



DEPARTMENT OF THE ARMY

NEW ORLEANS DISTRICT, CORPS OF ENGINEERS

P. O. BOX 60267

NEW ORLEANS, LOUISIANA 70160-0267

REPLY TO
ATTENTION OF:

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, 2017

Under authorization granted by applicable sections of Parts 320 through 330 of Title 33, Code of Federal Regulations, and delegated authority from the Commander, US Army Corps of Engineer, 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 area (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 not 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 general permit authorizes 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.)

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 additional conditions:

a. This general permit may be revised, suspended, modified or revoked by the District Engineer any time such actions are 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 alternation of surface hydrological patterns or degradation of habit, 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 a normal manner.

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

(1) Provide to the US Fish & Wildlife Service (FWS), National Marine Fisheries Service (NWFS), and US Environmental Protection Agency (EPA), for review and comment a completed permit application form signed by the Refuge Manager, Acting Refuge Manager, or other person authorized in writing by the Refuge Manager along with a location map; and drawings with sufficient information to clearly establish and describe the location, nature, and extent of the proposed activities prior to submitting an application to the Corps. Results of any separate coordination with FWS, NWFS, and EPA must be included with the application package (see condition e, below). 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) Work is not to begin prior to receiving written notice from this district office. 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 no smaller than 24 inches in diameter installed and maintained through the fills at least every 500 feet. Inverts of culverts may not be higher than natural grade of 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 into design criteria 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 working safety lights and signs as prescribed by the US 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 drawdown 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 culverts 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 on flood control features 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 alterations,

BY THE AUTHORITY OF THE SECRETARY OF THE ARMY:

Pete J. Serio
Chief, Regulatory Branch
for
Edward R. Fleming
Colonel, US Army
District Commander