

**From:** [Nordholm, Gail \[DOT\]](#)  
**To:** [Nordholm, Gail \[DOT\]](#)  
**Subject:** US Army Corps of Engineers Permits - 2010 Flood Recovery  
**Date:** Thursday, October 21, 2010 10:04:00 AM

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**TO:** County Engineers, City Representatives, and Consultants

**CC:** District Local Systems Engineers, Service Bureau, Scott C. Marler and Office of Local Systems

**FROM:** Office of Local Systems

**SUBJECT:** US Army Corps of Engineers Permits – 2010 Flood Recovery

**DATE:** October 21, 2010

The following is being sent on behalf of the Office of Location and Environment. If you have any questions, **please do not reply to this note**. Instead, you may contact the person shown below.

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The US Army Corps of Engineers, Rock Island Division, has recently issued guidance to the Iowa DOT Office of Location and Environment that almost all Emergency Relief (ER) projects in response to the floods of 2010, will automatically be covered by Nationwide Permit #3 (NWP 3). In general if the repair work restores the area to pre-flood conditions, then 404 approval by the Corps is automatically granted under NWP 3, even if incidental fill material is placed into streams or wetlands, subject to Corps conditions below. This applies to local public agency projects as well. The DOT will coordinate with DNR for ER work on the primary system; Local Public Agencies will need to coordinate with DNR for ER work on the secondary system. Any work beyond restoring an area to pre-flood conditions will require a separate 404 permit and possibly a floodplain permit.

The US Army Corps has attached the following conditions to using NWP 3 for the 2010 ER projects. Please notice there is a slight change to situation 9 from past years. Written verification is needed for authorization under situation 9.

1. Restoration of lost road embankment/shoulder in an upland area, no stream involvement. No Corps authorization required.
2. Restoration of lost road embankment/shoulder involving a discharge of fill into a water of the United States. Floodwaters have eroded or undercut the structure and will require fill placed into the water to reestablish the embankment. Restoration is covered under NWP 3 and does not require specific written verification.
3. Newly restored embankments and bank lines may be armored with riprap instead of reestablishment of vegetation. This work is covered under NWP 3 and does not require specific written verification.
4. Pier scour. Replacement of material lost, up to the original streambed elevation on the structural designs, is covered under NWP 3 and does not require specific written verification.
5. Pavement Repair. Replacement of lost pavement on existing embankment. No Corps authorization required.
6. Embankment slide into stream. Recovery of material from the stream and reconstruction of the embankment is covered under NWP3. Work may include the construction of a keyway and addition of riprap at the embankment toe. This work is covered under NWP 3 and does not require specific written verification.
7. Temporary Structure/Causeway for project access. All temporary fill must be removed to an upland site immediately upon completion of the work. This work is covered under NWP 3 and does not require specific written verification.
8. Stream Relocation/Restoration. The stream has changed course and does not properly align with the structure. The stream may be returned to its pre-disaster location. Work occurring within 100 feet of the structure is covered under NWP 3 and does not require specific written verification. If work is required beyond 100 feet of the structure, the Corps and the Local Public Agency will coordinate and make a case-by-case decision.
9. Stream has created new channels but is also still flowing in the original channel. A plug or channel block can be constructed at the upstream end of the side channels to redirect flows back to the original channel under NWP 45 and does require specific written verification.

10. In the Des Moines River below Fort Dodge or in the Mississippi River, the removal of accumulated sediment/debris may occur within 200 feet of the structure under NWP 3. Written verification is required.

To address possible future complaints/concerns, the Local Public Agency should also include in their files any information that will support that the projects are returning the site to pre-disaster condition.

For any other situations that do not clearly meet one or more of the above scenarios, the Local Public Agency shall contact the Corps by email or telephone for a case-by-case review.

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