

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 Branch

Enclosure

b. Work authorized under this general permit may not be performed in the following areas and waterways:

(1) In or adjacent to waterways in the Louisiana Natural and Scenic River System without prior written approval or concurrence from the Scenic River Coordinator of the Louisiana Department of Wildlife and Fisheries. A list with description as well as access to mapping of Louisiana Scenic Rivers is available at:

<https://www.wlf.louisiana.gov/page/scenic-rivers-descriptions-and-map>.

Questions regarding the LDWF Scenic Rivers program can be directed to LDWF staff for assistance if needed. Inquiries can be sent to staff via:

<https://www.wlf.louisiana.gov/page/scenic-rivers>.

(2) Within the boundaries of a wildlife refuge, public park, or similar area, unless written permission is obtained from the appropriate refuge/park authority.

(3) In any area where construction of camps is forbidden by state or local law or ordinance.

(4) At or in close proximity to any known historic or archeological sites or within the boundaries of a historic district.

(5) Within any area where the activity 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.

(6) Private residences, camps, habitable structures and non-water dependent structures may not be built over state-owned water bottoms, with the exception of appurtenances such as docks, wharves, piers, walkways, boat slips and similar water-related structures.

(7) Work that might alter US Army Corps of Engineers Civil Works projects will not qualify for this general permit until Permission pursuant to 33 USC 408 is granted by the District Commander.

c. This general permit will be effective until (5 years from the date of reissuance). It may be further extended at that time.

Each person wishing to perform work must submit a complete application to U.S. Army Corps of Engineers, Regulatory Branch, 4700 Leake Avenue New Orleans Louisiana 70118 when the project falls outside of the coastal zone (attachment 1). Applications for projects that fall within the Louisiana Coastal Zone (attachment 1) must be submitted via the Louisiana Department Natural Resources, Office of Coastal Management, Post Office Box 44487, Baton Rouge, Louisiana 7080404487 or www.sonris.com. The New Orleans District's Programmatic General Permit generally supersedes this general permit for activities within the Louisiana Coastal Zone as incorporated within the New Orleans District Boundary. A complete application includes

the following items: application form (ENG FORM 4345) or Joint Permit Application (for work within the Louisiana Coastal Zone), a complete set of plans to include a vicinity map, plan view showing complete project including the deposition sites, and cross-sections with all dimensions.

Applications for work within the boundaries of any state or federal wildlife refuge or management area must include the written consent of the appropriate Division Chief or Refuge Manager to be considered under the general permit

Work authorized by the general permit will be subject to applicable conditions on ENG Form 1721, Department of the Army Permit (attachment 2), and the following special conditions:

a. An individual-type domestic waste disposal system (i.e., septic tank, mechanical plan, etc) shall be installed for authorized camps. Local health unit approval shall be secured, as is required by the State Sanitary Code.

b. No work is allowed in jurisdictional wetlands beyond that shown in the permit drawings.

c. Non-biodegradable components used in construction will be removed upon termination of the project.

d. Work authorized by this general permit may not be performed until the U.S. Army Corps of Engineers, New Orleans District has reviewed the application and has issued a written approval.

e. Additional conditions may be added to this general permit by the District Engineer if it is found to be in the public interest to do so.

f. No work may be performed under this general permit unless and until all required local, state and other federal permits, licenses, authorizations, and certifications are obtained. This includes, but is not limited to:

(1) A Coastal Use Permit or waiver signed by the Secretary of the Louisiana Department of Natural Resources or his designee

g. This general permit may be suspended, in whole or in part, by the District Engineer if it is found to be in the public interest to do so.

h. The District Engineer may choose not to grant approval under this general permit and require the applicant to go through regular permit processing procedures when he finds that such action is in the public interest.

i. If the proposed project requires any additional work not expressly permitted herein, the permittee shall obtain a separate authorization prior to the

commencement of work.

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

k. The permittee must install and maintain, at the permittee's expense, any safety lights, signs, and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, on the permittee's authorized facilities.

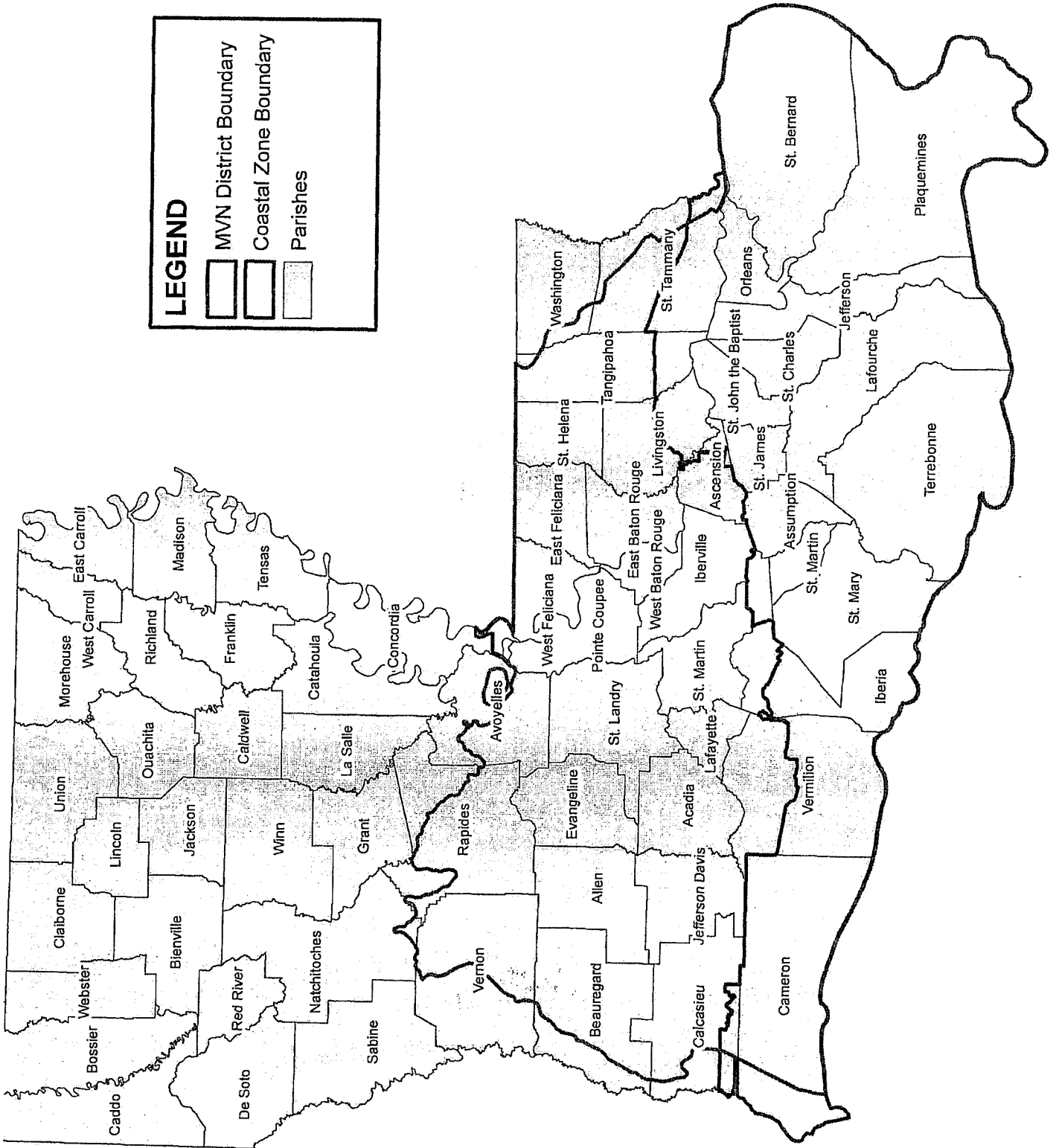
l. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause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

Individual approvals granted under this general permit allow 5 years from the date of the approval letter to complete the project.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

Martin S. Mayer
Chief, Regulatory Branch
For
Stephen F. Murphy
Colonel, U.S. Army
District Commander

Attachment 1



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 or if the site is eligible for listing in the National Register of Historic Places.

Attachment 2 (conti-)

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.

Attachment 2 (conti-)

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)