



**US Army Corps  
of Engineers**  
Vicksburg District



# Public Notice

**4155 Clay Street  
Vicksburg, MS 39183-3435  
[www.mvk.usace.army.mil](http://www.mvk.usace.army.mil)**

<b>FILE NO.:</b>	<b>MVK-2020-382 (General Permit 36)</b>
<b>EVALUATOR:</b>	<b>Mr. Jerry Bourne and Mr. Mike Miller</b>
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<b>DATE:</b>	<b>August 11, 2020</b>
<b>EXPIRATION DATE:</b>	<b>September 10, 2020</b>

**FOR: REGULATED ACTIVITIES IN WATERS OF THE UNITED STATES  
ASSOCIATED WITH MINOR CONSTRUCTION ACTIVITIES ON CANE  
RIVER LAKE**

**MVK-PGP-36-A: SHORELINE STABILIZATION/RETAINING WALLS  
MVK-PGP-36-B: MINOR DREDGING/EXCAVATION  
MVK-PGP-36-C: BOAT DOCKS, BOAT HOUSES, PIERS, AND BOAT  
SLIPS**

**WHERE: CANE RIVER LAKE IN NATCHITOCHE PARISH, LOUISIANA WITHIN  
THE REGULATORY JURISDICTION OF THE VICKSBURG DISTRICT**

**BY WHOM: DISTRICT ENGINEER, VICKSBURG DISTRICT, ON BEHALF OF THE  
CANE RIVER WATERWAY COMMISSION**

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 Programmatic General Permit (PGP-36) for structures in or affecting waters of the United States and/or discharges of dredged and/or fill material within the regulatory jurisdiction of the Vicksburg District on Cane River Lake in Natchitoches Parish, Louisiana. A map identifying the Vicksburg District is provided (enclosure 1). A general location map identifying Cane River Lake within the Vicksburg District is provided (enclosure 2).

Comments regarding this proposal should be forwarded via email to:  
[GeneralPermitReissuance@usace.army.mil](mailto:GeneralPermitReissuance@usace.army.mil); or by hard copy to: USACE, Vicksburg

District, ATTN: Regulatory Division, 4155 Clay Street, Vicksburg, Mississippi 39183-3435. Comments must reach the Vicksburg District, Regulatory Division office by the expiration date cited above.

This General Permit contains certain conditions and limitations intended to protect the environment and natural and cultural resources. Conformance with conditions contained in this General Permit will not necessarily guarantee authorization under this General Permit. In cases where the Corps District Engineer or Cane River Waterway personnel would consider it necessary, an application could be required for an individual 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 (U.S.). These regulations state the U.S. Army Corps of Engineers' responsibility for regulating structures or work in or affecting navigable waters of the U.S. 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 U.S. 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 appear 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 is 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 office of the Vicksburg District's Regulatory Division at 4155 Clay Street, Vicksburg, Mississippi 39183-3435.

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

In compliance with requirements of Section 401 of the Clean Water Act, the Vicksburg District requests water quality certification (WQC) for PGP-36 from the Louisiana Department of Environmental Quality.

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

REQUEST FOR AUTHORIZATION UNDER THE GENERAL PERMIT: In order to be authorized by this General Permit, persons proposing the work would be required to contact the Cane River Waterway Commission prior to any type of construction and/or site preparations to the banks of Cane River Lake. The Cane River Waterway Contact information: (Office) 318-357-3007, (Cell) 318-617-3235, (Email) [crpatrol@yahoo.com](mailto:crpatrol@yahoo.com), (Mail) 244 Cedar Bend, Natchez, Louisiana 71456.

Upon receipt of this information, the Cane River Waterway Commission office would evaluate the proposal and advise the inquiring party if the work would or would not be authorized under the General Permit.

If the work would be authorized under the General Permit, the Cane River Waterway Commission office would send a copy of the issued permit along with the background information to the Vicksburg District for administrative purposes.

DEFINITIONS:

Excavation – Removal of newly deposited silt or other material through means that result only in incidental fallback.

Dredging – Any form of excavation under the surface of waters of the U.S.

Ordinary High Water Mark (OHWM) – A line on the shore established by the fluctuation of water and indicated by physical characteristics, or by other appropriate means that consider the characteristics of the surrounding areas.

98.0 MSL – Ordinary pool stage of Cane River Lake at the Cane River Lake Spillway.

Listed below are the types of activities that may be authorized under this Programmatic General Permit, along with the special conditions and limitations.

\*Structures constructed prior to the development of permitting regulations on Cane River Lake would be grandfathered in.

1. MVK-PGP-36-A: Shoreline Stabilization/Retaining Walls: This General Permit would authorize the construction of retaining walls, the placement of armoring systems (rip rap), bioengineering, and other standard shoreline protection/stabilization devices at, along, or roughly paralleling the shoreline or bank.

- a. Retaining wall construction would be limited to a total project length of 1000 linear feet. In instances where litigation has occurred, retaining walls would adhere to the legal document issued.
- b. New retaining walls would be set at 98.0 MSL with allowances for small erosion and tree preservation.
- c. All new retaining walls would require a site set-up prior to permit issuance.
- d. Armoring material (e.g., rip rap) placed below the plane of ordinary high water mark would not exceed an average of one (1) cubic yard per linear foot of shoreline being protected and no more than 1000 linear feet along the bank.
- e. Use of the appropriate filter fabric would be required to stabilize backfill and other easily eroded material.
- f. No activity would use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts.
- g. Only clean rip rap material, free of exposed rebar, asphalt, plastic, soil, etc., would be used as armoring material to augment/armor other protection devices/measures.
- h. No fill material would be pushed or placed below 98.0 MSL.

2. MVK-PGP-36-B: Minor Dredging/Excavation: This General Permit would authorize dredging/excavation to depths no greater than the depth of the lake bottom leading to the area to be maintained.

- a. Dredging would be limited to the previously dredged and previously authorized dimensions.
- b. Dredging of up to 50 cubic yards of material would be authorized by this General Permit.
- c. Best management practices would be used at all times during construction to minimize turbidity at both the dredge site and aquatic discharge (fill) site(s).
- d. All dredged material would be removed from the lake and properly confined in an upland area, unless otherwise specifically authorized.
- e. Dredged material discharge/disposal site(s) would be immediately seeded and stabilized to prevent the movement of sediment off-site and into adjacent

drainage areas.

- f. No dredging or filling would be authorized in wetlands or submerged grass beds (exceptions could be made for noxious and/or exotic vegetation in man-made water bodies), and no dredged material would be used to raise the elevation of any wetlands, unless otherwise specifically authorized.

3. MVK-PGP-36-C: Boat Docks, Boat Houses, Piers, and Boat Slips: This General Permit would authorize the placement of dredged and/or fill material related to the construction and installation of structures such as boat docks, boat houses, piers, boat slips, and similar structures.

- a. No structure would extend more than 24 feet from a new retaining wall and/or perpendicular to the average mean sea level contour line of Cane River Lake at ordinary pool stage of 98.0 MSL.
- b. In instances where a retaining wall was permitted by Cane River Waterway Commission with allowances up to 5 feet past 98.0 MSL, that distance would be subtracted from the allowable 24 feet as documented by the previous permit issued.
- c. Structures extending from a grandfathered retaining wall would be allowed a full 24 feet regardless of the retaining wall's relation to the 98.0 MSL mark.
- d. All structures would have a 5 foot setback.
- e. Cut-in slips would be indented, or angled such that the cut-in would be less than or equal to 45 degrees. Cut-in slips would not be situated such that they are perpendicular to the shoreline (e.g., with 90 degree sides).
- f. Any structure proposed to extend more than 24 feet from 98.0 MSL would have the following options available:
  - 1) Cut into property at a 45-degree angle
  - 2) Utilize a natural erosion area
  - 3) Locations where an adjacent property's retaining wall extends beyond 98.0 MSL AND was grandfathered in
- g. Floating structures would be properly secured to the property and/or lake bed.
- h. Boat houses would be permitted to have only self-supported overhangs. No bracing for overhangs would be permitted.

- i. All structures would require a piling inspection to ensure dimensions meet those specified in the issued permit.
- j. Best management practices would be used at all times during construction to minimize turbidity at both the dredge site(s) and aquatic discharge (fill) site(s).
- k. All material not used as backfill would be placed in uplands, and no runoff water from these disposal sites would be allowed to enter the waterway or adjacent wetlands, unless specifically authorized.
- l. Dredge material discharge/disposal areas would be immediately seeded and stabilized to prevent the movement of sediment off-site and into adjacent drainage areas.
- m. Disturbed wetland areas would be revegetated with naturally occurring indigenous species, if the area is not revegetated to pre-project conditions within one year of project completion.
- n. No dredging or filling would be authorized in wetlands or submerged grass beds (exceptions could be made for noxious and/or exotic vegetation in man-made water bodies), and no dredged material would be used to raise the elevation of any wetlands, unless otherwise specifically authorized.

THE FOLLOWING SPECIAL CONDITIONS APPLY TO ALL CATEGORIES OF WORK ASSOCIATED WITH THIS GENERAL PERMIT:

- a. Any structure that has electricity installed would require an electrical permit from the Natchitoches Parish Government and/or the City of Natchitoches depending on site location.
- b. Any structure within the Historic District would require a permit and authorization prior to approval under this permit.
- c. No permit would be issued prior to seven (7) days before construction.
- d. Structures would be equipped with reflectors or dim lighting to ensure boating safety.
- e. No permanent or temporary living quarters would be allowed under this General Permit.
- f. Sewer installation would not be allowed under this General Permit.

- g. Cane River Waterway Commission reserves the right to remove dilapidated structures which would be authorized under this General Permit.
- h. All materials used in construction would comply with Louisiana Department of Environmental Quality/Environmental Protection Agency requirements.
- i. All contractors would be pre-approved by Cane River Waterway Commission and would be listed on the Commissions approved contractor list.
- j. Cane River Waterway Commission reserves the right to reject any permit request and/or grant exception under certain unique circumstances.

General Conditions:

- a. 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, would be authorized by this General Permit until the requirements of Section 106 of the National Historic Preservation Act have been satisfied. Additional fill material would not be taken from a known historical or archaeological site within or outside of regulated areas. If the permittee, during prosecution of work authorized herein, inadvertently discovers or accidentally destroys a cultural resource such as a cemetery, shipwreck, mound, historic structure, or archaeological site, within the area subject to Department of the Army jurisdiction, they would cease work in the immediate area and notify the District Engineer within 24 hours. The District Engineer, in consultation with the appropriate State Historic Preservation Officer and the Federally recognized Tribe, would comply with the procedures set forth in 33 CFR 325, Appendix C, paragraph 11 (Historic Properties Discovered During Construction).
- b. No activity would 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 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.
- c. Dredged, excavated, or fill material used for construction would be non-polluting material, in accordance with the Environmental Protection Agency Guidelines for the Discharge of Dredged or Fill Material found in 40 CFR 230.
- d. All fill material would be compacted upon completion of construction. Best management practices would be used at all times during construction to

minimize turbidity at dredge site(s) and/or discharge site(s). The site would be naturally revegetated or manually seeded, or sodded as necessary, to restore cover and prevent erosion. In areas subject to currents, rip rap could be required for slope protection.

- e. All material not used as backfill would be placed in uplands, and no runoff water from these disposal sites would be allowed to enter the waterway or adjacent wetlands, unless specifically authorized.
- f. The discharge would not be located so as to adversely affect a public water supply intake and/or a national or state fish hatchery intake.
- g. The discharge would not contain unacceptable levels of pathogenic organisms in areas used for sports involving physical contact with the water.
- h. The discharge would not occur in areas of concentrated shellfish production.
- i. All construction activities would be performed in a manner that will minimize increased suspended sediment/turbidity of the water in the work area, and otherwise avoid adverse effects on water quality and aquatic life, especially during fish spawning seasons.
- j. The construction activity would not result in the relocation of the stream or river channel, and would not impede stream flow.
- k. Authorized structures would not increase frequency, duration, or elevation of floodwaters on adjoining property.
- l. Creation of fast lands would not be authorized under this General Permit.
- m. Authorization would not be granted for structures and activities that would be hazardous to navigation or that would produce adverse effects on the chemical, physical, or biological integrity of water bodies, such as the dredging and filling of wetlands. The term "wetland" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Such areas serve important purposes relating to water quality, fish and wildlife, recreation, and other elements in the general public interest. As environmentally vital areas, they constitute productive and valuable public resources, the unnecessary alteration or destruction of which is contrary to the public interest.
- n. The regulated work would not occur within 1,500 feet of a colonial wading bird rookery location, without the consent of the U.S. Fish and Wildlife Service.



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

- o. The time limit for completing an authorized activity would end one year from the date of the activity specific authorization. If more time would be needed to complete the authorized activity, a request for a time extension would be submitted to the Cane River Waterway Commission for consideration at least one month before the expiration date.
- p. The permittee would agree to make every reasonable effort to perform the work, authorized herein, in a manner so as to minimize any adverse impact on fish, wildlife, and natural environmental values.
- q. The permittee would maintain the activity authorized by the permit in good condition and in conformance with the terms and conditions of the permit. The permittee would not be relieved of this requirement if the permitted activity is abandoned. However, a good faith transfer to a third party in compliance with General Condition “r.”, below, would be acceptable. If the permittee desires to abandon the authorized activity without a good faith transfer, or wishes to cease to maintain the authorized activity, a modification of the authorization would be required from this office, which could require restoration of the area.
- r. If the permittee sells the property associated with the authorization under this General Permit, the permittee would contact the Cane River Waterway Commission to ensure that the authorization would be transferred to the new owner.
- s. Representatives from this office would 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 the permit.
- t. This permit would not obviate the need to obtain other Federal, State, or local authorizations required by law.
- u. This permit would not grant any property rights or exclusive privileges.
- v. This permit would not authorize any injury to the property or rights of others.
- w. This permit would not authorize interference with any existing or proposed Federal project.

- x. In issuing this permit, the Federal Government, State of Louisiana, designated resource agencies, their employees or staffs 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.
- y. In issuing individual authorizations under these General Permits, the Government would rely on the information and data, which the permittee would provide in connection with his/her permit application. If, subsequent to the authorization, such information and data would prove to be false, incomplete, or inaccurate, this authorization could be modified, suspended, or revoked, in whole or in part, and/or the Government could, in addition, institute appropriate legal proceedings.
- z. This General Permit would be valid for five years from its effective date. At the end of that time, the cumulative environmental effects of completed work would be reviewed and reissuance of the permit may be considered. However, if unforeseen adverse environmental effects would result from the issuance of this General Permit, it could be modified or terminated at any time.

**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 Division, 4155 Clay Street, Vicksburg, Mississippi 39183-3435; or to: [GeneralPermitReissuance@usace.army.mil](mailto: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 General Permit 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 USACE Vicksburg District 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 General Permit. Any comments received will be considered by the District Engineer 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 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 this proposed General Permit. All comments received will be evaluated during the review process of this proposed General Permit.
- e. Please bring this announcement to the attention of anyone you know who might be interested in this matter. Comments can be submitted by e-mail to: [GeneralPermitReissuance@usace.army.mil](mailto:GeneralPermitReissuance@usace.army.mil); or by standard mail to: Vicksburg District, U.S. Army Corps of Engineers, Attention: Regulatory Division, 4155 Clay Street, Vicksburg, Mississippi 39183-3435.

  
Jennifer A. Mallard  
Chief, Regulatory Division

Enclosures



