



DEPARTMENT OF THE ARMY
ROCK ISLAND DISTRICT, CORPS OF ENGINEERS
CLOCK TOWER BUILDING - P.O. BOX 2004
ROCK ISLAND, ILLINOIS 61204-2004

REPLY TO
ATTENTION OF

<http://www.mvr.usace.army.mil>

Operations Division

Enclosed for your use is a Joint Application Packet entitled, "Protecting Iowa Waters." This packet contains the necessary application forms, drawings sheets, instructions, and information for applying for Department of the Army and State of Iowa permits to perform work in waters within Iowa.

Detailed instructions for completing the application are located on pages 3 thru 6 in the Joint Application Packet. In addition, the application form and drawing sheets are on self-copying paper, so please press down firmly with a hard point pen when completing them, or please type them.

The copies of the application form and drawing sheets are identified at the bottom of each page as to which agency should receive which copy. The copy of the completed application form and drawing sheets marked "Corps of Engineers" and any other pertinent information should be mailed to:

U.S. Army Corps of Engineers, Rock Island
ATTN: Regulatory Branch
Clock Tower Building
Post Office Box 2004
Rock Island, Illinois 61204-2004

The copies of the completed application form and drawing sheets marked "Iowa Department of Natural Resources, Attention: Floodplain Permits Section, and Sovereign Lands" and any other pertinent information should be mailed to:

Iowa Department of Natural Resources
Wallace State Office Building
900 East Grand Avenue
Des Moines, Iowa 50319-0034

Please forward a copy of all approvals to this office as you receive them.

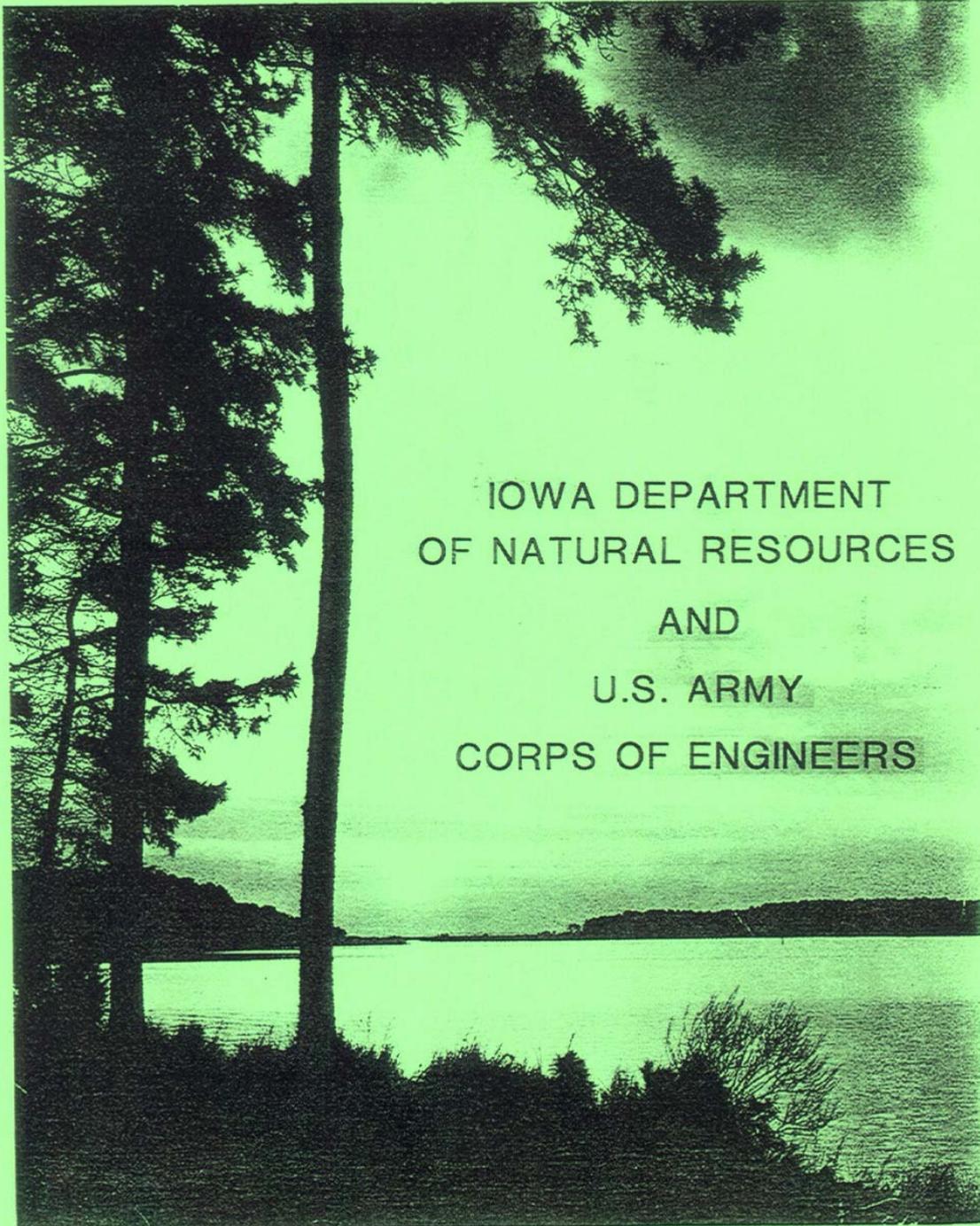
Operations Division

IMPORTANT:

Mitigation for wetland or stream impacts resulting from your proposed actions may be a permit requirement. Prior to completing your application, it is recommended that you read through the Rock Island District Mitigation and Monitoring Guidelines available on the Web at: <http://www2.mvr.usace.army.mil/Regulatory/> . This may help you avoid or minimize wetland and stream impacts, thus reducing or eliminating the requirement for mitigation.

Should you have any questions, please contact our Regulatory Branch by letter, or telephone Ms. Sue Apple, 309/794-5376. **Please note that this phone number is the correct number to use when calling the Corps of Engineers. Older versions of the Iowa application packet have an incorrect number for the Corps.**

JOINT APPLICATION FORM
PROTECTING IOWA WATERS



IOWA DEPARTMENT
OF NATURAL RESOURCES
AND
U.S. ARMY
CORPS OF ENGINEERS

PROTECTING IOWA'S WATERS

TABLE OF CONTENTS

<u>Section</u>		<u>Page</u>
1.	Introduction	1
2.	Regulated Activities – Who Must Apply	1
3.	The Applicant's Role	1
4.	The Regulatory Agencies	1
5.	The Permit Process	1
6.	Preliminary Coordination	1
7.	Reporting Unauthorized Construction	1
8.	Permit Programs	2
	U.S. Army Corps of Engineers	
	Iowa Department of Natural Resources	
9.	Instructions for Completing the Joint Application Form	3
10.	Special Instructions for Completing the Joint Application Form	4, 5 & 6
11.	Agency Mailing Addresses	5
<u>Examples</u>		
	Example Completed Application.	7
	Example Completed Drawing	8
<u>Forms</u>		
	Joint Applicant Form	
	Drawing Sheets (Sheets 1 and 2)	

1. INTRODUCTION

Laws of the United States and the State of Iowa have assigned the US Army Corps of Engineers and the Iowa Department of Natural Resources with specific and different regulatory roles designed to protect the waters within and on the State's boundaries. Protecting Iowa's waters is a cooperative effort between the applicant and regulatory agencies. This application package has been designed to assist applicants in initiating the permit process with both agencies for construction, excavation or filling in a water of the stator or on a floodplain. Instructions and application forms are contained within the package. This application package also contains a description of the activities that are regulated by these agencies, the applicant's role in protecting Iowa's waters, an explanation of the agencies roles, and a description of the application process.

2. REGULATED ACTIVITIES – WHO MUST APPLY

Construction, excavation or filling in streams, lakes, wetlands, or on floodplains may require permits from both agencies. The attached application form is to be used to begin the permit process for any of the following activities:

- a. cutting the bank of a river or stream;
- b. any excavation or dredging in a stream or river channel;
- c. channel changes or relocations (including stream straightening);
- d. construction of any permanent dock, pier, wharf, seawall, boat ramp, beach, intake or outfall structure on a stream, river, or lake;
- e. placement of any fill, riprap, or similar material in a stream, river channel, lake, or wetland;
- f. construction of a dam across any waterway;
- g. placement of fill, construction of levees, roadways and bridges; and similar activities on a floodplain; or
- h. construction of buildings on a floodplain.

The Iowa Department of Natural Resources also requires permits for the construction and operation of water and wastewater treatment facilities, water withdrawal, water storage, and solid waste disposal and should be contacted for information about these permits.

3. THE APPLICANT'S ROLE

Iowa's water resources were once seemingly abundant and limitless. As development intensified and technology advanced, it became apparent that individual and cumulative effects of man's actions did have an impact and there indeed was a limit to the state's water resources. State and Federal regulatory programs were established to protect the public's interest in these valuable water resources. The applicant's role is to obtain the necessary approvals and permits to conduct an activity so that the wise use and the protections and maintenance of the existing state's water resources can be ensured.

4. REGULATORY AGENCIES' ROLES

In Iowa, two agencies administer permit programs for protecting the state's water resources and ensuring their wise use. These agencies are:

- a. The US Army Corps of Engineers; and
- b. The Iowa Department of Natural Resources

Their roles, when considered together, include the protection of navigable waters; protection against unwise floodplain development; enduring the wise and beneficial use of water; maintenance and enhancement of water quality; protection of fish and wildlife habitat and protection of the public interest.

The regulatory programs administered by each of these two agencies are described in more detail in Section 8, "Permit Programs." Each regulatory program listed under "Permit Programs" has distinctive review criteria and administrative and legal requirements.

5. THE PERMIT PROCESS

The application package is designed to assist the prospective applicant in meeting the various legal and administrative requirements of both agencies. By following the instructions for completing the application form and submitting a copy to each of the agencies listed in the instructions, the permit process is initiated. Each agency will review the application form to determine whether a permit (or permits) will be required. If a permit or permits are required you will be notified of that and whether any additional information will be needed before the permit can be processed. If a permit is not required from either agency receiving your application, you will be notified by that agency. Be sure to allow 60 to 90 days for application review and processing. Proceeding without the necessary permits is against state and Federal laws and may result in legal proceedings and fines.

6. PRELIMINARY COORDINATION

If you are unsure whether a particular action or project is regulated and requires a permit, or if you wish to discuss specific concerns with any agency, please call. The agencies and telephone numbers are listed in the instructions of the application form.

7. REPORTING UNAUTHORIZED CONSTRUCTION

Although the permit programs described in Section 8 on page 2 use the permit requirement mechanism to protect our waters, the programs also have specific powers to deal with unauthorized projects or activities. If you wish to request an investigation of a project which may be unauthorized, contact either of the agencies listed. Specific information describing the activity, dates and individuals involved, as well as photographs are extremely helpful and should be forwarded whenever possible. Remember, protecting Iowa's waters is a cooperative effort.

8. PERMIT PROGRAMS

US ARMY CORPS OF ENGINEERS

The basis for the US Army Corps of Engineers regulatory functions over public waterways was formed in 1899 when Congress passed the Rivers and Harbors Act of 1899. Until 1968, the Rivers and Harbors Act of 1899 was administered to protect only navigation and the navigable capacity of this nation's waters. In 1968, in response to a growing national concern for environmental values, the policy for review of permit applications with respect to Sections 9 and 10 of the Rivers and Harbors Act was revised to include additional concerns (fish and wildlife, conservation, pollution, aesthetics, ecology, and general welfare) besides navigation. This new type of review was identified as a "public interest review."

The Corps of Engineers regulatory function was expanded when Congress passed the Federal Water Pollution Control Act Amendments of 1972. The purpose of the Federal Water Pollution Control Act was to restore and maintain the chemical, physical, and biological integrity of this nation's waters. Section 402 of the Act established the National Pollutant Discharge Elimination System (NPDES) to regulate industrial and municipal source discharges of pollutants into the nation's waters. The NPDES permit program is administered by the Iowa Department of Natural Resources and should not be confused with the Corps of Engineer's Section 404 permit program. Section 404 of the Federal Water Pollution Control Act (now called the Clean Water Act due to amendments in 1977) established a permit program to be administered by the Corps of Engineers to regulate the nonpoint source discharges of dredged or fill material into waters of the United States.

IOWA DEPARTMENT OF NATURAL RESOURCES

The Iowa Department of Natural Resources (IDNR) is the state agency created by consolidating all previous duties of the Department of Water, Air, and Waste Management; the Conservation Commission; the Energy Policy Council; and the Iowa Geological Survey. The IDNR administers permit programs for conserving and protecting Iowa's water, recreational and environmental resources, and, for the prevention of damage resulting from unwise floodplain development. The Department also has jurisdiction over sovereign lands and waters and certain fee title lands of the State (Iowa Code, Chapters 106 and 111). On meandered streams and lakes, sovereign state property is that land below the ordinary high water mark.

A summary of the Department's permit programs relating to protection of water and recreational resources and adjacent lands, is as follows:

- a. Floodplain Construction Permits
- b. Water Quality Certification
- c. Construction Permits on Fee Title and Sovereign Lands and Waters
- d. Permits Requiring Special Applications
 1. non-permanent docks
 2. commercial sand and aggregate removal from meandered streams
- e. Other Related Permits

(a) Floodplain Construction Permits

The Department has authority to regulate construction on all floodplains and floodways in the state. The Department's administrative rules explain when a permit must be obtained for various types of floodway/floodplain-development. Examples are channel straightening, levee construction, excavation and stockpiling of overburden and rock materials, building construction, dams, stream crossings, and bank protection work. Any person who plans to perform or allow such floodplain construction has a duty to contact the Department to determine if a floodplain construction permit is needed.

(b) Water Quality Certification

State Section 401 water quality certification is mandatory for all projects requiring a Federal Section 404 permit. Section 401 water quality certification is the Department's concurrence that a project is consistent with the state's water quality standards. Short and long-term impacts to water quality and water-related uses are evaluated in the Section 401 certification review.

(c) Construction Permits

Pursuant to Section 114.4 of the Iowa Code, the Iowa Department of Natural Resources may authorize a person, association, or corporation to build or erect any pier, wharf, sluice, piling, wall, fence, obstruction, building or erection of any kind upon the jurisdiction of the Iowa Department of Natural Resources when it is found to be in the best interest of the public.

(d) Special Applications

Non-permanent docks – (This is the standard recreational boat dock.) Special dock permit application forms are available throughout the state at all Iowa Department of Natural Resources field offices, and at the Iowa Department of Natural Resources central office located in Des Moines, Iowa. If your project involves a dock structure, then the dock permit application form should be sent to the Iowa Department of Natural Resources conservation officer in your area, in lieu of the forms in this packet.

If your dock is located along the Mississippi River, Missouri River or on a Corps managed reservoir, you should send the completed application form in this packet to the Corps of Engineers only.

Sand and Aggregate Removal from Meandered Streams – special application forms are required. These are available at the Iowa Department of Natural Resources, Land Acquisition and Management Bureau, Wallace State Office Building, Des Moines, Iowa 50319.

(e) Other Permits Related to Water Resources

Additional Departmental permits may be required depending upon the project. Examples of additional permits from the Department relate to the construction and operation of water and wastewater treatment facilities, water withdrawal and water storage permits, solid waste disposal, air quality permits, etc.

9. INSTRUCTIONS FOR COMPLETING THE JOINT APPLICATION FORM

Four copies of the application form and drawing sheets are provided. Submit one copy of the completed application form and drawings to the agency specified on the bottom of each form. The mailing address and telephone number of each agency is provided in Section 11. The copy labeled "Applicant's Copy" is for the applicant's records. This application form is printed on NCR (No Carbon Required) paper, therefore, use sufficient writing pressure to ensure that all copies are legible. The application form may be photocopied.

It is very important that the application is complete and accurate. If additional space is needed for any item on the application form, attach a separate sheet of paper to the application sent to each agency. A sample copy of a completed application is provided for reference.

IF YOU NEED ASSISTANCE IN FILLING OUT THE APPLICATION FORM, PLEASE CALL ANY AGENCY OFFICE LISTED.

Additional information may be required by any or all of the agencies before further processing of your application may proceed. The applicant will, however, be notified of such needs by the agencies.

General instructions for completing the application form are provided on the form itself. Specific instructions on completing items 3, 4, 5, and 12 of the form and the information to be provided on the drawings are provided in Section 10.

Information in the application is made a matter of public record through issuance of a public notice. Disclosure of the information requested is voluntary; however, the data requested is necessary in order to communicate with the applicant and to evaluate the permit application. If necessary information is not provided, the permit application cannot be processed nor can a permit be issued.

18 United States Code Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious, or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

Applicant is informed that all approvals must be obtained before work can be started.

10. SPECIAL INSTRUCTIONS FOR COMPLETING THE JOINT APPLICATION FORM

JOINT APPLLLICATION FORM

Item 3 – Applicant(s)

List the name, mailing address, and telephone number of each applicant. The applicant(s) shall be the person(s), firm(s), corporation(s), etc who have or will have the responsibility for the property on which the project will be located by reason of ownership, easement, or other agreement. If the property is not presently owned by the applicant, attach an explanation of any easements or rights-of-way which have been or will be obtained, or how such land will be acquired. If a project is being proposed by a lessee, the lessee and lessor should be joint applicants. In some instances, agency staff may request additional information on all parties having a legal or equitable interest in the involved land.

List all applicants. Space has been provided for the listing of up to three applicants. Attach an additional sheet if necessary.

Item 4 – Authorized Agent

If the applicant designates an authorized agent for the purpose of obtaining the permits, list the name, address, and phone number of the authorized agent in Item 4. During the permit process, all correspondence, such as requests for additional information, will be sent to the authorized agent.

Item 5 – Project Description and Remarks

The applicant must provide a complete description of the activity and always include the purpose and intended use. For any major activity, additional support information should be provided by attached sheets to the application.

Dredging and Fill Activities. Describe the location, type, composition and quantity of material to be dredged/filled, method of dredging/filling, and method of transportation to disposal/fill site. Also describe the disposal/fill site by including location, quantity of material it will hold, composition of receiving soil, and method of containment. Provide Iowa Department of Natural Resources material analysis data as required.

Item 12 – Applicant Verification

The application must be signed by each applicant.

However, the application may be signed by a duly authorized agent (Name in Item 4) if this form is accompanied by a statement by the applicant(s) designating the agent.

NOTE:

- a. If the applicant is a corporation, the president or other authorized officer shall sign the application form.
- b. If the applicant is a county, city or other political subdivision, the application form shall be assigned by an appropriate authorized officer.
- c. If the applicant is a partnership, each partner shall sign the application form.
- d. If the applicant is a trust, the trust officer shall sign the name of the trustee by him (or her) as thrust officer. A disclosure affidavit must be filed with the application, identifying each beneficiary of the trust by name and address and defining the respective interest therein.

DRAWING (forms provided)

Each sheet of drawing submitted should contain a title block in the lower right hand corner identifying the proposed activity, the name of the body of water, river mile (if applicable), number of the sheet and total number of sheets in set, and date the drawing was prepared. Certified engineering plans may be submitted in lieu of the drawing sheets if the magnitude of the project warrants. (Note: The Department of Natural Resources may require submission of certified engineering plans.)

- (1) A vicinity map (in the upper right hand corner) which shows:
 - a. project site;
 - b. name of waterway;
 - c. name of and distance to local town, community or other identifying location such as roads; and
 - d. north arrow.
- (2) A plan (overhead) view of the project showing:
 - a. existing shoreline and the normal water surface elevation (if mean sea level datum is not used, adjustment should be indicated);
 - b. adjacent property lines and ownership as listed in the application form;
 - c. principal dimensions of the structure or work and extent of encroachment into the waterway (as measured from a fixed structure or object);
 - d. floodway/floodplain lines if established and if known;
 - e. north arrow; and
 - f. graphic or numerical scale.
- (3) A cross-sectional view of the project showing:
 - a. shoreline, elevations, extent of encroachment, principal dimensions of the work as shown in plan view; and
 - b. graphic or numerical scales (horizontal and vertical).

11. AGENCY MAILING ADDRESSES

Send appropriate copies of the completed application to each agency listed below. (Agencies are specified at the bottom of each sheet in the packet.)

- (1) Corps of Engineers (1 copy, which is the 3rd copy in each set)

Choose the appropriate address. The Omaha District has regulatory jurisdiction over the Missouri River, its contiguous wetlands, and Carter Lake. The remainder of the projects occurring in Iowa are regulated by the Rock Island District.

ROCK ISLAND DISTRICT

US Army Engineer District
Rock Island Corps of Engineers
Clock Tower Building – Post Office Box 2004
Rock Island, Illinois 61204-2004

Tel: (309) 764-5373

OR

OMAHA DISTRICT

US Army Engineer District
Omaha Corps of Engineers
Post Office Box 5
Omaha, Nebraska 68102

Tel: (402) 221-4133

- (2) The Iowa Department of Natural Resources
Wallace State Office Building
900 East Grand Avenue
Des Moines, Iowa 50319-0034

Tel: (515) 281-8693

For information on specific permitting activities, telephone:

Flood Plain Permits	(515) 281-8693
Sovereign Land – Fee Title	(515) 281-8967
Water Quality Certification	(515) 281-7025
Recreational Boat Docks	(515) 281-5919
Sand and Gravel Permits	(515) 281-5806

JOINT APPLICATION FORM

ITEMS 1 AND 2 FOR AGENCY USE

1. Application Number	2. Date Received
-----------------------	------------------

3. and 4. (SEE SPECIAL INSTRUCTIONS) NAME, MAILING ADDRESS AND TELEPHONE NUMBERS

3a. Applicant Business () Home ()	3b. Applicant Business () Home ()	3c. Applicant Business () Home ()
---	---	---

4a. Authorized Agent (if any) Phone ()	4b. Authorized Agent (if any) Phone ()	4c. Authorized Agent (if any) Phone ()
--	--	--

5. PROJECT DESCRIPTION AND REMARKS:

6. IMMEDIATE AND ADJOINING PROPERTY OWNERS:

7. PROJECT LOCATION

STREET, ROAD, OR OTHER DESCRIPTIVE LOCATION	LEGAL DESCR.	QUARTER	SECTION	TOWNSHIP	RANGE
IN OR NEAR CITY OR TOWN	WATERWAY			RIVER MILE	
COUNTY	STATE	ZIP CODE			

8. Date activity is proposed to commence	Date activity is expected to be completed
--	---

9. Is any portion of the activity for which authorization is sought now complete? Yes No

Month and Year the activity was completed _____

If answer is "YES" give reasons in the Project Description and Remarks section.
Indicate the existing work on drawings.

10. Lit all approvals or certification and denials received from other Federal, interstate, state, or local agencies for structures, construction, discharges or other activities described in this application.

<u>Issuing Agency</u>	<u>Type of Approval</u>	<u>Identification No.</u>	<u>Date of Application</u>	<u>Date of Approval</u>	<u>Date of Denial</u>

11. CONSENT TO ENTER PROPERTY LISTED IN PART 7 ABOVE IS HEREBY GRANTED. Yes No

12. APPLICATION VERIFICATION (SEE SPECIAL INSTRUCTIONS)

Application is hereby made for the activities described herein. I certify that I am familiar with the information contained in the application, and that to the best of my knowledge and belief, such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities.

Signature of Applicant or Authorized Agent	Date
Signature of Applicant or Authorized Agent	Date
Signature of Applicant or Authorized Agent	Date

<input type="checkbox"/> Corps of Engineers Sept. 1987	<input type="checkbox"/> Iowa Dep't of Natural Resources ATTN: Floodplain Permits Section DNR FORM 36	<input type="checkbox"/> Iowa Dep't of Natural Resources ATTN: Sovereign Lands DNR FORM 36	<input type="checkbox"/> Applicant's Copy
---	---	--	---

SEE INSTRUCTIONS FOR ADDRESS

Blank area for drawing or map.

PROJECT DESCRIPTION

LOCATION:

CENCR FORM 427
1 OCT 87 (Revised)

SHEET ___ OF ___

Corps of Engineers

Iowa Dep't of Natural Resources
ATTN: Floodplain Permits Section

Iowa Dep't of Natural Resources
ATTN: Sovereign Lands

Applicant's Copy

JOINT APPLICATION FORM
ITEMS 1 AND 2 FOR AGENCY USE

1. Application Number	2. Date Received
-----------------------	------------------

3. AND 4. (SEE SPECIAL INSTRUCTIONS) NAME, MAILING ADDRESS AND TELEPHONE NUMBERS

3a. Applicant	3b. Applicant	3c. Applicant
Douglas Hightower 486 N. Waring Ave. Iowa City, Iowa 52240		
Business () Home (319) 536-7829	Business () Home ()	Business () Home ()
4a. Authorized Agent (If any)	4b. Authorized Agent (If any)	4c. Authorized Agent (If any)
Sarah J. Smith Smith and Associates 1234 Main Street Iowa City, Iowa 52240 Phone (319) 555-6489		

SAMPLE

5. PROJECT DESCRIPTION AND REMARKS:

Place riprap along approximately 600 feet of eroding riverbank. The purpose is to protect the bank from eroding closer to existing building. Approximately 1,200 cubic yards of quarry run rock riprap is expected to be placed along the bank at a minimum slope of 2:1.

6. IMMEDIATE AND ADJOINING PROPERTY OWNERS:

1. Mr. Winston G. Smith	484 N. Waring Ave., Iowa City, IA 52240	319 / 536-5738
2. Mr. Richard Thomas	488 N. Waring Ave., Iowa City, IA 52240	319 / 536-7736

7. PROJECT LOCATION

STREET, ROAD OR OTHER DESCRIPTIVE LOCATION			Legal Descr.	Quarter	Section	Township	Range	
486 N. Waring Avenue					15	78 N	6W	
IN OR NEAR CITY OR TOWN			UTM (Universal Transverse Mecator):		Zone	North	East	
in Iowa City			If available		15	4755810	555700	
COUNTY	STATE	ZIP CODE	Waterway					River Mile
Johnson	IA	52240	Iowa river					

8. Date activity is proposed to commence 1 May 1990 Date activity is expected to be completed 15 May 1990

9. Is any portion of the activity for which authorization is sought now complete? YES NO If answer is "YES" give reasons in the Project Description and Remarks section. Month and Year the activity was completed _____ Indicate the existing work on drawings.

10. List all approvals or certification and denials received from other federal, interstate, state or local agencies for structures, construction, discharges or other activities described in this application.

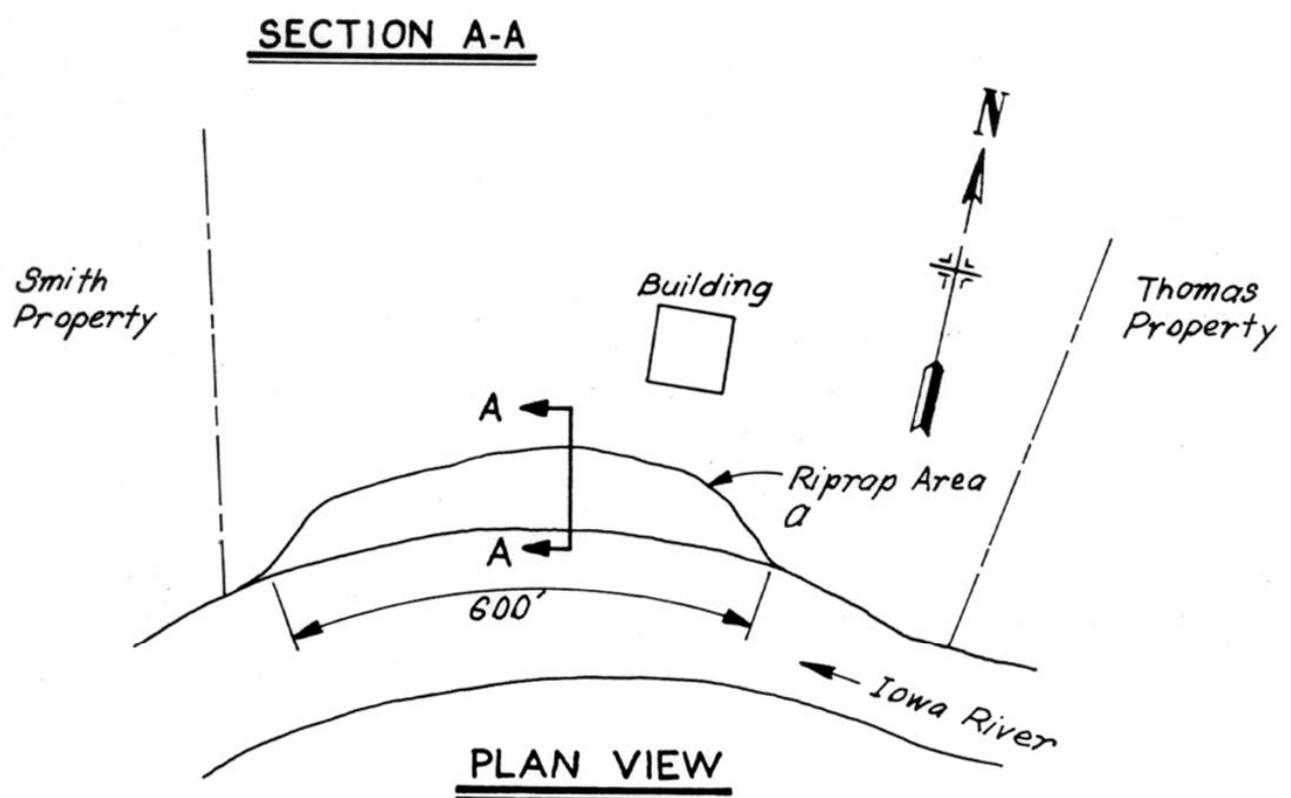
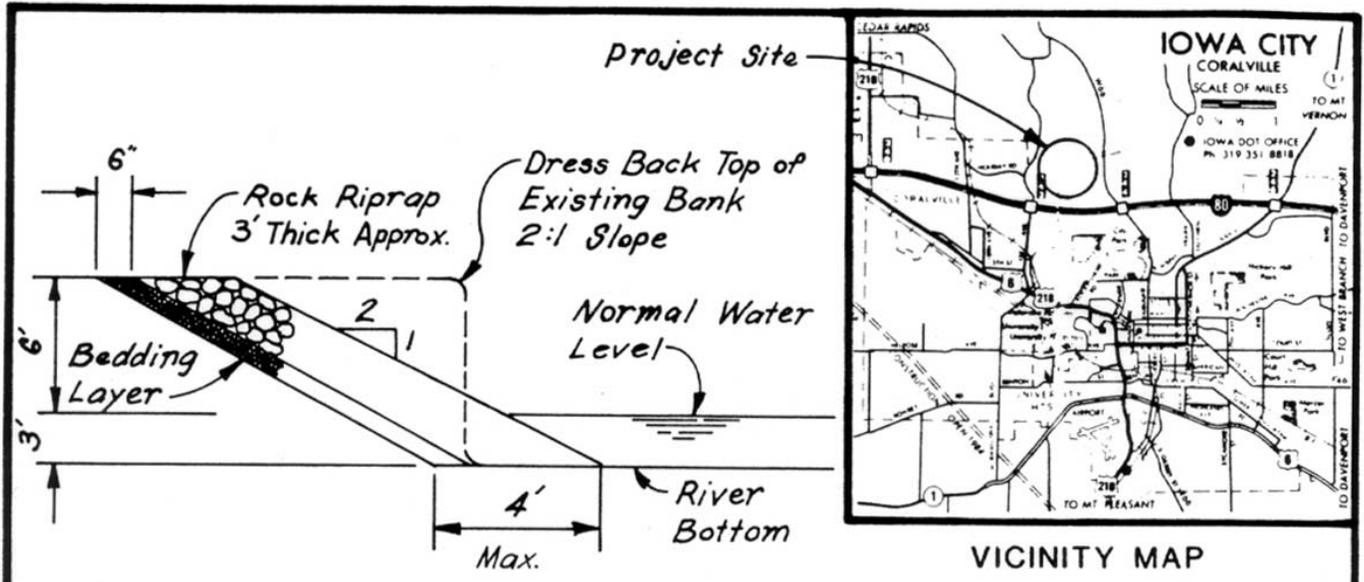
ISSUING AGENCY	TYPE APPROVAL	IDENTIFICATION NO.	DATE OF APPLICATION	DATE OF APPROVAL	DATE OF DENIAL
----------------	---------------	--------------------	---------------------	------------------	----------------

11. CONSENT TO ENTER PROPERTY LISTED IN PART 7 ABOVE IS HEREBY GRANTED. YES NO

12. APPLICATION VERIFICATION (SEE SPECIAL INSTRUCTIONS)

Application is hereby made for the activities described herein. I certify that I am familiar with the information contained in the application, and that to the best of my knowledge and belief, such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities.

<u>Douglas Hightower</u> Signature of Applicant or Authorized Agent	<u>15 January 1990</u> Date
<u>Sarah J. Smith</u> Signature of Applicant or Authorized Agent	<u>16 January 1990</u> Date
_____ Signature of Applicant or Authorized Agent	_____ Date



LIST OF ADJACENT PROPERTY OWNERS

NO.	NAME	ADDRESS
1.	WINSTON SMITH	484 WARING AVE.
2.	RICHARD THOMAS	488 WARING AVE.
3.		
4.		

PROJECT DESCRIPTION:
 RIPRAP
 BANK PROTECTION

LOCATION:
 IOWA RIVER
 NEAR IOWA CITY, IOWA