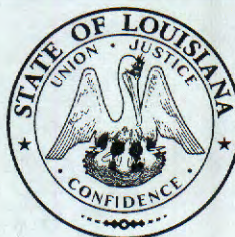




**US Army Corps
of Engineers**
Vicksburg District

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



General Permit

| | |
|-------------------------|---|
| FILE NO.: | MVK-2013-853 (General Permit 16) |
| EVALUATOR: | Mr. Chad Phillips |
| PHONE NO.: | (601) 631-5146 |
| FAX NO.: | (601) 631-5459 |
| E-MAIL: | chad.phillips@usace.army.mil |
| DATE: | April 25, 2014 |
| EXPIRATION DATE: | April 25, 2019 |

FOR: MAINTENANCE DREDGING OF ACCESS CHANNELS, PORT BASINS AND TERMINAL AREAS OF COMMERCIAL AND MUNICIPAL PORTS ALONG THE MISSISSIPPI RIVER WITHIN THE VICKSBURG DISTRICT

WHERE: PORTIONS OF THE MISSISSIPPI RIVER AND ADJACENT PORT AREAS WITHIN THE REGULATORY JURISDICTION OF THE VICKSBURG DISTRICT IN ARKANSAS, LOUISIANA, AND MISSISSIPPI

BY WHOM: DISTRICT ENGINEER, VICKSBURG DISTRICT, ON BEHALF OF EXISTING COMMERCIAL AND MUNICIPAL PORTS AND HARBORS

The U.S. Army Corps of Engineers, Vicksburg District, is hereby issuing a Department of the Army General Permit for maintenance dredging for the removal of silt accumulations around existing docks, under existing barge fleeting and mooring areas, and within associated access channels and port basins; and the disposal of the dredged material. Dredged material may be disposed of in an upland contained disposal area, (non-jurisdictional area), or as a hydraulic suspension into "swift water" of the main channel of the river. A map indicating the portion of the Mississippi River located within the Vicksburg District is attached (enclosure 1).

This General Permit contains certain limitations intended to protect the environment and natural and cultural resources. Conformance with conditions contained in the General Permit does not necessarily guarantee authorization under this General Permit. In cases where the District Engineer considers it necessary, an application for an individual permit will be required. Construction, dredging, or fill operations not specifically authorized by this General Permit are 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 comply with the requirements for issuance of General Permits was made using information which is available for inspection at the offices of the Vicksburg District's Regulatory Branch at 4155 Clay Street, Vicksburg, Mississippi.

In compliance with requirements of Section 401 of the Clean Water Act, the Vicksburg District has obtained water quality certification (WQC) from the Arkansas Department of Environmental Quality and the Louisiana Department of Environmental Quality stating that the work authorized by the General Permit will not violate applicable provisions of Sections 301, 302, 306, and 307 of the Act. A copy of the Arkansas and Louisiana water quality certifications is attached (enclosure 2).

As of the date of this General Permit issuance, the Vicksburg District has not received certification regarding water quality from the Mississippi Department of Environmental Quality. Until the Vicksburg District receives a WQC determination from the Mississippi Department of Environmental Quality, the applicant will be responsible for obtaining an individual WQC prior to initiation of any work being authorized under this General Permit. If the Corps receives the WQC determination from the Mississippi Department of Environmental Quality, we will review the certification/determination and any associated conditions to assure that they are reasonably implementable or enforceable, according to 33 CFR 325.4(c). If the Corps accepts the certification and conditions, a copy of the certification will be attached in enclosure 2 of this General Permit.

REQUEST FOR AUTHORIZATION UNDER THE GENERAL PERMIT: IN ORDER TO BE AUTHORIZED BY THIS GENERAL PERMIT, PARTIES 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 will be conducted. (General Permit - 16)

b. Statement that the work will be conducted in compliance with the terms and conditions of the General Permit and will not adversely impact adjoining properties.

c. Map showing the location of the project area to be dredged. The map should include accurate coordinates (latitude/longitude), River Mile, Section, Township, Range, County or Parish, and State.

d. Drawings and/or aerial photographs labeled to illustrate the configuration of the port, access channel(s), fleeting area(s), terminal(s) and mooring stations, etc. The drawings shall also identify the location for dredged material disposal site(s).

e. Plan view illustration(s) of the work area(s) to include the results of a hydrographic survey depicting the "pre-dredge" bottom contours in the area(s) to be dredged, and those areas immediately adjacent to the area(s) to be dredged. The area(s) to be dredged shall be clearly delineated and labeled on this plan view illustration. Additionally, the dredged material disposal site(s) shall be delineated on this illustration.

f. A brief description of the proposed activity, including an estimate of the area to be dredged and the cubic yards of material to be dredged. The description shall also state the type(s) of dredging operation (e.g. "clamshell" excavation, hydraulic, etc.), and the location of the disposal site. If excavated material will be discharged at an upland disposal site, the application must describe any containment measures and explain if there will be "return water" discharged back into waters of the U.S.. (NOTE: a separate Department of the Army permit will be required for return water from an upland contained disposal area (See Nationwide Permit No. 16.)

g. Estimated starting and completion dates of the dredging operation.

h. Name, mailing address, and telephone number of the party (person/agency) applying for authorization.

Special Conditions:

1. The permit shall authorize maintenance dredging for the removal of silt in order to maintain a nine-foot navigation channel.

2. The permittee shall submit a hydrographic survey depicting the depth and bottom configuration of the site after completion of dredging activities, and provide revised estimates of the area dredged and the cubic yards of material dredged. This information shall be submitted with the completed and signed certification of compliance form.

3. The permit shall be limited to maintenance dredging activities required for operation of existing commercial and municipal ports and terminals along the Mississippi River within the Vicksburg District, U.S. Army Corps of Engineers.

4. Material dredged by hydraulic dredging shall be disposed in the "swift water" of the main channel of the river, or in an upland contained disposal area. Material excavated by clamshell or other excavation equipment shall be disposed at upland disposal areas, unless the excavated material is first processed as a slurry with river water to a consistency similar to hydraulic dredged material and then disposed in the "swift water" of the main channel of the river.

5. Material shall not be placed in Corps dredged and maintained navigation channels if the Corps determines such disposal will require later removal of the material by the federal government to maintain the navigation channel.

6. Dredge and disposal operations shall be conducted in such a manner as to avoid interference with navigation to the maximum extent practicable. Dredging equipment, including discharge lines, shall be marked and lighted in accordance with U.S. Coast Guard regulations. Additionally, the permittee shall be required to provide notice to the U.S. Coast Guard in sufficient advance of initiating work to allow required posting of a "Notice to Mariners".

7. No activity that may adversely affect a site listed in or eligible for listing in the National Register of Historic Places shall be authorized by this General Permit until the requirements of Section 106 of the National Historic Preservation Act have been satisfied. Additional material shall not be taken from a known historical or archaeological site. If the permittee, during prosecution of work authorized herein, encounters a previously unidentified cultural resource such as a cemetery, shipwreck, mound, historic structure, or archaeological site, within the area subject to Department of the Army jurisdiction, they shall immediately notify the District Engineer. The District Engineer, in consultation with the appropriate State Historic Preservation Office and the Federally recognized Tribe, will comply with 33 CFR 325, Appendix C, paragraph 11 (Historic Properties Discovered During Construction).

8. All construction activity shall be performed in a manner that will 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.

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

10. If the water quality certification requires testing of sediments for possible toxic substances or other "contaminants" (e.g. unacceptable levels of pathogenic organisms) prior to initiating dredging activities at a site, authorization under this general permit shall be contingent upon compliance with the state water quality certification.

11. Compliance with conditions of the water quality certification and any testing shall be the responsibility of the permittee and the state Department of Environmental Quality.

12. The discharge shall not occur in areas of concentrated shellfish production.

13. No activity shall be authorized under this General Permit which is 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 will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity shall 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.

14. The activity shall not result in the relocation or blockage of a natural stream or river channel or adversely impact or drain wetlands.

15. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.

General Conditions:

a. Approvals under this General Permit shall be valid for one year from the date of authorization. Additional dredging activities at the same location within one year from the date of authorization shall require a separate evaluation.

b. You must notify the U.S. Coast Guard of the proposed project concurrently with notification to this office.

c. If you sell the property associated with the authorization under this General Permit, you must contact this office so that the authorization can be transferred to the new owner.

d. 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.

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

f. This permit does not grant any property rights or exclusive privileges.

g. This permit does not authorize any injury to the property or rights of others.

h. This permit does not authorize interference with or damages to any existing or proposed Federal project.

i. In issuing this permit, the Federal Government does 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.

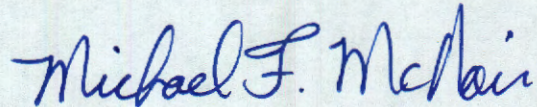
(4) Design or construction deficiencies associated with the permitted work.

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

j. In issuing individual authorization under this General Permit, the Government shall rely on the information and data which the permittee provides in connection with his 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.

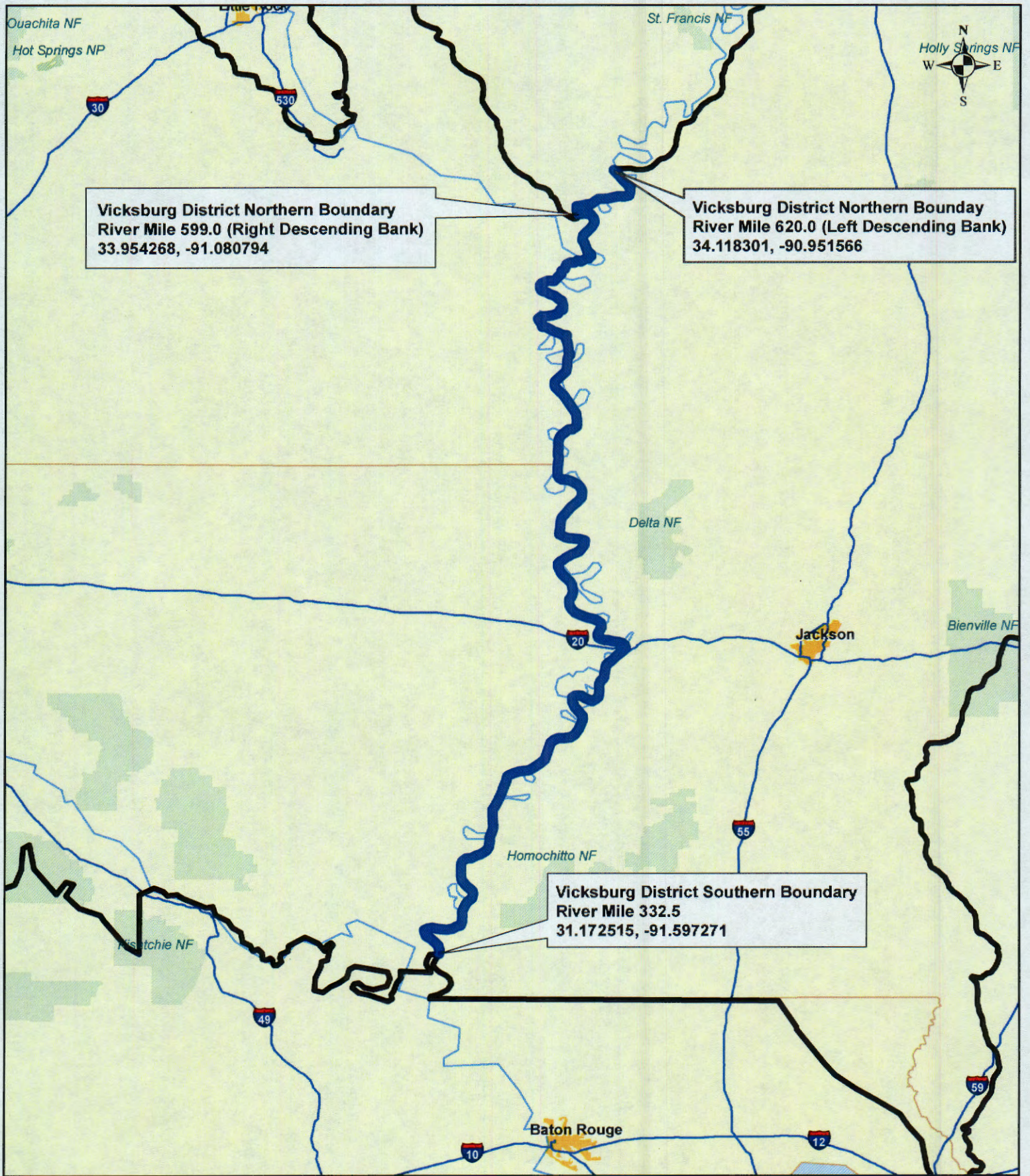
k. The General Permit is valid for 5 years from the date of issuance. At the end of that time, the cumulative environmental effects of completed work will be reviewed and reissuance of the permit may be considered. However, if unforeseen adverse environmental effects result from the issuance of this General Permit, it may be modified or terminated at any time.

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



Michael F. McNair, R.F.
Chief, Regulatory Branch

Enclosures



Legend

— Mississippi River within the Vicksburg District

ADEQ

ARKANSAS
Department of Environmental Quality

December 18, 2013

Colonel John W. Cross, District Commander
U.S. Army Corps of Engineers
4155 Clay Street
Vicksburg, MS 39183-3435

RE: PUBLIC NOTICE: MVK-2013-853 (General Permit 16)

Dear Colonel Cross:

The Arkansas Department of Environmental Quality ("ADEQ") has completed its review of the above referenced public notice for the District Engineer, Vicksburg District of the U.S. Army Corps of Engineers on behalf of existing commercial and municipal ports and harbors propose the issuance of General Permit 16, which would authorize maintenance dredging for the removal of silt accumulations around existing docks, under existing barge fleeting and mooring areas, and within associated access channels and port basins; and the disposal of dredged material. Dredged material may be disposed of in an upland area, (non-jurisdictional area), or as a hydraulic suspension into "swift water" of the main channel of the river. The general permit would expire 5 years from the date of issuance unless it is specifically modified, suspended, or revoked prior to that date.

ADEQ has determined that there is a reasonable assurance that this activity will be conducted in a manner which, according to the Arkansas Pollution Control and Ecology Commission's Regulation No.2, will not physically alter a significant segment of the waterbody and will not violate the water quality criteria.

Pursuant to §401(a)(1) of the Clean Water Act, the ADEQ hereby issues water quality certification for this project contingent upon the following conditions:

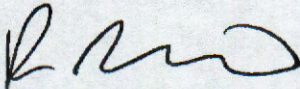
- 1) The applicant shall implement and maintain all practicable best management practices to avoid excessive impacts of sedimentation and turbidity to the surface waters.
- 2) The applicant will take all reasonable measures to prevent the spillage or leakage of any chemicals, oil, grease, gasoline, diesel or other fuels. In the unlikely event such spillage or leakage occurs, the applicant must contact ADEQ immediately.
- 3) The applicant shall comply with any applicable provisions of the NPDES Storm Water Program. More information can be obtained by contacting the NPDES Storm water Section of ADEQ at 501-682-0621.

In issuing this certification, ADEQ does not assume any liability for the following:

- a. Damages to the proposed project, or uses thereof, as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity specified in this certification.
- c. Design or construction deficiencies associated with this proposed project.

Please contact Mark Hathcote, of the Water Division, at (501) 682-0028 if you have any questions regarding this certification.

Sincerely,



Ryan Benefield, P.E.
Deputy Director

cc: Ms. Jennifer A. Mallard, Chief, Permit Section, Regulatory Branch, Vicksburg COE
J. Randy Young, P.E., Chairman, Technical Review Committee, ANRC
Wanda Boyd, Region VI, Environmental Protection Agency

BOBBY JINDAL
GOVERNOR



PEGGY M. HATCH
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
ENVIRONMENTAL SERVICES

DEC 11 2013

U.S. Army Corps of Engineers- Vicksburg District
4155 Clay Street
Vicksburg, MS 39183-3435

Attention: Chad Phillips

RE: Water Quality Certification (WQC 130930-01/AI 189210/CER 20130001)
Corps of Engineers Permit (MVK-2013-853)
Concordia, East Carroll, Madison & Tensas Parishes

Dear Mr. Phillips:

The Louisiana Department of Environmental Quality (the Department) has reviewed your application to establish a general permit (Vicksburg District general permit 16 (GP-16)) to cover maintenance dredging activities along the Mississippi River for five years.

Based on the information provided in the application, the Department made a determination that the requirements for a Water Quality Certification have been met and concludes that the placement of the fill material will not violate water quality standards of Louisiana as provided for in LAC 33:IX.Chapter 11. Therefore, the Department hereby issues a Water Quality Certification to U.S. Army Corps of Engineers- Vicksburg District.

If you have any questions, please call Jamie Phillippe at 225-219-3225.

Sincerely,

A handwritten signature in blue ink, appearing to read "Scott Guilliams".

Scott Guilliams
Administrator
Water Permits Division

SG/jjp