Memorandum

DATE: October 27, 2026
FROM: Brandon Harland
RE: Rationale for Section 401 Water Quality Certification for 2026-0301 USACE Regional Permit 42 (RP42)

Description of Projects: Re-issuance of Regional General Permit 42 - Activities required for the construction of ponds (recreational, aesthetics, water supply, surface water retention or detention except for wastewater treatment) etc.) up to 10-acres in size. To qualify for this Regional General Permit (RGP), the activity must not cause the loss of more than 2 acres of Waters of the U.S. (WOTUS) through direct or indirect impacts. The loss of stream plus any losses of jurisdictional wetlands caused by this activity cannot exceed 2 acres combined, which includes no more than 1500 linear feet of stream loss. The loss of waters of the United States includes direct loss through filling and grading of streams and/or wetlands, to create the footprint of the embankment or dam, plus the indirect impact of inundation of streams and/or wetlands in the footprint of the pond. The 1500-foot stream impact limit also includes combined impacts to other jurisdictional tributaries that are inundated because of the structure (branches of multiple streams).

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.

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): US Army Corps of Engineers - Rock Island District

Mailing Address: Clock Tower Building - P.O. Box 2004, Rock Island, IL 61204

Email Address: Albert.J.Frohlich@usace.army.mil

Phone numbers (with area code): Home: _____ Cell: 309-215-5570 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:

Re-issuance of Regional General Permit 42 - Activities required for the construction of ponds (recreational, aesthetics, water supply, surface water retention or detention except for wastewater treatment) etc.) up to 10-acres in size. To qualify for this Regional General Permit (RGP), the activity must not cause the loss of more than 2 acres of Waters of the U.S. (WOTUS) through direct or indirect impacts. The loss of stream plus any losses of jurisdictional wetlands caused by this activity cannot exceed 2 acres combined, which includes no more than 1500 linear feet of stream loss. The loss of waters of the United States includes direct loss through filling and grading of streams and/or wetlands, to create the footprint of the embankment or dam, plus the indirect impact of inundation of streams and/or wetlands in the footprint of the pond. The 1500-foot stream impact limit also includes combined

3. Project Location:

County: _____ Latitude: _____ Longitude: _____

Receiving Water(s): WOTUS in Iowa

Discharge: Up to 2 acres WOUS, and no more than 1500 linear feet of streambed

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): Albert J. Frohlich

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

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

Authorized Agent's Signature: _____ Date: _____

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, ROCK ISLAND DISTRICT
PO BOX 2004 CLOCK TOWER BUILDING
ROCK ISLAND, ILLINOIS 61204-2004

REPLY TO ATTENTION OF

September 2, 2021

Operations Division

SUBJECT: CEMVR-RD-2021-925

Mr. Kurtis Feye
6147 33rd Avenue Dr.
Shellsburg, Iowa 52332

Dear Mr. Feye:

Our office has reviewed your application received June 22, 2021, concerning the proposed 1.5-acre recreational pond on your property located in Section 36, Township 85 North, Range 9 West, Benton County, Iowa.

Your project meets the criteria specified under Regional Permit 42 (CEMVR-OD-P-2020-786), if the work is done in accordance with the General Conditions included in the permit. The Iowa Department of Natural Resources (IADNR) has also issued Section 401 Water Quality Certification with conditions for this regional general permit. No mitigation is required for this project. We are enclosing a copy of the permit for your compliance. The decision regarding this action is based on information found in the administrative record, which documents the District's decision-making process, the basis for the decision, and the final decision.

If you find that it is necessary to make changes in the plans or work being authorized, you must submit the revised plans to this office for the District Engineer's approval before you begin work. Also, make certain that you have received all other required Federal, state, and local approvals before beginning work.

Please notify this office prior to starting and completion of work. You are required to complete and return the enclosed "Complete Work Certification" upon completion of your project. A representative of this office will make periodic inspections of the work.

The Rock Island District Regulatory Division is committed to providing quality and timely service to our customers. In an effort to improve customer service, please take a moment to complete our Customer Service Survey found on our web site at https://regulatory.ops.usace.army.mil/ords/f?p=136:4. (Be sure to select "Rock Island District" under the area entitled: Which Corps office did you deal with?)

Should you have any questions, please contact me by letter, telephone at 309/794-5859 or email at Albert.J.Frohlich@usace.army.mil.

Sincerely,

Albert J Frohlich

Albert J. Frohlich
Project Manager
Regulatory Division – Western Branch

Copies Furnished:

w/o enclosures:

Ms. Christine Schwake
Iowa Department of Natural Resources
Water Resources Section

COMPLETED WORK CERTIFICATION

Permit Number: CEMVR-OD-P-2021-925

Name of Permittee: Kurtis Feye

County/State: Benton / Iowa

Date of Issuance: September 2, 2021

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the following address:

U.S. Army Engineer District, Rock Island
ATTN: Regulatory Branch
Clock Tower Building
Post Office Box 2004
Rock Island, Illinois 61204-2004

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with this permit, you are subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above reference permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit conditions.

_____ _____

Signature of Permittee Date

TP

2021-925

Approximate Location of 1.5 acre recreational pond.

Legend

42.1322, -91.8522

42.1322, -91.8522

33rd Ave Dr

N

500 ft

Google Earth

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DEPARTMENT OF THE ARMY PERMIT
Regional General Permit #42
Fill Material Placed for Ponds up to 10-Acres in Size
In Waters of the United States
In the State of Iowa

Permittee: General Public meeting the terms and conditions herein.

Number: CEMVR-OD-P-2020-786 (Regional General Permit 42)

Expiration Date: June 30, 2026

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.

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

1. Authorized Work.

A. <u>Proposed Limits:</u>

1) Activities required for the construction of ponds up to 10-acres in size. To qualify for this Regional General Permit (RGP), the activity must not cause the loss of more than 2-acres of waters of the U.S. through filling and inundation. The loss of stream plus any losses of jurisdictional wetlands caused by this activity cannot exceed 2-acres combined, which includes no more than 1,000 linear feet of stream loss. The loss of waters of the United States includes loss through filling and grading of streams and/or wetlands, the footprint of the embankment or dam, plus the secondary impact of inundation of streams and/or wetlands in the footprint of the pond. The 1,000-foot stream impact limit also includes combined impacts to other jurisdictional tributaries that are inundated because of the structure. This RGP is generally for recreational uses such as ponds for hunting and fishing activities, however it may be utilized for other purposes. This RGP may not be used to for the construction of storm water or detention basins.

2) This RGP is for individuals or landowners to construct ponds. The pond may be constructed using assistance from another state or Federal Agency. In instances where another federal agency is the lead, they must adhere to Section 7 and Section 106 processes and provide their determination with the application packet.

2. Project Location. All waters of the United States in the state of Iowa, within the regulatory boundaries of the Rock Island District. This permit may be used on tribal lands in 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, 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 Regional General Permit (RGP). The notification must include detailed drawings and sufficient information to determine if the proposed work conforms to the criteria and conditions of the RGP, as well as a mitigation plan (see Section D), for stream or wetland impacts that will occur as a part of the project. Department of the Army (DA) permit application (ENG Form 4345) should be used for this purpose and is available to download at the Rock Island District Corps Regulatory (District) webpage.

2) The time limit for submittals ends 60 days prior to the expiration of the RP, unless the RP is modified, reissued or revoked. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before that date is reached. If you commence or are under contract to commence this activity before the date the RP is modified or revoked, you will have twelve months from this date to complete your activity under the present terms and conditions of this RP.

3) This permit may not be used to construct a pond on an Outstanding Iowa Water (OIW) or on a protected stream listed in [Iowa Administrative Code 567-72(455)B]. In addition, this permit may not be used to impact jurisdictional springs, seeps, fens, or bogs.

4) You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party. If you sell the property associated by this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

5) If you discover any previously unknown historic or archaeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

6) You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

7) This activity shall be designed to pass appropriate normal high flows.

8) This activity shall not result in the inundation of any upstream property without providing legal documentation of permission, such as an easement.

9) Spillways should be designed to operate safely for the life of the structure and at the discharges and pressures which would be experienced under all normal or flood flow conditions

10) The permittee is responsible for obtaining all other required federal, state, and local permits.

11) Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable.

12) Activities shall not occur in areas of concentrated shellfish populations.

13) During construction, best management practices must be utilized to protect water quality and minimize the impacts of stormwater runoff.

14) 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 of 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.

B. Special Conditions:

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

2) This regional permit also authorizes temporary structures, fill, and work necessary to construct the authorized project. Temporary impacts must be the minimum necessary to achieve project objectives.

   a. All temporary structures and fill will be removed entirely no later than 30 days after they are no longer needed for construction activities.

   b. Temporary fill materials cleared vegetative materials, construction debris, and other fill not necessary for meeting the project purpose, must be disposed of at an upland area or licensed landfill as appropriate. The discharge location must be provided to the Corps as part of the application packet.

   c. Temporary fills must consist of materials that will not be eroded by expected high flows. If materials might erode, they must be removed prior to high flow events.

   d. Areas affected temporarily must be returned to pre-construction contours and must be re-vegetated with native vegetation if not armored.

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

4) Any spoil material excavated, dredged, or otherwise produced, must not be returned to the waterway or wetlands but must be deposited in a self-contained upland 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.

5) Construction of the activity shall be conducted during low or no flow conditions.

6) The permittee must provide a signed certification documenting completion of the authorized activity and any required compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the District Engineer.

C. Temporary Impacts/Restoration Requirements:

1) The permittee is required to restore all temporarily impacted wetlands within the project area to pre-construction contours and elevations. Plantings must meet the standards stated in the Rock Island District (MVR) Regulatory Division Mitigation and Monitoring Guidelines.

2) If jurisdictional wetlands will be excavated within the permit area, the permittee will side-cast and stockpile the topsoil (to 10-12 inches), if practicable and/or if the site conditions allow. The site must be returned to its pre-construction contours and elevations after construction to be considered a temporary impact. The site must also be reseeded and/or replanted with native vegetation. The use of the stockpiled topsoil is recommended to ensure the site has adequate nutrients and fertility to support the survival of the reseeded/replanted vegetation.

D. Mitigation:

1) If the permanent loss of wetlands exceed 0.10 acres or for stream losses greater than 300 linear feet or 0.03 acres, compensatory mitigation is required and the applicant must follow the regulations published in the Federal Register dated April 10, 2008 under 33 CFR Part 332 and 40 CFR Part 230 – Subpart J entitled "Compensatory Mitigation for Losses of Aquatic Resources," including any Corps regulation or guidance that would supplement these mitigation requirements, including the Rock Island District Mitigation and Monitoring Guidelines.

2) The amount of mitigation required will be determined during the review for authorization under this permit. Mitigation must be adequate to offset unavoidable impacts or losses to regulated waters of the United States (WOUS). The Corps has the final approval in determining the appropriate and practicable mitigation necessary. The discharge of fill material into WOUS prior to Corps approval of the mitigation plan is prohibited.

E. Historic Properties/Archaeological:

1) Section 106 consultation is not required when the Corps determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR 800.3(a)). In cases where the DE determines that the activity may affect properties listed, or eligible for listing, in the National Register of Historic Places (National Register), the activity is not authorized until the requirements of Section 106 of the National Historic Preservation Act (NHPA) are met.

2) Non-federal permittees must submit information to the DE if the authorized activity may have the potential to cause effects to any historic properties listed, determined to be eligible for listing on, or potentially eligible for listing on the National Register, including previously unidentified properties. For such activities, the information must state which historic properties may be affected by the proposed work and include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of or potential for the presence of historic resources can be sought from the State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Officer (THPO), as appropriate, and the National Register (see 33 CFR 330.4(g)). The DE shall make a reasonable and good faith effort to ensure that appropriate identification efforts are carried out, which may include background research, consultation, history interviews, sample field investigation, and field survey. Based on the information submitted and these efforts, the DE shall determine whether the proposed activity has the potential to cause an effect on the historic properties. Where the non-Federal applicant has identified historic properties which the activity may have the potential to cause effects, and so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the DE either that the activity has no potential to cause effects, or that consultation under Section 106 of the NHPA has been completed.

3) Federal permittees should follow their own procedures for complying with the requirements of Section 106 of the NHPA. Permitees must provide the DE with the appropriate documentation to demonstrate compliance with those requirements.

4) The DE will notify the prospective permittee within 45 days of receipt of a complete application whether NHPA Section 106 consultation is required. Section 106 consultation is not required when the Corps determines that the activity does not have the potential to cause effects on

historic properties (see 36 CFR 800.3(a)). If NHPA Section 106 consultation is required, the non-Federal applicant cannot begin work until Section 106 consultation is completed.

5) 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.

F. Endangered Species:

1) No activity is authorized under this regional permit which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under Section 7 of the Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized under this regional permit which “may affect” a listed species or critical habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed to address the effects of the proposed activity on a listed species or critical habitat.

2) Non-federal permittees must provide the Corps with the appropriate documentation to demonstrate compliance with the ESA. If the authorized activity may have the potential to effect any listed species or designated critical habitat might be affected or is in the vicinity of the project, or is located in designated critical habitat, permittee shall not begin work on the activity until notified by the DE that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that may affect Federally-listed endangered or threatened species or designated critical habitat, the notification must include the name(s) of the endangered or threatened species that may be affected by the proposed work or that utilize the designated critical habitat that may be affected by the proposed work. The DE will determine whether the proposed activity “may affect” or will have “no effect” on listed species and designated critical habitat.

3) Federal permittees should follow their own procedures for complying with the requirements of Section 7 of the Endangered Species Act and shall provide the DE with the appropriate documentation to demonstrate compliance with those requirements.

4) Authorization of an activity by this regional general permit does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the U.S. Fish and Wildlife Service (USFWS), both lethal and non-lethal "takes" of protected species are in violation of the ESA. Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the USFWS webpage.

G. Water Quality Certification: By letter dated February 17, 2021 the Iowa Department of Natural Resources issued General Section 401 water quality certification for this regional permit.

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 Secretary of the Army, has signed below

_____ _____

Ward Lenz Date
Chief, Regulatory Division
U.S. Army Corps of Engineers, Rock Island District

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

February 17, 2021

Mr. Ward Lenz
Rock Island District Corps of Engineers
Clock Tower Building
PO Box 2004
Rock Island, IL 61204-2004
Ward.lenz@usace.army.mil

Subject: Section 401 Water Quality Certification for Regional Permit 42 (Fill Material Placed in Waters of the United States for Recreational Ponds up to 10 Acres in Size in the State of Iowa) CEMVR-OD-P-2020-0786

Dear Mr. Lenz,

The Iowa Department of Natural Resources (DNR) has examined the information furnished by the Rock Island District Corps of Engineers in the June 11, 2020 Joint Public Notice and the draft Regional Permit 42.

This conditional Section 401 Water Quality Certification is hereby granted for Regional Permit 42 by the DNR under the authority of Section 401 of the Federal Water Pollution Control Act (40 C.F.R. Part 121, effective September 11, 2020). The DNR certifies RP 42 (CEMVR-OD-P-2020-0786) because there is reasonable expectation that the discharge from the proposed projects will comply with Iowa's water quality requirements with the following 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 standards. 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 standards. This condition will ensure permittees comply with Iowa's narrative water quality standards found at 567 IAC 61.3(2);

(6) Riprap and temporary crossings 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 riprap 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 standards. This condition will ensure permittees comply with Iowa's narrative water quality standards found at 567 IAC 61.3(2).

If you have any questions about the certification or any conditions contained therein, please contact me at Christine.schwake@dnr.iowa.gov or call (515) 725-8399.

Sincerely,

Christine Schwake

Christine Schwake
Environmental Specialist

February 17, 2021

Mr. Ward Lenz
Rock Island District Corps of Engineers
Clock Tower Building
PO Box 2004
Rock Island, IL 61204-2004
Ward.lenz@usace.army.mil

Subject: Section 401 Water Quality Certification for Regional Permit 42 (Fill Material Placed in Waters of the United States for Recreational Ponds up to 10 Acres in Size in the State of Iowa) CEMVR-OD-P-2020-0786

Dear Mr. Lenz,

The Iowa Department of Natural Resources (DNR) has examined the information furnished by the Rock Island District Corps of Engineers in the June 11, 2020 Joint Public Notice and the draft Regional Permit 42.

This conditional Section 401 Water Quality Certification is hereby granted for Regional Permit 42 by the DNR under the authority of Section 401 of the Federal Water Pollution Control Act (40 C.F.R. Part 121, effective September 11, 2020). The DNR certifies RP 42 (CEMVR-OD-P-2020-0786) because there is reasonable expectation that the discharge from the proposed projects will comply with Iowa's water quality requirements with the following 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 standards. 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 standards. This condition will ensure permittees comply with Iowa's narrative water quality standards found at 567 IAC 61.3(2);

(6) Riprap and temporary crossings 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 riprap 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 standards. This condition will ensure permittees comply with Iowa's narrative water quality standards found at 567 IAC 61.3(2).

If you have any questions about the certification or any conditions contained therein, please contact me at Christine.schwake@dnr.iowa.gov or call (515) 725-8399.

Sincerely,

Christine Schwake

Christine Schwake
Environmental Specialist

2022-925

Write a description for your map.

Legend

247.733970108366

42.13221, -91.85104

42.13221, -91.85104

38rd Ave Dr

Google Earth

Image © 2026 Airbus

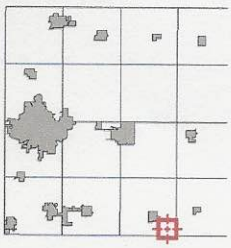
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N

Beacon™ Story County, IA / City of Ames



Overview



Legend

- Parcels
- Lots

FEMA Flood Hazard Zone

- 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
- A-NO BFE DETERMINED
- FLOODWAY AREA
- AREA NOT INCLUDED
- OUTSIDE 0.2% CHANCE
- Townships
- Sections
- Quarter Quarters
- Corporate Limits
- Road Centerlines

Parcel ID	1536100100	**Alternate ID**	1536100100	**Owner Address**	FRYE, CASEY B & TANJA A
Sec/Twp/Rng	36-82-22	**Class**	A - Agriculture		2064 QUAIL RIDGE RD
Property Address	67246 330TH ST MAXWELL	**Acreage**	37.65		AMES, IA 50010-9491

District 54061 - INDIAN CREEK TWP/ COLLINS-MAXWELL SCH

Brief Tax Description SECTION:36 TOWNSHIP:82 RANGE:22 NW NW
(Note: Not to be used on legal documents)

Concerning Assessment Parcels and Platted Lots Within the City of Ames Jurisdiction:
The solid parcel boundary lines represent the legal description as recorded and are not necessarily the official platted lot lines. Dashed lines are official platted lots. If a parcel contains dashed lines, please contact the Ames Planning & Housing Department (515-239-5400) to determine which lines can be recognized for building permit or zoning purposes. If you have questions regarding the legal description or parcel measurements, please contact the Story County Auditor's office (515-382-7210).

Date created: 8/18/2022
Last Data Uploaded: 8/18/2022 12:54:20 AM

Developed by Schneider GEOSPATIAL

U.S. Army Corps of Engineers (USACE)

APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT

33 CFR 325. The proponent agency is CECW-CO-R.

Form Approved - OMB No. 0710-0003 Expires: 01-08-2018

The public reporting burden for this collection of information, OMB Control Number 0710-0003, is estimated to average 11 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or burden reduction suggestions to the Department of Defense, Washington Headquarters Services, at whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. PLEASE DO NOT RETURN YOUR APPLICATION TO THE ABOVE EMAIL.

PRIVACY ACT STATEMENT

Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Programs of the Corps of Engineers; Final Rule 33 CFR 320-332. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public and may be made available as part of a public notice as required by Federal law. Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can a permit be issued. One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and/or instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned. System of Record Notice (SORN). The information received is entered into our permit tracking database and a SORN has been completed (SORN #A1145b) and may be accessed at the following website: http://dpcld.defense.gov/Privacy/SORNsIndex/DOD-wide-SORN-Article-View/Article/570115/a1145b-ce.aspx

(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)

1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETE

(ITEMS BELOW TO BE FILLED BY APPLICANT)

5. APPLICANT'S NAME	8. AUTHORIZED AGENT'S NAME AND TITLE (agent is not required)
Name - Maggie Motto	Name -
Company - RTM	Company -
E-mail Address - maggie.motto@rtmec.com	E-mail Address -
6. APPLICANT'S ADDRESS:	**9. AGENT'S ADDRESS:**
Address - 5137 utica ridge rd; 5137 utica ridge rd	Address -
City - Davenport State - IA Zip - 52807 Country -	City - State - Zip - Country -
7. APPLICANT'S PHONE NOs. w/AREA CODE	**10. AGENTS PHONE NOs. w/AREA CODE**
a. Residence b. Business c. Fax	a. Residence b. Business c. Fax
5636767755 5636767755	

STATEMENT OF AUTHORIZATION

11. I hereby authorize, _____ to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.

SIGNATURE OF APPLICANT _____ DATE _____

NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY

12. PROJECT NAME OR TITLE (see instructions)
Detention - USACE #2021-1349

13. NAME OF WATERBODY, IF KNOWN (if applicable)	14. PROJECT STREET ADDRESS (if applicable)
Unnamed Creek	Address -
15. LOCATION OF PROJECT	City - State - Zip -
Latitude: ◦N 41.6884 Longitude: ◦W -90.5851	

16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions)

State Tax Parcel ID Municipality

Section - 35 Township - T80N Range - R03E

17. DIRECTIONS TO THE SITE

18. Nature of Activity (Description of project, include all features)

Excavations: N/A

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

Private property adding a detention pond on site

USE BLOCKS 20-23 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. Reason(s) for Discharge

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards:

Types:

Amounts:

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

23. Description of Avoidance, Minimization, and Compensation (see instructions)

24. Is Any Portion of the Work Already Complete? ☐ Yes ☒ No IF YES, DESCRIBE THE COMPLETED WORK

25. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (if more than can be entered here, please attach a supplemental list).

26. List of Other Certificates or Approvals/Denials received from other Federal, State, or Local Agencies for Work Described in This Application.

* Would include but is not restricted to zoning, building, and flood plain permits

27. Application is hereby made for permit or permits to authorize the work described in this application. I certify that this information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

		Maggie Motto	06/20/2022
SIGNATURE OF APPLICANT	DATE	SIGNATURE OF AGENT	DATE

The Application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than $10,000 or imprisoned not more than five years or both.

Additional Information

Anticipated Activity Start Date: 07/04/2022

Anticipated Activity Completion Date: 08/31/2022

1. Is any portion of the work already complete? ☐ Yes ☒ No

If yes, describe the completed work:

2. Do you have any funding deadlines that pertain to the completion of your project? ☐ Yes ☒ No

If yes, explain:

3. Is the need for a permit the result of an unforeseen emergency or catastrophic event? Yes ☐ No ☒

If yes, explain:

4. Is permit needed to complete a project that will abate or prevent an imminent threat to the public health and welfare? ☐ Yes ☒ No

If yes, explain:

5. Will any federal funding be used on this project? ☐ Yes ☒ No

If yes, explain:

6. If dredging will occur with this project, please specify the date of the last dredge event that took place, if applicable, and how much material was removed? ☐ Yes ☒ No

If yes, explain:

7. For projects located on Sovereign Land, are you requesting a permanent easement from the State of Iowa acting through the Iowa DNR? ☐ Yes ☒ No

Consent to Enter Property

Agency personnel may make one or more field inspections of the project site when necessary to obtain information about the project. Submission of the application is deemed to constitute consent by the applicant for the agency staff and its agents to enter.

Consent to Enter Property? ☒ Yes ☐ No

If no, explain:

Environmental Review

The Department will review the application for any threatened or endangered species concerns as well as sensitive natural area community impacts. Would you like an official response sent to you after this review has been completed?

☐ Yes ☒ No

US Army Corps of Engineers Consent Required

Certain minor activities are eligible for authorization by general permits, which include Nationwide (NWP) and Regional General (RGP) permits. By selecting “No” below, you are acknowledging that you have verified that your project meets the general, special, and 401 Water Quality Certification conditions of a NWP relative to your request and that no notification criteria has been met. No further coordination with the Corps of Engineers Regulatory Division is necessary if this "No" box is selected.

☒ Yes ☐ No

Additional Information

Do you have any additional information that we should know about regarding your application?

2022-904

Write a description for your map.

Legend

247.733970108366

42.13221, -91.85104

41.6885 -90.5854

S 1st St

N

400 ft

Google Earth

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, ROCK ISLAND DISTRICT
PO BOX 2004 CLOCK TOWER BUILDING
ROCK ISLAND, ILLINOIS 61204-2004

February 11, 2025

Regulatory Division

SUBJECT: CEMVR-RD-2025-0135

Evan Bisbee
Bisbee Acres
34174 Pioneer Trail
Macedonia, IA 51549

Dear Evan Bisbee:

Our office has reviewed your application received February 4, 2025, concerning the proposed pond creation that will impact 295 linear feet of an Unnamed Tributary to Mud Creek, located in Section 26, Township 74 North, Range 41 West, Pottawattamie County, Iowa; (41.1871812, -95.5364657).

Your project, as shown on the attached plans and maps, meets the criteria specified under CEMVR-RD-2020-0786 (Regional Permit 42: Ponds up to 10-acres in Size), if the work is done in accordance with the General Conditions included in the permit. The Iowa Department of Natural Resources (IADNR) has also issued Section 401 Water Quality Certification with conditions for this regional general permit. For your convenience, a copy of CEMVR-RD-2020-0786 (Regional Permit 42: Ponds up to 10-acres in Size) can be found at the MVR Regulatory webpage: https://www.mvr.usace.army.mil/Missions/Regulatory.aspx. No mitigation is required for this project. The decision regarding this action is based on information found in the administrative record, which documents the District's decision-making process, the basis for the decision, and the final decision. Any special conditions associated with this permit will be listed below and must also be adhered to.

Please contact our office if the project plans change and there are different impacts caused by dredged or fill material into Corps' regulated waters. This may require modification of your Department of the Army Section 404 authorization.

This verification is valid until June 30, 2026, unless the regional permit is modified, reissued, or revoked. It is your responsibility to remain informed of changes to the permit program. We will issue a public notice announcing any changes if and when they occur. Furthermore, if you commence or are under contract to commence this activity before the date the regional permit is modified or revoked, you will have twelve months

from this date to complete your activity under the present terms and conditions of this regional permit.

This authorization does not eliminate the requirement that you must still obtain other applicable Federal, state, and local permits. If you have not already coordinated your project with the IADNR, you can submit an application via the Permit and Environmental Review Management Tool (PERMT; https://programs.iowadnr.gov/permt/) to determine if a state floodplain or sovereign lands development permit is required for your project. If your project does not require a permit with the IADNR, please request an environmental review to determine if the work may adversely impact Iowa threatened or endangered species or their habitat.

You are required to complete and return the enclosed “Transfer of Nationwide Permit Verification” and “Completed Work Certification” forms in accordance with General Condition Nos. 29 and 30 of the nationwide permits.

The Rock Island District Regulatory Division is committed to providing quality and timely service to our customers. In an effort to improve customer service, please take a moment to complete our Customer Service Survey found on our web site at ***https://regulatory.ops.usace.army.mil/ords/f?p=136:4***. (Be sure to select "Rock Island District" under the area entitled: Which Corps office did you deal with?)

Should you have any questions, please contact our Regulatory Division by letter, or email Brynn Noble at brynn.e.noble@usace.army.mil or call at (309)386-3173.

Sincerely,

Abigail A. Steele

Abigail A. Steele
Chief, Western Branch
Regulatory Division

Enclosures

cc:
Iowa Department of Natural Resources
floodplain-help@dnr.iowa.gov

Evan Bisbee
Bisbee Acres
ebisbee@live.com

TRANSFER OF NATIONWIDE PERMIT VERIFICATION

Permit Number: CEMVR-RD-2025-0135

Name of Permittee/Project: Evan Bisbee / Pond Creation

County/State: Pottawattamie County / Iowa

Date of Issuance: February 11, 2025

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

_____ _____

Transferee Date

BN

COMPLETED WORK CERTIFICATION

Permit Number: CEMVR-RD-2025-0135

Name of Permittee/Project: Evan Bisbee / Pond Creation

County/State: Pottawattamie County / Iowa

Date of Issuance: February 11, 2025

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification, and return it to the following address:

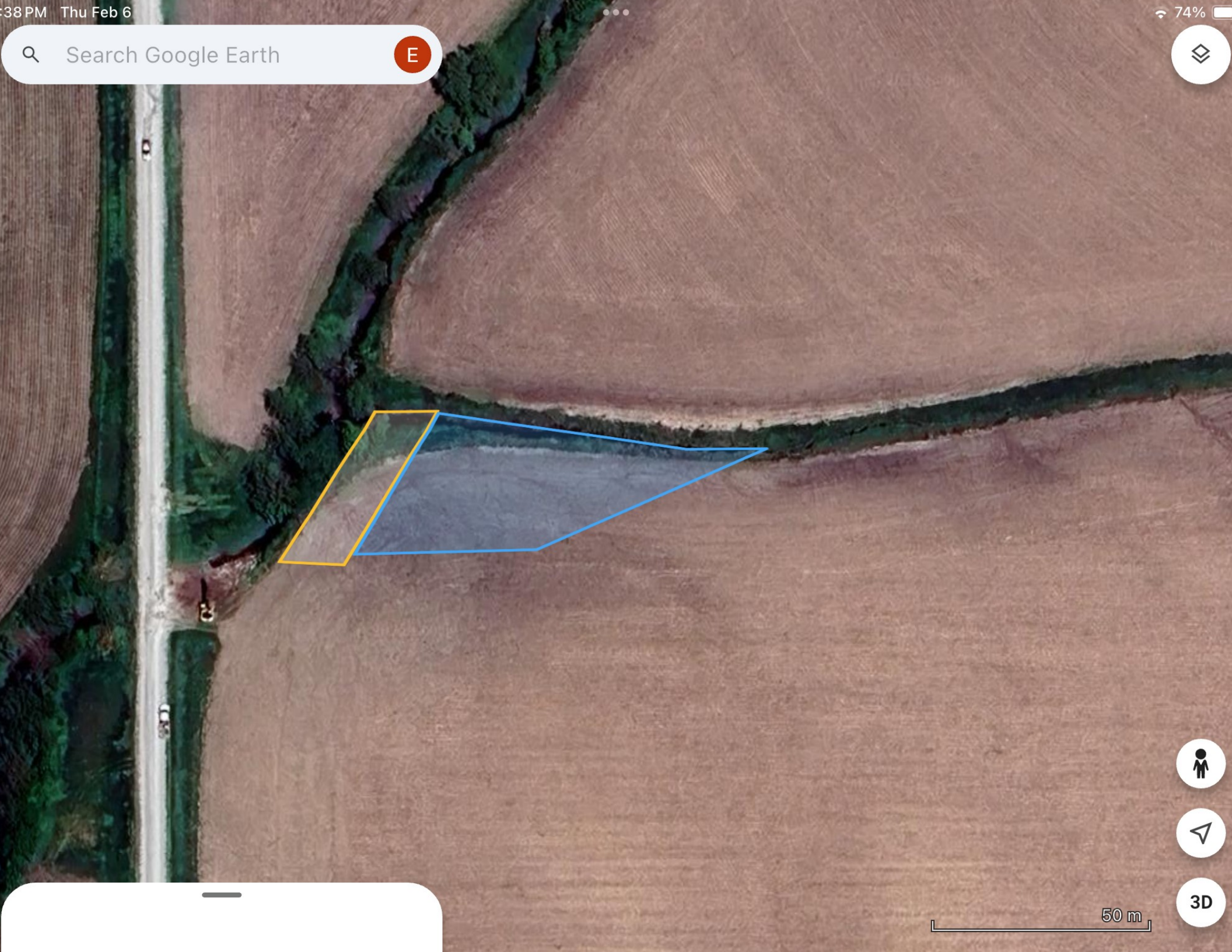
U.S. Army Engineer District, Rock Island
ATTN: Regulatory Division
Clock Tower Building
Post Office Box 2004
Rock Island, Illinois 61204-2004

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with this permit, you are subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above reference permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit conditions.

_____ _____
Signature of Permittee Date

BN


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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: Albert.J.Frohlich@usace.army.mil

Phone numbers (with area code): Business: (309)215-5570 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: 2026-301 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.)

Each project authorized under RP 42 will be reviewed individually for BMPs. Additionally, the Corps may complete a visit/inspection after the construction is completed to ensure compliance with the limits and conditions of RP 42 the CWA, and all other applicable laws.

For #8 below: The RP will be signed and valid once all documents are approved and signed. The permit will be valid for 5 years, with discharges associated with projects authorized under RP 42 allowed up to a year after permit expiration if work began before the permit expired. The dates listed below are estimates based on current progress timelines.

8. Dates*

Planned Start Date of Proposed Project: 10/1/2026

Planned End Date of Proposed Project: 10/1/2031

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
Each project issued under					
RP 42 will be reviewed					
individually for compliance					
with other agencies.					

10. Date Pre-filing Meeting Request was submitted 7/24/2026

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): **USACE Rock Island District - POC Albert Frohlich**

Property Owner/Applicant's Signature: _____ Date: **9/23/2026**

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

Authorized Agent's Signature: _____ Date: _____

DEPARTMENT OF THE ARMY PERMIT
Regional General Permit #42
Fill Material discharged for the creation of ponds, up to 10 Acres in Size, constructed in Section 404 Waters of the United States within the Rock Island District, located in the State of Iowa.

Permittee: General Public meeting the terms and conditions herein.

Number: CEMVR-RD-2026-301 (Regional General Permit 42)

Expiration Date: DATE/MONTH 2031

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.

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

1. Authorized Work.

A. <u>Proposed Limits:</u>

1) Activities required for the construction of ponds (recreational, aesthetics, water supply, surface water retention or detention except for wastewater treatment) etc.) up to 10-acres in size. To qualify for this Regional General Permit (RGP), the activity must not cause the loss of more than 2 acres of Waters of the U.S. (WOTUS) through direct or indirect impacts. The loss of stream plus any losses of jurisdictional wetlands caused by this activity cannot exceed 2 acres combined, which includes no more than 1500 linear feet of stream loss. The loss of waters of the United States includes direct loss through filling and grading of streams and/or wetlands, to create the footprint of the embankment or dam, plus the indirect impact of inundation of streams and/or wetlands in the footprint of the pond. The 1500-foot stream impact limit also includes combined impacts to other jurisdictional tributaries that are inundated because of the structure (branches of multiple streams).

2) The pond may be constructed using assistance from another state or Federal Agency. In instances where another federal agency is the lead, they must adhere

to Section 7 and Section 106 processes and provide their determination with the federally-complete application.

2. Project Location. All Section 404 Waters of the United States in the State of Iowa within the regulatory boundaries of the Rock Island District. This permit may be used on tribal lands in 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, 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 RGP prior to construction. The notification must include detailed drawings and sufficient information to determine if the proposed work conforms to the criteria and conditions of the RGP, as well as a mitigation statement (see Section D), for stream or wetland losses that will result as a part of the project. The Department of the Army (DA) permit application can be submitted via the Regulatory Request System (https://rrs.usace.army.mil/rrs).

2) The time limit for submittals ends 60 days prior to the expiration of the RGP, unless the RGP is modified, reissued or revoked. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before that date is reached. If you commence or are under contract to commence this activity before the date the RP is modified or revoked, you will have twelve months from this date to complete your activity under the present terms and conditions of this RGP.

3) This permit may not be used to construct a pond on an Outstanding Iowa Water (OIW) or on a protected stream listed in Iowa Administrative Code 567-72(455)B. In addition, this permit may not be used where negative impacts to jurisdictional springs, seeps, fens, or bogs are expected.

4) You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party. If you sell the property associated by this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

5) If you discover any previously unknown historic or archaeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

6) You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

7) This activity shall be designed to pass appropriate normal high flows.

8) This activity shall not result in the inundation of any upstream property without providing legal documentation of permission, such as an easement.

9) Spillways should be designed to operate safely for the life of the structure and at the discharges and pressures which would be experienced under all normal or flood flow conditions

10) The permittee is responsible for obtaining all other required federal, state, and local permits.

11) Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable.

12) Activities shall not occur in areas of concentrated shellfish populations.

13) During construction, best management practices must be utilized to protect water quality and minimize the impacts of stormwater runoff.

B. Special Conditions:

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

2) This regional permit also authorizes temporary structures, fill, and work necessary to construct the authorized project. Temporary impacts must be the minimum necessary to achieve project objectives.

    a. All temporary structures and fill will be removed entirely no later than 30 days after they are no longer needed for construction activities.

    b. Temporary fill materials cleared vegetative materials, construction debris, and other fill not necessary for meeting the project purpose, must be disposed of at an upland area or licensed landfill as appropriate. The discharge location must be provided to the Corps as part of the application packet.

    c. Temporary fills must consist of materials that will not be eroded by expected high flows. If materials might erode, they must be removed prior to high flow events.

    d. Areas affected temporarily must be returned to pre-construction contours and must be re-vegetated with native vegetation if not armored.

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

4) Any spoil material excavated, dredged, or otherwise produced, must not be returned to

the waterway or wetlands but must be deposited in a self-contained upland 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.

5) Construction of the activity shall be conducted during low or no flow conditions.

6) The permittee must provide a signed certification documenting completion of the authorized activity and any required compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the District Engineer.

C. Temporary Impacts/Restoration Requirements:

1) The permittee is required to restore all temporarily impacted wetlands within the project area to pre-construction contours and elevations. Plantings must meet the standards stated in the Rock Island District (MVR) Regulatory Division Mitigation and Monitoring Guidelines

2) If jurisdictional wetlands will be excavated within the permit area, the permittee will side-cast and stockpile the topsoil (to 10-12 inches), if practicable and/or if the site conditions allow. The site must be returned to its pre-construction contours and elevations after construction to be considered a temporary impact. The site must also be reseeded and/or replanted with native vegetation. The use of the stockpiled topsoil is recommended to ensure the site has adequate nutrients and fertility to support the survival of the reseeded/replanted vegetation.

D. Mitigation:

1) If the permanent loss of wetlands exceeds 0.10 acres or for stream losses greater than 300 linear feet or 0.03 acres, the consideration of compensatory mitigation is required and the applicant must follow the regulations published in the Federal Register dated April 10, 2008 under 33 CFR Part 332 and 40 CFR Part 230 – Subpart J entitled "Compensatory Mitigation for Losses of Aquatic Resources," including any Corps regulation or guidance that would supplement these mitigation requirements, including the Rock Island District Mitigation and Monitoring Guidelines.

2) The amount of mitigation required will be determined during the review for authorization under this permit. Mitigation must be adequate to offset unavoidable impacts which result in a loss of aquatic resources' functions and services. The Corps has the final approval in determining the appropriate and practicable mitigation necessary. The discharge of fill material into WOUS prior to Corps approval of the mitigation plan is prohibited.

E. Historic Properties/Archaeological:

1) Section 106 consultation is not required when the Corps determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR 800.3(a)). In cases where the DE determines that the activity may affect properties listed, or eligible for listing, in the National Register of Historic Places (National

Register), the activity is not authorized until the requirements of Section 106 of the National Historic Preservation Act (NHPA) are met.

2) Non-federal permittees must submit information to the DE if the authorized activity may have the potential to cause effects to any historic properties listed, determined to be eligible for listing on, or potentially eligible for listing on the National Register, including previously unidentified properties. For such activities, the information must state which historic properties may be affected by the proposed work and include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of or potential for the presence of historic resources can be sought from the State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Officer (THPO), as appropriate, and the National Register (see 33 CFR 330.4(g)). The DE shall make a reasonable and good faith effort to ensure that appropriate identification efforts are carried out, which may include background research, consultation, history interviews, sample field investigation, and field survey. Based on the information submitted and these efforts, the DE shall determine whether the proposed activity has the potential to cause an effect on the historic properties. Where the non-Federal applicant has identified historic properties which the activity may have the potential to cause effects, and so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the DE either that the activity has no potential to cause effects, or that consultation under Section 106 of the NHPA has been completed.

3) Federal permittees should follow their own procedures for complying with the requirements of Section 106 of the NHPA. Permittees must provide the DE with the appropriate documentation to demonstrate compliance with those requirements.

4) The DE will notify the prospective permittee within 45 days of receipt of a complete application whether NHPA Section 106 consultation is required. Section 106 consultation is not required when the Corps determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR 800.3(a)). If NHPA Section 106 consultation is required, the non-Federal applicant cannot begin work until Section 106 consultation is completed.

5) 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.

F. Endangered Species:

1) No activity is authorized under this regional permit which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under Section 7 of the Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized under this regional permit which "may affect" a listed species or critical habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed to address the effects of the proposed activity on a listed species or critical habitat.

2) Non-federal permittees must provide the Corps with the appropriate documentation to demonstrate compliance with the ESA. If the authorized activity may have the potential to effect any listed species or designated critical habitat might be affected or is in the vicinity of the project, or is located in designated critical habitat, permittee shall not begin work on the activity until notified by the DE that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that may affect Federally-listed endangered or threatened species or designated critical habitat, the notification must include the name(s) of the endangered or threatened species that may be affected by the proposed work or that utilize the designated critical habitat that may be affected by the proposed work. The DE will determine whether the proposed activity "may affect" or will have "no effect" on listed species and designated critical habitat.

3) Federal permittees should follow their own procedures for complying with the requirements of Section 7 of the Endangered Species Act and shall provide the DE with the appropriate documentation to demonstrate compliance with those requirements.

4) Authorization of an activity by this regional general permit does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the U.S. Fish and Wildlife Service (USFWS), both lethal and non-lethal "takes" of protected species are in violation of the ESA. Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the USFWS webpage.

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

<<<<< END OF PERMIT CONDITIONS >>>>>

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 Secretary of the Army, has signed below

_____ _____

Matt Zehr Date
Chief, Regulatory Division
U.S. Army Corps of Engineers, Rock Island District

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

October 27, 2026 (DRAFT)

Al Frohlich
Albert.J.Frohlich@usace.army.mil

Dear Al Frohlich:

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: Al Frohlich, Department of the Army Corps of Engineers, Rock Island District (Albert.J.Frohlich@usace.army.mil)

IOWA DEPARTMENT OF NATURAL RESOURCES
SECTION 401 WATER QUALITY CERTIFICATION

Certification issued to:

Al Frohlich
Albert.J.Frohlich@usace.army.mil

Project certified: U.S. Army Corps of Engineers, No. 2026-0301

Project Description: Re-issuance of Regional General Permit 42 - Activities required for the construction of ponds (recreational, aesthetics, water supply, surface water retention or detention except for wastewater treatment) etc.) up to 10-acres in size. To qualify for this Regional General Permit (RGP), the activity must not cause the loss of more than 2 acres of Waters of the U.S. (WOTUS) through direct or indirect impacts. The loss of stream plus any losses of jurisdictional wetlands caused by this activity cannot exceed 2 acres combined, which includes no more than 1500 linear feet of stream loss. The loss of waters of the United States includes direct loss through filling and grading of streams and/or wetlands, to create the footprint of the embankment or dam, plus the indirect impact of inundation of streams and/or wetlands in the footprint of the pond. The 1500-foot stream impact limit also includes combined impacts to other jurisdictional tributaries that are inundated because of the structure (branches of multiple streams).

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.