



DEPARTMENT OF THE ARMY

NEW ORLEANS DISTRICT, CORPS OF ENGINEERS

P.O. BOX 60267

NEW ORLEANS, LOUISIANA 70160-0267

DEC 31 2009

REPLY TO
ATTENTION OF:

Operations Division
Regulatory Branch

DEPARTMENT OF THE ARMY GENERAL PERMIT

AUTHORIZATION NO.: (General Permit) NOD-118

ORIGINAL EFFECTIVE DATE: January 1, 1991

EXPIRATION DATE: December 31, 2014

Under authorization granted by applicable sections of Parts 320 through 330 of Title 33, Code of Federal Regulations, and delegated authority from the Commander, US Army Corps of Engineers, the District Engineer at New Orleans has determined that it is in the public interest to issue a general permit to the Louisiana Department of Wildlife and Fisheries (LDWF) to deposit clam or other mollusk shells, or other clean non-polluting material to construct artificial fishing reefs in designated coastal areas. Approximately 3,500 cubic yards of fill will be jetted in rows not to exceed 2 feet above the bottom elevation on 1.2-acre parcels of state-owned waterbottoms in the areas shown on the attached map (enclosure 1).

Specific legislation requiring Department of the Army permits for work of this nature is:

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

The general permit will not authorize any activity:

- a. Which is likely to adversely affect federally listed threatened or endangered species, a species proposed for such designation, or which is likely to destroy or adversely modify the critical habitat of such species. This includes activities within 3,000 feet of a bald eagle nesting site unless written concurrence is obtained from the U.S. Fish and Wildlife Service that the specific individual activity proposed for authorization will not adversely affect that species.
- b. Within 1,500 feet of colonial bird nesting sites.
- c. Within 1,000 feet of an established navigation channel or fairway.
- d. Within 1,000 feet of a levee or other flood control facilities constructed or maintained with federal funds, or owned and operated by agencies of state and local governments without written consent of the appropriate agency or governing body.

- e. At or in close proximity to any known historic or archeological sites or within the boundaries of a historic district.
- f. In close proximity to any pipeline.
- g. In areas other than open water.
- h. Within areas of known concentrations of Gulf sturgeon. Specifically, within 1 mile of the northern shoreline of Lake Pontchartrain, between Fontainebleau State Park and Louisiana Highway 11.

Work authorized by the general permit will be subject to applicable conditions on ENG Form 1721, Department of the Army permit (enclosure 2), and the following special conditions:

- a. Work must be performed by or under the supervision of the LDWF.
- b. The work must not interfere with the public's right to free navigation on all navigable waters of the United States.
- c. Any safety lights and signals prescribed by the U. S. Coast Guard, through regulations or otherwise, must be installed and maintained at the applicant's expense.
- d. No work may be performed under this general permit until written approval is issued by the New Orleans District.
- e. No work may be performed under this general permit unless and until all required local, state, and other federal permits, licenses, authorizations, and certifications are obtained. This includes, but is not limited to, a coastal use permit or waiver from the Louisiana Department of Environmental Quality, the fill material must be free of contaminants to meet state water quality standards.
- f. Additional conditions may be added to this general permit by the District Engineer if it is found to be in the public interest to do so.
- g. This general permit may be suspended, in whole or part, by the District Engineer if it is found to be in the public interest to do so.
- h. The District Engineer may choose not to grant approval under this general permit and require the applicant to go through regular permit evaluation procedures when he finds that such action is in the public interest.
- i. 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 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.

Applications for work to be performed under authority of this general permit must include the following: application form (ENG 4345), confirmation that there are no plan view and cross sections showing the proposed work.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

A black rectangular redaction box covers the signature of Pete J. Serio.

Pete J. Serio
Chief, Regulatory Branch
for
Alvin B. Lee
Colonel, US Army
District Commander

Enclosure

DEPARTMENT OF THE ARMY PERMIT

Permittee _____

Permit 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 this 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 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.

(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)

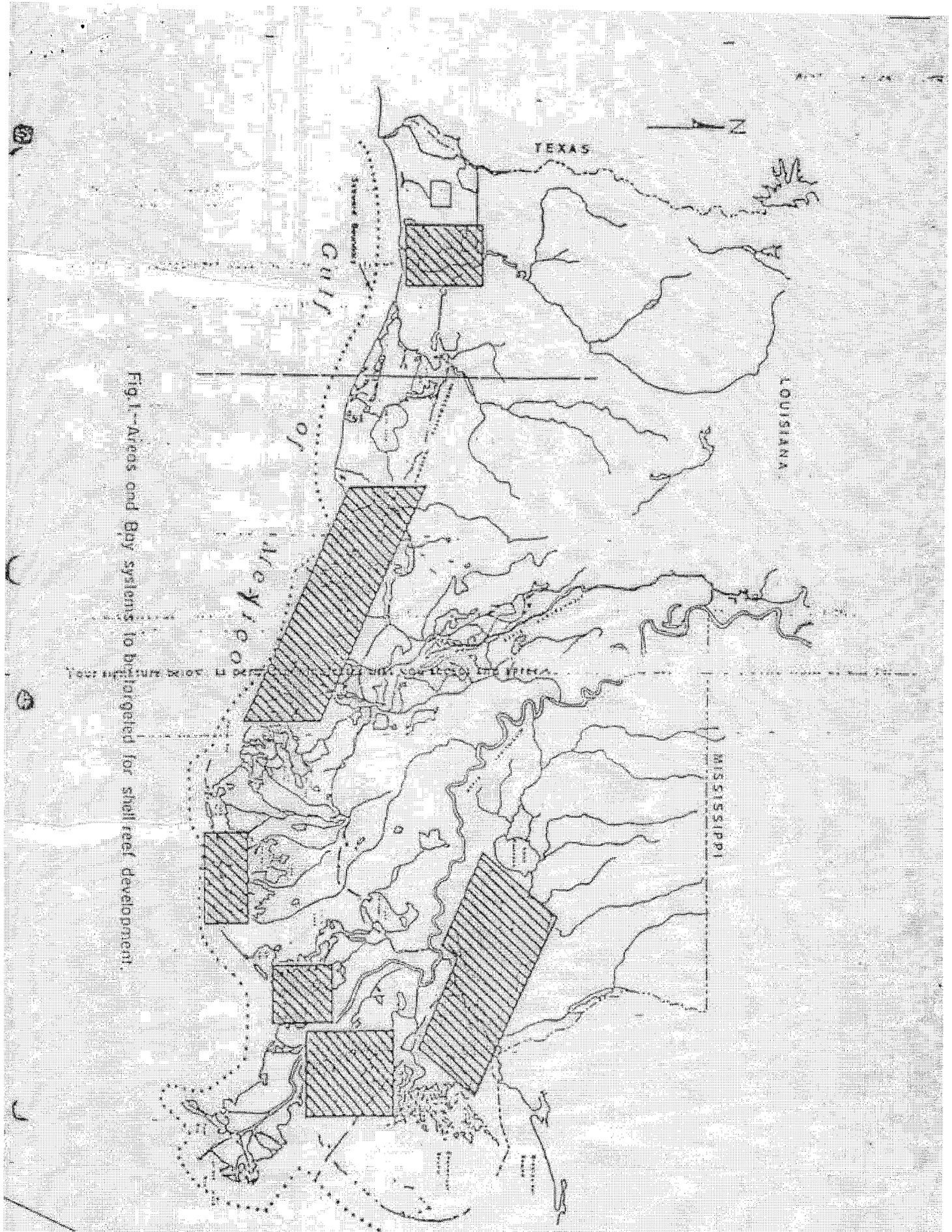
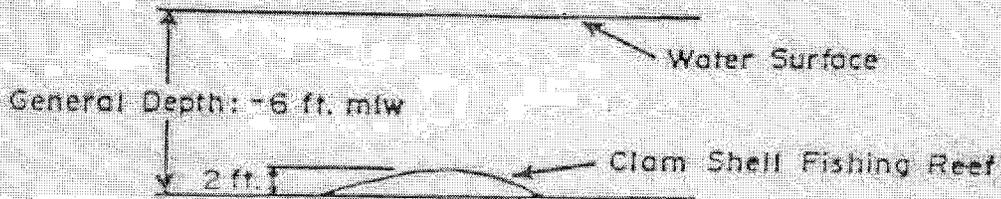


Fig. 1--Areas and Bay systems to be targeted for shell reef development.

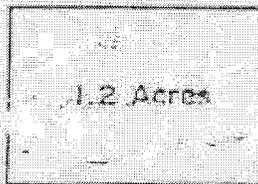
Fig. 2.--General Shell Reef Design



Typical Cross Section

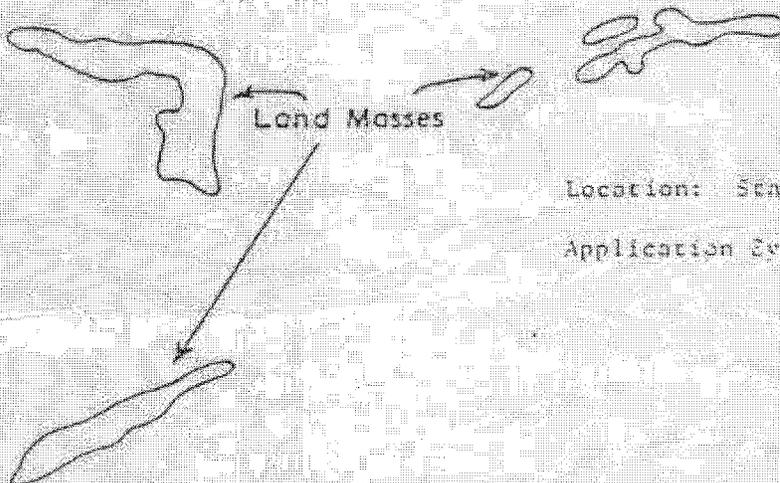
Not to Scale

Actual shell deposition at 3,500 cubic yards/acre should raise the bottom approximately 1-2 feet.



Overview

Shells will be water
to obtain even distribution.
(see Figure 3)



Location: Statewide

Application by: State of Louisiana
La. Dept. of Wildlife
and Fisheries

Purpose: Clam shell deposition for
shell fishing reefs.

Apparent Property Owners: State-owned water bottoms

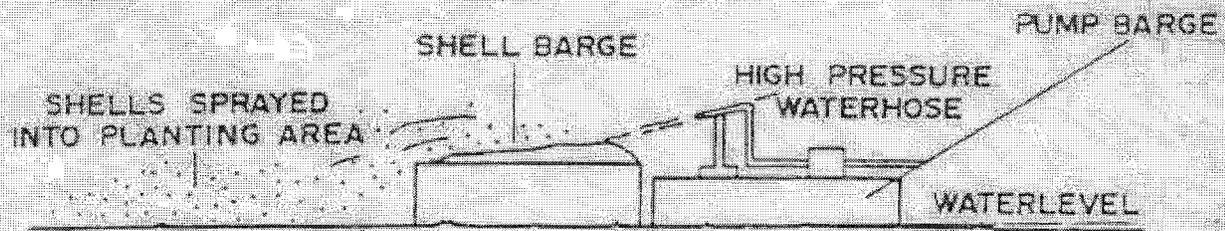
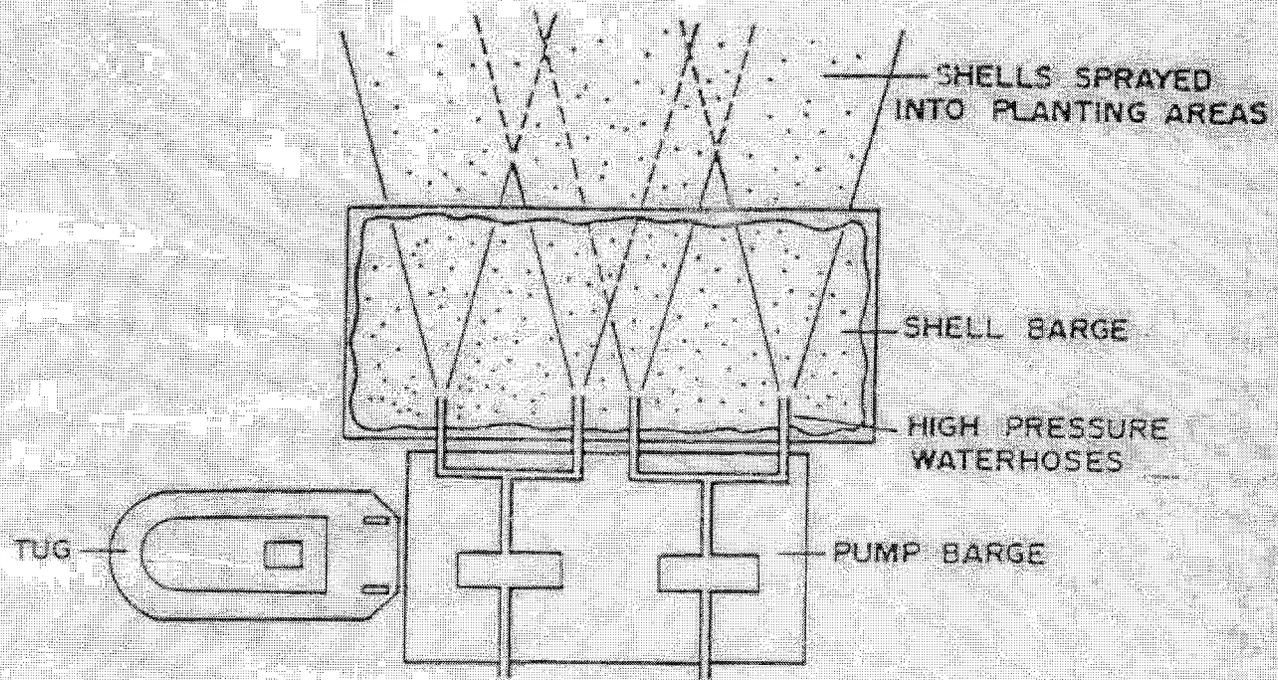


Fig. 3.--Equipment to be used to spray shell.