



REPLY TO  
ATTENTION OF

Operations Division  
Regulatory Branch

DEPARTMENT OF THE ARMY  
NEW ORLEANS DISTRICT, CORPS OF ENGINEERS  
P.O. BOX 60267  
NEW ORLEANS, LOUISIANA 70160-0267

JAN 12 2009

SUBJECT: (General Permit) NOD-23

SPECIAL PUBLIC NOTICE

TIME EXTENSION AND MODIFICATIONS  
FOR THE GENERAL PERMIT FOR  
SILT REMOVAL IN THE MISSISSIPPI RIVER

Interested parties are hereby notified that (General Permit) NOD-23, originally issued by this office on August 2, 1983, is being extended to September 30, 2013. This general permit authorizes 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 deposition of the material in the Mississippi River, generally below the minus 55-foot NGVD contour.

The proposed time extension was advertised for public comment on October 6, 2008. The following condition is being added to this authorization:

k. The Chitimacha Tribe of Louisiana has stated that the project area is part of the aboriginal Chitimacha homelands. If during the course of work at the site, prehistoric and/or historic aboriginal cultural materials are discovered, the permittee will contact the Chitimacha Tribe of Louisiana at P.O. Box 661, Charenton, LA 70523 and the New Orleans District Corps of Engineers, Regulatory Branch (MVN). MVN will initiate the required Federal, State, and Tribal coordination to determine the significance of the cultural materials and the need, if applicable, for additional cultural resource investigations.

Although the general permit is being extended, persons who become aware of problems or adverse impacts are requested to notify the Regulatory Branch of this District at the above address. This general permit will be suspended, revoked, or modified if it is shown to be in the public interest to take such action.

A copy of the general permit is attached. Additional copies are available upon written request to the Regulatory Branch of this District at the above address.

Pete J. Serio  
Chief, Regulatory Branch

Enclosure



**DEPARTMENT OF THE ARMY**  
NEW ORLEANS DISTRICT, CORPS OF ENGINEERS  
P.O. BOX 60267  
NEW ORLEANS, LOUISIANA 70160-0267

REPLY TO  
ATTENTION OF

Operations Division  
Regulatory Branch

SUBJECT: MVN-1998-02001-CU  
(General Permit) NOD-23

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

AUTHORIZATION NO.: (General Permit) NOD-23

INITIAL EFFECTIVE DATE: August 2, 1983

EXPIRATION DATE: September 30, 2013

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 ships 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 NGVD contour.

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

- a. Section 10 of the Rivers and Harbors Act of March 3, 1899 (33 USC 402).
- b. Section 404 of the Clean Water Act (33 USC 1344).

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 deeper depths 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 125,000 cubic yards.

- c. This permit is limited to the Mississippi River within the New Orleans District, U.S. Army Corps of Engineers.
- 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 beyond the minus 55-foot NGVD contour. The material may not be stacked beyond the minus 55-foot contour such that the top of the deposit is at an elevation above minus 55 feet NGVD. Consideration will be given, on a case by case basis, for disposal above the minus 55-foot NGVD 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. 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.
- f. 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 placement in 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 will be required to pay the Louisiana Department of Wildlife and Fisheries royalties for use of material taken from state-owned waterbottoms.
- g. Applicants applying for authorization to perform work under this general permit must submit a written request to the Regulatory Branch of this District and must receive specific written notice that the project is authorized before commencement of work. Written requests must include a map showing the location of the proposed work and 8-1/2 x 11-inch drawings must clearly show, at a minimum, the information on the enclosed sample drawings to illustrate the work to be done. The cross-section must clearly show river bottom contour that existed prior to the situation and the proposed contour after dredging. **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 as an individual permit with full permit processing to include a public notice.
- h. Approvals under this general permit for individual dredging operations do not release the applicants 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, Coastal Management Division. 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 Coastal Management Division in Baton Rouge at (225) 342-7591.

- i. The District Engineer may choose not to approve a request under this general permit and required normal permit processing should he determine approval under the general permit would not be in the 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. The Chitimacha Tribe of Louisiana has stated that the project area is part of the aboriginal Chitimacha homelands. If during the course of work at the site, prehistoric and/or historic aboriginal cultural materials are discovered, the permittee will contact the Chitimacha Tribe of Louisiana at P.O. Box 661, Charenton, LA 70523 and the New Orleans District Corps of Engineers, Regulatory Branch (MVN). MVN will initiate the required Federal, State, and Tribal coordination to determine the significance of the cultural materials and the need, if applicable, for additional cultural resource investigations.

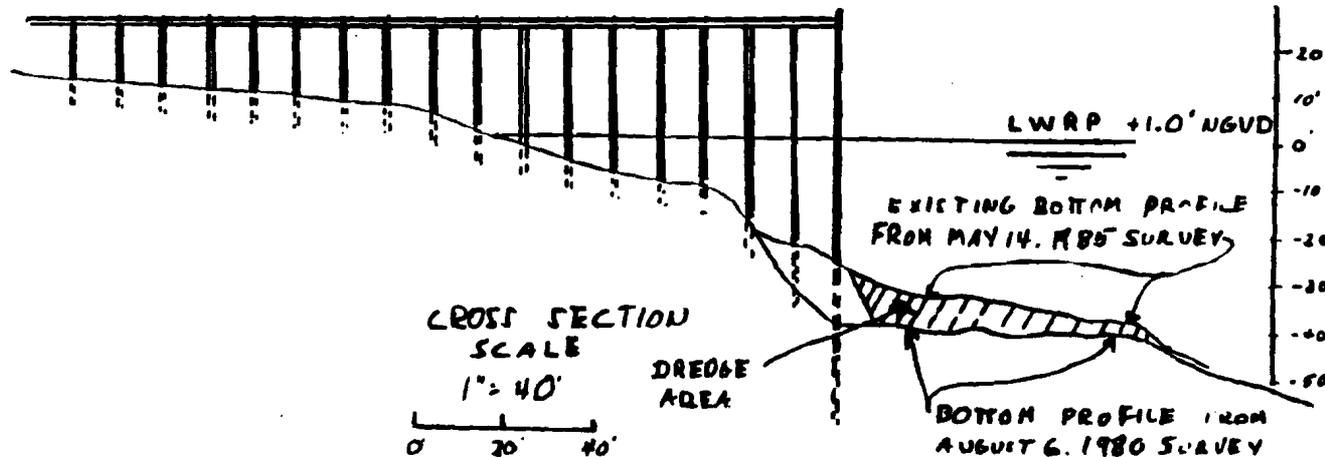
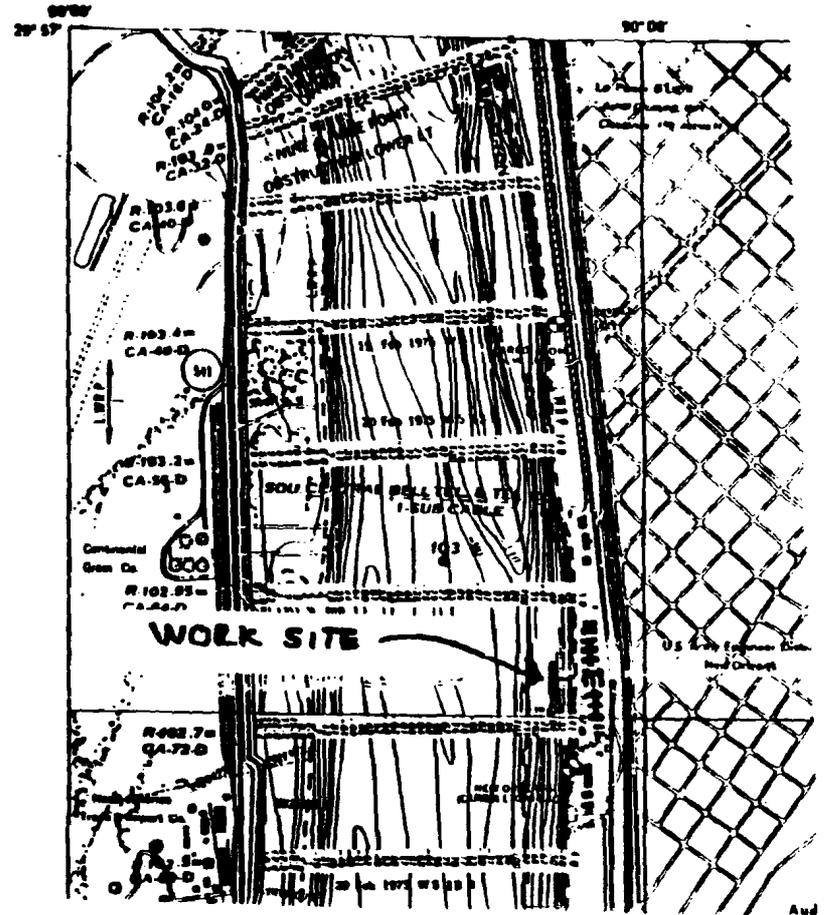
BY AUTHORITY OF THE SECRETARY OF THE ARMY:

  
Pete J. Serio  
Chief, Regulatory Branch  
for  
Alvin B. Lee  
Colonel, U.S. Army  
District Engineer

Enclosures

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

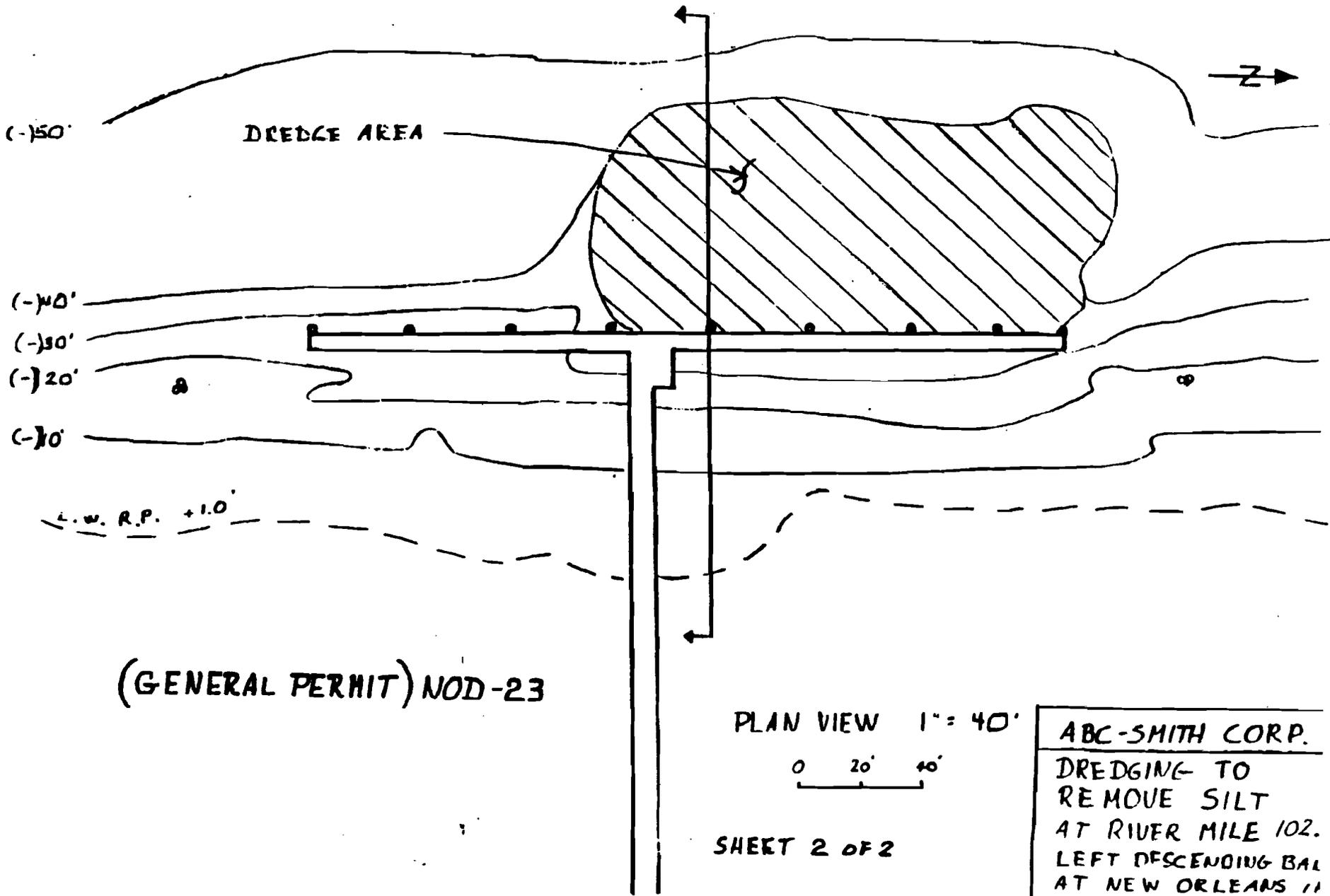
(GENERAL PERMIT) NOD-23



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

O  
M.L.  
102.7

MISSISSIPPI RIVER  
← FLOW



(GENERAL PERMIT) NOD-23

PLAN VIEW 1" = 40'  
0 20' 40'

SHEET 2 OF 2

ABC-SMITH CORP.  
DREDGING TO  
REMOVE SILT  
AT RIVER MILE 102.  
LEFT DESCENDING BAL  
AT NEW ORLEANS 11  
ORLEANS PARISH, LA.  
MAY 18, 1985