

DEPARTMENT OF THE ARMY PERMIT

Permittee General Public  
GP 90-04, 199016423  
Permit No. Amendment No. 2  
Issuing Office Omaha District  
Corps of Engineers

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

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

Project Description:

Installation of permanent or portable irrigation or domestic intake structures. Also included are temporary commercial intakes associated with water needs related to upland construction project (i.e., dust control, compaction, etc.). Authorized activities include all fill, excavation, structure protection activities and energy support structures associated with the installation, placement, and operation of the intake system.

Project Location: Missouri River in the state of South Dakota from mile 734.00 (intersection of the Iowa/Nebraska/South Dakota state lines) to mile 1232.00 (North Dakota/South Dakota state line), except in the segments of the Missouri River National Recreation River from mile 753.60 (opposite bank of Ponca State Park, Nebraska) to mile 811.05 (Gavins Point Dam) and from mile 841.00 (near Running Water, South Dakota) to mile 880.00 (Fort Randall Dam).

Permit Conditions:

General Conditions:

(see Special Condition "cc"

1. The time limit for completing the work authorized ends on on page 7 of 10. 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 the above date is reached. This general permit expires on May 31, 2006.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological 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.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

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

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.

**Special Conditions:**

See pages 4 through 10 for a list of Special Conditions including Appendix A and Appendix B.

**Further Information:**

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

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

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

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

2. **Limits of this authorization.**

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

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

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

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

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

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

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

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

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

- e. Damage claims associated with any future modification, suspension, or revocation of this permit.
4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
  5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
    - a. You fail to comply with the terms and conditions of this permit.
    - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
    - c. Significant new information surfaces which this 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 1 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.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

\_\_\_\_\_  
(PERMITTEE)

\_\_\_\_\_  
(DATE)

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

MARK E. TILLOTSON

\_\_\_\_\_  
(DISTRICT ENGINEER)

COLONEL, CORPS OF ENGINEERS

May 8, 2001

\_\_\_\_\_  
(DATE)

BY: *Paul R. Wemhoener*  
PAUL R. WEMHOENER, P.E.  
CHIEF, OPERATIONS DIVISION

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 the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

\_\_\_\_\_  
(TRANSFEREE)

\_\_\_\_\_  
(DATE)

DA Permit  
General Permit 90-04 (No. 199016423)  
Amendment No. 2  
Intake Structures  
Missouri River, Mile 734.00 to 1232.00

### **Special Conditions**

- a. That if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstruction 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. That all construction debris will be disposed of on land in such a manner that it cannot enter a waterway or wetland.
- c. That equipment for handling and conveying materials during construction shall be operated to prevent dumping or spilling the materials into the water except as approved herein.
- d. That during construction and subsequent operation of this facility, no petroleum products, chemicals, or other deleterious materials shall be allowed to enter or be disposed of in such a manner that they could enter the water and that precautions be taken to prevent entry of these materials into the water.
- e. That all work in the waterway is performed in such a manner so as to minimize increases in suspended solids and turbidity which may degrade water quality and damage aquatic life outside the immediate area of operation.
- f. That only clean riprap materials will be utilized in order to avoid the percolation of fines which would result in excessive local turbidity. Broken concrete riprap will be cleaned of deleterious materials prior to its placement in the waterway.
- g. That the riprap materials shall be placed in such a manner so as to provide a reasonably solid mass with no appreciable variation in thickness or slope.
- h. That reinforcement bars and reinforcement wire in broken concrete riprap shall be cut off flush with the concrete.
- i. That broken concrete utilized for riprap will have less than nine (9) square feet of surface area on any given side.

Special Conditions  
General Permit 90-04  
Amendment No. 2

j. That the clearing of vegetation will be limited to that which is absolutely necessary for construction of the project.

k. That all areas along the bank disturbed or newly created by the construction activity, will be seeded with vegetation both in kind and in quantity (this will include both herbaceous and woody species) that are indigenous to the area for protection against subsequent erosion and to minimize adverse impacts to fish and wildlife resources. This will require maintenance such as reseeded, watering, implementation of grazing restrictions, fencing, etc., to ensure the survival of the replacement vegetation.

l. That, if the intake installation involves the placement of fill or dredged/excavated material in a flowing river environment, close coordination will be maintained by the contractor(s) with downstream water users, advising them of any water quality changes to be caused by the construction.

m. That (except as approved herein) all surplus dredged or excavated materials and material stockpiles will be placed for either temporary or permanent disposal in an upland site above the ordinary high water line, in a confined area, not classified as a wetland, and measures taken to ensure that the material cannot enter the watercourse through any other means.

n. That the disposal area, method of disposal, or methods of dredging/excavation will not be changed without prior written approval of the District Engineer.

o. That at a minimum, construction techniques for sediment and erosion control must be utilized, such as those presented in either "Best Management Practices" by the South Dakota Department of Water and Natural Resources (1981), "Best Management Practices" by the Federal Department of Transportation, or the "Erosion Control Manual" by the Colorado Department of Transportation.

p. That measures will be employed to prevent wet concrete from entering the waterway.

q. That concrete trucks will be washed at a site and in such a manner that washwater cannot enter the waterway.

Special Conditions  
General Permit 90-04  
Amendment No. 2

r. That when the District Engineer has been notified that the construction or operation of the intake is adversely affecting fish or wildlife resources or the harvest thereof and the District Engineer subsequently directs remedial measures, the permittee will comply with such directions as may be received to suspend or modify the activity to the extent necessary to mitigate or eliminate the adverse effect as required.

s. That intake velocities will be held to one-half (1/2) foot per second or less and intake screens with a maximum mesh opening of one-quarter (1/4) inch will be provided and maintained. If punch screens are utilized, the openings shall not exceed one-quarter (1/4) inch in diameter. In the event that slotted screens are utilized, the short direction width shall not exceed three-sixteenths (3/16) inch.

t. That for intakes in embayments, the intake shall be placed so that it is operated in at least twenty (20) vertical feet of water at all times. If the depth of twenty (20) feet is not attainable, then the intake shall be placed at the maximum practicable attainable depth and the intake velocity shall be held to 0.25 feet per second or less.

u. That the intake screens shall be corrosion resistant so that specified screen opening sizes are maintained.

v. That intake locations in embayments shall be avoided to the maximum extent practicable.

w. That pumping plant sound levels will not exceed 75 dB at fifty (50) feet if the intake is located near a campground or other areas or dwellings occupied by humans.

x. That fuel storage tanks above ground shall be diked or curbed or other suitable means provided to prevent the spread of liquids in case of leakage in the tanks or piping. Such dike, cubed area, or device shall have a capacity of at least equal in volume to that of the tanks plus ten (10) percent.

y. That if the intake lines are to be buried beneath the lake/river bed, the trench shall be backfilled to the original contours of the lake/river bed.

Special Conditions  
General Permit 90-04  
Amendment No. 2

z. That the discharge will be carried out in conformity with the goals and objectives of the US Environmental Agency's guidelines established pursuant to section 404 (b) of the Clean Water Act and published in 40 CFR § 230.

aa. That all fill material shall be free of substances in quantities, concentrations, or combinations which are toxic to aquatic life.

bb. That the fill created by the discharge will be properly maintained to prevent erosion and other non-point source of pollution.

cc. That, the construction of any intake, authorized under the provisions of this General Permit, must be started within one (1) year of such authorization and must be completed within three (3) years, or said authorization if not previously revoked or specifically extended, shall automatically expire.

General Permit 90-04  
Amendment No. 2  
Appendix A

The following will govern the duration, utilization and applicability of this general permit:

1. The cumulative impacts of this general permit may be subject to reevaluation at the discretion of the District Engineer at any time, but will be reevaluated at the end of the five (5) years.
2. Any proposed project, which is located in an area classified as wetland or identified as being environmentally sensitive, will not be considered under this general permit.
3. Any proposed project, which is located in an oxbow, mouth of a tributary, chute, backwater area, side channel, or other similar area, as all such areas are considered important to the nursery, reproduction, or feeding habitat for aquatic organisms, will not be considered under this general permit.
4. Any proposed project, which is located in an area containing historic, cultural, or archeological sites as listed in the National Register of Historic Places, or those known to be eligible for such listing, and all monthly supplements thereto; and any proposed project, which is located in a site included in the National Registry of Natural Landmarks, will not be considered under this general permit.
5. Any proposed project located in an area named in Acts of Congress or Presidential Proclamations as National Rivers, National Wilderness Areas, National Recreation Areas, National Lakeshores, National Parks, National Monuments, and such areas as may be established under Federal law for similar and related purposes, such as estuarine and marine sanctuaries, will not be considered under this general permit.
6. Sites where the activity would result in adverse impacts to Federally or state listed threatened and/or endangered species or their critical habitat will not be considered under this general permit. The project must comply with the Endangered Species Act.
7. In the event of low water conditions, portable intakes may be relocated up or down the shoreline a distance of one thousand (1,000) linear feet. If it is necessary to move the intake more than one thousand (1,000) feet or if the move involves moving the intake to an adjacent embayment, the Lake Manager shall be notified and subsequent Department of the Army authorization obtained prior to the move.

General Permit 90-04  
Amendment No. 2  
Appendix A (cont'd)

8. Temporary work platforms are included under this authorization provided they are removed in their entirety upon completion of installation of the intake system.

9. Municipal and industrial intakes shall not be considered under this General Permit.

10. In accordance with Executive Order 11988 and the National Flood Insurance Program, all permanent facilities associated with the intake system that may be located on the adjacent shoreline should be located above or flood proofed to the 100 year flood water elevation.

1. To receive consideration under this general permit, the applicant will provide a Notice of Intent to construct a particular project to the District Engineer's designee (appropriate Corps of Engineers Project Manager):

Gavins Point Project - Project Manager, P.O. Box 710,  
Yankton, South Dakota 57078.

Fort Randall Project - Project Manager, P.O. Box 19,  
Pickstown, South Dakota 57367.

Big Bend Project (Big Bend Dam to Antelope Creek) - Project  
Manager, HC 69, Box 74, Chamberlain, South Dakota 57325.

Oahe Project (Antelope Creek to North Dakota State Line) -  
Project Manager, Room 105, 28563 Powerhouse Road, Pierre,  
South Dakota 57501.

2. The Notice of Intent, submitted by the applicant, must clearly describe the proposed work so the District Engineer or his designee can clearly determine whether or not the proposed work complies with the terms, conditions and limitations of this General Permit, and must contain the following information:

- a. A completed permit application form (ENG Form 4345).
- b. A cover letter describing the proposed work and indicating how the anticipated work will be accomplished.
- c. A drawing on an eight and one-half (8-1/2) inch paper showing a vicinity map with the exact location of the project clearly marked, plan view and cross-sectional view(s) of the proposed intake structure.
- d. The following critical system criteria:
  - Type of pump and power source.
  - Pump location relative to the ordinary high water line.
  - Design pumping capacity (gallons per minute or cubic feet per second).
  - Elevation of the intake screen.
  - Drawing of the intake screen showing dimensions.
  - Surface area of screen (square feet).



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)



March 29, 2001

Steven E. Naylor  
US Army Corps of Engineers  
28563 Powerhouse Road  
Room 120  
Pierre SD 57501

RE: Section 404 Regional General Permit  
199016423, Amendment #2, GP 90-04

Dear Mr. Naylor:

The Department of Environment and Natural Resources has reviewed the request for water quality certification under Section 401 of the Clean Water Act. This request pertains to the issuance of a Regional General Permit. The purpose of this General Permit will be for the placement of water intake structures and attendant features into the Missouri River.

The department is granting water quality certification with the following condition:

1. All work activities must be performed in such a manner to avoid violating South Dakota Water Quality Standards.

If you have questions pertaining to this certification, please contact John Miller, at (605) 773-3351. Thank you for ensuring the continued protection of our natural resources.

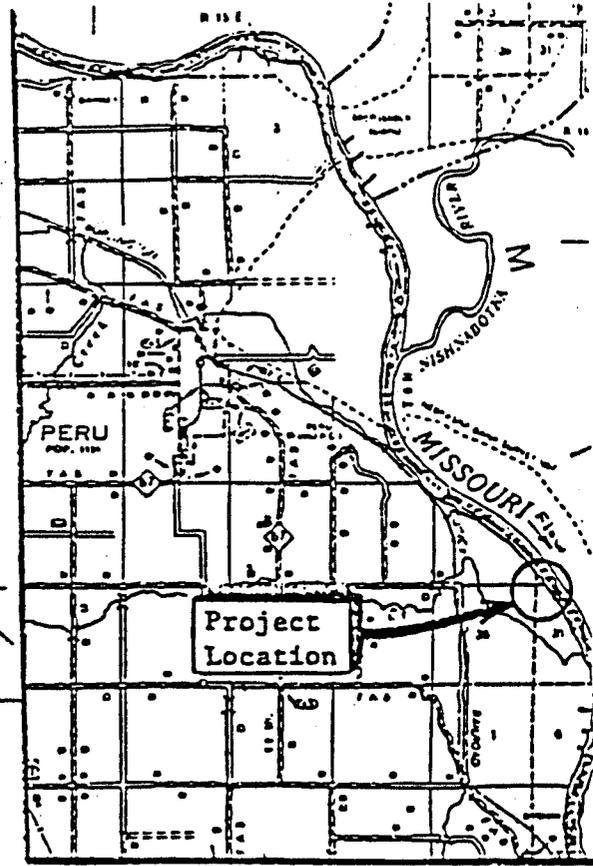
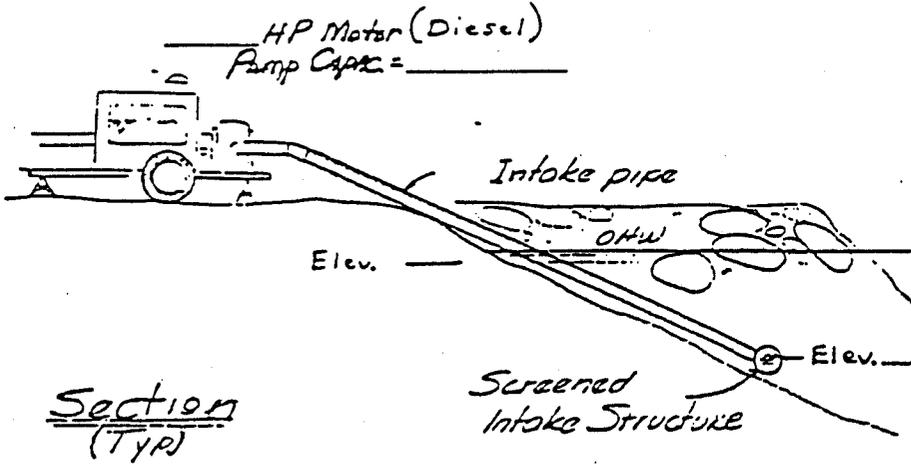
Sincerely,



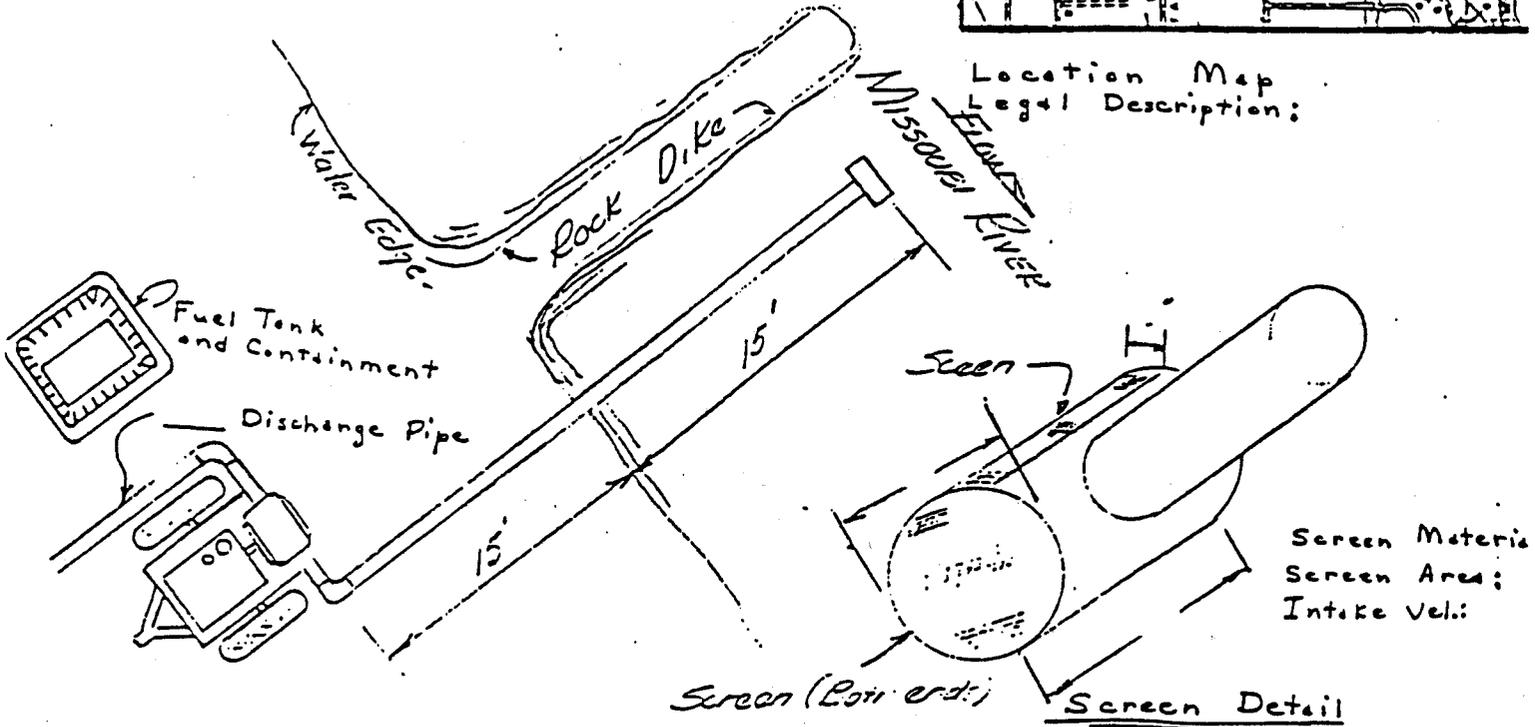
Steven M. Pimer  
Secretary

cc: Katie Schenk, US COE, Omaha  
Gene Reetz, US EPA, Denver

SAMPLE



Location Map  
Legal Description:



PLAN - Intake Structure  
(typical)

PURPOSE:

DATUM

ADJACENT PROPERTY OWNERS:

1

2

IN

AT

COUNTY OF  
APPLICATION BY

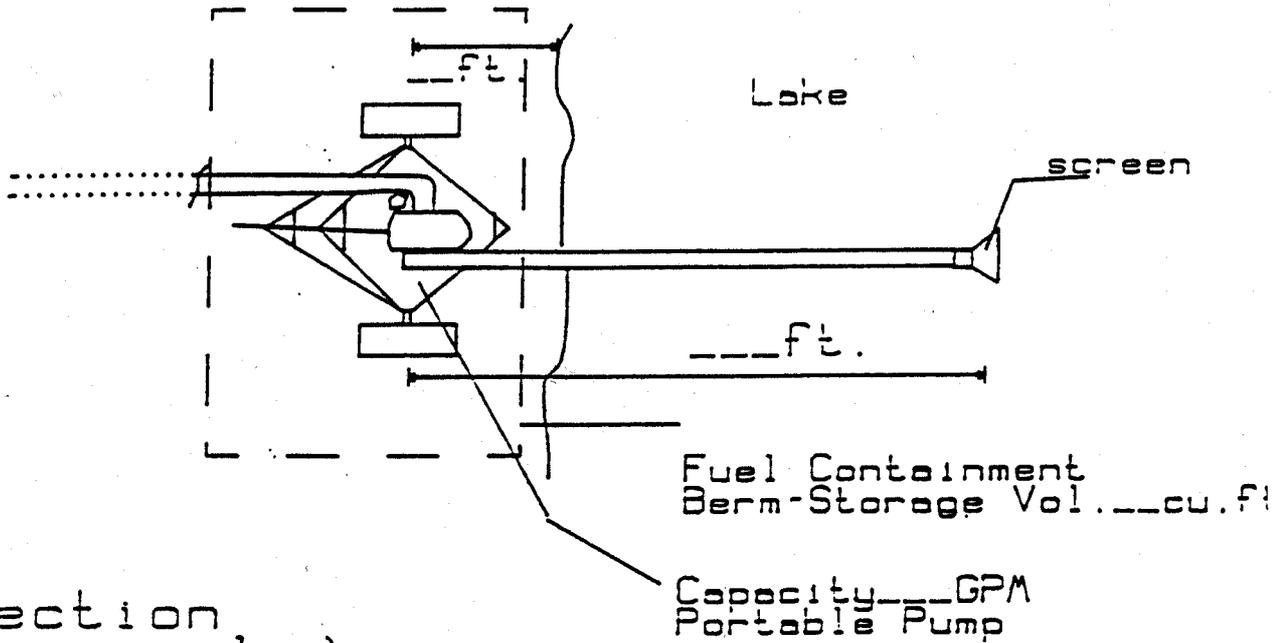
STATE

GP 90-04

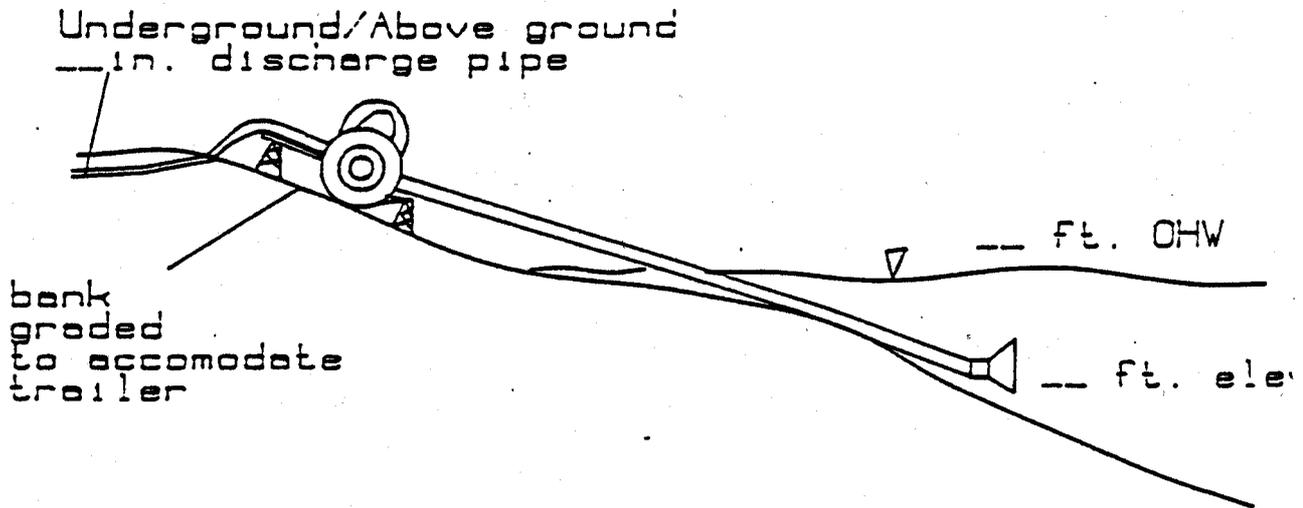
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# Irrigation (Portable)

Plan  
(no scale)



Section  
(no scale)

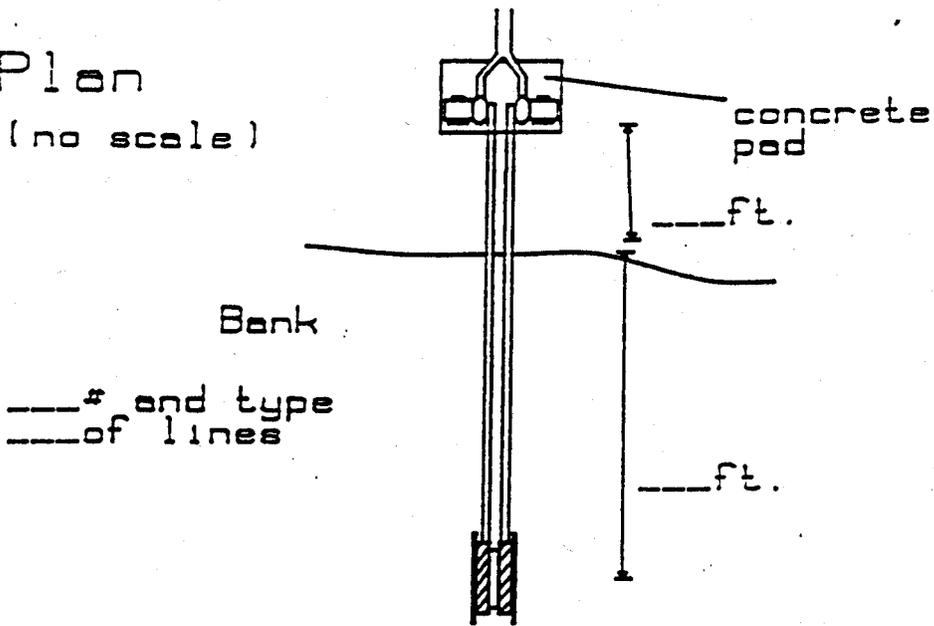


PURPOSE:  
 DATUM:  
 ADJ. PROP. OWNERS:

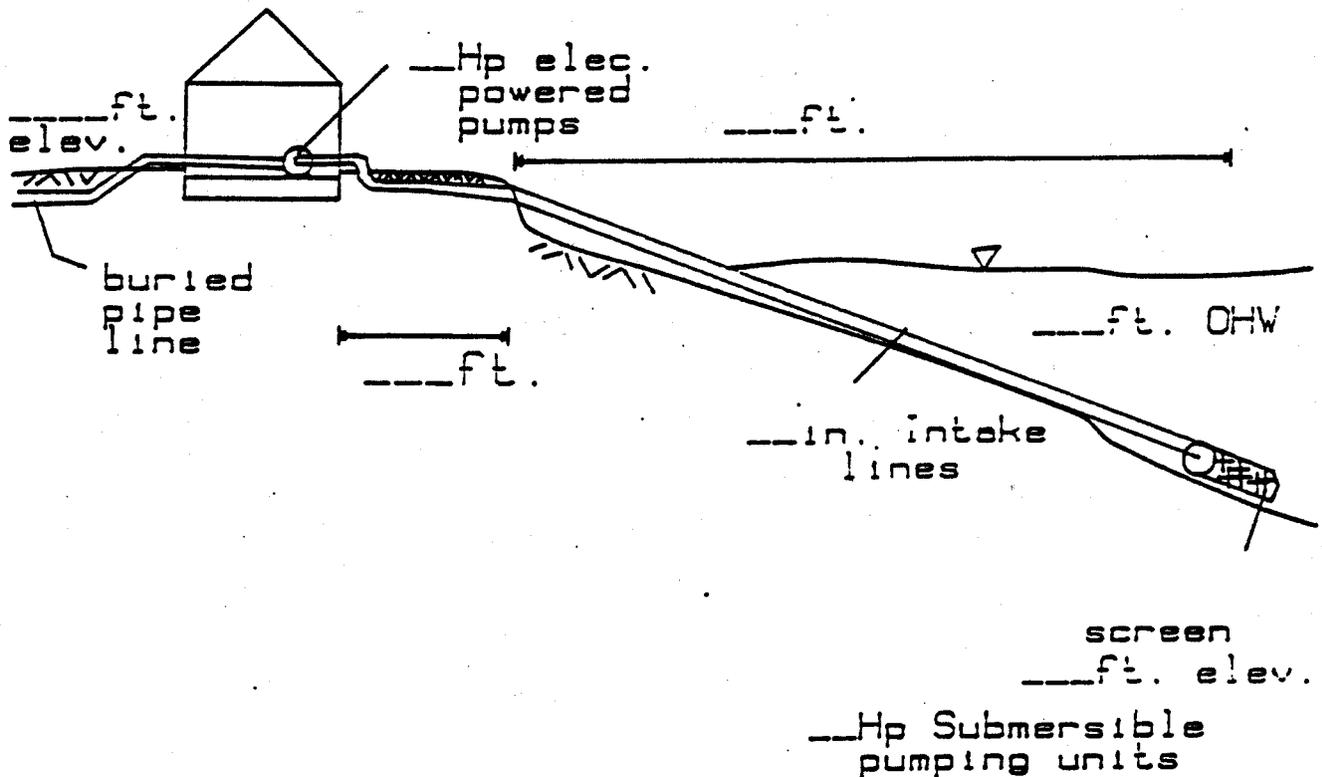
IN:  
 AT:  
 COUNTY OF:  
 APPLICATION BY:  
 STATE:  
 SHEET OF DATE:

# Irrigation (Permanent)

Plan  
(no scale)



Section (no scale)



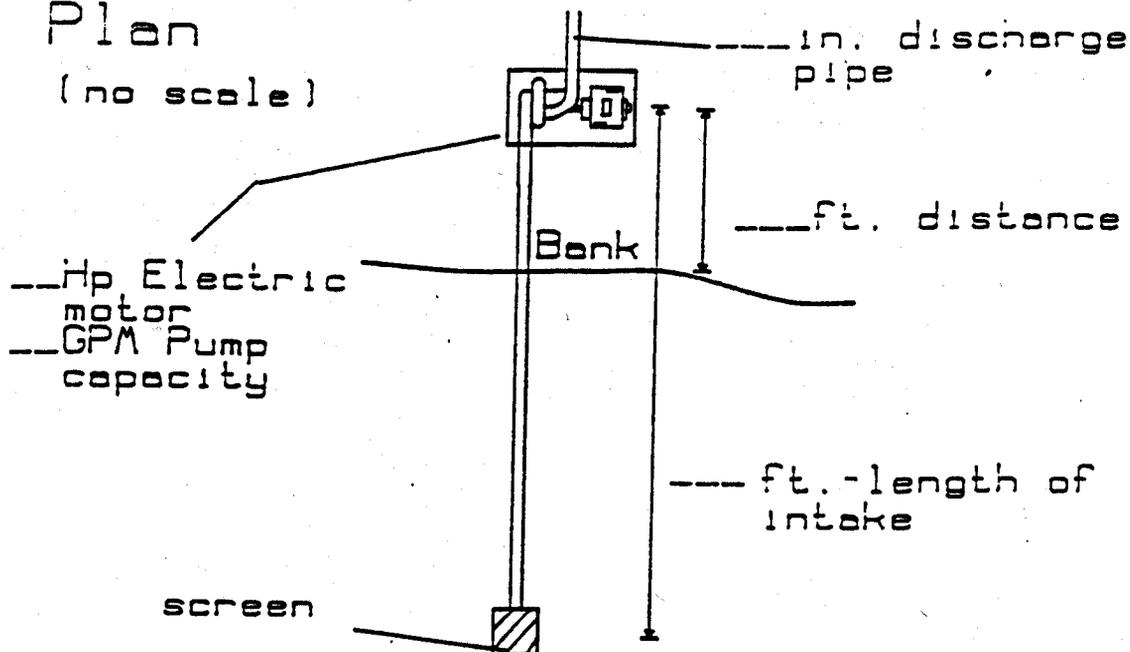
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 ADJ. PROP. OWNERS:

IN:  
 AT:  
 COUNTY OF:  
 APPLICATION BY:  
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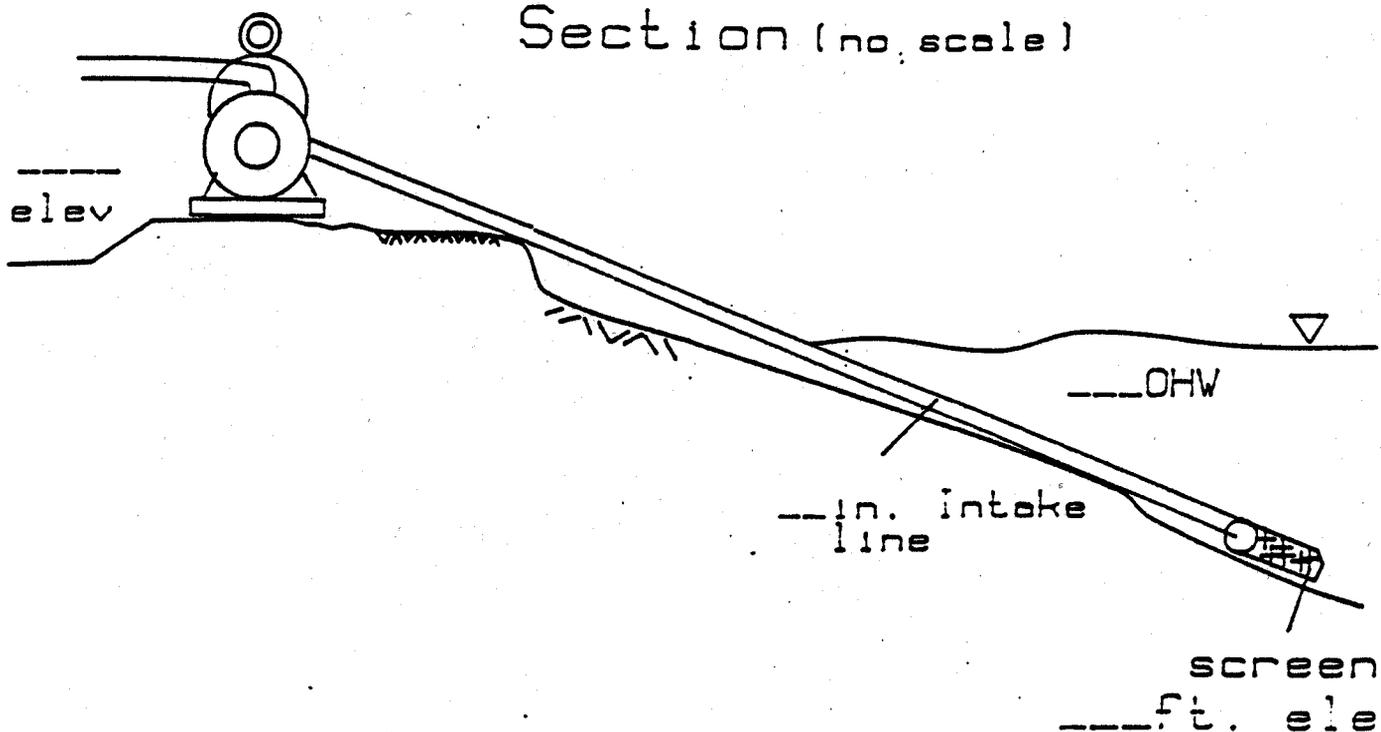
# Irrigation (Permanent)

## Plan

(no scale)



## Section (no scale)



PURPOSE:

DATUM:

ADJ. PROP. OWNERS:

IN:

AT:

COUNTY OF:

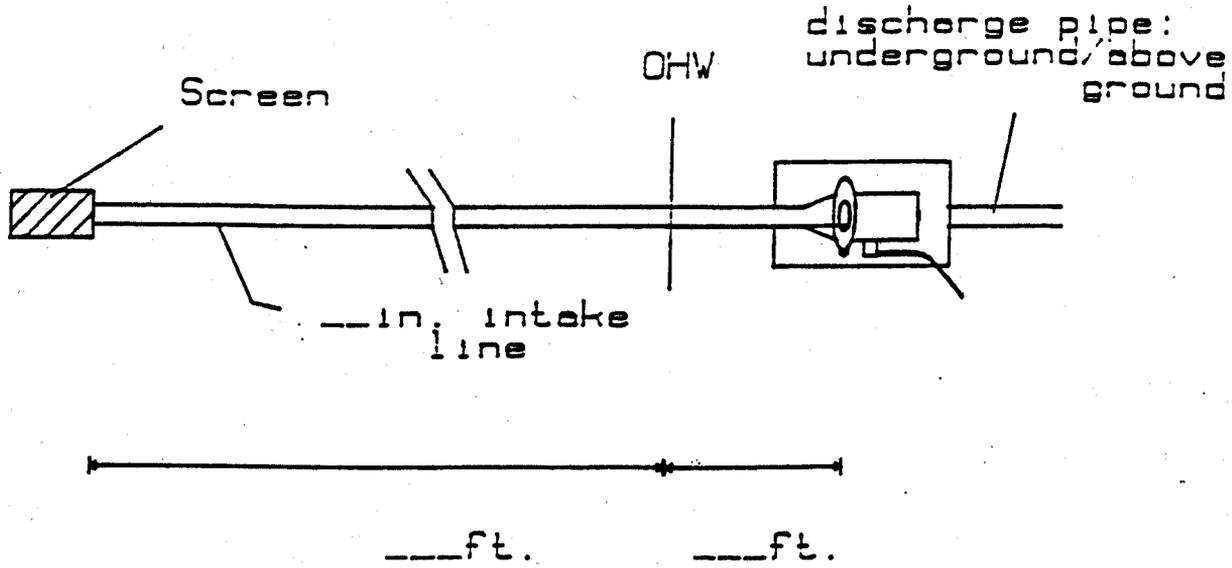
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STATE:

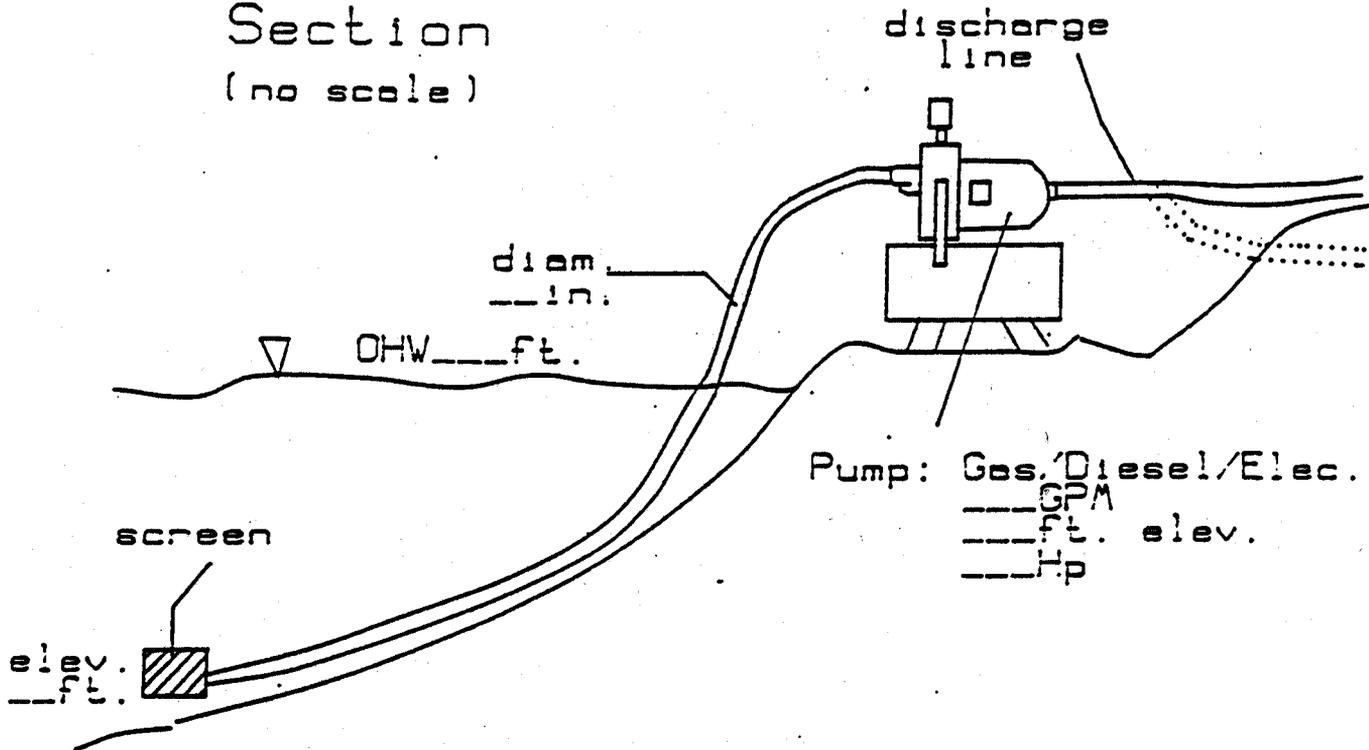
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# Domestic

Plan (no scale)



Section (no scale)

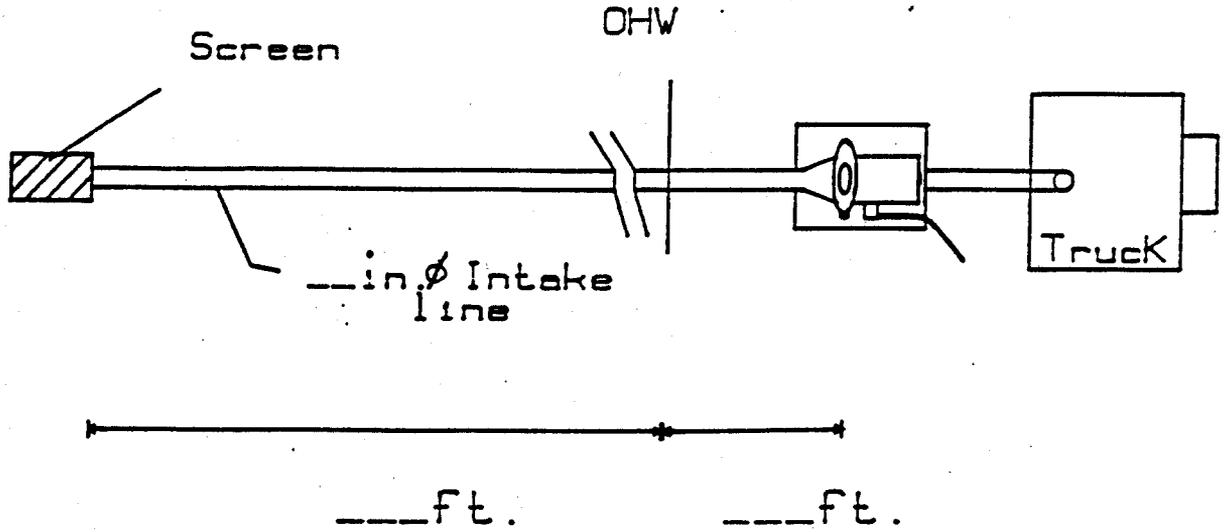


PURPOSE:  
 DATA:  
 ADJ. PROP. OWNERS:

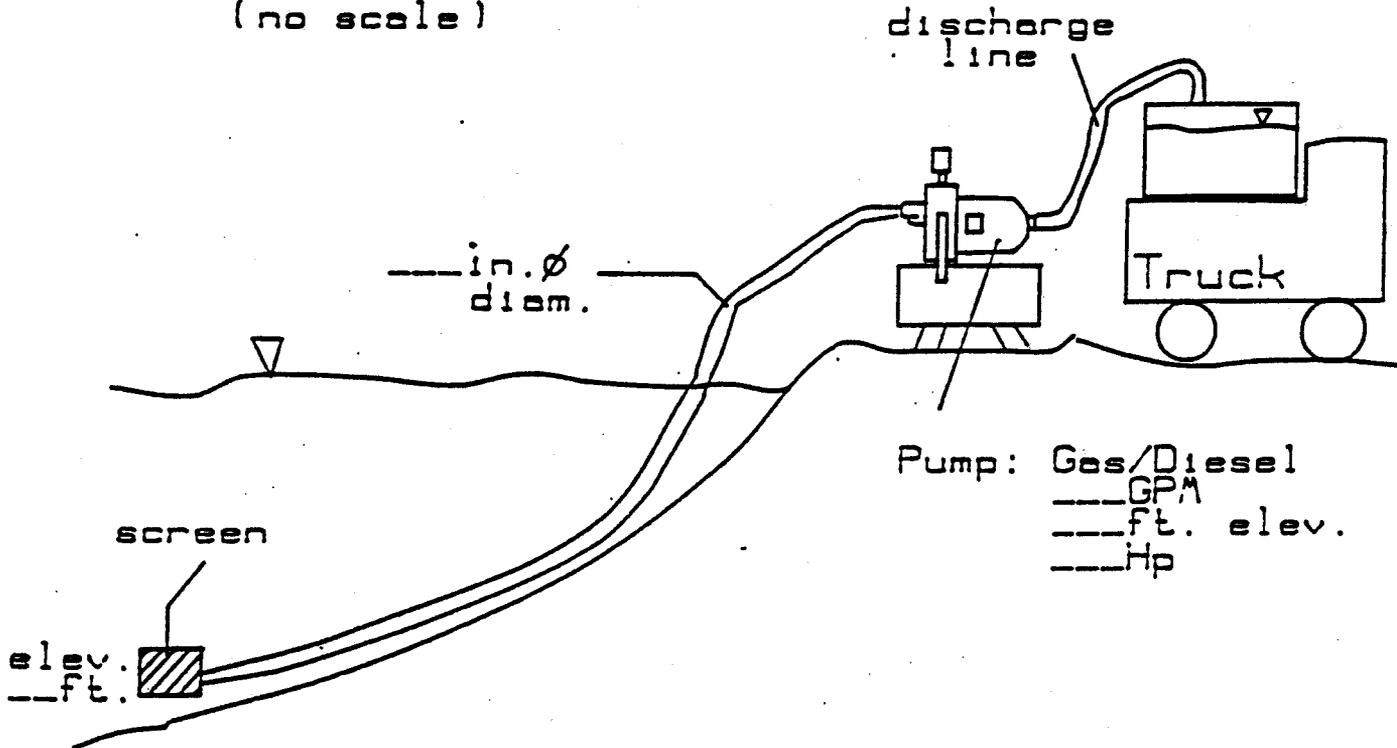
IN:  
 AT:  
 COUNTY OF:  
 APPLICATION BY:  
 STATE:  
 SHEET OF DATE:

# Temporary Commercial

Plan (no scale)



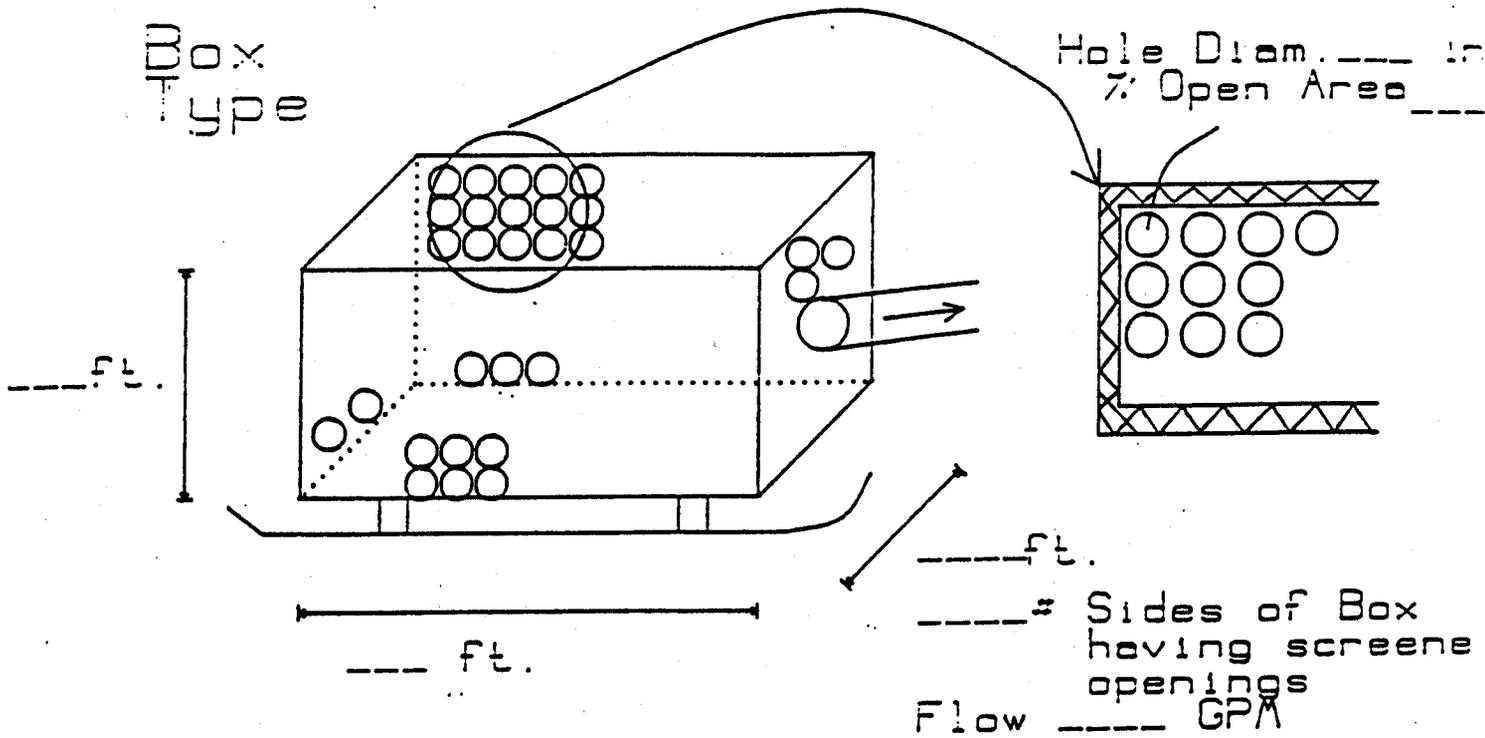
Cross-Section  
(no scale)



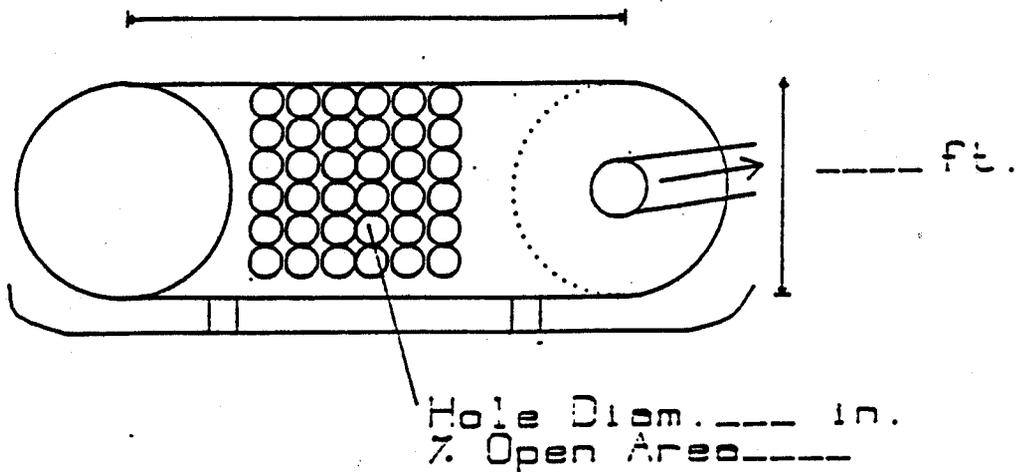
PURPOSE:  
 DATUM:  
 ADJ. PROP. OWNERS:

IN:  
 AT:  
 COUNTY OF:  
 APPLICATION BY:  
 STATE:  
 SHEET OF DATE:

# Screen Detail



Cylinder \_\_\_ ft.



PURPOSE:

DATUM:

ADJ. PROP. OWNERS:

IN:

AT:

COUNTY OF:

APPLICATION BY:

STATE:

SHEET OF DATE: