

Operations Division
Regulatory Branch

SUBJECT: CEMVN-OD-SE(General Permit)NOD-100

DEPARTMENT OF THE ARMY
GENERAL PERMIT

Authorization No.: (General Permit)NOD-100
EL-20-000-2157

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 for the Louisiana Department of Natural Resources, Coastal Restoration Division, and the Louisiana Department of Agriculture and Forestry, Office of Soil and Water, for the installation and maintenance of wave-dampening fences for dredging and fill to create terraces in shallow bay bottoms for vegetative marsh restoration projects.

Specific legislation requiring DOA permits for work of this nature:

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

Prior to written approval from the New Orleans District (NOD), each request for work covered by this general permit will be reviewed to consider impacts to the environment and other areas of concern to determine if approval is not contrary to the public interest.

This general permit will not authorize work within the following areas:

- a. Within 3,000 feet of a bald eagle nesting site.

- b. Within 1,500 feet of a colonial bird nesting site.
- c. 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.
- 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 the written consent of the appropriate agency or governing body.
- e. At or in close proximity to any known historic or archeological sites within the boundaries of an historic district.
- f. Across any navigable waterway.
- g. On or in any of Louisiana's state natural and scenic rivers.
- h. On any state seed oyster and/or public oyster harvest grounds or within 500 feet of any known oyster reef.

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 attachment 1). 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 (attachment 2), and the following special conditions.

- a. No heavy equipment is allowed on vegetated marsh during construction.

- b. Gaps of at least six feet will be left between each 90 foot section of fence constructed under this permit.
- c. Non-biodegradable components used in construction will be removed upon termination of the project.
- d. Borrow areas must be discontinuous and staggered with a maximum length of 100 feet. Gaps of 10 feet will be left between every 100-foot segment of terraced area.
- e. Maximum water depth for terraces authorized by this permit is 2 feet.
- f. The work must not interfere with the public's right to free navigation on all navigable waters of the United States.
- g. Any safety lights and signals prescribed by the US Coast Guard, through regulations or otherwise, must be installed and maintained at the applicant's expense.
- h. Work authorized by this general permit may not be performed until the NOD has reviewed the application and has issued a written approval.
- i. 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.
- j. 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.
- k. 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.

l. The District Engineer may choose not to grant approval under this general permit and require the applicant to go through regular permit processing procedures when he finds that such action is in the public interest.

m. The Louisiana Department of Natural Resources, Coastal Restoration Division, and the Louisiana Department of Agriculture and Forestry, Office of Soil and Water, will provide data necessary to evaluate the effectiveness of projects authorized under this general permit to the District upon request.