



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW ORLEANS DISTRICT
7400 LEAKE AVE
NEW ORLEANS, LA 70118-3651

July 25, 2022

SPECIAL PUBLIC NOTICE

United States Army Corps of Engineers
New Orleans District
Regulatory Division, CEMVN-RG
7400 Leake Avenue
New Orleans, Louisiana 70118

Project Manager: Brenda Archer
Brenda.A.Archer@usace.army.mil
(504) 862-2046
Application #: MVN-1997-04840

PROPOSED GENERAL PERMIT 20 REISSUANCE FOR AUTHORIZING HAZARDOUS CONDITION RESPONSE ACTIVITIES (HCRA) WITHIN THE NEW ORLEANS DISTRICT

General Permits have proven to be an effective method to authorize certain projects within the New Orleans District in a timely manner without the need for a public notice and its related costs. Evaluating applications under the general permit procedures for projects that qualify because of their minor impacts allows for better use of personnel resources, yet still allows adequate impact review. A copy of the general permit is attached.

Interested parties are requested to review the enclosed general permit authorizing hazardous condition response activities within the New Orleans District.

Specific legislation requiring Department of the Army permits for work of this nature are: [X] Section 10 of the Rivers and Harbors Act of March 3, 1899 (30 Stat. 1151: 33 USC 403); and/or [X] Section 404 of the Clean Water Act (86 Stat. 816: 33 USC 1344).

Pre-filing request and application will be submitted to the Louisiana Department of Environmental Quality, Office of Environmental Services, for a Water Quality Certification (WQC) in accordance with statutory contained in Louisiana Revised Statutes of 1950, Title 30, Chapter 11, Part IV, Section 2074 A(3) and provisions of Section 401 of the Clean Water Act (P.L. 95-217).

The comment period for the Department of the Army Permit will close **30 days** from the date of this public notice. Written comments, including suggestions for modifications or objections to the reissuance of this general permit, stating reasons thereof, are being solicited from anyone having interest in this general permit and must be mailed so as to be received before or by the last day of the comment period. Letters concerning this Corps of Engineers general permit must reference the general permit application number above, and be mailed to the Corps of Engineers at the address above,

ATTENTION: REGULATORY DIVISION.

Corps of Engineers Permit Criteria

The decision whether to reissue this general permit will be based on an evaluation of the probable impacts, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative factors thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people.

The U.S. Army Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed general permit reissuance. Any comments received will be considered by the U.S. Army Corps of Engineers to determine whether to reissue the general permit. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Our initial determination is that work authorized under this general permit will not adversely affect (1) Section 106 and tribal resources; (2) threatened and endangered species and/or their critical habitat; or (3) Essential Fish Habitat.

If the proposed work involves deposits of dredged or fill material into navigable waters, the evaluation of the probable impacts will include the application of guidelines established by the Administrator of the Environmental Protection Agency. Also, a certification that the proposed activity will not violate applicable water quality standards will be required from the Department of Environmental Quality, Office of Environmental Services before a permit is issued.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

You are requested to communicate the information contained in this notice to any other parties whom you deem likely to have interest in the matter.

Martin S. Mayer
Chief, Regulatory Division

Enclosure



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW ORLEANS DISTRICT
7400 LEAKE AVE
NEW ORLEANS, LA 70118-3651

Regulatory Division
CEMVN-RG

SUBJECT: General Permit (GP)-20

DEPARTMENT OF THE ARMY GENERAL PERMIT-20 FOR AUTHORIZING
HAZARDOUS CONDITION RESPONSE ACTIVITIES (HCRA) WITHIN THE NEW
ORLEANS DISTRICT

AUTHORIZATION NO.: MVN-1997-04840; GP-20
INITIAL EFFECTIVE DATE: November 01, 1982
PROPOSED EXPIRATION DATE: [5 years from approval date]

Under authorization granted by Part 325.8(b) of Title 33, Code of Federal Regulations, and delegated authority from the Commander, U.S. Army Corps of Engineers (USACE), the District Engineer at the New Orleans District has granted this general permit for authorizing the discharge of dredge and fill material and other work to address the performance of certain activities in response to hazardous conditions. This permit authorizes work and structures under the following legislation:

- a. Section 10 of the Rivers and Harbors Act of March 3, 1899 (33 USC 403).
- b. Section 404 of the Clean Water Act (33 USC 1344).

This permit does not authorize any work under Section 9 of the Rivers and Harbors Act of March 3, 1899 (33 USC 404) or Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 USC 1413).

This permit is applicable only within the boundaries of the New Orleans District of the U.S. Army Corps of Engineers (CEMVN).

Work authorized by this general permit is the minimum amount necessary to respond to oil or gas well blowouts, pipeline explosions or ruptures, explosions, fires, oil or hazardous materials spills, shipwrecks or sinking of vessels in navigation channels, pipeline damage, flood and storm events, or similar situations which would result in an imminent safety and/or environmental hazard.

Work authorized under this general permit is considered temporary. After the immediate situation has been addressed, the permittee must either restore the site to its pre-project conditions, or must apply for a permit to maintain the work or portions of

work initially authorized under this general permit. Permit applications to maintain work initially authorized under this general permit will be processed in the appropriate manner, to potentially include an agency public notice, water quality certification from the Louisiana Department of Environmental Quality, and Coastal Use Permit or other authorizations from the Louisiana Department of Natural Resources, Office of Coastal Management (LDNR/OCM).

The activities authorized by this general permit include, but are not limited to:

- a. Placement of a drilling rig in open waters to drill a relief well.
- b. Placement of fill to provide access to a location for placement of drilling rigs to drill relief wells.
- c. Dredging and disposal of dredged material for movement of equipment to evacuate personnel, fight fires, shutoff blow-out wells, install and service pollution control equipment, and repair ruptured pipelines.
- d. Dredging and placement of fill and/or structures to collect and confine oil or hazardous materials.
- e. Dredging and deposition of dredged material to remove or re-float grounded, wrecked, burned out or sunken vessels and/or structures obstructing navigation channels and resulting in a hazard to public navigation.
- f. Dredging and placement of fill, and removal of accumulated debris obstructing waterways, associated with emergency response to specific storm and/or flood events.
- g. Dredging and the deposition of material for emergency pipeline anomaly repairs and access.

In addition to the applicable conditions of our standard permit form (copy enclosed), the following conditions apply to this general permit:

- a. Dredging and other activities will be the minimum necessary to address safety and environmental hazards.
- b. Work performed under this general permit must be completed within 120 days of the date that the specific authorization was granted. If work is not completed within this time-frame, the permittee may request additional time to complete the work. The CEMVN will consider granting any requests for a time-extension on a case-by-case basis.
- c. Restoration is required in accordance with the following:
 - (1) Restoration plans must be submitted to the Regulatory Division of this district

within 30 days of the date when the authorization was granted by the CEMVN under this general permit.

(2) CEMVN will consult with appropriate federal, state, and local agencies prior to authorization of restoration plans.

(3) The restoration work must begin within 30 days of the date of authorization of the restoration plan or lesser time when so specified by the CEMVN unless a specific time extension is granted.

(4) Once begun, restoration work will be diligently prosecuted until completed.

(5) Disturbed wetland areas shall be restored to pre-project conditions, to the greatest extent practicable.

d. In appropriate cases when it may be in the public interest to allow maintenance of structures, fill areas, and/or dredged areas installed under this general permit authorization, permittees must apply for and receive a Department of the Army permit. If the permit application is denied, restoration will proceed in accordance with condition c., immediately above.

e. Applications to maintain facilities authorized by this general permit must be submitted within 30 days of the date the authorization was granted by CEMVN for work under this general permit unless a specific time extension is granted. Permit applications will be processed using appropriate procedures, including an agency public notice where applicable.

f. Requests to maintain facilities located outside the Louisiana Coastal Zone and authorized under this general permit, must include a completed Department of the Army permit application form (4345), along with appropriate letter-sized drawings and scope of the work, and be mailed to the USACE, New Orleans District, Regulatory Division at the letterhead address above or emailed to CEMVNRegulatoryApplication@usace.army.mil. For oversized attachments, contact our office for further instructions. For work located within the Louisiana Coastal Zone, a Joint permit application shall be submitted through LDNR/OCM.

g. This general permit may be modified, suspended, or revoked by the District Commander any time it is found to be in the public interest to do so.

h. Authorizations under this general permit do not relieve permittees from obtaining permits or other authorizations from any required state or local agency, or the consent of the landowner. For response activities within the Louisiana Coastal Zone, applicants must also contact LDNR/OCM at (225) 342-7591 and/or at DNROCMIntake@la.gov for state authorization before performing the work.

i. Other permit conditions may be added in individual authorizations for work under this general permit to address site specific conditions or situations. Procedures to be followed in administering this general permit are as follows:

a. The initial contact may be made in person or via one of the following:

(1) Electronic mail: CEMVNRegulatoryApplication@usace.army.mil

Please include the following information in the subject line of the electronic mail: HCRA-Emergency Request, the Parish where the project is proposed, and the Applicant's Name and/or Company Name.

(2) Regulatory Division
(504) 862-2255

(3) Eastern Evaluation Branch
(504) 862-2225

(4) Central Evaluation Branch
(504) 862-1581

(5) Western Evaluation Branch
(504) 862-2261

b. For work within the Louisiana Coastal Zone also contact the LDNR/OCM at (225) 342-7591 [and/or at DNROCMIntake@la.gov](mailto:DNROCMIntake@la.gov).

c. If a permission from the Corps pursuant to 33 U.S.C.408 is required, authorization under this general permit cannot be made until the Section 408 permission is granted or Letter of No Objection (LNO) is received.

d. If the proposed work is located with any known sensitive/critical areas (e.g. TES habitat, EFH habitat, refuges, cultural sites, etc.), CEMVN may request an emergency review from the appropriate resource agency, as determined necessary.

e. Authorization under this general permit may be granted upon initial contact provided the requester can present sufficient information on the location, nature, and extent of the work to establish that the safety or environmental hazard exists. When necessary, immediate verbal authorization may be granted to perform the work. However, in other cases, a written request describing the need for the work may be necessary to establish that the project qualifies for authorization under the provisions of this general permit. Please provide the following if available:

(1) Copies of any original Department of the Army (DA) permit for the structure/site if available, or any relevant DA permit number(s) if available, or the approximate time the original project/structure was constructed.

(2) Clear description of the hazardous situation, to include but not limited to: any work initiated and/or proposed, description of the structure and/or site and its current condition, machinery used, time frames for start and completion of work, anticipated wetland impacts through filling, excavating or mechanized clearing for access and work, any anticipated impacts to the general public, impact areas of known effluents released, any local city (or) parish emergency response efforts underway, etc.

(3) A location map (aerial/topographic) and a plan view plat including: waterways, parish(s), towns or cities, adjacent roadways, ROW limits, adjacent development, residences or subdivisions, latitudes and longitudes, section, township, range, nearby refuges and/or management areas, adjacent federal structures, access routes, permanent and/or temporary structures, permanent and/or temporary work area(s) with dimensions, anticipated wetlands, etc.

(4) Site photos, if available.

(5) Applicant and agent contact information.

(6) Any other available federal, state, or local authorizations already received and/or required.

f. If immediate verbal authorization is granted at the initial contact, the permittee must supply written documentation of the work to be done within 1 working day of the authorization being granted, including necessary maps, drawings, and sketches.

g. Permittees will supply all other information necessary to establish a complete file.

h. If appropriate, written authorization will be granted after all necessary information has been provided.

BY THE AUTHORITY OF THE SECRETARY OF THE ARMY:

Martin S. Mayer
Chief, Regulatory Division

Enclosures