



US Army Corps  
of Engineers  
Kansas City District

## STATE OF MISSOURI 2021 NATIONWIDE PERMIT REGIONAL CONDITIONS

### For All Nationwide Permits

**1. Stream Crossings.** In addition to requirements of General Condition 2 and General Condition 9 of the Nationwide Permits, the following guidelines for stream crossings apply for regulated activities in waters of the United States (WOTUS). The guidelines are available at:

<https://www.nwk.usace.army.mil/Portals/29/docs/regulatory/NWP/2021/MO/MORC1Streams.pdf>

- Corps Districts may waive RC 1 when project site geomorphology (i.e. bedrock, gradient) or existing alterations (i.e. adjacent impoundment, as part of a dry detention basin) creates conflict with the guidelines. The applicant must provide Pre-construction Notification (PCN) to the District Engineer for any waiver request.

**2. Seasonal Restrictions for Activities Proposed in Spawning Areas.** In addition to the requirements of General Condition 3 of the Nationwide Permits, the following specific seasonal restrictions apply for regulated activities in WOTUS. Between the closed dates listed in the Missouri Combined Stream Spawning List, the permittee must not excavate from or discharge into the listed waters. The list of waters with seasonal restrictions is available on request from the Corps or at:

<https://www.nwk.usace.army.mil/Portals/29/docs/regulatory/NWP/2021/MO/MORC2SpawningArea.pdf>

- Corps Districts may waive RC 2 when the applicant demonstrates imminent threats to public safety and health, or to property. The Corps will consult with the U.S. Fish and Wildlife Service and Missouri Department of Conservation before granting the waiver and may add additional special conditions to protect aquatic life during the operation. The applicant must PCN to the District Engineer for any waiver request.

**3. Suitable Material.** In addition to the specific examples in General Condition 6 of the Nationwide Permits, the following materials are not suitable for fill activities in WOTUS: garbage, tires, treated lumber products that do not comply with the Registration Documents issued by the U.S. Environmental Protection Agency (USEPA) under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) and that are not in accordance with standards issued by American Wood Protection Association of the International Code Council, liquid concrete not poured into forms, grouted riprap, bagged cement and sewage or organic waste.

- Broken concrete used as bank stabilization must be reasonably well graded, consisting of pieces varying in size from 20 pounds up to and including at least 150-pound pieces to withstand expected high flows. Applicants must break all large slabs to conform to the well graded requirement. Generally, the maximum weight of any piece should not be more than 500 pounds. Gravel and dirt should not exceed 15% of the total fill volume when using broken concrete as fill. All protruding reinforcement rods, trash, asphalt, and other extraneous materials must be removed from the broken concrete prior to placement in WOTUS.

**4. Priority Watersheds.** The applicant must provide PCN to the District Engineer for any regulated activity in a priority watershed. The list of priority watersheds requiring notification is available on request from the Corps or at:

<https://www.nwk.usace.army.mil/Portals/29/docs/regulatory/NWP/2021/MO/MORC4PriorityWaters.pdf>

**5. Sensitive Aquatic Species.** The applicant must provide PCN to the District Engineer for any regulated activity in waters listed at:

<https://www.nwk.usace.army.mil/Portals/29/docs/regulatory/NWP/2021/MO/MORC5AquaSpecies.pdf>.

The submitted PCN will be coordinated in accordance with General Condition 32(d) with the U.S. Fish and Wildlife Service as determined appropriate by the Corps.

**For Specific Nationwide Permits:**

**6. Lake of the Ozarks.** The applicant must provide a PCN to the District Engineer for any regulated activity associated with Nationwide Permit 12, 57, and 58 within Lake of the Ozarks. A copy of this notification must also concurrently be sent to Ameren Missouri. Nationwide Permits 29 and 44 are revoked in the Lake of the Ozarks. The Corps and Ameren Missouri, regardless of the request to use any Nationwide Permit, may verify the activity under the provisions of Regional General Permit 38M, which can be found at <https://www.nwk.usace.army.mil/Missions/Regulatory-Branch/General-Permits/>. Additional information on Ameren Missouri and Lake of the Ozarks permit requirements can be found at the following webpage: <https://www.ameren.com/missouri/residential/lake-of-the-ozarks/permitting-process-forms>.

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**Note: PCN to the District Engineer must be in accordance with General Condition 32 of the Nationwide Permits.**