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

REPLY TO
ATTENTION OF

JAN 28, 2004

Operations Division
Regulatory Branch

DEPARTMENT OF THE ARMY GENERAL PERMIT

Authorization No.: (General Permit)NOD-21

Effective Date: January 21, 1983

Proposed Expiration Date: October 31, 2008

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 general permit for the Louisiana Department of Wildlife and Fisheries (LWF) to conduct the following on state wildlife management areas (WMAs) and refuges within the boundaries of the New Orleans District in Louisiana:

a. Perform work and install structures in or affecting navigable waters of the United States pursuant to Section 10 of the Rivers and Harbors Act of March 3, 1899 (33 USC 403).

b. Deposit dredged and/or fill material into waters of the United States pursuant to Section 404 of the Clean Water Act (33 USC 1344).

This general permit does <u>not</u> authorize dams in navigable waters of the United States pursuant to Section 9 of the Rivers and Harbors Act of March 3, 1899 (33 USC 401), or transportation of dredged material for ocean disposal pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act (33 USC 1413).

This permit authorizes the LWF to perform work on property adjacent to and no greater than 1,000 feet from the boundary of a state WMA or refuge that is intended to benefit the environment through preservation or enhancement (e.g., bank stabilization activities to preserve refuge habitat).

Work may be performed in waters and wetlands subject to Department of the Army jurisdiction on the refuges and WMAs listed in enclosure 1 and shown on the location map enclosed as enclosure 2. If additional refuges or WMAs are established by LWF, they will be covered by this general permit.

This general permit is subject to applicable conditions of the standard Department of the Army permit form (ENG Form 1721). A copy of the form is attached as enclosure 3.

In addition to the standard permit conditions listed in ENG Form 1721, this general permit is subject to the following additional conditions:

a. This general permit may be revised, suspended, modified, or revoked by the District Engineer any time such action is found to be in the public interest.

b. This general permit does not authorize work or structures that may potentially cause, in the District Engineer's opinion, an unreasonable interference with navigation, substantial alteration of surface hydrological patterns or degradation of habitat, degradation of water quality, or work that would result in considerable wetland dredging or fills. The District Engineer reserves the right to withhold approval under this general permit authorization for specific activities and require an individual permit application to be processed in the normal manner.

c. To perform work or install structures under authority of this general permit, LWF must:

(1) Provide a completed permit application form signed by the Refuge Manager, Acting Refuge Manager, or other person authorized in writing by the Refuge Manager to initiate activities under this general permit; location map; and drawings with sufficient information to clearly establish and describe the location, nature, and extent of the proposed activities. Copies of the results of any separate coordination with U. S. Fish & Wildlife Service (FWS), National Marine Fisheries Service (NMFS), and U. S. Environmental Protection Agency (EPA) must be included with the application package (see condition e, below). A copy of this general permit should not be included with the application package. To be considered complete, the application must also include a mitigation plan which provides full compensation for unavoidable project impacts on wetlands, if applicable.

(2) Not begin work prior to receiving written notice from this district office that the work may proceed. This notice, depending upon location and nature of the proposed activities and mitigation plan (if applicable), will normally be provided within 10 working days after receiving a complete application.

d. Road fills must have culverts at least 24 inches in diameter installed and maintained through the fills at least every 500 feet and at all water courses crossed by the road fills. Inverts of culverts may not be higher than adjacent wetland areas.

e. The installation of new water control structures, levees, or other water management devices will be considered for authorization under this general permit on a case-by-case basis, but in general will be subject to the following:

(1) The structure design, location, and operation (if applicable) must be coordinated with the FWS, NMFS, and EPA prior to submittal of the application. Recommendations made by these agencies must be incorporated to the maximum extent practicable. All comments/recommendations received by LWF and, if applicable, a discussion explaining why

recommendations were not incorporated must accompany the permit application in order for it to be considered complete. The District Engineer, upon review of the specific activity and comments by the federal agencies, will determine whether the activity can be authorized under this general permit or whether evaluation as an individual permit application is required.

(2) Structures authorized under this general permit may not obstruct navigation in natural bayous or in man-made waterways which are utilized by the boating public, and must have any safety lights and signals prescribed by the U. S. Coast Guard, through regulations or otherwise.

(3) Decisions to authorize the installation of new water control structures, levees, or other water management devices under this general permit will be made based on the extent of impact caused by the structures. Consideration will be given to whether the structures would be used for water level drawdowns or result in the creation of new impoundments or semi-impoundments.

f. Water control structures installed under authority of this general permit are limited to gated or ungated culverts and weirs. Crests of weirs and culvert inverts shall be at least 6 inches lower in elevation than adjacent wetlands.

g. Modifications to existing water control structures are authorized under this general permit provided such structures allow access by marine organisms to the maximum extent practicable.

h. LWF shall contact the owners of pipelines crossing refuges and WMAs prior to performing work or installing structures in the immediate vicinity of pipelines.

i. Issuance of this general permit does not relieve LWF from obtaining any required state or local permits or licenses before commencing work on any project authorized by this general permit.

j. If cultural resources are discovered during operations authorized by this general permit, work shall be suspended and notification given to the State Historic Preservation Officer. Work may not be resumed until satisfactory arrangements are made for the protection, preservation, collection and/or cataloging of these resources.

k. Any work near a mainline flood protection or hurricane protection levee or in navigation channels constructed and/or maintained with federal funds will be reviewed by this district to assess impacts to flood control and general navigation. Work near a flood protection levee may also require a permit from the local levee district.

l. 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 the 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.

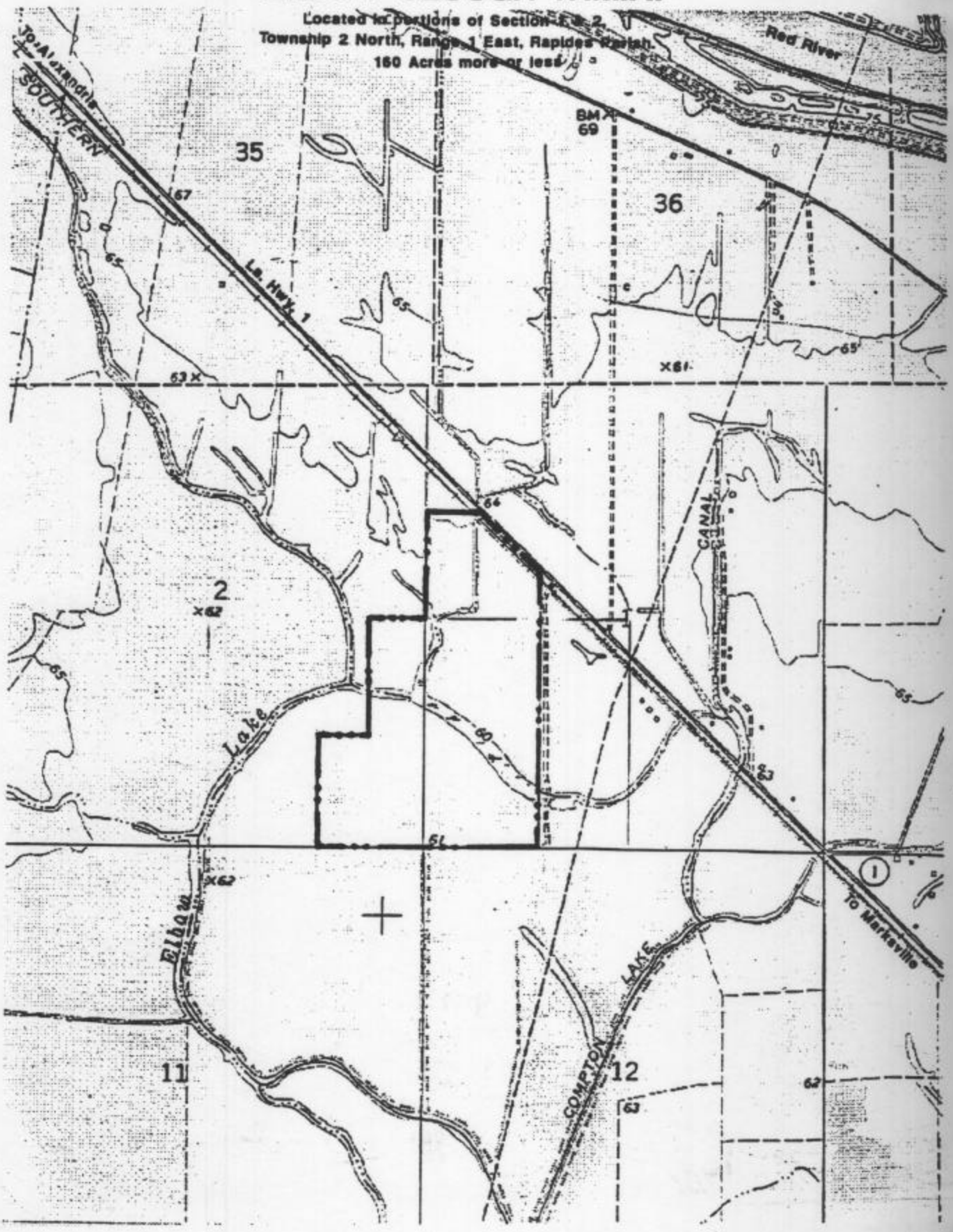
BY THE AUTHORITY OF THE SECRETARY OF THE ARMY:

Ronald J. Ventola
Chief, Regulatory Branch
for
Peter J. Rowan
Colonel, U.S. Army
District Engineer

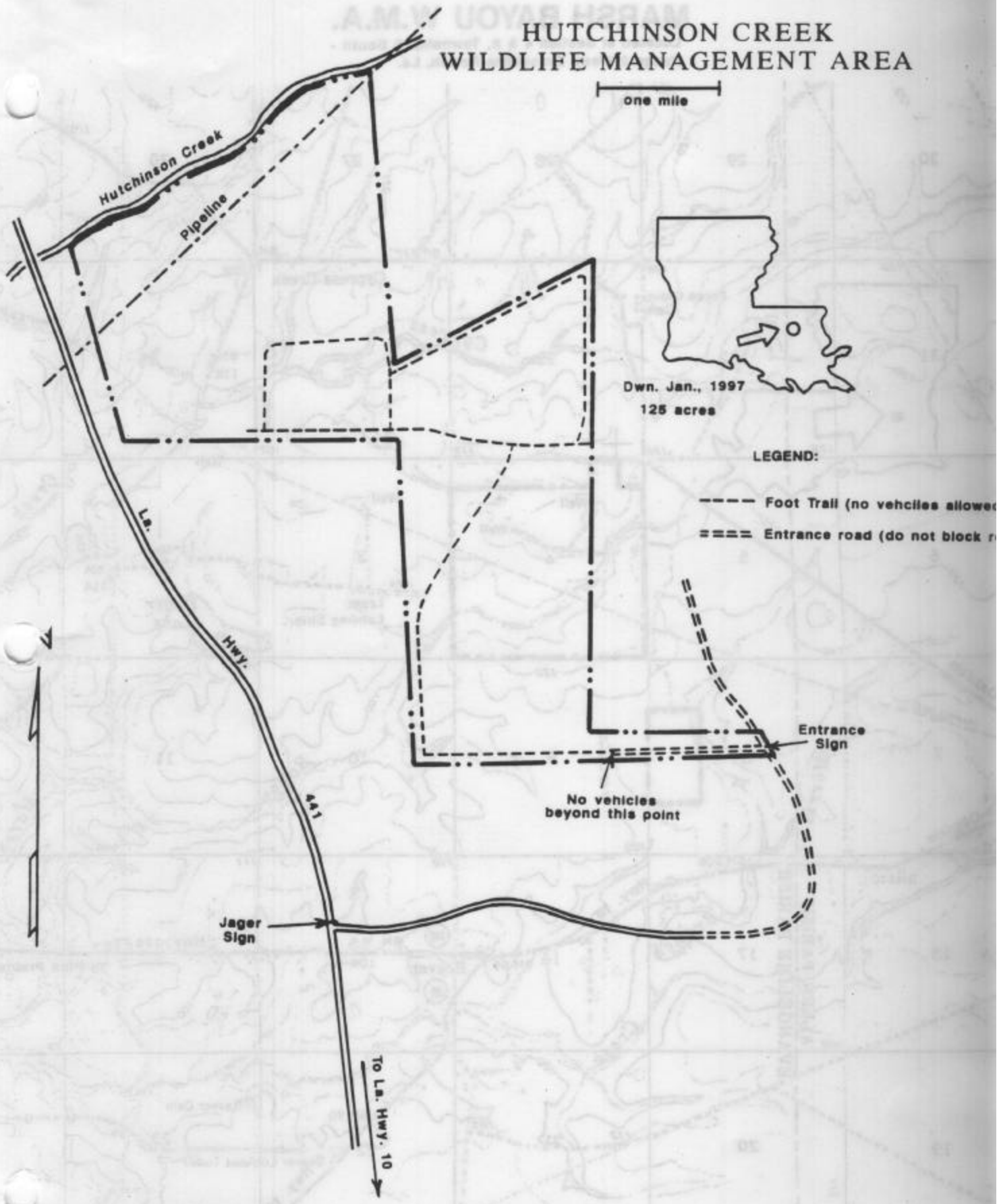
MAP OF WILDLIFE MANAGEMENT AREAS IN LOUISIANA

ELBOW SLOUGH W.M.A.

Located in portions of Section 2,
Township 2 North, Range 1 East, Rapides Parish.
160 Acres more or less

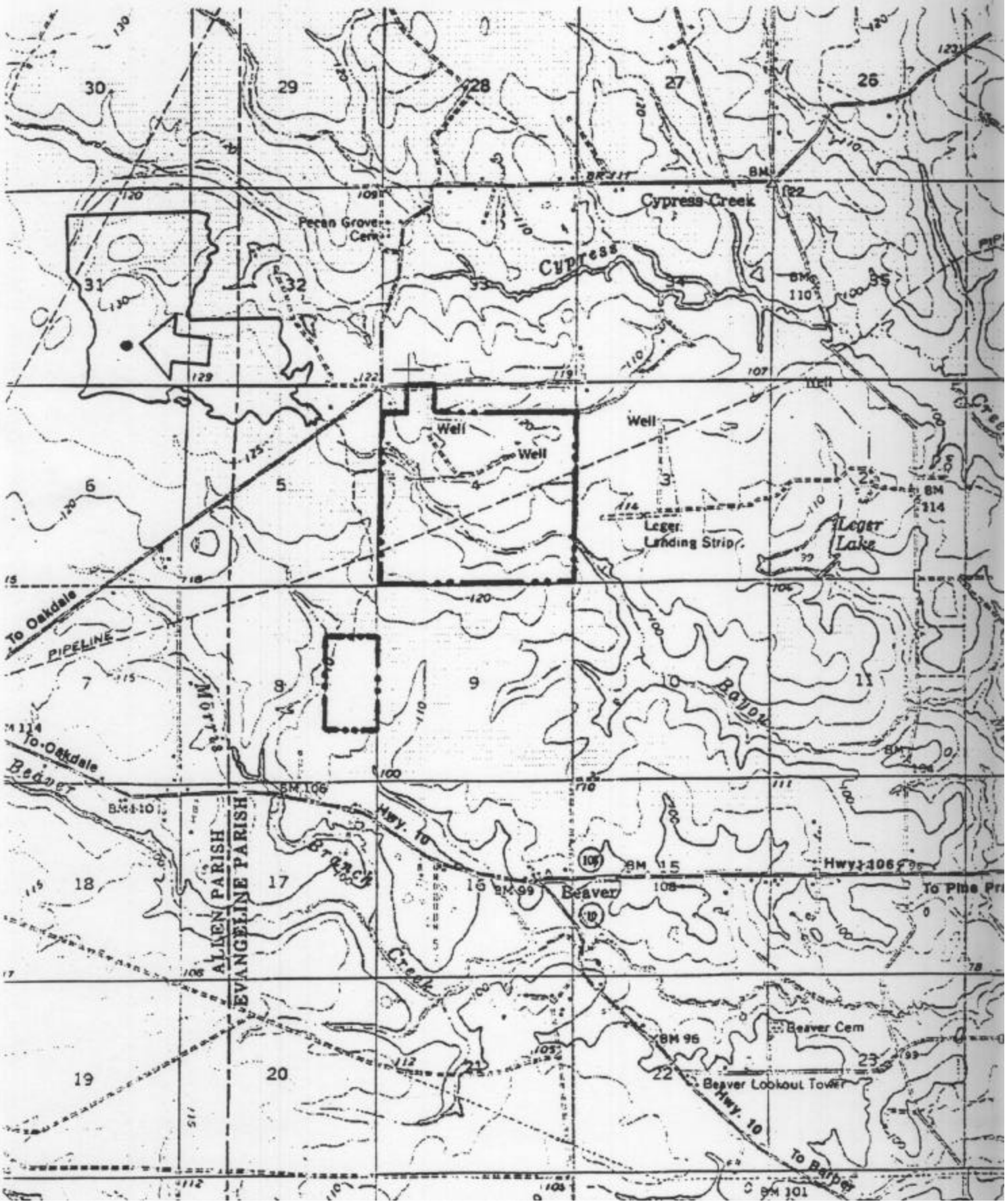


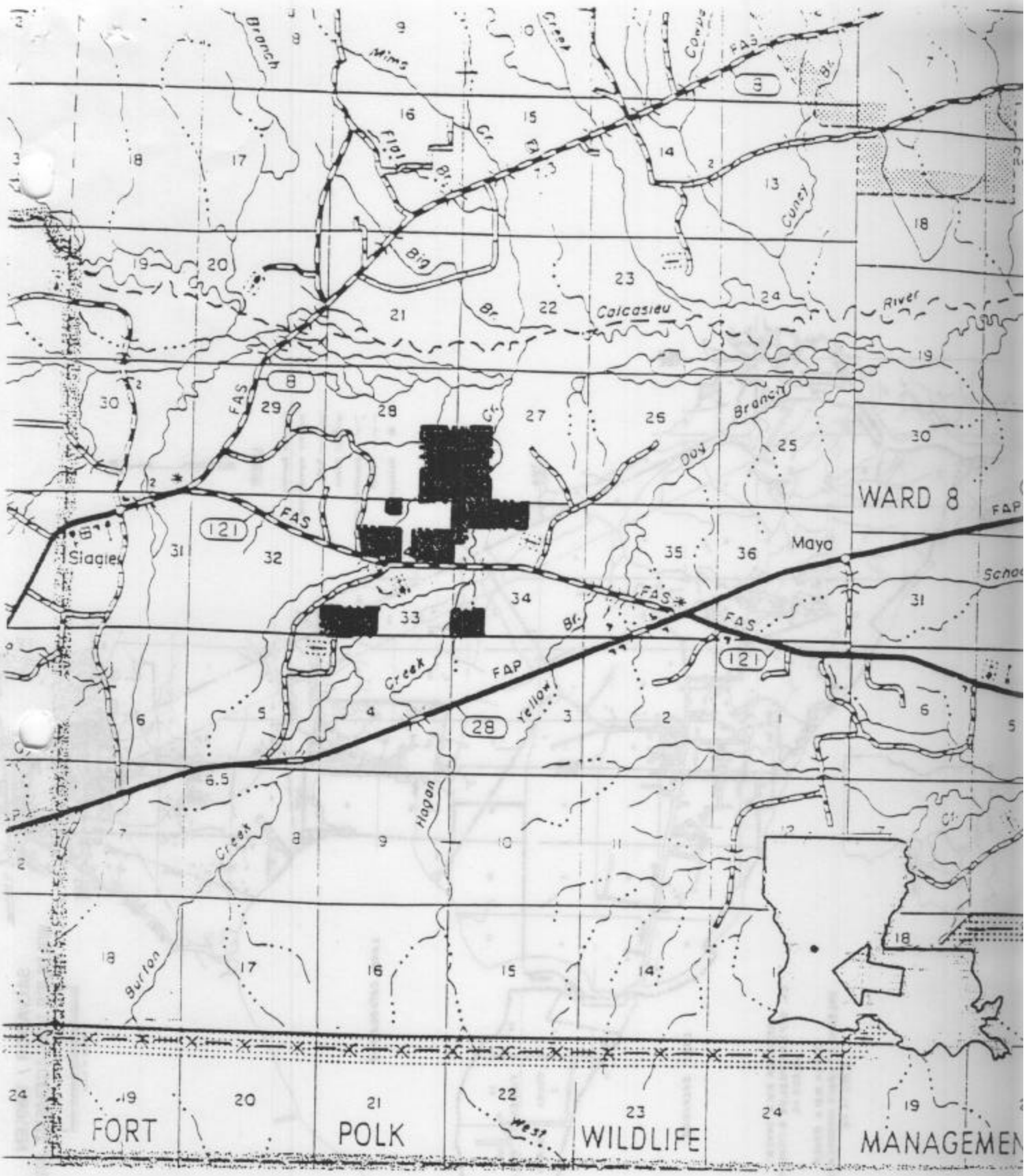
HUTCHINSON CREEK WILDLIFE MANAGEMENT AREA



MARSH BAYOU W.M.A.

Located in Section 4 & 8, Township 3 South - Range 2 West, Evangeline Parish, La.

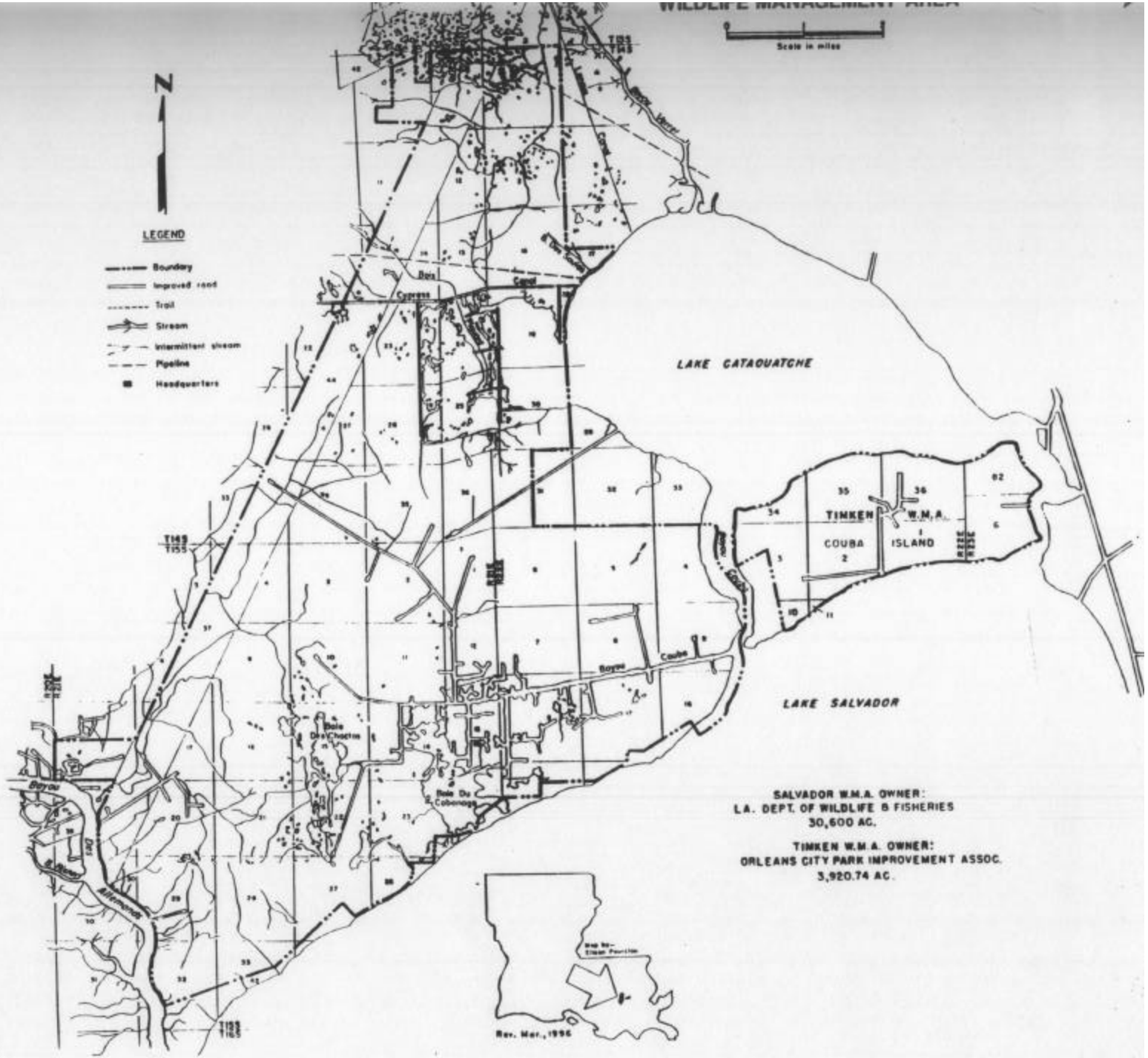




WAL-NUT HILL W.M.A.

LOCATED IN SECTIONS 28, 27, 33, AND 34 TOWNSHIP 2 NORTH RANGE 7 WEST
VERNON PARISH, LOUISIANA NORTH OF FORT POLK W.M.A.

585 ACRES


WILDLIFE MANAGEMENT AREA
Scale in miles
N
LEGEND
Boundary
Improved road
Trail
Stream
Intermittent stream
Pipeline
Headquarters
LAKE CATAOUATCHE
LAKE SALVADOR
TIMKEN W.M.A.
COUBA ISLAND
Bois Cypress Canal
Bayou Coubo
Bayou Des Allemands
Bois Des Chactas
Bois Du Cabanage
SALVADOR W.M.A. OWNER:
LA. DEPT. OF WILDLIFE & FISHERIES
30,600 AC.
TIMKEN W.M.A. OWNER:
ORLEANS CITY PARK IMPROVEMENT ASSOC.
3,920.74 AC.
Rev. Mar., 1996

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)~~

13

☆U.S. GOVERNMENT PRINTING OFFICE: 1988 — 717-425