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General Permit

FILE NO.: GENERAL PERMIT 32 EFFECTIVE DATE: February 06, 2025

EXPIRATION DATE: February 06, 2030

FOR: REGULATED ACTIVITIES IN WATERS OF THE UNITED STATES

ASSOCIATED WITH THE CONSTRUCTION OF MINOR DRAINAGE

AND WATER LEVEL CONTROL STRUCTURES

WHERE: REGULATORY JURISDICTION OF THE VICKSBURG DISTRICT IN

ARKANSAS, LOUISIANA, AND MISSISSIPPI

BY WHOM: DISTRICT ENGINEER, VICKSBURG DISTRICT, ON BEHALF OF THE

PUBLIC

The U.S. Army Corps of Engineers (USACE), Vicksburg District, is hereby issuing a Department of the Army General Permit (General Permit 32), with modifications, for regulated activities including discharges of dredged and/or fill material in waters of the United States, associated with construction of minor drainage and water level control structures. Widely used drainage and water control structures include, but are not limited to, cantilever overfall pipes, drop inlet structures, water level control structures, and grade and erosion control structures. Attached is a map of the Regulatory boundary of the Vicksburg District (enclosure 1) and typical construction drawings (enclosure 2).

This action is being taken pursuant to Federal regulations printed in the <u>Federal Register</u> 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 navigable 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 discharges of dredged and/or fill material into waters of the United States under 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 that is available for inspection at the offices of the Vicksburg District's Regulatory Division at 4155 Clay Street, Vicksburg, Mississippi 39183-3435.

This General Permit contains certain limitations intended to protect the environment and natural and cultural resources. Construction, dredging, or fill operations which include regulated work and/or discharges of dredged or fill material into Section 10/404 or Section 404 regulated waters of the United States (collectively hereafter referred to as: WOTUS) which are not specifically authorized by this General Permit are prohibited unless specifically approved by the District Engineer via separate authorization. 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.

In compliance with requirements of Section 401 of the Clean Water Act, the Vicksburg District received a water quality certification (WQC) for General Permit 32 from: Arkansas Department of Energy and Environment; Louisiana Department of Environmental Quality; and Mississippi Department of Environmental Quality. A copy of the Arkansas, Louisiana, and Mississippi water quality certifications is attached (enclosure 3).

A. Proposed General Permit 32:

REQUEST FOR AUTHORIZATION UNDER GENERAL PERMIT 32 – APPLICATION REQUIREMENTS: 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 THE PLANNED START DATE FOR THE WORK:

- 1. State the number of the General Permit under which the work will be conducted. (General Permit 32) (GP 32)
- 2. Statement that the work will be conducted in compliance with the terms and conditions of GP 32 and will not adversely impact adjoining properties.
- 3. A location description including: latitude and longitude; Section, Township, Range; County or Parish, and State; a plan-view (including a digital aerial overlay), and location map showing the proposed worksite.
- 4. Estimated starting and completion dates of the project.

- 5. Name, mailing address, telephone number, and email address of the party (person and agency) applying for authorization.
- 6. A description of the proposed activity and its purpose, including:
 - a. drawings (plan and profile) of the proposed structure with elevations.
 - b. indication of the ordinary high-water mark (when available).
 - c. dimensions (in feet), total area impacted (in acres for wetlands; in both acres and linear feet for streams).
 - d. amounts of excavated and fill material (in cubic yards).
- 7. A delineation of all waters of the United States (WOTUS) within the project area, including special aquatic sites (e.g. wetlands) and other waters of the U.S. such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations will 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 if the Corps does the delineation, especially if the project site is large or contains many waters of the United States. Furthermore, the application evaluation period will not start until the delineation has been submitted by the applicant or completed by the Corps, as applicable.
- 8. An informational narrative and/or list detailing:
 - a. individual aquatic resource impacts (in acres for wetlands; in acres and linear feet for streams).
 - b. total quantity of impacts for each resource type (e.g. emergent wetland, forested wetland, intermittent stream, etc.).
 - c. all impact activities (discharge of dredged and/or fill material, conversion, etc.), and impact duration (temporary or permanent).
 - d. the latitude/longitude (approximate center point) for each impact
 - e. current site photos representative of the WOTUS to be impacted.

[NOTE: An Aquatic Resources Identification and Impacts Spreadsheet is available for use on the Vicksburg District's Regulatory Web Page]: https://www.mvk.usace.army.mil/Missions/Regulatory/Permits/

9. A narrative describing how impacts to WOTUS were minimized to the maximum extent practicable. For projects that include adverse impacts to WOTUS, the complete application shall include information on mitigation in all forms (i.e. avoidance, minimization, and compensation). For projects with unavoidable adverse functional impacts greater than 0.10 acre to wetlands or greater than 0.03 acre of streams, the complete application shall include a statement describing: how, if required, the compensatory mitigation requirement will be satisfied (either though purchase of mitigation credits from an approved

mitigation bank or "in lieu fee" provider, or through permittee responsible mitigation); or explaining why the project-specific adverse effects are no more than minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan. If the applicant proposes permittee responsible mitigation, the application will not be considered complete until the Corps receives an acceptable permittee responsible mitigation plan.

[NOTE: Information on the Vicksburg District's current mitigation requirements is available on the MVK Regulatory Web Page]: https://www.mvk.usace.armv.mil/Missions/Regulatory/Mitigation/

- 10. If another Federal agency is involved in the project through technical assistance, funding/grants, or other means: identify the agency; briefly describe the involvement of the agency; and provide a point of contact (name, phone number and email address).
- 11. A description of the Best Management Practices that will be used to minimize movement of disturbed soil(s) from the construction into adjacent WOTUS.
- 12. For non-Federal permittees, if any ESA-listed species (or species proposed for listing) or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, the application must include the name(s) of those endangered or threatened species that might be affected by the proposed activity or utilize the designated critical habitat that might be affected by the proposed activity. Federal permittees must provide documentation demonstrating compliance with the Endangered Species Act.
- 13. For non-Federal permittees, if the activity might have the potential to cause effects to a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the <u>National Register of Historic Places</u>, the application must state which historic property might have the potential to be affected by the proposed activity or include a vicinity map indicating the location of the historic property. Federal permittees must provide documentation demonstrating compliance with section 106 of the National Historic Preservation Act.
- 14. 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; on a property/area owned or managed by a State or Federal natural resource agency (e.g. wildlife management areas, national wildlife refuges, national forests, etc.), the applicant must submit with their request for authorization under this General Permit, the agency point of contact (including phone number, mailing address, and email address) and proof of

initiation of the applicant's request for approval from the managing agency.

15. For activities affecting structures or works built by the United States: If a GP 32 activity also requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a USACE Federally authorized Civil Works project, the application must include a statement (and any associate documents) confirming that the project applicant has submitted a written request for Section 408 permission to the Vicksburg District office having jurisdiction over that USACE project.

Upon receipt of this information, the District Engineer will evaluate the proposal and advise the inquiring party, in writing, that the work shall be authorized under General Permit 32; or will require an individual permit (if it exceeds the authoritative capacity of the General Permit) and/or additional separate authorizations.

B. Special Conditions:

- 1. The authorized structures shall 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.
- 2. The pipe structure shall be covered with at least 1.5 feet of fill material.
- 3. The amount of material used for fill shall not exceed 1,000 cubic yards.
- 4. Best management practices shall be used to prevent off-site movement of disturbed soils. The fill material shall be compacted upon completion of construction. The site shall be revegetated by sod, seed, or another acceptable method, as necessary, to restore cover and prevent erosion. In areas subject to currents, riprap could be used for slope protection.
- Material used for fill shall be obtained from onsite and/or offsite upland sources.
 Additional material shall not be obtained from WOTUS or any area that will affect an adjacent WOTUS.
- 6. No activity that has the potential to cause effects to properties listed, or eligible for listing, in the <u>National Register of Historic Places</u>, or a site that has previously been unevaluated, could be authorized by this General Permit until the requirements of Section 106 of the National Historic Preservation Act have been satisfied. Additional fill material shall 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 accidently 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 must 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, shall comply with the procedures set forth in 33 CFR 325, Appendix C, paragraph 11 (Historic Properties Discovered During Construction).

- Authorized structures shall not increase the frequency, duration, or elevation of floodwaters on adjoining property. This General Permit does not authorize the creation of new greentree reservoirs.
- 8. If damage to a revetment were to occur as a result of work in accordance with this General Permit, the permittee is required to make necessary repairs at their own expense. These repairs shall meet specifications designated by the District Engineer.
- 9. Activities shall 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.
- 10. The regulated activity shall not occur in a Coastal Zone Management Area without the appropriate State authorization indicating concurrence that the activity is consistent with the State's Coastal Program (as per the provisions of the Coastal Zone Management Act). The coastal zone concurrence shall 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 will first send complete plans to the appropriate State agency at the applicable address below:

Mississippi Department of Marine Resources 1141 Bayview Avenue Biloxi, Mississippi 39530

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

- 11. Dredged, excavated, or fill material used for construction shall be nonpolluting material in accordance with the Environmental Protection Agency Guidelines for the Discharge of Dredged or Fill Material found in 40 CFR 230.
- 12. All construction activities shall be performed in a manner that will minimize

- increased suspended sediment/turbidity of the water in the work area and downstream, and otherwise avoid adverse effects on water quality and aquatic life, especially during fish spawning seasons.
- 13. All excavated material not used as backfill shall be placed in a non-jurisdictional area (i.e., upland) unless specifically approved via separate authorization. If dredged material is 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 could be required (See Nationwide Permit No. 16).
- 14. The discharge shall not be located so as to adversely affect a public water supply intake or a national fish hatchery intake.
- 15. The discharge shall not contain unacceptable levels of pathogenic organisms in areas used for activities involving physical contact with the water.
- 16. The discharge shall not occur in areas of concentrated shellfish production.
- 17. No activity is 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 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.
- 18. Activities in WOTUS that will impact known wading bird rookeries must be avoided to the maximum extent practicable. The permittee is 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 will contact the appropriate local office of the U.S. Fish and Wildlife Service to determine if such "take" permits are required for a particular activity.
- 19. The construction activity shall not result in the relocation or blockage of a natural stream or river channel or adversely impact or drain wetlands. Weirs and/or water control structures shall be constructed in a manner that the overfall (full width or notched) is fixed at a minimum of 6 inches below the ordinary high-water mark of the waterbody. On a case-specific basis, a secondary outlet source may be required. When required, the secondary outlet source shall be constructed within the flowline of the waterbody, remain open during non-operational periods, and be constructed in a manner that allows free flow at low water stages.

- 20. No activity shall substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water.
- 21. No sewage, oil, refuse, or other pollutants shall be discharged into the waterbody.
- 22. Projects located on property encumbered by a Natural Resources Conservation Service (NRCS) Wetlands Reserve Program (WRP) easement are not authorized without written release/approval from the NRCS. Under such situations, the application is not considered complete until the Corps is provided written documentation of release/approval from the agreement by the NRCS.
- 23. Activities are not 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.
- 24. Authorizations for this General Permit shall not be granted to an applicant who is in noncompliance with a Department of the Army permit until such noncompliance has been resolved.
- 25. Conditions on the water quality certifications issued from the State in which the work is proposed that satisfies the requirements of 40 CFR Part 121.7(d) shall be incorporated by reference. Enforcement actions resulting from noncompliance with these conditions could be initiated by the State or the Environmental Protection Agency.
- 26. The permittee shall return a Certification of Compliance after completing construction of the authorized activity.

C. General Conditions:

1. The activity authorized by the permit shall be maintained 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 "2.", below, is acceptable. Should the permittee desire to abandon the authorized activity without a good faith transfer, or should the permittee wish to cease to maintain the authorized activity, the permittee shall obtain a modification of the authorization from this office, which could require restoration of the area.

- 2. If the property associated with the authorization under this General Permit is sold, the permittee shall notify this office to ensure that the authorization is transferred to the new owner.
- 3. Representatives from this office shall be allowed 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.
- 4. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.
- 5. This permit does not grant any property rights or exclusive privileges.
- 6. This permit does not authorize any injury to the property or rights of others.
- 7. An activity that requires Section 408 permission because it will alter or temporarily or permanently occupy or use a USACE federally authorized Civil Works project (Activities Affecting Structures or Works Built by the United States, 33 U.S.C. 408) shall not be authorized by GP 32 until the appropriate Corps office issues the Section 408 permission to alter, occupy, or use the USACE Civil Works project, and the District Engineer issues a written GP 32 authorization.

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 or her authorized representative, said structure or work is causing 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 structural 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.

- 8. In issuing this permit, the Federal Government does not assume any liability for the following:
 - a. Damages to the permitted project, or uses thereof, as a result of other permitted or unpermitted activities or from natural causes.
 - b. 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.
 - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
 - d. Design or construction deficiencies associated with the permitted work.

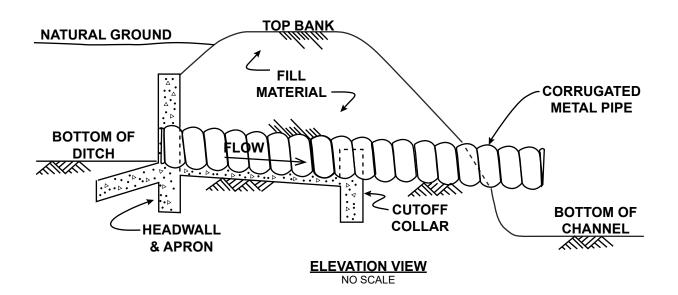
- e. Damage claims associated with any future modification, suspension, or revocation of this permit.
- 9. In issuing individual authorization under this General Permit, the Government shall rely on the information and data, which the permittee provides in connection with the permit application. If, 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.
- 10. The permittee shall immediately notify the Corps of any unforeseen activities, including emergency activities, that are directly or indirectly associated with the authorized activity and that may require separate authorization.
- 11. The General Permit is valid for five years from its effective 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.
- 12. Authorization under this General Permit is valid until the General Permit expires. Activities which are under construction, or that are under contract to commence in reliance upon this General Permit, are authorized provided the activity is completed within 12 months of the expiration date of the authorization.

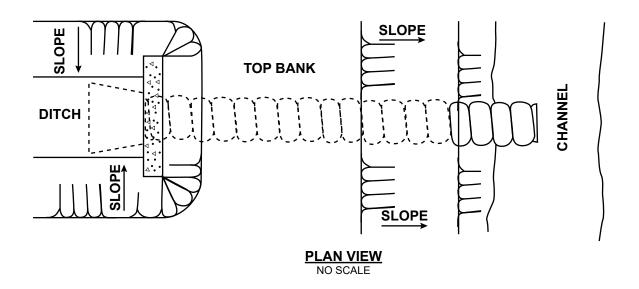
Bryan Williamson (Acting) Chief, Regulatory Division

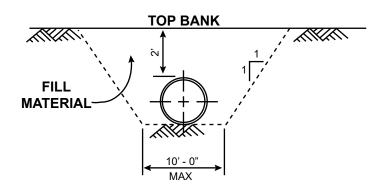
Enclosures

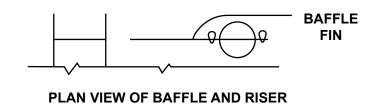


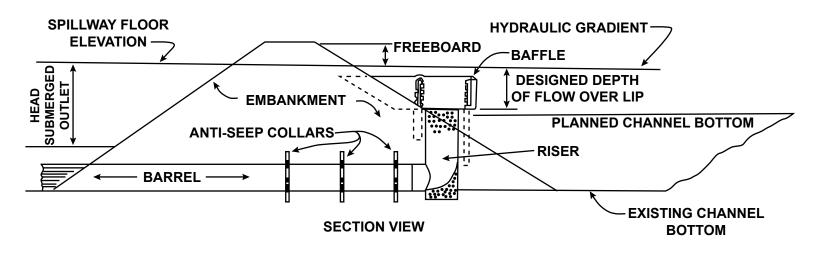
TYPICAL OVERFALL PIPE





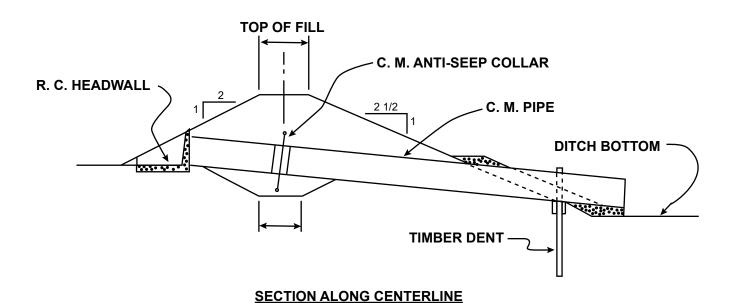






DROP INLET STRUCTURE

NO SCALE



GRADE CONTROL STRUCTURE