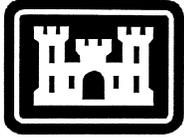


PUBLIC NOTICE



US Army Corps
of Engineers
Kansas City District

Permit No. GP-39M (200602746)
Issue Date: October 30, 2007

STATE OF MISSOURI
KANSAS CITY DISTRICT GEOGRAPHICAL AREA
ISSUANCE/RENEWAL OF GENERAL PERMIT 39M
UNITED STATES DEPARTMENT OF AGRICULTURE, NATURAL RESOURCES
CONSERVATION SERVICE, WATERSHED PROTECTION AND FLOOD
PREVENTION PLANNING PROGRAM
PUBLIC LAW 83-566 (PL566) - FLOOD DETENTION DAMS

The District Engineer, U.S. Army Corps of Engineers, Kansas City District, HAS RENEWED general permit NWKGP-39M for PL566 Flood Detention Dams constructed in waters of the United States within the State of Missouri, except navigable waters, which are located in the geographical jurisdiction of the Kansas City District, under authority of Section 404 of the Clean Water Act (33 USC 1344).

Duration of this General Permit. The general permit has been extended and is in effect for 5 years from the date of reissuance unless revoked or specifically extended.

Notification Procedures. The proponent desiring to undertake work authorized by this general permit must notify the District Engineer, Kansas City District. The notification must include all the information listed in the accompanying appendices and include drawing(s) sufficient to determine if the proposed work conforms to the criteria and conditions of the general permit. Department of the Army (DA) application form ENG Form 4345 may be used for this purpose. ENG Form 4345 is available to download at: <http://www.nwk.usace.army.mil/regulatory/regulatory.htm> or may be obtained by writing or calling the **Missouri State Regulatory Office, 221 Bolivar Street, Suite 103, Jefferson City, Missouri 65101, telephone 573-634-2248, ext. 3834.**

If the Corps determines that the work meets the provisions of the general permit, and no extraordinary conditions exist that warrant submission of an application, the proponent will be notified to proceed. If the Corps determines that the subject work does not meet the provisions of the general permit, or that extraordinary conditions exist, the applicant will be notified that an individual permit will be necessary. Additional information concerning limitations and general and special conditions of the permit can be obtained by writing to the address above.

Conditions of this General Permit. All activities authorized by this general permit must comply with the general and special conditions of the enclosed copy of the permit, including conditions of the State's Section 401 water quality certification.

Enclosure

DEPARTMENT OF THE ARMY PERMIT

Permittee The USDA, Natural Resources Conservation Service (NRCS) and participants in the Watershed Protection and Flood Prevention Planning Program, Public Law 83-566 (PL566)

Permit No. NWK GP-39M

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: Mechanized landclearing, excavation, and the discharge of dredged or fill material in waters of the United States, that are not subject to transportation of interstate or foreign commerce, in conjunction with the construction of earthen flood detention dams designed as part of a regional watershed management plan and prepared under the authority of the Watershed Protection and Flood Prevention Planning Program, Public Law 83-566.

Permit Drawings: Location map, plan view, cross section, Sheets 1 through 2 of 2, dated 6 December 2006

Project Location: All waters of the United States in the state of Missouri, except navigable waters, which are located in the geographical jurisdiction of the Kansas City District

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on 2 years from individual verifications, GP-39M expires 5 years after issuance unless renewed, extended, or withdrawn. 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 and 5, of this document.

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 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.

Signature not required
(PERMITTEE)

N/A
(DATE)

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


 (DISTRICT ENGINEER)
 ROGER A. WILSON, JR., COLONEL
 BY: William R. Jeffries
 Acting Chief, Regulatory Program
 Kansas City District

10/23/2007
(DATE)

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

(TRANSFEREE)

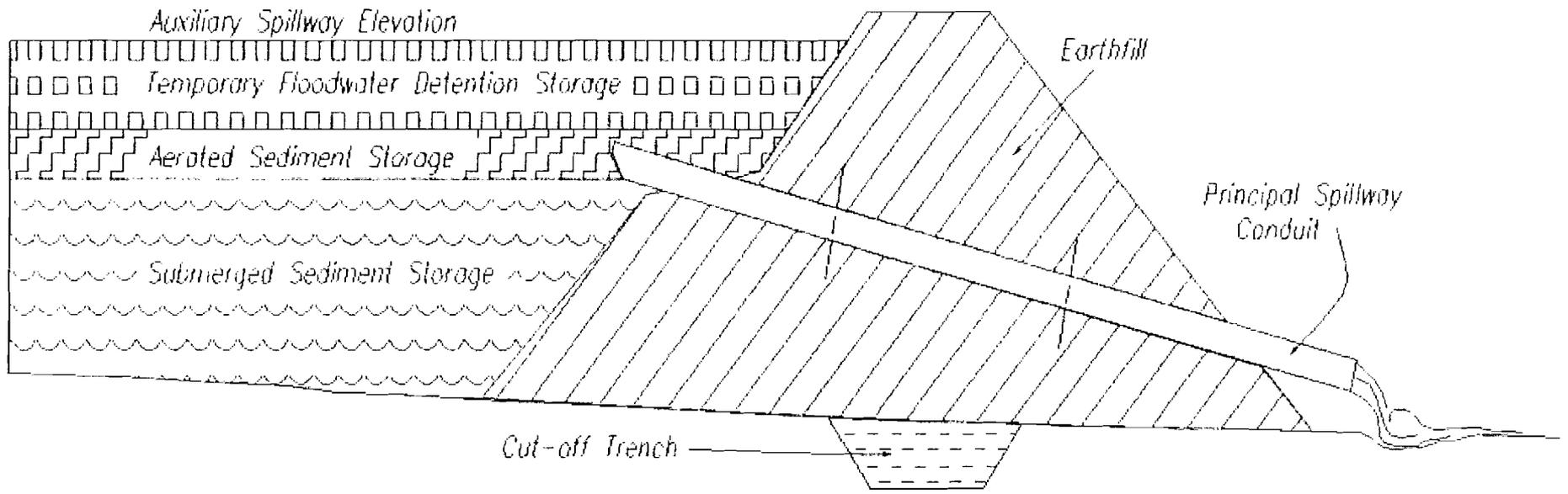
(DATE)

Special Conditions:

- a.** You must sign and return a "Compliance Certification" 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.
- b.** Dam height must be less than 35 feet, measured from the centerline of the streambed.
- c.** Impoundment size must not exceed 15 surface acres of water, unless verification includes a written waiver from the Kansas City District. Waivers shall not be granted for impoundments that exceed 20 surface acres. Request for waiver must include a written statement detailing the need for the increased size of the impoundment.
- d.** 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.
- e.** Any structure or fill authorized shall be properly maintained to ensure public safety.
- f.** 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.
- g.** You must dispose of excess concrete and wash water from concrete trucks and other concrete mixing equipment in a nonwetland area above the ordinary high water mark and at a location where the concrete and wash water cannot enter the water body or an adjacent wetland area.
- h.** 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.
- i.** 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.
- j.** You must not dispose of any construction debris or waste materials below the ordinary high water mark of any water body, 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.
- k.** You must store all construction materials, equipment, and/or petroleum products, when not in use, above anticipated high water levels.

- l.** 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.
- m.** 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 railroad ties, gabions or concrete blocks, or additional vegetative plantings, to protect the disturbed areas from further erosion. You must contact the Kansas City District, Regulatory Branch prior to beginning work on any additional erosion control measures so that a determination can be made whether further authorization is required.
- n.** You must not discharge fill or dredged material or excavate below the water surface during the fish spawning season as outlined in Appendix IV, unless a written variance is granted by the Corps of Engineers.
- o.** No activity which may affect Historic properties listed, or eligible for listing in the National Register of Historic Places is authorized, unless the District Engineer has complied with the provisions of 33 CFR 325, Appendix C. You must notify the District Engineer if the work may affect any historic properties listed, determined to be eligible, or which the prospective permittee has reason to believe may be eligible for listing. You must receive notification from the District Engineer to proceed with the authorized work prior to starting any work that may affect said properties.
- 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, or which is likely to destroy or adversely modify the habitat of such species. You must notify the Corps of Engineers if the activity may affect a Federally-listed threatened or endangered species or its habitat. Also, you must comply with conditions of any biological opinion, and/or any conditions to implement reasonable and prudent measures specified by an Incidental Take Statement.
- q.** The Corps of Engineers has the discretion to require an individual permit on a case-by-case basis for any proposed structure and has the discretion to revoke verification under this general permit for any uncompleted structures if the cumulative impacts to the watershed are shown to warrant such an action.
- r.** Individual verifications will be issued for each proposed dam and will be valid for two (2) years. Work verified by the permit but not completed within the two year timeframe will require a new verification for the uncompleted portions of the project.
- s.** You must submit an annual status report to the Kansas City District, Missouri State Regulatory Office, after each construction season. The report shall include the number and location of dams constructed, total length of stream impacts and amount of compensatory mitigation.

- t. You must submit concurrently with your request for verification a mitigation plan that adequately compensates for the discharges of dredged or fill material and inundation of waters of the United States during the construction and implementation phases of each project (see Appendix II & III). The mitigation plan shall be implemented concurrently with the project development.
- u. You must exclude agricultural use from all mitigation areas, i.e., use for livestock production, and prohibit any other non-compatible use that would jeopardize the biological integrity of the mitigation areas.
- v. You must protect all mitigation areas with a deed restriction, conservation easement, United States Department of Agriculture (USDA) contract restriction or other restrictive agreement between the landowner and the USDA. You must provide a copy of the restrictive document on each mitigation area to the Missouri State Regulatory Office at the time that you submit your "Compliance Certification."
- w. You must submit an annual monitoring report on the compensatory mitigation sites to the Missouri State Regulatory Office for a minimum of 5 years.



Typical Cross Section

APPENDIX I

**CORPS OF ENGINEERS, KANSAS CITY DISTRICT, REGULATORY
GEOGRAPHICAL RANGE BY COUNTY FOR MISSOURI**

Entire Counties

Andrew	Atchison	Bates	Benton	Buchanan
Callaway	Caldwell	Camden	Carroll	Cass
Cedar	Chariton	Clay	Clinton	Cole
Cooper	Dallas	Daviess	DeKalb	Gentry
Grundy	Harrison	Henry	Hickory	Holt
Howard	Jackson	Johnson	Laclede	Lafayette
Linn	Livingston	Maries	Mercer	Miller
Moniteau	Morgan	Osage	Pettis	Platte
Polk	Pulaski	Putnam	Ray	St. Clair
Saline	Sullivan	Vernon	Worth	Wright

Portions of Counties

Adair	Barton	Boone	Christian	Dade
Dent	Franklin	Gasconade	Greene	Lawrence
Montgomery	Macon	Nodaway	Phelps	Randolph
Schuyler	Texas	Warren	Webster	

APPENDIX II

NOTIFICATION REQUIREMENTS FOR AUTHORIZATION BY GENERAL PERMIT NWKGP-39M

The Natural Resources Conservation Service or the local sponsoring organization, functioning as the authorized agent, must notify the Corps of Engineers, Kansas City District, according to the requirements listed below to obtain individual verifications for each proposed impoundment prior to initiating work in waters of the United States.

1. APPLICATION. ENG Form 4345 and any supplemental documents necessary to provide baseline information and required mitigation for each project must be used to request project verifications under the general permit. Copies of ENG Form 4345, instructions or assistance may be obtained by writing or calling the Kansas City District or by accessing the Kansas City District web site at <http://www.nwk.usace.army.mil>.

2. BASELINE INFORMATION. Supplementing the ENG Form 4345, the following baseline information must be provided for each proposed impoundment.

(1) A location map and legal description (township, range, section, longitude, latitude) for each impoundment.

(2) The height of each dam

(3) The surface acres impounded by each dam.

(4) Proposed with or without a stream augmentation pipe.

(5) The length, width, and channel depth of each stream and/or wetland that will be filled by the footprint of the dam and inundated by the impounded water. **The notification must include a Natural Resources Conservation Service "Certified Wetland Delineation" on projects where the proposed work will impact wetlands.**

(6) A brief description of each project area. Include a physical description of the stream channel, i.e., mud bottom, gravel bottom, riffles and pool complex, etc.; and a description of the adjacent vegetation, indicating if the stream bankline supports a wide or narrow growth of trees, grass, weeds or if there are wetlands present. Information collected by stream and wetland habitat assessment techniques may be used with prior approval from the Corps of Engineers, Kansas City District.

APPENDIX II

3. ENDANGERED SPECIES. The general permit does not authorize you to take an endangered species. In order to legally take a listed species, you must have separate authorization under the Endangered Species Act (ESA). If authorization under the ESA contains mandatory terms and conditions to implement the reasonable and prudent measures that are associated with an "incidental take", such terms and conditions become part of the general permit. Failure to comply with the ESA terms and conditions would constitute an unauthorized take, and it would also constitute non-compliance with the general permit. The Corps of Engineers will informally consult with the U.S., Fish and Wildlife Service to comply with the ESA and to make a determination of the affect on Federally-listed species. If you have any questions concerning threatened and endangered species occurring in your project area, you should contact the U.S. Fish and Wildlife Service at the Columbia Field Office located at 608 East Cherry Street, Columbia, Missouri 65201.

4. MITIGATION PLAN. You must submit a compensatory mitigation plan for the aquatic impacts associated with the discharge of dredged or fill material caused during site preparation and project implementation for each proposed impoundment. You must submit a proposed mitigation plan at the time that you apply for project verification by this general permit. Project verification will occur when your mitigation plan has been approved by the Corps of Engineers. Compensatory mitigation may include one or a combination of the following mitigation types: restoration, enhancement, creation and protection. Also, the plan may include out-of-kind compensation if it is considered practicable, environmentally equal or preferable to in-kind compensation, and located within the same watershed basin as the proposed impacts.

The following are basic requirements for mitigation success:

- a. Whenever possible choose restoration over creation
- b. Avoid over-engineered and maintenance intensive designs
- c. Restore or develop naturally variable hydrologic conditions
- d. Exclude use of seriously degraded or seriously disturbed sites
- e. Conduct early monitoring as part of adaptive management

The following should be considered to guide mitigation site selection:

- a. Consider the hydrogeomorphic and ecological landscape and climate
- b. Adopt a dynamic landscape perspective
- c. Consider subsurface conditions
- d. Select appropriate plant genetic stock and seasonal timing for establishment of plants
- e. Provide appropriately heterogeneous topography

APPENDIX II

Your compensatory mitigation plan must include the criteria described below.

(1) Wetlands. Compensatory mitigation for impacts to wetlands must be included as part of the overall mitigation plan at the ratios specified in the Missouri Department of Natural Resources "State of Missouri Aquatic Resources Mitigation Guidelines."

(2) Streams. Compensatory mitigation for impacts to stream channels must replace stream functions adversely affected by inundation or lost as a result of the permitted fill and excavation. Mitigation plans for stream impacts should normally include establishment and maintenance of vegetated buffers next to degraded stream systems in the same watersheds. Mitigation replacement values for stream impacts can be calculated on an acreage basis; however, replacement buffer areas should not exceed normal riparian widths of 25-feet to 100-feet.

STATE OF MISSOURI AQUATIC RESOURCES MITIGATION GUIDELINES

OBJECTIVE: The goal of the federal Clean Water Act is to restore and maintain the chemical, physical and biological integrity of the Nation's waters including wetlands. These guidelines will help determine the minimum acceptable levels of mitigation in regards to permits issued under Sections 404 and 401 of the federal Clean Water Act for the State of Missouri.

These guidelines were developed by the Missouri Department of Natural Resources (MDNR) with cooperation from the Missouri Department of Conservation (MDC), the U.S. Fish and Wildlife Service (USFWS), the U.S. Environmental Protection Agency (EPA), the U.S. Army Corps of Engineers (COE), the Natural Resources Conservation Service (NRCS) and the Missouri Department of Transportation (MoDOT).

AUTHORITY: These guidelines are intended to comply with the following authorities:

1. Clean Water Act (33 USC 1251 et seq.)
2. National Environmental Policy Act (42 USC 4321 et seq.)
3. Executive Order 11990
4. Missouri Clean Water Law, Chapter 644, RSMO and implementing regulations
10 CSR 20-7.031, Water Quality Standards

The guidelines are consistent with the regulations and policies, including the Water Quality Standards, of the Department of Natural Resources and the Missouri Clean Water Commission as well as other policies or rules of the Department of Natural Resources and the cooperating agencies.

- A. Mitigation is defined to include: avoiding impacts, minimizing impacts, rectifying impacts, reducing impacts over time and compensating for impacts. This definition can be simplified into three general types: avoidance, minimization and compensatory mitigation. These guidelines will address these three general types of mitigation.
1. Avoidance: No impacts to aquatic resources should occur if there is a practicable alternative to the proposed impacts which would have less adverse impacts to the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences. If the impacts to the resource are so significant, the project should not be permitted even if no alternatives are available.
 2. Minimization: Appropriate and practicable steps to minimize adverse impacts will be required through project modifications and permit conditions.
 3. Compensatory Mitigation: Appropriate and practicable compensatory mitigation will be required for unavoidable adverse impacts to aquatic resources which remain after avoidance and minimization have been done to the extent practicable. The COE, or other agency with authority to delineate wetlands using the appropriate delineation manual, will determine the jurisdictional boundaries of wetlands or other waters at the project site.
- B. Compensatory mitigation sites shall be recorded as deed restrictions in perpetuity, or some other method as approved by the COE and the MDNR, that will reserve the mitigation area in perpetuity or aquatic resource protection and wildlife purposes.

APPENDIX III

- C. Projects in aquatic areas with federal or state endangered, rare or threatened species must consult with the USFWS and/or MDC for information to avoid/minimize any adverse impacts to these species.

GENERAL CRITERIA

- A. Definitions: The following definitions describe the various terms relating to wetland mitigation to be used by MDNR for purposes of these guidelines:
1. *Aquatic Resources*: All aquatic areas which fall under the jurisdiction of Section 404 of the Clean Water Act.
 2. *Created Wetland*: The conversion of a persistent non-wetland area into a wetland. Creation techniques vary but usually entail excavation or the construction of berms, levees and water control structures which establish wetland hydrology. Once the hydrology has been introduced, wetland plants may grow naturally, or it may be necessary to transplant desired vegetation from other established wetlands. Even when wetland vegetation is established, it will take an indeterminate amount of time for hydric soils to develop. Thus, created wetlands, also called artificial wetlands, may not meet the criteria for a true wetland for years after its creation.
 3. *Degraded Wetland*: A wetland altered through impairment of some physical or chemical property which results in a reduction of habitat value or other reduction of functions.
 4. *Enhanced Wetland*: An existing wetland where some activity of people increases one or more values; often with an accompanying decline in other wetland values.
 5. *Preservation*: The protection of ecologically important wetlands or other aquatic resources in perpetuity through the implementation of appropriate legal and physical mechanisms. Preservation may include protection of upland areas adjacent to wetlands as necessary to ensure protection and/or enhancement of the aquatic ecosystem.
 6. *Restoration*: Wetland restoration is the act of returning an area that was previously a wetland, or is presently a degraded wetland, back to a condition of equal or greater acreage and/or function within the same wetland classification type. In many cases, reestablishing the hydrology is sufficient to reactivate the seedbed that lies dormant in the wetland soil. For example, restoration of a drained wetland may be as simple as removing the drainage tiles or plugging up the drainage ditch that removed the water from the area.
 7. *Shrub*: A woody plant which at maturity is usually less than six meters (20 feet) tall.
 8. *Tree*: A woody plant which at maturity is usually six meters (20 feet) or more in height.
 9. *Watershed*: Watershed or basin areas, for these guidelines, will use the cataloging unit boundaries (eight digit number) as developed by the U.S. Geological Survey (USGS) and shown on the enclosed maps.
 10. *Wetland*: Areas which are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

B. Mitigation Site

1. Compensatory mitigation shall occur on-site unless:
 - a. On-site mitigation is impractical
 - b. On-site mitigation will not adequately replace lost functions
 - c. It is determined that off-site mitigation is environmentally preferable considering the type of aquatic resource impacted and the historic loss of aquatic resource types and functions in the watershed.
2. Off-site mitigation shall be conducted: adjacent to or connected with other protected sites in the same watershed unless the applicant demonstrates the impracticality of doing so.
3. Compensatory mitigation shall be done in the same watershed where adverse impacts occurred, unless the impracticability of doing so is demonstrated.
4. Exceptions:
 - a. Mitigation for linear projects (i.e., along highway right-of-way or pipelines) with impacts in several watersheds may be done at a single mitigation site.
 - b. If mitigation in one site is not possible, mitigation for a single project may be conducted at more than one site and with more than one mitigation technique.

C. Mitigation Type:

1. Mitigation shall be in-kind unless the applicant demonstrates the impracticality of in-kind habitat mitigation or;
2. It is determined that out-of-kind habitat mitigation is environmentally preferable considering the type of aquatic resource impacted, and the historic loss of aquatic resources and the functions and values in the watershed.

D. Mitigation Method: Unavoidable losses to aquatic resources may be compensated for in several ways.

1. Restoration of historic wetlands (i.e., prior converted cropland). This is the preferred method for wetlands compensation.
2. Creation of wetlands in areas where wetlands did not historically exist.
3. Enhancement of existing wetlands. This method should not result in secondary impacts to wetlands or the aquatic system.
4. Preservation of existing wetlands. This method should only be used in unusual circumstances, determined on a case by case basis and will generally receive only partial credit. Therefore, more acreage would be required as compared to other methods of compensation.

5. Other.

- a. Mitigation for aquatic resources besides wetlands should be dealt with case by case since providing wetland acreage may not be appropriate for other aquatic resource impacts. Methods may include: restoring a degraded reach, designing a new reach as close to a natural one as possible or riparian plantings.
- b. Other methods of compensatory mitigation exist. These include banking and in lieu fee. These types of agreements shall be determined on a case by case basis. Applicants wanting to use one of these methods must still go through the avoidance and minimization process. On-site mitigation is preferred unless there is some extenuating circumstance in which off-site mitigation would better serve the resource that is damaged. Any mitigation banks that are used shall be developed by following the current federal guidance for mitigation banks. The first guidance was issued November 28, 1995. This guidance may be fine tuned at a later date to be specific to the State of Missouri.

E. Mitigation Ratios

- 1. Acreage ratios are useful to ensure consistency among projects and as a surrogate for more complex functional assessment methodologies when seeking to ensure the replacement of lost aquatic habitat including wetland functions. The ratios reflect the uncertainty of mitigation success, the time delay between the loss of functions and the reestablishment of those functions and the value of the aquatic resource from a water quality perspective.
- 2. The following ratios have been developed by the participating agencies for use in the State of Missouri for wetland creation/restoration. The ratios are intended for use by projects for which the sequencing requirements have been completed and it has been determined at that point that compensatory mitigation is appropriate. The ratios are not intended for enforcement purposes, however, the high end of the range may be an appropriate place to begin negotiations for enforcement cases.

Farmed Wetlands	1.0-1.5
Emergent	1.0-3.0
Shrub-Scrub Wetlands	1.5-3.0
Wooded Wetlands	2.0-4.0
Open Water	1.0
Streams	Case by Case (refer to General Criteria D.5.a. & b.)

These ratios may be increased when:

- a. Mitigation is not conducted before or concurrently with a development project.
 - b. Out-of-watershed mitigation is proposed.
 - c. Projects impact functioning mitigation sites.
 - d. Other relevant circumstances make increases in the ratio appropriate.
3. Rare and unique aquatic habitats may not be appropriate for any mitigation and therefore no impacts should occur in these areas. This would include fens, mature bottomland woodland or other areas as described by the current NRCS Missouri categorical exclusion and red flag areas.

F. Wetland Classification (from Cowardin, Classification of Wetlands and Deepwater Habitats of the United States, FWS/OBS-79/31, December 79)

1. "If vegetation (except pioneer species) covers 30% or more of the substrate, we distinguish classes on the basis of the life form of the plants that constitute the uppermost layer of vegetation and that possess an areal coverage 30% or greater. For example, an area with 50% areal coverage of trees over a shrub layer with a 60% areal coverage would be classified as Forested Wetland; an area with 20% areal coverage of trees over the same (60%) shrub layer would be classified as Shrub-Scrub Wetland. When trees or shrubs alone cover less than 30% of an area but in combination cover 30% or more, the wetland is assigned to the class Shrub-Scrub. When trees and shrubs cover less than 30% but the total cover of vegetation (except pioneer species) is 30% or greater, the wetland is assigned to the appropriate class for the predominant life form below the shrub layer."

G. Mitigation Plan

1. All mitigation plans must be submitted and approved before work begins on the project. The applicant must also demonstrate financial and technical capability to do the work and show that a suitable site is available.
2. When possible, mitigation should be completed before project proceeds or completed prior to or at the same time the project is completed. Failure to achieve this may result in increased mitigation ratios.
3. Mitigation plans should include the following information.
 - a. Clear statement of objectives;
 - b. Description of the wetland functions that will be lost and those that will be replaced;
 - c. Statement of the location and description of the baseline elevation and hydrology of the mitigation site;
 - d. Detailed construction plan with post-construction contour map, detailed location map and as built drawings;
 - e. Plans for establishment of vegetation including what, where and when if planting is proposed. Also, detailed drawings of planting plan and any proposed structures;
 - f. Description of a mitigation monitoring program;
 - g. Performance standards for site grading, hydrology and plant community establishment, composition and survival;
 - h. Contingency plan;
 - i. Guarantee that the work will be performed as planned; and
 - j. Provisions for long-term management and maintenance.

APPENDIX IV
MISSOURI STREAM/SPAWNING SEASON

WATERBODY	COE DIST	MILES FROM	TO	CLOSED	COUNTY1	COUNTY2	COUNTY3	COUNTY4	COUNTY5
Baker Branch	KCD	4.0	Mouth of Flat Creek (6, 37N, 27W)	Taberville Prairie (15, 38N, 28W)	03/15 - 06/15	St. Clair			
Barren Fork	KCD	3.9	Conf. with Tavern Creek (15, 40N, 13W)	Hwy 17 (3, 39N, 13W)	03/15 - 06/15	Miller			
Bass Creek	KCD	4.0	Mouth (20, 47N, 12W)	Hwy 63 (27, 47N, 12W)	03/15 - 07/15	Boone			
Bear Creek	KCD	9.7	Hwy A (10, 34N, 25W)	South Section Line (6, 33N, 24W)	03/15 - 06/15	Cedar	Polk		
Big Creek, East Fork	KCD	40.0	Conf. with West Fork (9, 63N, 28W)	Iowa State Line (35, 67N, 28W)	03/15 - 06/15	Harrison			
Big Creek, West Fork	KCD	38.0	Conf. with East Fork (9, 63N, 28W)	Iowa State Line (26, 67N, 27W)	03/15 - 06/15	Harrison			
Big Piney River	KCD	47.2	Conf. with Gasconade River (31, 37N, 10W)	Slabtown Access (16, 33N, 10W)	03/15 - 06/15	Phelps	Pulaski	Texas	
Big Sac River	KCD	6.1	Stockton Lake (5, 31N, 25W)	Hwy U (11, 31N, 25W)	03/15 - 06/15	Dade			
Bonne Femme Creek	KCD	8.5	Andrew Sapp Road (35, 47N, 13W)	Hwy 63 (3, 47N, 12W)	03/15 - 07/15	Boone			
Brush Creek	KCD	9.6	Hwy J (18, 36N, 25W)	South Section Line (6, 35N, 24W)	03/15 - 06/15	Cedar	Polk	St. Clair	
Brush Creek	KCD	8.0	Conf. with Shoal Creek (30, 56N, 27W)	Headwaters NE of Polo (22, 55N, 28W)	03/15 - 06/15	Caldwell			
Brushy Fork	KCD	3.2	Conf. with Barren Fork (3, 39N, 13W)	Hwy 17 (4, 39N, 13W)	03/15 - 06/15	Miller			
Cahoonie Creek	KCD	2.5	Conf. with Thomas Creek (2, 36N, 20W)	West Section Line (3, 36N, 20W)	03/15 - 06/15	Dallas			
Castile Creek	KCD	28.0	Route Y (22, 57N, 32W)	Conf. with Platte River (25, 55N, 34W)	03/15 - 06/15	Buchanan	Clinton		
Clear Creek	KCD	19.0	Conf. with Fishing River (18, 52N, 30W)	Route W (4, 54N, 31W)	06/01 - 08/11	Clay	Clinton		
Clear Creek	KCD	5.0	Mouth (32, 48N/47N, 19W)	Headwaters (23, 47N, 19W)	03/15 - 06/15	Cooper			
Crabapple Creek	KCD	9.0	Conf. with Shoal Creek (21, 56N, 27W)	Headwaters West of Cowgill (29, 55N, 30W)	03/15 - 06/15	Caldwell	Clinton	Ray	
Crooked River	KCD	49.0	Hwy 10 (31, 52N, 26W)	Headwaters N. of Converse (9, 54N, 30W)	03/15 - 06/15	Caldwell	Ray		

APPENDIX IV

MISSOURI STREAM/SPAWNING SEASON

WATERBODY	CODE	MILES FROM DIST		TO	CLOSED	COUNTY1	COUNTY2	COUNTY3	COUNTY4	COUNTY5
Crooked River, East Fork	KCD	25.0	Conf. with Crooked River	Headwaters E of Polo (21,52N,28W)	(24,55N,28W)	05/15 - 07/15	Caldwell	Ray		
Crooked River, West Fork	KCD	16.0	Conf. with Crooked River	Headwaters at Route M (27,52N,27W)	(34,53N,29W)	05/15 - 07/15	Ray			
Dousinbury Creek	KCD	0.7	Conf. with Niangua River	First Road Crossing (11,33N,19W)	(12,33N,19W)	03/15 - 06/15	Dallas			
First Nicholson Cr (E Drywood)	KCD	2.0	Prairie State Park			03/15 - 06/15	Barton			
Four Mile Creek	KCD	0.7	Conf. with Niangua River	Route P (9,34N,18W)	(4,34N,18W)	03/15 - 06/15	Dallas			
Gans Creek	KCD	4.8	Mouth (1,47N,13W)	Highway 63 (33,48N,12W)		03/15 - 06/15	Boone			
Gauconade River	KCD	150.0	Hwy D (24,37N,10W)	Highway 5 (6,29N,14W)		03/15 - 06/15	Laclede	Phelps	Pulaski	Wright
Grand Glaizra Creek	KCD	8.8	Lake of the Ozarks (25,39N,15W)	Conf with Wet Glaize (24,38N,15W)		03/15 - 06/15	Camden	Miller		
Grand River, East Fork	KCD	23.0	Route M at Denver (31,65N,30W)	Iowa State Line (35,67N,30W)		03/15 - 06/15	Worth			
Gravole Creek	KCD	2.1	Lake of the Ozarks (17,41N,17W)	Hwy 5 (7,41N,17W)		03/15 - 06/15	Morgan			
Greasy Creek	KCD	12.9	Conf. with Niangua River (17,34N,19W)	South Section Line (34,33N,20W)		03/15 - 06/15	Dallas			
Grindstone Creek	KCD	43.0	Conf. with Grand River (15,60N,29W)	Headwaters S of Osborn (27,57N,31W)		05/15 - 07/15	Clinton	Davies	Dekalb	
Hickory Creek	KCD	7.0	Hwy 6 (32,61N,25W)	Headwaters (13,60N,26W)		05/15 - 07/15	Davies	Grundy		
High Creek	KCD	10.0	Conf. with McElroy Creek (19,66N,41W)	Headwaters (35,67N,40W)		06/01 - 08/31	Atchison			
Honey Creek	KCD	20.0	Conf. with Platte River (14,64N,34W)	Iowa State Line (31,67N,33W)		03/15 - 06/15	Nodaway			
Indian Creek	KCD	0.3	Lake of the Ozarks (19,41N,16W)	First Slab Above Lake (17,41N,16W)		03/15 - 06/15	Morgan			
Jack Buster Creek	KCD	3.4	Mouth at Saline Creek (15,41N,14W)	Rt MM (35,42N,14W)		03/15 - 06/15	Hiller			
Jakas Creek	KCD	4.5	Conf. with Niangua River (15,36N,18W)	First County Road Crossing (33,36N,18W)		03/15 - 06/15	Dallas			

APPENDIX IV

MISSOURI STREAM/SPANNING SEASON

WATERBODY	COB DIST	MILES FROM	TO	CLOSED	COUNTY1	COUNTY2	COUNTY3	COUNTY4	COUNTY5
Jones Creek	KCD	0.4 Conf. with Niangua River (2,32N,19W)	First Road Crossing (11,32N,19W)	03/15 - 06/15	Dallas				
Kelley Branch	KCD	5.8 Mouth (12,50N,13W)	Highway U (10,50N,12W)	03/15 - 06/15	Boone				
Lindley Creek	KCD	16.5 Pomme de Terre Reservoir (8,35N,21W)	Polk/Dallas County Line (1,34N,21W)	03/15 - 06/15	Hickory	Polk			
Little Gravois Creek	KCD	1.0 Lake of the Ozarks (10,41N,17W)	First Slab Above Lake (10,41N,17W)	03/15 - 06/15	Morgan				
Little Maries Creek	KCD	3.3 Conf. with Maries River (35,43N,10W)	South Section Line (33,43N,10W)	03/15 - 06/15	Osage				
Little Niangua River	KCD	18.5 Lake of the Ozarks (3,38N,18W)	East Section Line (33,38N,20W)	03/15 - 06/15	Camden	Morgan			
Little Niangua River	KCD	22.5 East Section Line (33,38N,20W)	East Section Line (26,36N,19W)	03/15 - 06/15	Camden	Dallas	Hickory		
Little Pincy Creek	KCD	15.8 Mouth of Beaver Creek (25,37N,9W)	1st. Crossing of Dent Co Ln. (16,35N,8W)	11/15 - 02/15	Phelps				
Little Platte River	KCD	10.0 Smithville Lake (25,55N,32W)	Route H (27,56N,31W)	03/15 - 06/15	Clinton				
Little Pomme de Terre River	KCD	8.4 Conf. with Pomme de Terre R. (3,31N,21W)	South Section Line (31,31N,20W)	03/15 - 06/15	Greene	Polk			
Little Sac River	KCD	17.8 Stockton Lake (2,32N,24W)	Polk/Greene County Line (7,31N,22W)	03/15 - 06/15	Polk				
Little Sac River	KCD	2.3 Hwy 65 (19,30N,20W)	Farm Road 70 (21,30N,20W)	03/15 - 06/15	Greene				
Little Saline Creek	KCD	7.7 Mouth at Saline Creek (25,41N,14W)	Hwy 52 (23,41N,15W)	03/15 - 06/15	Miller				
Little Tavern Creek	KCD	1.6 Conf. with Tavern Creek (33,39N,12W)	East Section Line (33,39N,12W)	03/15 - 06/15	Miller				
Log Creek	KCD	15.0 Conf. with Shoal Creek (25,56N,28W)	Waters NW of Prairie Rdg (16,55N,29W)	03/15 - 06/15	Caldwell				
Lotze Creek	KCD	8.0 Worth County Line (7,66N,29W)	Iowa State Line (35,67N,29W)	03/15 - 06/15	Harrison				
Maries River	KCD	27.2 County Road 611 (26,43N,10W)	North Section Line (35,41N,10W)	03/15 - 06/15	Maries	Osage			

APPENDIX IV
MISSOURI STREAM/SPAWNING SEASON

WATERBODY	CODE	MILES FROM DIST	FROM	CLOSED	COUNTY1	COUNTY2	COUNTY3	COUNTY4	COUNTY5
Marrowbone Creek	KCD	25.0 Hwy 13 (4,58N,27W)	Headwaters SW of Winston (17,58N,29W)	03/15 - 06/15	Daviess				
Haze Creek	KCD	4.1 Stockton Lake (5,32N,25W)	1st. N/S Road Above Hwy 245 (15,32N,25W)	03/15 - 06/15	Dade				
McElroy Creek	KCD	6.0 Conf. with High Creek (19,66N,41W)	Iowa State Line (35,67N,41W)	06/01 - 08/31	Atchison				
Meyers Branch (Tavern Creek)	KCD	2.4 Mouth (23,46N,7W)	Headwaters Near Hwy D (16,46N,7W)	05/01 - 07/31	Callaway				
Hill Creek	KCD	9.0 Mouth (20,37N,9W)	Mouth of Deep Hollow Creek (32,36N,9W)	11/15 - 02/15	Phelps				
Hill Creek	KCD	8.0 Hwy 111 (11,63N,41W)	H. waters SE of Rock Port (6,64N,40W)	03/15 - 06/15	Atchison				
Hill Creek	KCD	1.5 Conf. with Niangua River (10,36N,18W)	West Section Line (8,36N,18W)	11/15 - 02/15	Dallas				
Moniteau Creek	KCD	28.0 Hwy 87 (19,46N,14W)	Hwy 50 (17,45N,17W)	05/15 - 07/15	Cooper	Moniteau			
Niangua River	KCD	59.0 Lake of the Ozarks (9,37N,17W)	Hwy K (8,34N,18W)	03/15 - 06/15	Camden	Dallas	Laclede		
Niangua River	KCD	40.0 Hwy K (8,34N,18W)	Conf. of East & West Forks (33,32N,18W)	03/15 - 06/15	Dallas	Webster			
Niangua River	KCD	12.0 Prosperine Access (5,35N,17W)	Bennett Spring (25,35N,18W)	11/15 - 02/15	Dallas	Laclede			
Niangua River, East Fork	KCD	0.5 Conf. of Niangua River (33,32N,18W)	T32/T31 Line (33,32N,18W)	03/15 - 06/15	Webster				
Niangua River, West Fork	KCD	0.3 Conf. of Niangua River (33,32N,18W)	T32/T31 Line (33,32N,18W)	03/15 - 06/15	Webster				
North Dry Sac River	KCD	8.8 Conf. with L. Sac River (6,31N,22W)	East Section Line (19,31N,21W)	03/15 - 06/15	Greene	Polk			
Osage Fork of the Gasconade R.	KCD	63.0 Conf. with Gasconade River (23,35N,14W)	Route F (12,31N,17W)	03/15 - 06/15	Laclede	Webster	Wright		
Osage River	KCD	12.0 Conf. with Missouri River (5,44N,9W)	Lock and Dam (16,43N,10W)	03/15 - 06/15	Cole	Osage			
Osage River	KCD	1.2 Highway 54 Bridge (29,46N,15W)	Bagnell Dam (19,40N,15W)	03/15 - 06/15	Hiller				

APPENDIX IV

MISSOURI STREAM/SPAWNING SEASON

WATERBODY	COE	MILES FROM DIST		TO	CLOSED	COUNTY1	COUNTY2	COUNTY3	COUNTY4	COUNTY5
Panther Creek	KCD	2.4	Conf. with Brush Creek (36,36N,25W)	South Section Line (32,36N,24W)	03/15 - 06/15	St. Clair				
Pomme de Terre River	KCD	12.5	Pomme de Terre Reservoir (24,35N,23W)	Hwy D (17,34N,21W)	03/15 - 06/15	Hickory	Polk			
Pomme de Terre River	KCD	19.5	Truman Lake (26,38N,22W)	Pomme de Terre Dam (2,36N,22W)	03/15 - 06/15	Hickory				
Pomme de Terre River	KCD	24.6	Hwy II (20,32N,21W)	One Mile Above Hwy DD (17,30N,19W)	03/15 - 06/15	Dallas	Greene	Polk	Webster	
Roubidoux Creek	KCD	20.2	South Section Line (3,34N,12W)	Highway 32 (2,32N,12W)	03/15 - 06/15	Pulaski	Texas			
Roubidoux Creek	KCD	6.0	Mouth (14,36N,12W)	East Section Line (6,35N,11W)	11/15 - 02/15	Pulaski				
Sac River	KCD	12.0	Truman Lake (23,37N,26W)	Section Line (14-15,36N,26W)	03/15 - 06/15	St. Clair				
Saline Creek	KCD	12.4	Mouth at Geage River (36,41N,14W)	Hwy 54 (10,41N,15W)	03/15 - 06/15	Miller				
Salt Creek	KCD	4.0	Mouth (11,49N,18W)	Headwaters Near Hwy 87 (33,50N,17W)	06/01 - 08/31	Howard				
Shoal Creek	KCD	73.0	Route D in Livingston Co. (28,56N,25W)	Headwaters E of Lathrop (30,55N,30W)	05/15 - 07/15	Caldwell	Clinton	Livingston		
Silver Fork	KCD	8.5	Hwy 63 (13,50N,13W)	Hwy V (33,51N,12W)	03/15 - 06/15	Boone				
Sons Creek	KCD	4.8	Stockton Lake (26,32N,27W)	Hwy BB (4,31N,27W)	03/15 - 06/15	Dade				
South Fork	KCD	3.3	Conf. with Pomme de Terre R. (1,30N,20W)	Hwy DD (19,30N,19W)	03/15 - 06/15	Greene	Webster			
Spring Creek	KCD	7.5	Mouth (22,35N,10W)	County Road 212 (6,34N,9W)	11/15 - 02/15	Phelps				
Starks Creek	KCD	2.0	Conf. with L. Niangua River (23,38N,20W)	North Section Line (22,38N,20W)	03/15 - 06/15	Hickory				
Sugar Creek	KCD	25.0	Hwy 146 Grundy County (29,62N,25W)	Headwaters NE of Bethany (35,64N,27W)	05/15 - 07/15	Grundy	Harrison			
Tavern Creek	KCD	34.6	Hwy 52 (27,41N,12W)	South Section Line (12,38N,13W)	03/15 - 06/15	Miller				

APPENDIX IV

MISSOURI STREAM/SPANNING SEASON

WATERBODY	CODE	MILES FROM DIST	FROM	TO	CLOSED	COUNTY1	COUNTY2	COUNTY3	COUNTY4	COUNTY5
Tavern Creek	KCD	7.8	Mouth (34,46N,7W)	Headwaters Near Hwy K (33,47N,7W)	05/01 - 07/31	Callaway				
Thomas Creek	KCD	2.7	Conf. with L. Niangua River (36,37N,20W)	South Section Line (12,36N,20W)	03/15 - 06/15	Dallas	Hickory			
Thompson River	KCD	6.0	NE of Akron (11,66N,26W)	Iowa State Line (35,67N,26W)	03/15 - 06/15	Harrison				
Toadstone Creek	KCD	10.0	Conf. with Sugar Creek (25,62N,26W)	Headwaters SE of Gilman City (31,62N,26W)	05/15 - 07/15	Davies	Harrison			
Trail Creek	KCD	16.0	Conf. with Thompson River (36,64N,26W)	Headwaters SE of Ridgeway (10,64N,27W)	05/15 - 07/15	Harrison				
Turkey Creek	KCD	0.1	Mouth (20,47N,12W)	Rangeline Road (24,47N,12W)	03/15 - 07/15	Boone				
Turnback Creek	KCD	15.6	Stockton Lake (15,31N,26W)	Dade/Lawrence County Line (35,30N,26W)	03/15 - 06/15	Dade				
Unnamed Creek	KCD	4.0	Conf. with Sugar Creek (7,62N,26W)	Headwaters (15,62N,27W)	05/15 - 07/15	Harrison				
Unnamed Creek	KCD	4.0	Conf. with Sugar Creek (8,62N,26W)	Headwaters (23,62N,27W)	05/15 - 07/15	Harrison				
West High Creek	KCD	6.0	Conf. with High Creek (21,66N,41W)	Iowa State Line (31,67N,40W)	06/01 - 08/31	Atchison				
West Glaise Creek	KCD	3.2	Conf. with Grand Glaise (24,30N,15W)	Route A (31,38N,14W)	03/15 - 06/15	Camden				
Whetstone Creek	KCD	15.9	Mouth (8,48N,6W)	I-70 (14,48N,8W)	03/15 - 06/15	Callaway	Montgomery			
Williams Creek	KCD	2.4	Conf. with Spring River (28,28N,27W)	Hwy V (34,28N,27W)	11/15 - 02/15	Lawrence				
Barren Fork	LRD	9.0	County Road Crossing (32,31N,4W)	Above Hwy A Bridge (18,31N,4W)	11/15 - 02/15	Shannon				
Beaver Creek	LRD	23.1	Mouth (34,23N,19W)	Hwy 76 at Bradleyville (10,24N,18W)	03/15 - 07/31	Taney				
Black River	LRD	28.3	Hwy 67 (13,26N,5E)	Clearwater Dam (6,28N,3E)	03/15 - 07/31	Butler	Wayne			
Bryant Creek	LRD	2.2	Norfolk Lake (9,22N,12W)	Cook Access (5,22N,12W)	03/15 - 06/15	Ozark				
Center Creek	LRD	3.0	CO Road 1.5 M Abv. Lawrence/Newton CO Line (19,27N,28W)	Hwy 97 (28,27N,28W)	11/15 - 02/15	Lawrence				

APPENDIX IV

MISSOURI STREAM/SPANNING SEASON

WATERBODY	COE DIST	MILES FROM	TO	CLOSED	COUNTY1	COUNTY2	COUNTY3	COUNTY4	COUNTY5
Crane Creek	LRD	0.4 Stone County Road 13-195 (1,25N,24W)	Stone/Lawrence County Line (19,26N,24W)	11/15 - 02/15	Stone				
Current River	LRD	121.0 Lower NPS Ownership (16,23N,2E)	Montauk (25,32N,7W)	03/15 - 06/15	Carter	Dent	Shannon		
Eleven Point River	LRD	44.0 Hwy 142 (16,22N,2W)	Forks (5,24N,5W)	03/15 - 06/15	Oregon				
Flat Creek	LRD	20.6 Mouth (34,23N,24W)	Hwy 39 (6,23N,25W)	03/15 - 06/15	Barry	Stone			
Hickory Creek	LRD	5.0 Conf. with Shoal Creek (18,25N,31W)	1st. CO Road Crossing Abv. Alt Hwy 71 (33,25N,31W)	11/15 - 02/15	Newton				
Jacks Fork River	LRD	45.0 Conf. with Current River (16,29N,3W)	Forks (29,28N,7W)	03/15 - 06/15	Shannon				
James River	LRD	26.2 McCord Bend (14,24N,24W)	Hootentown Bridge (19,26N,22W)	03/15 - 06/15	Stone				
Little North Fork River	LRD	4.2 Bull Shoals Lake (19,22N,15W)	COE Boundary (4,22N,15W)	03/15 - 06/15	Ozark				
Lost Creek	LRD	7.9 OK/MO State Line (8,25N,34W)	Hwy CC (15,25N,33W)	05/01 - 07/31	Newton				
North Fork River	LRD	13.5 Dawt (3,22N,12W)	Rainbow Spring (32,24N,11W)	11/15 - 02/15	Ozark				
Pond Fork	LRD	3.0 Bull Shoals Lake (19,22N,15W)	COE Boundary (1,22N,16W)	03/15 - 06/15	Ozark				
Spring Creek	LRD	2.5 Mouth (6,25N,23W)	Hwy A at Hurley (30,26N,23W)	11/15 - 02/15	Stone				
Spring River	LRD	13.9 Hwy 60 (20,26N,26W)	Hwy H (2,27N,27W)	11/15 - 02/15	Lawrence				
Spring River	LRD	0.2 KS/MO State Line (34,29N,34W)	Conf. Spring R/NE Spring R (4,29N,33W)	04/15 - 07/15	Jasper				
Swan Creek	LRD	2.3 Bull Shoals Lake (33,24N,20W)	COE Boundary (33,24N,20W)	03/15 - 06/15	Taney				
South Fabius River	RID	42.5 Highway 61 Bridge (23,59N,6W)	Shelby County Line (18,59N,8W)	03/15 - 06/15	Marion				
Troublesome Creek	RID	16.2 South Fabius River (13,59N,7W)	Lewis County Line (2,59N,8W)	03/15 - 06/15	Marion				

APPENDIX V

CORPS REVIEW PROCEDURES FOR AUTHORIZATION BY GENERAL PERMIT NWKGP-39M

1. ENDANGERED SPECIES CONSULTATION. The activity must not be located in any body of water identified as containing potential habitat for any Federally-listed threatened or endangered species unless, following coordination with the U.S. Fish and Wildlife Service (FWS), a "no effect" or "not likely to adversely affect" determination is agreed upon between the Corps of Engineers and the FWS. Project sites that may contain habitat for Federally-listed threatened or endangered species can be determined through the Missouri Species and Natural Communities of Conservation Concern web site: <http://mdcgis.mdc.mo.gov/heritage/>.

a. Additional project specific conditions must be imposed if, through informal consultation between the FWS and the Corps of Engineers, they are determined to be necessary to avoid the likelihood of adverse effects to listed species or designated critical habitat.

b. In the event that the likelihood of adverse effects to listed species or designated critical habitat cannot be avoided, authorization will not be provided under the general permit until such time as: i) formal consultation between the FWS and the Corps of Engineers is provided; ii) a non-jeopardy Biological Opinion is issued; and iii) the terms and conditions of any associated Incidental Take Statement are incorporated as enforceable conditions to the project authorization under the general permit.

2. MISSOURI SPECIES AND AREAS OF CONSERVATION CONCERN. Predischarge Notification (PDN) will occur with the Missouri Department of Conservation (MDC) prior to verification of any project activity in a body of water identified as containing potential habitat for Missouri's species of concern or Missouri's areas of conservation concern. MDC will be given a timely opportunity to comment and full consideration will be given to MDC's comments, which may include adding site specific conditions, prior to project verification. Project sites should be checked at the Missouri Species and Natural Communities of Conservation Concern web site: <http://mdcgis.mdc.mo.gov/heritage/>.

3. SEASONAL FISH SPAWNING RESTRICTIONS. Fish spawning seasonal restrictions as outlined by the Missouri Department of Conservation will be consulted prior to each individual verification (Appendix IV). Verifications will be conditioned to restrict construction during the spawning season limits unless a variance is granted by Corps of Engineers. The variance must be documented in the verification letter.

APPENDIX V

4. CULTURAL RESOURCE COMPLIANCE. The activity must not directly impact any cultural resource listed or eligible for listing on the register of Historic Places unless, coordination occurs between the applicant, the Corps of Engineers and the State. The cultural resource agreement, signed by the State and the Natural Resources Conservation Service, will be maintained in Corps of Engineers files and referenced prior to completing verifications. Verifications may require additional conditions to comply with the National Historic Preservation Act.

5. MITIGATION REQUIREMENTS. A mitigation plan must be submitted to and approved by the Corps of Engineers prior to individual project verification. Approval of the mitigation plan should be documented in the verification letter.

STATE OF MISSOURI Matt Blunt, Governor • Doyle Childers, Director
DEPARTMENT OF NATURAL RESOURCES

www.dnr.mo.gov

October 18, 2007

Mr. Clifford J. Baumer, PE
Natural Resources Conservation Service
Parkade Center, Suite 250
601 Business Loop 70 West
Columbia, MO 65203-2546

PN06-02746/CEK004021
GP-39M

Dear Mr. Baumer:

The Missouri Department of Natural Resources' Watershed Protection Program has reviewed Public Notice GP-39M/PN06-02746/CEK004021 in which the applicant proposes to renew an existing general permit issued on April 26, 2002, and extend the authorization for another 5-year period. The existing general permit authorizes mechanized landclearing, excavation and the discharge of dredged or fill material in waters of the United States that are not subject to transportation of interstate or foreign commerce. It is in conjunction with the construction of earthen flood detention dams designed as part of a regional watershed management plan and prepared under the authority of the Watershed Protection and Flood Prevention Planning Program, Public Law 83-566 (PL566).

The project is located in the geographical range of the Kansas City District's regulatory service area for the State of Missouri.

This office certifies that the proposed project will not cause the general or the numeric criteria to be exceeded nor impair beneficial uses established in the Water Quality Standards, 10 CSR 20-7.031, provided the following conditions are met:

1. Best Management Practices shall be used during excavation to limit the amount of sediment discharged into the stream.
2. If fill is needed, only clean, nonpolluted material shall be used.
3. This activity shall be conducted during times of low rainfall and low water levels in nearby streams.

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4. All precautions shall be taken to avoid the release of wastes or fuel to the stream or drainage channel.
5. All jurisdictional wetlands and springs shall be avoided.
6. Only structures designated and constructed as ponds by the Natural Resources Conservation Service (NRCS) shall be authorized by this permit.
7. In order to prevent water quality degradation by livestock, all ponds less than five (5) acres must limit livestock access to the areas opposite the dam where drainage enters the structure.
8. Clearing of vegetation/trees shall be the minimum necessary to accomplish the activity.
9. Any land disturbance activities disturbing one (1) or more acres of total area for the entire project will require a Land Disturbance Permit from the Department of Natural Resources.
10. Construction activities that are located in or occur within two (2) miles upstream of a designated outstanding state or national resource water shall not be authorized by this permit.
11. The electronic copy of verification sent to the U.S. Army Corps of Engineers (Corps) with baseline information on each site structure shall also be sent to the Department of Natural Resources, Water Protection Program, as referenced below.
12. Augmented flow shall be maintained at all impoundments as recommended by the Missouri Department of Conservation to sustain natural downstream conditions.

You may appeal to have the matter heard by the administrative hearing commission. To appeal, you must file a petition with the administrative hearing commission within thirty (30) days after the date this decision was mailed or the date it was delivered, whichever date was earlier. If any such petition is sent by registered mail or certified mail, it will be deemed filed on the date it is mailed; if it is sent by any method other than registered mail or certified mail, it will be deemed filed on the date it is received by the administrative hearing commission.

Water Quality Standards must be met during any operations authorized by these permits. If you have any questions, please contact Ms. Shannon Slater of the NPDES Permits and Engineering Section at (573) 526-1535, e-mail shannon.slater@dnr.mo.gov, or by mail at Missouri Department of Natural Resources, Water Protection Program, P.O. Box 176, Jefferson City, MO 65102-0176.

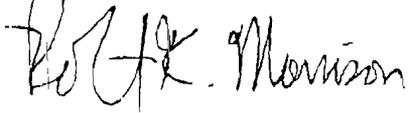
Mr. Clifford J. Baumer (GP-39M/PN06-02746/CEK004021)

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Sincerely,

WATER PROTECTION PROGRAM

A handwritten signature in black ink that reads "Robert K. Morrison". The signature is written in a cursive style with a large initial "R" and "M".

Robert K. Morrison, P.E., Chief
Water Pollution Control Branch

RKM:ssp

c: Mr. James Ptacek, Army Corps of Engineers, Kansas City District, MO State Reg. Office
DNR - KCRO