



# STATE OF IOWA

CHESTER J. CULVER, GOVERNOR  
PATTY JUDGE, LT. GOVERNOR

DEPARTMENT OF NATURAL RESOURCES  
RICHARD A. LEOPOLD, DIRECTOR

May 7, 2007

Mr. Daniel Johnson, P.E.  
Chief, Regulatory Branch  
Rock Island District Corps of Engineers  
Clock Tower Building – PO BOX 2004  
Rock Island, IL 61204-2004

Dear Mr. Johnson,

The Environmental Protection Commission granted conditional Section 401 Water Quality Certification for the Nationwide Permits and Regional Permits 33 & 34 on April 3, 2007 (Regional Permit 7 is still certified). An administrative rule reflecting the Commission's actions was adopted and will have an effective date of May 30, 2007. Certification of the Nationwide Permits and Regional Permits is contingent upon the Corps Division Engineer's approval of the 7 Iowa Regional Conditions and 2 Iowa Section 401 Water Quality Certification Conditions listed below:

- (1) Side slopes of a newly constructed channel will be no steeper than 2:1 and planted to permanent, perennial, native vegetation if not armored.
- (2) Nationwide permits with mitigation may require recording of the nationwide permit and pertinent drawings with the registrar of deeds or other appropriate official charged with the responsibility for maintaining records of title to, or interest in, real property and may also require the permittee to provide proof of that recording to the Corps.
- (3) Mitigation shall be scheduled prior to, or concurrent with, the discharge of dredged or fill material into waters of the United States.
- (4) For discharges of dredged or fill material resulting in the permanent loss of more than 1/10 acre of waters of the United States (including jurisdictional wetlands), a compensatory mitigation plan to offset those losses will be required. In addition, a preconstruction notice to the Corps of Engineers in accordance with general condition 27 will be required.
- (5) For newly constructed channels through areas that are unvegetated, native grass filter strips or a riparian buffer with native trees or shrubs a minimum of 35 feet wide from the top of the bank must be planted along both sides of the new channel. A survival rate of 80 percent of desirable species shall be achieved within three years of establishment of the buffer strip.
- (6) For single-family residences authorized under nationwide permit 29, the permanent loss of waters of the United States (including jurisdictional wetlands) must not exceed 1/4 acre.

- (7) For nationwide permit 46, the discharge of dredged or fill material into ditches that would sever the jurisdiction of an upstream water of the United States from a downstream water of the United States is not allowed.
- (8) For projects that impact fens, bogs, seeps, or sedge meadows, an individual Section 401 Water Quality Certification will be required (Iowa Section 401 Water Quality Certification condition).
- (9) For nationwide permits when the Corps' district engineer has issued a waiver to allow the permittee to exceed the limits of the nationwide permit, an individual Section 401 Water Quality Certification will be required (Iowa Section 401 Water Quality Certification condition).

For any project requiring a Nationwide Permit or a Regional Permit, and will impact a water body listed in the Iowa Department of Natural Resources (IDNR) "Special Waters of Concern" guidebook, the Corps of Engineers will contact the IDNR for project-specific comments/conditions to protect the water quality/aquatic resources of the site. The IDNR appreciates the on-going interagency coordination and would like it to continue. I will provide the Special Waters of Concern list and maps to your office for your use in the near future. The GIS layer with Iowa's known fens, bogs, seeps and sedge meadows has already been sent to Mr. Jon Klingman of your office. Please let us know if you have any problem with the GIS layer.

If you have any questions or comments regarding this Section 401 Water Quality Certification, please contact me at the address shown below or call (515) 281-6615.

Sincerely,

Christine M. Schwake  
Environmental Specialist