

## **APPENDIX C**

**Clean Water Act and River and Harbors Act Permits  
Issued by the USACE**





REPLY TO  
ATTENTION OF

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

CF: DIST. FILE (OD)  
OD-PP

November 20, 2019

Operations Division

SUBJECT: CEMVR-OD-P-2019-1145

Mr. Dan Hagan  
ITC Midwest LLC  
100 East Grand Avenue, Suite 230  
Des Moines, Iowa 50309

Dear Mr. Hagan:

Our office has reviewed your application received September 19, 2019, concerning the Cardinal Hickory Transmission Line Project that will permanently impact approximately 0.057 acres and temporarily impact 6.5 acres of emergent wetland located in Dubuque and Clayton Counties, Iowa.

The permanent fill that will result from the placement of 14 transmission structures, and the temporary fill that will result in the placement of wetland matting is authorized under the Section 404 of the Clean Water Act. Your project's crossing of the main channel of the Mississippi River channel is authorized under Section 10 of the Rivers and Harbors Act (33 USC 403), and Section 14 of the River and Harbors Act (33 USC 408) as conditioned in the attached Appendix K. Your project's wetland impacts are authorized under Nationwide Permit No. 12, provided you meet the general terms and conditions which are contained in the enclosed Fact Sheet No. 8 (IA) including the Iowa Regional Conditions, the Section 401 Water Quality Certification issued by the Iowa Department of Natural Resources, and any special conditions that have been included in this nationwide permit verification letter. The Corps has made a determination of not likely to adversely affect the Northern Long Eared Bat, Northern Wild Monkshood and the Iowa Pleistocene Snail. A determination of no effect on all other federally threatened and endangered species or critical habitat was made. The decision regarding this action is based on information found in the administrative record, which documents the District's decision-making process, the basis for the decision, and the final decision.

Please contact our office if the project plans change and there are different impacts caused by the discharge of dredged or fill material into Corps' regulated waters. This may require modification of your Department of the Army 10/404/408 authorization.

Your permit includes the following special conditions:

1. Ensure the USACE is notified 72 hours prior to the commencement of work. Please contact Kelly Thomas at the Mississippi River Project Office, (309) 794-4489.
2. Ensure compliance with the terms of the programmatic agreement for cultural resource compliance.

3. Temporary mats must be removed in their entirety and all temporarily impacted areas returned to preconstruction elevations. These impacted emergent wetland areas must be revegetated with a native wetland seed mix and meet the following standards within one year of completed construction on each site: At least 75% of the dominant plant species within the vegetative community shall be designated, per Midwest regional wetland plant list, obligate (OBL), facultative wetland (FACW), or facultative (FAC) as defined in the 1987 delineation manual. Each acre of restored wetland must contain at least 15 native hydrophytic vegetative species. The total vegetative cover must be at least 80% with no more than 20% aerial coverage of non-native, aggressive, invasive species. These include reed canary grass, phragmites, purple loosestrife, garlic mustard, flowering rush, Canada thistle, purple crown vetch, autumn olive, hairy cupgrass, leafy spurge, glossy buckthorn, amur honeysuckle, morrow's honeysuckle, tatarian honeysuckle, bell's honeysuckle, Eurasian water milfoil, Japanese knotweed, common buckthorn and multiflora rose in any 50-foot by 50-foot area and no more than 15% of the entire wetland area vegetation.
4. The permittee shall provide a report as specified in RGL 08-03 to the Corps of Engineers documenting the extent of the restoration work completed within the project right-of-way. The permittee shall be responsible to perform any corrective actions deemed necessary by this district to insure the success of the wetland restoration activities.

This verification is valid until March 18, 2022, unless the nationwide permit is modified, reissued or revoked. It is your responsibility to remain informed of changes to the nationwide permit program. We will issue a public notice announcing any changes if and when they occur. Furthermore, if you commence or are under contract to commence this activity before the date the nationwide permit is modified or revoked, you will have twelve months from this date to complete your activity under the present terms and conditions of this nationwide permit.

This authorization does not eliminate the requirement that you must still obtain other applicable Federal, state, and local permits. You are hereby notified that work cannot commence on Corps' property until you have received permissions from the Corps of Engineers, Real Estate Division (POC: Amy Keys, 309-794-5201) and the Mississippi River Project Office (POC: Joe Lundh, 309-794-4528). If you have not already coordinated your project with the IADNR, please contact them by telephone 866/849-0321 to determine if a floodplain development permit is required for your project. You should also contact Mr. Seth Moore, in writing or telephone 515/725-8464 to determine if a sovereign lands construction permit is required or if this project may adversely impact Iowa threatened or endangered species or their habitat.

You are required to complete and return the enclosed "Completed Work Certification" form upon completion of your project in accordance with General Condition No. 30 of the nationwide permits.

The plans, drawings and figures attached hereto are incorporated into and made a part of this permit.

Drawings No. CEMVR-OD-P-2019-0826    Attachment 1 of 3, Vicinity Map  
Attachment 2 of 3, Wetland Impact Maps  
(Project Plans)  
Attachment 3 of 3, Section 408 Conditions

The Rock Island District Regulatory Branch is committed to providing quality and timely service to our customers. In an effort to improve customer service, please take a moment to complete the attached postcard and return it or go to our Customer Service Survey found on our web site at [http://corpsmapu.usace.army.mil/cm\\_apex/f?p=regulatory\\_survey](http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey). (Be sure to select "Rock Island District" under the area entitled: Which Corps office did you deal with?)

Should you have any questions, please contact our Regulatory Branch by letter, or telephone Abby Steele at 309/794-5377.

Sincerely,



Matthew A. Zehr  
Chief, Iowa Permit Section  
Regulatory Branch

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

\_\_\_\_\_  
Transferee

\_\_\_\_\_  
Date

Copies Furnished: w/attachments.

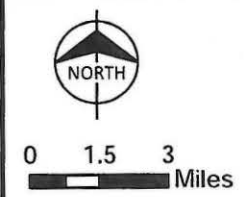
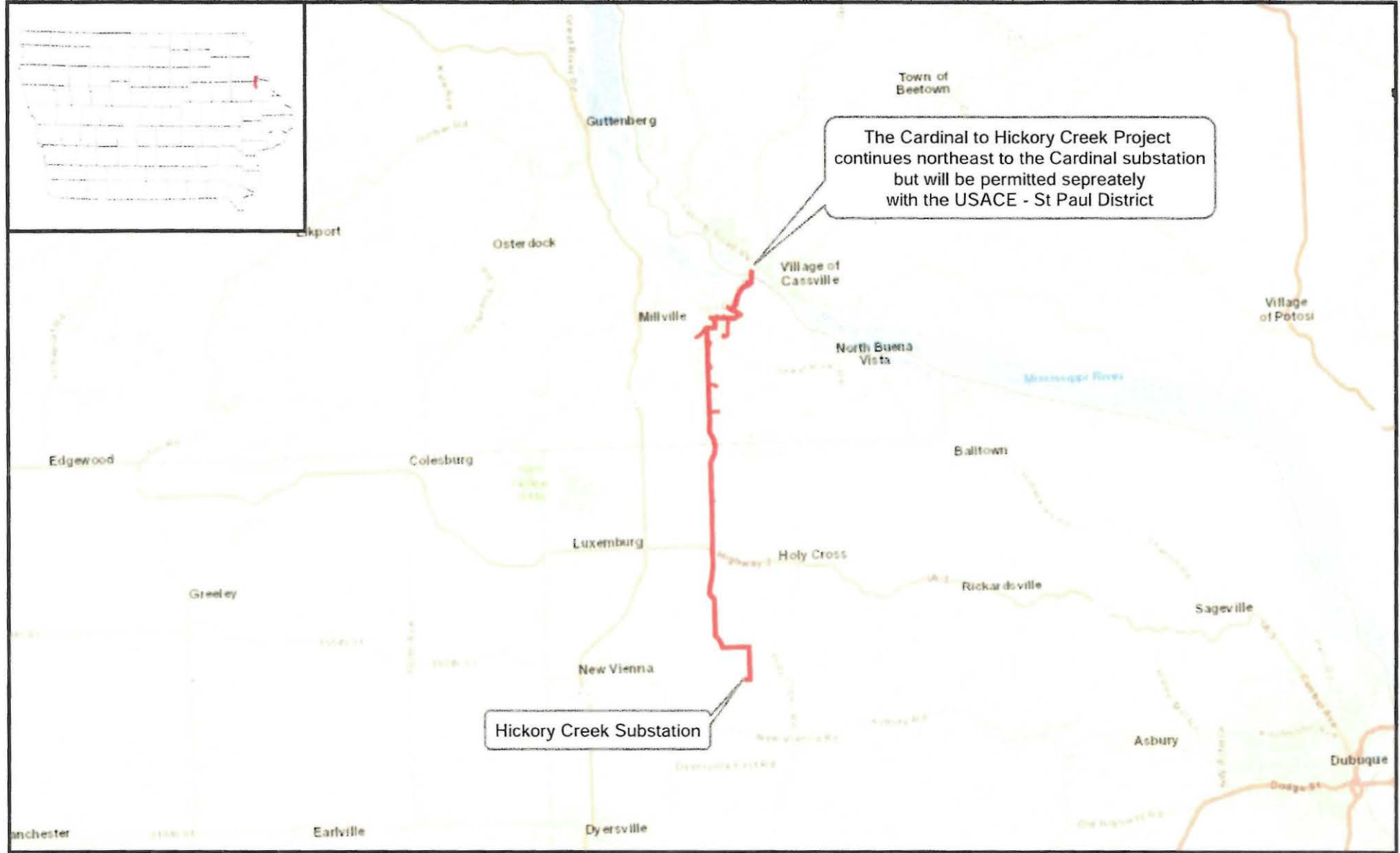
Ms. Christine Schwake  
Iowa Department of Natural Resources  
Water Resources Section  
Wallace State Office Building  
502 East 9th Street  
Des Moines, Iowa 50319-0034

Email:  
NOAA/NOA:  
[ocs.ndb@noaa.gov](mailto:ocs.ndb@noaa.gov)

Clearinghouse:  
[osd.dod-siting-clearinghouse@mail.mil](mailto:osd.dod-siting-clearinghouse@mail.mil)

Mr. Tyler Beemer  
Burns & McDonnell Engineering, Inc.  
8201 Norman Center Drive, Suite 300  
Bloomington, Minnesota 55437

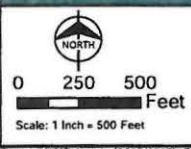
Dennis Rankin  
Rural Utility Service  
1400 Independence Avenue, S.W.  
Washington, DC 20250-0700



**Legend**  
Project Area

CEMVR-OD-2019-1145  
Sheet 1 of 3  
Vicinity Map

Path: R:\MTC\4417\_Hickory\_Crk\_Cassville\GISData\Files\ArcDoc\1A\_WDR\Fig4 - Deline Results.mxd Jobcomer 9/19/2019  
 COPYRIGHT © 2019 BURNS & MCDONNELL ENGINEERING COMPANY, INC.  
 Source Layer Credits: Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), Migma/India, NGCC, © OpenStreetMap contributors, and the GIS User Commu

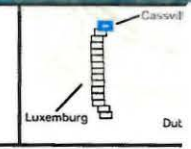


**Legend**

- Project Area
- ▲ Proposed Structure
- ⊗ TCSB
- Temporary Wetland Matting
- Wetland Sample Plot

**Delineated Features**

- Emergent Wetland (PEM)
- Forested Wetland (PFO)
- Shrub/Scrub Wetland (PSS)
- Stream or River



CEMVR-OD-2019-1145

Sheet 2 of 3

Wetland Impacts Maps (Project Plans)

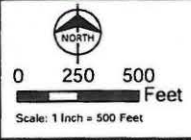
Source: NAIP Aerials (2017/2018), ESRI, and Burns & McDonnell









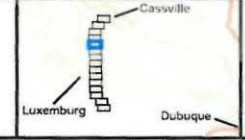


**Legend**

- Project Area
- Temporary Wetland Matting
- ▲ Proposed Structure
- ★ Wetland Sample Plot
- TCSB

**Delineated Features**

- Emergent Wetland (PEM)
- Forested Wetland (PFO)
- Shrub/Scrub Wetland (PSS)
- Stream or River



**Figure B4.5 - Delineation Results**

Cardinal to Hickory Creek  
 Transmission Line Project  
 Hickory Creek to Mississippi River  
 Clayton & Dubuque Co, IA













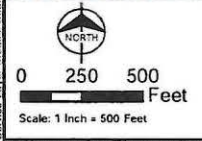








A/D-IA-R01



**Legend**

- Project Area
- ▲ Proposed Structure
- Temporary Wetland Matting
- Wetland Sample Plot
- TCSB

**Delineated Features**

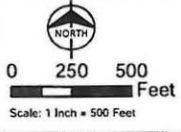
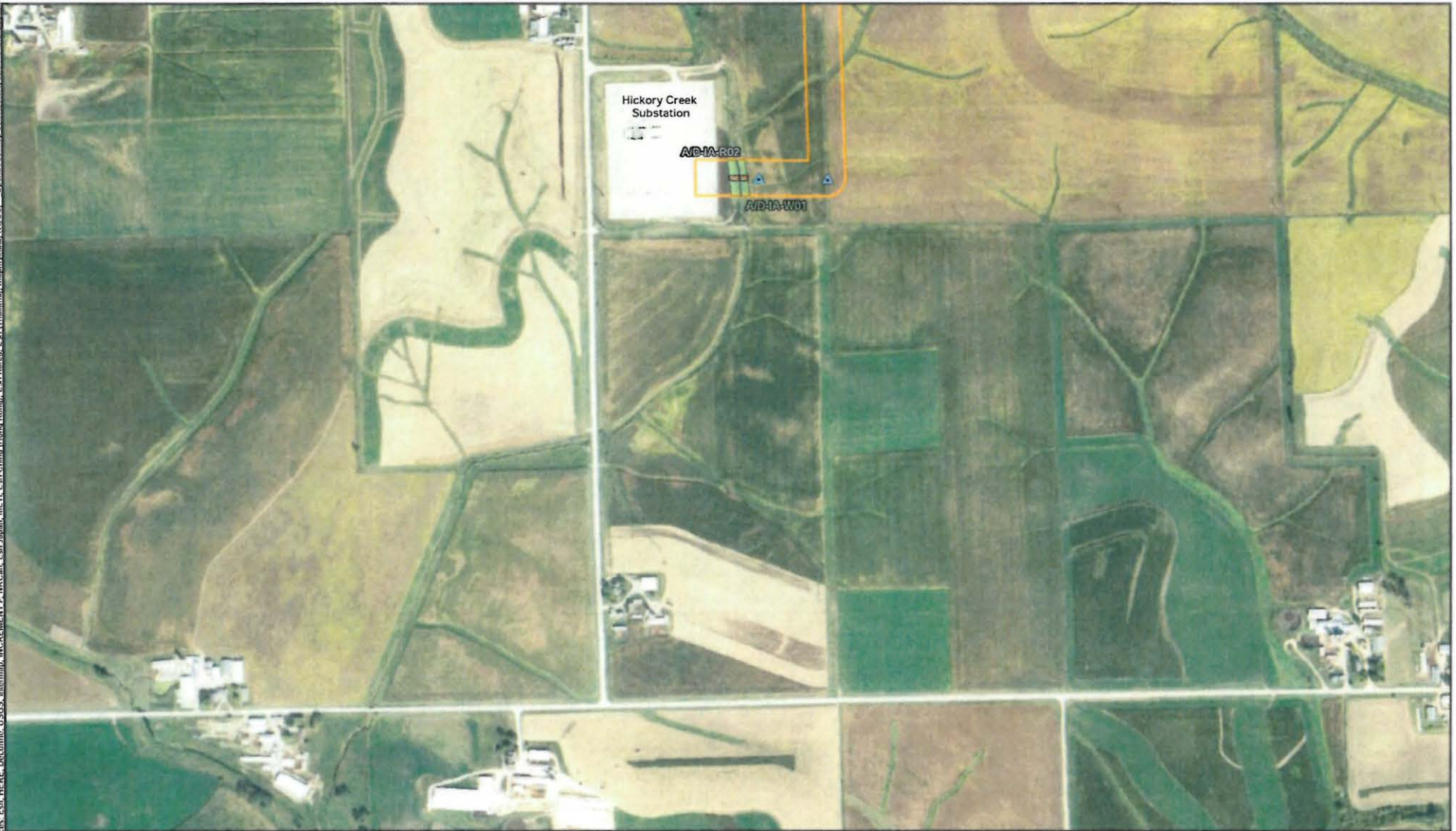
- Emergent Wetland (PEM)
- Forested Wetland (PFO)
- Shrub/Scrub Wetland (PSS)
- Stream or River



**Figure B4.14 - Delineation Results**

Cardinal to Hickory Creek  
 Transmission Line Project  
 Hickory Creek to Mississippi River  
 Clayton & Dubuque Co, IA

Path: R:\ITC\1417\_Hickory\_Crk\_Cassville\GISData\ArcDocs\NA\_WOR\Fig4 - Deline Results.mxd | User: ibesmer | 9/19/2019  
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 Source: NAIP Aerials (2017/2018), ESRI, and Burns & McDonnell



**Legend**

- Project Area
- Temporary Wetland Matting
- Proposed Structure
- Wetland Sample Plot
- TCSB

**Delineated Features**

- Emergent Wetland (PEM)
- Forested Wetland (PFO)
- Shrub/Scrub Wetland (PSS)
- Stream or River

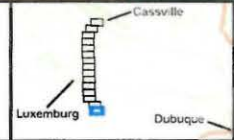


Figure B4.15 - Delineation Results

Cardinal to Hickory Creek  
 Transmission Line Project  
 Hickory Creek to Mississippi River  
 Clayton & Dubuque Co, IA

## APPENDIX K

### Standard Terms and Conditions

This appendix includes the standard conditions that must be included in all Section 408 approval notifications, except where marked as optional. Use of optional conditions should be based on scope and scale of the approved activity:

#### LIMITS OF THE AUTHORIZATION

1. This permission only authorizes you, the requester, to undertake the activity described herein under the authority provided in Section 14 of the Rivers and Harbors Act of 1899, as amended (33 USC 408). This permission does not obviate the need to obtain other federal, state, or local authorizations required by law. This permission does not grant any property rights or exclusive privileges, and you must have appropriate real estate instruments in place prior to construction and/or installation.
2. The time limit for completing the work authorized ends five (5) years from the date stated on the 408 alteration Request Approval Letter. 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.
3. Without prior written approval of the USACE, you must neither transfer nor assign this permission nor sublet the premises or any part thereof, nor grant any interest, privilege or license whatsoever in connection with this permission. Failure to comply with this condition will constitute noncompliance for which the permission may be revoked immediately by USACE.
4. The requester understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration of the work herein authorized, or if, in the opinion of the Secretary of the Army or an authorized representative, said work will cause unreasonable conditions and/or obstruction of USACE project authorized design, the requester will be required upon due notice from the USACE, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim can be made against the United States on account of any such removal or alteration.

#### INDEMNIFICATION AND HOLD HARMLESS

5. The United States will in no case be liable for:
  - a. any damage or injury to the structures or work authorized by this permission that may be caused or result from future operations undertaken by the United States, and no claim or right to compensation will accrue from any damage; or
  - b. damage claims associated with any future modification, suspension, or revocation of this permission.

## Standard Terms and Conditions

6. The United States will not be responsible for damages or injuries which may arise from or be incident to the construction, maintenance, and use of the project requested by you, nor for damages to the property or injuries to your officers, agents, servants, or employees, or others who may be on your premises or project work areas or the federal project(s) rights-of-way. By accepting this permission, you hereby agree to fully defend, **indemnify**, and **hold harmless** the United States and USACE from any and all such claims, subject to any limitations in law.
7. Any damage to the water resources development project or other portions of any federal project(s) resulting from your activities must be repaired at your expense.

### REEVALUATION OF PERMISSION

8. The determination that the activity authorized by this permission would not impair the usefulness of the federal project and would not be injurious to the public interest was made in reliance on the information you provided.
9. This office, at its sole discretion, may reevaluate its decision to issue this permission at any time circumstances warrant, which may result in a determination that it is appropriate or necessary to modify or revoke this permission. 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 permission;
  - b. the information provided in support of your application for permission proves to have been inaccurate or incomplete; or
  - c. significant new information surfaces which this office did not consider in reaching the original decision that the activity would not impair the usefulness of the water resources development project and would not be injurious to the public interest.

### CONDUCT OF WORK UNDER THIS PERMISSION

10. You are responsible for implementing any requirements for mitigation, reasonable and prudent alternatives, or other conditions or requirements imposed as a result of environmental compliance.
11. Work/usage allowed under this permission must proceed in a manner that avoids interference with the inspection, operation, and maintenance of the federal project.
12. In the event of any deficiency in the design or construction of the requested activity, you are solely responsible for taking remedial action to correct the deficiency.
13. The right is reserved to the USACE to enter upon the premises at any time and for any purpose necessary or convenient in connection with government purposes, to make inspections, to operate and/or to make any other use of the lands as may be necessary in connection with government purposes, and you will have no claim for damages on account thereof against the United States or any officer, agent or employee thereof.

## Standard Terms and Conditions

14. You must provide copies of pertinent design, construction, and/or usage submittals/documents. USACE may request that survey and photographic documentation of the alteration work and the impacted project area be provided before, during, and after construction and/or installation.
15. You may be required to perform an inspection of the federal project with the USACE, prior to your use of the structure, to document existing conditions.
16. USACE shall not be responsible for the technical sufficiency of the alteration design nor for the construction and/or installation work.