



**DEPARTMENT OF THE ARMY**  
**NEW ORLEANS DISTRICT, CORPS OF ENGINEERS**  
**P.O. BOX 60267**  
**NEW ORLEANS, LOUISIANA 70160-0267**

Operations Division  
Regulatory Functions Branch

APR 10 2009

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

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 March 31, 2014.

a. Condition "h", page 4, is being revised to include: "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."

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:

A handwritten signature in cursive script that reads "Pete Serio".

Pete J. Serio  
Chief, Regulatory Branch

Enclosures



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Operations Division  
Regulatory Branch

APR 13 2009

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

**DEPARTMENT OF THE ARMY**  
**GENERAL PERMIT**

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

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:



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

Enclosures

1. ENG Form 1721
2. Typical Drawings

DEPARTMENT OF THE ARMY PERMIT

Permittee \_\_\_\_\_

Permit No. GENERAL PERMIT (NOD-6)

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 circumstance 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.~~

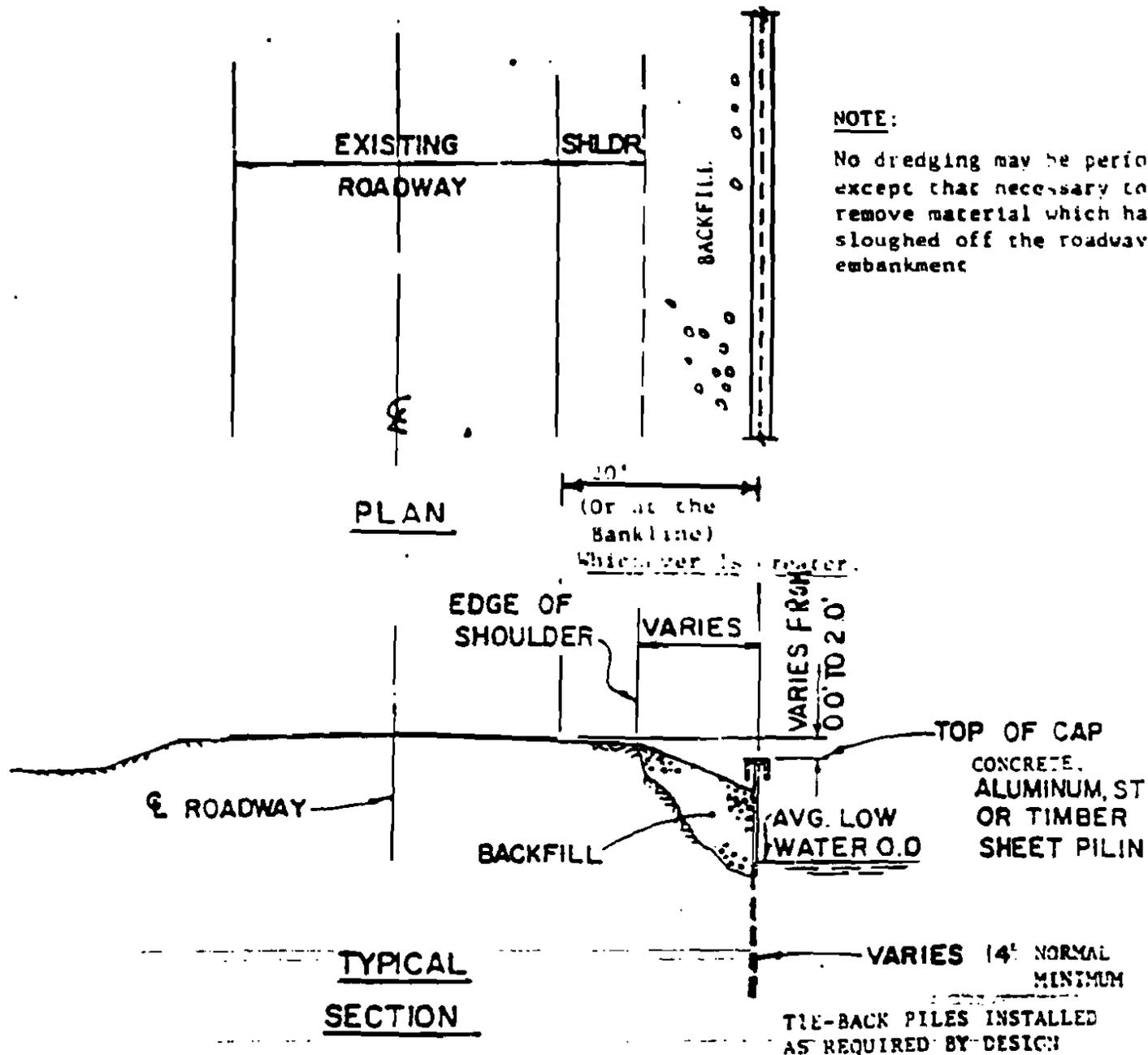
\_\_\_\_\_  
 (PERMITTEE) \_\_\_\_\_ (DATE) \_\_\_\_\_

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 owners 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) \_\_\_\_\_

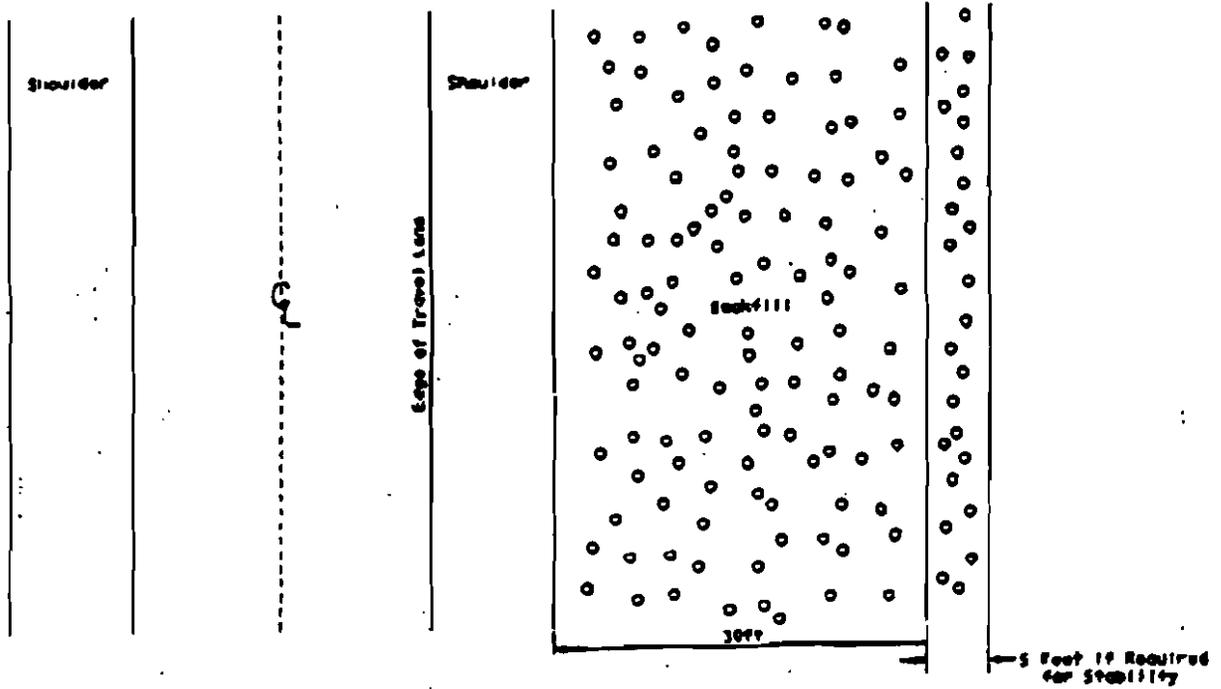


NOT TO SCALE

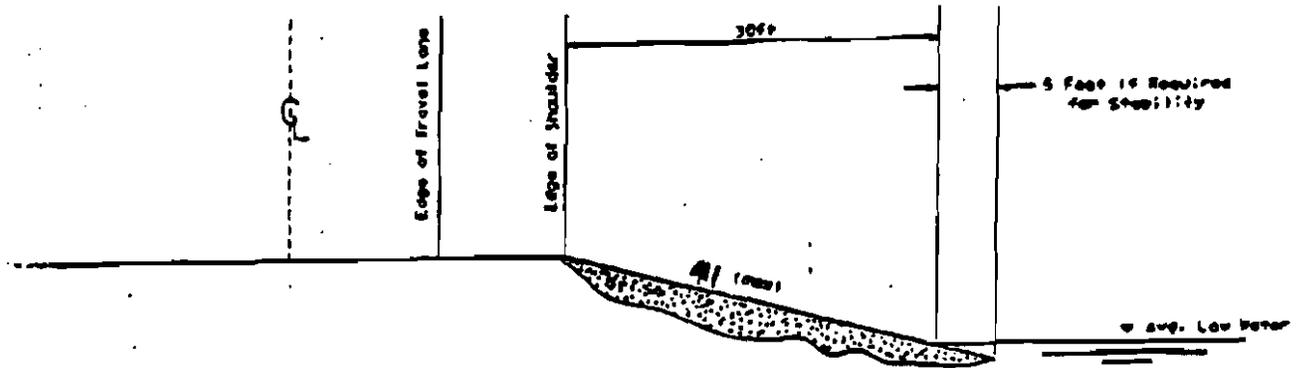
**PROPOSED  
TYPICAL EROSION PROTECTION BULKHEAD  
ALONG WATERWAYS**

(GENERAL PERMIT) NOD-6

*Incl 2*

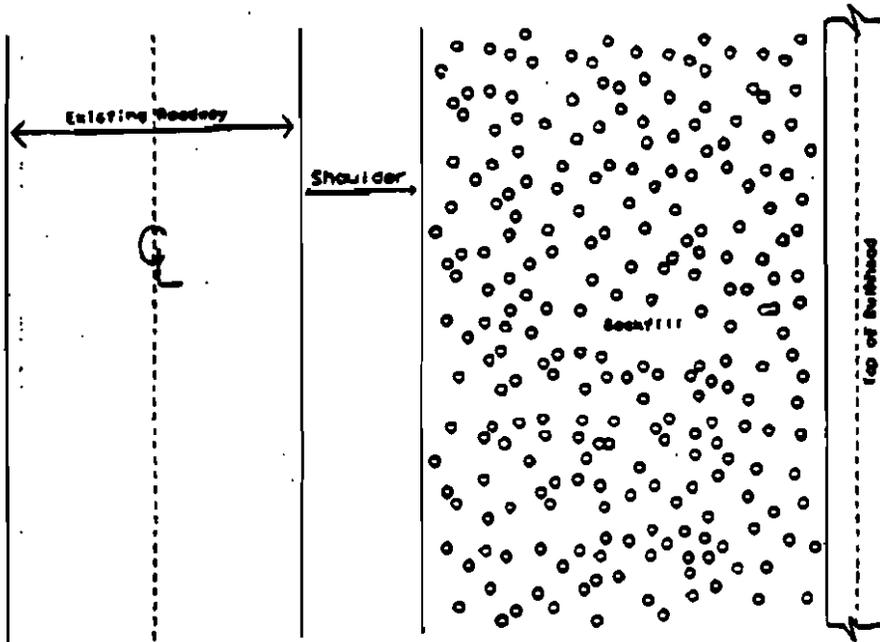


Plan View

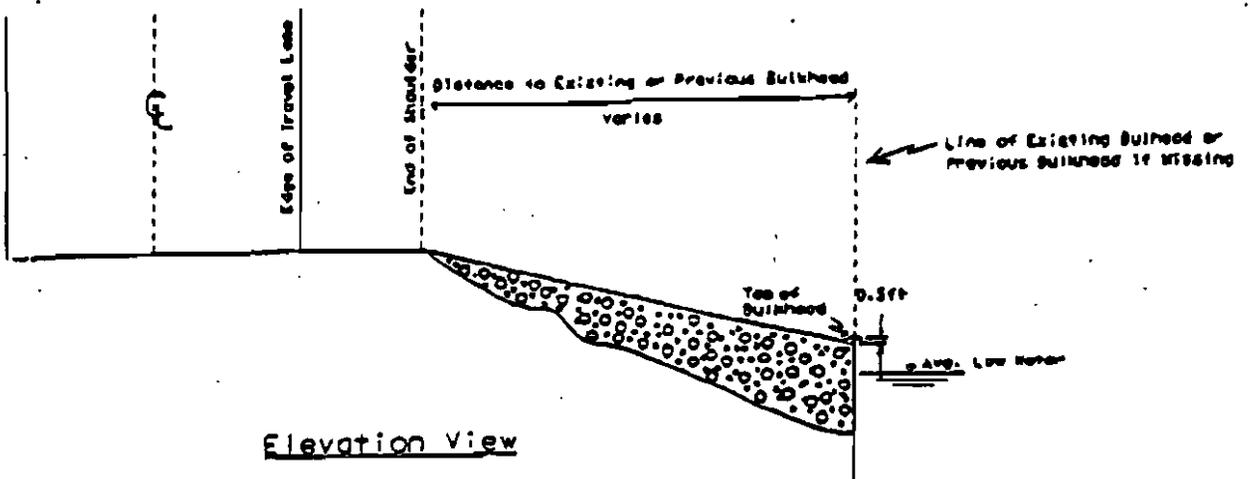


Elevation View

TYPICAL SECTION



Plan View



Elevation View

TYPICAL SECTION

