



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

July 24, 2023

Regulatory Division
Special Projects and Policy Team

Project Manager:
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Application #: MVN-2007-01994-MG

SPECIAL **PUBLIC NOTICE**

Interested parties are hereby notified that a permit application has been received by the New Orleans District of the U.S. Army Corps of Engineers pursuant to: [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), and/or [] Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. Section 408).

PROPOSED GENERAL PERMIT (GP13) RENEWAL AND MODIFICATION **AUTHORIZING OILFIELD ACCESS ROADS, DRILLING LOCATIONS, PITS, RING** **LEVEES, RELATED FACILITIES, AND THE ASSOCIATED DISCHARGE OF FILL** **MATERIAL INTO WATERS OF THE UNITED STATES 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 minor construction activities for residential purposes and the associated discharge of fill

material into waters of the United States 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 on the requested 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 proposed work, stating reasons thereof, are being solicited from anyone having interest in this permit request, and must be submitted so as to be received before or by the last day of the comment period. Letters and/or comments concerning the subject permit application must reference the Applicant's Name and the Permit Application Number and can be preferably emailed to the Corps of Engineer's project manager listed above or forwarded to the Corps of Engineers at the address above, **ATTENTION: REGULATORY DIVISION, RG, "BRANDON GASPARD"**. Individuals or parties may also request an extension of time in which to comment on the proposed work by mail or preferably by emailing the specified project manager listed above. Any request for an extension of time to comment must be specific and substantively supportive of the requested extension and received by this office prior to the end of the initial comment period. The Branch Chief will review the request and the requester will be promptly notified of the decision to grant or deny the request. If granted, the time extension will be continuous and inclusive of the initial comment period and will not exceed a total of 30 calendar days. This public notice is also available for review online at <https://go.usa.gov/xennJ>

Corps of Engineers Permit Criteria

The decision whether to issue a 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 effects 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, considerations 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 activity. Any comments received will be considered by the U.S. Army Corps of Engineers to determine whether to make, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and 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.

Any person may request 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, and can be preferably emailed to the USACE project manager listed above or mailed to the address listed above.

You are invited 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

Enclosures



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

Regulatory Division

SUBJECT: CEMVN-RG (General Permit) GP-13

DEPARTMENT OF THE ARMY GENERAL PERMIT

GENERAL PERMIT AUTHORIZING OILFIELD ACCESS ROADS, DRILLING
LOCATIONS, PITS, RING LEVEES, RELATED FACILITIES, AND THE ASSOCIATED
DISCHARGE OF FILL MATERIAL INTO WATERS OF THE UNITED STATES

AUTHORIZATION NO.: MVN-2007-01994-MG (General Permit) GP-13

EFFECTIVE DATE: 22 March 1981

EXPIRATION DATE: 30 September 2028

Under authorization granted by applicable sections of Parts 320 through 332 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 dredging and the deposition of dredged and/or fill material for construction of oilfield access roads, drilling locations, pits, ring levees, and associated facilities in jurisdictional waters of the U.S., including wetlands, occurring within certain boundaries of the New Orleans District (CEMVN).

Specific legislation requiring Department of the Army permits for work of this nature are:

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

This general permit does not authorize work within the following areas:

- a. Within the Atchafalaya Basin (as defined by USGS Hydrological Code: 0808010, see Enclosures: Figure 2).
- b. In or within one mile of the boundaries of any national park or monument, wildlife refuge, management area, state park, and established buffer zone at a national park site without approval of the respective park, refuge, management area, or monument manager.
- c. Work authorized under GP-13 may not be performed in areas where the

activity is likely to result in a "disturbance" to bald eagles. If a bald eagle nest occurs within 660 feet of the proposed project area, then an evaluation must be performed to determine whether the project is likely to disturb nesting bald eagles. That evaluation can be conducted on-line at:

<https://www.fws.gov/media/northeast-bald-eagle-project-screening-form>

Applicants are advised to review the National Bald Eagle Management (NBEM) Guidelines for information and recommendations to minimize potential project impacts to bald eagles. A copy of the NBEM Guidelines is available at:

<https://www.fws.gov/media/national-bald-eagle-management-guidelines>

Applicants needing further assistance may contact the U.S. Fish and Wildlife Service's Office of Migratory Birds (404) 679-7070.

d. Within 1,000 feet of known bird nesting colonies or rookeries.

e. Within any area where the activity is likely to adversely affect federally listed threatened or endangered species, a species proposed for such designation, or that is likely to destroy or adversely modify the critical habitat of such species.

f. Within 1,500 feet of any mainline flood control or hurricane protection levee constructed and/or maintained with federal funds without prior coordination with, and approval from the New Orleans District and the respective levee board.

g. Within 1,500 feet of a levee or other flood control facilities owned or operated by agencies of the state and local government without the written consent of the appropriate agency or governing body.

h. Work within 300 feet of a Louisiana designated Scenic River without written approval or waiver from 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 phone at (225)765-2642 or online at <https://www.wlf.louisiana.gov/page/scenic-rivers>.

i. On barrier islands.

j. At or within one mile of a site listed or eligible to be listed on the National Register of Historic Places, within one-half mile of a known archaeological site, or within one-half mile of any known cultural resource site, without the written approval or waiver from the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer (THPO) or the appropriate authority.

k. On any lands used for compensatory mitigation purposes without written approval of: 1) the landowner, 2) party responsible for the mitigation project (Mitigation Bank or ILF program sponsor, or permittee), 3) the Interagency Review Team responsible for oversight of the mitigation project, and 4) consent from any third party conservation easement holders.

All work authorized by this general permit must be performed in accordance with the applicable standard conditions of ENG Form 1721, Department of the Army Permit (attachment 1), and the following special conditions:

a. Work authorized by this permit, shall not exceed a total impact of 5 acres of special aquatic sites, to include wetlands.

b. The maximum length of access roads within wetlands, including appurtenant wings and/or pull-overs, authorized by this permit is 1,500 feet. The maximum bottom width of access roads in wetlands shall be the minimum necessary, not to exceed 35 feet, and the maximum top width of adjacent staggered borrow areas in wetlands shall not exceed 20 feet.

c. Work authorized by this permit must follow the shortest, most direct route through wetlands unless acceptable reasons for deviations are provided. Legitimate reasons for deviating include, but are not limited to, avoiding cultural resources sites, ponds utilized by waterfowl, shellfish or mollusk producing ponds, and property on which right-of-way cannot be obtained.

d. Authorized work must follow existing access roads, pipelines, powerlines, and similar disturbed areas to the maximum extent practicable.

e. Applications for work to be performed under authority of this general permit must include the following:

- (1) A completed application form (ENG Form 4345), and drawings clearly showing the location, character, and extent of the proposed work, including culvert size and placement location (see enclosure 2).
- (2) A detailed discussion of alternative drilling sites and alternate routes considered and reasons why an apparently less environmentally damaging alternative was not selected.
- (3) A statement describing how impacts to wetlands and other waters of the United States are to be avoided and minimized; and either a statement describing how impacts are to be compensated for or a statement explaining why compensatory mitigation should not be required for the proposed impacts. The Corps must receive verification that any compensatory mitigation requirements have been completed before it will issue an individual authorization under this general permit.

(4) Signed statements (“landowners letter”) from the affected landowners establishing that they have no objection to the required restoration as specified by conditions u, w, x, and y, below, and that they agree not to develop or disturb restoration/mitigation areas without the prior approval of the District Engineer.

f. Fills must utilize non-wetland areas, existing roads, existing dredged material deposits, and similar areas to the maximum extent practicable.

g. To ensure compliance with conditions c, d, e, and f, immediately above, drawings submitted with applications for work under this general permit must:

(1) Show all existing roads, waterways, well locations, pipelines, canals, within one mile of the proposed work site.

(2) Provide the authorization under which any existing privately-owned road which connects with a proposed road was constructed. If the authorization number is not known, the approximate date of construction and interest which constructed the road must be provided, if known.

h. 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.

i. This general permit and/or any individual authorizations granted under this permit may be suspended, in whole or part, by the District Engineer if it is found to be in the public interest to do so.

j. 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.

k. If abandoned cemeteries, unmarked graves, or human remains are discovered during the permitted activity, the permittee will stop work immediately and comply with the Louisiana Unmarked Human Burial Sites Preservation Act (La. R.S. 8:671 et seq.). The permittee will notify local law enforcement, CEMVN, and the Louisiana Division of Archaeology (LDOA), within the Louisiana Department of Culture, Recreation and Tourism, Office of Cultural Development, by telephone at 225-342-8170 to assess the nature and age of the human skeletal remains within twenty-four (24)

hours of the discovery of unmarked human remains and will accompany local law enforcement personnel during all field investigations. If the appropriate local law enforcement official determines that the remains are not a crime scene, and the remains are more than 50 years old, LDOA has jurisdiction over the remains. In no instance will human remains be removed from the discovery site until jurisdiction is established. In cases where the LDOA assumes jurisdiction and the remains are determined to be American Indian, LDOA will consult with Tribes, CEMVN, and the permittee to determine the appropriate course of action.

l. Permittees that discover any previously unknown historic, cultural, or archeological remains and artifacts while accomplishing the permitted activity must immediately notify CEMVN, halt all construction activity at the location of discovery, and avoid construction activities within a fifty (50) foot buffer zone of the location of discovery until the required coordination has been completed. CEMVN will initiate the Federal, Tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

m. Work authorized by this general permit may not be performed until this office has reviewed the material submitted by applicants and notified applicants that the work may proceed.

n. Culverts shall be installed through the road fills in accordance with the following:

- (1) Minimum diameter shall be 24 inches.
- (2) Maximum distance between culvert installations shall be 500 feet.
- (3) Culverts shall be installed and properly spaced through any authorized road(s) which bisect wetland areas, or cross any existing waterways, laterals, ditches, sloughs, etc. These culverts shall be of sufficient size and quantity and must set to an elevation which maintains natural pre-project flow conditions within the area and does not disrupt the normal life cycle movements of aquatic species indigenous to the area. Culverts and other drainage features with the project shall not be installed in a manner which promotes unnatural drainage or impounding of adjacent wetlands.
- (4) Bottomless culverts are recommended for crossings of perennial and intermittent streams. If standard culverts are utilized in these streams, twenty percent (20%) of the culvert diameter (20 percent of the height of elliptical/arched culverts) shall be installed below the natural grade of the stream, and any natural streambed substrate material excavated from the installation site should be placed inside the bottom of the installed culvert to reestablish affected stream bottom habitat.

o. Culvert openings must be maintained to allow for free flow of water to the maximum extent practicable.

p. Bridges with clear openings at least 6 feet wide may be used in lieu of culverts.

q. Borrow pits for road fills must be discontinuous. The pits should be staggered with a maximum length of 300 feet. If pits are not staggered, gaps at least 50 feet in length shall be left between the 300-foot long segments of borrow pits. Culverts or bridge openings may not be installed through road fills to connect staggered segments of the borrow pit. Culverts and/or ditches may not be installed to connect sections of discontinuous borrow pit along one side of a road fill.

r. The maximum outside dimensions of ring levees shall not exceed 400 x 400 feet, or a total area of 160,000 square feet, within wetlands.

s. Material for construction of ring levees must be excavated from inside the leveed areas. All pits (e.g., production, sludge, or burn pits) must be located within in the ring levee.

t. The permittee shall assure that all material used during construction shall be pollutant free in accordance with the EPA Guidelines for Discharge of Dredged or Fill Material, found in 40 CFR 230. The material may be obtained offsite or from site preparation. Offsite material shall not be obtained from wetlands or from other areas that may adversely affect adjacent wetlands. Any excess material shall be placed in an upland area and properly contained or stabilized to prevent entry into adjacent wetlands or other waters

u. Ring levees shall be degraded by restoring the material with which they were built into the areas from which it was removed, and disturbed areas leveled and restored to as near pre-project conditions as practicable within 30 days after pits have been cleaned.

v. The discharge and/or disposal of drilling muds, cuttings associated with drilling fluids, and produced waters from drilling or production operations must be in compliance with federal and state regulations.

w. Road fills and/or drilling pads in wetlands constructed with native material shall be degraded when the locations which they were installed to serve are abandoned. Native materials shall be re-deposited into the borrow areas from which they were excavated, and the area leveled and restored to pre-project conditions. If the road fills and/or drilling pads in wetlands were constructed with hauled-in material, that material shall be removed from the site and hauled to a non-wetland area and/or permitted site, with the project location being leveled and restored to pre-project conditions. Restoration must be accomplished within 90 days of abandonment unless the District Engineer has granted additional time in writing because of weather conditions or clearly exceptional or

unusual circumstances. Requests for additional time must be submitted to this office by the permittee or agent in writing at least 20 days prior to expiration of the 90-day period allowed for restoration, with reference to the Department of the Army permit number. Restoration of abandoned sites shall include replanting with appropriate native species at generous and adequate spacings, depending upon the original habitat type, in the first planting season (December 15 through March 15) following abandonment. Invasive species shall be eradicated and controlled on all restored areas such that noxious/exotic vegetation stem density comprises no more than 10% of the total stem density of the replanted area, until canopy closure is achieved. However, areas that previously existed as degraded habitat (i.e., wet pasture, farmed wetlands, scrub shrub, predominant exotic infested areas), shall include restoration of previous contours, and allowed to naturally re-vegetate.

x. Boards and other extraneous construction material shall be removed from the site prior to commencement of degrading operations. All plastic sheeting shall be removed from areas of the roadway and drill site from which boards are removed.

y. If the well is completed successfully, the permittee shall;

(1) Reduce the well pad to the minimum size necessary for production, and the ring levee and the remaining unnecessary portion of the drill site shall be restored to pre-project conditions within 90 days of well completion and planted with appropriate species, depending upon the original habitat type. However, areas that previously existed as degraded habitat (i.e. wet pasture, farmed wetlands, scrub shrub, predominant exotic infested areas), shall include restoration of previous contours, and allowed to naturally re-vegetate.

(2) As specified by condition "w" above, restore the access road and production pad to pre-project conditions within 90 days of cessation of production, and plant the restored areas with appropriate species, depending upon the original habitat type. However, areas that previously existed as degraded habitat (i.e., wet pasture, farmed wetlands, scrub shrub, predominant exotic infested areas), shall include restoration of previous contours, and allowed to naturally re-vegetate.

z. CEMVN must be notified of abandonment of wells served by the facilities authorized by this general permit within 10 days of abandonment. The notification must be sent to: CEMVNRegulatoryApplication@usace.army.mil, and must include the date of abandonment and the estimated date the restoration work will begin with reference to the Department of the Army permit number.

aa. Further written notification must be given to CEMVN within 5 days of completion of any restoration work, including a plan view drawing identifying the restored areas, the species planted, and the dates of restoration work with reference to the Department of the Army permit number.

bb. The permittee is made aware that all restored sites are subject to Clean Water Act jurisdiction and Department of the Army permit authority. Therefore, the permittee shall not conduct any excavation or fill activities on the restored sites without notification of, and written authorization from, CEMVN.

cc. All work shall be done in accordance with the approved plans and shall be confined to the permitted work area(s) represented within the attached drawings. If the project requires modifications to the authorized plan, the permittee shall contact this office to obtain a permit amendment and/or review and decision on the plans, prior to commencement of those alterations.

dd. Interests performing work under authority of this general permit within Louisiana's Coastal Zone (Enclosures, 5. Louisiana Coastal Zone) must obtain a coastal use permit or waiver from the Louisiana Department of Natural Resources, Office of Coastal Management, prior to commencement of work.

ee. Individual approvals granted under this general permit allow **5 years** from the date of the approval letter to complete the construction authorized hereunder.

The following general conditions are included in this general permit:

a. The permittee is responsible for ensuring that all contractors and/or workers associated with project construction and implementation, are equally aware of the authorized plans, conditions, and/or restrictions associated with this approval.

b. The permittee shall properly install adequate erosion/siltation control measures around construction areas that require land-based earthwork (i.e., excavation and/or deposition of fill materials, land contouring, machinery rutting, fill maneuvering and redistribution, etc.), to aid in preventing project related sediments, debris and other pollutants from entering adjacent wetlands or waters. Acceptable measures include but are not limited to the proper use and positioning of temporary silt fences, straw bales, fiber/core logs, wooden barriers, seeding or sodding of exposed soils, or other approved EPA construction site storm-water runoff control and best management practices. Control techniques shall be installed prior to the commencement of earthwork activities and maintained until the project is complete and/or the subject areas are stabilized.

c. The District Engineer retains discretionary authority to require applicants to obtain an individual permit when determined that the public interest will best be served by doing so.

d. That all activities identified and authorized herein shall be performed in accordance with the terms and conditions of this general permit; and that any activities not specifically identified and authorized herein shall constitute a violation of the terms and conditions of this general permit which may result in the modification, suspension, or revocation of the authorization granted to the permittee.

e. That all activities authorized herein shall be at all times consistent with applicable water quality standards and best management practices established pursuant to the Clean Water Act of 1972 (PL 92-500: 86 Stat. 816) and pursuant to applicable state and local laws.

f. That the permittee agrees to make every reasonable effort to perform the work authorized herein in a manner so as to minimize any adverse impact on fish, wildlife, special aquatic sites, and natural environmental values.

g. That the permittee shall permit the District Engineer or his authorized representative(s) or designee(s) to make periodic inspections of the project site at any time deemed necessary in order to assure that the activity being performed under authority of this general permit is in accordance with the terms and conditions prescribed herein.

h. That the general permit does not convey any property rights, either in real estate or material, or any exclusive privileges; and that it does not authorize any injury to property or invasion of rights or any infringement of federal, state, or local laws or regulations nor does it obviate the requirement to obtain state or local approval required by law for the activity authorized herein.

i. That in issuing authorization under this general permit, the federal government will rely upon information and data supplied by the applicant. If subsequent to the issuance of an authorization such information and data prove to be false, incomplete, or inaccurate, the general permit authorization may be modified, suspended, or revoked, in whole or in part.

j. That any modification, suspension or revocation of this general permit or any individual authorization granted under this general permit will not be the basis for any claim for damages against the United States.

k. That this general permit cannot be used for piecemeal fill activities or other piecemeal work, nor is this general permit valid for any activity that is part of an overall project for which the Corps has determined that an individual permit is required.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

Martin S. Mayer
Chief, Regulatory Division
for
Cullen A. Jones, P.E., PMP
Colonel, U.S. Army
District Commander

Enclosures:

1. ENG Form 1721
2. Dwgs (7 sheets)
3. Figure 1 – CEMVN Boundary Map
4. Figure 2 – Atchafalaya Basin HUC Map
5. Louisiana Coastal Zone Map



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

Operations Division
Regulatory Branch

DEPARTMENT OF THE ARMY GENERAL PERMIT

Authorization No.: General Permit 13 (GP-13)
MVN-2007-01994 WQQ

Original Effective Date: March 22, 1981

Proposed Expiration Date: September 30, 2023

Under authorization granted by applicable sections of Parts 320 through 332 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 dredging and the deposition of dredged and/or fill material for construction of oilfield access roads, drilling locations, pits, ring levees, and associated facilities in jurisdictional waters of the U.S., including wetlands, within certain boundaries of the New Orleans District.

Specific legislation requiring Department of the Army permits for work of this nature are:

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

This general permit does not authorize work within the following areas:

- a. Within the Atchafalaya Basin (as defined by USGS Hydrological Code: 0808010, see enclosure 3).
- b. In or within one mile of the boundaries of any national park or monument, wildlife refuge, management area, state park, and established buffer zone at a national park site without approval of the respective park, refuge, management area, or monument manager.
- c. Within one-half mile of a bald eagle nesting site.
- d. Within one-half mile of a known rookery area.
- e. Within any area where the activity is likely to adversely affect federally listed threatened or endangered species, a species proposed for such designation, or that is likely to destroy or adversely modify the critical habitat of such species.

f. Within one-quarter mile of any mainline flood control or hurricane protection levee constructed and/or maintained with federal funds without prior coordination with, and approval from the New Orleans District and the respective levee board.

g. Within one-quarter mile of a levee or other flood control facilities owned or operated by agencies of state and local government without the written consent of the appropriate agency or governing body.

h. In or within 500 feet of any designated scenic stream.

i. On barrier islands.

j. At or in close proximity to any known historic or archeological site or within the boundaries of a historic district.

k. On any lands used for compensatory mitigation purposes without written approval of: 1) the landowner, 2) party responsible for the mitigation project (Mitigation Bank or ILF program sponsor, or permittee), and 3) the Interagency Review Team responsible for oversight of the mitigation project.

Work authorized by this general permit is subject to the applicable standard conditions of permit form ENG Form 1721. A copy of the form is attached to this general permit as enclosure 1. A copy of a typical access road and ring levee drawing is attached as enclosure 2.

The following special conditions are made a part of this permit:

a. Work authorized by this permit, shall not exceed a total impact of 5 acres within special aquatic sites, to include wetlands.

b. The maximum length of access roads within wetlands, including appurtenant wings and/or pull-overs, authorized by this permit is 1,500 feet. The maximum bottom width of access roads in wetlands shall be the minimum necessary, not to exceed 35 feet, and the maximum top width of adjacent staggered borrow areas in wetlands shall not exceed 20 feet.

c. Work authorized by this permit must follow the shortest, most direct route through wetlands unless acceptable reasons for deviations are provided. Legitimate reasons for deviating include, but are not limited to, avoiding cultural resources sites, ponds utilized by waterfowl, shellfish or mollusk producing ponds, and property on which right-of-way cannot be obtained.

d. Authorized work must follow existing access roads, pipelines, powerlines, and similar disturbed areas to the maximum extent practicable.

e. Applications for work to be performed under authority of this general permit must include the following:

(1) A completed application form (ENG Form 4345), and drawings clearly showing the location, character, and extent of the proposed work, including culvert size and placement location (see enclosure 2).

(2) A detailed discussion of alternative drilling sites and alternate routes considered and reasons why an apparently less environmentally damaging alternative was not selected.

(3) A statement describing how impacts to wetlands and other waters of the United States are to be avoided and minimized; and either a statement describing how impacts are to be compensated for or a statement explaining why compensatory mitigation should not be required for the proposed impacts. The Corps must receive verification that any compensatory mitigation requirements have been completed, prior to issuance of any individual authorization under this general permit.

(4) Signed statements from the affected landowners establishing that they have no objection to the required restoration as specified by conditions r, t, and v, below, and that they agree not to develop or disturb restoration/mitigation areas without the prior approval of the District Engineer.

f. Fills must utilize non-wetland areas, existing roads, existing dredged material deposits, and similar areas to the maximum extent practicable.

g. To ensure compliance with conditions c, d, e, and f, immediately above, drawings submitted with applications for work under this general permit must:

(1) Show all existing roads, waterways, well locations, pipelines, canals, etc., within one mile of the proposed work site.

(2) Provide the authorization under which any existing privately-owned road which connects with a proposed road was constructed. If the authorization number is not known, the approximate date of construction and interest which constructed the road must be provided, if known.

h. 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.

i. This general permit and/or any individual authorizations granted under this permit may be suspended, in whole or part, by the District Engineer if it is found to be in the public interest to do so.

j. If cultural resources are uncovered at a site of work authorized by this general permit, work must be suspended and written notification provided to the State Historic Preservation Officer and to the Regulatory Branch of this office with reference to the Department of the Army basefile permit number.

k. Work authorized by this general permit may not be performed until the Regulatory Branch of this office has reviewed the material submitted by applicants and notified applicants that the work may proceed.

l. Culverts shall be installed through the road fills in accordance with the following:

- (1) Minimum diameter shall be 24 inches.
- (2) Maximum distance between culvert installations shall be 500 feet.
- (3) Culverts shall be installed at all crossings of streams, ditches, sloughs and low lying areas. These culverts shall be of sufficient size so as to convey normal flows and shall be installed so as to approximate pre-project flow conditions. Installed culverts shall not promote drainage of wetlands nor disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody. Road shall not cause unnatural ponding or flooding on adjacent properties.
- (4) Bottomless culverts are recommended for crossings of perennial and intermittent streams. If standard culverts are utilized in these streams, twenty percent (20%) of the culvert diameter (20 percent of the height of elliptical/arched culverts) shall be installed below the natural grade of the stream, and any natural streambed substrate material excavated from the installation site should be placed inside the bottom of the installed culvert to reestablish affected stream bottom habitat.

m. Culvert openings must be maintained to allow for free flow of water.

n. Bridges with clear openings at least 6 feet wide may be used in lieu of culverts.

o. Borrow pits for road fills must be discontinuous. The pits should be staggered with a maximum length of 300 feet. If pits are not staggered, gaps at least 50 feet in length shall be left between the 300-foot long segments of borrow pits. Culverts or bridge openings may not be installed through road fills to connect staggered segments of the borrow pit. Culverts and/or ditches may not be installed to connect sections of discontinuous borrow pit along one side of a road fill.

p. The maximum outside dimensions of ring levees shall not exceed 400 x 400 feet, or a total area of 160,000 square feet, within wetlands. See special condition aa.

q. Material for construction of ring levees must be excavated from inside the leveed areas. All pits (e.g., production, sludge, or burn pits) must be located within in the ring levee.

r. Material used for the construction of the roads and ring levees must be free of pollutants, contaminants, toxic materials, trash, and other waste materials.

s. Ring levees shall be degraded by restoring the material with which they were built into the areas from which it was removed, and disturbed areas leveled and restored to as near pre-project conditions as practicable within 30 days after pits have been cleaned.

t. The discharge and/or disposal of drilling muds, cuttings associated with drilling fluids, and produced waters from drilling or production operations must be in compliance with federal and state regulations.

u. Road fills and/or drilling pads in wetlands constructed with native material shall be degraded when the locations which they were installed to serve are abandoned. Native materials shall be re-deposited into the borrow areas from which they were excavated and the area leveled and restored to pre-project conditions. If the road fills and/or drilling pads in wetlands were constructed with hauled-in material, that material shall be removed from the site and hauled to a non-wetland area and/or permitted site, with the project location being leveled and restored to pre-project conditions. Restoration must be accomplished within 90 days of abandonment unless the District Engineer has granted additional time in writing because of weather conditions or clearly exceptional or unusual circumstances. Requests for additional time must be submitted to this office by the permittee or agent in writing at least 20 days prior to expiration of the 90 day period allowed for restoration, with reference to the Department of the Army basefile permit number. Restoration of abandoned sites shall be replanted with appropriate native species at generous and adequate spacings, depending upon the original habitat type, in the first planting season (December 15 through March 15) following abandonment. Invasive species shall be eradicated and controlled on all restored areas such that noxious/exotic vegetation stem density comprises no more than 10% of the total stem density of the replanted area, until canopy closure is achieved. However, areas that previously existed as degraded habitat (i.e. wet pasture, farmed wetlands, scrub shrub, predominant exotic infested areas), shall include restoration of previous contours, and allowed to naturally re-vegetate.

v. Boards and other extraneous construction material shall be removed from the site prior to commencement of degrading operations. All plastic sheeting shall be removed from areas of the roadway and drill site from which boards are removed.

w. If the well is completed successfully, the permittee shall;

(1) Reduce the well pad to the minimum size necessary for production, and the ring levee and the remaining unnecessary portion of the drill site shall be restored to pre-project conditions within 90 days of well completion and planted with appropriate species, depending upon the original habitat type. However, areas that previously existed as degraded habitat (i.e. wet pasture, farmed wetlands, scrub shrub, predominant exotic infested areas), shall include restoration of previous contours, and allowed to naturally re-vegetate.

(2) As specified by condition “u” above, restore the access road and production pad to pre-project conditions within 90 days of cessation of production, and plant the restored areas with appropriate species, depending upon the original habitat type. However, areas that previously existed as degraded habitat (i.e. wet pasture, farmed wetlands, scrub shrub, predominant exotic infested areas), shall include restoration of previous contours, and allowed to naturally re-vegetate.

x. The District Engineer must be notified of abandonment of wells served by facilities authorized by this general permit within 10 days of abandonment. The notification must be in writing, must include the date of abandonment and the estimated date the restoration work will begin with reference to the Department of the Army basefile permit number.

y. Further written notification must be given to the District Engineer within 5 days of completion of any restoration work, including a plan view drawing identifying the restored areas, the species planted, and the dates of restoration work with reference to the Department of the Army basefile permit number.

z. The permittee is made aware that all restored sites are subject to Clean Water Act jurisdiction and Department of the Army permit authority. Therefore, the permittee shall not conduct any excavation or fill activities on the restored sites without notification of, and written authorization from, the New Orleans District.

aa. If the project requires any additional structures or facilities not expressly permitted herein, including flowlines/pipelines to transport product from the site, the permittee shall contact this office to determine if an amendment to this authorization will be required.

bb. A geologic review meeting will be required for the following items of work applied for under this general permit:

(1) All board roads within wetlands, regardless of length.

(2) Ring levees within wetlands larger than 300' X 300', or 90,000 square feet.

(3) Ring levees within wetlands with maximum dimensions of 300' X 300' if an existing ring levee exists within the directional drilling radius. The directional drilling radius is the maximum distance from a proposed bottom hole location from which a given well feasibly can be directionally drilled. It is determined by the following formula: $[(\text{proposed total well depth in feet} - \text{surface casing distance in feet} - 1425) \times .57735027] + 375$. If, at the conclusion of the meeting it is determined that it is technically and/or economically infeasible to reduce the dimensions of the board road and/or ring levee, authorization will be granted under this general permit provided the project meets all other terms and conditions of this general permit.

(4) At the discretion of the District Engineer, when specific and substantive questions are provided, and/or information is requested, by an interested resource agency.

cc. Interests performing work under authority of this general permit must obtain water quality certification from the Louisiana Department of Environmental Quality (DEQ) before any work may be accomplished. Requests for the certification must advise the DEQ that they propose to perform their work under authority of this general permit.

dd. Interests performing work under authority of this general permit within Louisiana's Coastal Zone must obtain a coastal use permit or waiver from the Louisiana Department of Natural Resources, Office of Coastal Management, prior to commencement of work.

ee. Individual approvals granted under this general permit allow 5 years from the date of the approval letter to complete the construction authorized hereunder.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

Martin S. Mayer
Chief, Regulatory Branch
for
Michael N. Clancy
Colonel, U.S. Army
District Commander

Enclosures

1. ENG Form 1721
2. Dwgs (7 sheets)
3. Figure 1
4. Figure 2

DEPARTMENT OF THE ARMY PERMIT

Permittee USACE-CEMVN

Permittee No. MVN-2007-01994 WQQ GP-13

Issuing Office CEMVN

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.

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.

- 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.

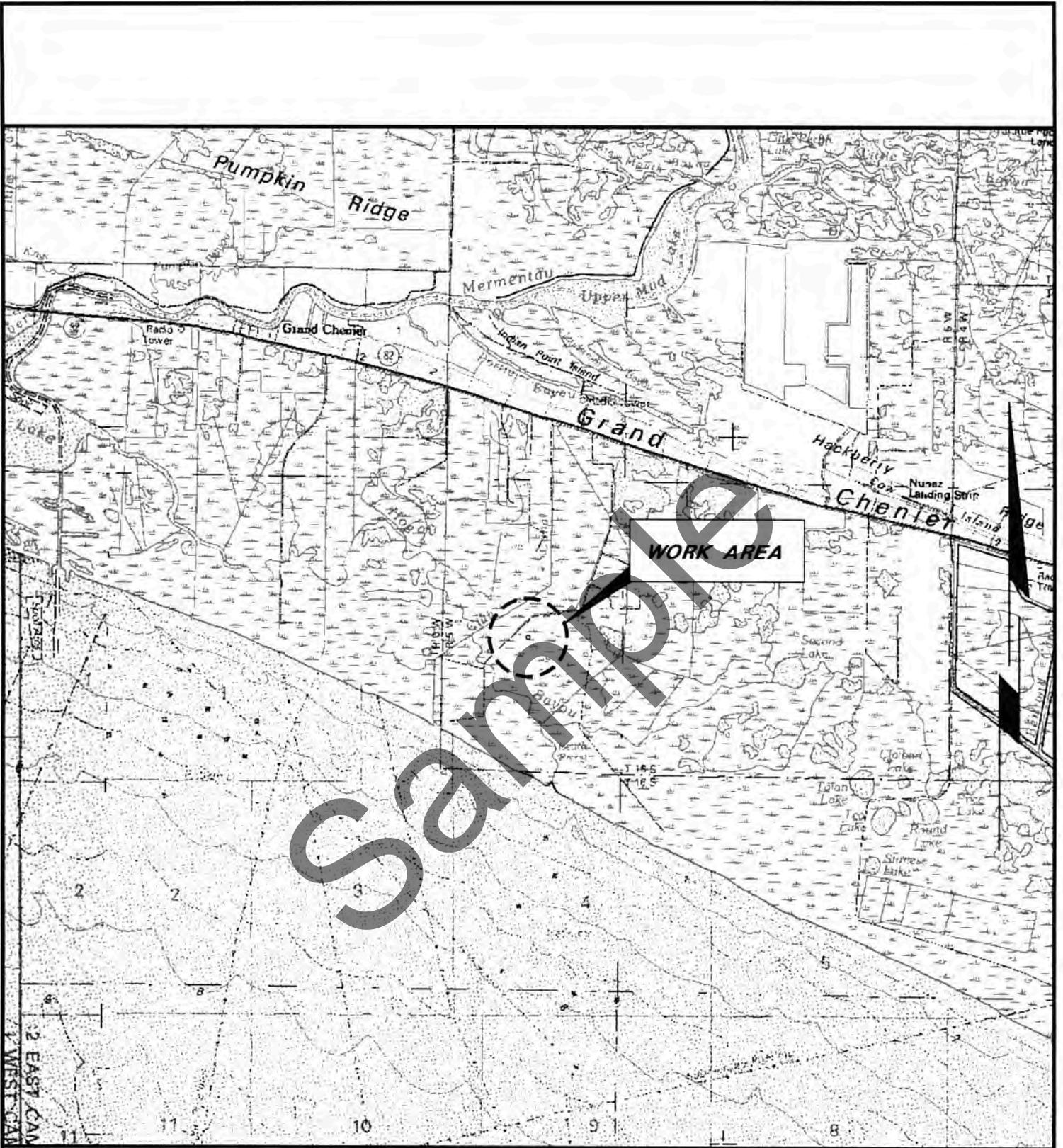
(DISTRICT ENGINEER)

(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.

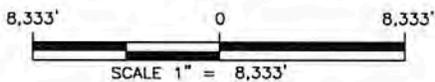
(TRANSFEREE)

(DATE)



VICINITY MAP

REPRODUCED FROM USGS "WHITE LAKE" 1 : 100,000 QUAD.



PROPOSED WELL LOCATION
 CRAB LAKE AREA
 CAMERON PARISH, LOUISIANA

REVISIONS:

M.H.W. = 2.0'
M.L.W. = 0.5'

R 5 W

T

PROPOSED LOCATION

NAD 83 (1992)
Lat. = 29° 42' 53"
Long. = 92° 54' 57"
X = 2,778,513'
Y = 445,257'

NAD 1927 (South Zone)
X = 1,497,717'
Y = 384,548'

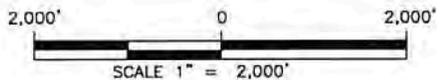
15

S



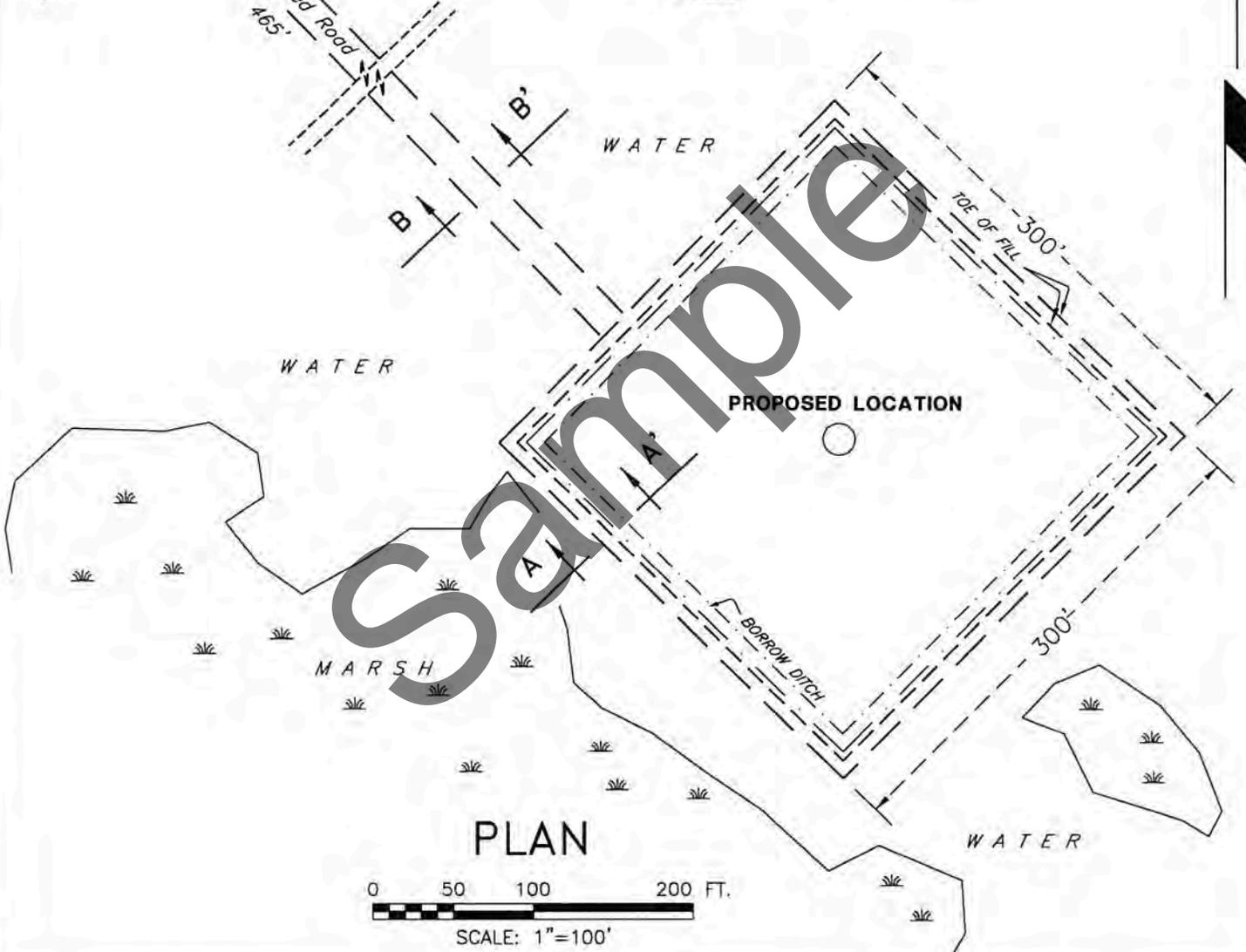
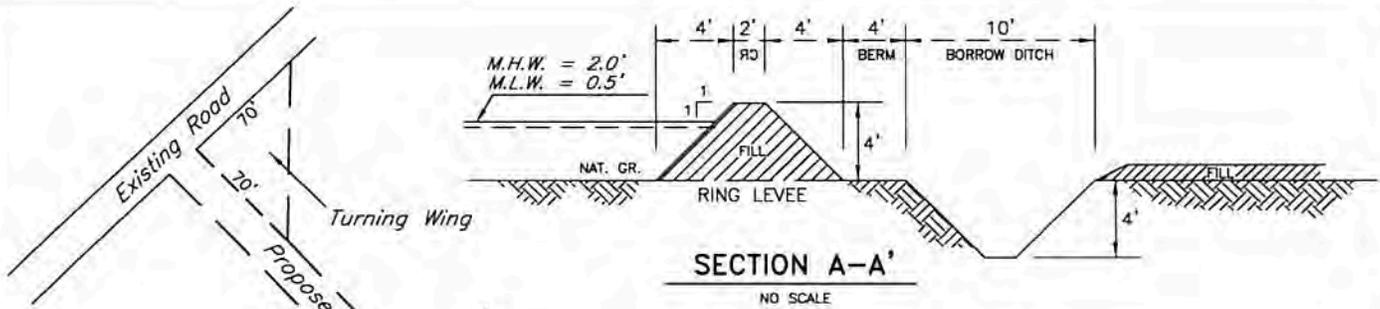
LOCATION MAP

REPRODUCED FROM USGS "HOG BAYOU" 7.5' QUAD.



PROPOSED WELL LOCATION

CRAB LAKE AREA
CAMERON PARISH, LOUISIANA



TYPICAL RING LEVEE

PROPOSED WELL LOCATION
CRAB LAKE AREA
CAMERON PARISH, LOUISIANA



NAD83
LA SOUTH ZONE
LAMBERT GRID NORTH

MATCH LINE
PLAN 2
PLAN 1

02+19'
BEGIN ROAD FILL

219' TOTAL
00+00' - 02+19'
Proposed Grade and Board
0.14 acres

EXISTING
12' WIDE DIRT
ACCESS ROAD

70'
70'
20'

12' WIDE GRAVEL LEVEE ROAD

PROPOSED
(3) 36" CULVERTS
TO BE INSTALLED
EXISTING GAP

BOTTOM LAND HARDWOODS
±0.01 ACS

Top Bank

Top Bank

OPEN WATER
±0.02 ACS

HERBACEOUS
±0.23 ACS

EXISTING
12' WIDE DIRT
ACCESS ROAD

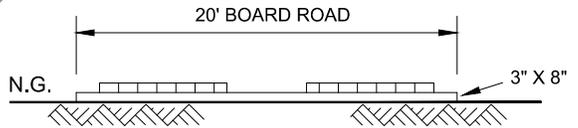
490' TOTAL
Proposed Access Road Dump
Average Fill = ±2'
940 cu.yds. 0.29 acres

Proposed 23' Wide Road Expansion

00+00'
BEGIN BOARD ROAD

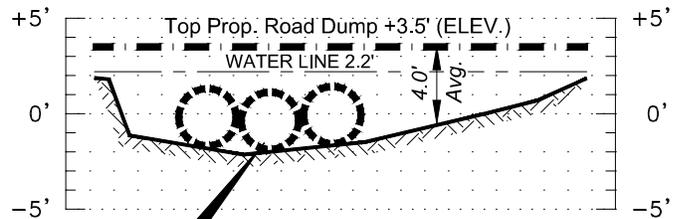
07+09'
END ROAD FILL

GROUND IS TO BE GRADED
PRIOR TO THE LAYING OF BOARDS

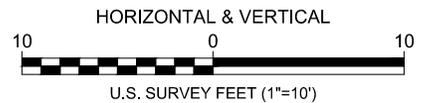


00+00' - 02+19'
TYPICAL BOARD ROAD (NO FILL) NOT TO SCALE

X-SECTION



PROPOSED
(3) 36" CULVERTS
TO BE INSTALLED
EXISTING GAP



HORIZONTAL & VERTICAL
U.S. SURVEY FEET (1"=10')

-  DENOTES CYPRESS-TUPELO
-  DENOTES BOTTOM LAND HARDWOODS
-  DENOTES HERBACEOUS WETLANDS

PLAN 1



U.S. SURVEY FEET (1"=100')

JOB No:

DRW:

CKD:

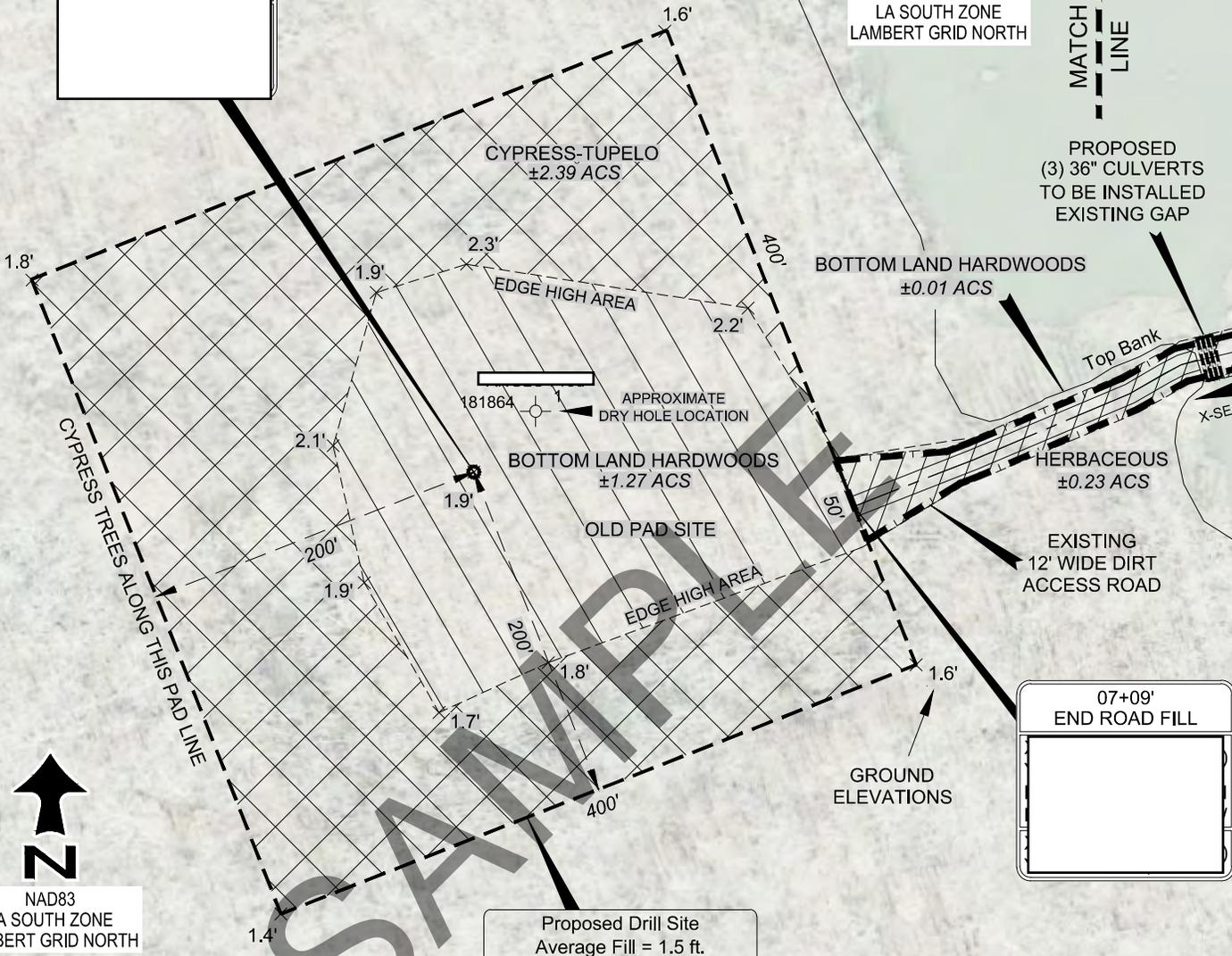
SHEET 2 of 4

PROPOSED LOCATION

NAD83
LA SOUTH ZONE
LAMBERT GRID NORTH

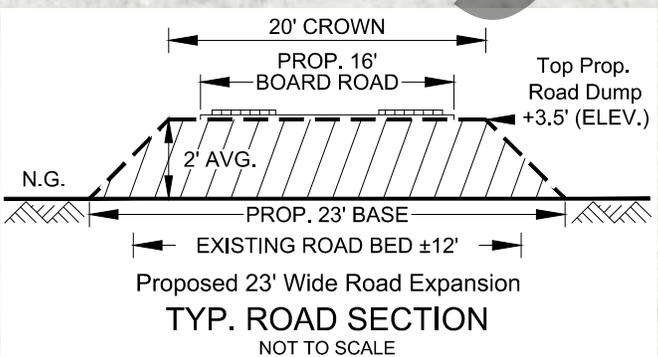
PLAN 2
PLAN 1
MATCH LINE

PROPOSED
(3) 36" CULVERTS
TO BE INSTALLED
EXISTING GAP



NAD83
LA SOUTH ZONE
LAMBERT GRID NORTH

07+09'
END ROAD FILL



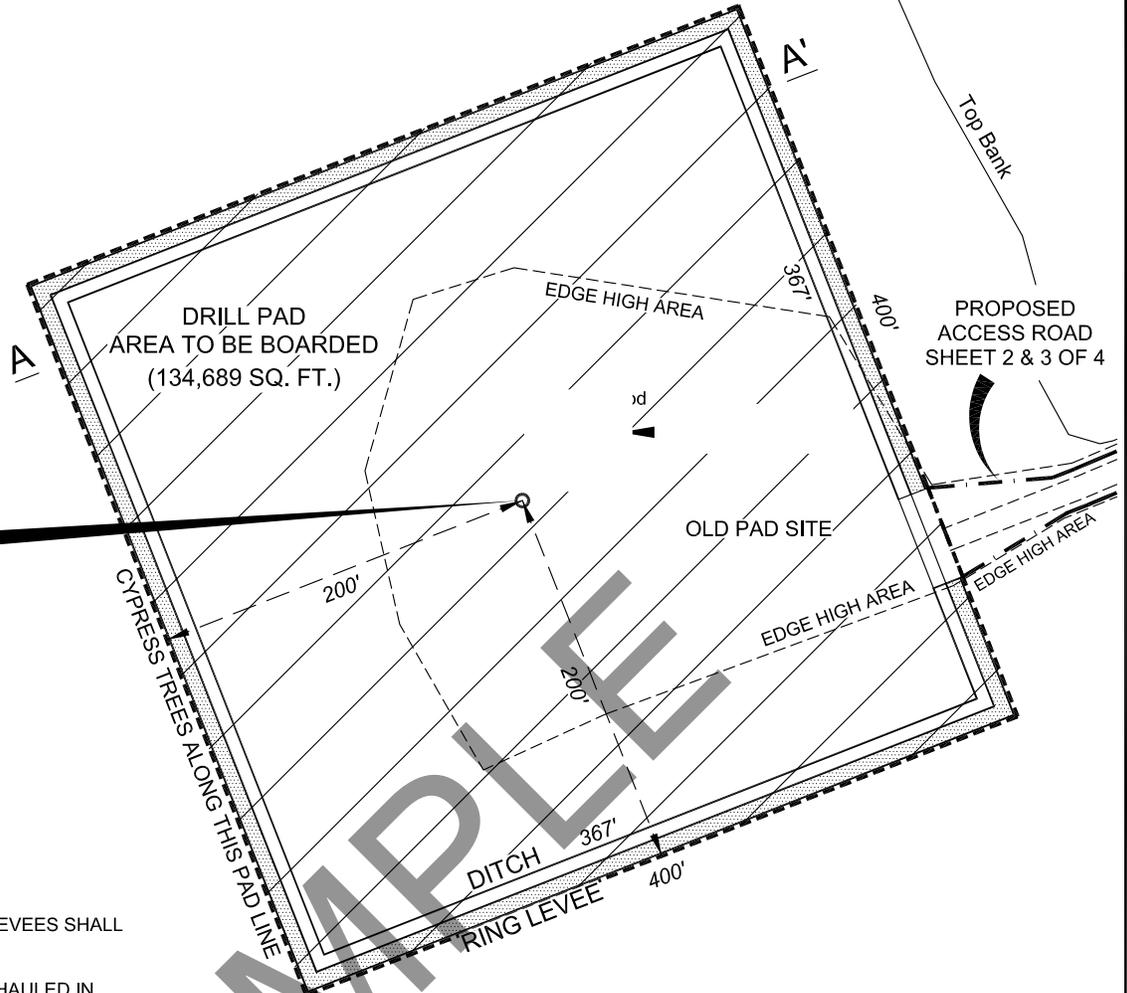
-  DENOTES CYPRESS-TUPELO
-  DENOTES BOTTOM LAND HARDWOODS
-  DENOTES HERBACEOUS WETLANDS

PLAN 2





NAD83
LA SOUTH ZONE
LAMBERT GRID NORTH



MAXIMUM OUTSIDE DIMENSIONS OF LEVEES SHALL NOT EXCEED 400' X 400'.

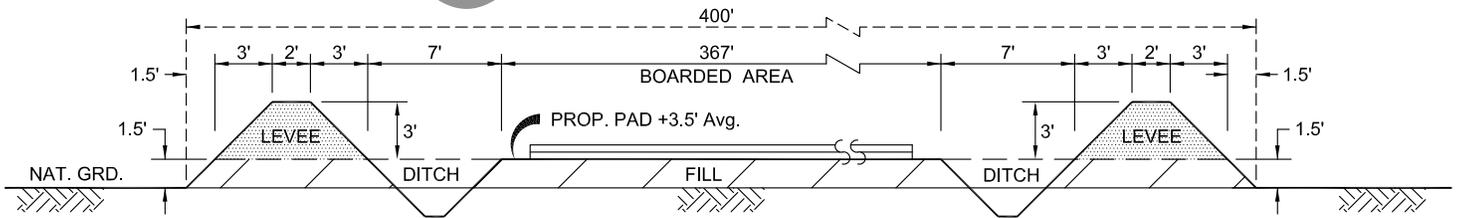
MATERIALS FOR RING LEVEES TO BE HAULED IN.

UPON ABANDONMENT OF LOCATION WETLANDS WILL BE RESTORED AS NEAR TO PREPROJECT CONDITIONS AS PRACTICABLE.

APPROX. 864 CU. YDS. OF MATERIAL TO BE HAULED IN REQUIRED TO CONSTRUCT RING LEVEES.

A CLOSED LOOP SYSTEM WILL BE UTILIZED DURING DRILLING OPERATIONS.

DETAIL



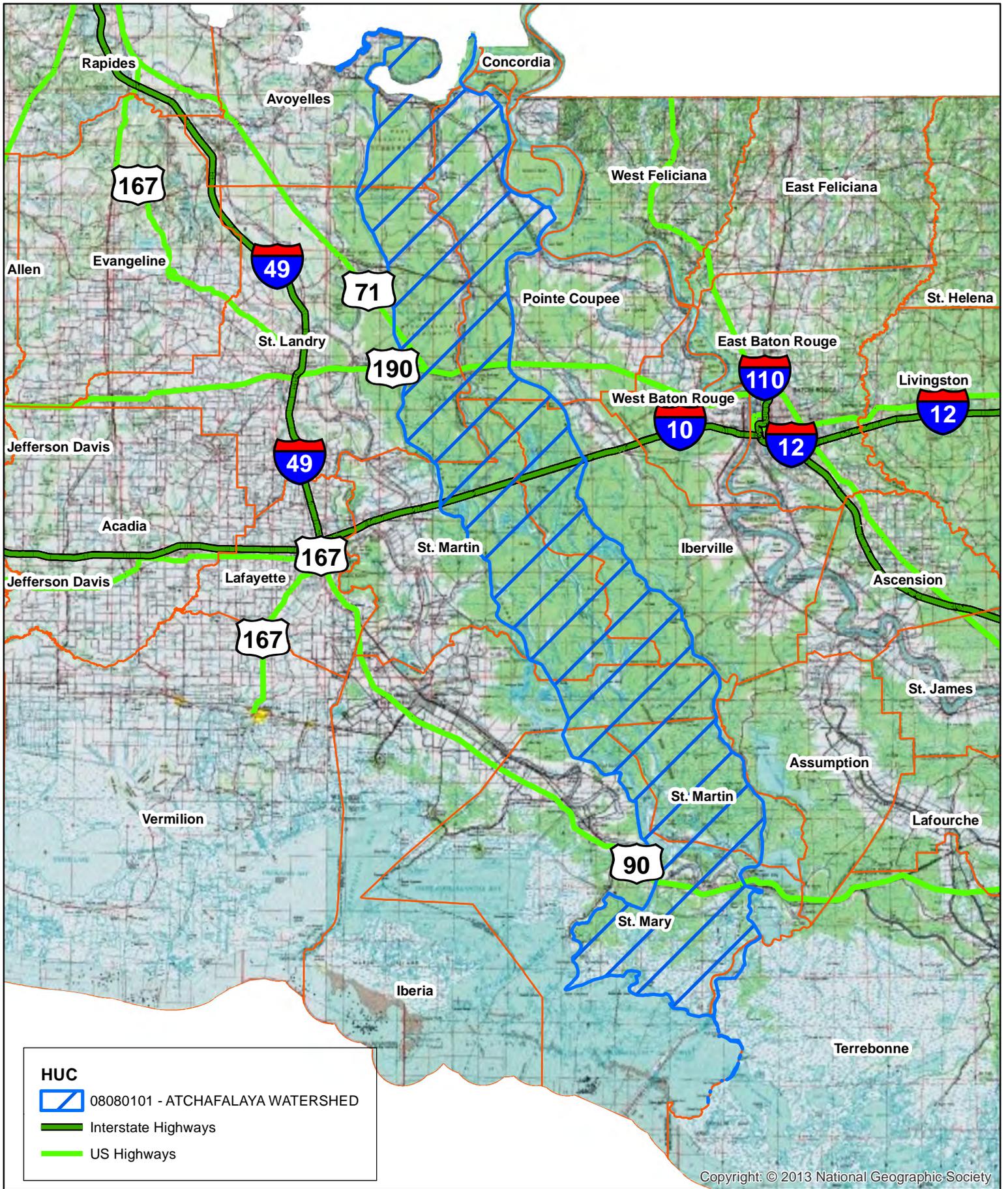
SECTION A - A'





**CEMVN - NEW ORLEANS DISTRICT BOUNDARY MAP
FIGURE 1**





**ATCHAFALAYA BASIN HUC MAP
 FIGURE 2**



Louisiana Coastal Zone

Act 588 of 2012



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

See Back for More Information

