



**US Army Corps
of Engineers**
Vicksburg District

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



Public Notice

FILE NO.:	<u>MVK-2019-358 (General Permit 50)</u>
EVALUATOR:	<u>Mr. Spencer Dixon</u>
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E-MAIL:	<u>GeneralPermitReissuance@usace.army.mil</u>
DATE:	<u>July 26, 2019</u>
EXPIRATION DATE:	<u>August 25, 2019</u>

FOR: MAINTENANCE DREDGING OF NAVIGATION CHANNELS, ACCESS CHANNELS, PORT BASINS AND TERMINAL AREAS OF COMMERCIAL AND MUNICIPAL PORTS ALONG THE RED RIVER

WHERE: PORTIONS OF THE RED RIVER AND ADJACENT PORT AND TERMINAL AREAS WITHIN THE REGULATORY JURISDICTION OF THE VICKSBURG DISTRICT IN LOUISIANA

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

Interested parties are hereby notified that the U.S. Army Corps of Engineers (USACE), Vicksburg District, is proposing the issuance of a Department of the Army General Permit (General Permit 50), on behalf of existing ports, harbors and other navigation stakeholders along the Red River. The proposed General Permit 50 would authorize maintenance dredging for the removal of sediment accumulations within the main navigation channel, around existing docks, under existing barge fleeting and mooring areas, and within associated access channels and port basins; and the subsequent discharge of the dredged material. Dredged material may be: discharged in an upland contained area (non-jurisdictional area); or, discharged as a hydraulic suspension into "swift water" of the main channel of the river. A map indicating the portion of the Red River located within the Vicksburg District is attached (enclosure).

Comments regarding this proposal should be forwarded via email to: GeneralPermitReissuance@usace.army.mil; or by hard-copy to: USACE Vicksburg District, ATTN: Regulatory Branch, 4155 Clay Street, Vicksburg, Mississippi 39183-3435. Comments must reach the Vicksburg District, Regulatory Branch office by the expiration date cited above.

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 (U.S.). These regulations state the U.S. Army Corps of Engineers' (Corps) 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 Branch at 4155 Clay Street, Vicksburg, Mississippi.

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 would 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 requests water quality certification (WQC) for General Permit 50 from the Louisiana Department of Environmental Quality.

Proposed General Permit 50:

REQUEST FOR AUTHORIZATION UNDER THE GENERAL PERMIT – APPLICATION REQUIREMENTS: IN ORDER TO BE AUTHORIZED BY THIS GENERAL PERMIT, PARTIES PROPOSING THE WORK WOULD BE 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 OF THE WORK:

a. State the number of the General Permit under which the work would be conducted. (General Permit 50)

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

c. Statement that the work would be conducted in compliance with the terms and conditions of General Permit 50 and would not adversely impact adjoining properties.

d. Map showing the location of the project area to be dredged and the location of the dredged material discharge site(s). The map would include accurate coordinates (latitude/longitude), River Mile, Section, Township, Range, and Parish, and would indicate the location of any locks within 5 miles of the dredging and/or discharge site(s).

e. Drawings and/or aerial photographs labeled to illustrate the configuration of the port, primary navigation channel(s) and/or secondary access channel(s), fleeting area(s), terminal(s) and mooring stations, etc. When the dredged material is to be discharged on land, the drawings would also identify the location and design dimensions for the dredged material discharge site(s).

f. 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 would be clearly delineated and labeled on this plan view illustration. Additionally, the dredged material discharge site(s) would be clearly delineated and labeled on the illustration(s). Profile maps identifying representative cross-sections of the areas to be dredged and the maximum planned dredging depth, including any proposed advanced maintenance (over-depth) dredging would be required.

g. 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 would also state the type(s) of dredging equipment to be used (e.g. "clam shell" excavation, hydraulic cutterhead, etc.), and the method of dredged material discharge. If dredged material would be discharged at an upland site, the application must describe any containment measures and explain if there would be "return water" discharged back into WOTUS. NOTE: The discharge of return water (effluent) from a confined discharge site would not be authorized by General Permit 50; a separate Department of the Army permit would be required for return water from an upland contained area (See Nationwide Permit No. 16).

h. Estimated starting and completion dates of the project.

i. For non-Federal permittees, if any listed species or designated critical habitat might be affected or be 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.

j. 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 National Register of Historic Places, 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.

k. For activities affecting structures or works built by the United States: If a GP 50 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 would: request additional information (if needed) to determine if the proposed activities could be authorized under General Permit 50; evaluate the proposal; and advise the inquiring party, in writing, whether the work could be authorized under the General Permit or would require an individual permit (if it exceeds the authoritative capacity of the General Permit) and/or additional separate authorizations.

Special Conditions:

a. The permit would authorize maintenance dredging for the removal of sediment within the authorized channel depths. Advanced maintenance dredging could be authorized after case-specific review.

b. A post-dredge hydrographic survey would be required. The hydrographic survey would depict 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 would be submitted with the completed and signed certification of compliance.

c. The permit would be limited to maintenance dredging activities required for navigation access to, and operation of, existing commercial and municipal ports and terminals along the Red River within the Vicksburg District, USACE.

d. Material dredged by hydraulic dredging would be discharged in the "swift water" of the main channel of the river, or in an upland contained area. Material excavated by clam-shell or other excavation equipment would be discharged into upland areas, unless the dredged material is first processed as a slurry with river water to a consistency similar to hydraulic dredged material and then discharged in the "swift water" of the main channel of the river.

e. Material would not be placed in Corps maintained navigation channels if the Corps determines such discharge would require later removal of the material by the Federal Government to maintain the navigation channel.

f. Dredge and discharge operations would be conducted in such a manner as to avoid interference with navigation to the maximum extent practicable. Dredging equipment, including discharge lines, would be marked and lighted in accordance with U.S. Coast Guard regulations. Additionally, the permittee would 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."

g. No activity that has the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places, 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 could 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).

h. All construction activities would be performed in a manner that would minimize increased suspended sediment concentrations (and associated turbidity) of the water in the work area and otherwise avoid adverse effects on water quality and aquatic life especially during fish spawning seasons.

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

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

k. 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 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.

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

m. No sewage, oil, refuse, or other pollutants would be discharged into the watercourse.

n. An activity that requires section 408 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 (a "USACE project") is not authorized by GP 50 until the appropriate Corps office issues the section 408 permission to alter, occupy, or use the USACE project, and the district engineer issues a written GP 50 authorization.

General Conditions:

a. Approvals under this General Permit would 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 would require a separate evaluation.

b. The applicant would be required to notify the U.S. Coast Guard of the proposed project concurrently with notification to this office.

c. If the applicant sells the property associated with the authorization under this General Permit, he/she would be required to contact this office so that the authorization can be transferred to the new owner.

d. The applicant would be required to 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 the permit.

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

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

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

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

i. 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.

j. In issuing individual authorization under this General Permit, the Government would 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.

Further Information:

a. Additional copies of this Public Notice are available upon request from this office. Requests may be addressed to: USACE, Vicksburg District, Attention: Regulatory Branch, 4155 Clay Street, Vicksburg, Mississippi 39183-3435; or to: GeneralPermitReissuance@usace.army.mil.

b. The decision whether to issue a permit will be based on 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.

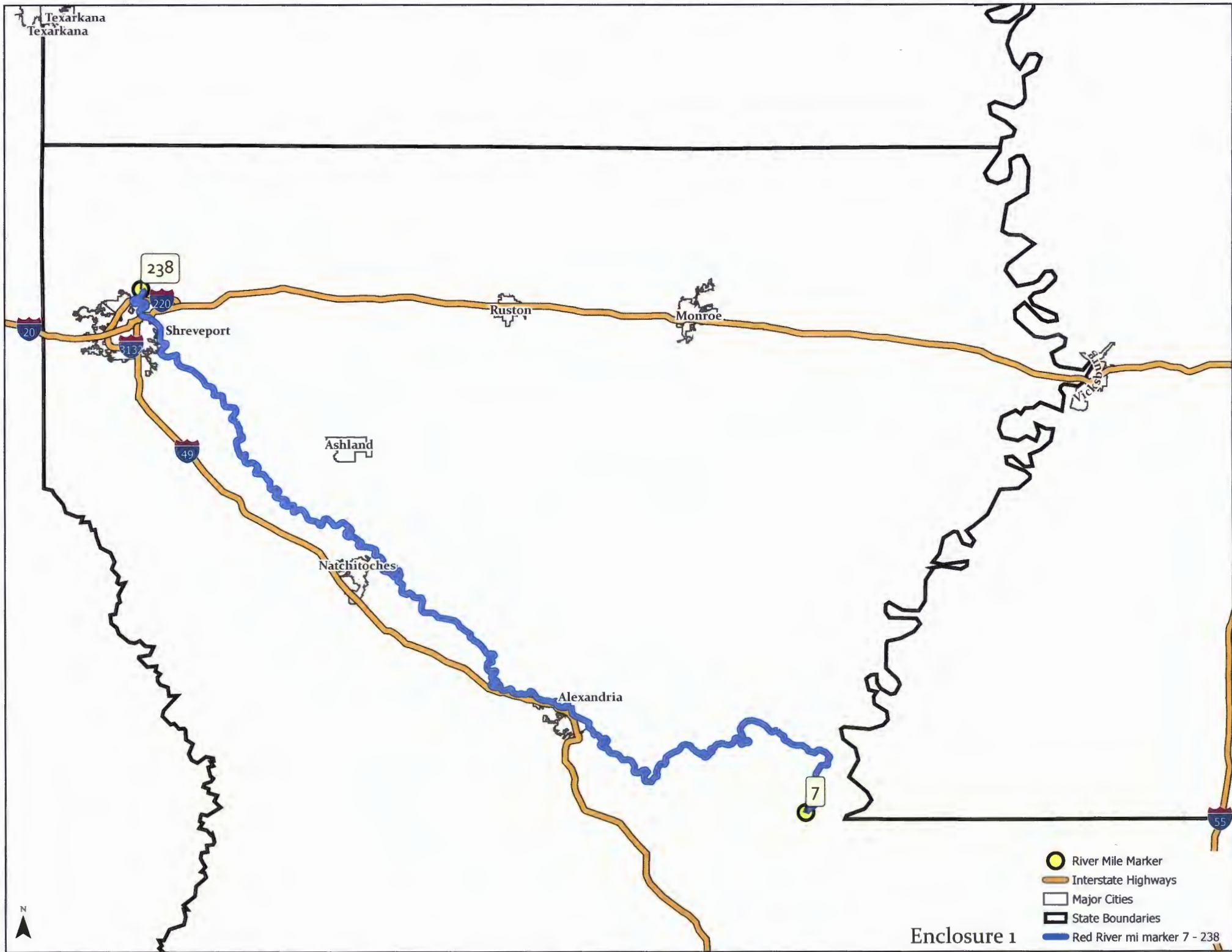
c. The U.S. Army Corps of Engineers is soliciting comments from: the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of 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 . 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 proposal described in this notice; however, failure to comment will be interpreted to mean that there is no objection to the 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 might be interested in this matter. Comments can be submitted by e-mail to: GeneralPermitReissuance@usace.army.mil; or by standard mail to: Vicksburg District, U.S. Army Corps of Engineers, Attention: Regulatory Branch, 4155 Clay Street, Vicksburg, Mississippi 39183-3435.


FOR Jennifer A. Mallard
Chief, Regulatory Branch



Enclosure 1