

# PUBLIC NOTICE

9 May 2022

United States Army  
Corps of Engineers  
New Orleans District  
Regulatory Division  
7400 Leake Avenue  
New Orleans, Louisiana 70118-3651

(504) 862-2637

[Melissa.L.Marino@usace.army.mil](mailto:Melissa.L.Marino@usace.army.mil)

Project Manager: Melissa Marino

Permit Application Number: MVN-1998-02001-MM

(General Permit) GP-23

## **SPECIAL PUBLIC NOTICE**

### **PROPOSED TIME EXTENSION AND REVISIONS TO THE GENERAL PERMIT GP-23 FOR SILT REMOVAL IN THE MISSISSIPPI RIVER**

The general permit GP-23 (previously known as NOD-23) was originally issued on 29 June 1982 and will expire on 31 October 2022. GP-23 has 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 time extension of the General Permit for Silt Removal in the Mississippi River Within the Boundaries of the New Orleans District.

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

This public notice serves as the application to the State of Louisiana, Department of Natural Resources, Office of Coastal Management, that the activities proposed for authorization herein are consistent with the State's Coastal Zone Management Program.

The comment period for the Department of the Army Permit will close **30 days** from the date of this public notice. Written comments, including suggestions for modifications or objections to the 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 Corps of Engineers permit application must reference the applicant's name and the Permit Application Number, and can be preferably emailed to the Corps of Engineers project manager listed above or mailed to the Corps of Engineers at the address above, **ATTENTION: CEMVN-RG, Melissa Marino.**

### **Corps of Engineers Permit Criteria**

The decision whether to modify, suspend or revoke the GP-23 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 extension. Any comments received will be considered by the U.S. Army Corps of Engineers to determine whether to modify or not extend 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.

The New Orleans District is unaware of properties listed on the National Register of Historic Places near the proposed work. The possibility exists that the proposed work may damage or destroy presently unknown archeological, scientific, prehistorical, historical sites, or data. As deemed necessary, copies of this public notice will be sent to the State Archeologist, State Historic Preservation Officer and federally listed tribes regarding potential impacts to cultural resources.

Based on the U.S. Department of Interior, Fish and Wildlife Service, Information for Planning and Consultation (IPaC) tool for Endangered Species in Louisiana, it has been determined that the activities may affect but are not likely to adversely affect West Indian Manatee (*Trichechus manatus*) and Pallid Sturgeon (*Scaphirhynchus albus*) with the inclusion of species protective measures in the Department of Army permit.

Our initial finding is that the proposed work would neither affect species listed as endangered by the U.S. Department of Commerce, nor affect any habitat designated as critical to the survival and recovery of endangered species.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Our initial determination is that the proposed action would not have a substantial adverse impact on EFH or federally managed fisheries in the Gulf of Mexico.

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 Department of Army permit can be 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.

Applicants for GP-23 must certify that the proposed work complies with and will be conducted in a manner that is consistent with the Louisiana Coastal Management Program.

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.

*for*  
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-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: *date TBD*

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 (CEMVN).

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](mailto: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](mailto: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  
for  
Stephen F. Murphy  
Colonel, U.S. Army  
District Commander

Enclosures