



**DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW ORLEANS DISTRICT
7400 LEAKE AVE
NEW ORLEANS, LA 70118-3651**

March 31, 2023

Regulatory Division

Project Manager:
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SPECIAL PUBLIC NOTICE

TIME EXTENSION OF NEW ORLEANS DISTRICT REGIONAL GENERAL PERMIT 20 (GP-20) FOR HAZARDOUS CONDITION RESPONSE ACTIVITIES (HCRA) WITHIN THE NEW ORLEANS DISTRICT

Interested parties are hereby notified that the general permit, originally issued by the New Orleans District on November 01, 1982, will be extended until March 31, 2028. A copy of the general permit is enclosed.

All available information was considered in determining that the overall public interest would best be served by extending this general permit with the modifications described above.

Interested parties are invited to submit written comments or suggestions for further modification or improvements of this general permit at any time. In addition, anyone who becomes aware of problems or adverse impacts are requested to notify the Regulatory Division of this district at the above address. This general permit will be suspended, revoked, or modified if it is shown to be in the public interest to do so.

Martin S. Mayer
Chief, Regulatory Division

Enclosures



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW ORLEANS DISTRICT
7400 LEAKE AVE
NEW ORLEANS, LA 70118-3651 NEW ORLEANS, LA 70118-3651

Regulatory Division
CEMVN-RG

SUBJECT: General Permit (GP)-20

DEPARTMENT OF THE ARMY GENERAL PERMIT-20 FOR AUTHORIZING
HAZARDOUS CONDITION RESPONSE ACTIVITIES (HCRA) WITHIN THE NEW
ORLEANS DISTRICT

AUTHORIZATION NO.: MVN-1997-04840; GP-20
INITIAL EFFECTIVE DATE: November 01, 1982
EXPIRATION DATE: March 31, 2028

Under authorization granted by Part 325.8(b) of Title 33, Code of Federal Regulations, and delegated authority from the Commander, U.S. Army Corps of Engineers (USACE), the District Engineer at the New Orleans District has granted this general permit for authorizing the discharge of dredge and fill material and other work to address the performance of certain activities in response to hazardous conditions. This permit authorizes work and structures under the following legislation:

- a. Section 10 of the Rivers and Harbors Act of March 3, 1899 (33 USC 403).
- b. Section 404 of the Clean Water Act (33 USC 1344).

This permit does not authorize any work under Section 9 of the Rivers and Harbors Act of March 3, 1899 (33 USC 404) or Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 USC 1413).

This permit is applicable only within the boundaries of the New Orleans District of the U.S. Army Corps of Engineers (CEMVN).

Work authorized by this general permit is the minimum amount necessary to respond to oil or gas well blowouts, pipeline explosions or ruptures, explosions, fires, oil or hazardous materials spills, shipwrecks or sinking of vessels in navigation channels, pipeline damage, flood and storm events, or similar situations which would result in an imminent safety and/or environmental hazard.

Work authorized under this general permit is considered temporary. After the immediate situation has been addressed, the permittee must either restore the site to its pre-project conditions, or must apply for a permit to maintain the work or portions of

work initially authorized under this general permit. Permit applications to maintain work initially authorized under this general permit will be processed in the appropriate manner, to potentially include an agency public notice, water quality certification from the Louisiana Department of Environmental Quality, and Coastal Use Permit or other authorizations from the Louisiana Department of Natural Resources, Office of Coastal Management (LDNR/OCM).

The activities authorized by this general permit include, but are not limited to:

- a. Placement of a drilling rig in open waters to drill a relief well.
- b. Placement of fill to provide access to a location for placement of drilling rigs to drill relief wells.
- c. Dredging and disposal of dredged material for movement of equipment to evacuate personnel, fight fires, shutoff blow-out wells, install and service pollution control equipment, and repair ruptured pipelines.
- d. Dredging and placement of fill and/or structures to collect and confine oil or hazardous materials.
- e. Dredging and deposition of dredged material to remove or re-float grounded, wrecked, burned out or sunken vessels and/or structures obstructing navigation channels and resulting in a hazard to public navigation.
- f. Dredging and placement of fill, and removal of accumulated debris obstructing waterways, associated with emergency response to specific storm and/or flood events.
- g. Dredging and the deposition of material for emergency pipeline anomaly repairs and access.

In addition to the applicable conditions of our standard permit form (copy enclosed), the following conditions apply to this general permit:

- a. Dredging and other activities will be the minimum necessary to address safety and environmental hazards.
- b. Work performed under this general permit must be completed within 120 days of the date that the specific authorization was granted. If work is not completed within this time-frame, the permittee may request additional time to complete the work. The CEMVN will consider granting any requests for a time-extension on a case-by-case basis.
- c. Restoration is required in accordance with the following:
 - (1) Restoration plans must be submitted to the Regulatory Division of this district

within 30 days of the date when the authorization was granted by the CEMVN under this general permit.

(2) CEMVN will consult with appropriate federal, state, and local agencies prior to authorization of restoration plans.

(3) The restoration work must begin within 30 days of the date of authorization of the restoration plan or lesser time when so specified by the CEMVN unless a specific time extension is granted.

(4) Once begun, restoration work will be diligently prosecuted until completed.

(5) Disturbed wetland areas shall be restored to pre-project conditions, to the greatest extent practicable.

d. In appropriate cases when it may be in the public interest to allow maintenance of structures, fill areas, and/or dredged areas installed under this general permit authorization, permittees must apply for and receive a Department of the Army permit. If the permit application is denied, restoration will proceed in accordance with condition c., immediately above.

e. Applications to maintain facilities authorized by this general permit must be submitted within 30 days of the date the authorization was granted by CEMVN for work under this general permit unless a specific time extension is granted. Permit applications will be processed using appropriate procedures, including an agency public notice where applicable.

f. Requests to maintain facilities located outside the Louisiana Coastal Zone and authorized under this general permit, must include a completed Department of the Army permit application form (4345), along with appropriate letter-sized drawings and scope of the work, and be mailed to the USACE, New Orleans District, Regulatory Division at the letterhead address above or emailed to CEMVNRegulatoryApplication@usace.army.mil. For oversized attachments, contact our office for further instructions. For work located within the Louisiana Coastal Zone, a Joint permit application shall be submitted through LDNR/OCM.

g. This general permit may be modified, suspended, or revoked by the District Commander any time it is found to be in the public interest to do so.

h. Authorizations under this general permit do not relieve permittees from obtaining permits or other authorizations from any required state or local agency, or the consent of the landowner. For response activities within the Louisiana Coastal Zone, applicants must also contact LDNR/OCM at (225) 342-7591 and/or at DNROCMIntake@la.gov for state authorization before performing the work.

i. Other permit conditions may be added in individual authorizations for work under this general permit to address site specific conditions or situations. Procedures to be followed in administering this general permit are as follows:

a. The initial contact may be made in person or via one of the following:

(1) Electronic mail: CEMVNRegulatoryApplication@usace.army.mil

Please include the following information in the subject line of the electronic mail: HCRA-Emergency Request, the Parish where the project is proposed, and the Applicant's Name and/or Company Name.

(2) Regulatory Division
(504) 862-2255

(3) Eastern Evaluation Branch
(504) 862-2225

(4) Central Evaluation Branch
(504) 862-1581

(5) Western Evaluation Branch
(504) 862-2261

b. For work within the Louisiana Coastal Zone also contact the LDNR/OCM at (225) 342-7591 [and/or at DNROCMIntake@la.gov](mailto:DNROCMIntake@la.gov).

c. If a permission from the Corps pursuant to 33 U.S.C.408 is required, authorization under this general permit cannot be made until the Section 408 permission is granted or Letter of No Objection (LNO) is received.

d. If the proposed work is located with any known sensitive/critical areas (e.g. TES habitat, EFH habitat, refuges, cultural sites, etc.), CEMVN may request an emergency review from the appropriate resource agency, as determined necessary.

e. **DISCOVERY OF HUMAN REMAINS:** If abandoned cemeteries, unmarked graves, or human remains are discovered during the permitted activity, the permittee will stop work immediately and comply with the Louisiana Unmarked Human Burial Sites Preservation Act (La. R.S. 8:671 et seq.). The permittee will notify local law enforcement, the district engineer, and the Louisiana Division of Archaeology (LDOA), within the Louisiana Department of Culture, Recreation and Tourism, Office of Cultural Development, by telephone at 225-342-8170 to assess the nature and age of the human skeletal remains within twenty-four (24) hours of the discovery of unmarked human remains and will accompany local law enforcement personnel during all field investigations. If the appropriate local law enforcement official determines that the

remains are not a crime scene, and the remains are more than 50 years old, LDOA has jurisdiction over the remains. In no instance will human remains be removed from the discovery site until jurisdiction is established. In cases where the LDOA assumes jurisdiction and the remains are determined to be American Indian, LDOA will consult with Tribes, the district engineer, and the permittee to determine the appropriate course of action.

f. DISCOVERY OF PREVIOUSLY UNKNOWN HISTORIC, CULTURAL, OR ARCHAEOLOGICAL REMAINS AND ARTIFACTS. Permittees that discover any previously unknown historic, cultural, or archeological remains and artifacts while accomplishing the permitted activity must immediately notify the district engineer, halt all construction activity at the location of discovery, and avoid construction activities within a fifty (50) foot buffer zone of the location of discovery until the required coordination has been completed. The district engineer will initiate the Federal, Tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

g. Authorization under this general permit may be granted upon initial contact provided the requester can present sufficient information on the location, nature, and extent of the work to establish that the safety or environmental hazard exists. When necessary, immediate verbal authorization may be granted to perform the work. However, in other cases, a written request describing the need for the work may be necessary to establish that the project qualifies for authorization under the provisions of this general permit. Please provide the following if available:

(1) Copies of any original Department of the Army (DA) permit for the structure/site if available, or any relevant DA permit number(s) if available, or the approximate time the original project/structure was constructed.

(2) Clear description of the hazardous situation, to include but not limited to: any work initiated and/or proposed, description of the structure and/or site and its current condition, machinery used, time frames for start and completion of work, anticipated wetland impacts through filling, excavating or mechanized clearing for access and work, any anticipated impacts to the general public, impact areas of known effluents released, any local city (or) parish emergency response efforts underway, etc.

(3) A location map (aerial/topographic) and a plan view plat including: waterways, parish(s), towns or cities, adjacent roadways, ROW limits, adjacent development, residences or subdivisions, latitudes and longitudes, section, township, range, nearby refuges and/or management areas, adjacent federal structures, access routes, permanent and/or temporary structures, permanent and/or temporary work area(s) with dimensions, anticipated wetlands, etc.

(4) Site photos, if available.

(5) Applicant and agent contact information.

(6) Any other available federal, state, or local authorizations already received and/or required.

f. If immediate verbal authorization is granted at the initial contact, the permittee must supply written documentation of the work to be done within 1 working day of the authorization being granted, including necessary maps, drawings, and sketches.

g. Permittees will supply all other information necessary to establish a complete file.

h. If appropriate, written authorization will be granted after all necessary information has been provided.

BY THE AUTHORITY OF THE SECRETARY OF THE ARMY:

Martin S. Mayer
Chief, Regulatory Division

Enclosures

DEPARTMENT OF THE ARMY PERMIT

Permittee _____

Permittee No. _____

Issuing Office _____

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.

Project Description:

Project Location:

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on _____. 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 good condition and 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:

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:
☐ Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
☐ 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 the authorization.
 - a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
 - b. This permit does not grant any property rights or exclusive privileges.
 - c. This permit does not authorize any injury to the property or rights of others.
 - d. This permit does not authorize interference with any existing or proposed Federal project.
3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
 - a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
 - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or 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 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 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.

(PERMITTEE)

(DATE)

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

(DISTRICT ENGINEER)

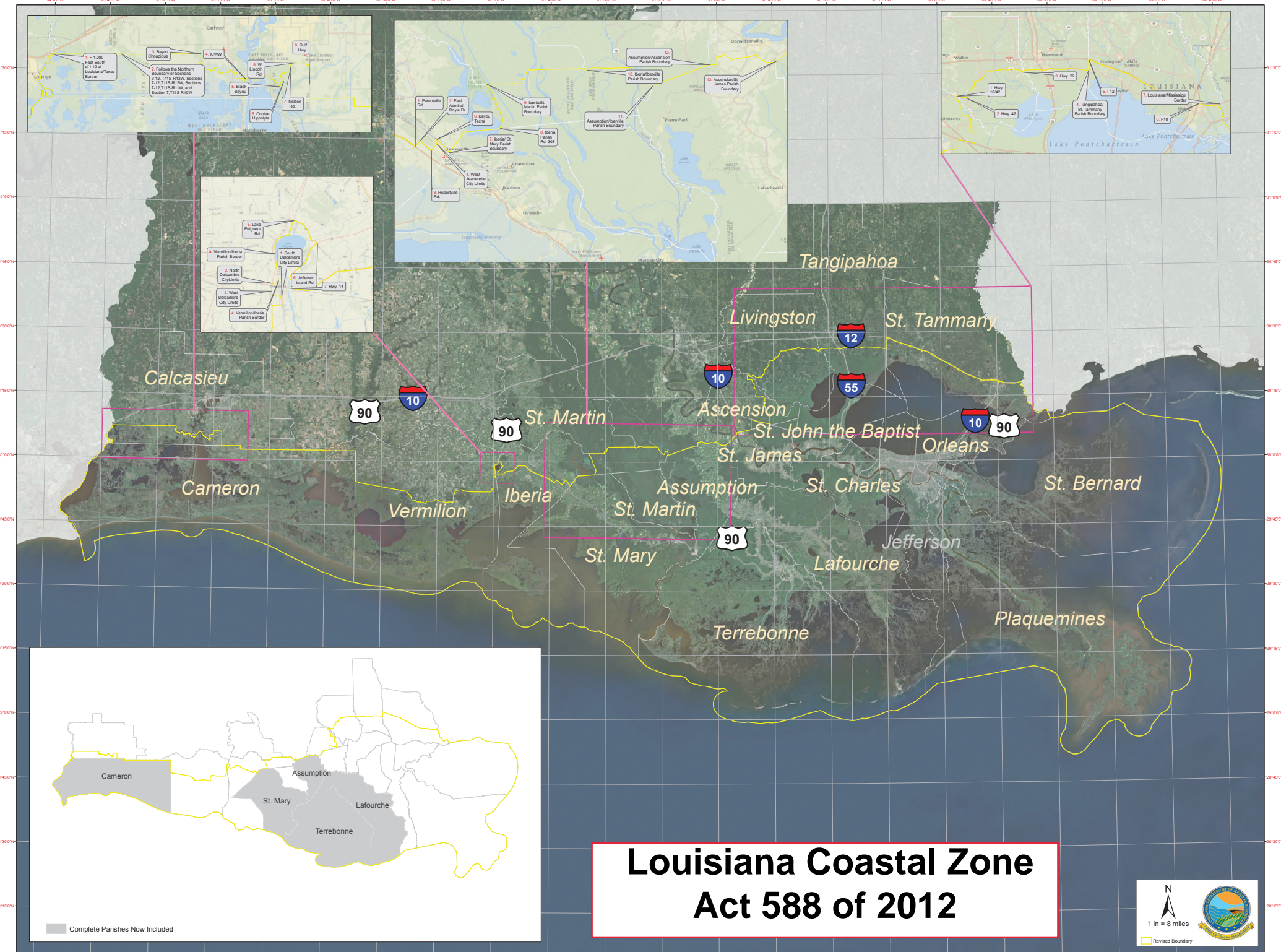
(DATE)

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.

(TRANSFEREE)

(DATE)

General Permit (GP) Enclosure 2



Louisiana Coastal Zone Act 588 of 2012

