



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW ORLEANS DISTRICT
7400 LEAKE AVE
NEW ORLEANS, LA 70118-3651

December 12, 2023

Regulatory Division
Central Evaluation Branch

SUBJECT: MVN-2016-01163-CM

Ms. Alicia McAlhaney
CPRA
Post Office Box 44027
Baton Rouge, LA 70804

Dear Ms. McAlhaney:

Enclosed is a permit dated this date, subject as above, authorizing work under the Department of the Army permit program.

You are again reminded that any work not in accordance with the approved plans is subject to removal regardless of the expense and the inconvenience that such removal may involve and regardless of the date when the discrepancy is discovered.

Your attention is directed to all the terms and conditions of the approval. In order to have the work approved in accordance with the issued permit, all terms and conditions of the permit and plans shown on the drawings attached thereto must be rigidly adhered to.

It is necessary that you notify the District Engineer, Attention: Central Evaluation Branch, in writing, prior to commencement of work and also upon its completion. The notification must include the permittee's name, as shown on the permit, and the permit number. Please note the expiration date on the permit. Should the project not be completed by that date, you may request a permit time extension. Such requests must be received before, but no sooner than six months before, the permit expiration date and must show the work completed and the reason the project was not finished within the time period granted by the permit.

In addition, please find enclosed this District's decision pursuant to 33 USC 408 (Section 408) concerning your request to alter or occupy an existing U.S. Army Corps of Engineers Civil Works Project. Questions concerning the enclosed permission should be directed to the point of contact provided in the Section 408 permission letter.

A copy of Page 1 of the permit (ENG Form 1721) must be conspicuously displayed at the project site. Also, you must keep a copy of the signed permit at the project site until the work is completed.

Sincerely,
John M.

Herman
John M. Herman

Chief, Central Evaluation Branch

Digitally signed by John M.
Herman

Date: 2023.12.12 06:11:37
-06'00'

Enclosures

All,

We have received the attached application and drawings from Sigma Consulting Group, Inc., on behalf of Louisiana Department of Natural Resources and Atchafalaya Basin Program, concerning permission to dredge existing spoil banks in an effort to improve interior circulation within the Atchafalaya River Basin in the vicinity of East Grand Lake along both Bayou Sorrel and the Florida Gas Pipeline Canal, approximately 927 feet on the flood side of the East Atchafalaya Basin Protection levee, vicinity of levee station 2875+00, in Iberville Parish, Louisiana.

Please take this email as our Letter of No Objection for the project.

We have no objection to the request provided:

a. The work is accomplished in accordance with the above referenced application, vicinity maps and drawings.

b. On Sheet 29 of 29, please replace the spoil schedule with the following (Flow Line elevation of 28.5 feet)

Elevation of Natural Ground Maximum Spoil Elevation

(feet, NGVD) (feet, NGVD)

16 20.2

14 18.8

12 17.5

10 16.2

8 14.8

6 13.5

4 12.2

2 10.8

c. There shall be no unreasonable interference with navigation by the existence or use of the activity authorized herein. The applicant will, at his or her expense, install and maintain any safety light, signals, and signs prescribed by the United States Coast Guard, through regulations or otherwise, on authorized facilities or on equipment used in performing work under the authorization.

d. If the proposed project, involves the use of floating construction equipment (barge mounted cranes, barge mounted pile driving equipment, floating dredge equipment, dredge discharge pipelines, etc.,) in the waterway, the applicant is advised to notify the Eighth Coast Guard District so that a Notice to Mariners, if required, may be prepared. Notification with a copy of your permit approval and drawings should be mailed to the Commander, Eight Coast Guard District, Hale Boggs Federal Building, 500 Poydras Street, Room 1230, New Orleans, Louisiana 70130, (504) 671-2107, about one month before you plan to start work.

e. The applicant 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 authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the applicant 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.

f. The applicant must provide written notification to this office of the construction timeline to include the proposed start and end dates. Additionally, the applicant must notify this office prior to commencement and upon completion of the work permitted herein.

This letter is based upon engineering criteria, and no interpretation or comments regarding local laws, zoning, or ordinances concerning property rights, etc., have been made. Additionally, this letter does not obviate your requirement to obtain federal, state, or local permits required by law, and no work should commence until all necessary permits are required.

You are advised that you must obtain a Department of the Army (DA) permit prior to the commencement of any work at the site. The U.S. Army Corps of Engineers point of contact in our Regulatory Branch for the DA permit (MVN-2016-01163-CM), is Mr. Neil Gauthier at 504-862-1301, or by email at Neil.T.Gauthier@usace.army.mil. This letter of no objection does not constitute a response to a Section 404/10 permit application, if required.

If you have any questions, please contact me. Additionally, future correspondence concerning this project should reference our Letter of No Objection number 18-0277. This will allow us to more easily locate records of previous correspondence, and thus provide a quicker response.

Thanks,

Albert J. Terry Jr.

Asst. Operations Manager, Completed Works

Operations Division New Orleans District

Corps of Engineers CEMVN-OD-W

7400 Leake Avenue

New Orleans, LA 70118

504-862-2311

DEPARTMENT OF THE ARMY PERMIT

Permittee: CPRA

Permit No.: MVN-2016-01163-CM

Issuing Office: New Orleans District

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: Clear, grade, excavate, and place fill to improve the north to south hydrologic flow in Bayou Sorrel during moderate river stages for improved circulation and ecological function throughout the back swamp of the East Grand Lake Area of the Atchafalaya Basin, in accordance with the attached 15 drawings dated January 2022.

Project Location: Within the Atchafalaya Basin, to include Bayou Sorrel, the Gulf Intracoastal Waterway, and the Florida Pipeline Canal, approximately 20 miles east of Donaldsonville, Louisiana, near the town of Bayou Sorrel, in Iberville Parish.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on **December 31, 2028**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions: See Pages 4 and 5

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

(X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

() Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

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

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

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

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

3. Limits of Federal Liability. 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.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

Alicia McAlhane
Digitally signed by Alicia McAlhane
 DN: cn=Alicia McAlhane, o=Coastal Protection and Restoration
 Authority (CPRA), ou, email=alicia.mcalhane@ta.gov, c=US
 Date: 2023.12.11 13:14:12 -06'00'

X (PERMITTEE)

X _____
 (DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

John M. Herman
Digitally signed by John M.
 Herman
 Date: 2023.12.12 06:13:03 -06'00'

 (DATE)

John M. Herman, Chief, Central Evaluation Branch
for CULLEN A. JONES, P.E., PMP, District Commander

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

 (TRANSFEREE)

 (DATE)

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7. To minimize potential impacts to adjacent wetlands from construction activities, the permittee shall mark the boundaries of wetlands with clearly recognizable markers to avoid encroachment. All contractors, foremen, and/or on-site workers involved in construction activities shall be briefed as to location of the markers and the avoidance of wetlands.
8. Construction activities shall not cause more than minimal and temporal water quality degradation of any adjacent wetland, stream, or water body. Appropriate erosion and siltation controls must be utilized during construction to prevent sediment runoff into adjacent wetlands and waterways. Sediment control techniques could include but are not limited to the use of secured hay bales, sediment fencing, wooden or vinyl barriers, and/or seeding of disturbed areas. These structures should be maintained in effective operating condition until sediments are stabilized by vegetation and other impervious surfacing.
9. The permittee shall limit clearing, excavation and the temporary placement of fill material to areas essential to the project. The jurisdictional remainder of the property shall be left in its natural state. If the authorized project requires any additional work not expressly permitted herein, the permittee must obtain an amendment to this authorization prior to commencement of work.
10. Many local governing bodies have instituted laws and/or ordinances in order to regulate fill activities in floodplains to assure maintenance of floodwater storage capacity and avoid disruption of drainage patterns that may affect surrounding properties. Your project involves placement of fill; therefore, you must contact the local municipal and/or parish governing body regarding potential impacts to floodplains and compliance of your authorized activities with local floodplain ordinances, regulations, or permits.
11. The permittee shall assure that all material used during construction shall be pollutant free in accordance with the EPA Guidelines for Discharge of Dredged or Fill Material, found in 40 CFR 230. The material may be obtained offsite or from site preparation. Offsite material shall not be obtained from wetlands or from areas that may adversely affect adjacent wetlands. Any excess material shall be placed in an upland area and property contained or stabilized to prevent entry into adjacent wetlands of other waters.
12. Permittees that discover any previously unknown historic, cultural, or archeological remains and artifacts while accomplishing the permitted activity must immediately notify the US Army Corps of Engineers, New Orleans District Regulatory Division (CEMVN-RG), halt all construction activity at the location of discovery, and avoid construction activities within a fifty (50) foot buffer zone of the location of discovery until the required coordination has been completed. CEMVN-RG will initiate the Federal, Tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
13. If abandoned cemeteries, unmarked graves, or human remains are discovered during the permitted activity, the permittee will stop work immediately and comply with the Louisiana Unmarked Human Burial Sites Preservation Act (La. R.S. 8:671 et seq.). The permittee will notify local law enforcement, CEMVN-RG, and the Louisiana Division of Archaeology (LDOA), within the Louisiana Department of Culture, Recreation and Tourism, Office of Cultural Development, by telephone at 225-342-8170 to assess the nature and age of the human skeletal remains within twenty-four (24) hours of the discovery of unmarked human remains and will accompany local law enforcement personnel during all field investigations. If the appropriate local law enforcement official determines that the remains are not a crime scene, and the remains are more than 50 years old, LDOA has jurisdiction over the remains. In no instance will human remains be removed from the discovery site until jurisdiction is established. In cases where the LDOA assumes jurisdiction and the remains are determined to be American Indian, LDOA will consult with Tribes, CEMVN-RG, and the permittee to determine the appropriate course of action.
14. The permittee is advised of the requirements set forth in the attached Letter of No Objection and the associated special conditions. All responsibilities and compliance related to the subject conditions are hereby directed to and have oversight by the USACE Navigation Office, Operations Manager, ODS-W - Mrs. Amy Powell @ 504-862-2241

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or amy.e.powell@usace.army.mil, with this District. Should you have any questions on the requirements and restrictions stipulated, you shall contact the specified Operations Manager, who may be reached at 504-862-504-862-2241 or amy.e.powell@usace.army.mil.

15. The permittee shall abide by the attached monitoring plan and adaptive management plan dated June 14, 2023 and summarized by CPRA e-mail to CEMVN-RG dated August 29, 2023 (attached). Should any deviation in the plan be required, the permittee shall contact the Corps Regulatory project manager.