



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

November 7, 2022

Regulatory Division

Subject: MVN-1998-02001-MM (General Permit) GP-23

SPECIAL PUBLIC NOTICE

DEPARTMENT OF THE ARMY GENERAL PERMIT FOR SILT REMOVAL IN THE
MISSISSIPPI RIVER

The New Orleans District, Corps of Engineers is hereby issuing a public notice announcing a time extension for GP-23. This general permit authorized silt removal in the Mississippi River within the New Orleans District. The proposed time extension and revision was advertised for public comment on May 9, 2022. All available information and comments were considered in determining whether the overall public interest would be best served by revising and extending this general permit. A copy of the extended general permit is attached.

We have reserved the right to modify, suspend, or revoke this general permit any time we determine it is in the public's interest to do so. Interested parties are invited to submit written comments or suggestions for modifications or improvement of this general permit to the Regulatory Branch of this district at any time.

BY THE AUTHORITY OF THE SECRETARY OF THE ARMY:

for Martin S. Mayer
Chief, Regulatory Division

Attachment



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

1 November 2022

Regulatory Division
Eastern Evaluation Branch

SUBJECT: CEMVN-RG (General Permit) GP-23
MVN-1998-02001-MM

DEPARTMENT OF THE ARMY GENERAL PERMIT FOR SILT REMOVAL IN THE
MISSISSIPPI RIVER

AUTHORIZATION NO.: (General Permit) GP-23

INITIAL EFFECTIVE DATE: August 2, 1983

EXPIRATION DATE: October 31, 2027

Specific legislation requiring Department of the Army permits for these activities are as follows:

- a. Section 10 of the Rivers and Harbors Act of 1899 (33 USC 402).
- b. Section 404 of the Clean Water Act (33 USC 1344).

Under authorization granted by Part 325.8 (b) of Title 33, Code of Federal Regulations, the District Engineer at New Orleans has granted this general permit to allow dredging for the removal of silt accumulations around existing docks, under existing barge fleets and ship mooring areas, around existing marine launchways, and around existing intakes and the disposing of the material in the Mississippi River, generally below the minus 55-foot NAVD 88 contour.

This permit does not authorize any work under Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 USC 1413).

This general permit for the above cited work is granted subject to the following conditions:

- a. This permit only authorizes maintenance dredging. Dredging to establish depths greater than that which existed prior to siltation is not authorized under this general permit.

b. The removal and deposition of dredged material shall not exceed 250,000 cubic yards.

c. This permit is limited to the Mississippi River within the New Orleans District, U.S. Army Corps of Engineers (CEMVA).

d. Material dredged from the Mississippi River may be placed in the deeper portions of the Mississippi River. Material returned to the Mississippi River is generally to be deposited below the minus 55-foot NAVD 88 contour. The material may not be stacked in such a manner that the top of the deposit is at an elevation above minus 55 feet NAVD 88. Consideration will be given, on a case by case basis, for disposal above the minus 55-foot NAVD 88 contour under certain situations, such as the lack of suitable disposal sites, as exist above Baton Rouge where river depths preclude passage of deep draft vessels. Material may not be placed in Corps dredged and maintained navigation crossings if we determine such disposal would require later removal of the material by the federal government to maintain the navigation crossing.

e. In lieu of deposition of dredged material in the Mississippi River, consideration will be given to individual requests to transport the dredged material from the area of excavation to an existing commercial sand pit located along the river. The dredged material may not be placed in jurisdictional wetland areas or other waters without separate Department of the Army permits. If the dredged material is to be used as fill or sold, rather than redeposited in the Mississippi River, as stated in paragraph d. above, the applicant is advised that he or she will be required to pay the Louisiana Department of Wildlife and Fisheries royalties for use of material taken from state-owned waterbottoms.

f. Dredge and disposal operations will be conducted in such a manner as to avoid interference with navigation to the maximum extent practical and turbidity will be kept to the practicable minimum. Dredging equipment, including discharge lines, will be marked and lighted in accordance with U.S. Coast Guard regulations.

g. If the authorized 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 the 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 this permit approval and drawings can be emailed to: D8MarineInfo@uscg.mil, or mailed to the Commander (dpw), Eighth Coast Guard District, Hale Boggs Federal Building, 500 Poydras Street, Suite 1230, New Orleans, Louisiana 70130. Telephone inquiries can be directed to the Eighth Coast Guard District, Waterways Management at (504) 671-2118.

h. Approvals under this general permit for individual dredging operations do not release the permittee from obtaining any required permits or approvals from other federal, state or local agencies. If the dredging or disposal site is within the Louisiana Coastal Zone, a coastal use permit or other approval is needed from the Louisiana Department of Natural Resources, Office of Coastal Management. The coastal zone in the Mississippi River is generally defined as the area below River Mile 169. Questions relative to coastal zone permitting may be directed to the Office of Coastal Management in Baton Rouge at (225) 342-7591.

i. The District Engineer may choose not to approve a request under this general permit and require normal permit processing should he determine approval under the general permit to be contrary to the overall public interest.

j. Additional conditions may be added in this general permit and this general permit may be suspended, modified and/or revoked by the District Engineer any time it is found in the public interest to do so. Public notice will be given any time this general permit is modified, revoked, or suspended.

k. All contract personnel associated with the project shall be informed of the potential presence of the endangered Pallid Sturgeon (*Scaphirhynchus albus*). The permittee must adhere to the following preventive measures: a) the cutterhead shall remain completely buried in the bottom material during dredging operations; b) if pumping water through the cutterhead is necessary to dislodge material or to clean the pumps or cutterhead, etc., the pumping rate must be reduced to the lowest rate possible until the cutterhead is at mid-depth, where the pumping rate can then be increased; c) during dredging, the pumping rates shall be reduced to the slowest speed feasible while the cutterhead is descending to the channel bottom.

l. Permittees must evaluate the effect that the proposed work would have on historic properties listed, or eligible for listing, in the National Register of Historic Places (NRHP) prior to initiation of work. Historic properties include prehistoric and historic archaeological sites, and areas or structures of cultural interest that occur in the permit area. If a known historic property would be encountered, the permittee shall notify CEMVN and shall not conduct any work in the permit area that would affect the property until the requirements of 33 CFR Part 325, Appendix C, and 36 CFR Part 800 have been satisfied. If a previously unknown historic property is encountered during work authorized by this General Permit, the permittee shall immediately notify the CEMVN and avoid further impact to the site until the USACE has verified that the requirements of 33 CFR Part 325, Appendix C, and 36 CFR Part 800 have been satisfied.

m. 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 structure 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.

n. Individual approvals granted to applicants under this general permit allow 5 years from the date of the individual approval letter for completion of the project. Activities approved under this general permit and completed within the above time limit may be maintained for 10 years from the date of the individual authorization. This does not obviate the need for any other state, federal, or local approvals. Ongoing maintenance dredging shall not exceed pre-approved excavation depths or dimensions and will be deposited within the approved disposal location(s).

o. You must install and maintain, at your expense, any safety lights, signs and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, on your authorized facilities. Any inquiries concerning a U.S. Coast Guard Private Aids to Navigation marking determination may be directed to the Eighth Coast Guard District (dpw), Hale Boggs Federal Building, 500 Poydras St., Suite 1230, New Orleans, Louisiana 70130, at (504) 671-2330 or via email to: D8oanPATON@uscg.mil. For general information related to Private Aids to Navigation, you may visit the Eighth CG District web site at: <http://www.atlanticarea.uscg.mil/district-8/district-divisions/waterways/PATON>

p. When a permission from the Corps pursuant to 33 U.S.C.408 is required, final action cannot be made until the Section 408 permission is granted.

Application, Reporting & Acknowledgement Procedures

Applicants requesting authority to perform work under this general permit are required to submit a complete application and project plans showing all work for which a permit is being requested. Instructions for submitting applications for activity locations within and outside of the Louisiana Coastal Zone (CZ) can be found on the CEMVN website: <https://www.mvn.usace.army.mil/Missions/Regulatory/Permits.aspx>

A “complete” application consists of the following:

a. A completely filled out ENG Form 4345 or Joint Permit Application.

- b. Vicinity map, on which the entire project is clearly indicated and accurately scaled. This map should include a north arrow, latitude and longitude of all activity sites, labels for the nearest town or community, roads and any landmarks or other identifying locations such as the Mississippi River mile point above the Head of Passes.
- c. Plan view drawing(s) clearly depicting the areas of all dredging and disposal activities, the amount of material to be dredged and/or deposited in cubic yards, the dimensions of all work areas and existing structures.
- d. The cross-section must clearly show the river bottom contour that existed prior to the siltation, the contour after dredging, and the disposal depth.

Only the removal of silt is authorized under this general permit. The permit cannot be used to create new water depths. Applications that do not clearly show that the proposed work is only to reestablish pre-existing depths, will be returned or processed using alternate procedures.

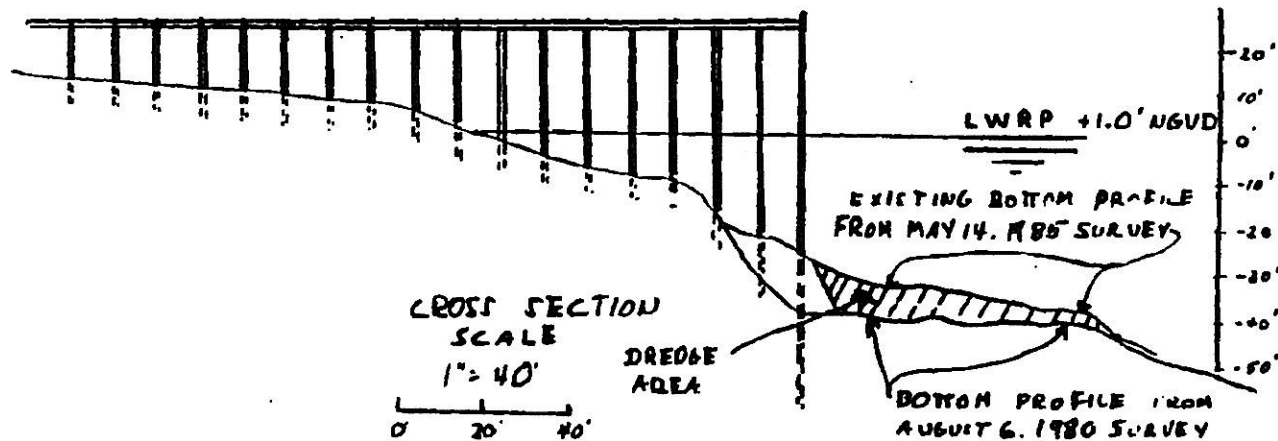
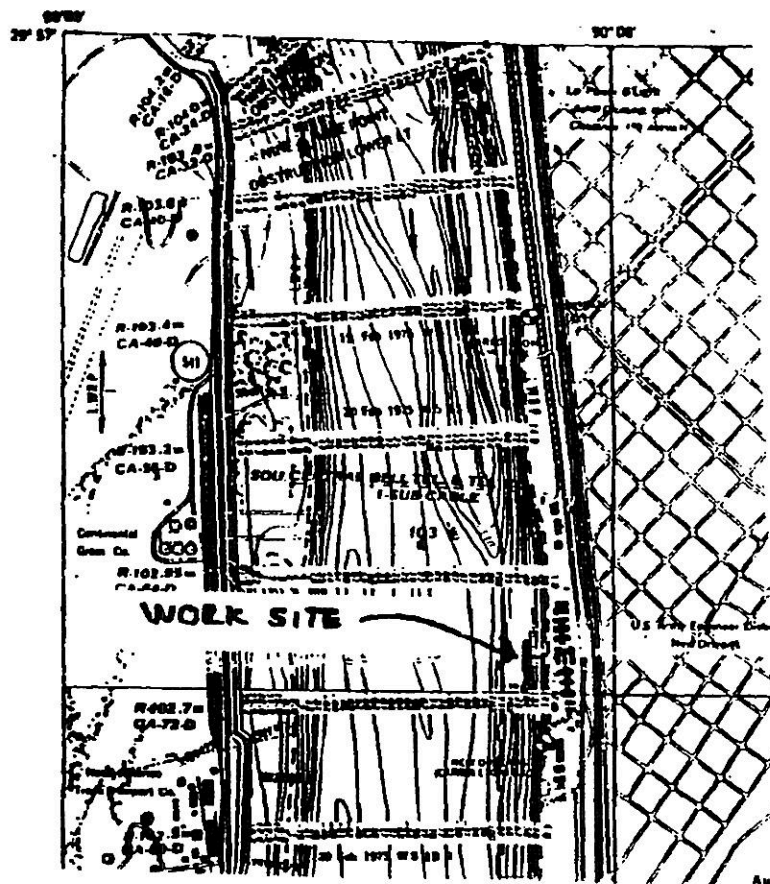
BY AUTHORITY OF THE SECRETARY OF THE ARMY:

Martin S. Mayer
Chief, Regulatory Division

Enclosures

APPROXIMATELY 17,500 CUBIC YARDS OF ACCUMULATED SILT WILL BE DREDGED FROM IN FRONT OF THE EXISTING DOCK AND WILL BE DEPOSITED IN THE MISSISSIPPI RIVER BELOW THE -55 FOOT NGVD CONTOUR

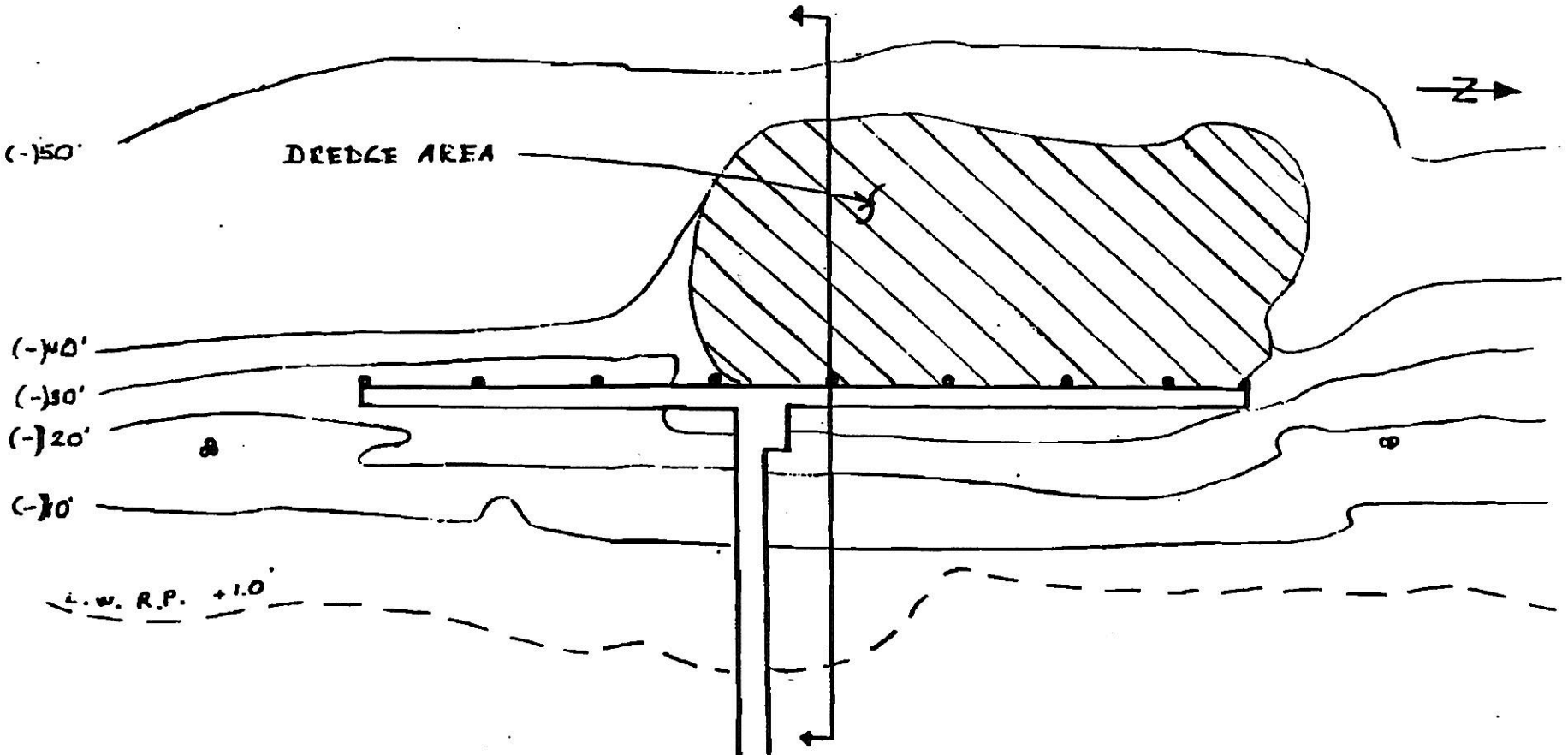
(GENERAL PERMIT) MOD-23



ABC - SMITH CORP
 DREDGING SILT
 AT RIVER MILE 102.7
 LEFT DESCENDING
 BANK AT NEW ORLEANS
 ORLEANS PARISH LA
 MAY 18 1985

O
M. L.
102.7

MISSISSIPPI RIVER
FLOW ←



(GENERAL PERMIT) NOD-23

PLAN VIEW 1" = 40'

0 20' 40'

SHEET 2 OF 2

ABC-SMITH CORP.

DREDGING TO
REMOVE SILT
AT RIVER MILE 102.
LEFT DESCENDING BALL
AT NEW ORLEANS IN
ORLEANS PARISH, LA.
MAY 18, 1985



N



1 in = 19 miles

Revised Boundary

Source: Esri, i-cubed, USDA, USGS, AEX, GeoEye, Getmapping, Aerogrid, IGN, IGP, UPR-EGP, and the GIS User Community

