



# DEPARTMENT OF THE ARMY

NEW ORLEANS DISTRICT, CORPS OF ENGINEERS

P. O. BOX 60267

NEW ORLEANS, LOUISIANA 70160-0267

REPLY TO  
ATTENTION OF:

**MAY 14 2013**

Operations Division  
Regulatory Branch

SUBJECT: SW(General Permit NOD-25)  
MVN-2008-01027 WKK

## Special Public Notice

### TIME EXTENSION AND AMENDMENT OF GENERAL PERMIT FOR IMPROVEMENTS ON FEDERAL WILDLIFE REFUGES APPLIED FOR BY THE U.S. FISH AND WILDLIFE SERVICE WITHIN THE BOUNDARIES OF THE NEW ORLEANS DISTRICT

Interested parties are hereby notified that (General Permit) NOD-25, originally issued by this office on January 26, 1983, for improvements on Federal Wildlife Refuges applied for by the U.S. Fish and Wildlife Service within the boundaries of the New Orleans District is being extended until May 31, 2018.

The proposed time extension was advertised for public comments on November 12, 2012. There are changes being made to the general permit. The changes are as follows:

a. Under federal refuges owned and/or managed by FWS list, page 2, the following two refuges have been added: Big Branch Marsh National Wildlife Refuge and Bogue Chitto National Wildlife Refuge.

b. Condition "e", page 4, changed to now state "Culverts (24 inches or greater) shall be installed through road fills at least every 500 feet and at all water courses crossed by the fills."

c. Condition "m", page 5, of this authorization has been added, "Bayou Cane and Bayou Lacombe, two Louisiana designated Natural and Scenic Rivers, flow through Big Branch Marsh National Wildlife Refuge. Any work occurring on or near the banks of these streams must obtain a permit from the LDWF Natural and Scenic Rivers Program. Scenic Rivers Coordinator Keith Cascio can be contacted at (318) 343-4045."

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.

Although the general permit is being 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.

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.

[REDACTED]

Martin S. Mayer  
Chief, Regulatory Branch

Attachment



## DEPARTMENT OF THE ARMY

NEW ORLEANS DISTRICT, CORPS OF ENGINEERS

P. O. BOX 60267

NEW ORLEANS, LOUISIANA 70160-0267

REPLY TO  
ATTENTION OF:

### DEPARTMENT OF THE ARMY GENERAL PERMIT

Authorization No.: (General Permit) NOD-25

Effective Date: January 26, 1983

Expiration Date: May 31, 2018

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 U.S. Fish and Wildlife Service (FWS) to conduct the following on federal wildlife refuges in Louisiana within the boundaries of the New Orleans District (NOD):

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 U.S. Fish and Wildlife Service (FWS) to perform work on federal refuges and management areas and on property adjacent to and no greater than 1,000 feet from the boundary of a federal wildlife refuge that is intended

to benefit, through preservation or enhancement, the refuge (i.e., bank stabilization activities to preserve refuge habitat).

This general permit is applicable in the following federal refuges owned and/or managed by FWS:

- a. Sabine National Wildlife Refuge (portion within NOD).
- b. Lacassine National Wildlife Refuge.
- c. Shell Keys National Wildlife Refuge.
- d. Delta National Wildlife Refuge.
- e. Breton National Wildlife Refuge and Wilderness Area.
- f. Atchafalaya National Wildlife Refuge.
- g. Bayou Sauvage Urban National Wildlife Refuge.
- h. Cameron Prairie National Wildlife Refuge.
- i. Mandalay National Wildlife Refuge.
- j. Grand Cote National Wildlife Refuge.
- k. Bayou Teche National Wildlife Refuge.
- l. Cat Island National Wildlife Refuge.
- m. Big Branch Marsh National Wildlife Refuge.
- n. Bogue Chitto National Wildlife Refuge.

If additional federal refuges are established within NOD, they will be included in this general permit.

In addition to applicable conditions of our standard permit (ENG Form 1721), this general permit is subject to the additional conditions listed below. A copy of ENG Form 1721 is attached.

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

b. The District Engineer reserves the right to withhold approval of specific activities or projects and require individual permit applications.

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

(1) Provide sufficient information to the District Engineer to establish the location, nature, and extent of the proposed activity.

(2) Forward this information with a cover letter signed by the Refuge Manager, Acting Refuge Manager, or other person authorized in writing by the Refuge Manager to initiate activities under the general permit.

(3) Not begin work prior to receiving written notice from this district that the work may proceed. This notice, depending upon location and nature of proposed activities, will normally be provided within 2 to 10 working days.

d. Prior to approval of any new impoundment, water control structure, levee, or other water management device under this general permit, the location, design and operation of the structure shall be coordinated with the National Marine Fisheries Service (NMFS), the Environmental Protection Agency (EPA), and the Louisiana Department of Wildlife and Fisheries (WLF) to optimize beneficial impacts on fish and wildlife resources. Such coordination shall not be required for maintenance of existing water control structures, levees, or other facilities. By the term coordinate in this context, FWS will send plats of the proposed work to NMFS, EPA, and WLF, with a letter explaining the proposed project and purpose. The letter will grant the agencies a minimum of 7 calendar days to submit requests, with justification, for modification. FWS will carefully consider the previously identified agencies' comments and incorporate changes in the project, if appropriate. FWS will then submit the project with plats to the New Orleans District for approval under the general permit. The submittal will include copies of the agencies' comments, if any, and will explain the reasons why particular modification requests by the

reviewing agencies were not incorporated into the project. The NOD will carefully review the proposal and the comments by the commenting agencies prior to taking action under (General Permit) NOD-25. The installation of any new impoundment, water control structure, levee, or other water management device in tidally influenced wetlands will not be authorized under this general permit.

e. Culverts (24 inches or greater) shall be installed through road fills at least every 500 feet and at all water courses crossed by the fills.

f. FWS shall contact the owners of pipelines crossing refuges prior to performing work or installing structures in the immediate vicinity of the pipelines.

g. Issuance of this general permit does not relieve FWS from having to obtain any other required permits, licenses, or approvals. This includes, but is not limited to a coastal use permit or waiver (if required) signed by the Secretary of the Louisiana Department of Natural Resources or his designee.

h. 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.

i. Work may not be performed under authority of this permit:

(1) In navigation channels constructed or maintained with federal funds.

(2) Within 1,000 feet of a mainline flood protection or hurricane protection levee.

(3) Which is likely to adversely affect federally listed threatened or endangered species, or a species proposed for such designation, or that is likely to destroy or adversely modify the critical habitat of such species.

j. If adverse impacts on wetlands would occur from proposed project activities, a mitigation plan which provides full compensation for those unavoidable project impacts must be included with the permit application.

k. To comply with the water quality certification issued for (General Permit) NOD-25 by the Louisiana Department of Environmental Quality, the following conditions must be met:

(1) Best management practices (BMP) shall be utilized during construction to minimize erosion,

(2) Exposed soils will be stabilized by the use of BMPs (such as reseeding and revegetating the exposed area), and

(3) Fill material must be free of contaminants.

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.

m. Bayou Cane and Bayou Lacombe, two Louisiana designated Natural and Scenic Rivers, flow through Big Branch Marsh National Wildlife Refuge. Any work occurring on or near the banks of these streams must obtain a permit from the LDWF Natural and Scenic Rivers Program. Scenic Rivers Coordinator Keith Cascio can be contacted at (318) 343-4045.