US Army Corps
of Engineers
St Paul District

Public Notice

ISSUED: December 8, 2008

SECTION: 404–Clean Water Act; 10-Rivers and Harbors Act

REFER TO: GP-001-WI (2008-05559-JMO)

EXTENSION OF GP-001-WI

PURPOSE OF THIS PUBLIC NOTICE. On November 20, 2008, the St Paul District Regulatory Branch issued a public notice proposing re-issuance with minor changes of General Permit 001-WI (GP-001-WI). Because we have received comments requiring further evaluation time, we propose to extend the current version of the GP while we continue work on the proposal.

The purpose of this notice is to announce that the St. Paul District has extended regional general permit number GP-001-WI so that it is **effective until December 31, 2009**. The previous expiration date of GP-001-WI was December 31, 2008. During the next few months, another public notice will be issued proposing some changes to GP-001-WI. After opportunity for public input and completion of environmental documents, a new GP-001-WI will be issued for a period of five years.

2. BACKGROUND. In the last 25 years, the St. Paul District of the Corps of Engineers has used GP-001-WI to authorize, under Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act, activities that are regulated and approved by the Wisconsin Department of Natural Resources. The District has kept GP-001-WI continuously in effect by periodically re-issuing it at about five-year intervals. The District implemented GP-001-WI to reduce the public and private costs and burdens of Federal regulation by eliminating regulatory duplication between similar state and Federal regulatory programs in Wisconsin. GP-001-WI has effectively accomplished this objective.

3. ADDITIONAL INFORMATION. GP-001-WI is limited to projects that require authorization from the Corps under Section 404 and/or Section 10 and are regulated and approved by the WDNR. GP-001-WI procedures include coordinating proposed projects with the U.S. Fish and Wildlife, the National Park Service, the State Historic Preservation Officer and any potentially affected Indian Tribes.

Application procedures are specified on pages 4 and 5 of the attached GP-001-WI permit. Applicants must receive a project-specific GP-001-WI confirmation letter from the Corps before work is authorized.

A copy of the current GP-001-WI is attached and is also posted on the District Regulatory Branch web page at **http://www.mvp.usace.army.mil/regulatory/**. The only change that has been made to the text of permit is the expiration year.

Questions about GP-01-WI may be addressed to the St. Paul District, Corps of Engineers, ATTN: OP-R, 190 Fifth Street East, St. Paul, MN 55101-1638. Questions may also be directed to Jeff Olson at telephone (651) 290-5311, or email address, jeffrey.m.olson@usace.army.mil.

for Robert J. Whiting
Chief, Regulatory Branch

NOTICE TO EDITORS: This public notice is provided for your information only and is not a request for publication.

DEPARTMENT OF THE ARMY PERMIT

Permittee: The General Public in Wisconsin

Permit No.: GP-001-WI

Issuing Office: St. Paul District
U.S. Army Corps of Engineers

Issuance Date: January 1, 2004

Expiration Date: December 31, 2009

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 all terms and conditions specified below.

Project Description: The general public in the State of Wisconsin is authorized to perform certain work that is regulated and approved by the Wisconsin Department of Natural Resources (WDNR)in waters of the United States pursuant to Wisconsin Statutes Chapter 30 or 31 (including Trans. 207 projects), and to perform work for public transportation projects that are in compliance with the WDNR-Wisconsin Department of Transportation (WDOT)liaison procedure under Wisconsin Statute 30.12(4), subject to all exclusions and conditions that follow.

Project Location: Waters of the U.S. in Wisconsin that are regulated by the (WDNR) pursuant to Wisconsin Statutes Chapter 30 or 31.

NOTE: Federal authorization under this general permit is NOT valid for any activity UNLESS AND UNTIL the project proponent has received BOTH a WDNR authorization and a Corps authorization letter for the project. APPLICANTS MUST RECEIVE BOTH A WDNR PERMIT AND AN AUTHORIZATION LETTER FROM THE CORPS BEFORE ANY WORK IS AUTHORIZED.

EXCLUDED ACTIVITIES. The following activities are not eligible for authorization under GP-001-WI:

1. Activities that are part of a project that would impact (drain, fill, or inundate) more than two acres of waters of the U.S.

2. Structures attendant to fleeting of barges are not authorized by this GP in any case.

3. Activities that are denied any required local, State, Tribal or Federal authorization.

4. Activities subject to a WDNR permit decision that is overturned by a court of law.

5. Activities in Navigable Waters of the U.S. (Federal "Section 10" waters)that, in the opinion of the St. Paul District of the Corps of Engineers, would have an unacceptable adverse effect on navigation.

6. Activities that the St. Paul District of the Corps of Engineers determines warrant further Federal evaluation to address the government's trust responsibility to American Indian Tribes.

7. Activities that the St. Paul District of the Corps of Engineers determines have potential to cause unacceptable adverse impacts on aquatic resources of national importance.

8. Activities that would have an adverse effect on a known archaeological site or cultural resources, or on Federally-listed endangered or threatened wildlife or plants or their critical habitat, unless those activities are subjected to review under the applicable procedures of Section 106 of the National Historic Preservation Act and/or Section 7 of the Endangered Species Act, as appropriate, and are determined to comply with those Acts.

PERMIT CONDITIONS:

1. The time limit for completing the work authorized under this general permit ends 3 years from the date of the WDNR authorization unless otherwise specified in the WNDR permit. If the WDNR permit is extended, the authorization issued under this general permit is extended for the same length of time.

2. All work or discharges to a watercourse resulting from permitted construction activities, particularly hydraulic dredging, must meet applicable Federal, State, and local water quality and effluent standards on a continuing basis.

3. Measures must be adopted to prevent potential pollutants from entering the watercourse. Construction materials and debris, including fuels, oil, and other liquid substances, will not be stored in the construction area in a manner that would allow them to enter the watercourse as a result of spillage, natural runoff, or flooding.

4. If dredged or excavated material is placed on an upland disposal site (above the ordinary high-water mark), the site must be securely diked or contained by some acceptable method that prevents the return of potentially polluting materials to the watercourse by surface runoff or by leaching. The containment area, whether bulkhead or upland disposal site, must be fully completed prior to the placement of any dredged material.

5. Upon completion or earthwork operations, all exposed slopes, fills, and disturbed areas must be given sufficient protection by appropriate

means such as landscaping, or planting and maintaining vegetative cover, to prevent subsequent erosion.

6. All material (including riprap), if authorized under this permit, must consist of suitable material free from toxic pollutants in other than trace quantities. In addition, rock or other material used for activities dependent upon this permit and obtained by excavation must either be obtained from existing quarries or, if a new borrow site is opened up to obtain material, the State Historic Preservation Officer (SHPO) must be notified prior to the use of the new site. Evidence of this consultation with the SHPO will be forwarded to the St. Paul District Office.

7. If cultural, archaeological, or historical resources are unearthed during activities authorized by this permit, work must be stopped immediately and the State Historic Preservation Officer must be contacted for further instruction.

8. An investigation must be made to identify water intakes or other activities that may be affected by suspended solids and turbidity increases caused by work in the watercourse. Sufficient notice must be given to the owners of property where the activities would take place to allow them to prepare for any changes in water quality.

9. A contingency plan must be formulated that would be effective in the event of a spill. This requirement is particularly applicable in operations involving the handling of petroleum products. If a spill of any potential pollutant should occur, it is the responsibility of the permittee to remove such material, to minimize any contamination resulting from this spill, and to immediately notify the State Department of Natural Resources and the U.S. Coast Guard at telephone number (800) 424-8802.

10. The following special condition is a part of all Corps of Engineers permits that provide authorization under Section 10 of the Rivers and Harbors Act, regardless whether the permit provides such authorization under Section 10 alone, or in combination with authorization under other laws:

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.

HOW TO APPLY FOR AND RECEIVE AUTHORIZATION UNDER GP-001-WI:

To receive authorization under this general permit, the applicant must submit a permit application to the WDNR and provide a copy of the application to the St. Paul District. The District will review the application to determine whether or not the project is eligible for authorization under GP-001-WI. This review will include a determination of compliance with all of the above permit terms and conditions, including those concerning cultural resources, Federally-listed endangered or threatened wildlife or plants and the government's trust responsibility to American Indian Tribes. This review may include coordination with appropriate state or Federal agencies and/or Indian Tribes and will include coordination with the National Park Service for all projects on or in Federal Wild and Scenic Rivers.

The Corps authorization under this general permit will NOT be valid for the project UNTIL the applicant has received both a WDNR authorization and a Corps authorization letter for the project. APPLICANTS MUST RECEIVE BOTH A WDNR PERMIT AND AN AUTHORIZATION LETTER FROM THE CORPS BEFORE ANY WORK IS AUTHORIZED.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to (as applicable):

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

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

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

2. Limits of this authorization.

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

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

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

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

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

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

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

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

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

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reevaluation of Permit Decision. This office may reevaluate its decision on any permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. Any term or condition of a permit is not satisfied.

b. The information provided in support of a permit application proves to have been false, incomplete, or inaccurate.

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.

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

for Robert L. Ball
Colonel, Corps of Engineers
District Engineer

24 Dec 93
(DATE)