



**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 36
DATE: September 28, 2020
EXPIRES: September 28, 2025

**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**

The U.S. Army Corps of Engineers (USACE), Vicksburg District, is hereby issuing 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).

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 would not necessarily guarantee authorization under this General Permit. In cases where the Corps District Engineer or Cane River Waterway personnel considers it necessary, an application will 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 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 office of the Vicksburg District's Regulatory Division at 4155 Clay Street, Vicksburg, Mississippi 39183-3435.

In compliance with requirements of Section 401 of the Clean Water Act, the Vicksburg District has obtained water quality certification (WQC) from 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, provided the applicant complies with the conditions of the WQC. A copy of the certification, with required conditions, is attached (enclosure 3).

Authorization to conduct work under this General Permit does 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 are required to submit to the Cane River Lake Commission, in writing, a completed application form, which includes location maps and drawings. The required form may be obtained online through the Cane River Waterway Commission website (<http://www.caneriverwaterway.com>) or by contacting: Cane River Waterway Commission, 244 Cedar Bend, Natchez, Louisiana 71456; Phone: 318-617-3235; Email: crpatrol@yahoo.com.

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

If the work is authorized under the General Permit, the Cane River Waterway Commission office will send a copy of the letter of approval 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 shall be grandfathered in.

1. MVK-PGP-36-A: Shoreline Stabilization/Retaining Walls: This General Permit authorizes 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 is limited to a total project length of 1000 linear feet. In instances where litigation has occurred, retaining walls will adhere to the legal document issued.
- b. New retaining walls will be set at 98.0 MSL with allowances for small erosion and tree preservation.
- c. All new retaining walls 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 may 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 is required to stabilize backfill and other easily eroded material.
- f. No activity may 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., may be used as armoring material to augment/armor other protection devices/measures.

h. No fill material shall be pushed or placed below 98.0 MSL.

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

a. Dredging shall be limited to the previously dredged and previously authorized dimensions.

b. Dredging of up to 50 cubic yards of material is authorized by this General Permit.

c. Best management practices shall 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 shall be removed from the lake and properly confined in an upland area, unless otherwise specifically authorized.

e. Dredged material discharge/disposal site(s) shall be immediately seeded and stabilized to prevent the movement of sediment off-site and into adjacent drainage areas.

f. No dredging or filling is authorized in wetlands or submerged grass beds (exceptions may be made for noxious and/or exotic vegetation in man-made water bodies), and no dredged material shall 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 authorizes the placement of dredged and/or fill material related to the construction and installation of structures such as boat docks, boathouses, piers, boat slips, and similar structures.

a. No structure shall 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 is subtracted from the allowable 24 feet as documented by the previous permit issued.

- c. Structures extending from a grandfathered retaining wall shall be allowed a full 24 feet regardless of the retaining wall's relation to the 98.0 MSL mark.
- d. All structures shall have a 5-foot setback.
- e. Cut-in slips shall be indented or angled such that the cut-in is less than or equal to 45 degrees. Cut-in slips shall 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 shall have the following options available:
 - a. Cut into property at a 45-degree angle
 - b. Utilize a natural erosion area
 - c. Locations where an adjacent property's retaining wall extends beyond 98.0 MSL AND was grandfathered in
- g. Floating structures shall be properly secured to the property and/or lake bed.
- h. Boathouses are permitted to have only self-supported overhangs. No bracing for overhangs shall be permitted.
- i. All structures require a piling inspection to ensure dimensions meet those specified in the issued permit.
- j. Best management practices should 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 shall be placed in uplands, and no runoff water from these disposal sites shall be allowed to enter the waterway or adjacent wetlands, unless specifically authorized.
- l. Dredge material discharge/disposal areas shall be immediately seeded and stabilized to prevent the movement of sediment off-site and into adjacent drainage areas.
- m. Disturbed wetland areas shall be revegetated with naturally occurring indigenous species, if the area has not revegetated to pre-project conditions within one year of project completion.
- n. No dredging or filling is authorized in wetlands or submerged grass beds (exceptions may be made for noxious and/or exotic vegetation in man-made water bodies), and no dredged material shall 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 shall require an electrical permit from the Natchitoches Parish Government.
- b. Any structure within the Historic District shall require a permit and authorization prior to approval under this permit.
- c. No permit shall be issued prior to seven (7) days before construction.
- d. Structures shall be equipped with reflectors or dim lighting to ensure boating safety.
- e. No permanent or temporary living quarters shall be allowed under this General Permit.
- f. Sewer installation shall not be allowed under this General Permit.
- g. Cane River Waterway Commission reserves the right to remove dilapidated structures which are authorized under this General Permit.
- h. All materials used in construction shall comply with Louisiana Department of Environmental Quality/Environmental Protection Agency requirements.
- i. All contractors must be pre-approved by Cane River Waterway Commission and 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, is authorized by this General Permit until the requirements of Section 106 of the National Historic Preservation Act have been satisfied. Additional fill material shall not be taken from a known historical or archaeological site within or outside of regulated areas. If the permittee, during prosecution of work authorized herein, inadvertently discovers or 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 should cease work in the immediate area and notify the District

Engineer within 24 hours. The District Engineer, in consultation with the appropriate State Historic Preservation Officer and the Federally recognized Tribe, shall comply with the procedures set forth in 33 CFR 325, Appendix C, paragraph 11 (Historic Properties Discovered During Construction).

- b. No activity is authorized under this General Permit which is likely to directly or indirectly jeopardize the continued existence of a Federally-listed threatened or endangered species or a species proposed for such designation, as identified under the Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is 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 shall 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 shall be compacted upon completion of construction. Best management practices should be used at all times during construction to minimize turbidity at dredge site(s) and/or discharge site(s). The site should 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 shall be placed in uplands, and no runoff water from these disposal sites shall be allowed to enter the waterway or adjacent wetlands, unless specifically authorized.
- f. The discharge shall 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 shall not contain unacceptable levels of pathogenic organisms in areas used for sports involving physical contact with the water.
- h. The discharge shall not occur in areas of concentrated shellfish production.
- i. All construction activities shall 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 shall not result in the relocation of the stream or river channel, and shall not impede stream flow.

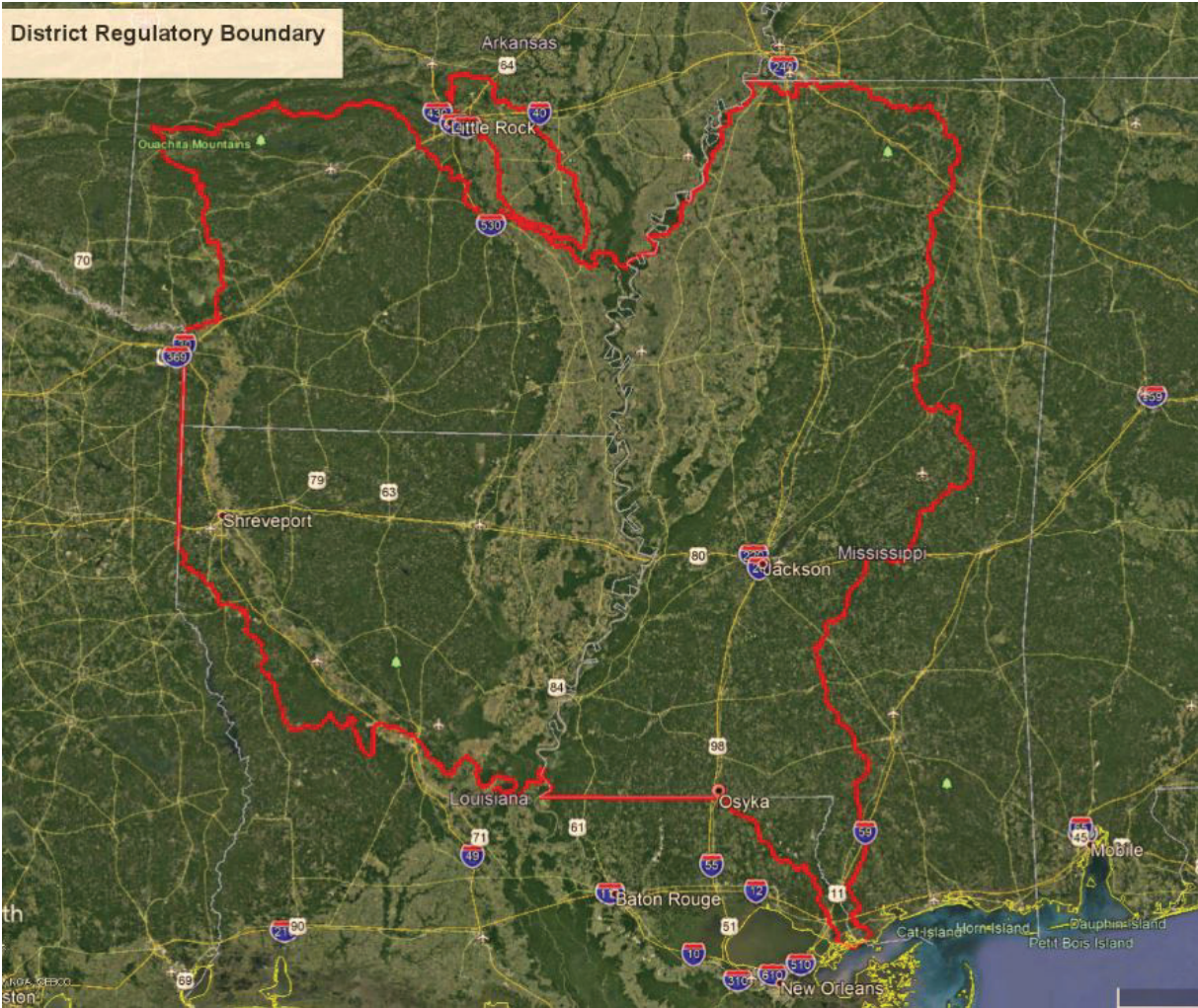
- k. Authorized structures shall not increase frequency, duration, or elevation of floodwaters on adjoining property.
- l. Creation of fast lands is not authorized under this General Permit.
- m. Authorization may not be granted for structures and activities that may be hazardous to navigation or that may 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 shall 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 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 is advised to contact the appropriate local office of the U.S. Fish and Wildlife Service to determine if such "take" permits are required for a particular activity.
- o. The time limit for completing an authorized activity ends one year from the date of the activity specific authorization. If you find that you need more time to complete the authorized activity, submit your request for a time extension to the Cane River Waterway Commission for consideration at least one month before the expiration date.
- p. The permittee agrees 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. You must 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 "r.", below, is acceptable. If you desire to abandon the authorized activity without a good faith transfer, or wish to cease to maintain the authorized activity, a modification of the authorization is required from this office, which could require restoration of the area.

- r. If you sell the property associated with the authorization under this General Permit, you must contact the Cane River Waterway Commission to ensure that the authorization is transferred to the new owner.
- s. Representatives from this office shall be allowed to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of the permit.
- t. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.
- u. This permit does not grant any property rights or exclusive privileges.
- v. This permit does not authorize any injury to the property or rights of others.
- w. This permit does 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 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.
- y. In issuing individual authorizations under these General Permits, the Government will rely on the information and data, which the permittee provides in connection with his/her 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 could, in addition, institute appropriate legal proceedings.

- z. This General Permit is valid for five years from its effective date. At the end of that time, the cumulative environmental effects of completed work will be reviewed and reissuance of the permit may be considered. However, if unforeseen adverse environmental effects result from the issuance of this General Permit, it may be modified or terminated at any time.

Jennifer A. Mallard
Chief, Regulatory Division

Enclosures





JOHN BEL EDWARDS
GOVERNOR



CHUCK CARR BROWN, PH.D.
SECRETARY

State of Louisiana

DEPARTMENT OF ENVIRONMENTAL QUALITY

ENVIRONMENTAL SERVICES

Mr. Jerry Bourne
US Army Corps of Engineers - Vicksburg District
4155 Clay Street
Vicksburg, Mississippi 39183-3435

AUG 20 2020

AI No.: 224134
Activity No.: CER20200001

RE: Minor Construction Activities on Cane River Lake
Water Quality Certification WQC 200817-01
Corps of Engineers Permit MVK-2020-382 (General Permit 36)
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
Natchitoches Parish

Dear Mr. Bourne:

The Louisiana Department of Environmental Quality, Water Permits Division (LDEQ), has reviewed the application to clear, grade excavate, and/or place fill and/or dredged material for the construction of retaining walls, the placement of armoring systems, bioengineering and other standard shoreline protection/stabilization devices at, along, or roughly paralleling the shoreline or bank; dredging/excavation to depths no greater than the depth of the lake bottoms; placement of dredged and/or fill material related to the construction and installation of boat docks, boat houses, piers, boat slips, and similar structures on Cane River Lake in Natchitoches Parish.

The information provided in the application has been reviewed in terms of compliance with State Water Quality Standards, the approved Water Quality Management Plan and applicable state water laws, rules and regulations. LDEQ determined that the requirements for a Water Quality Certification have been met. LDEQ concludes that the discharge of fill or deposit of spoil will not violate water quality standards as provided for in LAC 33:IX.Chapter 11. Therefore, LDEQ hereby issues US Army Corps of Engineers - Vicksburg District - Minor Construction Activities on Cane River Lake Water Quality Certification, WQC 200817-01.

Should you have any questions concerning any part of this certification, please contact Elizabeth Hill at (225) 219-3225 or by email at elizabeth.hill@la.gov. Please reference Agency Interest (AI) number 224134 and Water Quality Certification 200817-01 on all future correspondence to this Department to ensure all correspondence regarding this project is properly filed into the Department's Electronic Document Management System.

Sincerely,

Scott Williams
Administrator
Water Permits Division

c: IO-W

ec: Mike Miller
project.i.manager@usace.army.mil

RECEIVED AUG 25 2020