



**US Army Corps  
of Engineers**

Vicksburg District

4155 Clay Street  
Vicksburg, MS 39183-3435  
www.mvk.usace.army.mil



## Public Notice

<b>FILE NO.:</b>	<u>MVK-2014-61 (General Permit 33)</u>
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<b>DATE:</b>	<u>January 28, 2014</u>
<b>EXPIRATION DATE:</b>	<u>February 24, 2014</u>

**FOR:** CONSTRUCTION OF DRAINAGE AND/OR WATER LEVEL CONTROL STRUCTURES IN WATERS OF THE UNITED STATES AND THE ASSOCIATED DISCHARGE OF DREDGED AND/OR FILL MATERIAL

**WHERE:** REGULATORY JURISDICTION OF THE VICKSBURG DISTRICT IN ARKANSAS, LOUISIANA, AND MISSISSIPPI

**BY WHOM:** DISTRICT ENGINEER, VICKSBURG DISTRICT, ON BEHALF OF THE GENERAL PUBLIC FOR PROJECTS CONDUCTED OR SPONSORED BY THE U.S. DEPARTMENT OF AGRICULTURE, NATURAL RESOURCES CONSERVATION SERVICE

Interested parties are hereby notified that the U.S. Army Corps of Engineers, Vicksburg District, the Arkansas Department of Environmental Quality, the Louisiana Department of Environmental Quality, and the Mississippi Department of Environmental Quality are considering the reissuance of a General Permit and State Water Quality Certifications for activities described herein. Comments should be forwarded to the U.S. Army Corps of Engineers, Vicksburg District, ATTN: Regulatory Branch, 4155 Clay Street, Vicksburg, Mississippi 39183-3435, and the appropriate State Agency listed below. Comments must reach these offices by the expiration date cited above.

In Arkansas, comments regarding Water Quality Certification in accordance with Section 401 of the Clean Water Act (P.L. 95-217), should be directed to the Arkansas Department of Environmental Quality at 5301 Northshore Drive, North Little Rock, Arkansas 72118-5317.

In Louisiana, comments regarding Water Quality Certification in accordance with La. R.S. 30.2074(A)(93) and Section 401 of the Clean Water Act (P.L. 95-217) should be directed to the Louisiana Department of Environmental Quality, Office of Environmental Services. Additional information is on file with the above office, and may be inspected at any time between 8:00 a.m. and 4:30 p.m. weekdays. Copies may be obtained upon payment of cost of copying. Comments can be filed with the Office of Environmental Services within 30 days of this notice to the following address: Office of Environmental Services, Post Office Box 4313, Baton Rouge, Louisiana 70821-4313.

In Mississippi, comments regarding Water Quality Certification in accordance with Section 401 of the Clean Water Act (P.L. 95-217) should be directed to the Mississippi Department of Environmental Quality, Office of Pollution Control at Post Office Box 2261, Jackson, Mississippi 39225-2261.

The U.S. Army Corps of Engineers, Vicksburg District, is currently considering the reissuance of a Department of the Army General Permit for the construction of drainage structures and the associated discharge of dredged and/or fill material into waters of the United States for projects conducted or sponsored by the U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS), within the regulatory jurisdiction of the Vicksburg District in the States of Arkansas, Louisiana, and Mississippi. Widely used drainage structures include; but are not limited to, cantilever overfall pipes, drop inlet structures, water level control structures, and grade and erosion control structures. A map of the Vicksburg District (enclosure 1) and typical construction drawings (enclosure 2) are enclosed.

This proposed General Permit contains certain limitations intended to protect the environment including natural and cultural resources. Conformance with conditions contained in the General Permit would not necessarily guarantee authorization under this General Permit. In cases where the District Engineer considers it necessary, an application would be required for an individual permit. Construction, dredging, or fill operations not specifically authorized by this General Permit would be prohibited unless authorized by a separate permit.

This action is being taken pursuant to Federal regulations printed in the Federal Register on November 13, 1986, concerning permits for activities in waters of the United States. These regulations state the U.S. Army Corps of Engineers' responsibility for regulating structures or work in or affecting waters of the United States under Section 10 of the Rivers and Harbors Act of 1899 (30 Stat. 1151; 33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

General Permits may be issued for a category or categories of activities when: (1) those activities are substantially similar in nature and cause only minimal individual and cumulative environmental impacts; or (2) the General Permit would

result in avoiding unnecessary duplication of the regulatory control exercised by another Federal, State, or local agency, provided it has been determined that the environmental consequences of the action are individually and cumulatively minimal. The final decision regarding a determination that the proposed activities would comply with the requirements for the issuance of General Permits will be made based in part on comments received from responders to this public notice. Documentation of the final decision will be made available for inspection at the office of the Vicksburg District's Regulatory Branch at 4155 Clay Street, Vicksburg, Mississippi.

If issued, this General Permit would be valid for a 5-year period beginning on the issue date. At the end of that time, the cumulative environmental effects of completed work will be reviewed and reissuance of the permit may be considered. However, if unforeseen adverse environmental effects result from the issuance of this General Permit, it may be modified or terminated at any time. Case-specific authorizations under this General Permit would be valid until the General Permit expires or is terminated. When authorized activities are in progress on the expiration date of the General Permit, the authorization would be extended for up to 1 year to allow completion of authorized work.

In compliance with requirements of Section 401 of the Clean Water Act, the Vicksburg District is requesting water quality certification decisions from the Arkansas Department of Environmental Quality, the Louisiana Department of Environmental Quality, and the Mississippi Department of Environmental Quality stating that the work authorized by the proposed General Permit would not violate applicable provisions of Sections 301, 302, 306, and 307 of the Clean Water Act.

**REQUEST FOR AUTHORIZATION UNDER THE GENERAL PERMIT: IN ORDER TO BE AUTHORIZED BY THIS GENERAL PERMIT, PERSONS PROPOSING THE WORK ARE REQUIRED TO SUBMIT TO THE DISTRICT ENGINEER, IN WRITING, THE FOLLOWING INFORMATION IN 8 ½ X 11 INCH FORMAT AT LEAST 60 DAYS PRIOR TO CONDUCTING THE WORK:**

- a. State the number of the General Permit under which the work is to be conducted. (General Permit - 33)
- b. Name, mailing address, telephone number, and e-mail address of the party (person/agency) applying for authorization and for the agent (if applicable).
- c. A description of the proposed activity and its purpose, including an explanation of the current conditions at the site that need to be corrected/modified/improved and how the proposed activity would meet those needs.

**d. Estimated initiation and completion dates of construction.**

**e. A statement indicating that the work would be conducted in compliance with the terms and conditions of the General Permit and would not adversely impact adjoining properties.**

**f. A location map showing the proposed worksite (including latitude and longitude, Section, Township, Range, County or Parish, and State).**

**g. A delineation of wetlands, other special aquatic sites, and other waters, such as lakes, ponds, and perennial, intermittent, and ephemeral streams on the project site. Wetland delineations would be prepared in accordance with the current method required by the Corps. The applicant may ask the Corps to delineate the special aquatic sites, including wetlands, and other waters on the project site, but there may be a delay, especially if the project site is large or contains many waters of the United States. Furthermore, the application evaluation period would not start until the delineation has been submitted by the applicant or completed by the Corps, as appropriate.**

**h. An aquatic resource/waters table detailing the presence and location (latitude/longitude) of all special aquatic sites, including wetlands, and other waters within the project area, regardless of potential impact, as well as the type and size of these aquatic resources.**

**i. An impact table detailing the total impacts in acres (wetland) or linear feet (stream), type of wetland(s) or stream(s) to be impacted, impact activity (discharge of dredged or fill material, conversion, etc.), impact duration (temporary or permanent), and the latitude/longitude for each impact.**

**[NOTE: An Impact Table and an Aquatic Resource/Waters Table are available for use on the Vicksburg District's Regulatory Web Page]:**  
**<http://www.mvk.usace.army.mil/Missions/Regulatory/Permits.aspx>**

**j. A sufficiently labeled drawing of any proposed structures to illustrate elevations (when available), dimensions, total area impacted in acres, and amounts of excavated and fill material in cubic yards.**

**k. For projects that include adverse impacts to waters of the U.S., a complete application would include information on mitigation in all forms (i.e. avoidance, minimization, and compensation) to minimize overall adverse impacts to waters of the U.S. For projects with unavoidable impacts greater than 0.10 acre to wetlands, the complete application would include a conceptual mitigation plan stating whether compensatory mitigation requirements as determined by the Corps would be provided through: (1) purchase of mitigation credits from an approved mitigation bank or approved "in lieu fee" provider, or (2) permittee**

responsible mitigation. If the applicant proposes permittee responsible mitigation, the application would not be considered complete until the Corps received an acceptable permittee responsible mitigation plan.

[NOTE: Information on the Vicksburg District's current mitigation requirements is available on the MVK Regulatory Web Page]:

<http://www.mvk.usace.army.mil/Missions/Regulatory/Mitigation.aspx>

l. If any Federally-listed, or candidate, threatened or endangered species are near the project area, or if the project area is located in designated critical habitat for a listed species, the application would include the name(s) of those listed species or candidate species. If individuals, evidence of individuals, and/or suitable habitat are present at the project site, the application would describe all measures that would be implemented to avoid impacts to these resources. Additionally, since the NRCS would be the lead federal agency of projects it undertakes or sponsors, the application would include documentation of the final Endangered Species Act coordination and/or consultation between the NRCS and the U.S. Fish and Wildlife Service or the National Marine Fisheries Service.

m. The application would state if there is a known migratory wading bird rookery site or an American bald or golden eagle nest site near the project location. If individuals, evidence of individuals, and/or suitable habitat are present at the project site, the application would describe all measures that would be implemented to avoid impacts to these resources.

n. For an activity that may affect a listed historic property, property determined to be eligible for listing, or potentially eligible for listing on the National Register of Historic Places, the application would state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property. Additionally, since the NRCS would be the lead federal agency of projects it undertakes or sponsors, the application would include documentation of coordination/consultation between the NRCS and the State cultural resource agency and/or concerned Indian Tribes.

Upon receipt of this information, the District Engineer would evaluate the proposal and notify the inquiring party, in writing, that either the work would be authorized under the General Permit; would require additional information or would advise the inquiring party that the proposed activity would require an individual permit.

**Special Conditions:**

a. The authorized structures would not extend into the channel of the receiving stream so as to interfere with navigation (including recreational boating) or adversely affect the flow-carrying capacity of the receiving stream.

b. The pipe structure would be covered with at least 1.5 feet of suitable fill material.

c. The amount of material used for fill would not exceed 5,000 cubic yards. In Louisiana: If fill material is to be removed from a state-owned water body, the applicant must contact the Louisiana Department of Wildlife and Fisheries for fee charges.

d. The fill material would be compacted upon completion of construction. The site would be revegetated by sod, seed, or another acceptable method, as necessary, to restore cover and prevent erosion. In areas subject to currents, riprap may be used for slope protection.

e. Material used for fill may be obtained from site preparation. Additional fill could be obtained from an upland source and would be nonpolluting, in conformance with k., below. Additional material would not be obtained from any wetland or any area which would adversely affect an adjacent wetland.

f. No activity that may adversely impact a site listed or eligible for listing on the National Register of Historic Places, or a site that has previously been unevaluated, would be allowed by this General Permit. Additional fill material would not be taken from a known historical or archaeological site within or outside of regulated areas. If the permittee, during prosecution of work authorized herein, inadvertently discovers or accidentally destroys a cultural resource such as a cemetery, shipwreck, mound, historic structure, or archaeological site, within the area subject to Department of the Army jurisdiction, they would cease work in the immediate area and notify the District Engineer within 24 hours. The District Engineer, in consultation with the appropriate State Historic Preservation Officer and the Federally recognized Tribe, would comply with the procedures set forth in 33 CFR 325, Appendix C, paragraph 11 (Historic Properties Discovered During Construction).

g. Authorized structures would not increase the frequency, duration, or elevation of floodwaters on adjoining property. This General Permit does not authorize the construction of greentree reservoirs.

**h. If damage to a revetment were to occur as a result of work in accordance with this General Permit, the permittee would be required to make necessary repairs at their own expense. These repairs must meet specifications designated by the District Engineer.**

**i. Activities would not be authorized for work proposed on or adjacent to any stream in a component of a National Wild and Scenic Rivers System or in a component of a State Natural and Scenic Rivers System, without the appropriate Federal or State authorization.**

**j. The discharge would not occur in a Coastal Zone Management area without the appropriate State authorization. The coastal zone approval would be submitted with the request for authorization under this General Permit; therefore, in order to be authorized by this General Permit for work in Hancock County, Mississippi, or St. Tammany Parish, Louisiana, persons planning work in these coastal areas should first send complete plans to the appropriate state agency at one of the following addresses:**

**Mississippi Department of Marine Resources  
1141 Bayview Avenue  
Suite 101  
Biloxi, Mississippi 39530**

**Louisiana Department of Natural Resources  
Office of Coastal Management  
Post Office Box 44487  
Baton Rouge, Louisiana 70804-4487**

**k. Dredged, excavated, or fill material used for construction would be nonpolluting material in accordance with the Environmental Protection Agency Guidelines for the Discharge of Dredged or Fill Material found in 40 CFR 230.**

**l. All construction activities would be performed in a manner that would minimize increased turbidity of the water in the work area and otherwise avoid adverse effects on water quality and aquatic life, especially during fish spawning seasons. Adequate best management practices would be required.**

**m. All excavated material not used as backfill would be placed in a non-jurisdictional area (i.e., upland). If excavated material would be placed in an upland contained disposal area and return water discharged back into waters of the United States, a separate Department of the Army authorization may be required (See Nationwide Permit No. 16).**

**n. The discharge would not be located so as to adversely affect a public water supply intake or a national fish hatchery intake.**

**o. The discharge would not contain unacceptable levels of pathogenic organisms in areas used for activities involving physical contact with the water.**

**p. The discharge would not occur in areas of concentrated shellfish production.**

**q. No activity would be authorized under this General Permit which would be likely to directly or indirectly jeopardize the continued existence of a Federally-listed threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which would directly or indirectly destroy or adversely modify the critical habitat of such species. No activity would be authorized under this General Permit which "may affect" a listed species or critical habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed.**

**r. The permittee would be responsible for obtaining any "take" permits required under the U.S. Fish and Wildlife Service's regulations governing compliance with the Migratory Bird Treaty Act or the Bald and Golden Eagle Protection Act. The permittee would contact the appropriate local office of the U.S. Fish and Wildlife Service to determine if such "take" permits would be required for the activity.**

**s. The construction activity would not result in the relocation or blockage of a natural stream or river channel or have more than minimal adverse impacts to wetlands.**

**t. No sewage, oil, refuse, or other pollutants would be discharged into the waterbody.**

**u. Activities would not be authorized on a property/area managed by a state or federal natural resource agency (e.g. wildlife management areas, national wildlife refuges, national forests, etc.) without documented approval (e.g. special use permit, waiver, etc.) by the managing agency.**

**v. Authorizations for this General Permit would not be granted to an applicant who is in noncompliance with a Department of the Army permit until such noncompliance has been resolved.**

**w. Any conditions on the water quality certifications issued from the State in which the work is proposed would be incorporated by reference. Enforcement actions resulting from noncompliance with these conditions may be initiated by the State or the Environmental Protection Agency.**



**General Conditions:**

a. The permittee would maintain the activity authorized by the permit in good condition and in conformance with the terms and conditions of the permit. The permittee is not relieved of this requirement if the permitted activity is abandoned. However, a good faith transfer to a third party in compliance with General Condition b., below, would be acceptable. If the permittee desires to abandon the authorized activity without a good faith transfer, or wishes to cease to maintain the authorized activity, a modification of the authorization must be obtained from this office, which may require restoration of the area.

b. If the permittee sells the property associated with the authorization under this General Permit, the permittee would notify this office to ensure that the authorization is transferred to the new owner.

c. Representatives from this office would be allowed to inspect the authorized activity at any time deemed necessary to ensure that the activity is being, or has been, accomplished in accordance with the terms and conditions of the permit.

d. This permit would not obviate the need to obtain other Federal, State, or local authorizations required by law.

e. This permit would not grant any property rights or exclusive privileges.

f. This permit would not authorize any injury to the property or rights of others.

g. This permit would not authorize interference with any existing or proposed Federal project.

h. In issuing this permit, the Federal Government would not assume any liability for the following:

(1) Damages to the permitted project, or uses thereof, as a result of other permitted or unpermitted activities or from natural causes.

(2) Damages to the permitted project, or uses thereof, as a result of current or future activities undertaken by, or on behalf of, the United States in the public interest.

(3) Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

(4) Design or construction deficiencies associated with the permitted work.

(5) Damage claims associated with any future modification, suspension, or revocation of this permit.

i. In issuing individual authorization under this General Permit, the Government would rely on the information and data that the permittee provides in connection with the permit application. If, subsequent to the authorization, such information and data prove to be false, incomplete, or inaccurate, this authorization may be modified, suspended, or revoked, in whole or in part, and/or the Government may, in addition, institute appropriate legal proceedings.

j. This General Permit would be valid for 5 years.

**Further Information:**

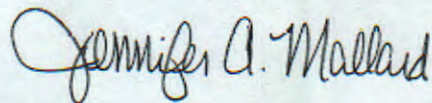
a. Additional copies of this Public Notice are available upon request from this office. Requests may be addressed to: USACE, Vicksburg District, ATTN: Regulatory Branch, 4155 Clay Street, Vicksburg, Mississippi 39183-3435.

b. The decision whether to issue a permit will be based upon 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 benefits, 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.

c. 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 Corps of Engineers to determine whether to issue, 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 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.

d. Any person may make a written request for a public hearing to consider this proposed General Permit. This request must be made by the expiration date of this public notice and must clearly state why a hearing is necessary. Any individual or agency may comment on the project described in this notice; however, failure to comment will be interpreted to mean that there is no objection to this proposed General Permit. All comments received will be evaluated during the review process of this proposed General Permit.

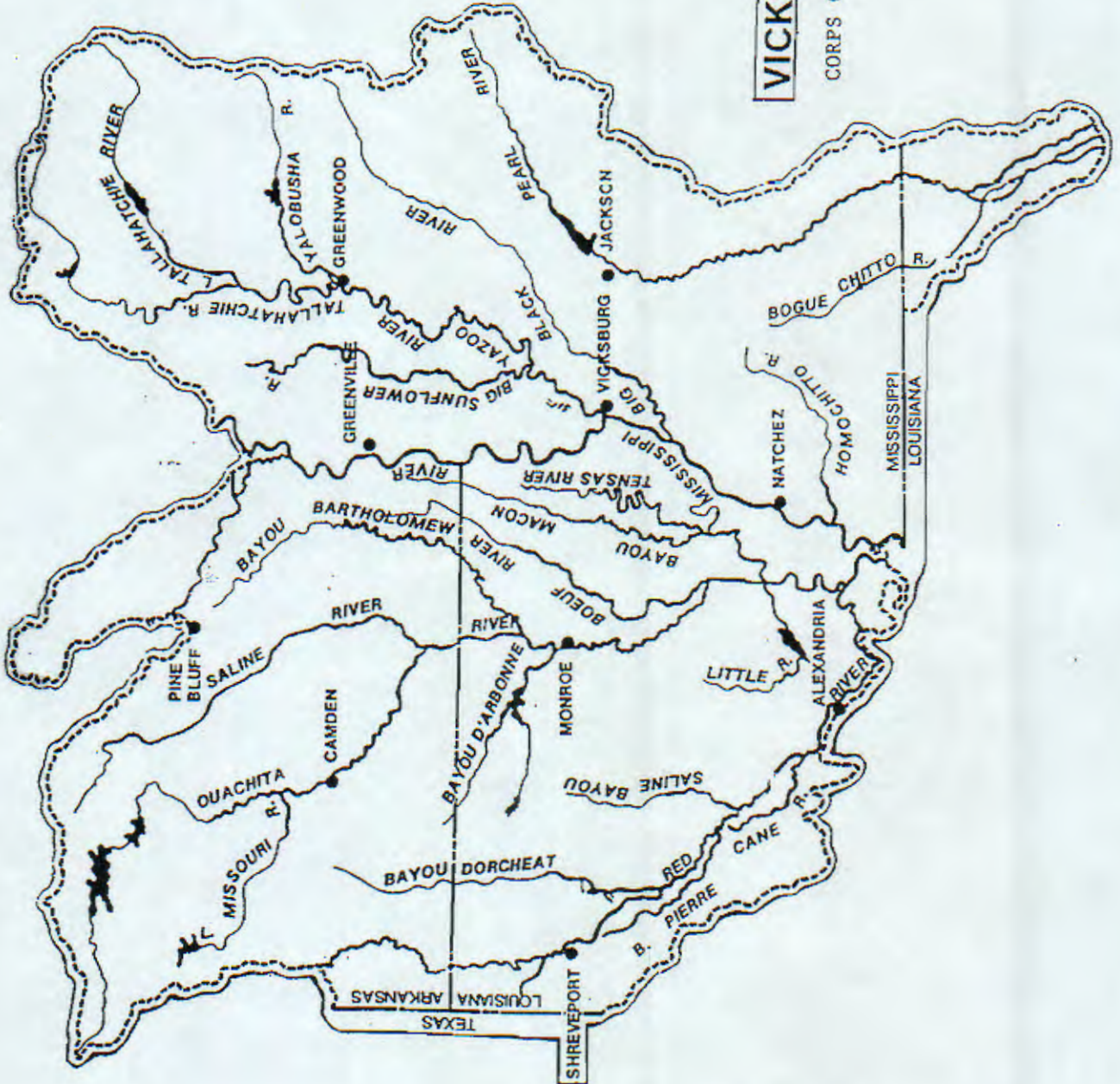
e. Please bring this announcement to the attention of anyone you know who may be interested in this matter. Anyone wishing to make comments may communicate with us at the following address: USACE, Vicksburg District, ATTN: Regulatory Branch, 4155 Clay Street, Vicksburg, Mississippi 39183-3435. Please refer to Identification No. MVK-2014-61.



**Jennifer A. Mallard  
Chief, Permit Section  
Regulatory Branch**

**VICKSBURG DISTRICT**

CORPS OF ENGINEERS

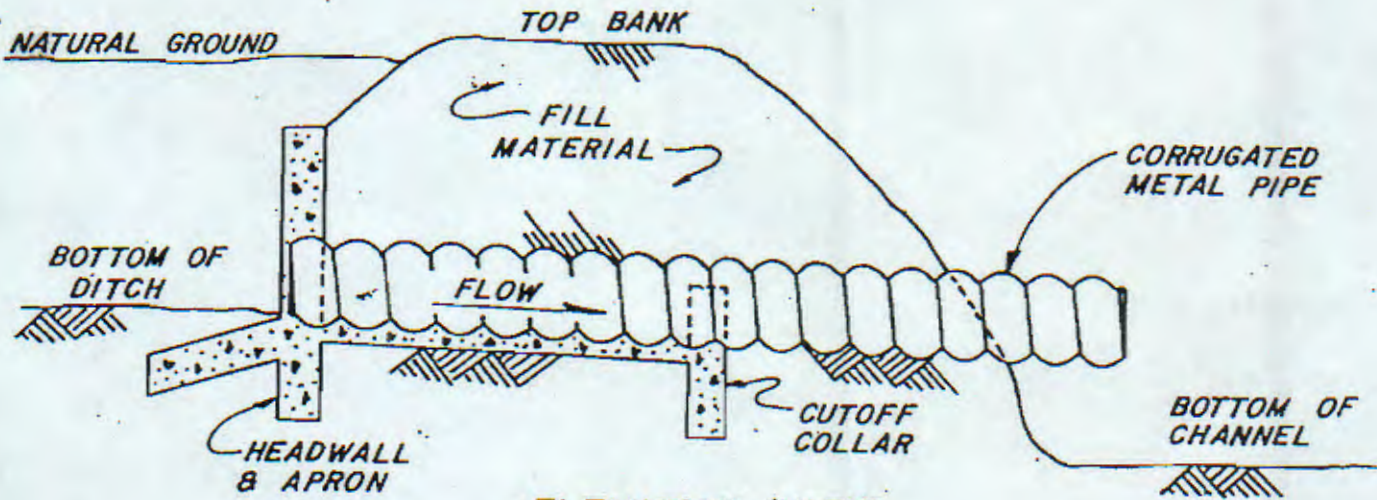


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GENERAL PERMIT - 33

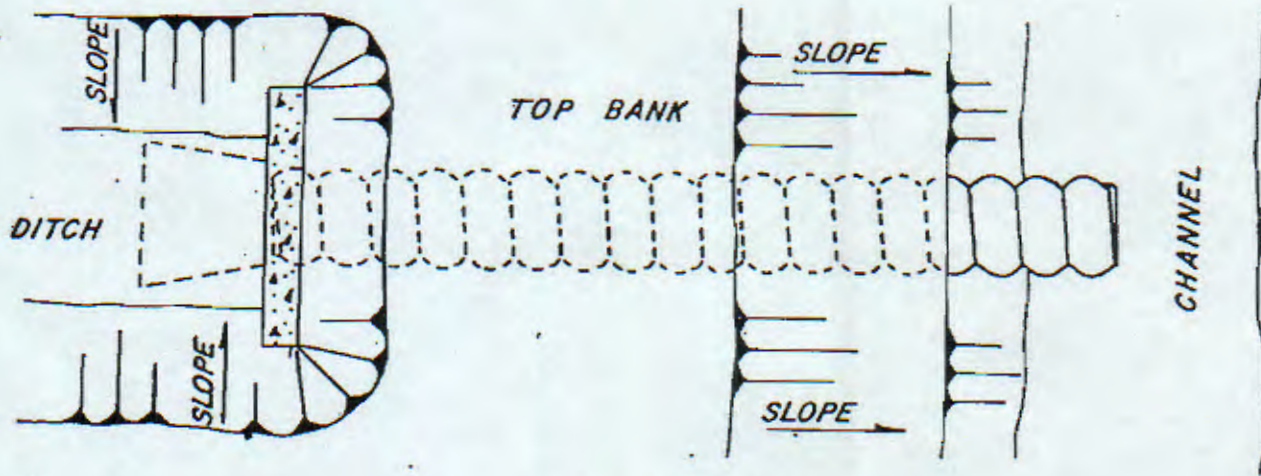
ENCLOSURE 1

# TYPICAL OVERFALL PIPE



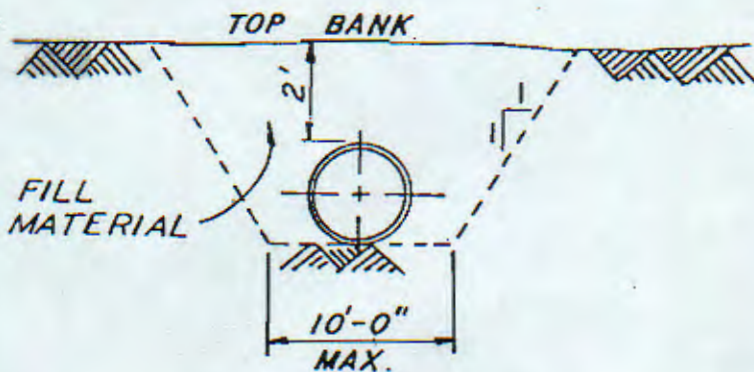
ELEVATION VIEW

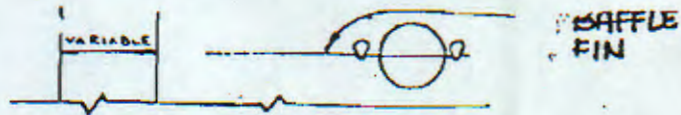
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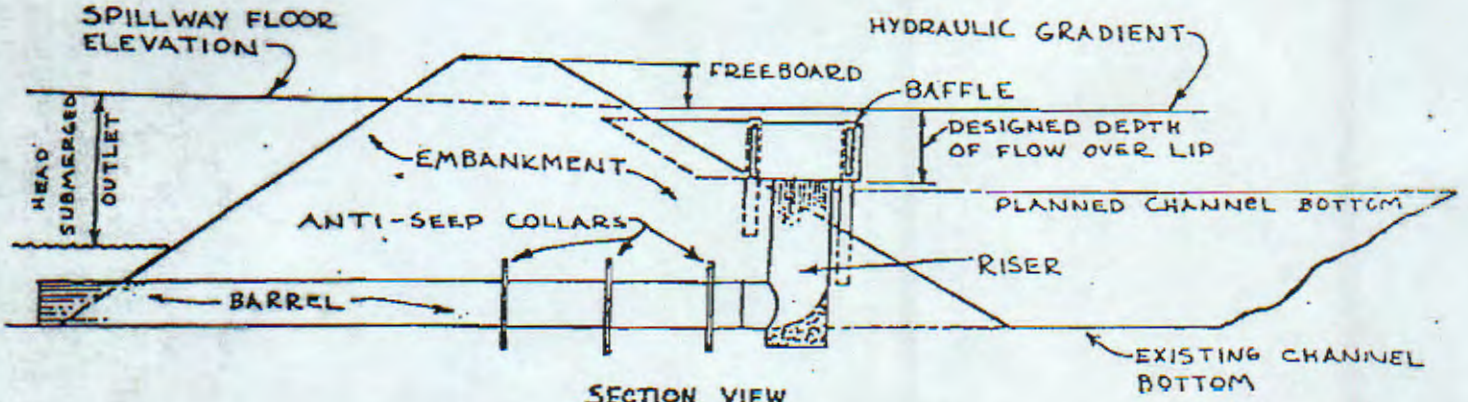
PLAN VIEW

NO SCALE





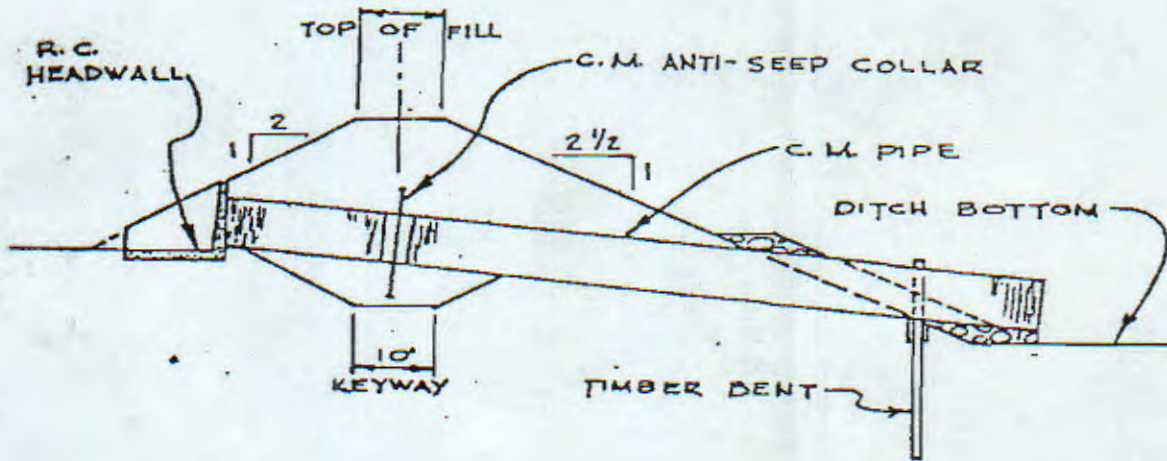
PLAN VIEW OF BAFFLE AND RISER



SECTION VIEW

DROP INLET STRUCTURE

NO SCALE



SECTION ALONG CENTERLINE  
GRADE CONTROL STRUCTURE