

PUBLIC NOTICE



**US Army Corps
of Engineers
Kansas City District**

**Permit No. NWKGP-38M
Issue Date: July 1, 2011**

LAKE OF THE OZARKS
REISSUANCE OF GENERAL PERMIT 38 MISSOURI
SHORELINE DEVELOPMENT ACTIVITIES

The U.S. Army Corps of Engineers, Kansas City District **HAS REISSUED** general permit NWKGP-38M (copy enclosed) for shoreline development activities in the Lake of the Ozarks, lakeward of the ordinary high water mark (OHWM), elevation 658.5 feet, Union Electric datum (UED), under authority of Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) and Section 404 of the Clean Water Act (33 USC 1344).

Duration of this General Permit: This general permit is issued and is in effect for five (5) years, from July 1, 2011, until June 30, 2016, unless revoked or specifically extended.

Notification Procedures: The Kansas City District has coordinated the general permit operating and management procedures with Ameren Missouri, whereby Ameren Missouri assumes the role as the agency of notification and the responsibilities for issuing verification that a particular project falls within the limits and conditions of the general permit. The Kansas City District will monitor this verification process and applicant compliance with the permit conditions, and will retain responsibility for enforcement of the permit conditions.

Individuals desiring to undertake work authorized by this general permit must notify and receive verification from Ameren Missouri. You must contact Mr. Jeff Green, Shoreline Management Supervisor, Ameren Missouri Shoreline Management Office, 1028 Bagnell Dam Boulevard, Post Office Box 993, Lake Ozark, Missouri 65049, telephone 573-365-9208. The application must include detailed drawings with dimensions (location map, plan view, cross sections), with elevations specified in UED, and include sufficient information to determine if the proposed work conforms to the criteria and conditions of the general permit. Applicants unfamiliar with preparing drawings and identifying the OHWM are encouraged to contract with a qualified consultant. Applicants are also encouraged to provide photographs (with date of photograph and camera direction recorded) with their application as this may facilitate quicker review of the application.

If Ameren Missouri determines that the proposed work meets the provisions of the general permit, and no extraordinary conditions exist that warrant evaluation as a Department of the Army (DA) individual permit, the proponent will be notified to proceed subject to compliance

with any verification special conditions and/or mitigation requirements. All activities verified as authorized by this general permit must comply with the general and special conditions of the enclosed copy of the general permit.

APPLICANT: General Public

PROJECT LOCATION: Lake of the Ozarks, lakeward of the ordinary high water mark (OHWM), elevation 658.5 feet Union Electric datum (UED), in Miller, Morgan, Benton and Camden Counties, Missouri. Work in adjacent wetlands and in tributaries of the lake, landward/upstream of the OHWM, is not authorized by this permit.

AUTHORITY: Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) and Section 404 of the Clean Water Act (33 USC 1344).

ACTIVITY; Proposed and/or Completed Work: The excavation and/or discharge of dredged or fill material for the following structures or projects, subject to the general and special conditions of this permit, and the criteria in the attached appendices: Retaining Walls, Sea Walls, and other Bank Stabilization (Appendix I); Boat Ramps (Appendix II); Miscellaneous Structures (Appendix III); Dredging/Excavation for Docks, Access Channels, and Structures (Appendix IV); Utilities (Appendix V); Fish Habitat (Appendix VI); Sediment and Debris Removal (Appendix VII). (Note: Appendices are permit attachments.)

ADDITIONAL INFORMATION: Additional information about this general permit may be obtained by contacting Mr. Mel B. Stanford, Regulatory Project Manager; U.S. Army Corps of Engineers; Truman Regulatory Satellite Office; 15837 Truman Road; Warsaw, Missouri 65355, at telephone 660-438-6697 (FAX 660-438-6909) or via e-mail at mel.b.stanford@usace.army.mil.

A copy of the permit is posted and may be obtained from our website at <http://www.nwk.usace.army.mil/regulatory/regulatory.htm>, select the General Permits then GP-38M – Shoreline Projects – Lake of the Ozarks links.

Enclosure

DEPARTMENT OF THE ARMY PERMIT

Permittee General Public

Permit No. NWKGP-38M, Shoreline Development Activities

Issuing Office U.S. Army Engineer District, Kansas City

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, and with the plans and drawings attached hereto which are incorporated in and made a part of this permit.

Project Description: Proposed and/or Completed Work: The excavation and/or discharge of dredged or fill material for the following structures or projects, subject to the general and special conditions of this permit, and the criteria in the attached appendices: Retaining Walls, Sea Walls, and other Bank Stabilization (Appendix I); Boat Ramps (Appendix II); Miscellaneous Structures (Appendix III); Dredging/Excavation for Docks, Access Channels, and Structures (Appendix IV); Utilities (Appendix V); Fish Habitat (Appendix VI); Sediment and Debris Removal (Appendix VII).

Project Location: Lake of the Ozarks, lakeward of the ordinary high water mark (OHWM), elevation 658.5 feet Union Electric datum (UED), in Miller, Morgan, Benton and Camden Counties, Missouri. Work in adjacent wetlands and in tributaries of the lake, landward/upstream of the OHWM, is not authorized by this permit.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on 2 years from each permit verification. 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.
2. You must maintain the activity authorized by this permit 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 continuation sheets, pages 4, 5 and 6 of this document.

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 authorization 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.

GENERAL PUBLIC- SIGNATURE NOT REQUIRED _____
 (PERMITTEE) (DATE)

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

 _____
 (DISTRICT COMMANDER) 1 JULY 2011
 (DATE)

ANTHONY J. HOFMANN
 BY: MARK. D. FRAZIER
 Chief, Regulatory Branch

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.

 (TRANSFEE) (DATE)

Special Conditions:

- a. You must complete, sign and return the attached "**Compliance Certification**" to the Corps of Engineers after you complete the authorized work and any required mitigation. Your signature will certify that you completed the work in accordance with this permit, including general and specific conditions, and that any required mitigation was completed in accordance with the permit conditions. If the work completed is less than that authorized, you must provide a drawing describing the extent of the work completed.
- b. If any part of the authorized work is performed by a **contractor**, before starting work you must discuss the terms and conditions of this permit with the contractor; and, you must give a copy of this entire permit to the contractor. The permittee remains responsible for ensuring compliance with all aspects of this permit.
- c. You must use clean, **uncontaminated materials** for fill in order to minimize excessive turbidity by leaching of fines, as well as to preclude the entrance of deleterious and/or toxic materials into the waters of the United States by natural runoff or by leaching. Placement of unprotected earthen and gravel fill, broken concrete where more than 25 percent is 12 inches in diameter or less, concrete rubble with exposed rebar, tires, railroad ties, vehicles/vehicle bodies, construction/demolition debris, asphalt, and similar materials are not authorized by this General Permit (GP).
- d. You must dispose of **excess concrete** and wash water from concrete trucks and other concrete mixing equipment in a non-wetland area above the ordinary high water mark (OHWM) and at a location where the concrete and wash water cannot enter the water body or an adjacent wetland area. Excess concrete may not be used to grout existing riprap or to pave existing shoreline, lakeward of OHWM, under this general permit authorization.
- e. You must excavate, dredge and/or fill in the watercourse in a manner that will **minimize increases in suspended solids** and turbidity which may degrade water quality and damage aquatic life outside the immediate area of operation. Also, care must be taken to keep machinery out of the Lake of the Ozarks to the maximum extent practicable.
- f. You must immediately remove and **properly dispose of all debris** during every phase of the project in order to prevent the accumulation of unsightly, deleterious and/or toxic materials in or near the water body.
- g. You must not **dispose of any construction debris** or waste materials below OHWM, in a wetland area, or at any location where the materials could be introduced into the water body or an adjacent wetland as a result of runoff, flooding, wind, or other natural forces. All excavated lakebed sediments must be placed and **stabilized** at a location landward of elevation 662.0 feet UED, where the material cannot enter any water body, including wetlands, by erosion.
- h. You must store all **construction materials, equipment, and/or petroleum products**, when not in use, above anticipated high water levels, and in such a way that they shall not enter waters of the United States.
- i. You must **restrict the clearing of timber** and other vegetation to the absolute minimum required to accomplish the work. Clearing, grading and replanting should be planned and timed so that only the smallest area necessary is in a disturbed, unstable or unvegetated condition.

Special Conditions (continued):

j. You must not excavate or discharge fill or dredged material lakeward of the OHWM from **March 15 to June 15** unless you obtain written approval in advance from the Kansas City District Corps of Engineers - Regulatory Branch (Corps) or Ameren Missouri, as specified in condition "r" below. In addition, you must excavate during periods of low water levels. Note: Placement of riprap as a bank stabilization technique (without excavation) is exempted from this rule unless specifically stated on the project verification sheet.

k. Upon completion of earthwork operations, you must seed, replant or otherwise **protect from erosion** all fills in the water or on shore, and other areas on shore disturbed during construction. If seeding does not successfully vegetate the disturbed areas by the end of the first growing season, you must implement alternate measures, such as placing riprap, slope terracing with untreated timbers, gabions or concrete blocks, or additional vegetative plantings, to protect the disturbed areas from further erosion. You must contact the Corps or Ameren Missouri, as specified in condition "r" below, prior to beginning work on any additional erosion control measures so that a determination can be made whether further authorization is required.

l. You must **not** use lumber products treated with **pentachlorophenol, creosote, chromate copper arsenate (CCA), or any similar chemically treated lumber** for the construction of any structure in or over the Lake of the Ozarks. When conducting maintenance or repair activities, you must replace any existing wood treated with these products where there is contact with the lake waters from inundation, wave action or runoff, or encase the material in concrete such that contact with water is excluded.

m. You must not use the backfill area of the retaining wall, or any other authorized fill area, for on-site sewage disposal structures. You must contact the MDNR for current laws and regulations regarding sewer and septic system installation which may refer you to a local agency for details.

n. All work must be conducted such that it does not interfere with access to and use of any existing authorized structure. Structures that obstruct or that constitute a **hazard to navigation** are not authorized by this general permit.

o. An Ameren Missouri permit must be obtained for any structure/fill/excavation on projects lands. This general permit (GP) does not authorize any structure/fill/excavation for which the Corps or Ameren Missouri previously denied authorization or for which the structure/fill/excavation is not in compliance with the conditions of a Department of the Army (DA) permit authorization or verification (Nationwide permit (NWP), GP, Letter of Permission (LOP), or individual permit (IP)), or an Ameren Missouri approval (in accordance with Ameren Missouri's Shoreline Management Guidelines). Such structures/fills/excavations may be subject to enforcement action in accordance with Ameren Missouri realty rights. Structures/fills/excavations that otherwise would be authorized by this GP, but that were constructed on the same property in association with, and integral to, any other unauthorized work (violation), such as unpermitted excavation in the Lake of the Ozarks, are not authorized by this GP until the violation is resolved.

Special Conditions (continued):

- p. No activity is authorized under this general permit which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which is likely to destroy or adversely modify the habitat of such species. Permittees shall notify the Corps if any listed species or designated critical habitat might be affected or is in the vicinity of the project, or is located in the designated critical habitat. Authorization of an activity by this general permit does not authorize the “take” of a threatened or endangered species as defined under the ESA. In the absence of a separate authorization from the U.S. Fish and Wildlife Service, both lethal and non-lethal “takes” of protected species are in violation of the ESA.
- q. No activity which may affect Historic properties listed, or eligible for listing in the National Register of Historic Places is authorized, until the District Commander has complied with the provisions of 33 CFR 325, Appendix C. All prospective permittees must notify the Corps if the activity may have the potential to affect any historic properties listed, determined to be eligible to be listed, or which the prospective permittee has reason to believe may be eligible for listing on the National Register of Historic Places, and shall not begin the activity until notified by the Corps that the requirements of the National Historic Preservation Act have been satisfied and that the activity is authorized. Information on the location and existence of historic resources can be obtained from the State Historic Preservation Office and the National Register of Historic Places.
- r. You must provide written **notification** to Ameren Missouri or the Corps, and receive written verification of authorization by this general permit, before you begin any work in the Lake of the Ozarks. No existing work is authorized until written verification is provided by Ameren Missouri or the Corps.
- s. The maintenance, repair, and restoration of existing and proposed structures or fill is authorized, including minor deviations, provided there is no significant change in the structure.
- t. Structures completed prior to December 18, 1968, and discharges of dredged or fill material in waters of the United States prior to July 1, 1977, are authorized by a Nationwide Permit as cited under Activities Occurring Before Certain Dates (33 CFR 330.3).
- u. The permittee understands and agrees 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 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.

COMPLIANCE CERTIFICATION

Special condition "a" of this permit document requires that you submit a signed certification regarding the completed work and any required mitigation. This certification page satisfies this condition if it is provided to the Kansas City District at the address shown at the bottom of this page upon completion of the project.

APPLICATION NUMBER (assigned by Kansas City District or Ameren Missouri): _____

APPLICANT NAME: _____

ADDRESS: _____

PROJECT LOCATION: In the Lake of the Ozarks, at lake mile _____, Cove/Arm _____, subdivision and lot _____; in the NE NW SE SW (CIRCLE ONE) of Section __, Township north, Range __ west, _____ County, Missouri.

PRIMARY CONTRACTOR NAME/ADDRESS: _____

- a. I certify that the authorized work was done in accordance with the Corps GP authorization, including any general or specific conditions.
- b. I certify that any required mitigation was completed in accordance with the permit conditions.
- c. I certify that I have obtained the required permit(s) from Ameren Missouri.
- d. Your signature below, as permittee, indicates that you have completed the authorized project as certified in paragraphs a and b above.

(PERMITTEE)

(DATE)

List the Name, Address and Telephone No. of all other contractors involved in the project below:

Return this certification to both of the following offices:

U.S. Army Corps of Engineers
Truman Regulatory Satellite Office
15837 Truman Road
Warsaw, Missouri 65355

Ameren Missouri Shoreline Management Office
1028 Bagnell Dam Boulevard
Post Office Box 993
Lake Ozark, Missouri 65049

APPENDIX I
Retaining Walls, Seawalls, and Bank Stabilization

COMPLETED STRUCTURES, including but not limited to:

1. Structures completed prior to December 18, 1968, and discharges of dredged or fill material prior to July 1, 1977, are authorized by a Nationwide Permit as cited under Activities Occurring Before Certain Dates (33 CFR 330.3).
2. The Corps, at its discretion, may investigate any retaining wall or other structure or fill that was placed in the Lake of the Ozarks that is unauthorized and resolve the violation according to rules in 33 CFR 326. The resolution may include in some cases an after-the-fact authorization, area restoration, corrective or mitigative measures, or legal action. The Corps may also conduct compliance inspections of the project area.
3. The previous placement of clean rock or riprap in a revetment for bank stabilization, of a size and quality capable of withstanding expected erosional forces, including minor excavation or grading to prepare a base for the revetment, is authorized by this general permit, provided the work did not fill, drain, or prevent the flow of water into any adjacent wetlands. Clean concrete rubble, where all exposed reinforcing rods have been removed, and the concrete has been broken to a well-graded mix of pieces weighing between 20 and 150 pounds, may be used with, or in lieu of, rock.

PROPOSED STRUCTURES, including but not limited to:

1. The proposed placement of clean rock or riprap in a revetment for bank stabilization, of a suitable size to withstand expected erosional forces, including minor excavation or grading to prepare a base for the revetment, is authorized by this GP, provided the work will not fill, drain, or prevent the flow of water into any adjacent wetlands. Clean concrete rubble, where all exposed reinforcing rods have been removed, and the concrete has been broken to a well-graded mix of pieces weighing between 20 and 150 pounds, may be used with, or in lieu of, rock.
2. Proposed retaining walls and seawalls, constructed such that the most lakeward face of the footing or wall is no more than 3 feet lakeward of the toe of any steep bank, where the construction will not fill, drain or prevent the flow of water into any adjacent wetlands, are authorized by this GP.
3. This GP does not authorize any retaining walls or seawalls lakeward of OHWM, where the walls could be, using standard construction methods, constructed such that the lakeward toe of the footing is at or above OHWM.
4. Minor deviations from criteria 2 and 3 above may be authorized by this GP at the issuing authority's discretion, subject to both Ameren Missouri and Kansas City District Corps of Engineers concurrence, to accommodate rock outcrops, smooth transitions to adjacent authorized structures or other special site circumstances.
5. All approved encroachments lakeward of OHWM may be subject to the completion of mitigative measures, such as rock blankets, anchored cedar trees or other fish habitat, utilize an approved mitigation bank, or participation in an approved in-lieu-fee mitigation program, as required on the project verification sheet.

APPENDIX II

Boat Ramps

COMPLETED and PROPOSED:

1. Structures completed prior to December 18, 1968, and discharges of dredged or fill material prior to July 1, 1977, are authorized by a Nationwide Permit as cited under Activities Occurring Before Certain Dates (33 CFR 330.3).
2. Existing or proposed concrete, brick, stone, gravel, and/or similar materials boat ramps or launching tracks are authorized by this GP subject to the following criteria:
 - a. The discharge of fill material or structural components lakeward of the OHWM does not exceed 50 cubic yards of concrete, rock, crushed stone or gravel into forms; precast concrete slabs or bricks; steel rods, rails, and other approved construction materials. A variance may be authorized.
 - b. The ramp does not exceed 30 feet wide.
 - c. No more than one ramp is constructed per single family residence or for any single property having 4 housing units or less (apartments, condominiums, extended family complexes, etc.). For larger developments, no more than one ramp per 100 linear feet of lake frontage is authorized.
 - d. Excavation is limited to the area necessary for site preparation and all excavated material is disposed of in a non-wetland area landward of an authorized retaining wall or seawall on the subject property, or placed and stabilized at a location landward of elevation 662.0 feet UED, such that the material cannot enter any water body, including wetlands, by erosion.
 - e. No material is placed in wetlands or shallow water areas of the Lake of the Ozarks that typically support aquatic vegetation for any part of the year.
 - f. Dredging/excavation to provide access to deeper water from a proposed boat ramp may be authorized by this GP. Criteria for authorization of dredging/excavation to restore access to existing boat ramps are discussed in Appendix IV.
 - g. The ramp must be well maintained and monitored for erosive undermining to ensure safe use. Ramps determined to be a hazard must be repaired or removed from the lake and the shoreline restored.
3. All approved encroachments lakeward of OHWM may be subject to the completion of mitigative measures, such as rock blankets, anchored cedar trees or other fish habitat, utilize an approved mitigation bank, or participation in an approved in-lieu-fee mitigation program, as required on the project verification sheet.

APPENDIX III
Miscellaneous Structures

COMPLETED and PROPOSED, including but not limited to:

Note: In accordance with the Water Resources Development Act of 1976, the Corps does not regulate floating and fixed, private and commercial boat docks, and dock mooring cables and access walkways, on the Lake of the Ozarks, provided the docks were placed so as not to interfere with navigation. However, Ameren Missouri approval is required for all docks at the Lake of the Ozarks.

Bridges over navigable waters of the United States, such as the Lake of the Ozarks, are not regulated under Section 10 of the Rivers and Harbors Act. However, the discharge of fill material in any water of the United States for bridges requires Corps authorization under Section 404 of the Clean Water Act. Ameren Missouri approval is required for all bridges in or over the Lake of the Ozarks.

1. Structures completed prior to December 18, 1968, and discharges of dredged or fill material prior to July 1, 1977, are authorized by a Nationwide Permit as cited under Activities Occurring Before Certain Dates (33 CFR 330.3).
2. This GP does not authorize construction lakeward of OHWM or the permanent mooring in the Lake of the Ozarks, of any structure that will be used as living quarters or for overnight habitation. Fences constructed lakeward of the OHWM are not authorized by this GP. Docks are administered by Ameren Missouri.
3. This GP authorizes, including but not limited to, **existing** recreational decks, fishing piers, mooring piles, breakwaters, steps, walkways, walkway piers, retaining wall and seawall supports, small pedestrian/recreational bridges, sand beaches and retaining structures, and other minor recreational, ornamental, and similar structures. The Corps, at its discretion, may investigate any retaining wall or other structure or fill that was placed in the Lake of the Ozarks that is unauthorized and resolve the violation according to rules in 33 CFR 326. The resolution may include in some cases an after-the-fact authorization, area restoration, corrective or mitigative measures, or legal action.
4. This GP authorizes, including but not limited to, the **proposed** construction of recreational decks, fishing piers, mooring piles, breakwaters, steps, walkways, walkway piers, retaining wall and seawall supports, small pedestrian/recreational bridges, sand beaches and retaining structures, and other minor recreational, ornamental, and similar structures subject to the following conditions:
 - a. For concrete or solid-fill, fixed docks, walkways or wharfs, the volume of fill placed below OHWM must be 10 cubic yards or less, and the structure must be no more than 6 feet wide.
 - b. For structures on piles (fixed docks, walkways, wharfs, decks, fishing piers, or otherwise cantilevered over the Lake of the Ozarks) the bottom surface of the structure must be at elevation 660.0 feet UED, or higher.
 - c. Fishing piers must be 6 feet or less in width, and must not extend more than 30 feet lakeward of OHWM.
 - d. Decks must not extend lakeward of the OHWM.

APPENDIX III (cont'd)
Miscellaneous Structures

- e. The size, extent, and location of all structures on a single property must be in conformance with this GP and approved by Ameren Missouri in accordance with the Ameren Missouri Shoreline Management Permit requirements.

 - f. Breakwaters, constructed as an integral part of an Ameren Missouri approved boat dock, are considered part of the dock and do not require Department of the Army permit authorization. For other breakwaters, prior to application for this GP, a written determination that the location and design of the structure will not pose a significant risk to boaters must be obtained from the Missouri State Water Patrol. Owners of permitted breakwaters will be required, as noted on the GP verification sheet, to demonstrate proof of liability insurance with provisions for direct notification to Ameren Missouri and the Corps, by the insurance carrier, of policy cancellation.

 - g. Bridges must be constructed in such a way that they do not prohibit boat passage or restrict anglers from the back of coves.
5. Permittees must install and maintain lighting, signage, or buoys as recommended or required by the Missouri State Water Patrol.
6. Utility connections to decks and other approved structures must be in accordance with applicable building codes and industry standards in accordance with Ameren Missouri Shoreline Management Permit requirements.
7. All structures must be well maintained, and must be repaired or removed from the Lake of the Ozarks within 6 months of damage by storm, high or low water, ice, collision or other event.

APPENDIX IV

Dredging/Excavation for Docks, Access Channels, and Structures

COMPLETED and PROPOSED, including but not limited to:

1. Restoring use of or access to **existing** authorized boat docks and ramps: Excavation for existing docks is limited to the exact authorized foot print of the dock. The sides of excavation area must be graded to have a final slope of 1 vertical (V) on 3 horizontal (H). Variances in the requirement for side slopes of 1V on 3H will be granted or required where completion of the grading would undermine the structural integrity of any permitted structure, such as retaining walls, seawalls and piers, or to prevent the encroachment into or erosion of wetlands, vegetated shallows or other environmentally sensitive areas.
2. Dredging/excavation associated with **proposed** boat docks and ramps (see attached typical plan view and cross sectional drawing): Excavation for proposed boat docks is limited to areas where the existing lakebed over the entire proposed excavation area is elevation 655.5 feet UED or deeper, and in areas where the excavation may be accomplished such that the excavation, including required side slopes of 1V on 3H, will occur no closer than 25 feet to the OHWM, and no deeper than elevation 652.0 feet UED, except with approved variance down to elevation 650.0 feet UED for boat lift operation. The proposed excavation or disposal of dredged material must not promote the erosion of wetland areas and excavation is prohibited in wetlands and vegetated shallows
3. Excavation must not be conducted any deeper than elevation 652.0 feet UED, except when approved on the GP verification sheet for the operation of a boat lift. Variances for boat lift operation will allow excavation to a bottom limit of 650.0 feet UED, and are limited to the absolute minimum area required for normal lift operation.
4. Access channel excavation for access to docks is limited to a single channel in any narrow cove, and no permittee shall have exclusive use of any excavated access channel. Where possible, the channel must be centered over the deepest existing channel in the cove. Channel width is limited to 15 feet wide at a channel bottom elevation of 652.0 feet UED. Channel side slopes must be graded to have a final slope of between 1V on 2H and 1V on 3H. The transition zone between the 15 foot wide channel and authorized docks must be no longer than the width of the dock. Variances in location or alignment may be granted or required where the variance would address substantial public interests or where the variance would minimize adverse impacts to the aquatic ecosystem.
5. Access channel excavation for access to boat ramps must be no deeper than the lowest elevation of the ramp, or elevation 652.0 feet UED, whichever is higher. This GP does not authorize the excavation of access channels for boat ramps constructed after the issuance of this GP, where the preconstruction lakebed elevation is 655.5 feet UED, or higher. Channel width is limited to the width of the ramp, or 15 feet, whichever is narrower. Channel side slopes must be graded to have a final slope of between 1V on 2H and 1V on 3H. A variance to these conditions may be approved depending upon site conditions.
6. Excavated sediments may be temporarily stockpiled in the Lake of the Ozarks for three days, pending transport to an upland disposal site, if the stockpile area is at least two feet higher than the highest elevation of the Ameren Missouri lake forecast for the three day period. Otherwise, all excavated sediments must be loaded directly into trucks or onto barges for transport to the disposal site.

APPENDIX IV (cont'd)

Dredging/Excavation for Docks, Access Channels, and Structures

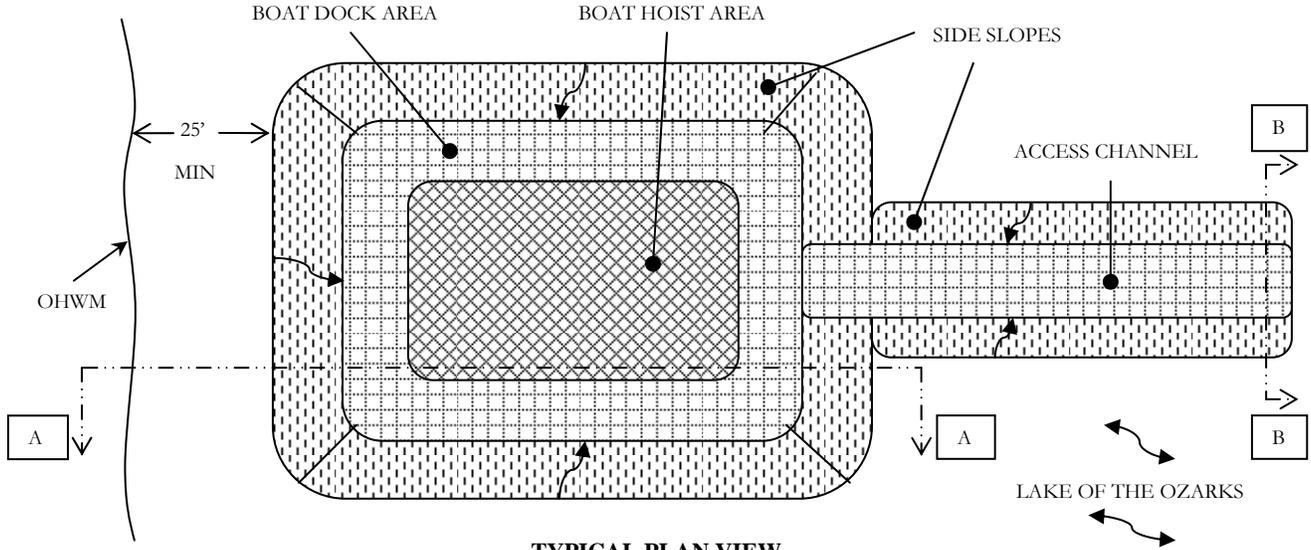
7. Placement of fill in the Lake of the Ozarks, adjacent wetlands or any tributary to the Lake of the Ozarks, for the construction of an access road to the excavation area may be authorized. Where the lakebed sediments will not support the excavation equipment, removable mats may be used. Mat use is recommended for all excavation projects to minimize adverse impacts to the lakebed habitat. Only the minimum amount of excavation and fill necessary to construct the temporary road is authorized, the fill must be removed upon completion of the project and the area returned to previous contours. The use of rock fill is authorized for temporary access road provided it is removed following the excavation activity or spread out over the existing contours to provide shallow water habitat.

8. Each verification of this GP authorizes the one-time excavation of the area on the verification sheet. This GP does not authorize excavation of the same work area within three years following the completion of any authorized excavation project.

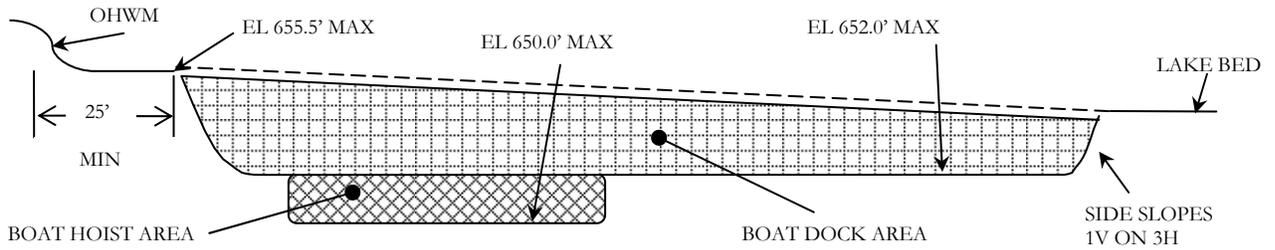
9. A single anchored cedar tree or other fish attraction device for each 10 cubic yards of excavation must be placed into the lake to mitigate for adverse impacts. The trees must have an approximately four inch diameter trunk, anchored with a noncorrosive material by concrete or rock, and placed as close to the impact area as possible, where the lakebed is at or lower than elevation 647.0 feet UED. If there are no suitably deep areas near the impact area, the permittee must contact the Fisheries Management Staff of the Missouri Department of Conservation Camdenton Service Center (Telephone 573-346-2210) for alternate locations. Alternate mitigation measures to replace or augment may be required, as noted on the project verification sheet.

APPENDIX IV

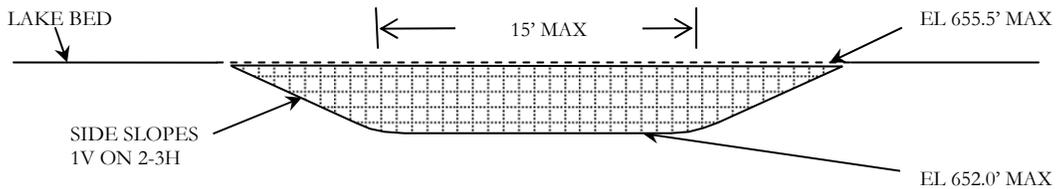
Dredging and/or Excavation
Boat Dock, Boat Hoist, and Access Channel



TYPICAL PLAN VIEW
BOAT DOCK, HOIST, AND ACCESS CHANNEL EXCAVATION AREAS



CROSS SECTION A - A
BOAT DOCK AND BOAT HOIST EXCAVATION AREAS



CROSS SECTION B - B
BOAT DOCK ACCESS CHANNEL EXCAVATION AREA

NOTE: Drawings Not-To-Scale

KEY: EL – ELEVATION, UNION ELECTRIC DATUM (UED)
OHWM – ORDINARY HIGH WATER MARK, ELEVATION 658.5' UED
MAX – MAXIMUM
MIN - MINIMUM

APPENDIX V

Utilities

COMPLETED and PROPOSED, including but not limited to:

1. Water intake structures, including fixed and portable pumps and intake lines attached to floating platforms. The pump system and installation must be in accordance with Ameren Missouri Shoreline Management Permit Requirements, including electrical installation, specified screen mesh size, maximum water velocity at the screen to minimize impingement and entrainment of fish at pump intakes, and annual water usage. Pump systems must be designed to preclude the spillage of fuel and lubricants into the lake, or the arcing of electricity into the lake. You must include a copy of the Ameren Missouri approval with the application. Portable pumps must be removed from the lake when not in use.
2. Dry hydrants for fire protection shall have screened intakes, be permanently fixed by burying in the lakebed and bank, and located adjacent to ramps or roads accessible without crossing wetlands.
3. Heat pump coils and lines containing liquid for the dissipation or pickup of thermal energy permanently installed with the coils on or supported off the lakebed. System antifreeze must be non-toxic to aquatic life. The supply lines shall lay on the lakebed and must be buried or otherwise protected from damage entering and exiting the lake. The coils and lines must be of sufficient depth to avoid being a hazard to navigation during times of low lake levels. The system and installation, including any electrical device installed in the lake for circulation, must be in accordance with Ameren Missouri Shoreline Permitting requirements.
4. Submerged utility lines (including placement by directional drilling) that are buried or laid on the bottom of the waterway, provided the entering and exiting portions of the line are secured or trenched into the bottom and the bank to avoid damage to the line. On-shore alignment markers may be required, as shown on the verification page.
5. Overhead transmission lines by commercial utility companies for telephone, cable television, and electrical power transmission lines require pre-application notification to Ameren Missouri, the Corps and the Missouri State Water Patrol, prior to authorization by this GP and will be installed in accordance with Ameren Missouri Shoreline Management Permit requirements.

APPENDIX VI
Fish Habitat

COMPLETED and PROPOSED, including but not limited to:

1. The placement of anchored brush piles or cedar trees; or natural or man-made fish attraction devices; rock blankets lakeward of existing approved retaining walls, seawalls, or other structures constructed of materials consistent with the special conditions of this GP, for the purpose of providing fish habitat, are authorized.
2. No structures are to be placed in areas that are known to support emergent or submergent vegetation during the growing season.
3. Anchoring systems must be designed to prevent the structure from floating into the normal motor boat propeller zone, and to prevent less buoyant structures from moving along the lake bed by lake currents. Anchoring cables/lines must be of a material that will not decompose before the structure decomposes.

APPENDIX VII
Sediment and Debris Removal

1. Excavation of accumulated sediments and debris (i.e. soil, rock, gravels, upland vegetation and debris, lake drift debris, etc.) from Lake of the Ozarks deposited as a result of a discrete event or natural occurrences which negatively impact shallow and deep water habitat. The removal of materials is limited to the minimum necessary to restore the area to previous condition/contours; to restore the integrity and natural functions of the waterway, shallow or deep water habitat, or lakebed; and to maintain the pool configuration and capacity of Lake of the Ozarks from siltation.
2. Each project verification by this GP authorizes a one-time excavation of the area only as specified on the permit verification sheet. The length, width, and depth of the excavation area shall be identified and marked on-site. Excavation shall be confined to that area between the property lines as extended lakeward onto Ameren Missouri property and not extend beyond center-line of the cove. Excavation depth will be restricted to approximately elevation 652.0 feet UED. Minor variances may be authorized. The permit document will contain project area drawings with site dimensions and corresponding elevations. You must restrict the excavation to the authorized area only as specified in the permit.
3. Excavation of sediment and debris in the vicinity of and within existing structures (e.g., bridges, culverted road crossings, water intake structures, boat ramps, etc.) for maintenance purposes to restore use or access. Sediment/debris removal may not extend more than 200 feet from an existing structure. The 200 foot limit does not apply to maintenance dredging to remove accumulated sediments blocking or restricting outfall and intake structures or maintenance dredging to remove accumulated sediments from channels associated with outfall and intake structures. The placement of new or additional riprap, or similar approved stabilization measures may be authorized as necessary to protect the structure and/or lessen the probability of future sediment deposition into Lake of the Ozarks. Any bank stabilization measures or other work below the OHWM not directly associated with a structure will require a separate authorization.
4. All dredged or excavated material must be placed in an upland area, above the elevation 662 feet UED contour, where and in such a manner that it will not re-enter the lake. Large woody debris providing aquatic habitat should not be removed unless it poses a navigational or other safety hazard.
5. You must take preventative measures to minimize future deposition into Lake of the Ozarks. Such measures may include temporary and permanent sediment and erosion controls such as bank stabilization, rock check dams, armoring drainage channels and roadside ditches, or approved bioengineered solutions.

NWKGP-38M PROJECT AUTHORIZATION/VERIFICATION SHEET
KANSAS CITY DISTRICT - CORPS OF ENGINEERS

1. Verification No. (Corps use only)

2. Verification date:

3. Permittee and mailing address:

4. Agent/Contractor and mailing address:

Phone:

Phone:

5. Project location: In the Lake of the Ozarks, at lake mile _____, Cove/Arm _____, subdivision and lot _____; in the NE NW SE SW (circle one) of Section _____, Township _____, Range _____, _____ County, Missouri.

Coordinates (__UTM, __Lat./Long., __Decidegrees):

6. Authorized work (As shown on attached drawing(s)):

(Cite applicable GP appendices and list dimensions.)

7. Special conditions/cautions:

8. Verification by : _____
(Name, signature and title)

Ameren Missouri project ID number : _____