

DEPARTMENT OF THE ARMY PERMIT

Permittee General Public

Permit No. NWKGP-38M, Shoreline Development Activities

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

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below, and with the plans and drawings attached hereto which are incorporated in and made a part of this permit.

Project Description: Proposed and/or Completed Work: The excavation and/or discharge of dredged or fill material for the following structures or projects, including the structures, subject to the general and special conditions of this General Permit (GP), and the criteria in the attached appendices.

Appendix I	Bulkheads/Seawalls and Bank Stabilization
Appendix II	Boat Ramps
Appendix III	Miscellaneous Structures and Activities
Appendix IV	Dredging/Excavation for Docks, Access Channels, and Structures
Appendix V	Utilities
Appendix VI	Fish Habitat
Appendix VII	Sediment and Debris Removal

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

Permit Conditions:
General Conditions:

1. The time limit for completing the work authorized ends on 2 years from each permit verification. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions: See continuation sheets, pages 4 through 7 of this document.

Further Information:

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

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

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

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

2. Limits of this authorization.

- a. This permit does not obviate the need to obtain other Federal, state, or local authorization required by law.
- b. This permit does not grant any property rights or exclusive privileges.
- c. This permit does not authorize any injury to the property or rights of others.
- d. This permit does not authorize interference with any existing or proposed Federal project.

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

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

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

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

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

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



 (DISTRICT COMMANDER) 5 July 2016
 (DATE)

BY: MARK. D. FRAZIER
 Chief, Regulatory Branch
 Operations Division

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

 (TRANSFEE) (DATE)

Special Conditions:

- a. You must complete, sign and return the attached "**Compliance Certification**" to the Corps of Engineers (Corps) after you complete the authorized work and any required mitigation. Your signature will certify that you completed the work in accordance with this General Permit (GP), including general and specific conditions, and that any required mitigation was completed in accordance with the GP conditions. If the work completed is less than that authorized, you must provide a drawing describing the extent of the work completed.
- b. If any part of the authorized work is performed by a contractor, before starting work you must discuss the terms and conditions of this GP with the contractor; and, you must give a copy of this entire GP to the contractor. The permittee remains responsible for ensuring compliance with all aspects of this GP.
- c. You must use clean, uncontaminated materials for fill in order to minimize excessive turbidity by leaching of fines, as well as to preclude the entrance of deleterious and/or toxic materials into the waters of the United States by natural runoff or by leaching. Placement of unprotected earthen and gravel fill, broken concrete where more than 25 percent is 12 inches in diameter or less, concrete rubble with exposed rebar, tires, railroad ties, vehicles/vehicle bodies, construction/demolition debris, asphalt, and similar materials are not authorized by this GP.
- d. You must dispose of excess concrete and wash water from concrete trucks and other concrete mixing equipment in a non-wetland area above the ordinary high water mark (OHWM) and at a location where the concrete and wash water cannot enter the water body or an adjacent wetland area. Excess concrete may not be used to grout existing riprap or to pave existing shoreline, lakeward of the OHWM, under this GP authorization.
- e. You must excavate, dredge and/or fill in the watercourse in a manner that will minimize increases in suspended solids and turbidity which may degrade water quality and damage aquatic life outside the immediate area of operation. Also, care must be taken to keep machinery out of the Lake to the maximum extent practicable.
- f. You must immediately remove and properly dispose of all debris during every phase of the project in order to prevent the accumulation of unsightly, deleterious and/or toxic materials in or near the water body.
- g. You must not dispose of any construction debris or waste materials below the OHWM 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. All excavated lakebed sediments must be placed and stabilized at a location landward of elevation 662.0 feet UED, where the material cannot enter any water body, including wetlands, by erosion.
- h. You must store all construction materials, equipment, and/or petroleum products, when not in use, above anticipated high water levels, and in such a way that they shall not enter waters of the United States (U.S.). Petroleum products spilled into any water or on the banks where the material may enter waters of the U.S. should be immediately cleaned up and disposed of properly. Any such spills of petroleum should be reported as soon as possible, but no later than 24 hours after discovery to MDNR's Environmental Emergency Response number at (573) 634-2436.
- i. You must restrict the clearing of timber and other vegetation to the absolute minimum required to accomplish the work. Clearing, grading and replanting should be planned and timed so that only the smallest area necessary is in a disturbed, unstable or un-vegetated condition.

Special Conditions (continued):

j. You must not excavate or discharge fill or dredged material lakeward of the OHWM from March 15 to June 15 unless you obtain written approval in advance from the Corps, Regulatory Branch or Ameren Missouri, as specified in condition "r" below. In addition, you must excavate during periods of low water levels.

Note: Placement of riprap as a bank stabilization technique (without excavation) is exempted from this condition unless specifically stated on the project verification sheet.

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

l. For the construction, repair, or maintenance of any structure in or over the Lake, you must use lumber products treated with wood preservatives in strict compliance with the Registration Documents issued by the U.S. Environmental Protection Agency (USEPA) under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) and in accordance with standards issued by American Wood Protection Association or the International Code Council. The prohibited products have been determined to release toxins into the water when placed in direct contact.

m. You must not use the backfill area of the bulkhead/seawall, or any other authorized fill area, for on-site sewage disposal structures. You must contact the Missouri Department of Natural Resources and the Department of Health and Senior Services, which may refer you to a county or local agency, for current laws and regulations regarding sewer and septic system installation.

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

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

p. No activity is authorized under this GP which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which is likely to destroy or adversely modify the habitat of such species. Permittees shall notify the Corps if any listed species or designated critical habitat might be affected or is in the vicinity of the project, or is located in the designated critical habitat. Authorization of an activity by this GP does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of a separate authorization from the U.S. Fish and Wildlife Service, both lethal and non-lethal "takes" of protected species are in violation of the ESA.

Special Conditions (continued):

q. No activity which may affect Historic properties listed, or eligible for listing in the National Register of Historic Places is authorized, until the District Commander has complied with the provisions of 33 CFR 325, Appendix C. All prospective permittees must notify the Corps if the activity may have the potential to affect any historic properties listed, determined to be eligible to be listed, or which the prospective permittee has reason to believe may be eligible for listing on the National Register of Historic Places, and shall not begin the activity until notified by the Corps that the requirements of the National Historic Preservation Act have been satisfied and that the activity is authorized. Information on the location and existence of historic resources can be obtained from the State Historic Preservation Office and the National Register of Historic Places.

r. You must provide written notification to Ameren Missouri or the Corps, and receive written verification of authorization by this GP, before you begin any work in the Lake. No existing work is authorized until written verification is provided by Ameren Missouri or the Corps.

s. Variances from permit conditions and construction criteria may be authorized by this GP at the issuing authority's discretion, subject to both Ameren Missouri and Corps concurrence to accommodate factors, including but not limited to, rock outcrops, smooth transitions to adjacent authorized structures or other special site circumstances. This applies to all appendices.

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

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

v. The maintenance, repair, and restoration of existing and proposed structures or fill is authorized, including minor deviations, provided there is no significant change in the structure.

w. Structures completed prior to December 18, 1968, and discharges of dredged or fill material in waters of the United States prior to July 1, 1977, are authorized by a Nationwide Permit as cited under Activities Occurring Before Certain Dates (33 CFR 330.3).

x. Impacts to the Lake of the Ozarks should be avoided or minimized where possible. All approved encroachments may be subject to the completion of mitigative measures such as rock blankets, anchored cedar trees or other fish habitat, and/or utilize an approved mitigation provider as required on the project verification sheet. Mitigation requirements for dredging projects may include the installation of a single anchored cedar tree or other fish attraction device for each 10 cubic yards of excavation material removed from the Lake. The trees must have an approximately four-inch diameter trunk, anchored with a noncorrosive material of concrete or rock, and placed as close to the impact area as possible, where the lakebed is at or lower than elevation 647.0 feet UED. If there are no suitably deep areas near the impact area, the permittee must contact the Fisheries Management Staff of the Missouri Department of Conservation, Camdenton Service Center (telephone 573-346-2210) for alternative locations. Alternate mitigation measures to replace or augment may be required, as noted on the project verification sheet. NOTE: This permit does not authorize work in adjacent wetlands or in tributaries to the Lake of the Ozarks upstream, or landward of the OHWM, except for limited, temporary site access as described in Appendix IV.

Special Conditions (continued):

y. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

COMPLIANCE CERTIFICATION

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

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

APPLICANT NAME: _____

ADDRESS: _____

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

PRIMARY CONTRACTOR NAME/ADDRESS: _____

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

(PERMITTEE)

(DATE)

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

Return this certification to both of the following offices:

**U.S. Army Corps of Engineers
Missouri State Regulatory Office
515 East High Street, #202
Jefferson City, Missouri 65101**

**Ameren Missouri
Shoreline Management Office
3 Willmore Lane, P.O. Box 993
Lake Ozark, Missouri 65049**

APPENDIX I
Bulkheads/Seawalls and Bank Stabilization

A. EXISTING STRUCTURES and FILL, including but not limited to:

1. The Corps, at its discretion, may investigate any bulkhead/seawall, or other structure or fill that was placed in the Lake that is unauthorized and resolve the violation according to rules in 33 CFR 326. The resolution may include in some cases an after-the-fact authorization, area restoration, corrective or mitigative measures, or legal action. The Corps may also conduct compliance inspections of the project area.
2. The previous placement of clean rock or riprap in a revetment for bank stabilization, of a size and quality capable of withstanding expected erosional forces, including minor excavation or grading to prepare a base for the revetment, is authorized by this GP, provided the work did not fill, drain, or prevent the flow of water into any adjacent wetlands. Clean concrete rubble that has been broken to a well-graded mix of pieces with all exposed reinforcing metal removed may be used with or instead of rock.

B. PROPOSED STRUCTURES and FILL, including but not limited to:

1. The proposed placement of clean rock or riprap in a revetment for bank stabilization, of a suitable size to withstand expected erosional forces, including minor excavation or grading to prepare a base for the revetment, is authorized by this GP, provided the work will not fill, drain, or prevent the flow of water into any adjacent wetlands. Clean concrete rubble that has been broken to a well-graded mix of pieces with all exposed reinforcing metal removed may be used with or instead of rock.
2. Proposed bulkheads/seawalls require a minimum of 24 inches of vertical erosion, constructed such that the most lakeward face of the footing or wall is no more than 3 feet lakeward of the toe of the bank, and where the construction will not fill, drain or prevent the flow of water into any adjacent wetlands, are authorized by this GP.
3. This GP does not authorize any bulkheads/seawalls lakeward of the OHWM, where the walls could be, using standard construction methods, constructed such that the lakeward toe of the footing is at or above the OHWM.
4. Minor deviations from criteria 2 and 3 above may be authorized by this GP at the issuing authority's discretion, subject to both Ameren Missouri and Corps concurrence, to accommodate rock outcrops, smooth transitions to adjacent authorized structures or other special site circumstances.
5. All approved encroachments may be subject to the completion of mitigative measures such as rock blankets, anchored cedar trees or other fish habitat, and/or utilize an approved mitigation provider as required on the project verification sheet.

APPENDIX II
Boat Ramps

EXISTING and PROPOSED, including but not limited to:

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

APPENDIX III
Miscellaneous Structures and Activities

EXISTING and PROPOSED, including but not limited to:

1. **EXISTING:** This GP authorizes, including but not limited to, existing recreational decks, fixed docks, wharfs, fishing piers/docks, approved handicap accessible structures, breakwaters, bulkhead/seawall supports, mooring piles, small pedestrian/recreational bridges, steps, sidewalks/walkways, walkway piers, sand beaches with retaining structures, roads and road crossings; minor recreational, ornamental, other similar and associated structures. The Corps, at its discretion, may investigate any bulkhead/seawall, or other structure or fill that was placed in the Lake that is unauthorized and resolve the violation according to rules in 33 CFR 326. The resolution may include in some cases an after-the-fact authorization, area restoration, corrective or mitigative measures, or legal action.

2. **PROPOSED:** This GP authorizes, including but not limited to, the proposed construction of fixed docks, fishing piers/docks, handicap accessible structures (subject to an approved variance of the conditions below), breakwaters, bulkhead/seawall supports, mooring piles, small pedestrian/recreational bridges, steps, dock walkways, walkways perpendicular to the shoreline, walkway piers, sand beaches with retaining structures; minor recreational, ornamental, and other similar and associated structures; are subject to the following conditions:

- a. For concrete or solid-fill structures; including but not limited to anchors, walkways, wharfs and associated structures; the volume of fill placed below the OHWM must not exceed 10 cubic yards, and the structure must be no more than 8 feet-wide.
- b. For structures on piles; including but not limited to fixed docks, walkways, wharfs and associated structures; or otherwise cantilevered over the Lake, the bottom surface of the structure must be at elevation 660.0 feet UED, or higher.
- c. Fishing piers must be 6 feet or less in width, and must not extend more than 30 feet lakeward of the OHWM perpendicular from the shoreline.
- d. Sand beaches may be maintained as needed including the placement of additional sand. Sand lost lakeward from a beach may be recovered and replaced on the beach.
- e. The size, extent, and location of all structures on a single property must be in conformance with this GP and approved by Ameren Missouri in accordance with the Ameren Missouri Shoreline Management Permit requirements.
- f. Breakwaters, constructed as an integral part of an Ameren Missouri approved boat dock, are considered part of the dock and do not require Corps permit authorization. For other breakwaters, approval must be obtained from the joint Ameren Missouri/Corps permit in accordance with Ameren Missouri Shoreline Management Permit requirements.
- g. Bridges must be constructed in such a way that they do not impede navigation, prohibit boat passage, or restrict anglers.

APPENDIX III (continued, page 2 of 2)
Miscellaneous Structures and Activities

3. Permittees must install and maintain lighting, signage, or buoys as recommended or required by the Missouri State Water Patrol, Ameren Missouri Shoreline Management Permit requirements, and other agencies with jurisdiction as applicable.
4. Utility connections to approved structures must be in accordance with applicable building codes and industry standards in accordance with Ameren Missouri Shoreline Management Permit requirements and other agencies with jurisdiction as applicable.
5. All structures must be well maintained and must be repaired or removed from the Lake within 6 months of damage by storm, high or low water, ice, collision, or other event.
6. This GP does not authorize construction lakeward of the OHWM or the permanent mooring in the Lake of the Ozarks, of any structure that will be used as living quarters or for overnight habitation.
7. Fences constructed lakeward of the OHWM are not authorized by this GP.

APPENDIX IV

Dredging/Excavation for Docks, Access Channels, and Structures

EXISTING and PROPOSED, including but not limited to:

1. Restoring use of or access to authorized boat ramps and boat docks existing prior to March 30, 2007: Excavation is limited to the exact authorized foot print of the dock. The sides of excavation area must be graded to have a final slope of 1 vertical (V) on 3 horizontal (H). Variances in the requirement for side slopes of 1V on 3H will be granted or required where completion of the grading would undermine the structural integrity of any permitted structure such as bulkheads/seawalls and piers, or to prevent the encroachment into or erosion of wetlands, vegetated shallows or other environmentally sensitive areas.
2. Dredging/excavation associated with authorized boat ramps and boat docks permitted or installed after March 30, 2007 (see attached typical plan view and cross sectional drawing): Excavation for docks permitted or installed after 2007 is limited to 900 square feet, in an area where the existing lakebed for the entire proposed excavation area is elevation 655.5 feet UED or deeper, and in areas where the excavation may be accomplished such that the excavation, including required side slopes of 1V on 3H, will occur no closer than 25 feet to the OHWM. An approved variance to the 900 square feet limit is allowed for community docks.
3. Excavation must not be conducted any deeper than elevation 652.0 feet UED, except when approved on the GP verification sheet for the operation of a boat lift. Variances for boat lift operation will allow excavation to a bottom limit of 650.0 feet UED, and are limited to the absolute minimum area required for normal lift operation.
4. Access channel excavation for access to docks is limited to a single channel in any narrow cove, and no permittee shall have exclusive use of any excavated access channel. Where possible, the channel must be centered over the deepest existing channel in the cove. Channel width is limited to 15 feet-wide with a channel bottom elevation of 652.0 feet UED. Channel side slopes must be graded to have a final slope of between 1V on 2H and 1V on 3H. The transition zone between the 15 foot wide channel and authorized docks must be no longer than the width of the dock. Variances in location or alignment may be granted or required where the variance would address substantial public interests or where the variance would minimize adverse impacts to the aquatic ecosystem.
5. Access channel excavation for access to boat ramps must be no deeper than the lowest elevation of the boat ramp, or elevation 652.0 feet UED, whichever is higher. This GP does not authorize the excavation of access channels for boat ramps constructed after the issuance of this GP, where the preconstruction lakebed elevation is 655.5 feet UED, or higher. Channel width is limited to the width of the boat ramp, or 15 feet, whichever is narrower. Channel side slopes must be graded to have a final slope of between 1V on 2H and 1V on 3H. A variance to these conditions may be approved depending upon site conditions.
6. All dredged or excavated material must be placed in an upland area, above the elevation 662 feet UED contour, where and in such a manner that it will not re-enter the Lake. Large woody debris providing aquatic habitat should not be removed unless it poses a navigational or other safety hazard. The proposed excavation or disposal of dredged material must not promote the erosion of wetland areas and excavation is prohibited in wetlands and vegetated shallows.

APPENDIX IV (continued, page 2 of 3)
Dredging/Excavation for Docks, Access Channels, and Structures

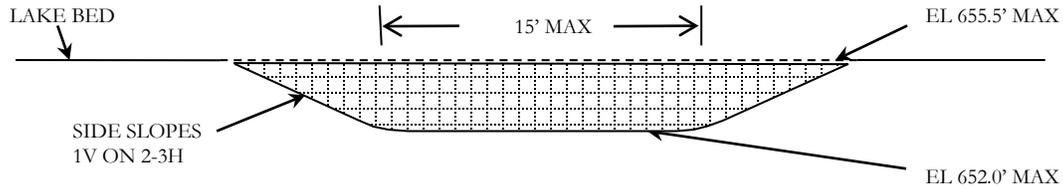
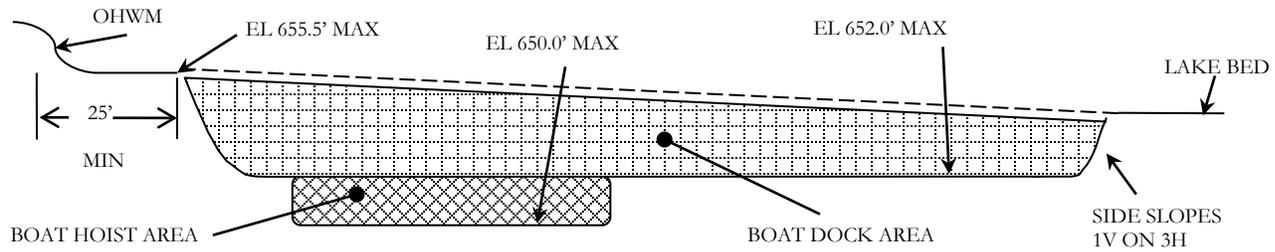
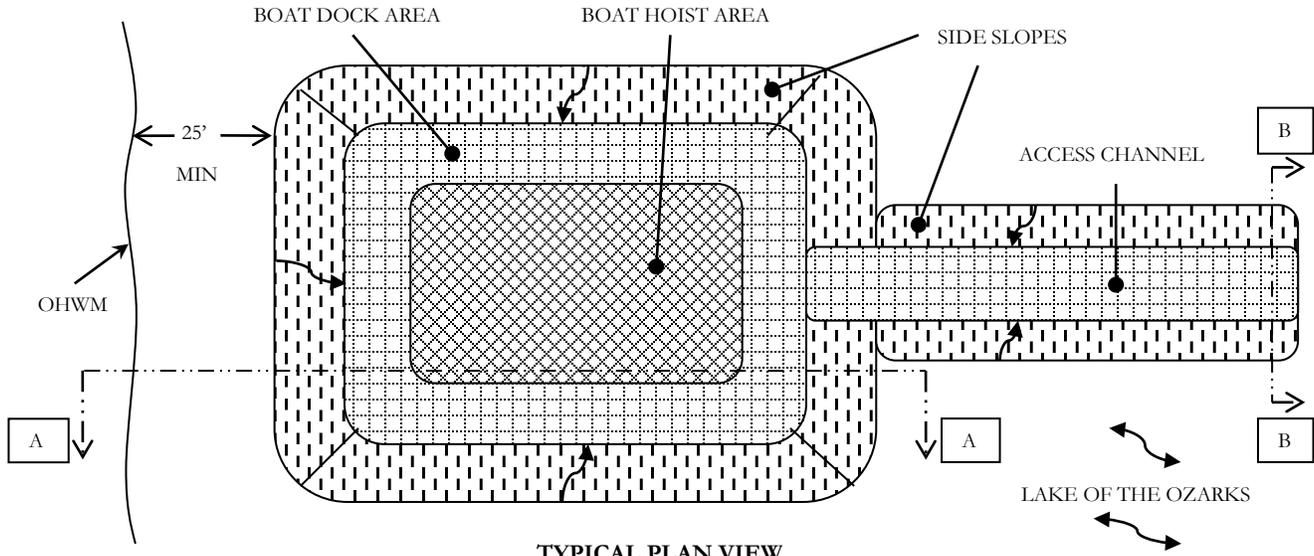
7. The temporary placement of fill in the Lake, adjacent wetlands, or any tributary to the Lake, for the construction of an access road to the excavation area may be authorized. Where the lakebed sediments will not support the excavation equipment, removable mats may be used. Mat use is recommended for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

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

9. All approved structures and encroachments may be subject to the completion of mitigative measures such as rock blankets, anchored cedar trees, or other fish habitat, and/or utilize an approved mitigation provider as required on the project verification sheet.

APPENDIX IV (continued, page 3 of 3)
Dredging/Excavation for Docks, Access Channels, and Structures

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



NOTE: Drawings Not-To-Scale

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

APPENDIX V

Utilities

EXISTING and PROPOSED, including but not limited to:

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

APPENDIX VI
Fish Habitat

EXISTING and PROPOSED, including but not limited to:

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

APPENDIX VII
Sediment and Debris Removal

EXISTING and PROPOSED, including but not limited to:

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

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

1. Verification No. (Corps use only)

2. Verification date:

3. Permittee and mailing address:

4. Agent/Contractor and mailing address:

Phone:

Phone:

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

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

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

(Cite applicable GP appendices and list dimensions.)

7. Special conditions/cautions:

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

Ameren Missouri project ID number : _____

STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES

Jeremiah W. (Jay) Nixon, Governor • Sara Parker Pauley, Director

www.dnr.mo.gov

JUN 21 2016

Colonel Andrew D. Sexton
U.S. Army Corps of Engineers
Kansas City District
700 Federal Building
601 E. 12th St., Ste. 635
Kansas City, MO 64106-2824

RE: Proposed Reissuance of General Permit 38 Missouri, Lake of the Ozarks Shoreline
Development Activities, NWK-GP-38M/CEK002855

Dear Colonel Sexton:

The Department of Natural Resources (DNR), Water Protection Program, has reviewed your request for Clean Water Act Section 401 Water Quality Certification (WQC) to accompany the U.S. Army Corps of Engineers' (USACE) Permit No. NWK GP-38M in which the USACE in cooperation with Ameren Missouri are proposing to reissue General Permit 38 Missouri (GP-38M).

GP-38M is being reissued under the authority of Section 404 of the Clean Water Act (33 USC 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403). The general permit authorizes various shoreline development activities including excavation, dredging, construction and fill activities, structures, bank stabilization and additional work as stated in the general permit. GP-38M was originally issued June 7, 2000 and was reissued July 1, 2006 and July 1, 2011. The current five-year authorization expires on June 30, 2016. From July 1, 2011 to May 11, 2016, 4,198 verifications have been made for GP-38M. The reissuance would extend the authorization for an additional five years; from July 1, 2016 until June 30, 2021.

The project location is in the Lake of the Ozarks, lakeward of the ordinary high water mark at elevation 658.5 feet Union Electric Datum (UED) and waters landward of the ordinary high water mark extending up to elevation 662.0 feet UED in Benton, Camden, Miller and Morgan Counties, Missouri. Work in adjacent wetlands and tributaries of the Lake of the Ozarks, landward/upstream of elevation 662.0 feet UED are not authorized by GP-38M.

Ameren Missouri owns the majority of the shoreline property around the lake, and in most locations possesses flowage easements extending beyond the property line. Ameren Missouri under Article 41 of its Federal Energy Regulatory Commission license issues permits for use and occupancy of project lands and waters.

This WQC is being issued under Section 401 of Public Law 95-217, The Clean Water Act of 1977 and subsequent revisions. This office certifies the proposed project will not cause the general or 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. After avoidance and minimization measures have been employed, mitigation shall be required for stream and wetland impacts to jurisdictional waters below 662.0 feet UED. For projects that positively impact the environment such as shoreline/streambank stabilization through bioengineering, mitigation may be waived. Mitigation for loss of aquatic resources shall be in conformance with the April 10, 2008 joint regulation "Compensatory Mitigation for Losses of Aquatic Resources; Final Rule" [USACE: 33 CFR Part 332 and U.S. Environmental Protection Agency: 40 CFR Part 230] and with guidance located on-line at www.nwk.usace.army.mil/Missions/RegulatoryBranch/StateofMissouri.aspx.
2. Any extensions of the authorization granted under GP-38M shall not exceed beyond five years from the issuance date of the Clean Water Act Section 404 Department of the Army Permit certified by this action.
3. If the permittee transfers a permit to a new owner, the permittee shall ensure that the new property owner is positively advised of the responsibilities under the permit.
4. As part of sediment removal activities, sand and gravel shall not be commercially sold. Removed sediment shall be disposed of at an upland site. The applicant shall not dispose of waste materials, water, or garbage below the ordinary high water mark of any other 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.
5. Antidegradation requirements dictate all appropriate and reasonable Best Management Practices related to erosion and sediment control, project stabilization and prevention of water quality degradation are applied and maintained; for example, preserving vegetation, shoreline/streambank stability and basic drainage. Applicants will be responsible for ensuring permit requirements and relevant WQC conditions are met.
6. Best Management Practices shall be used during all phases of the project to limit the amount of discharge of water contaminants to waters of the state. The project shall not involve more than normal stormwater or incidental loading of sediment caused by construction disturbances.
7. Conduct project activity at low flows and water levels to limit the amount of sediment disturbance caused by the heavy equipment.

8. Care shall be taken to keep machinery out of the water way as much as possible. Fuel, oil and other petroleum products, equipment, construction materials and any solid waste that are part of the on-shore operation, when not in use, shall be stored above anticipated high water levels. All precautions shall be taken to avoid the release of wastes or fuel to streams and other adjacent waters as a result of this operation.
9. Petroleum products spilled into any water or on the banks where the material may enter waters of the state shall be immediately cleaned up and disposed of properly. Any such spills of petroleum shall be reported as soon as possible, but no later than 24 hours after discovery to DNR's Environmental Emergency Response number at (573) 634-2436.
10. With the exception of invasive species, clearing of vegetation/trees shall be the minimum necessary to accomplish the activity. Cleared areas shall be restored to a stable condition to protect water quality as soon as possible. Seeding, mulching and needed fertilization should be within three days of final contouring. To ensure erosion and deposition of soil in waters of the state are not occurring, on-site inspections of these areas should be conducted as necessary to ensure successful revegetation and stabilization.
11. Only clean, nonpolluting fill shall be used. The following materials are not suitable for shoreline/streambank stabilization and shall not be used due to their potential to cause violations of the general criteria of the Water Quality Standards (10 CSR 20-7.031 (4)(A)-(H)):
 - a. Earthen fill, gravel, fragmented asphalt, broken concrete where the material does not meet the specifications stated in the "Missouri Nationwide Permit Regional Conditions" (www.nwk.usace.army.mil/Portals/29/docs/regulatory/nationwidepermits/2012/MORegCon.pdf), since these materials are usually not substantial enough to withstand erosive flows;
 - b. Concrete with exposed rebar;
 - c. Tires, vehicles or vehicle bodies, construction or demolition debris are solid waste and are excluded from placement in the waters of the state;
 - d. Liquid concrete, including grouted riprap, if not placed as part of an engineered structure; and
 - e. Any material containing chemicals that would result in violation of Missouri's Water Quality Standards.
12. No project shall accelerate shoreline/streambank erosion.
13. No project shall fill jurisdictional springs.
14. Acquisition of a WQC shall not be construed or interpreted to imply the requirements for other permits are replaced or superseded, including Clean Water Act Section 402 National Pollutant Discharge Elimination System Permits. Permits or any other requirements shall

remain in effect. Land disturbance activities disturbing one or more acres of total area for the entire project may require a stormwater permit. Instructions on how to apply for and receive the on-line land disturbance permit are located at www.dnr.mo.gov/env/wpp/epermit/help.htm. Questions regarding permit requirements may be directed to DNR's Southwest Regional Office at (417) 891-4300.

15. Contact DNR for current laws and regulations regarding sewer and on-site/septic system installation. The Missouri Statutes divide regulatory authority for sewer and septic systems between DNR and the Department of Health and Senior Services. The Department of Health and Senior Services have further delegated their authority to certain county health departments.
16. Projects could encounter sites of conservation concern, including those that have not been recorded. To determine the potential for species of concern within or near a project, please visit:
 - Department of Conservation's "Natural Heritage Review" website at <http://mdcgis.mdc.mo.gov/heritage/newheritage/heritage.htm>, and
 - U.S. Fish and Wildlife Service's "Information, Planning and Conservation" website at <http://ecos.fws.gov/ipac/>.

If the proposed project encounters and will potentially affect a species of concern, please report it to the Department of Conservation and the U.S. Fish and Wildlife Service.

17. Water supply intakes or other activities, which may be affected by suspended solids and turbidity increases caused by work in the watercourse, shall be investigated and sufficient notice given to the owners to allow preparation for any changes in water quality.
18. Copies of Ameren permits no longer need to be sent to DNR. Should DNR request review of the program or specific permits authorized by this WQC, Ameren shall then provide this information.
19. Representatives from DNR shall be allowed on the project property to inspect the authorized activity at any time deemed necessary by DNR to ensure compliance with the above conditions.

You may appeal to have the matter heard by the Administrative Hearing Commission (AHC). To appeal, you must file a petition with the AHC within 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 AHC.

Colonel Andrew D. Sexton
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This WQC is part of the USACE's permit. Water Quality Standards must be met during any operations authorized. If you have any questions, please contact Mr. Mike Irwin by phone at (573) 522-1131, by e-mail at mike.irwin@dnr.mo.gov, or by mail at the Department of Natural Resources, Water Protection Program, P.O. Box 176, Jefferson City, MO 65102-0176. Thank you for working with DNR to protect our environment.

Sincerely,

WATER PROTECTION PROGRAM



Chris Wieberg, Chief
Operating Permits Section

CW:mip

- c: Mr. Jesse Cochran, Kansas City Regional Office
- Mr. Kevin Hess, Southwest Regional Office
- Mr. John Hoke, Watershed Protection Section
- Ms. Anna Nowack, Watershed Protection Section
- Ms. Corinne Rosania, Kansas City Regional Office
- Mr. Mel Stanford, U.S. Army Corps of Engineers, Kansas City District
- Ms. Terrie Williams, Kansas City Regional Office