



REPLY TO
ATTENTION OF

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

JAN 19 2006

Operations Division
Western Evaluation Section

SUBJECT: (General Permit)NOD-27
MVN-2005-2427-WGG

PUBLIC NOTICE

**TIME EXTENSION AND MODIFICATION FOR A
GENERAL PERMIT AUTHORIZING THE LOWERING OR RELOCATING
PIPELINES DUE TO EROSION, INSTALLING PIPELINES USING THE
DIRECTIONAL DRILLING METHOD AND SUBMARINE CABLES IN THAT
PORTION OF THE NEW ORLEANS DISTRICT OUTSIDE THE LOUISIANA
COASTAL ZONE**

Interested parties are hereby notified that (General Permit) NOD-27, originally issued by this office on August 25, 1978, for lowering or relocating pipelines due to erosion, installing pipelines using directional drilling method and submarine cables outside of Louisiana's Coastal Zone is being extended until August 31, 2010.

The proposed time extension was advertised for public comment on June 24, 2005.

Although the general permit is being extended, persons who become aware of problems or adverse impacts are required to notify the Regulatory Branch of this District at the above address. The general permit will be suspended, revoked, or modified if it is shown to be in the public interest to do so.

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.

Ronald J. Ventola
Chief, Regulatory Branch

Attachments



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

JAN 19 2006

Operations Division
Regulatory Branch

Subject: CEMVN-OD-S (General Permit) NOD-27

**GENERAL PERMIT
FOR
LOWERING OR RELOCATING PIPELINES DUE TO EROSION, INSTALLING
PIPELINES USING THE DIRECTIONAL DRILLING METHOD AND
SUBMARINE CABLES IN THAT PORTION OF THE NEW ORLEANS
DISTRICT OUTSIDE THE LOUISIANA COASTAL MANAGEMENT ZONE**

Authorization No.: (General Permit) NOD-27

Effective Date: August 31, 2005

Expiration Date: August 31, 2010

Under authorization granted by Section 325.8 (b) Title 33, Code of Federal Regulations, the District Engineer at New Orleans has determined, in the public interest, that a general permit should be authorized to perform work in that part of the New Orleans District outside of the Louisiana Coastal Zone.

Specific legislation requiring Department of the Army permits for these activities are:

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

Structures and activities of this general permit include the following:

- a. Lowering or relocating pipelines due to erosion.
- b. Submarine cables installed at a depth of not less than 3 feet below the bed of the waterway.
- c. Installation of pipelines using the directional drilling method. If the proposed work is located within 1,000 feet of a levee constructed and/or maintained with federal or state funds, prior approval must be obtained from the appropriate agencies.

Work may not be performed under authority of this general permit within the following areas:

- a. Within the boundaries of a national or state wildlife refuge, wildlife management area, national and state parks, or other similar area without specific authorization by the manager of the facility.
- b. In or immediately adjacent to a federal or state natural and scenic waterway.
- c. Within one mile of a site eligible to be listed or listed on the National Register of Historic Places or within one-half mile of a known archeological site or within one-half mile of any cultural resource site.
- d. Within 1,000 feet of a levee constructed and/or maintained with federal funds.
- e. Any project waterway constructed and/or maintained with federal funds.
- f. Within 1,500 feet of a colonial bird nesting site.

The approximate boundaries of that portion of the U.S. Army Engineer District, New Orleans, outside the Louisiana Coastal Management Zone, are shown on the attached map.

In addition to the appropriate conditions of the Department of the Army permit (ENG Form 1721), as shown on the attached copy of the form, the work authorized by this general permit is subject to the following special conditions:

- a. No work may be performed until the applicant submits satisfactory plans for the proposed activity and has received written approval by the District Engineer.
- b. This permit may be suspended in whole or part, modified, and/or revoked if the District Engineer determines such action to be in the public interest. If the permit is revoked, suspended, and/or modified, the action will be announced by public notice.
- c. All required state and local authorizations, licenses, or permits must be obtained before work authorized by the general permit may legally be performed.
- d. Additional conditions deemed necessary to protect the public interest may be added by the District Engineer at any time. Any additional conditions added to the general permit will be announced by public notice.
- e. This permit will be effective until August 31, 2010. It may be further extended past that date.
- f. If cultural artifacts are uncovered by work authorized by this general permit, the work must be suspended and notification given to the State Archeologist or Office of Historic Preservation. Work may not be resumed until provisions for study, recovery, and/or preservation of the artifacts have been made.

- g. Authorization to perform work under the general permit may be denied in cases when the District Engineer deems it necessary in the public interest, and the applicant required to obtain a standard permit in order to legally perform the desired work.
- h. If, in the judgment of the Chief of Engineers, the said permittee does not at all times exercise due caution in the handling of oil, gas, or other pollutive, noxious, or lethal substances, to prevent conditions deleterious to health or seafood, or hazardous to navigation, or dangerous to persons or property engaged in commerce or otherwise on said waters, or fails on demand to remove promptly any structure or structures or parts thereof, no longer used for the purpose for which they are constructed, this permit may be revoked and all operations authorized by it may be terminated.
- i. No activity that 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, is authorized under this general permit. No work shall occur within 3,000 feet of a bald eagle nesting site or within 1 mile of a brown pelican nest site during the nesting season.
- j. 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 impact on fish, wildlife, and natural environmental values.
- k. The permittee agrees that he or she will prosecute the construction or work authorized herein in a manner so as to minimize any degradation of water quality.
- l. The permittee shall maintain the structure or work authorized herein in good condition and in reasonable accordance with the plans and drawings approved under this general permit.
- m. Individual approvals granted under this general permit allow five years from the date of the approval letter to complete the project.

BY AUTHORIZATION OF THE SECRETARY OF THE ARMY:

Ronald J. Ventola
Chief, Regulatory Branch
For
Richard P. Wagenaar
Colonel, U.S. Army
District Engineer

Enclosure
1. Map

