



**US Army Corps
of Engineers**

Vicksburg District

4155 Clay Street

Vicksburg, MS 39183-3435

www.mvk.usace.army.mil

General Permit

FILE NO.: GENERAL PERMIT - 33

DATE: May 8, 2014

EXPIRES: May 8, 2019

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

The U.S. Army Corps of Engineers, Vicksburg District, is hereby reissuing a Department of the Army General Permit for the construction of drainage and/or water level control 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 General Permit contains certain limitations intended to protect the environment including 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 will be required for an individual permit. Construction, dredging, or fill operations not specifically authorized by this General Permit will 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 net adverse environmental effects on the aquatic environment, both individually and cumulatively, after consideration of compensatory mitigation; or (2) the General Permit will 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 determination that the proposed activities comply with the requirements for the issuance of General Permits was made based in part on comments received from responders to this public notice. Documentation of the final decision is available for inspection at the office 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. Copies of the Arkansas and Louisiana water quality certifications are attached (enclosure 3).

As of the date of this General Permit reissuance, 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 proposing work in Mississippi will be responsible for obtaining an individual WQC prior to initiation of any work being authorized under this General Permit. Once the Corps receives the WQC determination from the Mississippi Department of Environmental Quality, a review of the certification/determination and any associated conditions will be conducted to assure that they are reasonably implementable or enforceable, according to 33 CFR 325.4(c). If the Corps accepts this certification and the conditions, a copy of the certification will be attached in enclosure 3 of this General Permit.

Authorization to conduct work under this General Permit will not negate the responsibility of the applicant to obtain other State or local authorizations or permits required by law for the proposed activity.

This General Permit authorizes the construction of drainage and/or water level control structures and the associated discharge of dredged and/or fill material into waters of the United States that does not qualify for a Clean Water Act Section 404(f) exemption for certain agriculture or farming activities.

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 will 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 will meet those needs.**
- d. Estimated initiation and completion dates of construction.**
- e. A statement indicating that the work will be conducted in compliance with the terms and conditions of the General Permit and will 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 must 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 will 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. The application must include a description of best management practices that will be used to minimize movement of disturbed soil(s) from the project site into adjacent areas.

l. For projects that include adverse impacts to waters of the U.S., a complete application must 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 must include a conceptual mitigation plan stating whether compensatory mitigation requirements as determined by the Corps will 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 will 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>

m. 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 must 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 must describe all measures that will be implemented to avoid impacts to these resources. Additionally, since the NRCS will be the lead federal agency of projects it undertakes or sponsors, the application must 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.

n. The application must 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 must describe all measures that will be implemented to avoid impacts to these resources.

o. 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 must 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 will be the lead federal agency of projects it undertakes or sponsors, the application must 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 will evaluate the proposal and notify the inquiring party, in writing, that either the work will be authorized under the General Permit; will require additional information or will advise the inquiring party that the proposed activity will require an individual permit.

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 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.

4. During construction, sufficient best management practices shall be utilized 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 may be used for slope protection.

5. Material used for fill may be obtained from site preparation. Additional fill could be obtained from an upland source and shall be nonpolluting, in conformance with Special Condition (11.), below. Additional material shall not be obtained from any wetland or any area which would affect an adjacent wetland.

6. No activity that may adversely impact a site listed in or eligible for listing in the National Register of Historic Places, or a site that has previously been unevaluated, shall be allowed by this General Permit. 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 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 shall 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, will comply with the procedures set forth in 33 CFR 325, Appendix C, paragraph 11 (Historic Properties Discovered During Construction).

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

8. If damage to a revetment were to occur as a result of work in accordance with this General Permit, the permittee shall be required to make necessary repairs at their own expense. These repairs must 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 discharge shall not occur in a Coastal Zone Management area without the appropriate State authorization. The coastal zone approval 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 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

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 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 shall be implemented.
13. All excavated material not used as backfill shall be placed in a non-jurisdictional area (i.e., upland). If excavated material is to 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 would 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 shall be authorized under this General Permit that would likely 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 that would 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. 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 shall contact the appropriate local office of the U.S. Fish and Wildlife Service to determine if such "take" permits are required for the 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 and/or other waters of the United States.

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.

21. No sewage, oil, refuse, or other pollutants shall be discharged into the waterbody.

22. Projects located on property encumbered by an NRCS Wetlands Reserve Program (WRP) easement shall not be authorized without written release/approval from the NRCS. Under such situations, the application will not be considered complete until the Corps is provided written documentation of release/approval from the agreement by the NRCS.

23. Activities shall 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.

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

26. Authorized discharges shall not occur in sites that will adversely affect areas supporting tidal waters or tidally-influenced wetlands.

General Conditions:

a. You shall maintain the activity authorized by the permit in good condition and in conformance with the terms and conditions of the permit. You are 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, will be acceptable. If you desire to abandon the authorized activity without a good faith transfer, or wish to cease to maintain the authorized activity, you must obtain a modification of the authorization from this office, which may require restoration of the area.

b. If you sell the property associated with the authorization under this General Permit, you shall notify this office to ensure that the authorization is transferred to the new owner.

c. Representatives from this office shall 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 does not obviate the need to obtain other Federal, State, or local authorizations required by law.

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

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

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

h. 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.

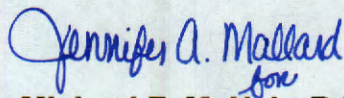
i. In issuing individual authorization under this General Permit, the Government will rely on the information and data that the permittee provides in connection with the permit application. If, subsequent to the authorization, such information and data prove to be false, incomplete, or inaccurate, this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

j. 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 authorization by a separate Department of the Army permit.

k. This General Permit is valid for 5 years. 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.

l. Authorization under this General Permit is valid until the General Permit expires. Authorized activities that are under construction, or that are under contract to commence construction, in reliance upon this General Permit, will remain authorized provided the activity is completed within 12 months of the date of the expiration.

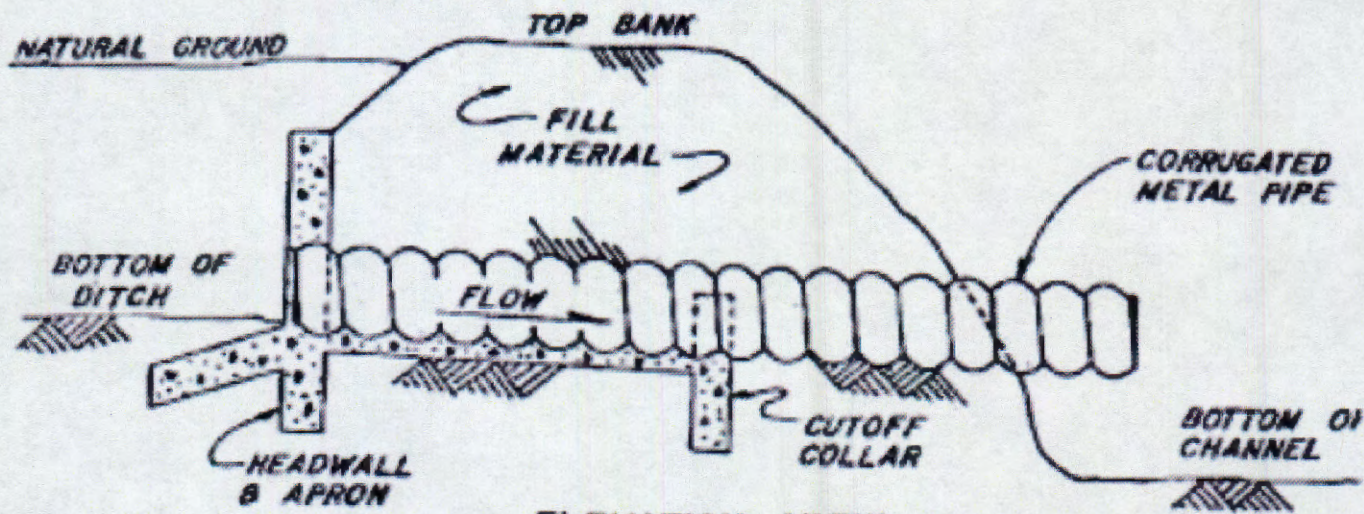
Additional copies of this notice are available upon request from this office. Requests may be addressed to: USACE, Attention: Regulatory Branch, 4155 Clay Street, Vicksburg, Mississippi 39183-3435.



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

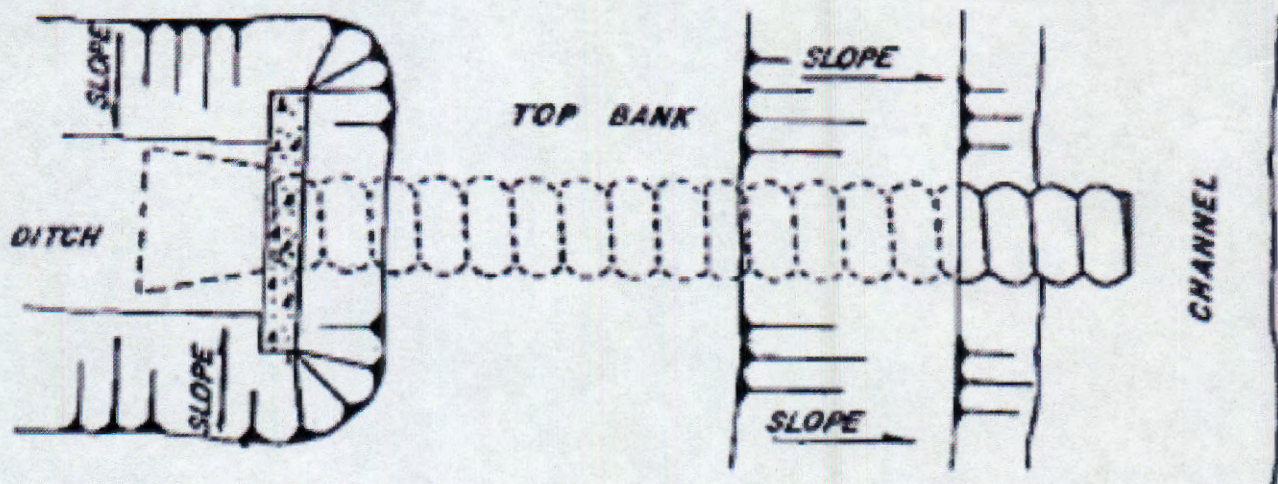
Enclosures

TYPICAL OVERFALL PIPE



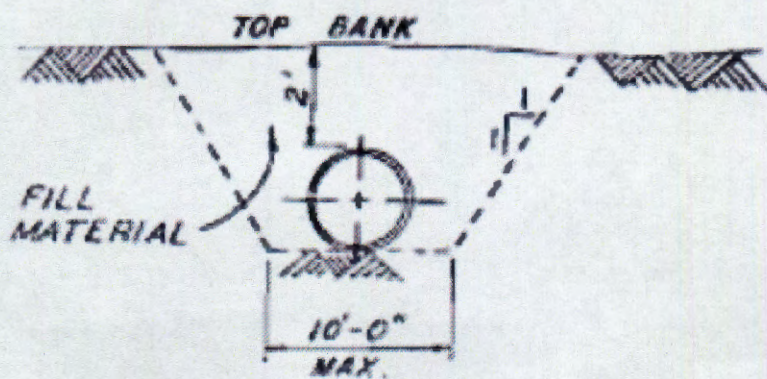
ELEVATION VIEW

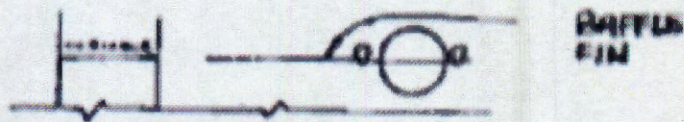
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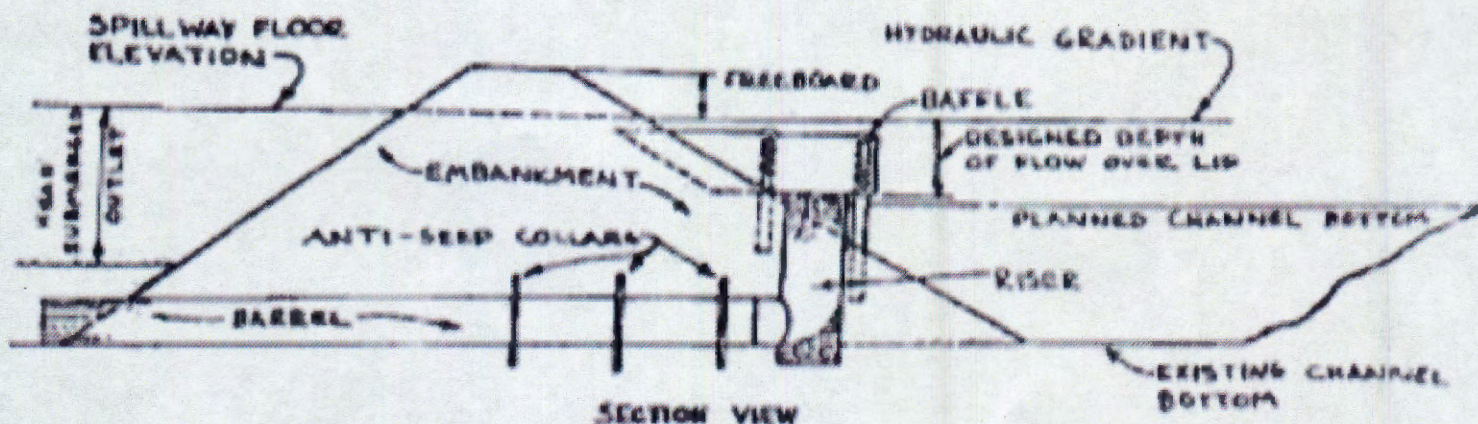
PLAN VIEW

NO SCALE





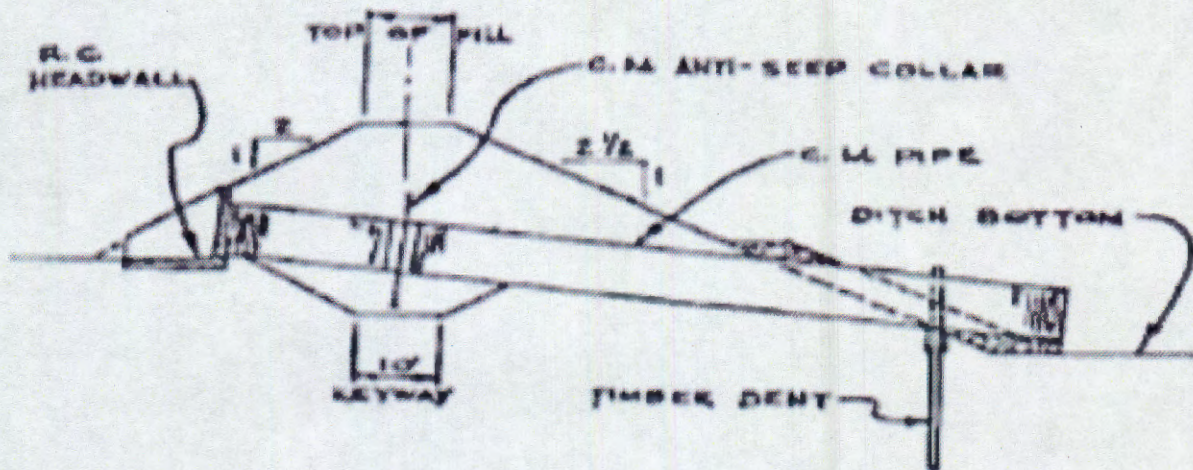
PLAN VIEW OF BAFFLE AND RISER



SECTION VIEW

DROP INLET STRUCTURE

NO SCALE



SECTION ALONG CENTERLINE
GRADE CONTROL STRUCTURE

ADEQ

ARKANSAS
Department of Environmental Quality

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

RE: Public Notice: MVK-2014-15 Re-issuance of General Permit 33

Dear Colonel Cross:

The Arkansas Department of Environmental Quality ("ADEQ") has completed its review of the above referenced public notice for re-issuance of the U.S. Army Corps of Engineers, Vicksburg District, General Permit 33 for the State of Arkansas.

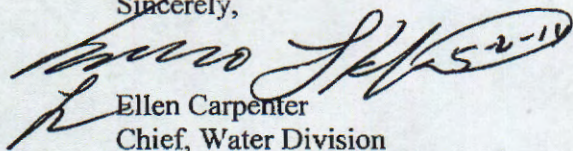
ADEQ has determined that there is a reasonable assurance that this activity will be conducted in a manner which, according to the Arkansas Pollution Control and Ecology Commission's Regulation No. 2, will not physically alter a significant segment of a waterbody and will not violate the water quality 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) Individual Water Quality Certification requests must be submitted to ADEQ for any activity impacting Extraordinary Resource Waters, Ecologically Sensitive Waters, and Natural and Scenic Waters as identified in Arkansas Pollution Control and Ecology Commission's Regulation No. 2.
- 2) The applicant shall contact ADEQ for a Short Term Activity Authorization needs determination for activities that have the potential to violate water quality criteria.
- 3) The applicant shall comply with NPDES Stormwater Program requirements.

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

Sincerely,



Ellen Carpenter
Chief, Water Division

cc: Ms. Jennifer A. Mallard, Chief, Permit Section, Regulatory Branch, Vicksburg COE

BOBBY JINDAL
GOVERNOR



PEGGY M. HATCH
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
ENVIRONMENTAL SERVICES

April 16, 2014

US Army Corps of Engineers
Vicksburg District
4155 Clay Street
Vicksburg, Mississippi 39183-3435
Attention: Aimee Parker

AI No.: 115289
Activity No. CER20140002

RE: Water Quality Certification WQC 140416-02
Corps of Engineer Permit MVK-2014-61 (General Permit 33)
Parishes in the Vicksburg District

Dear Ms. Parker:

The Louisiana Department of Environmental Quality, Water Permits Division (LDEQ), has reviewed the application for reissuance of General Permit 33 for the construction of drainage and water level control structures in waters of the United States and the associated discharge of dredged and/or fill material in the regulatory jurisdiction of the Vicksburg District in Louisiana.

Based on the information provided, LDEQ has determined that the requirements for a Water Quality Certification have been met. LDEQ concludes that the placement of fill material will not violate water quality standards as provided for in LAC 33:IX.Chapter 11. Therefore, LDEQ hereby issues the US Army Corps of Engineers - Vicksburg District Water Quality Certification, WQC 140416-02.

Should you have any questions concerning any part of this certification, please contact Elizabeth Johnson at (225) 219-3225, or by email at elizabeth.johnson@la.gov. To ensure all correspondence regarding this certification is properly filed into the Department's Electronic Document Management System, please reference your Agency Interest (AI) number 115289 on all future correspondence to this Department.

Sincerely,

Scott Guilliams
Administrator
Water Permits Division

c: IO-W

04-21-14P02:58 RCVD