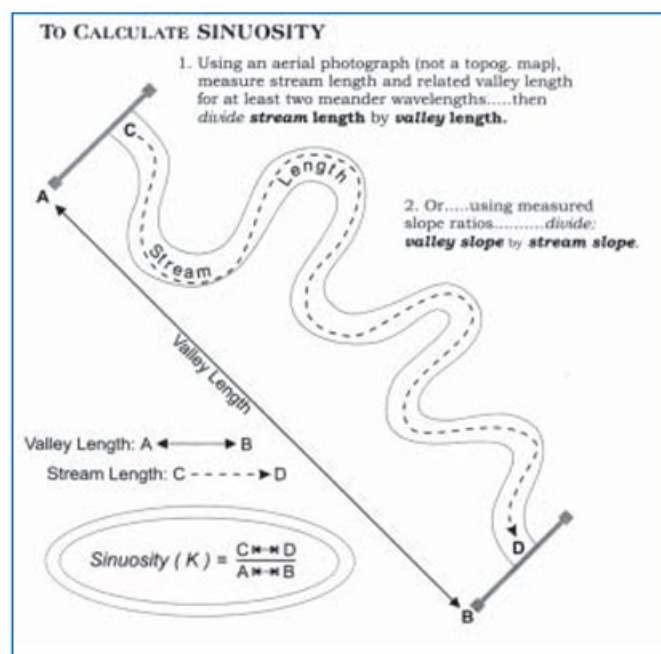


Figure 2: NC Stream Restoration Institute (https://bae.ncsu.edu/wp-content/uploads/2017/07/sr_guidebook.pdf)

- b. The riparian corridor consists of an average buffer width of 25 feet or less of perennial vegetation along at least one side of the impacted stream reach as measured outward from the top of bank. Buffer areas do not include ongoing active impacts which include grazing or farming activities.

A riparian buffer of 25 feet or less can lead to low stream function. Narrow buffers cannot effectively filter pollutants, reduce runoff, and/or stabilize banks, resulting in increased erosion, poor water quality, and degraded wildlife habitat.

- c. The stream contains active head cuts, failing banks, extremely eroded banks (i.e., with tree roots showing, soil abutments hanging over the water, etc.), or bank sloughing throughout the majority of the impact area, and its banks are steeper than a 2:1 slope within the majority of the impact area.
- d. Stream entrenchment ratio is equal to or less than 1.4 (figure 3) throughout the majority of the reach within the impact area. Entrenchment ratio can be found by dividing the flood-prone width with the bankfull width. The flood-prone width is equal to the width of the channel at an elevation of double the maximum stream depth (see figure 4 below for more information.)

An entrenched stream typically has lower function because it's deeply cut into its bed, losing connection with its floodplain, which leads to increased erosion, poor water quality, and reduced habitat for wildlife. This makes the stream less stable, less resilient, and less capable of supporting a healthy ecosystem. Entrenched streams are typically confined within the elevation of their 2-year or greater floodplain, and the degree of entrenchment becomes more severe as the floodplain elevation increases.

The following Iowa Map Viewer may be used as a preliminary tool to assess the 2-year and 5-year floodplains which may be used to estimate potential stream entrenchment. While using the viewer, if both the 2- and 5-year floodplains are confined to the stream channel it is likely that the stream is entrenched. However, a site visit may ultimately be required to accurately document the entrenchment ratio and determine if the site meets the necessary criteria to avoid mitigation. Contact the Corps if you have any questions on how to use this tool to estimate entrenchment ratios.

Iowa Map Viewer:

<https://www.arcgis.com/apps/webappviewer/index.html?id=bfe24b067f4b48f597e4d9fd33f34cb6>

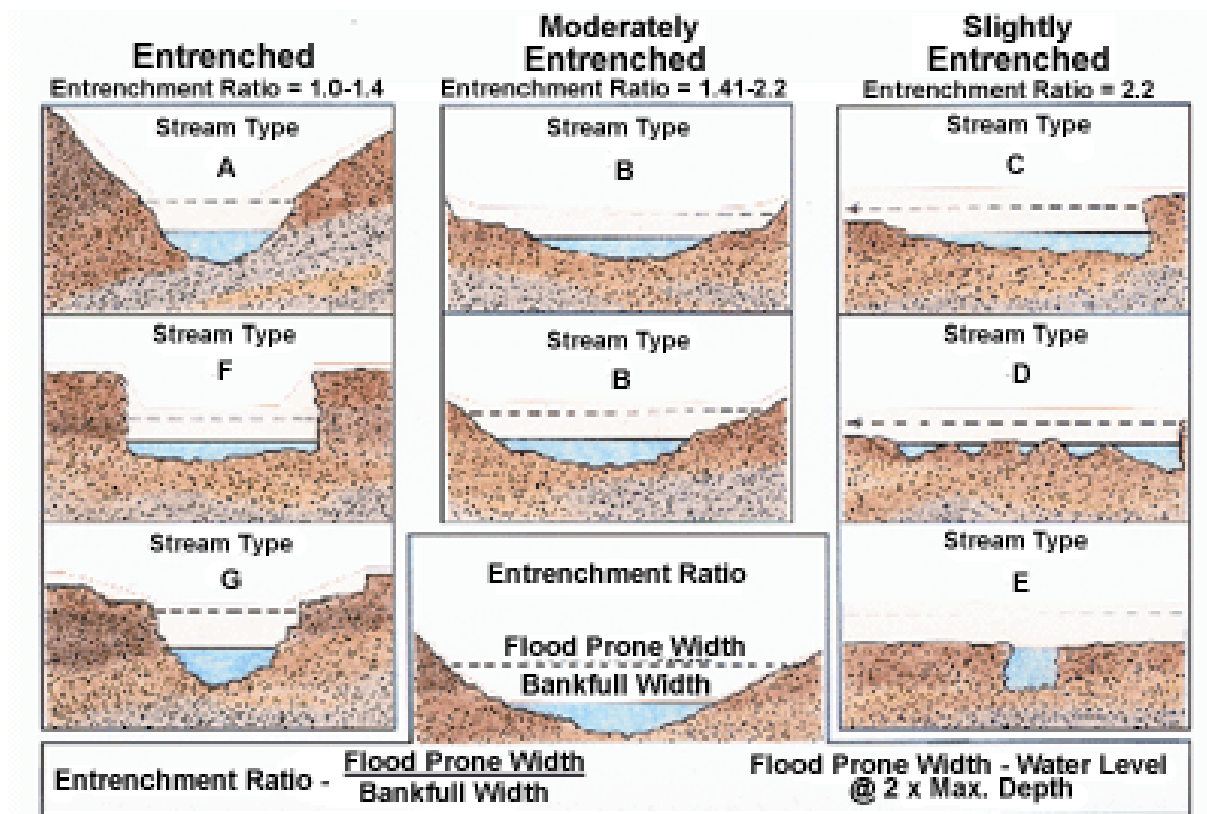


Figure 3: Rosgen 1994

Entrenchment Ratio

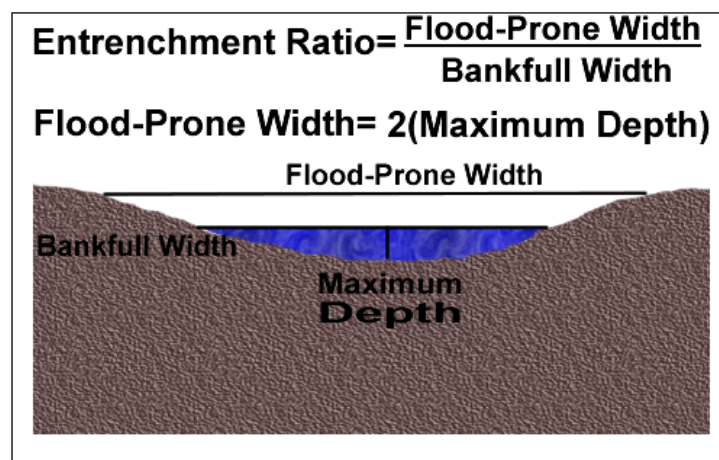


Figure 4: Entrenchment Ratio Calc 1

- e. The streambed shall be considered to meet this criterion if impacts along the same stream reach, either individually or cumulatively, exceed a length equivalent to 100 feet within one mile upstream and/or downstream of the impact area. For stream segments shorter than two miles total miles (1 mile up

or downstream of the impact area), the threshold shall be applied proportionally with Corps approval. For example, if the stream reach proposed to be impacted is only 1 mile in length, the criteria to meet this standard would be 50' of impact. Examples of impacts include culverts, pipes, low water crossings, straightened parts of the reach outside of the project area, other manmade modifications located within the stream and other structures on a case-by-case basis determined by the Corps; tile outlets are not included unless they have splash basins or other impacts within the streambed. Typically, these impacts would be identified as morphological change and/or pipe in the Iowa Stream Method. These streambed impacts lower stream function by disrupting natural flow, blocking aquatic organism passage, altering sediment transport, and reducing habitat quality.

- f. The impact area is located within 1.5 miles of where the main stem of the impacted stream is formed. An example would be the stream forms from tile outlets, 1.5 miles or less from the impact area. Streams within 1.5 miles of formation tend to have lower stream function because they receive concentrated, unfiltered runoff that increases flow rates, reduces baseflow, and carries pollutants which lead to erosion, poor water quality, and limited habitat development.

***The Corps will make the final decision if compensatory mitigation will be required using the above factors and if site visits are necessary.**

- 6) The applicant is responsible for proposing an appropriate compensatory mitigation option to ensure that the activity results in less than minimal adverse effects to the aquatic environment. Applicants must adhere to the mitigation hierarchy found in the 2008 mitigation rule (33 CFR 332) when selecting appropriate methods for mitigation.
- 7) All mitigation must be completed prior to or concurrent with project construction. If, in the opinion of the Corps, mitigation areas do not fully replace the aquatic functions that are lost due to the installation of the structure or project features, further mitigation measures may be deemed necessary on a case-by-case basis. Proposed mitigation areas may not be located in areas that are enrolled in programs such as the Conservation Reserve Program (CRP) or the Wetland Reserve Program (WRP).
- 8) 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 WOTUS. The Corps has the final approval in determining the appropriate and practicable mitigation necessary.

E. **Historical Properties/Archaeological:** As Lead Federal Agency, the USDA or the

sponsor under HUD regulations will fulfill the collective responsibilities set forth in the National Historic Preservation Act (NHPA) and will achieve compliance with Section 106 of the NHPA utilizing established agency procedures. If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the lead Federal agency. Authorization under this RGP 33 is not considered effective until Section 106 compliance is achieved.

- F. **Endangered Species:** As lead Federal Agency, the USDA or the sponsor under HUD regulations will fulfill the collective responsibilities set forth in the Endangered Species Act (ESA) and will achieve compliance with that Act. This permit does not authorize the taking of a threatened or endangered species or its critical habitat. If an activity may result in take of a listed species, separate authorization under the ESA is required. If authorization under the ESA contains mandatory terms and conditions to implement the reasonable and prudent measures that are associated with an "incidental take", such terms and conditions become part of this permit. Failure to comply with the ESA terms and conditions or an unauthorized take would constitute non-compliance with this permit. Authorization under this RGP 33 is not considered effective until ESA compliance is achieved.

- G. **Water Quality Certification:** By letter dated XX the Iowa Department of Natural Resources issued Section 401 water quality certification for this regional permit.

The permittee understands and agrees that, if future operations by the United States requires the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

<<<< END OF SPECIAL CONDITION >>>>

Further information:

1. **Congressional Authorities:** You have been authorized to undertake the activity described above pursuant to:
 - () 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 District Engineer, has signed below

Matt Zehr
Chief, Regulatory Division
Rock Island District

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

DRAFT



July 17, 2026 (DRAFT)

Brynn Noble
Brynn.E.Noble@usace.army.mil

Dear Brynn Noble:

After reviewing your request for State 401 Water Quality Certification (Certification), the Iowa Department of Natural Resources (DNR) has issued the enclosed Certification. Please read the attached conditions carefully before beginning work on the project.

A copy of this Certification has been forwarded to the office of the U.S. Army Corps of Engineers as indicated below.

Please note:

1. Prior to construction, the permittee is responsible for securing such other permits or approvals as may be required by the DNR, federal, state, or local governmental agencies for the project activities described. Issuance of this certification does not relieve you of the responsibility to comply with all local, state and federal laws, ordinances, regulations or other applicable legal requirements.
2. The permittee is responsible for ensuring that whoever performs, supervises, or oversees any portion of the physical work associated with the construction of this project complies with all the terms and conditions of this Certification as well as the associated Section 404 Permit.

If you have any questions about the certification or attached conditions contained therein, my contact information is provided in the certification.

Sincerely,

Brandon Harland
Natural Resource Biologist

cc: Brynn Noble, Department of the Army Corps of Engineers, Rock Island District (Brynn.E.Noble@usace.army.mil)

IOWA DEPARTMENT OF NATURAL RESOURCES

SECTION 401 WATER QUALITY CERTIFICATION

Certification issued to:

Brynn Noble
Brynn.E.Noble@usace.army.mil

Project certified: U.S. Army Corps of Engineers, No. 2025-1077

Project Description: Re-issuance of Regional General Permit 33 - Discharge of Dredged or Fill Material Associated with Certain Conservation Practices Sponsored by NRCS/HUD in Waters of the United States In the State of Iowa. The RP has substantial changes to the special conditions and mitigation section, as well as increases the project limits to 2,500LF of stream bed impact and adds BDAs and PALS under the list of activities included in the permit.

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

If the project proposes to directly discharge into an Outstanding Iowa Water (OIW) or Outstanding National Resource Water (ONRW), an individual 401 Water Quality Certification (WQC) must be obtained, and the permittee shall not begin work on the activity until an individual 401 WQC is issued by the state or waived. For OIWs or ONRWs that are streams, if the project proposes to discharge into a tributary of an OIW or ONRW, an individual 401 Water Quality Certification (WQC) must be obtained, and the permittee shall not begin work on the activity until an individual 401 WQC is issued by the state or waived. This only applies to projects that are located within the State of Iowa.

The Iowa Department of Natural Resources (DNR) has issued this State 401 Water Quality Certification (Certification) pursuant to Section 401 {40 C.F.R. §121}. The U.S. Army Corps of Engineers requires state Certification before a Section 404 permit can be issued.

Subject to the attached conditions, incorporated by reference herein, the DNR has determined that a discharge from the proposed project will comply with water quality requirements of the state of Iowa {567 IAC 61}.

Prepared By/Date Executed: _____
Brandon Harland
Iowa DNR
brandon.harland@dnr.iowa.gov
515-954-9559
6200 Park Ave. Ste. 200, Des Moines, IA 50321

CONDITIONS

- (1) During construction and upon completion of the project, actions must be taken to prevent pollution affecting public health, fish, shellfish, wildlife, and recreation due to turbidity, pH, nutrients, suspended solids, floating debris, visible oil and grease, or other pollutants entering a water of the state. This condition will ensure permittees comply with Iowa's narrative water quality standards found at 567 IAC 61.3(2);
- (2) Equipment used in waters of the state shall be cleaned of all hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, or other construction-related, potentially hazardous substances before arriving on site. Wash water shall not be discharged into a water of the state. This condition will ensure permittees comply with Iowa's narrative water quality standards found at 567 IAC 61.3(2);
- (3) All cleared vegetative material shall be properly managed in such a manner that it cannot enter a water of the state and cause a violation of water quality requirements. This condition will ensure permittees comply with Iowa's narrative water quality standards found at 567 IAC 61.3(2);
- (4) All construction debris shall be properly managed in such a manner that it cannot enter a water of the state. This condition will ensure permittees comply with Iowa's narrative water quality standards found at 567 IAC 61.3(2);
- (5) Erosion shall be managed so that sediment is not discharged to a water of the state in a manner that causes a violation of water quality requirements. This condition will ensure permittees comply with Iowa's narrative water quality standards found at 567 IAC 61.3(2);
- (6) Riprap, treated lumber products, and temporary structures shall consist of clean material free of coatings of potentially hazardous substances. No asphalt or petroleum-based material shall be used as or included in material placed in any water of the state or within the high-water table. This condition will ensure permittees comply with Iowa's narrative water quality standards found at 567 IAC 61.3(2); and
- (7) Stockpiled dredged materials on the shore shall be managed so that sediment is not discharged to a water of the state in a manner that causes a violation of water quality requirements. This condition will ensure permittees comply with Iowa's narrative water quality standards found at 567 IAC 61.3(2).
- (8) Hydraulically dredged material shall be managed to ensure the return water meets water quality requirements.