



REPLY TO
ATTENTION OF:

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

May 1, 1998

Operations Division
Regulatory Functions Branch

SUBJECT: NOD-PGP

PROGRAMMATIC GENERAL PERMIT
FOR USE IN THE NEW ORLEANS DISTRICT
WITHIN THE BOUNDARIES OF THE LOUISIANA COASTAL ZONE

AUTHORIZATION NO.: NOD-PGP

EFFECTIVE DATE: June 1, 1998

EXPIRATION DATE: June 1, 2003

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 programmatic general permit for use in the New Orleans District within the boundaries of the Louisiana Coastal Zone.

Specific Legislation requiring Department of the Army permits for work of this nature:

Section 10 of the Rivers and Harbors Act of 3 March 1899 (33 USC 403).

Section 404 of the Clean Water Act (33 USC 1344).

Waters of the United States are defined in Part 328 of Title 33, Code of Federal Regulations.

Special aquatic sites means wetlands, mudflats, vegetated shallows, coral reefs, sanctuaries and refuges, and riffle and pool complexes, as defined at 40 CFR 230.40 through 230.45.

This permit does not authorize dams in navigable waters of the United States pursuant to Section 9 of the Rivers and Harbors Act of 3 March 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).

GENERAL EXCLUSIONS

I. The following work will not be eligible under this PGP. Applications for this work will be processed in accordance with 33 CFR Part 325:

(1) Work outside the boundaries of the Louisiana Coastal Zone.

(2) Activities which are not covered under an existing state regulatory authority because there is no state program (i.e., activities exempt from Coastal Zone Management permitting, etc...

(3) No activity is authorized under NOD-PGP which may adversely affect the continued existence or which will destroy or adversely modify the critical habitat of a threatened or endangered species, or a species proposed for such a designation, as identified under the Federal Endangered Species Act.

(4) Work or structures within 1,000 feet of any mainline flood control or hurricane protection levee constructed and/or maintained with federal funds without prior coordination with, and the approval of, the New Orleans District.

(5) Structures or work in or that would impinge upon the value (habitat, hydrology, etc.) of any National Wildlife Refuge, National Forest, areas administered by the National Park Service of the U.S. Department of the Interior, areas administered by the Louisiana Departments of Natural Resources or Wildlife and Fisheries, or other similar publicly held areas administered by federal, state, or local governmental authority unless special permission from these agencies is submitted with the application for this general permit.

(6) Projects of national concern. This exclusion is

invoked on a case-by-case basis and represents, in essence, a special class of projects that receive particular attention in Corps decisions on whether to exercise the discretionary authority to require individual applications for work that otherwise meets all of this permit's conditions. While a precise definition is not possible, this category of work normally includes, but is not limited to, the following examples: projects that could cause an unreasonable interference with navigation; significant wetland fills; major power plants, shipping facilities and oil refineries; major commercial, residential or industrial developments; and work that could adversely affect habitats important to migratory birds, endangered or threatened species, estuarine-dependent fishes and shellfishes, or other species of high federal interest; or historic, cultural or archaeological sites listed in the National Register of Historic Places or sites listed in the National Registry of Natural Landmarks.

II. The following activities will likely be excluded for consideration under this permit:

- a. Work within 1 mile of offshore navigation fairways and anchorages
- b. Commercial sand dredging in Mississippi River
- c. Barge fleetings
- d. Mid-stream transfers in Mississippi River
- e. Channelward extensions of existing facilities in federally maintained waterways
- f. Waterway closures (excluding plugs in abandoned canals)
- g. New marsh management
- h. New water control structures
- i. Contaminated sediment excavation and/or disposal, including but not limited to such activities proposed in Harvey Canal, Bayou Trepagnier, and the Calcasieu River
- j. Deposition of material in Corps disposal areas
- k. Activities that would impact environmentally sensitive areas (i.e., barrier islands, bird rookeries, coral reefs, seagrass beds, etc.)
- l. Activities adversely affecting Coastal Wetlands Planning Protection and Restoration Act (PL 646) projects
- m. Projects which would impact the hydrology of adjacent wetlands such that the acreage criteria established in this permit are exceeded
- n. Artificial reefs except those made of shell material

INCLUSIONS

What follows is a listing of all of the activities which fall under Category I. The format of this general permit has been designed so that all similar activities have been grouped together where the purpose and the nature of that impact is similar. These activities are further limited, **unless otherwise noted**, by the acreage being impacted. The procedures for properly applying for and obtaining approval are found in the section of this document entitled 'Reporting/Acknowledgment Procedures'.

For the purposes of this permit, the acreage limitations established include the area flooded, drained, filled, or excavated, unless otherwise indicated.

For activities to comply with Category I they cannot impact greater 0.5 of an acre of special aquatic sites.

Note: Activities covered under Category I have received water quality certification from the Louisiana Department of Environmental Quality.

Category I Activities

1. Oil and Gas Activities including shell pads for drilling activities, exploration and production structures or extensions thereof, new channels or slips less than 0.5 of a mile in length in open water, maintenance dredging of existing canals and slips, and other related activities.
2. Survey activities not including 3D seismic activities.
3. Flowlines/pipelines 10,000 feet or less in length and 6 inches or less in diameter, or all other transmission lines 500 feet or less in length (acreage limits do not apply). Includes minor activities associated with pipeline and transmission line abandonment and maintenance and aerial crossings of navigable waters up to 1.0 mile in length (must comply with regulations found at 33 CFR Part 322.5I).

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4. **Emergency work:** For purposes of this general permit, "emergency" is a situation which would result in an imminent safety and/or environmental hazard, loss of property, or immediate economic hardship if corrective action requiring a permit is not undertaken within a time period less than the normal time period needed to process the application.

Applicants will submit sufficient information to document "emergency" status and scope of work. This authorization is conditional. Within 20 days of the approval, applicants will be required to submit an application for any work performed or needed to be performed to rectify the "emergency" situation. The application will be processed in the appropriate manner. (acreage limits for the initial emergency request do not apply).

5. **Dredging of existing waterbodies:** Excavation cannot exceed 1,000 cubic yards of material.
6. **Maintenance of existing structures and fill** provided the structures or fill are not put to uses differing from those uses specified or contemplated for it. The activity must be the repair, rehabilitation or replacement of a currently serviceable structure or fill. Currently serviceable means useable as is or with some maintenance, but not so degraded as to essentially require reconstruction. This does not include maintenance dredging or beach restoration.
7. **Miscellaneous structures** including mooring buoys and aids to navigation which are approved by and installed in accordance with the requirements of the U.S. Coast Guard.
8. **Scientific measuring devices:** Devices to measure and record scientific data such as staff gauges, tide gauges, water quality testing, etc. Small weirs and flumes may qualify provided aquatic organism movement is not impeded.
9. **Sealed forms or cells for pile supported structures**
10. **Fish and wildlife harvesting, enhancement, and attraction devices and cultivation activities:** Examples include pound nets, crab traps, duck blinds, clam and oyster digging,

oyster cultch deposition and small fish attraction devices. Shellfish seeding may not occur in wetlands or sites that support submerged aquatic vegetation.

11. Single piles, pile clusters
12. Trench maintenance. The maximum width of the ditch shall not exceed 6 feet with a maximum depth of 3 feet.
13. Minor road crossings. Placement of fill for a road, including the placement of culverts provided they are designed to prevent the restriction of expected high flows, or restriction of low flows. Cattle crossings are also included.
14. Bank stabilization: Less than 200 feet in length without land reclamation and no more than 1 cubic yard per linear foot of fill placement below the plane of the ordinary high water mark or mean high water line whichever applies.
15. Erosion Protection and Restoration along public highways which parallels or is adjacent to waterbodies, up to one mile in length provided the work is performed by the Office of Highways. No dredging is authorized except that material which has sloughed off, bulkheads must be placed at the existing bankline, and work may include revetment and fill to repair and maintain existing bridge sites. (Acreage limits do not apply).
16. Wharves, piers, and similar structures, structures in man-made canals, small boatslips, boatramps, and associated fill and appurtenances. Structures shall not exceed 300 square feet or 10 percent of the waterway, boatslips and boatramps may not exceed 25 feet by 12 feet and may not cause unreasonable interference to navigation.
17. Categorical Exclusions: Activities which are undertaken, funded, authorized, regulated, or financed, in whole or in part, by another Federal agency or department where that agency or department has determined, pursuant to the Council on Environmental Quality Regulation for Implementing the Procedural Provisions of the National Environmental Policy Act, that the activity work or discharge is categorically excluded from environmental documentation because it is

included within a category of actions which neither individually or cumulatively have a significant effect on the human environment, and the Office of the Chief of Engineers has been furnished notice of the agency's or department's application for the categorical exclusion and concurs with that determination.

18. Activities specifically designed which have a beneficial effect on wetlands and/or aquatic resources. Adverse impacts required to implement the proposal must not exceed 5.0 acres impact to vegetated wetlands. (Mitigation banks/areas excluded). Examples include discing, site preparation, and planting of seedlings, plugging of ditches to restore or maintain appropriate hydrology, terrace construction, water control structure replacement, vegetation retention fences, bank stabilization for wetland enhancement, and placement of dredged material for marsh creation.
19. Work not specifically excluded involving the clearing, grading, filling or excavation of less than 0.5 of an acre of special aquatic sites for the purpose of residential development, expansions of existing commercial facilities, and expansions of existing industrial facilities.

What follows is a listing of all of the activities which fall under Category II. The format of this general permit has been designed so that all similar activities have been grouped together where the purpose and the nature of that impact is similar. These activities are further limited, **unless otherwise noted**, by the acreage being impacted. For activities to comply with Category II the impact is limited as follows:

Non oil and gas related activities may impact no more than 2.0 acres of tidal or 3.0 acres of non-tidal, special aquatic sites, and

Oil and gas related activities may impact no more than 3.5 acres tidal or non-tidal special aquatic sites.

Category II Activities

1. Oil and Gas activities including but not limited to board roads, ring levees, exploration and production structures or extensions, maintenance dredging of existing canals and slips, new oil and gas canals and slips, etc.
2. Seismic surveys (acreage limits do not apply)
3. Flowlines/pipelines greater than 6 inches in diameter and 10,000 feet in length and all other transmission lines greater than 500 feet in length (acreage limits do not apply). Must utilize the least damaging, practicable route and construction method, otherwise an individual permit may be required. Includes minor activities associated with pipeline/transmission line abandonment and maintenance and aerial crossings of navigable waters exceeding 1/2 miles in length (must comply with regulations found at 33 CFR Part 322.5I).
4. Cleanup of hazardous and toxic waste (acreage limits do not apply). For toxic and hazardous waste the activity must be sponsored by a government agency with established legal or regulatory authority or be court ordered.
5. Oil spill cleanup: the work must be done in accordance with the Spill Control and Countermeasure Plan required by 40 CFR part 112.3. Activities will be subject to the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR Part 300), and work must be done in accordance with the Spill Control and Countermeasure Plan required by 40 CFR part 112.3. Work must also comply with any State Contingency plan and the Regional Response Team must concur with the action.
6. Dredging of existing waterbodies: Activities where the excavation volume is between 1,000 and 40,000 cubic yards of material (acreage limits do apply).
7. Outfall structures: Provided the effluent is in compliance with regulations issued under the National Pollutant Discharge Elimination System (Section 402 of the Clean Water Act).

8. Wharves, piers, and similar structures, structures in manmade canals, boatslips, boatramps, and associated fill and appurtenances, exceeding 300 square feet. The structure cannot exceed 10 percent of the waterway or cause unreasonable interference to navigation.
9. Erosion Protection and Restoration along public highways which parallels or is adjacent to waterbodies, one mile in length and greater provided the work is performed by the Office of Highways. No dredging is authorized except that material which has sloughed off, bulkheads must be placed at the existing bankline, and work may include revetment to repair and maintain existing bridge sites. (Acreage limits do not apply).
10. Bank stabilization: Activities not to exceed 500 linear feet, with minor land reclamation, or where fill placement exceeds 1 cubic yard per running foot below the plane of the ordinary high water mark or mean high water line whichever applies.
11. Categorical Exclusions: Activities which are undertaken, funded, authorized, regulated, or financed, in whole or in part, by another Federal agency or department where that agency or department has determined, pursuant to the Council on Environmental Quality Regulation for Implementing the Procedural Provisions of the National Environmental Policy Act, that the activity work or discharge is categorically excluded from environmental documentation because it is included within a category of actions which neither individually or cumulatively have a significant effect on the human environment, and the Office of the Chief of Engineers has been furnished notice of the agency's or department's application for the categorical exclusion and concurs with that determination.
12. Mitigation Banks and Areas and wetland restoration and creation activities

Minor construction activities which are necessary to create, restore and/or enhance wetlands, for the purpose of establishing a wetland mitigation bank or area. Such activities shall be specified in a site specific mitigation

plan which has been approved pursuant to a signed mitigation bank or area enabling instrument/agreement,

or

Restoration projects that serve the purpose of restoring "natural" wetland hydrology, vegetation, and function to altered and degraded non-tidal wetlands and "natural" functions of riparian areas,

or

Activities specifically designed which have a beneficial effect on wetlands and/or aquatic resources. Adverse impacts required to implement the proposal may exceed 5.0 acres impact to vegetated wetlands.

13. Completed Enforcement Actions

Structures and discharge of dredged or fill material associated with the terms of a final written Corps non-judicial settlement agreement resolving a violation of Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act of 1899; or the terms of an EPA 309(a) order on consent resolving a violation of section 404 of the Clean Water Act (the settlement agreement must provide for environmental benefits, to an equal or greater degree, than the environmental detriments caused by the unauthorized activity), or the terms of a final Federal Court decision, consent decree, or settlement agreement resulting from enforcement action brought by the United States.

14. Work not specifically excluded which clears, grades, fills or excavates up to 2.0 acres of tidal special aquatic sites or, up to 3.0 acres of non-tidal special aquatic sites, and oil and gas activities impacting no more than 3.5 acres tidal or non-tidal special aquatic sites.

REPORTING/ACKNOWLEDGMENT PROCEDURES

A. COMPLETE APPLICATION

Requests for authorization under this general permit will

require the applicant to make written application to the Louisiana Department of Natural Resources, Coastal Management Division (CMD), Post Office Box 44487, Baton Rouge, Louisiana 70804-4487. The applicant submittal must contain a check for \$20.00 made out to "Coastal Management Division, DNR" and eight (8) sets of the cover letter, application form (Department of the Army permit application, ENG Form 4345), and drawings. CMD will express deliver a copy of the application to the New Orleans District Corps of Engineers.

A "complete" application consists of the following:

- (1) Completed, signed and dated application form ENG 4345.
- (2) (a) Vicinity Map - You may use an existing road map or U.S. Geological Survey topographic map. This map should include:
 - (i) Location of activity site (draw an arrow showing the exact location of the site on the map).
 - (ii) Latitude, longitude, and section, township and range, if known.
 - (iii) Names, descriptions and location of landmarks.
 - (iv) Name of and distance to nearest town, community, or other identifying locations.
 - (v) Names or numbers of all roads in the vicinity of the site.
 - (vi) North arrow.
 - (vii) Scale.
- (3) Plan view and cross section drawings of the proposed work which include:
 - (a) Primary dimensions of the activity.
 - (b) Graphic or numeric scale.

(c) Volume (cubic yards), source and type of dredged/fill material.

(d) Mean low and high water marks.

(4) A statement that the proposed project is consistent with the approved state coastal zone management program.

(5) Completed "Affidavit of Notification to Owner of Property".

For the following application types to be considered "complete", additional information may be required:

- 1) New oil/gas well or reinjection well applications that would result in adverse impacts to special aquatic sites must have undergone an interagency Geologic Review Meeting. The least damaging practicable alternative identified therein may qualify for authorization provided it complies with the criteria of NOD-PGP.
- 2) Residential subdivisions or an individual single family home within an existing subdivision must include a subdivision layout.
- 3) Activities on state operated wildlife management areas or federal refuges must include a written approval from the management area/refuge manager.
- 4) Projects where restoration activities occur must include signed statements from the affected landowners that they have no objection to the required restoration and that they agree not to develop the restoration areas without prior approval from NOD.
- 5) Projects where a Corps approved wetland determination is necessary in order to assess the potential impacts of the proposal.

Proposals not considered "complete" will be placed "on-hold" until such time as all required information is obtained.

B. PROCEDURE

1. Category I activities:

Within 5 working days of the Corps receiving a complete application, the Corps will determine whether the requirements of Category I are met and within such time either

a) issue an authorization letter (with any necessary special conditions), to the applicant, or

b) issue a notice to the applicant that the project will be evaluated as a standard individual permit, or

c) notify the applicant and CMD that 30 additional working days review period will be required.

If authorization is not timely made within 5 working days, or 35 working days if additional time is needed, the Corps will be deemed to have issued an authorization.

Note: The Louisiana Department of Environmental Quality has issued 401 water quality certification for all Category I activities.

2. Category II activities:

Within 5 working days of the Corps receiving a complete application the Corps will forward a copy of the application and drawings to the U.S. Fish and Wildlife Service, National Marine Fisheries Service, and the U.S. Environmental Protection Agency for review. These agencies will have 5 working days to submit comments or request additional review time not to exceed 20 working days total. Concurrences may be forwarded to the Corps via telephone, non-concurrences must be made in writing with an information copy sent to the applicant which includes a description of the impact(s) considered to be more than minimal. Lack of a response from these resource agencies within the appropriate time frame will be considered as no objection or no position by those agencies.

During the above time frame, the application and drawings will also be forwarded to LDEQ. You will be notified by LDEQ of

the need to obtain any necessary permits or approvals. If a permit is required, it will be necessary to obtain such approval prior to starting work.

Within 5 working days of the Corps receiving a complete application, the Corps may determine that additional review time is required to evaluate certain activities. The applicant and CMD will be notified that 20 additional working days will be required.

Within 15 working days following the comment period or extension, the Corps will either

- a) issue an authorization letter (with any necessary special conditions), to the applicant;
- b) issue an authorization letter with modifications as recommended by the resource agencies or the Corps, or
- c) issue a notice to the applicant that the project will be evaluated as a standard individual permit.

If authorization is not timely made within the time frame prescribed above, the Corps will be deemed to have issued an authorization.

For Category I and II activities, CMD and, where appropriate, DEQ will be notified at the same time the applicant is notified of the Corps' determination in all of the above situations.

Corps non-concurrence of the reviewing resource agencies' objections and/or recommendations will be made in writing by the District Engineer (or his designee) to the respective agency.

C. MITIGATION

Appropriate and practicable compensatory mitigation may be required for unavoidable adverse impacts which remain after all appropriate and practicable minimization has been attained. The intent of the required mitigation is that the functions and values of the wetland lost due to project implementation will be replaced. Mitigation may include, but is not limited to, the

actual performance of work (i.e., the replacement or creation of wetland), or donations/contracts to a state wildlife refuge or federal refuge, or an approved fund or organization for the creation, restoration or enhancement of wetlands.

NOD determines the appropriateness and adequacy of compensatory mitigation in accordance with Corps mitigation policy. Where practicable, CMD should strive to adhere to Corps written policy and NOD procedures when making decision relative to mitigation for projects which qualify for authorization under NOD-PGP. We recognize, however, that state law, LADNR regulations and/or policies may require that CMD deviate from Corps mitigation policy and NOD procedures in certain circumstances. We concur with such deviations provided the compensatory mitigation ultimately approved by CMD is consistent with the state's goal of achieving no net loss of Louisiana coastal wetlands as specified in the April 1997 Louisiana Coastal Wetlands Conservation Plan. We will review CMD's application of state mitigation policy for NOD-PGP authorized projects on a quarterly basis for the first year and on a semi-annual basis for the remaining life of NOD-PGP to determine if a change in procedure is warranted.

D. SPECIAL CONDITIONS

1. Activities authorized under this general permit shall not be used for piecemeal work and shall be applied to single and complete projects. All components of a single and complete project shall be treated together as constituting one single and complete project. All planned phases of multi-phased projects shall be treated together as constituting one single and complete project. This general permit shall not be used for any activity that is part of an overall project for which an individual permit is required.
2. No activity is authorized under this general permit which may adversely affect cultural resources listed or eligible for listing in the National Register of Historic Places until the requirements for Section 106 of the National Historic Preservation Act are met. Upon discovery of the presence of a previously unknown historic or archaeological site, all work must cease and the permittee must notify the State Historic Preservation Office and the Corps of Engineers. The authorization is suspended until it is determined whether or not

the activity will have an adverse effect on the cultural resource. The authorization may be reactivated or modified through specific conditions if necessary, if it is determined that the activity will have no adverse effect on the cultural resource. The NOD-PGP authorization will be revoked if it is determined that the cultural resource would be adversely affected, and an individual permit may be necessary.

3. There shall be no unreasonable interference with navigation by the existence or use of the activity authorized herein. The permittee will, at his or her expense, install and maintain any safety lights, signals, and signs prescribed by the United States Coast Guard, through regulations or otherwise, on authorized facilities or on equipment used in performing work under the authorization.

4. No activity may substantially disrupt the movement of those species of aquatic life indigenous to the waterbody, including those species which normally migrate through the area, unless the activity's primary purpose is to block or impound water.

5. If the proposed activity involves the installation of aerial transmission lines, submerged cable, or submerged pipelines across navigable waters of the United States the following is applicable:

The National Ocean Service (NOS) has been notified of this authorization. You must notify NOS and this office in writing, at least two weeks before you begin work and upon completion of the activity authorized by this permit. Your notification of completion must include a drawing which certifies the location and configuration of the completed activity (a certified permit drawing may be used). Notification to NOS will be sent to the following address: National Ocean Service, Office of Coast Survey, N/CS261, 1315 East West Highway, Silver Springs, Maryland 20910-3282.

6. For pipelines under an anchorage or a designated fairway in the Gulf of Mexico the following is applicable:

The National Ocean Service has been notified of this authorization. You must notify NOS and this office in writing, at least two weeks before you begin work and upon

completion of the activity authorized by this permit. Within 30 days of completion of the pipeline, 'as built' drawings certified by a professional engineer registered in Louisiana or by a registered surveyor shall be furnished to this office, the Commander (m), Eighth Coast Guard District, ATTN: Vessel Traffic Management Branch, 501 Magazine Street, New Orleans, Louisiana 70130-3396, and to the Director, National Ocean Service, Office of Coast Survey, N/CS261, 1315 East West Highway, Silver Springs, Maryland 20910-3282. The plans must include the location, configuration and actual burial depth of the completed pipeline project.

7. If the proposed project, or future maintenance work, involves the use of floating construction equipment (barge mounted cranes, barge mounted pile driving equipment, floating dredge equipment, dredge discharge pipelines, etc.,) in a federally maintained waterway, you are advised to notify the Eighth Coast Guard District so that a Notice to Mariners, if required, may be prepared. Notification with a copy of your permit approval and drawings should be mailed to the Commander (m), Eighth Coast Guard District, ATTN: Vessel Traffic Management Branch, 501 Magazine Street, New Orleans, Louisiana 70130-3396, about 1 month before you plan to start work. Telephone inquiries can be directed to (504) 589-4686.

8. All activities authorized herein shall, if they involve, during their construction or operation, any discharge of pollutants into waters of the United States, be at all times consistent with applicable water quality standards, effluent limitations and standards of performance, prohibitions, pretreatment standards and management practices established pursuant to the Clean Water Act (PL 92-500: 86 Stat 816), or pursuant to applicable state and local laws.

9. Substantive changes to the Louisiana Coastal Resources Program may require immediate suspension and revocation of this permit in accordance with 33 CFR 325.7.

10. Irrespective of whether a project meets the other conditions of this permit, the Corps of Engineers retains discretionary authority to require an individual Department of the Army permit when circumstances of the proposal warrant this requirement.

11. Any individual authorization granted under this permit may

be either modified, suspended, or revoked in whole or in part if the Secretary of the Army or his authorized representative determines that there has been a violation of any of the terms or conditions of this permit or that such action would otherwise be in the public interest.

12. The Corps of Engineers may suspend, modify, or revoke this general permit if it is found in the public interest to do so.

13. Activities proposed for authorization under the PGP must comply with all other necessary federal, state, and/or local permits, licenses, or approvals. Failure to do so would result in a violation of the terms and conditions of NOD-PGP.

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

15. 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 of rights or any infringement of federal, state, or local laws or regulations nor does it obviate the requirements to obtain state or local assent required by law for the activity authorized herein.

16. In issuing authorizations under this permit, the federal government will rely upon information and data supplied by the applicant. If, subsequent to the issuance of an authorization, such information and data prove to be false, incomplete, or inaccurate, the authorization may be modified, suspended, or revoked, in whole or in part.

17. For activities resulting in sewage generation at the project site, such sewage shall be processed through a municipal sewage treatment system or, in areas where tie-in to a municipal system is not practical, the on-site sewerage system must be approved by the local parish sanitarian before construction.

18. Any modification, suspension, or revocation of this permit

or any individual authorization granted under this permit will not be the basis for any claim for damages against the United States.

19. 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. Individual authorizations under this PGP may include special conditions deemed necessary to ensure minimal impact and compliance with this PGP.

20. A review of cumulative losses under the general permit will be accomplished yearly in or around the month of October. A report of losses will be furnished to the Environmental Protection Agency, the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the Louisiana Department of Wildlife and Fisheries. Comments from reviewing agencies will be considered in determination as to whether modifications to the general permit are needed. Should the District Engineer make a determination not to incorporate a change proposed by a reviewing agency, after normal negotiations between the respective agencies, the District Engineer will explain in writing to the reviewing agency the basis and rationale for his decision.

21. The New Orleans District will periodically review NOD-PGP and its terms, conditions, and processing procedures and will decide to either modify, reissue, or revoke the permit. If the PGP is not modified or reissued within 5 years of its effective date, it automatically expires and becomes null and void. Activities which have commenced or are under contract to commence in reliance upon prior authorization of NOD-PGP will remain authorized provided the activity is completed within 12 months of the date of NOD-PGP expiration, modification, or revocation, unless the Corps of Engineers has determined that the specific activity does not qualify for authorization under NOD-PGP and exercises Corps authority to modify, suspend, or revoke the authorization in accordance with DOA regulations at 33 CFR 325.7.

22. All work authorized by this general permit must be performed in accordance with the applicable standard conditions of ENG Form 1721, Department of the Army Permit. A copy of this form is attached (Attachment I) and is made a part of this permit. All references to "Permittee" in ENG Form 1721 shall, for purposes of

this permit, be understood to refer to the person, family, agency, or group to which the individual authorization under the PGP is issued.

23. Activities which qualify as non reporting nationwide permits and which commenced or were under contract to commence prior to June 1, 1998, are valid for a period of two years from the commencement/contract date. Those activities which have received authorization under the nationwide and regional general permit programs expire as indicated on the permit authorization. Requests received on or after June 1, 1998, will be evaluated for compliance under NOD-PGP.

E. AUTHORIZATIONS

No work may be performed under NOD-PGP unless and until:

(1) The New Orleans District has reviewed the application and has issued a written authorization or, in special cases, a verbal authorization, or where the Corps has failed to provide a timely response in accordance with the section entitled 'Procedure' and is deemed to have issued authorization.

(2) All required local, state and other federal permits, licenses, authorizations, and certifications are obtained. This includes, but is not limited to:

(a) A coastal use permit, consistency determination, or waiver signed by the Secretary of the Louisiana Department of Natural Resources or his designee, and

(b) A 401 water quality certification (if required) from the Louisiana Department of Environmental Quality, Office of Water Resources, for Category II activities only,

(c) A 402 discharge permit (if required) from the Louisiana Department of Environmental Quality, and

(d) Written approval of the project's proposed sewage treatment facility (if applicable) from the chief sanitarian of the parish health unit.

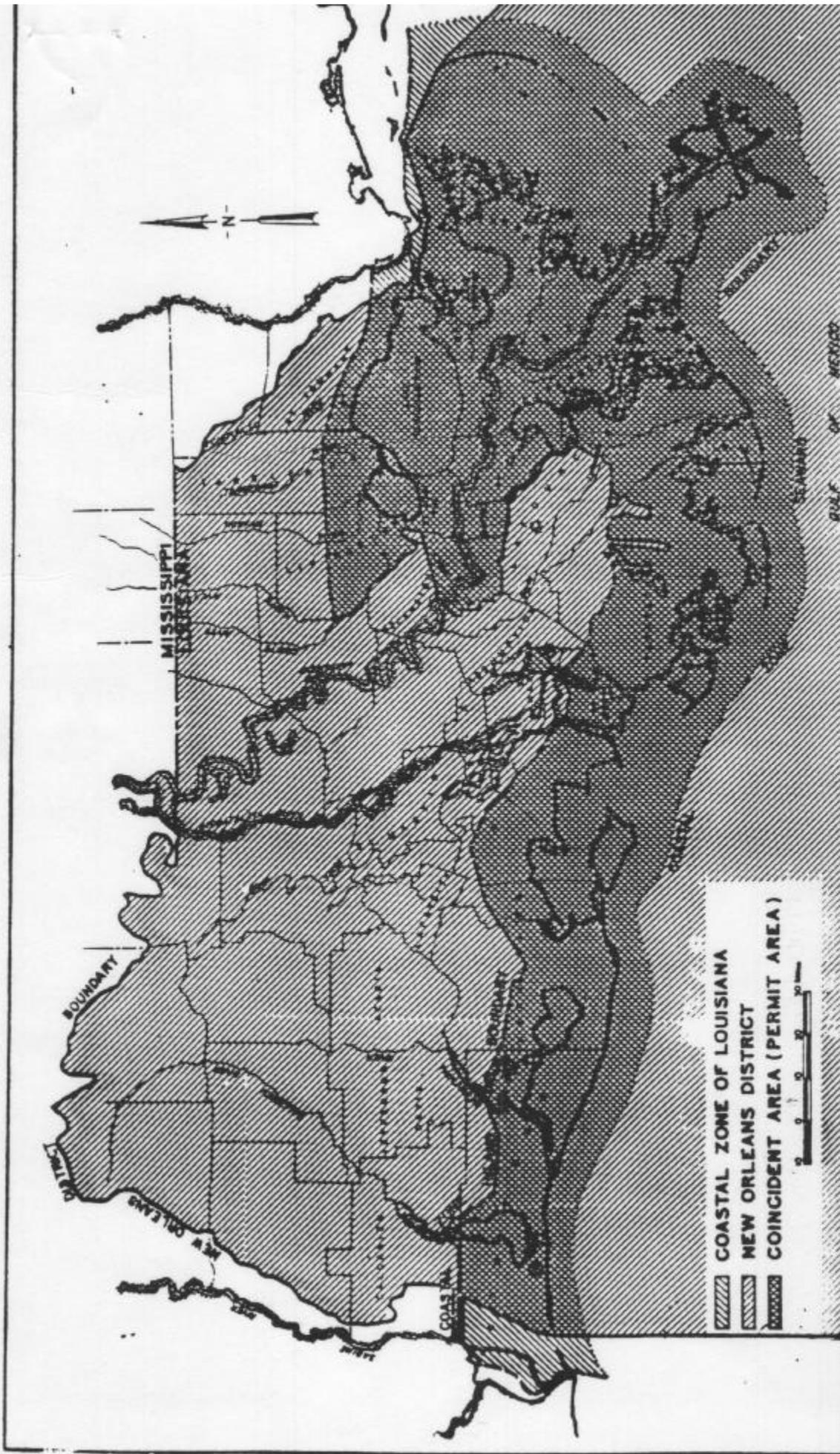
This general permit is valid for 5 years from its effective date unless otherwise modified or reissued.

Individual authorizations granted to applicants under this PGP allow 2 years to initiate work and 5 years to complete the work from the date of the authorization letter, for completion of the project.

BY THE AUTHORITY OF THE SECRETARY OF THE ARMY:

William L. Conner

William L. Conner
Colonel, U.S. Army
District Engineer



ATTACHMENT II