DEPARTMENT OF THE ARMY
NEW ORLEANS DISTRICT, CORPS OF ENGINEERS
P. O. BOX 60267
NE W ORLEANS, LOUISIANA 701600267

REPLY TO
ATTENTION OF:

Operations Division
Regulatory Branch

JAN 23 2013

SUBJECT: MVN-2012-2601-EPP
(General Permit) NOD-2

SPECIAL PUBLIC NOTICE

TIME EXTENSION AND MODIFICATION
OF (GENERAL PERMIT) NOD-2
MAINTENANCE OF EXISTING TRENASSES (PIROGUE DITCHES).

Interested parties are hereby notified that (General Permit) NOD-2, originally issued by this office on February 3, 1978, has been extended for 5 years until February 28, 2018. The proposed time extension was advertised for public comment on December 3, 2012. The following conditions are being added to this authorization:

s. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure of work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure work shall cause unreasonable obstruction to the free 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.

t. The use of the permitted activity must not interfere with the public's right to free navigation on all navigable waters of the United States.

u. Permittee must install and maintain, at permittee's expense, any safety lights, signs and signals prescribed by the U.S. Coast Guard, through regulations or otherwise.

All available information was considered in determining that the overall public interest would best be served by extending this general.

Although the general permit is being modified and 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.

Martin S. Mayer
Martin S. Mayer
Chief, Regulatory Branch

Enclosures

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

REPLY TO
ATIENTIONOF

(General Permit)NOD-2

DEPARTMENT OF THE ARMY

GENERAL PERMIT

Authorization No.: (General Permit) NOD-2

Original Effective Date: February 3, 1978

Present Expiration Date: February 28, 2018

Under authorization granted by applicable sections of Parts 320 through 332 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 not contrary to the public interest to issue a general permit time extension for the maintenance of existing trenasses (pirogue ditches).

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

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

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

Therefore, any person wishing to maintain and/or deepen trenasses is authorized to do so by the Secretary of the Army, subject to the conditions, requirements, and guidelines hereafter listed in this document.

Trenasses are small ditches constructed in marshes and other wetland areas that are used by hunters, fishermen, trappers, and other in pirogues or other small watercraft as navigation channels. The areas traversed by trenasses are usually highly organic and/or soft clay soils, standing water, and interlaced with small water bodies, It is difficult, if not impossible, for people to walk in such areas.

This general permit authorizes maintenance and deepening of trenasses in the New Orleans District. The approximate boundaries of the New Orleans District are shown on the map attached to this general permit (see attached).

Navigable waters of the United States and waters of the United States are defined by parts 328 and 329 of Title 33, Code of Federal Regulations.

The work must be performed in accordance with the drawings attached hereto, which are incorporated into and made a part of this permit.

The work must be performed in accordance with the applicable standard conditions of the regular Department of the Army Permit (ENG Form 1721). A copy of the form is attached hereto and made a part of this general permit. All references to the "permittee" in the standard permit form shall be understood to refer to persons, groups, or corporations performing work under authorization of this general permit.

Additional conditions to which the work authorized by this general permit is subject to follows:

a. Work may be performed within existing trenasses subject to the following:

(1) Maximum width of excavation is 6 feet.

(2) Maximum depth to which trenasses may be excavated is 3 feet below natural ground level.

(3) Material excavated from the trenasses must be deposited so as not to impede normal water interchange in the area.

(a) No material may be deposited into any watercourse crossed by a trenasse.

(b) Material shall be deposited on alternate sides of the trenasse. The maximum length of any continuous deposition site shall not exceed 500 feet.

(c) When placed in wetlands, dredged material shall not be deposited greater than 6-inches above the existing ground level.

(d) Use of machines or equipment to maintain trenasses whereby the dredged material is widely scattered and not deposited in piles is acceptable.

(e) Turbidity shall be kept to a practicable minimum.

b. Construction of new trenasses is not authorized by this general permit. Thus, trenasses may not be extended to connect with bayous, canals, lakes, lagoons, ponds, or other open water bodies.

c. Work may not be performed in or within 500 feet of any water body included in a federal or state system of natural and scenic waterways.

d. Work may not be performed within the boundaries of any wildlife refuge or game management area without specific authorization of the facility manager.

e. Work may not be performed within 1500 feet of a levee or floodwall constructed or maintained with federal funds under authority of this general permit, unless clearance can be obtained from the various office elements of this District, including our Engineering Division and Operations Division, Completed Works.

f. Each person wishing to perform work must submit a complete application to: Regulatory Branch, U.S. Army Corps of Engineers, Post Office Box 60267, New Orleans, Louisiana 70160-0267. Applications for projects that fall within the Louisiana Coastal Zone must be sent to the Louisiana Department of Natural Resources, Office of Coastal Management, Post Office Box 44487, Baton Rouge, Louisiana 70804-4487 or www.sonris.com. The New Orleans District's Programmatic General Permit generally supersedes this general permit for activities located within the Louisiana Coastal Zone as incorporated within the New Orleans Corps District Boundaries. Projects will not qualify for this general permit if they qualify for the Programmatic General Permit. A complete application includes all the following items: application form (ENG FORM 4345) or Joint Permit Application (for work within Louisiana Coastal Zone), vicinity map, plan view showing complete project including the deposition sites, and cross sections with all dimensions.

g. Each person must receive written authorization before commencing the work.

h. All authorizations, licenses, or approvals required by state and local laws or regulations must be obtained before the work may be performed.

i. Approval under this general permit does not replace nor supersede the requirement to obtain a water quality certification from the Louisiana Department of Environment Quality or Coastal Use Permit from the Louisiana Department of Natural Resources.

j. The District Engineer may add additional conditions when he determines this is necessary to protect the public interest.

k. This general permit may be suspended in whole or in part and/or revoked if the District Engineer determines that such action is necessary in the public interest.

l. Public notices will be issued to advise interested parties if revisions or additions to the permit are made, or if the permit is suspended or revoked.

m. In cases when the District Engineer deems it necessary in the public interest, applications for authority to perform work under the general permit may be rejected and the applicants advised to apply for individual permits.

n. This permit will be effective until February 28, 2018. It may be further extended at that time, subject to additional public interest review.

o. Work may not be performed under authority of this general permit at a recorded historic or archeological site.

p. 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.

q. This general permit does not authorize any work within 1,500 feet of a colonial bird nesting site.

r. This general permit does not authorize any work within 3,000 feet of a bald eagle nesting site.

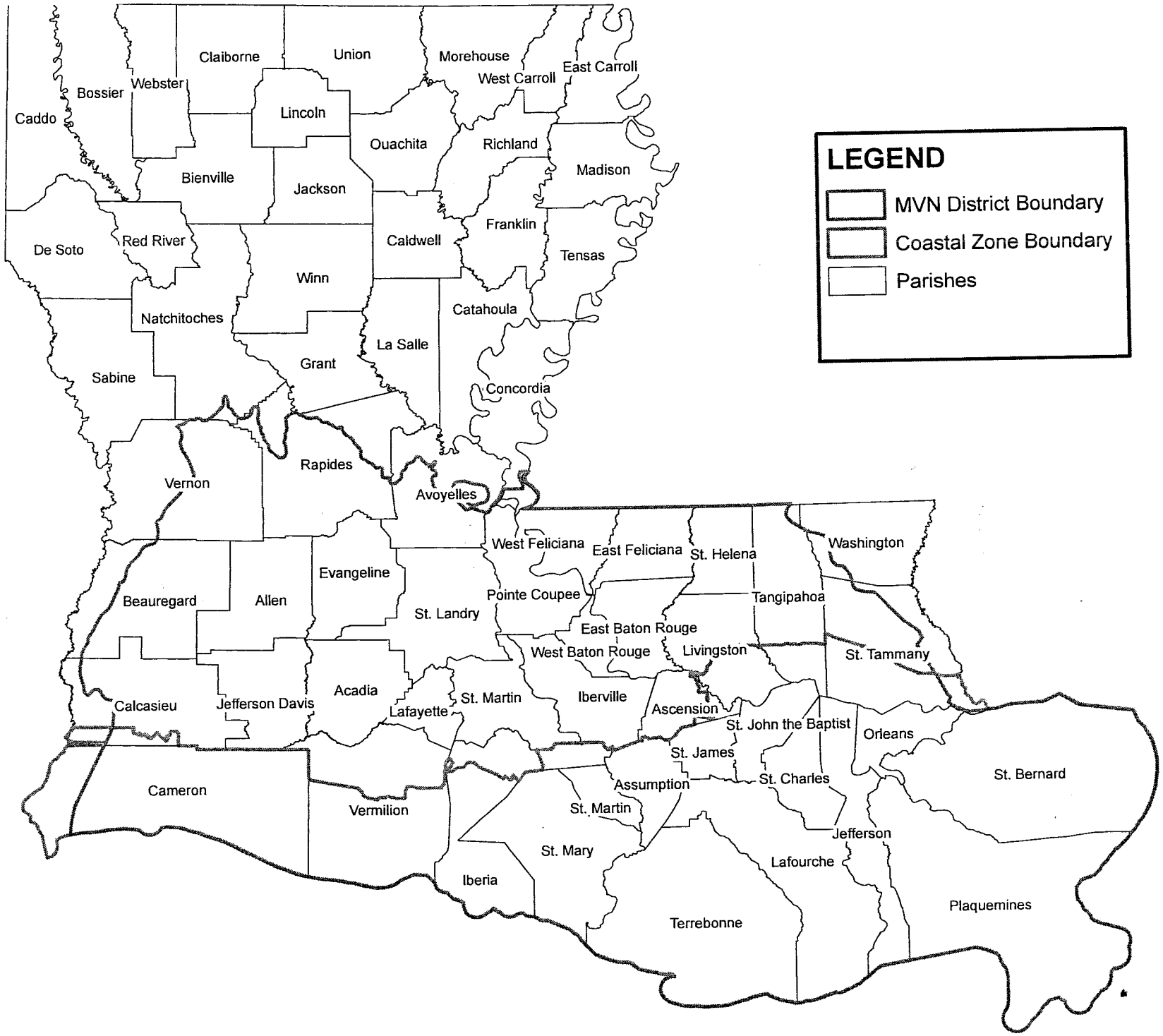
s. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure of work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure work shall cause unreasonable obstruction to the free 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.

t. The use of the permitted activity must not interfere with the public's right to free navigation on all navigable waters of the United States.

u. Permittee must install and maintain, at permittee's expense, any safety lights, signs and signals prescribed by the U.S. Coast Guard, through regulations or otherwise.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

Martin S. Mayer
Chief, Regulatory Branch
for
Edward R. Fleming
Colonel, U.S. Army
District Commander


LEGEND
MVN District Boundary
Coastal Zone Boundary
Parishes
Caddo
Bossier
Webster
Claiborne
Union
Morehouse
West Carroll
East Carroll
Lincoln
Ouachita
Richland
Madison
Bienville
Jackson
Franklin
Tensas
De Soto
Red River
Caldwell
Winn
Catahoula
Natchitoches
La Salle
Grant
Sabine
Concordia
Rapides
Vernon
Avoyelles
West Feliciana
East Feliciana
St. Helena
Washington
Evangeline
Beauregard
Allen
Pointe Coupee
Tangipahoa
St. Landry
East Baton Rouge
West Baton Rouge
Livingston
St. Tammany
Acadia
Calcasieu
Jefferson Davis
St. Martin
Iberville
Lafayette
Ascension
St. John the Baptist
Orleans
St. James
St. Charles
St. Bernard
Cameron
Assumption
Vermilion
St. Martin
Jefferson
St. Mary
Lafourche
Iberia
Plaquemines
Terrebonne

DEPARTMENT OF THE ARMY PERMIT

Permittee _____

Permittee 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 of 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 the 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 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 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 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.

_____ _____

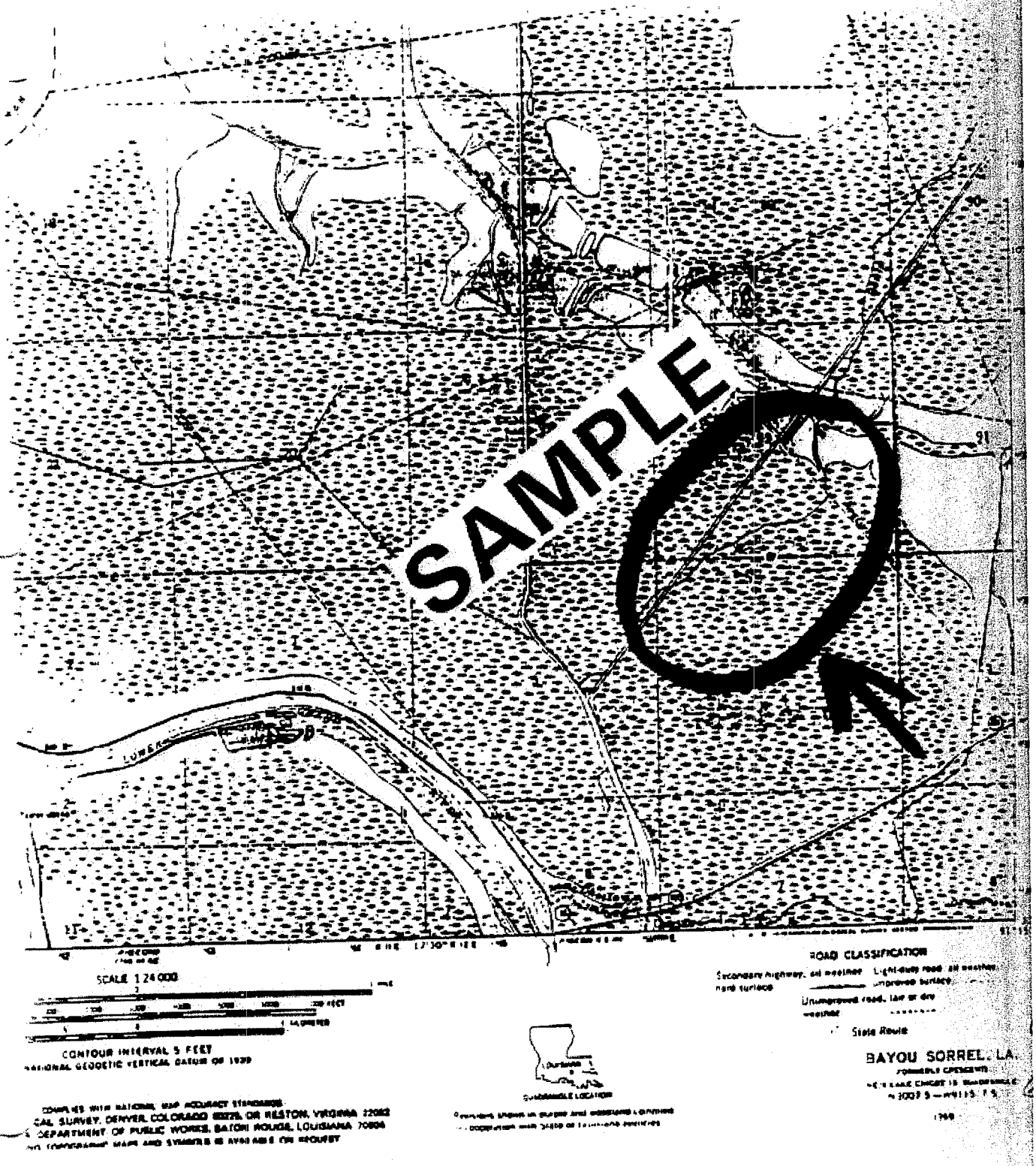
(TRANSFEREE) *(DATE)*

* U.S. GOVERNMENT PRINTING OFFICE: 1986 - 717-425

NOD - 2

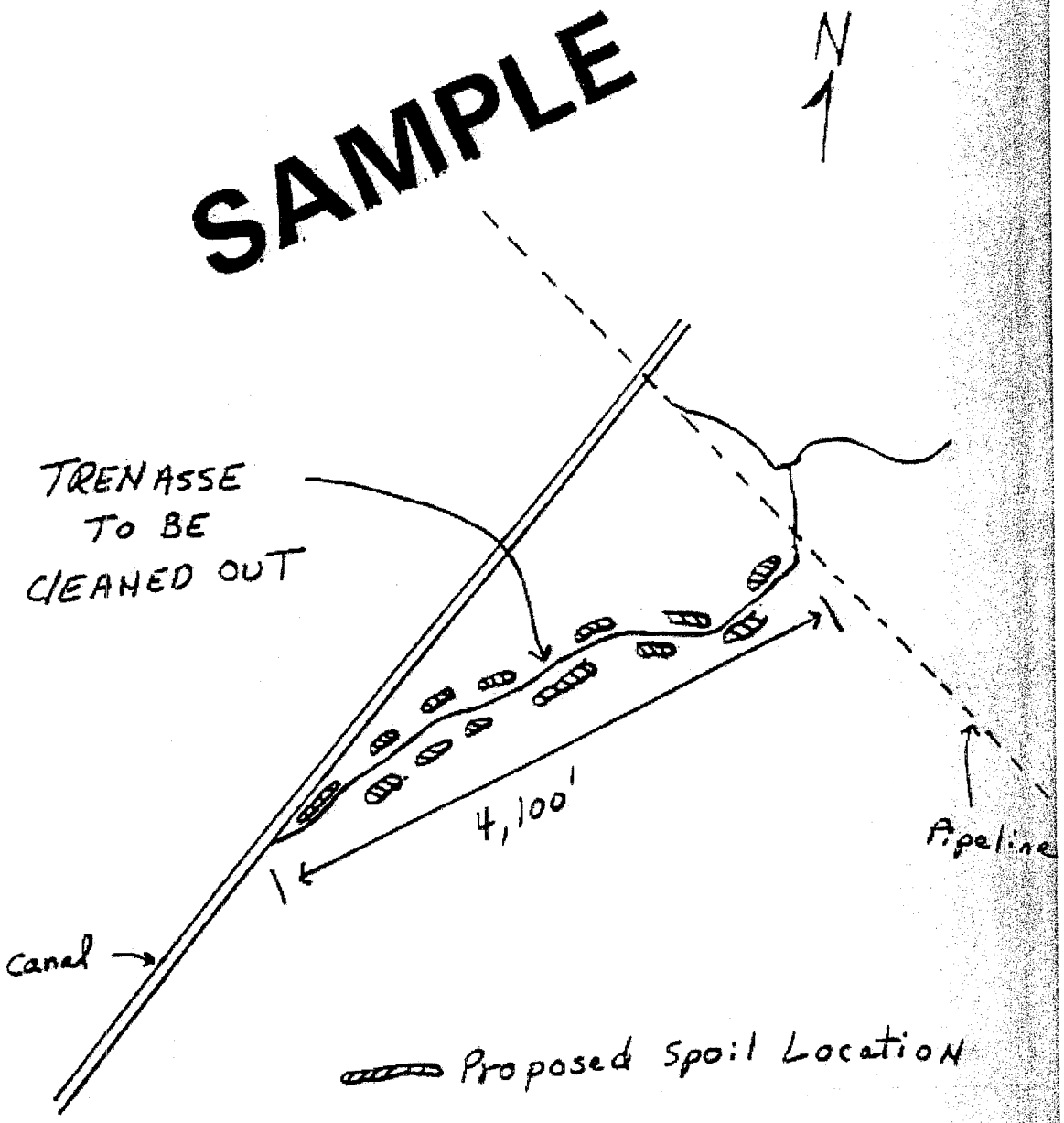
VICINITY MAP

JOHN DOE
APPLICATION FOR CLEANING OUT OF TRENASSES.
APPROXIMATELY 4,100 FEET LONG.



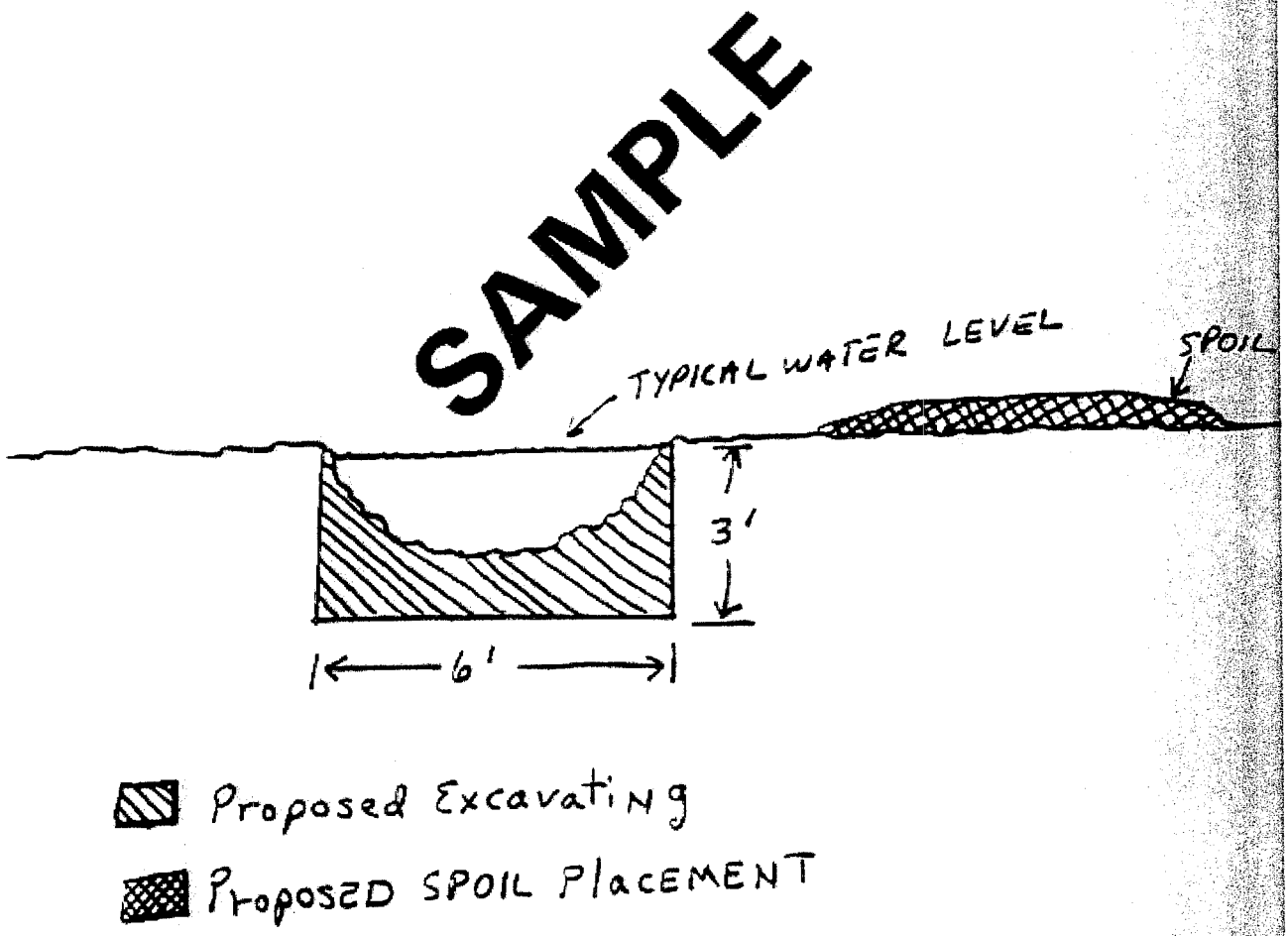
PLAN VIEW

NOD - 2



CROSS SECTION
TYPICAL

NOD-2



DREDGING TRENASSES FOR HUNTING ACCESS. DREDGING WILL BE BY MARSH BUGGY. APPROXIMATELY 2,050 CUBIC YARDS WILL BE DREDGED AND PLACED ON ALTERNATE SIDESOF THE DITCH.