



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

July 9, 2018

United States Army  
Corps of Engineers  
New Orleans District  
Regulatory Branch  
7400 Leake Ave  
New Orleans, LA 70118-3651

Project Manager: James W. Little, Jr.  
(225) 342-3099  
James.little@usace.army.mil  
Permit Application Number:  
Programmatic General Permit  
MVN-2017-00676-WII

**SOLICITATION OF PUBLIC COMMENT**  
**FOR THE**  
**MODIFICATION OF THE PROGRAMMATIC GENERAL PERMIT FOR USE**  
**IN THE NEW ORLEANS DISTRICT**  
**WITHIN THE BOUNDARIES OF THE LOUISIANA COASTAL ZONE**

The U.S. Army, Corps of Engineers, New Orleans District (MVN), in coordination and cooperation with the following regulatory and resource agencies:

State of Louisiana, Department of Natural Resources, Office of Coastal Management,  
State of Louisiana, Department of Environmental Quality,  
State of Louisiana, Department of Wildlife and Fisheries,  
United States Environmental Protection Agency,  
United States Department of the Interior, Fish and Wildlife Service,  
United States Department of Commerce, National Oceanic and Atmospheric  
Administration,  
National Marine Fisheries Service,

proposes the addition of Category III to the Programmatic General Permit (PGP) for use in that portion of MVN that lies within the Louisiana Coastal Zone.

The Category III would authorize projects that are associated with the maintenance of existing levees constructed by, and under the jurisdiction of, non-Federal public entities for the specific purpose of reducing flood risk to people, structures and property within established flood protection systems.

In development of the Category III, MVN and the aforementioned agencies will review and coordinate evaluation, for type and scope of activity eligible for authorization.

The comment period for the Department of the Army Permit will close on **July 29, 2018**. 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 must be mailed so as to be received before or by the last day of the comment period.

Letters of comment to the Corps of Engineers concerning this general permit must reference "Programmatic General Permit Category III" and be mailed to:

U.S. Army Corps of Engineers  
New Orleans District, Regulatory Branch  
Attn: CEMVN-OD-S  
7400 Leake Ave  
New Orleans, LA 70118-3651

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

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

The decision whether to issue this modification will be based on an evaluation of the probable impact 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 therefore; among those are conservation, economics, aesthetic, 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.

MVN is soliciting comments from the public, federal, state, and local agencies and officials, Native American Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by MVN to determine whether to 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.

Evaluation of the probable impacts involving deposits of fill material into waters of the United States will include the application of guidelines established by the administrator of the U.S. Environmental Protection Agency.

Properties listed on the National Register of Historic Places are known to occur within the Louisiana Coastal Zone. The possibility exists that the proposed work may damage or destroy presently unknown archeological, scientific, prehistorical, historical sites, or data. Copies of this notice are being sent to the State Archeologist and the State Historic Preservation Officer.

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

Martin S. Mayer  
Chief, Regulatory Branch

Attachments

Category III

### Category III – Maintenance of Existing Flood Control Levees

Activities associated with the maintenance of existing levees constructed by, and under the jurisdiction of, non-Federal public entities for the specific purpose of reducing flood risk to people, structures and property within established flood protection systems. Specific limits on the acreage of impacts and volumes of fill for work in special aquatic sites do not apply. However, for activities to be eligible for authorization under PGP Category III (PCAT-III), the work must conform to the following conditions, in addition to the existing special conditions of the PGP. The failure of individual proposals to fully adhere to these conditions will result in initiation of a Standard Individual Permit application review process.

1. PCAT-III is expressly limited to use by officially recognized Levee Districts as defined in LA R.S. 38:281 and 291, and having jurisdiction over the area in which maintenance work is being proposed.
2. PCAT-III is applicable only to existing flood protection systems constructed and maintained for the purpose of reducing flood risk to people, structures and property therein. Maintenance of earthen berms, embankments and similar features, such as elevated road ways, marsh management levees, agricultural levees, etc., as well as dredged material placement from channel maintenance activities, is specifically excluded.
3. Applications for work items under PCAT-III shall include an Alternatives Analysis documenting that the proposed activity is the least environmentally damaging practicable alternative for review by MVN. MVN will verify whether the proposed action qualifies for PCAT-III authorization on a case-by-case basis, following coordination with State and Federal resource agencies.
4. To the extent demonstrable, work authorized under PCAT-III must conform to the originally constructed levee dimensions. Applicants may propose advanced maintenance provided it does not exceed 15% of the original levee design. MVN will verify whether such proposals qualify for PCAT-III authorization on a case-by-case basis, following coordination with State and Federal resource agencies.
5. Material obtained for levee maintenance shall be acquired from existing internal borrow areas within the flood protection system, or obtained from offsite non-jurisdictional and/or permitted borrow sources. 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.

6. Applicant shall include a proposed compensatory mitigation plan that fully offsets impacts to aquatic resources with the application package, for review by MVN. Compensatory mitigation requirements for unavoidable wetland impacts shall be satisfied through acquisition of credits at a Corps-approved wetland mitigation bank as directed by MVN.
7. Applicant shall furnish a letter of no objection from the State Historic Preservation Officer (SHPO), along with any supporting documentation provided to the SHPO, with the permit application.
8. Applicant 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 area land surfaces are stabilized.
9. PCAT-III does not authorize permanent fills for the construction of new access roads, equipment storage/staging areas, and work spaces in jurisdictional waters. Temporary fills for such purposes will be considered on a case-by-case basis and must be in full compliance with PCAT-III Condition 3, above.
10. To qualify for PCAT-III consideration, the existing levee on which maintenance work is being proposed must not be encumbered with any violations or unresolved non-compliance issues in regard to the Department of the Army regulatory program.
11. Applicant shall include a copy of a valid Jurisdictional Determination issued by MVN covering the proposed borrow and fill areas, with the permit application.
12. Maintenance activities may not commence until the applicant receives written approval from MVN.

13. To minimize potential impacts to adjacent wetlands from construction activities, the permittee shall mark the project boundaries with clearly recognizable markers to prevent unpermitted wetland encroachment. All contractors, foremen, and workers involved in construction activities shall be briefed as to the location of the markers and the avoidance of wetlands and shall be made fully aware of the conditions and restrictions associated with this authorized work.