

JOINT PUBLIC NOTICE

United States Army
Corps of Engineers
New Orleans District
Attn: Regulatory Branch
Post Office Box 60267
New Orleans, Louisiana 70160-0267

MAY 05 2014

State of Louisiana
Department of Environmental Quality
Attn: Water Quality Certification Sec.
Post Office Box 4313
Baton Rouge, Louisiana 70821-4313

Project Manager: Sara Fortuna
(504) 862-1025/ fax: (504) 862-2574
Sara.b.fortuna@usace.army.mil
Permit Application Number:
MVN-2008-03093 WKK

Project Manager:
Elizabeth Johnson
(225) 219-3225 / fax: (225) 219-3156
WQC Application Number:
WQC-140421-04

SPECIAL PUBLIC NOTICE

CONSIDERATION OF GRANTING A TIME EXTENSION FOR (GENERAL PERMIT) NOD-6 WHICH GRANTS DEPARTMENT OF THE ARMY AUTHORIZATION FOR EMERGENCY REPAIRS, EROSION PROTECTION, AND RESTORATION ALONG PUBLIC HIGHWAYS WITHIN THE BOUNDARIES OF THE NEW ORLEANS DISTRICT

Interested parties are requested to review the enclosed time extension of the General Permit for emergency repairs, erosion protection, and restoration along public highways within the boundaries of the New Orleans District.

Application has also been made to the Louisiana Department of Environmental Quality, Office of Environmental Services, for a Water Quality Certification (WQC) in accordance with statutory contained in Louisiana Revised Statutes of 1950, Title 30, Chapter 11, Part IV, Section 2074 A(3) and provisions of Section 401 of the Clean Water Act (P.L. 95-217).

Specific legislation requiring Department of the Army permits for work of this nature are: [X] Section 10 of the Rivers and Harbors Act of March 3, 1899 (30 Stat. 1151:33 USC 403); and/or [X] Section 404 of the Clean Water Act (86 Stat. 816: 33 USC 1344).

The comment period for the Department of the Army Permit and the Louisiana Department of Environmental Quality WQC will close **20 days** from the date of this joint public notice. Written comments, including suggestions for modifications or objections to granting a time extension stating reasons thereof, are being solicited from anyone having interest in this permit and/or this WQC request and must be mailed so as to be received before or by the last day of the comment period. Comment letters must reference the Permit Number, and be mailed to the Corps of Engineers at the address above.

The time extension request is on file with the Louisiana Department of Environmental Quality and may be examined during weekdays between 8:00 a.m. and 5:00 p.m. Copies may be obtained upon payment of costs of reproduction.

Corps of Engineers Permit Criteria

The decision whether to grant a time extension will be based on an evaluation of the probable impacts, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

The U.S. Army Corps of Engineers is soliciting comments from the public, federal, state, and local agencies and officials, Indian Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the U.S. Army Corps of Engineers to determine whether to grant or deny a time extension for the General Permit. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The possibility exists that work conducted under this General Permit may damage or destroy presently unknown archeological, scientific, prehistorical, historical sites, or data. Copies of this notice are being sent to the State Archeologist and the State Historic Preservation Officer for review and comment.

Authorization would not be granted under the General Permit for proposed work that would affect any species listed as endangered by the U.S. Departments of Interior or Commerce, or affect any habitat designated as critical to the survival and recovery of any endangered species.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Our initial determination is that actions authorized under the General Permit would not have a substantial adverse impact on EFH or federally managed fisheries in the Gulf of Mexico. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

If work proposed, under this General Permit involves deposits of dredged or fill material into navigable waters, the evaluation of the probable impacts will include the application of guidelines established by the Administrator of the Environmental Protection Agency. Also, a certification that the proposed activity will not violate applicable water quality standards will be required from the Department of Environmental Quality, Office of Water Resources before a permit is issued.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

You are requested to communicate the information contained in this notice to any other parties whom you deem likely to have interest in the matter.

Darrell S. Barbara
Chief, Western Evaluation Section
Regulatory Branch

Enclosure



DEPARTMENT OF THE ARMY

NEW ORLEANS DISTRICT, CORPS OF ENGINEERS

P. O. BOX 60267

NEW ORLEANS, LOUISIANA 70160-0267

REPLY TO
ATTENTION OF:

Operations Division
Regulatory Functions Branch

SUBJECT: CEMVN-OD-SW (General Permit NOD-6)
MVN-2008-03093-WKK

Special Public Notice

TIME EXTENSION FOR GENERAL PERMIT FOR EMERGENCY REPAIRS, EROSION PROTECTION, AND RESTORATION ALONG PUBLIC HIGHWAYS WITHIN THE BOUNDARIES OF THE NEW ORLEANS DISTRICT

Interested parties are hereby notified that (General Permit) NOD-6, originally issued by this office on November 22, 2002, for emergency repairs, erosion protection, and restoration along public highways within the boundaries of the New Orleans District is being extended until May 31, 2019.

All available information was considered in determining that the overall public interest would be best served by granting the time extension.

Although the general permit is being extended, persons who become aware of problems or adverse impacts are requested to notify the Regulatory Branch 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 take such action.

A copy of the general permit is attached. Additional copies are available upon written request to the Regulatory Branch of this District at the above address.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

Martin S. Mayer
Chief, Regulatory Branch

Enclosures



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY

NEW ORLEANS DISTRICT, CORPS OF ENGINEERS

P. O. BOX 60267

NEW ORLEANS, LOUISIANA 70160-0267

Operations Division
Regulatory Branch

SUBJECT: CEMVN-OD-SW (General Permit) NOD-6

DEPARTMENT OF THE ARMY GENERAL PERMIT

Authorization No.: (General Permit) NOD-6
MVN-2008-03093-WKK

Under authorization granted by applicable sections of Parts 320 through 330 of Title 33, Code of Federal Regulations, and delegated authority from the Commander, U.S. Army Corps of Engineers, the District Engineer at New Orleans has determined that it is in the public interest to issue a time extension for the general permit to authorize the State of Louisiana, Department of Transportation and Development, Office of Highways to:

- a. Perform work in or affecting navigable waters of the United States pursuant to Section 10 of the Rivers and Harbors Act of March 3, 1899 (33 U.S.C. 403) and
- b. Discharge dredged and/or fill material into waters of the United States, pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344.)

Therefore, the Office of Highways is authorized to perform the following work when repairs are needed:

- a. Install and maintain bulkheads, fill, riprap, and articulated concrete matting to provide erosion protection for existing public roads which parallel waterways, and
- b. Install and maintain bulkheads, fill, riprap, and articulated concrete matting at bridge ends to maintain revetments, embankments, and bank lines at bridge sites in an "as-built" condition.

Work may be done in and immediately adjacent to navigable waters of the United States and waters of the United States hereafter specified within the boundaries of the U.S. Army Engineer District, New Orleans.

The work must conform to the attached drawings. It should be specifically noted that this permit does not authorize dredging fill material from the adjacent waterway.

LIST OF ROADWAY SEGMENTS COVERED BY THIS PERMIT:

| <u>HIGHWAY NO.</u> | <u>PARISH(ES)</u> | <u>LIMITS</u> |
|--------------------|-------------------|-----------------------------------|
| LA 45 | Jefferson | Crown Point to lower Lafitte |
| LA 301 | Jefferson | Crown Point to lower Barataria |
| LA 560-4 | Jefferson | LA 45 to its dead end |
| US 90 | Orleans | Chef Menteur Pass to the Rigolets |
| US 11 | Orleans | US 90 to I-10 |
| LA 624 | St. Bernard | SE of Yscloskey |
| LA 46 | St. Bernard | LA 300 to LA 624 |
| LA 300 | St. Bernard | LA 46 to Delacroix |
| LA 308 | Lafourche | Downstream from Thibodaux |
| LA 1 | Lafourche | Downstream from Thibodaux |
| LA 665 | Terrebonne | LA 56 to southern end |
| LA 55 | Terrebonne | LA 56 to southern end |
| LA 56 | Terrebonne | South of Houma |
| LA 57 | Terrebonne | South of Houma |
| LA 315 | Terrebonne | South of Houma |

| | | |
|---------|--|---|
| US 90 | Terrebonne | Houma to Gibson |
| LA 70 | St. Mary, St. Martin, & Assumption | Morgan City to Pierre Part |
| LA 75 | Iberville | Plaquemine to Pigeon |
| LA 3066 | Iberville | LA 75 to Indian Village |
| LA 77 | Iberville | Plaquemine to Indian Village |
| LA 27 | Calcasieu & Cameron | LA 397 to Creole |
| LA 27 | Calcasieu & Cameron | LA 82 to LA 108 |
| LA 82 | Cameron | From its junction with LA 27, west of Calcasieu River, to the point at Ocean View Beach |

If other roads need to be added, the permit may be revised after full processing, including distribution of a public notice to all known interested parties.

Work authorized under this general permit may not be performed in the following areas and waterways:

a. Within one quarter mile of a potentially eligible, eligible, or listed on the National Register of Historic Places, cultural resource site or a traditional tribal cultural property, without completion of consultation and approval from the Louisiana State Historic Preservation Officer (SHPO) and/ or the appropriate federally recognized Indian tribe.

b. In or adjacent to waterways in the Louisiana Natural and Scenic River System without prior written approval or concurrence from the Scenic River Coordinator of the Louisiana Department of Wildlife and Fisheries.

c. 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 the written consent of the appropriate agency or governing body.

d. Within the boundaries of a wildlife refuge, public park, or similar area, unless written permission is obtained from the appropriate park authority.

e. Within an area where mitigation has been implemented as a requirement of a permit action.

f. Within any area where the activity is likely to adversely affect federally listed threatened or endangered species, or that is likely to destroy or adversely modify the critical habitat of such species.

g. Within 1,500 feet of a colonial bird nesting site.

h. Work authorized under General Permit NOD-6 may not be performed in areas where the activity is likely to result in a “disturbance” to bald eagles. Applicants are advised to review the National Bald Eagle Management (NBEM) Guidelines to make this determination. A copy of the NBEM Guidelines is available at:

<http://www.fws.gov/migratorybirds/issues/BaldEagle/NationalBaldEagleManagementGuidelines.pdf> or contact the U.S. Fish and Wildlife Service (337-291-3100) for further assistance.

Individual permits must be obtained for work proposed in the waterways and areas listed in (a) through (h) above.

Applications for work to be performed under authority of this general permit must include the following:

An application (ENG Form 4345), a location map, and a dimensioned and scaled plan view and cross-sections showing the proposed work (sample drawings) are enclosed as attachments 1 and 2. Applications for work within the boundaries of any state or federal wildlife refuge or management area must include the written consent of the appropriate Division Chief or Refuge Manager to be considered under the general permit.

Work authorized by the general permit will be subject to applicable conditions on ENG Form 1721, Department of the Army Permit (see attachment 1). All references to the “permittee” in the standard permit shall be understood to refer to the Louisiana Department of Transportation and Development, Office of Highways.

Additional special conditions to which the work authorized by this general permit are as follows:

- a. Work may be performed only adjacent to existing public roads.
 - b. The work must be performed by or under the supervision of the Office of Highways.
 - c. Work may not be performed by private interests or other government agencies under this general authorization.
 - d. No dredging may be performed under authority of this general permit, except that material that has sloughed from a roadway embankment may be removed from the water and deposited behind the bulkhead. No dredging is allowed to provide access to the project site. This dredging includes wheelwashing and propwashing.
 - e. Bulkheads may be constructed along the existing bankline or within 20 feet of the roadway surface, whichever is further channelward.
 - f. If archaeological artifacts are located during the operations authorized by this general permit, work will be suspended until the State Historic Preservation Officer has been notified and opportunity provided for the artifacts to be evaluated, studied, recovered, and/or preserved.
 - g. Backfill may be placed only on the landward side of the bulkhead and/except as provided in (d) above, backfill must not be dredged from adjacent waterways or any wetlands.
 - h. Backfill may be hauled to the work site or dredged from adjacent nonwetland areas, providing adjacent borrow pits are not directly connected with waterways or wetlands.
 - i. No work may be performed until the Office of Highways submits satisfactory plans for the proposed activity and receives written authorization from the District Engineer. The application must contain a map or drawing showing the location of the proposed work.
- Conformance with descriptions and quantities contained herein does not necessarily guarantee authorization under this general permit. In cases when the District Engineer considers it necessary, application will be required for individual permits.
- j. This general permit may be suspended, in whole or in part, by the District Engineer if it is found to be in the public interest to do so.

k. 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:

- (1) A Coastal Use Permit or waiver signed by the Secretary of the Louisiana Department of Natural Resources or his designee.
- (2) A Water Quality Certification (if required) from the Louisiana Department of Environmental Quality, Office of Environmental Services.

l. Additional conditions deemed necessary to protect the public interest may be added to the general permit by the District Engineer at any time. If additional conditions are added, the public will be advised by public notice.

m. The intent of this general permit is to quickly authorize repairs to existing roads when damages result from storms, hurricanes, floods, tidal surges, and similar catastrophic events. Applications for approval of routing or non-emergency maintenance must be submitted at least 45 days prior to the scheduled commencement date. Individual permits may be required for non-emergency or routine activities instead of granting approval under this general permit.

n. The permittee agrees to make every reasonable effort to prosecute the construction or operation of the work authorized herein in a manner so as to minimize any adverse impacts on fish, wildlife, special aquatic sites (including wetlands,) and natural environmental values.

o. The permittee shall permit the District Engineer or his authorized representative(s) or designee(s) to make periodic inspections of the project site(s) and disposal site(s) at any time deemed necessary in order to assure that the activity being performed under authority of this general permit is in accordance with the terms and conditions prescribed herein.

p. The authorization to perform work under this general permit does not convey any property rights, either in real estate or material, or any exclusive privileges; and it does not authorize any injury to property or invasion or rights or any infringement of federal, state, or local laws or regulations.

q. The work must not interfere with the public's right to free navigation on all navigable waters of the United States. 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.

r. No heavy equipment is allowed on vegetated marsh during construction.

s. The permittee agrees to prosecute the construction of work authorized by this general permit in a manner so as to minimize any degradation of water quality.

t. Any modification, suspension, or revocation of this general permit shall not be the basis for any claim for damages against the United States.

Individuals approvals granted under this general permit allow 5 years from the date of the approval letter to complete the project.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

Martin S. Mayer
Chief, Regulatory Branch
for
Richard L. Hansen
Colonel, U.S. Army
District Commander

Enclosures

1. ENG Form 1721
2. Typical Drawings

DEPARTMENT OF THE ARMY PERMIT

Permittee:

Permit No.

Issuing Office: New Orleans District

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 1 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.

X _____
(PERMITTEE)

X _____
(DATE)

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

Darrell S. Barbara, Chief Western Evaluation Section

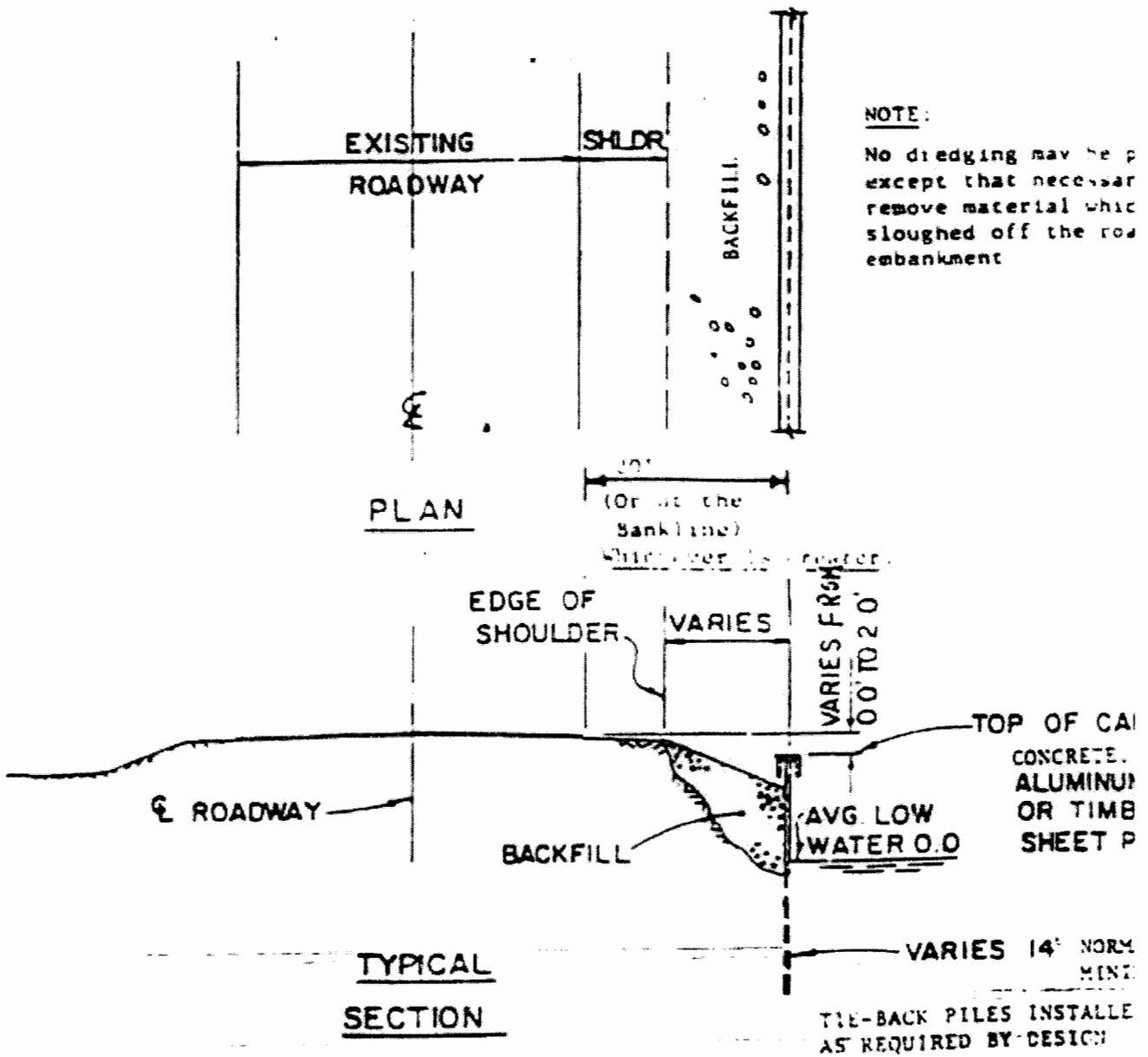
(DATE)

for Richard L. Hansen, District Commander

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)

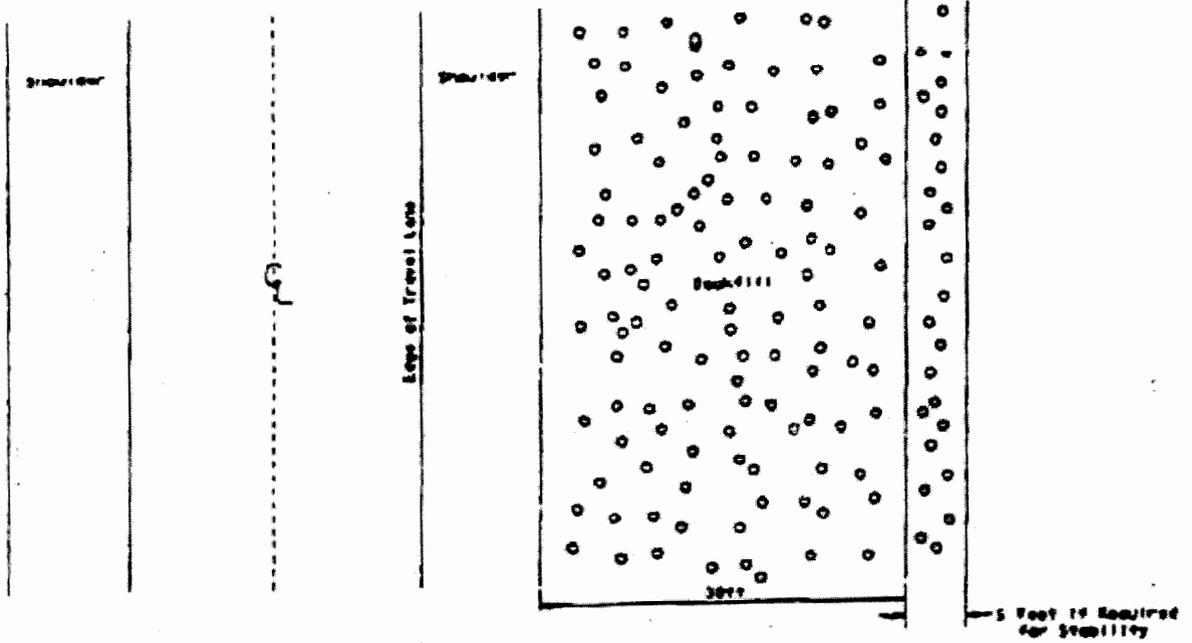


NOT TO SCALE

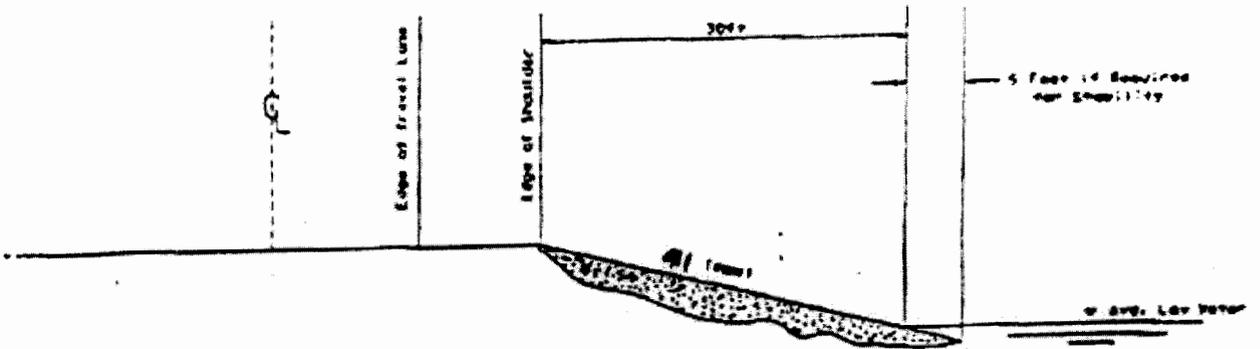
**PROPOSED
 TYPICAL EROSION PROTECTION BULKHEAD
 ALONG WATERWAYS**

(GENERAL PERMIT) NOD-6

July 2

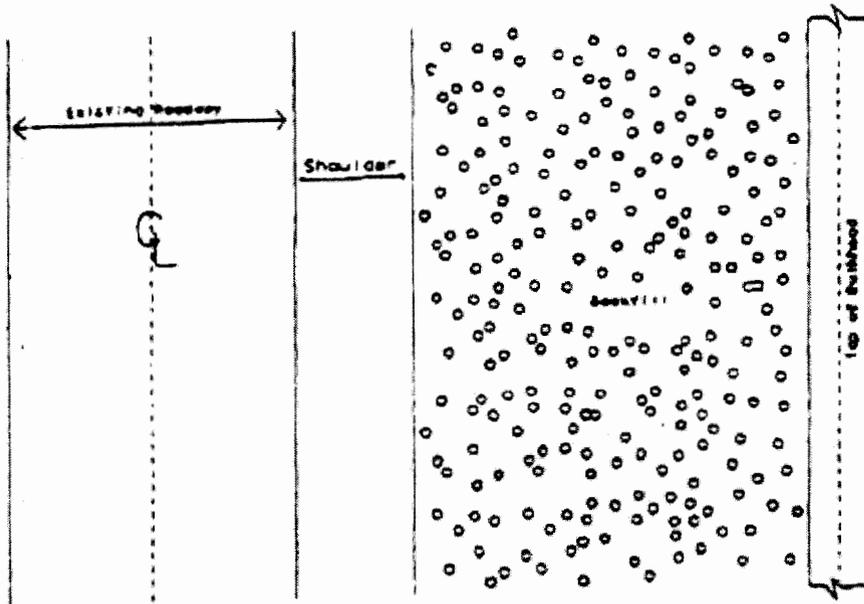


Plan View

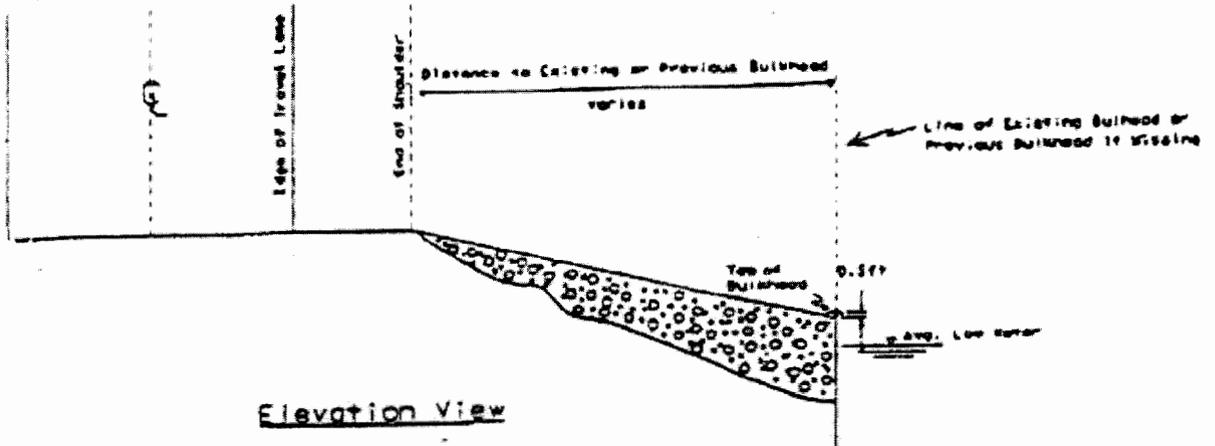


Elevation View

TYPICAL SECTION



Plan View



Elevation View

TYPICAL SECTION

