DEPARTMENT OF THE ARMY
NEW ORLEANS DISTRICT, CORPS OF ENGINEERS
P.O. BOX 60267
NEW ORLEANS, LOUISIANA 70160-0267

REPLY TO
ATTENTION OF
Operations Division
Regulatory Branch

OCT 16 2014

SUBJECT: MVN-2014-02171-MS

Ms. Naretta Wade
Louisiana Department of Transportation and Development
P.O. Box 94245
Baton Rouge, Louisiana 70804-9245

Dear Ms. Wade:

This is in regard to your application dated August 26, 2014, requesting approval to install drainage structures associated with the construction of a new interchange at US 90 and LA 318 located in Sections 34 & 69, Township 13 South, Range 8 East, in St. Mary Parish, Louisiana.

This office has determined that your project, as shown in the attached drawings, is authorized by Nationwide Permit Number 18, as found in the February 21, 2012, Federal Register, Reissuance of Nationwide Permits (77 FR 10269). Enclosed is a copy of the nationwide permit and the general conditions with which you must comply.

In addition, the following special conditions are made part of this authorization:

1. The permittee shall assure that any contractors, foremen, and/or workers associated with construction of the project are equally aware of the conditions and restrictions associated with this approval.

2. The permittee shall employ erosion control measures around all construction sites that require earthwork (clearing, grading, dredging and/or deposition of fill material) such that eroded material is prevented from entering adjacent wetlands and/or waterways.

3. The permittee shall restore all temporary alterations to the surface contours within vegetated wetlands, which result from project construction, to pre-project conditions.

4. The permittee is aware that future site visits and inspections may be conducted to the project area by this office and/or other resource agencies in order to assess project compliance with this authorization and requirements associated herewith. If it is determined by this office that construction activities resulted in permanent impacts or disruption to vegetated wetland resources not considered under this authorization, you will be required to comply with this

District's recommendations, which could include submittal of a restoration plan within 30 days of such request.

You are reminded that Nationwide Permit General Condition 30 requires you to provide a signed certification stating that the authorized work was conducted in accordance with the permit, including any special conditions, and that mitigation (if required) was completed in accordance with the permit. We have attached this form. The permittee must sign the attached form and a copy of this nationwide permit authorization letter must be attached. Send this to the Department of the Army, New Orleans District Corps of Engineers, ATTN: CEMVN-OD-S, Post Office Box 60267, New Orleans, Louisiana 70160-0267.

The authorized work would neither affect any species listed as endangered by the U.S. Departments of Interior or Commerce, nor affect any habitat designated as critical to the survival and recovery of any endangered species.

This determination is only applicable to the permit program administered by the U.S. Army Corps of Engineers. It does not eliminate the need to obtain other applicable federal, state, or local approvals before beginning work.

Permittee is aware that this office may reevaluate its decision on this permit at any time the circumstances warrant.

This determination relative to the nationwide permit expires on March 18, 2017.

Should you have any further questions concerning this matter, please contact Stephen Pfeffer of this office at (504) 862-2099.

Sincerely,

Darrell S. Barbara

for: Martin S. Mayer
Chief, Regulatory Branch

Enclosures

Dear Permittee:

Under the terms of the nationwide permit approval granted to you, you are required by federal regulations, to complete and return this "Completion Notice" accompanied by a copy of your authorization letter to our office at the following address:

CEMVN-OD-S
Regulatory Branch
U.S. Army Corps of Engineers
P.O. Box 60267
New Orleans, Louisiana 70160-0267

If at a later date you decide not to perform the work, as approved by the nationwide permit, please advise this office so that your file can be so noted. If you have any questions and would like to speak with a Corps of Engineers representative, please call (504) 862-2099.

COMPLETION NOTICE

Permit Number: MVN-2014-02171-MS

The work authorized in the permit referenced above was completed in accordance with the Department of the Army authorization and applicable general and specific conditions. In addition, mitigation (if required) was completed in accordance with the permit conditions.

Name (Please print): _____

Signature: _____

Date: _____

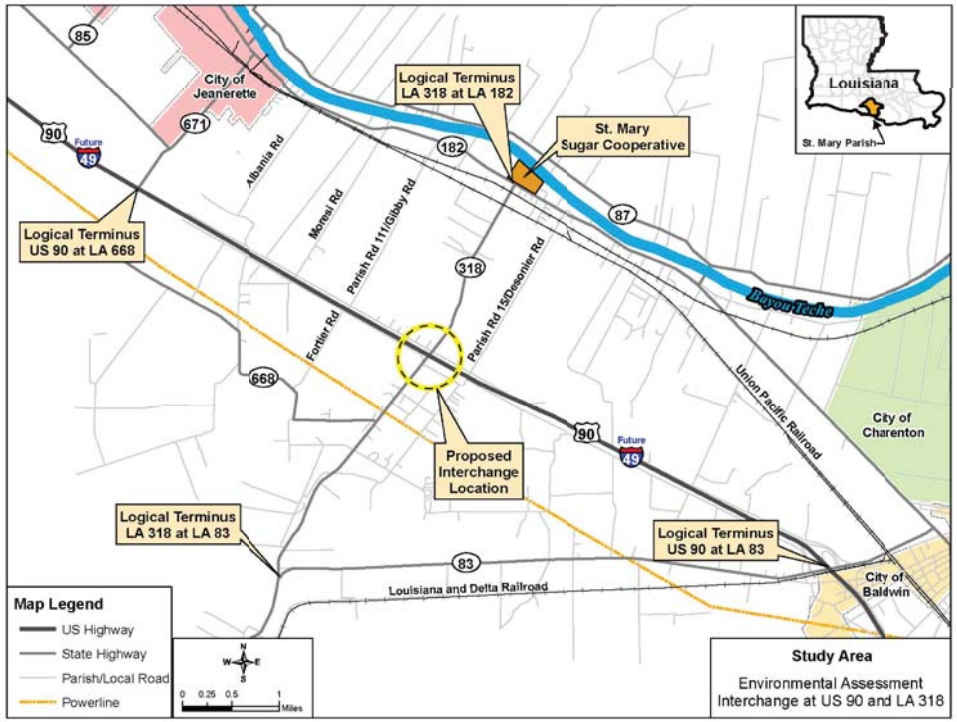
PERMIT PLATS

SHEET INDEX

ABBREVIATIONS
SHEET TS - 1 TO TS - 5 : TYPICAL SECTIONS
SHEET E : OVERVIEW ALTERNATIVE E US 90 OVER LA 318
WITH ELEVATED WESTBOUND ENTRANCE LOOP RAMP
SHEET KP - 7 TO KP - 9 : KEY PLAN - ALTERNATIVE E
SHEET 62 TO 91 : PLAN / PROFILE SHEETS - ALTERNATIVE E

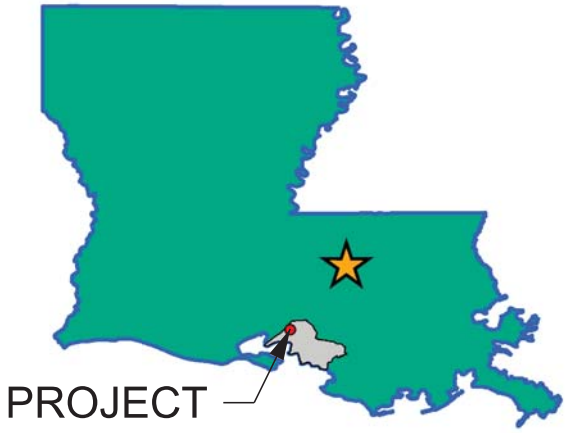
Final Environmental Assessment

State Project No. 700-51-0110
ERP Project No. H.004932
FAP No. DE-5109(501)
Interchange at US-90 and LA 318
St. Mary Parish, LA
August 2014



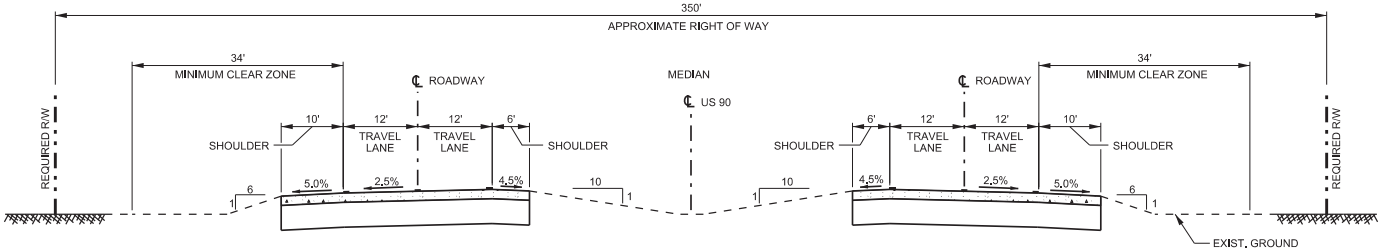
MAP ATLAS

Federal Highway Administration

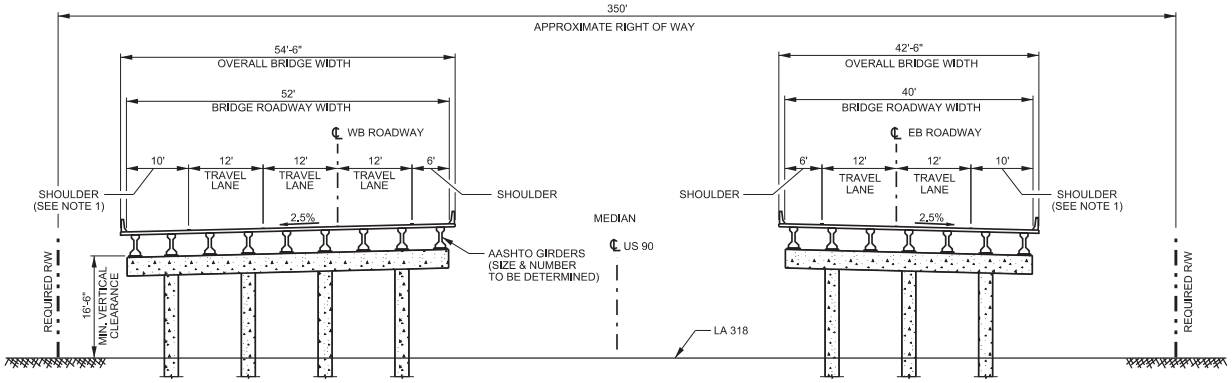


ABBREVIATIONS

C OF A	=	CONTROL OF ACCESS
℄	=	CENTERLINE
D	=	DEGREE OF CURVATURE
L	=	LENGTH
L.V.C.	=	LENGTH OF VERTICAL CURVATURE
EXIST.	=	EXISTING
ELEV.	=	ELEVATION
K	=	RATE OF VERTICAL CURVATURE
P.C.	=	POINT OF CURVATURE
P.C.C.	=	POINT OF COMPOUND CURVATURE
P.I.	=	POINT OF INTERSECTION
P.T.	=	POINT OF TANGENCY
P.V.C.	=	POINT OF VERTICAL CURVATURE
P.V.I.	=	POINT OF VERTICAL INTERSECTION
P.V.T.	=	POINT OF VERTICAL TANGENCY
PROP.	=	PROPOSED
R	=	RADIUS
REQ'D	=	REQUIRED
R/W	=	RIGHT OF WAY
S	=	SLOPE
STA.	=	STATION
T	=	TANGENT
TYP.	=	TYPICAL



EXISTING TYPICAL SECTION US 90



PROPOSED TYPICAL SECTION US 90 BRIDGE OVER LA 318
ALTERNATIVES B & E

TS - 1

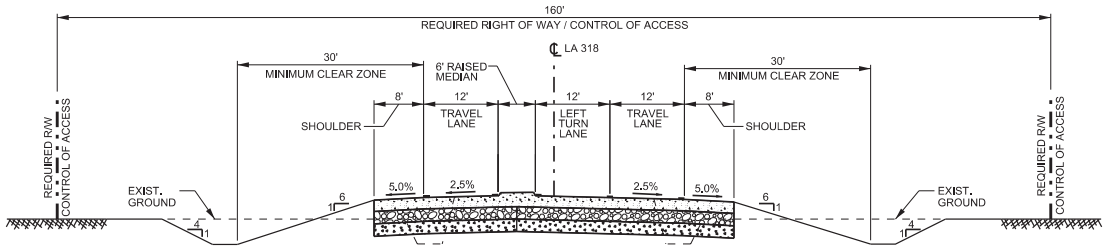
NOTES & LEGEND

1. PROPOSED BRIDGE OUTSIDE SHOULDERS SHALL BE 10' WIDE TO MATCH EXISTING US 90 TYPICAL SECTION.

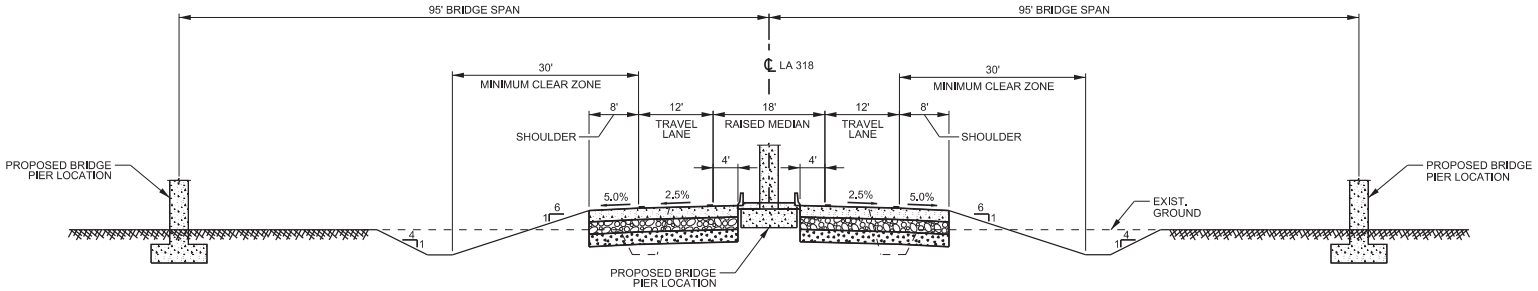
EXISTING CONCRETE ROADWAY / PROPOSED BRIDGE

US 90 / LA 318 INTERCHANGE
ENVIRONMENTAL ASSESSMENT

TYPICAL SECTION
US 90 AT GRADE & OVER LA 318



PROPOSED TYPICAL SECTION LA 318 AT-GRADE
ALTERNATIVES B, D & E



PROPOSED TYPICAL SECTION LA 318 UNDER US 90 BRIDGE
ALTERNATIVES B & E

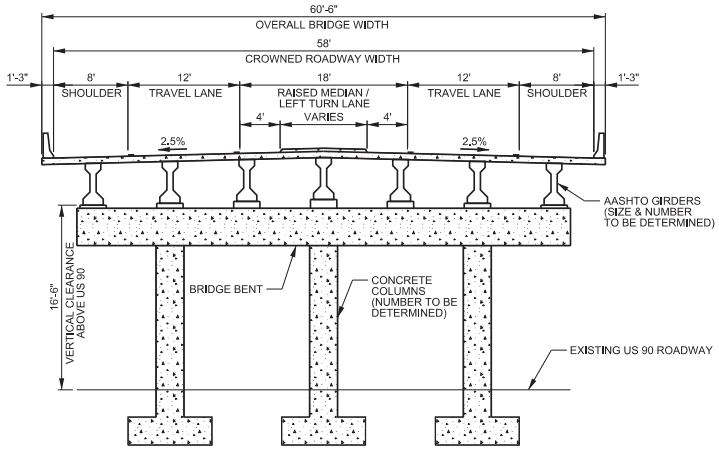
LEGEND

- PROPOSED CONCRETE ROADWAY / BRIDGE PIERS
- PROPOSED CLASS II BASE COURSE
- PROPOSED LIME TREATED SUBGRADE

TS - 2

US 90 / LA 318 INTERCHANGE
ENVIRONMENTAL ASSESSMENT

TYPICAL SECTION
LA 318 UNDER US 90



PROPOSED TYPICAL SECTION LA 318 BRIDGE OVER US 90
ALTERNATIVE D

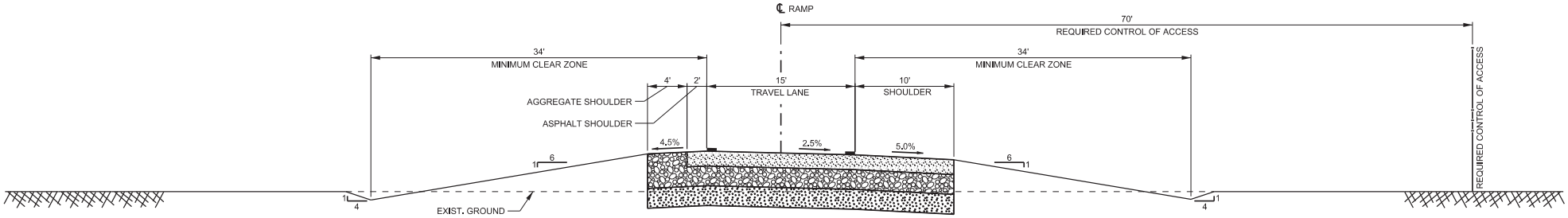
LEGEND

PROPOSED CONCRETE BRIDGE

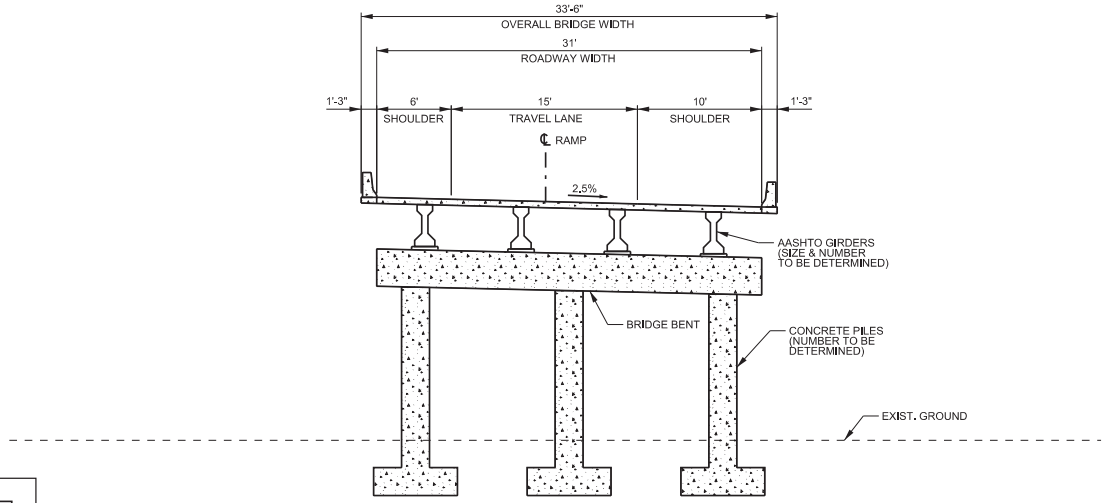
TS - 3

US 90 / LA 318 INTERCHANGE
ENVIRONMENTAL ASSESSMENT

TYPICAL BRIDGE SECTION
LA 318 OVER US 90



PROPOSED TYPICAL SECTION SURFACE RAMPS
ALTERNATIVES B,D, & E



PROPOSED TYPICAL SECTION WESTBOUND ENTRANCE RAMP
BRIDGE SECTION - ALTERNATIVE E

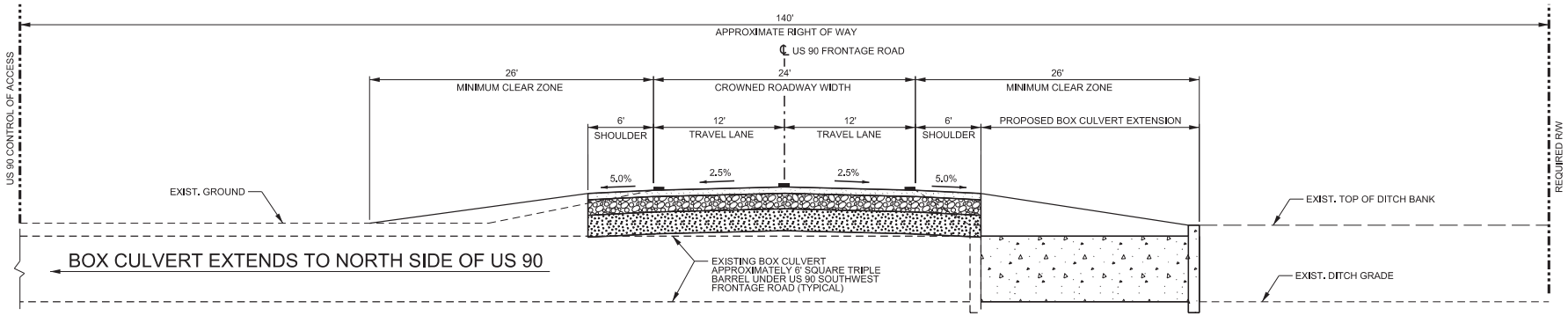
LEGEND

- PROPOSED CONCRETE ROADWAY / BRIDGE
- PROPOSED CLASS II BASE COURSE
- PROPOSED LIME TREATED SUBGRADE

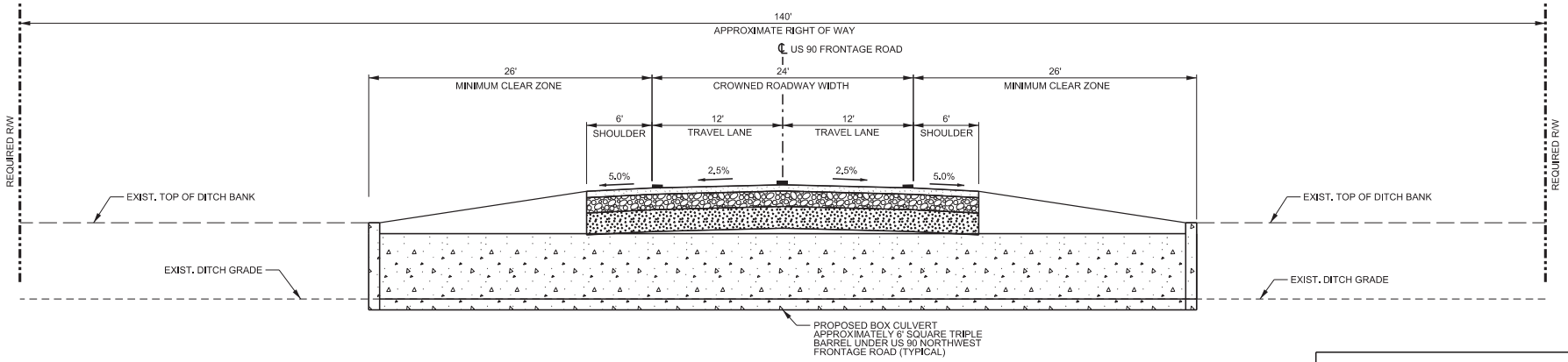
TS - 4

US 90 / LA 318 INTERCHANGE
ENVIRONMENTAL ASSESSMENT

TYPICAL SECTION RAMPS
ALTERNATIVE E



PROPOSED BOX CULVERT TYPICAL SECTION
US 90 SOUTHWEST FRONTAGE ROAD
ALTERNATIVE E
(LOOKING EAST ON US 90 FRONTAGE ROAD)



PROPOSED BOX CULVERT TYPICAL SECTION
US 90 NORTHWEST FRONTAGE ROAD
ALTERNATIVE E
(LOOKING EAST ON US 90 FRONTAGE ROAD)

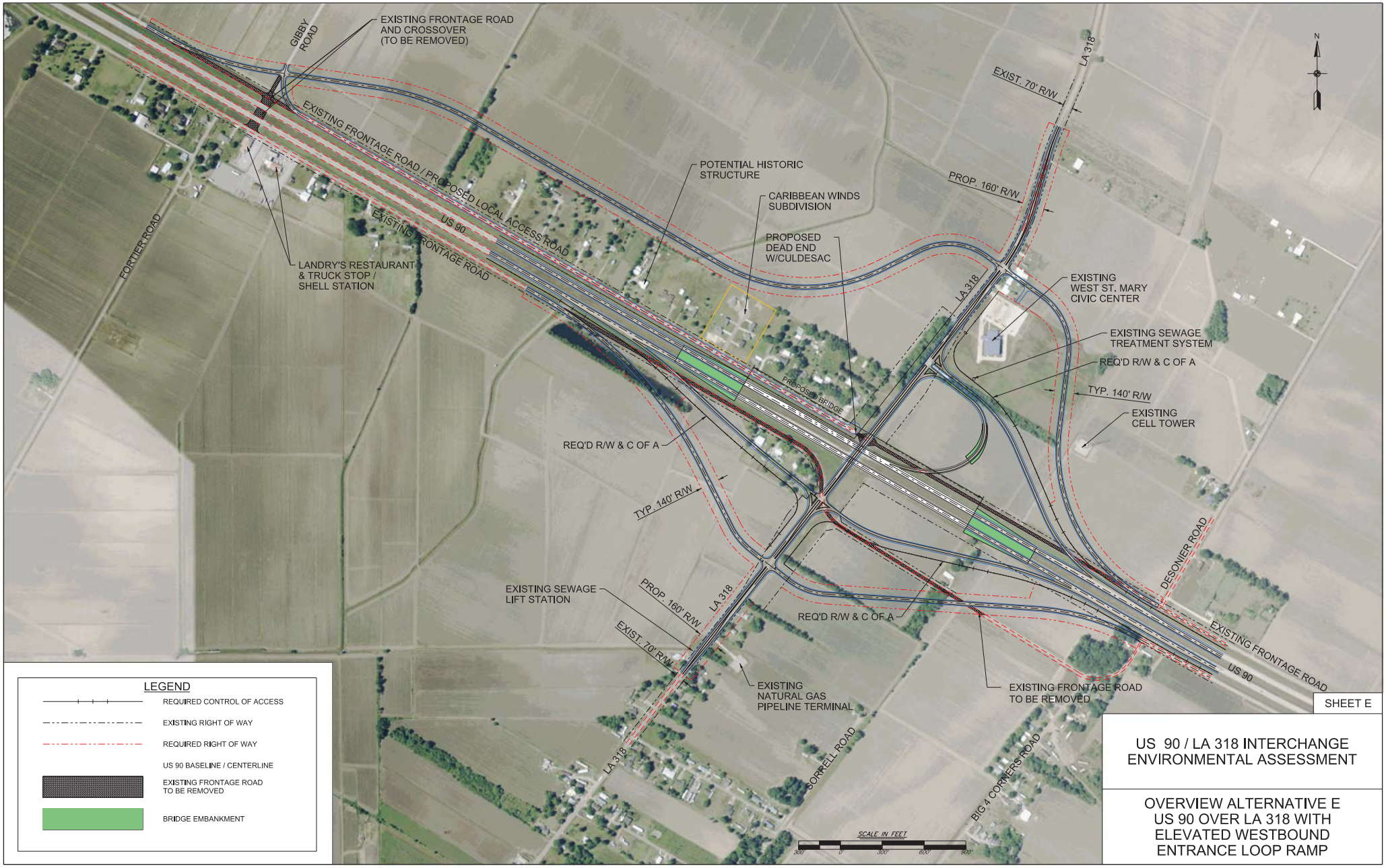
LEGEND

- PROPOSED ASPHALT ROADWAY
- PROPOSED CLASS II BASE COURSE
- PROPOSED LIME TREATED SUBGRADE
- PROPOSED CONCRETE BOX CULVERT

TS - 5

US 90 / LA 318 INTERCHANGE

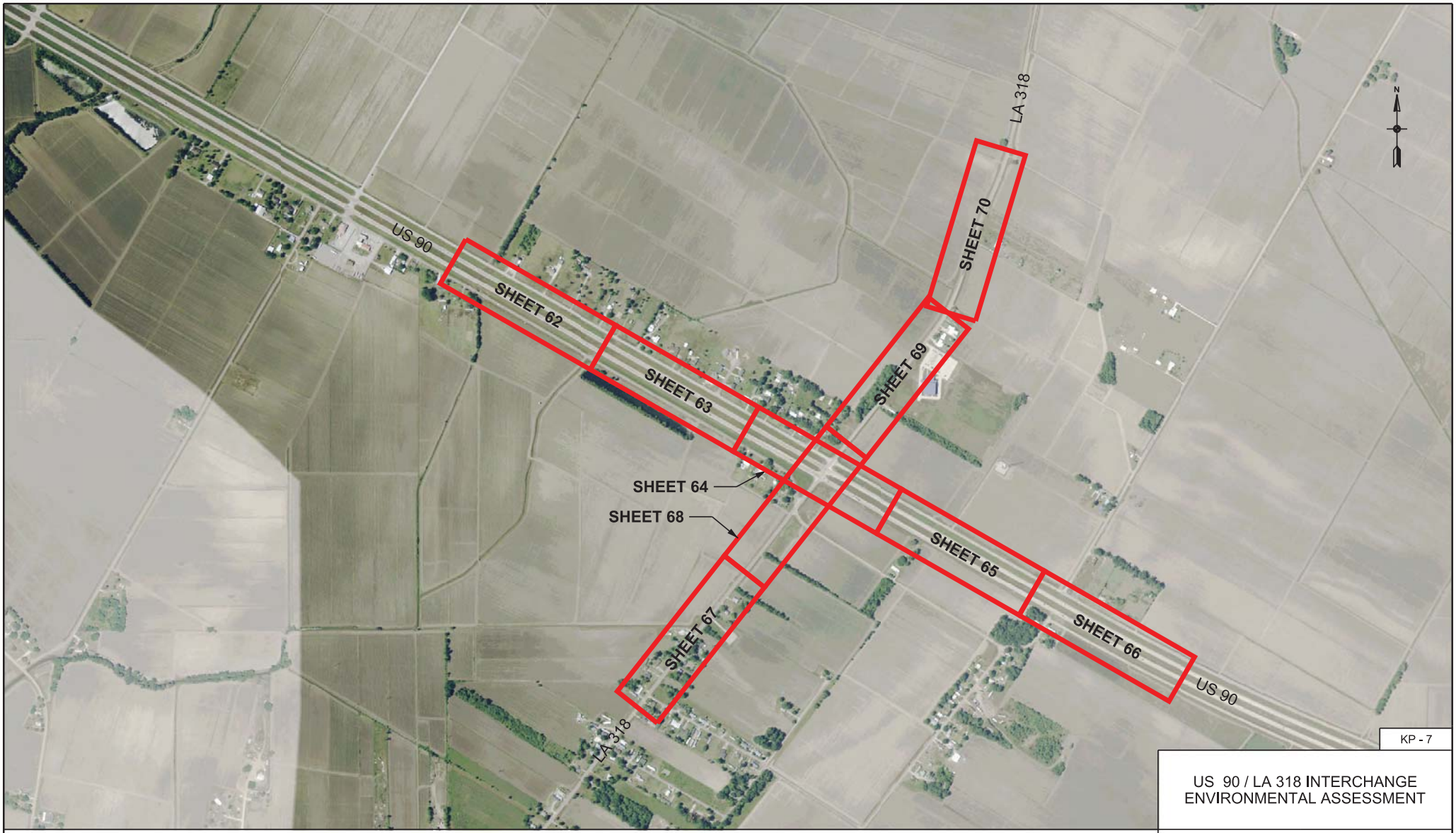
TYPICAL SECTIONS
US 90 FRONTAGE ROAD



SHEET E

US 90 / LA 318 INTERCHANGE
ENVIRONMENTAL ASSESSMENT

OVERVIEW ALTERNATIVE E
US 90 OVER LA 318 WITH
ELEVATED WESTBOUND
ENTRANCE LOOP RAMP



KP - 7

US 90 / LA 318 INTERCHANGE
ENVIRONMENTAL ASSESSMENT

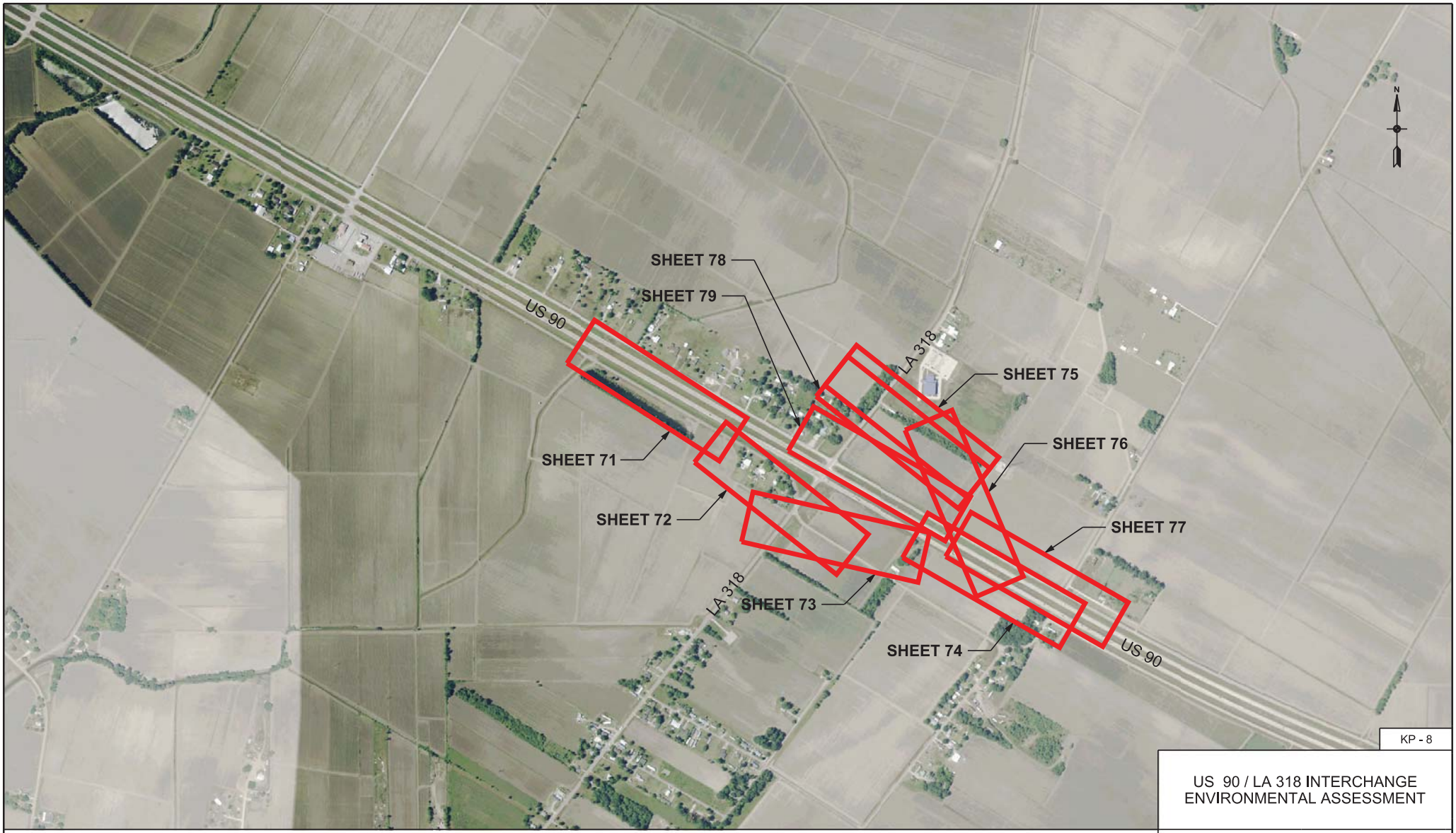
LEGEND

PLAN AND PROFILE SHEET BORDER

US 90 & LA 318 KEY PLAN

SCALE IN FEET
400' 0' 400' 800' 1200'

KEY PLAN
ALTERNATIVE E
US 90 & LA 318



US 90 / LA 318 INTERCHANGE
ENVIRONMENTAL ASSESSMENT

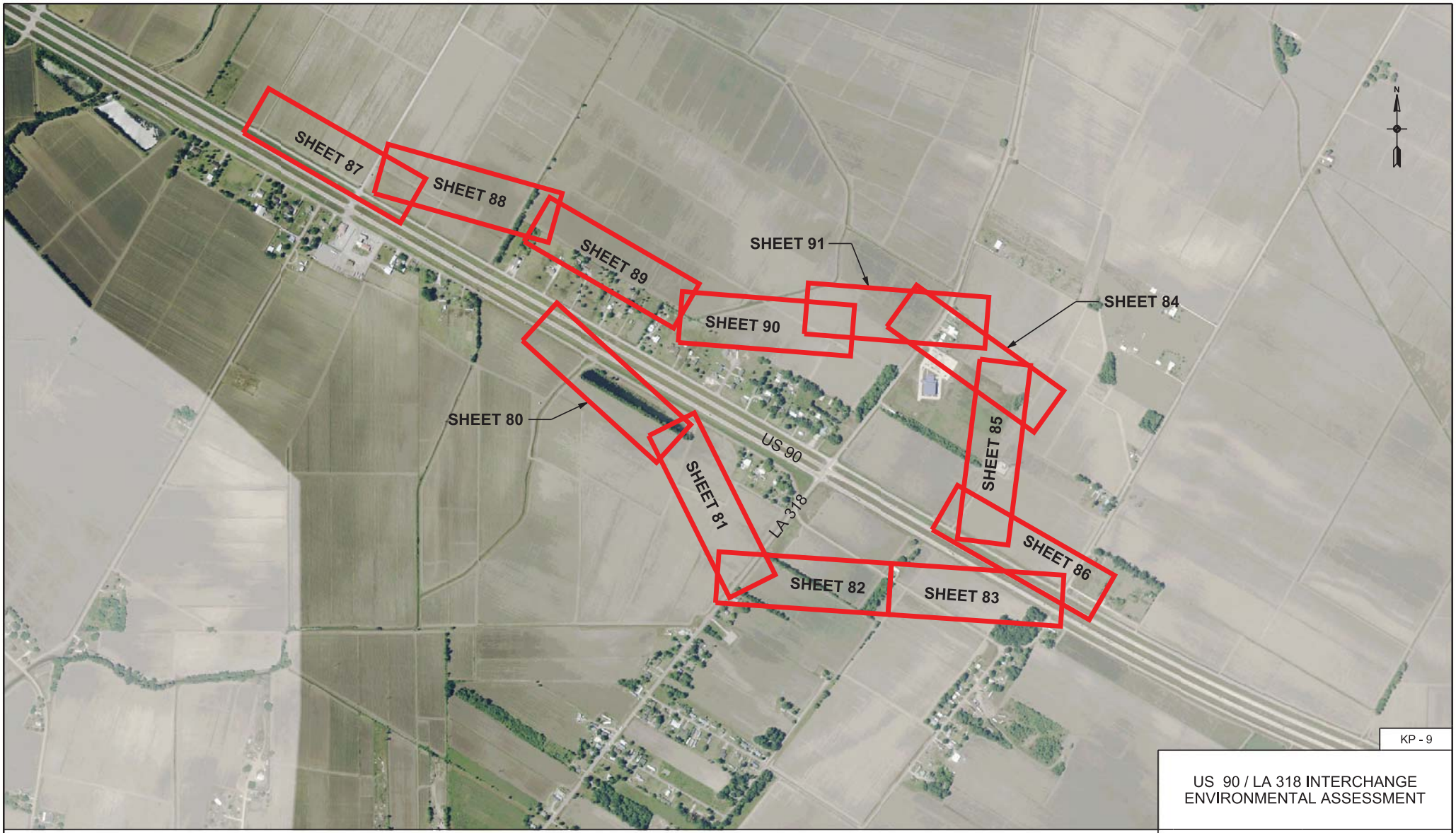
LEGEND

PLAN AND PROFILE SHEET BORDER

US 90 RAMPS KEY PLAN

SCALE IN FEET
400' 0' 400' 800' 1200'

KEY PLAN
ALTERNATIVE E
US 90 RAMPS



KP - 9

US 90 / LA 318 INTERCHANGE
ENVIRONMENTAL ASSESSMENT

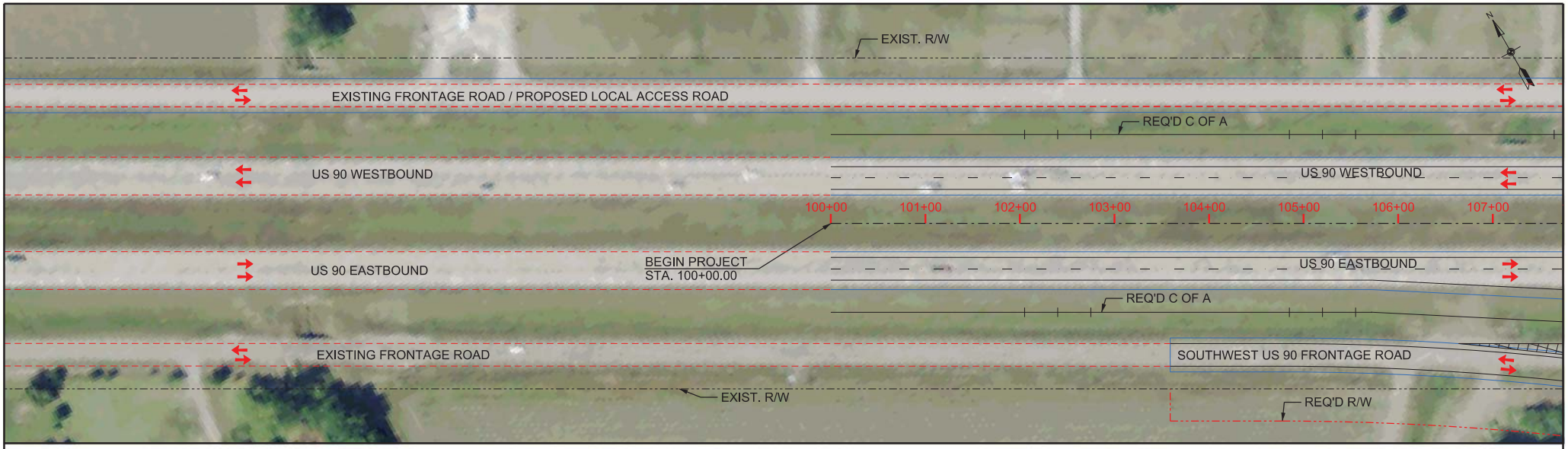
LEGEND

PLAN AND PROFILE SHEET BORDER

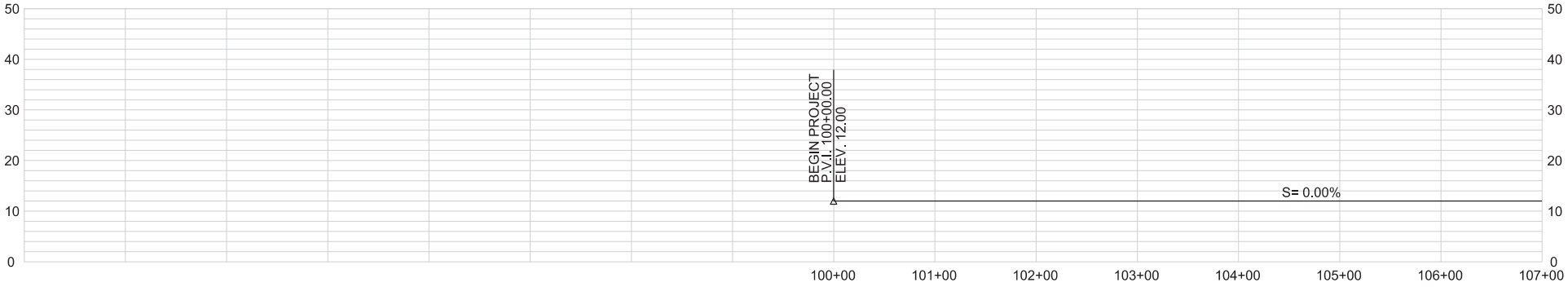
FRONTAGE ROADS KEY PLAN

SCALE IN FEET
400' 0' 400' 800' 1200'

KEY PLAN
ALTERNATIVE E
FRONTAGE ROADS



US 90 PLAN
SCALE: 1" = 100'



US 90 PROFILE
HORIZONTAL SCALE: 1" = 100'
VERTICAL SCALE: 1" = 20'

SHEET 62

LEGEND

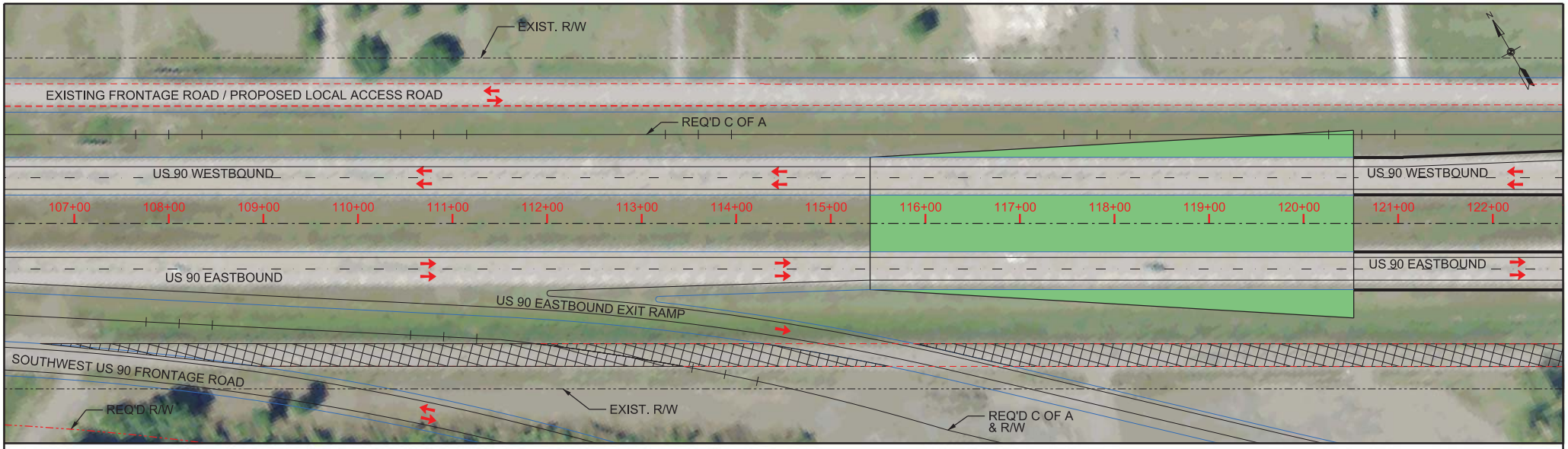
- REQUIRED CONTROL OF ACCESS
- REQUIRED RIGHT OF WAY
- US 90 CENTERLINE / BASELINE
- EXISTING RIGHT OF WAY
- EXISTING EDGE OF PAVEMENT
- EXISTING FRONTAGE ROAD TO BE REMOVED

HORIZONTAL
SCALE IN FEET
50' 0' 50' 100' 150'

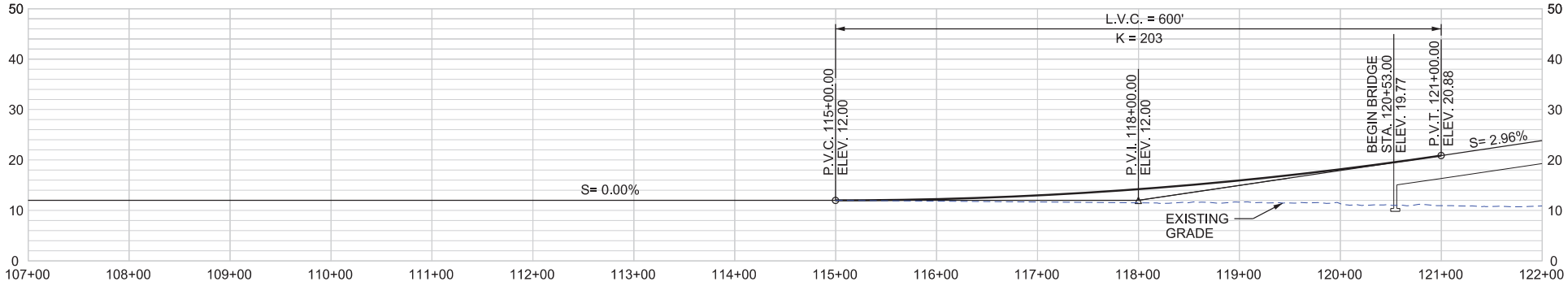
VERTICAL
SCALE IN FEET
10' 0' 10' 20' 30'

US 90 / LA 318 INTERCHANGE
ENVIRONMENTAL ASSESSMENT

PLAN AND PROFILE
ALTERNATIVE E
US 90 OVER LA 318



US 90 PLAN
SCALE: 1" = 100'

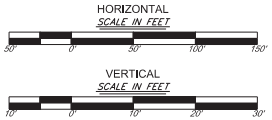


US 90 PROFILE
HORIZONTAL SCALE: 1" = 100'
VERTICAL SCALE: 1" = 20'

SHEET 63

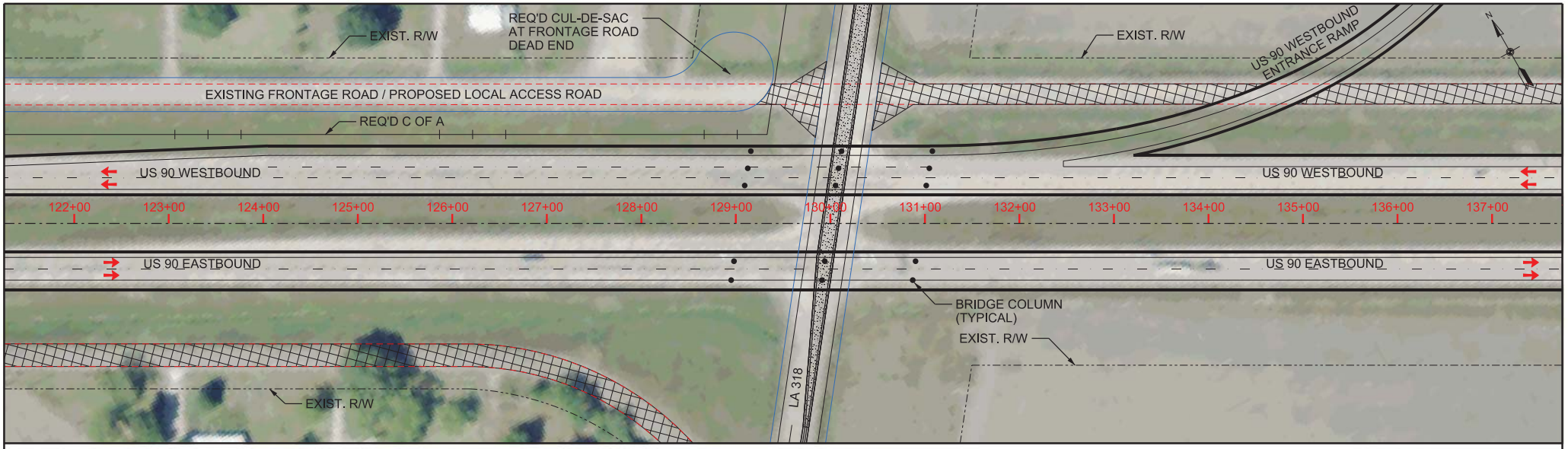
LEGEND

- REQUIRED CONTROL OF ACCESS
- REQUIRED RIGHT OF WAY
- US 90 CENTERLINE / BASELINE
- EXISTING RIGHT OF WAY
- EXISTING EDGE OF PAVEMENT
- EXISTING FRONTAGE ROAD TO BE REMOVED
- BRIDGE EMBANKMENT

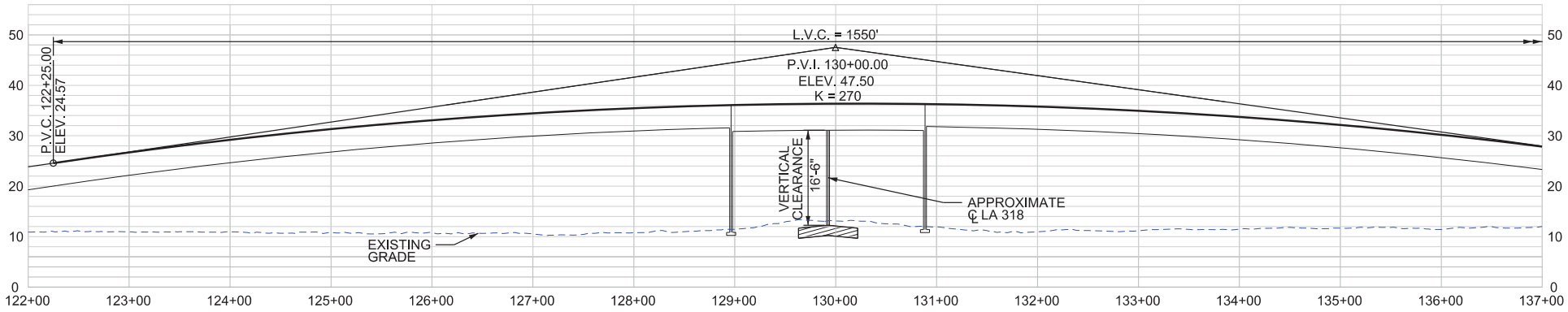


US 90 / LA 318 INTERCHANGE
ENVIRONMENTAL ASSESSMENT

PLAN AND PROFILE
ALTERNATIVE E
US 90 OVER LA 318



US 90 PLAN
SCALE: 1" = 100'

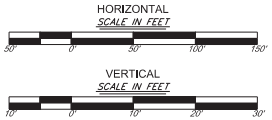


US 90 PROFILE
HORIZONTAL SCALE: 1" = 100'
VERTICAL SCALE: 1" = 20'

SHEET 64

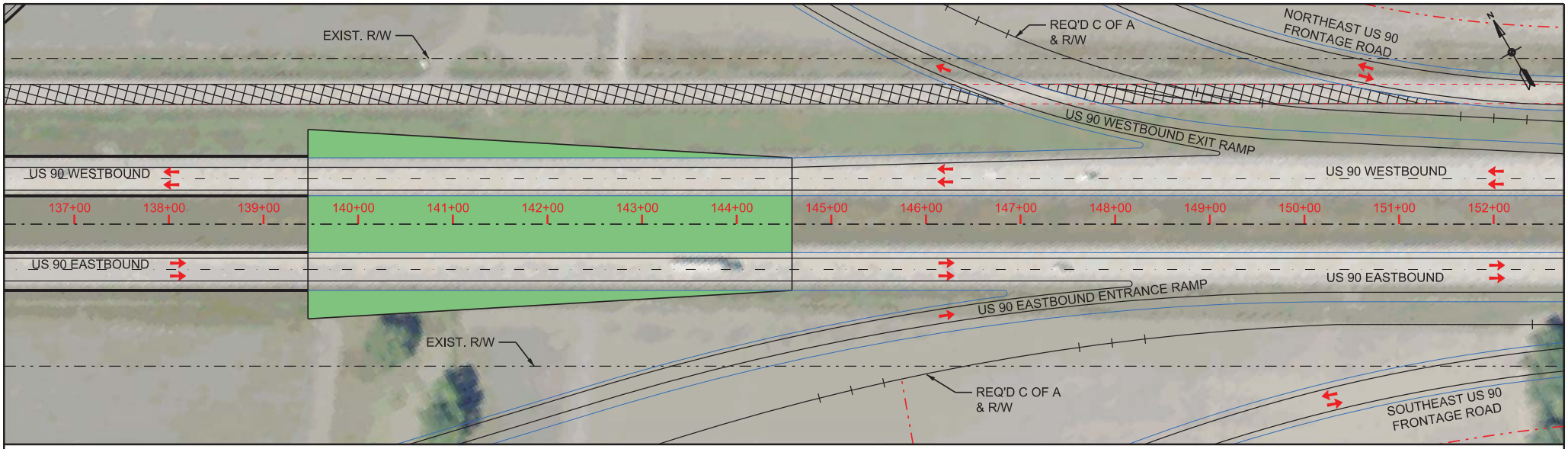
LEGEND

- US 90 CENTERLINE / BASELINE
- EXISTING RIGHT OF WAY
- EXISTING EDGE OF PAVEMENT
- EXISTING FRONTAGE ROAD TO BE REMOVED
- RAISED CONCRETE MEDIAN
- LA 318 PROPOSED ROADWAY SECTION
- BRIDGE PIER COLUMN

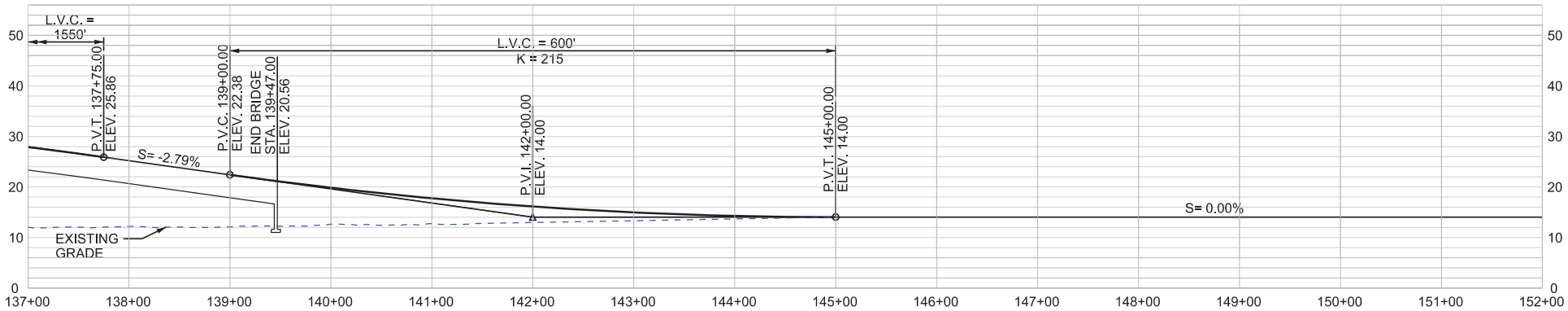


US 90 / LA 318 INTERCHANGE
ENVIRONMENTAL ASSESSMENT

PLAN AND PROFILE
ALTERNATIVE E
US 90 OVER LA 318



US 90 PLAN
SCALE: 1" = 100'



US 90 PROFILE
HORIZONTAL SCALE: 1" = 100'
VERTICAL SCALE: 1" = 20'

SHEET 65

LEGEND

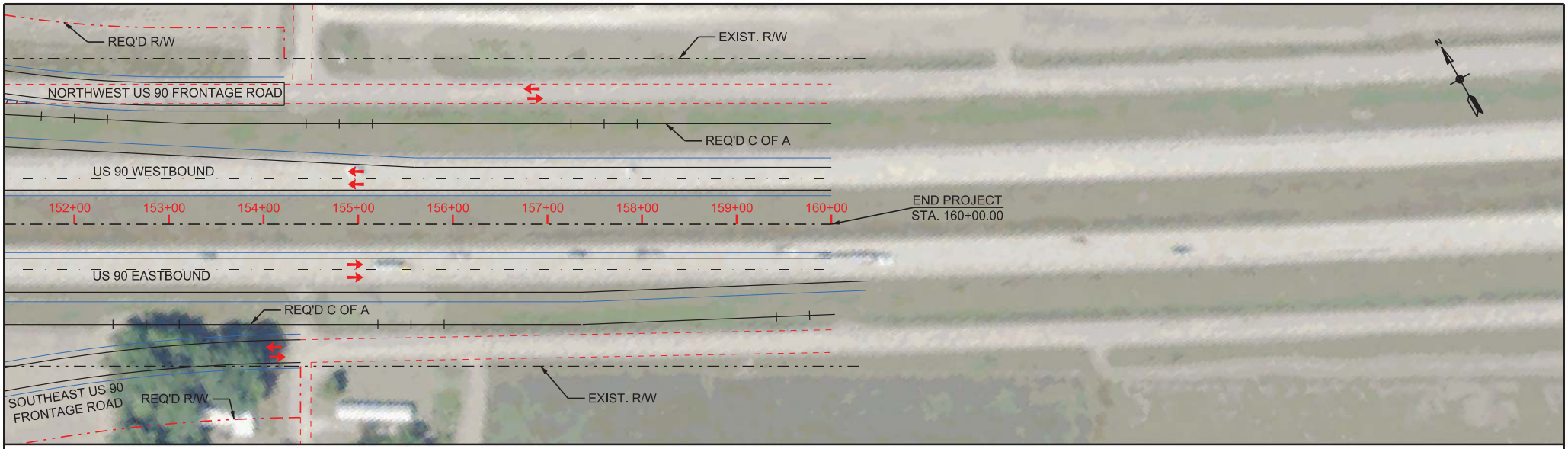
- REQUIRED CONTROL OF ACCESS
- REQUIRED RIGHT OF WAY
- US 90 CENTERLINE / BASELINE
- EXISTING RIGHT OF WAY
- EXISTING EDGE OF PAVEMENT
- EXISTING FRONTAGE ROAD TO BE REMOVED
- BRIDGE EMBANKMENT

HORIZONTAL
SCALE IN FEET
50' 0' 50' 100' 150'

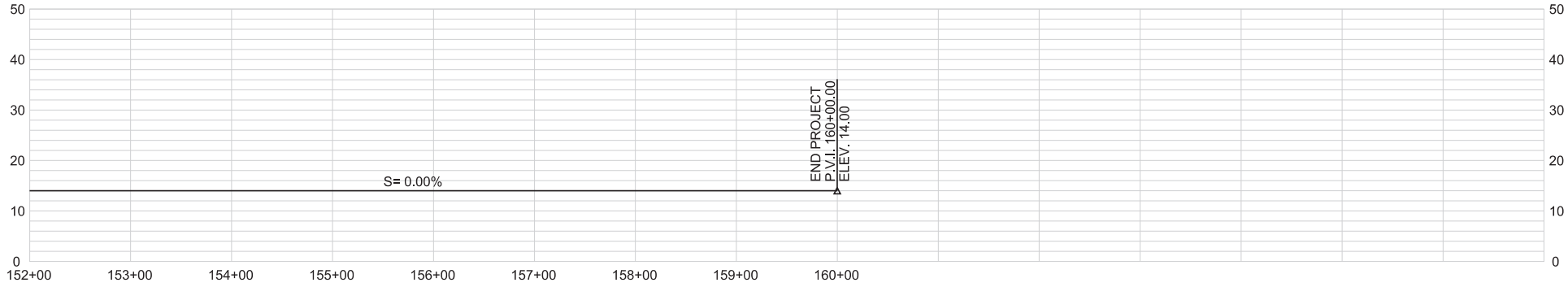
VERTICAL
SCALE IN FEET
10' 0' 10' 20' 30'

US 90 / LA 318 INTERCHANGE
ENVIRONMENTAL ASSESSMENT

PLAN AND PROFILE
ALTERNATIVE E
US 90 OVER LA 318



US 90 PLAN
SCALE: 1" = 100'



US 90 PROFILE

HORIZONTAL SCALE: 1" = 100'
VERTICAL SCALE: 1" = 10'

SHEET 66

LEGEND

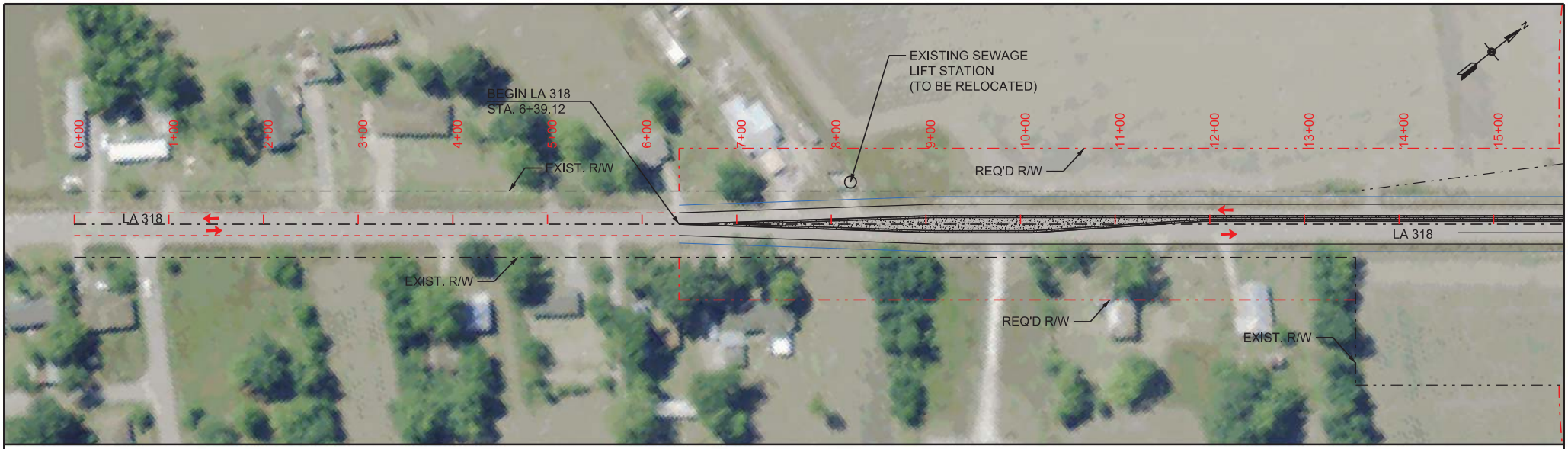
- REQUIRED CONTROL OF ACCESS
- REQUIRED RIGHT OF WAY
- US 90 CENTERLINE / BASELINE
- EXISTING RIGHT OF WAY
- EXISTING EDGE OF PAVEMENT

HORIZONTAL
SCALE IN FEET
50' 0' 50' 100' 150'

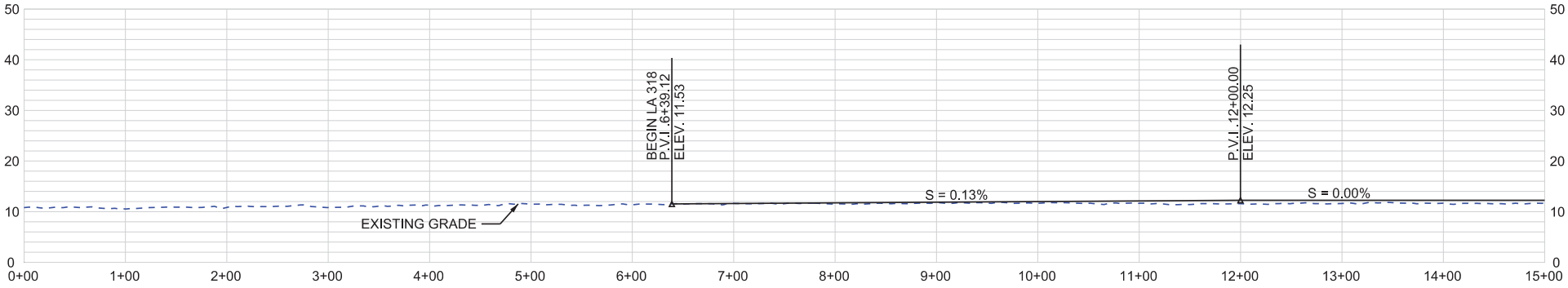
VERTICAL
SCALE IN FEET
10' 0' 10' 20' 30'

US 90 / LA 318 INTERCHANGE
ENVIRONMENTAL ASSESSMENT

PLAN AND PROFILE
ALTERNATIVE E
US 90 OVER LA 318



LA 318 PLAN
SCALE: 1" = 100'



LA 318 PROFILE
HORIZONTAL SCALE: 1" = 100'
VERTICAL SCALE: 1" = 20'

SHEET 67

LEGEND

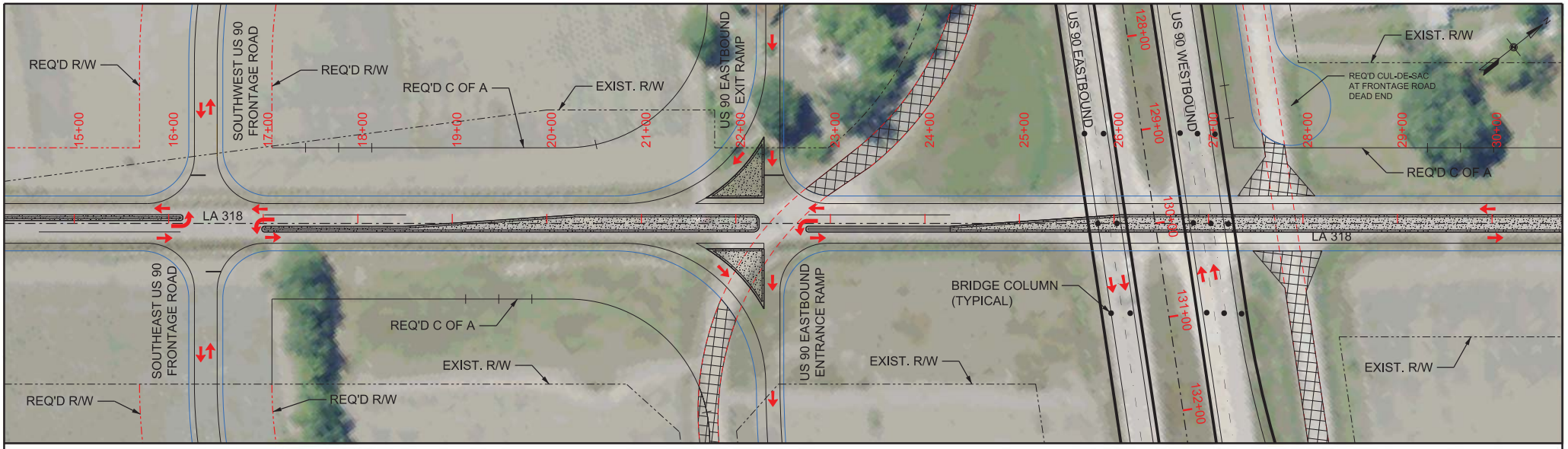
- REQUIRED CONTROL OF ACCESS
- REQUIRED RIGHT OF WAY
- LA 318 CENTERLINE / BASELINE
- EXISTING RIGHT OF WAY
- EXISTING EDGE OF PAVEMENT
- RAISED CONCRETE MEDIAN

HORIZONTAL
SCALE IN FEET
50' 0' 50' 100' 150'

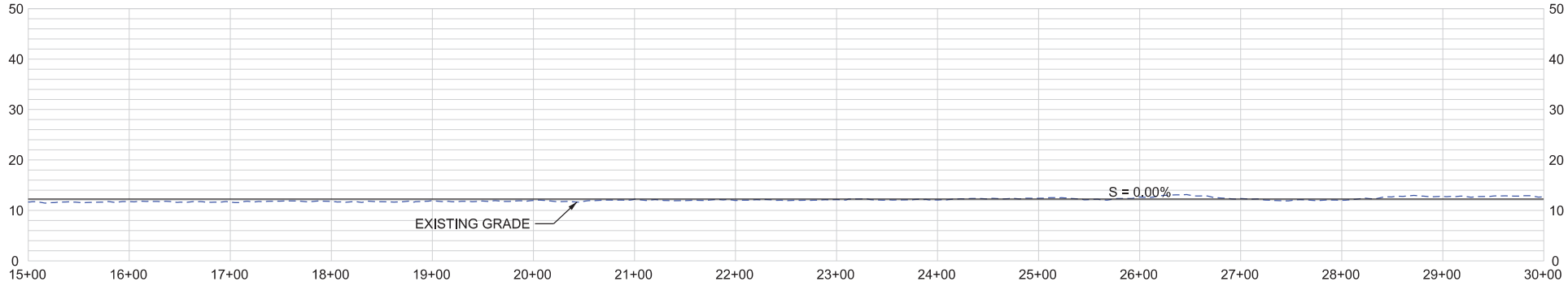
VERTICAL
SCALE IN FEET
10' 0' 10' 20' 30'

US 90 / LA 318 INTERCHANGE
ENVIRONMENTAL ASSESSMENT

PLAN AND PROFILE
ALTERNATIVE E
US 90 OVER LA 318



LA 318 PLAN
SCALE: 1" = 100'



LA 318 PROFILE
HORIZONTAL SCALE: 1" = 100'
VERTICAL SCALE: 1" = 20'

SHEET 68

LEGEND

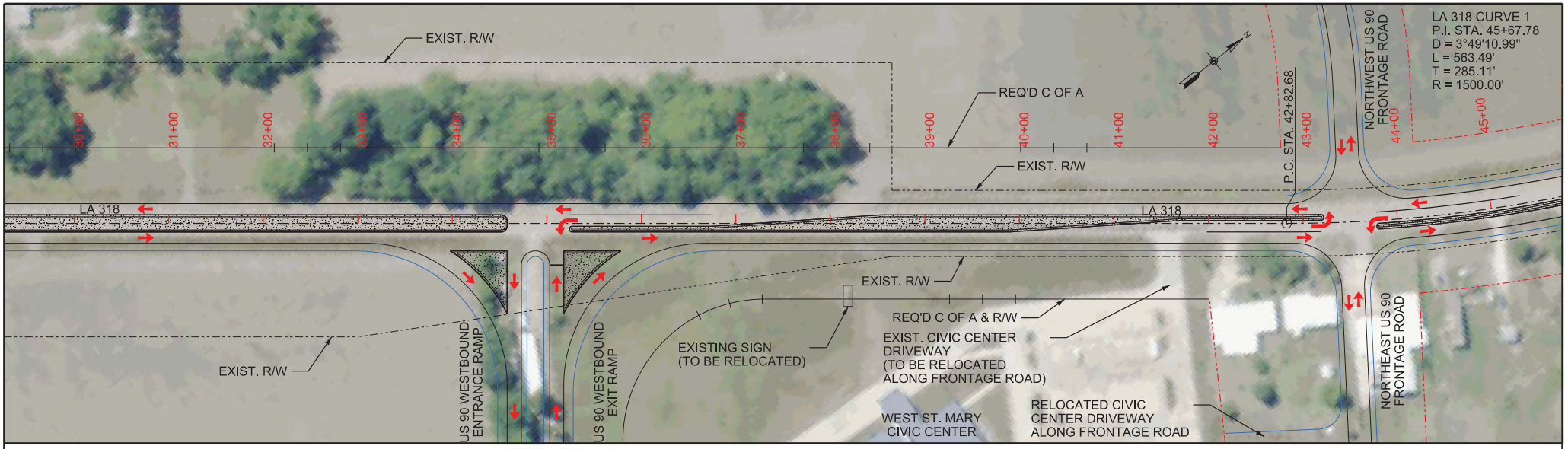
- REQUIRED CONTROL OF ACCESS
- REQUIRED RIGHT OF WAY
- LA 318 CENTERLINE / BASELINE
- EXISTING RIGHT OF WAY
- BRIDGE PIER COLUMN
- EXISTING EDGE OF PAVEMENT
- EXISTING FRONTAGE ROAD TO BE REMOVED
- RAISED CONCRETE MEDIAN

HORIZONTAL
SCALE IN FEET
50' 0' 50' 100' 150'

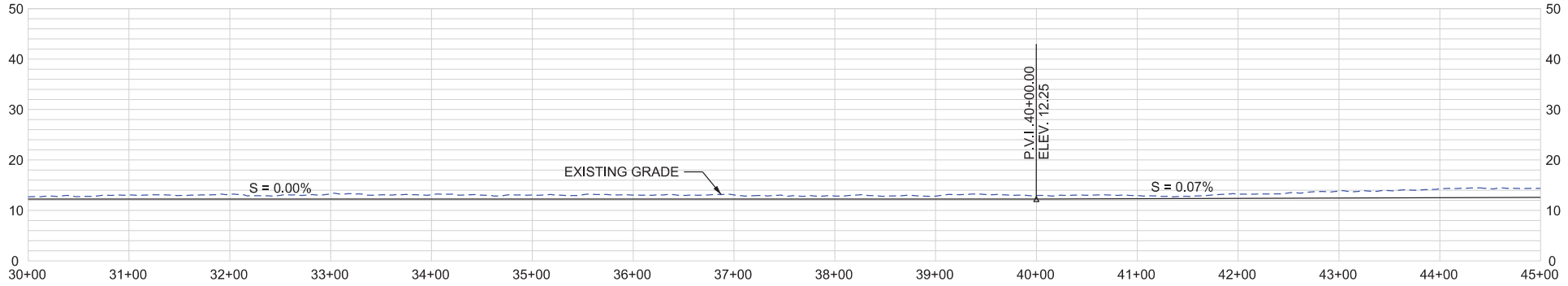
VERTICAL
SCALE IN FEET
10' 0' 10' 20' 30'

US 90 / LA 318 INTERCHANGE
ENVIRONMENTAL ASSESSMENT

PLAN AND PROFILE
ALTERNATIVE E
US 90 OVER LA 318



LA 318 PLAN
SCALE: 1" = 100'



LA 318 PROFILE
HORIZONTAL SCALE: 1" = 100'
VERTICAL SCALE: 1" = 20'

SHEET 69

LEGEND

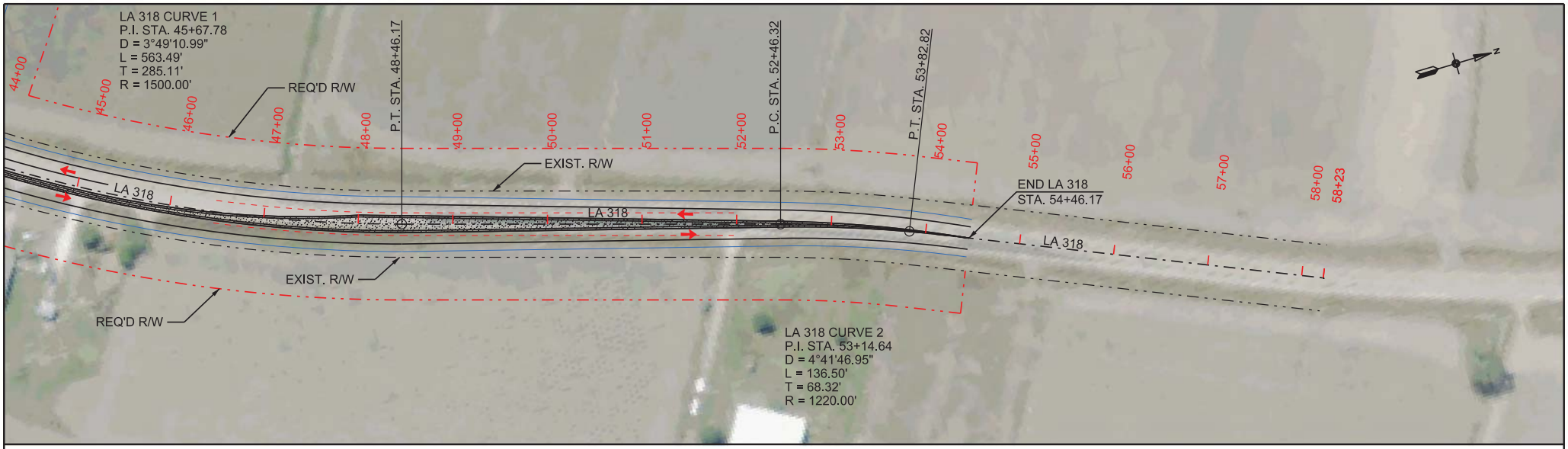
- REQUIRED CONTROL OF ACCESS
- REQUIRED RIGHT OF WAY
- LA 318 CENTERLINE / BASELINE
- EXISTING RIGHT OF WAY
- RAISED CONCRETE MEDIAN

HORIZONTAL
SCALE IN FEET
50' 0' 50' 100' 150'

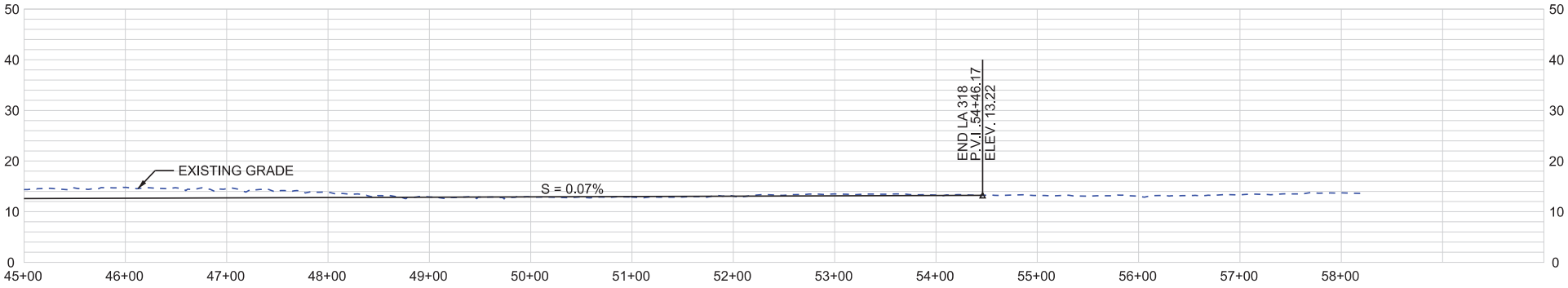
VERTICAL
SCALE IN FEET
10' 0' 10' 20' 30'

US 90 / LA 318 INTERCHANGE
ENVIRONMENTAL ASSESSMENT

PLAN AND PROFILE
ALTERNATIVE E
US 90 OVER LA 318



LA 318 PLAN
SCALE: 1" = 100'



LA 318 PROFILE
HORIZONTAL SCALE: 1" = 100'
VERTICAL SCALE: 1" = 20'

SHEET 70

LEGEND

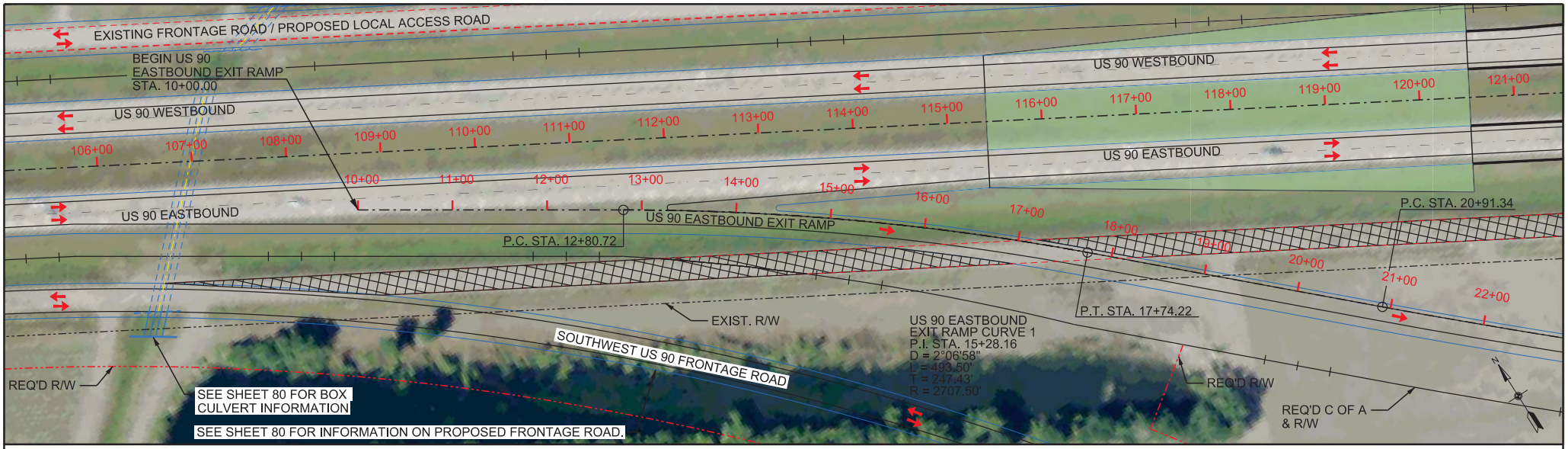
- REQUIRED CONTROL OF ACCESS
- REQUIRED RIGHT OF WAY
- LA 318 CENTERLINE / BASELINE
- EXISTING RIGHT OF WAY
- EXISTING EDGE OF PAVEMENT
- RAISED CONCRETE MEDIAN

HORIZONTAL
SCALE IN FEET
50' 0' 50' 100' 150'

VERTICAL
SCALE IN FEET
10' 0' 10' 20' 30'

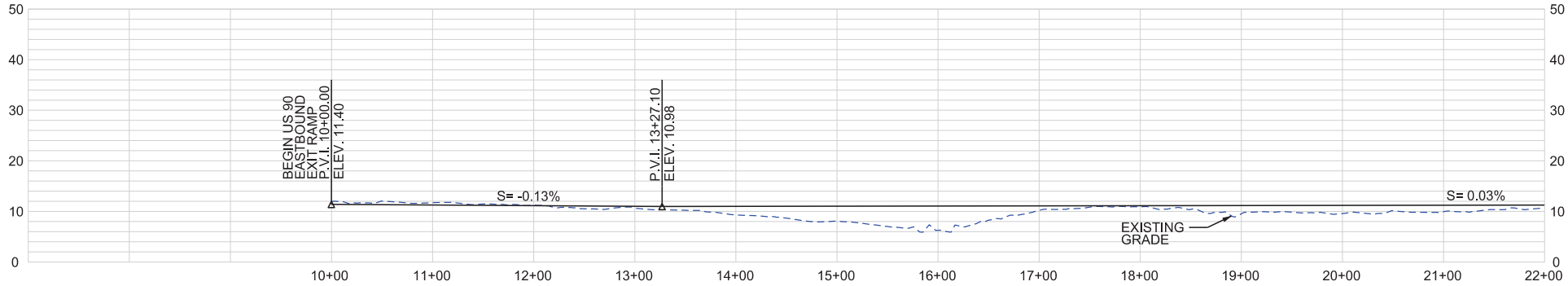
US 90 / LA 318 INTERCHANGE
ENVIRONMENTAL ASSESSMENT

PLAN AND PROFILE
ALTERNATIVE E
US 90 OVER LA 318



US 90 EASTBOUND EXIT RAMP PLAN

SCALE: 1" = 100'



US 90 EASTBOUND EXIT RAMP PROFILE

HORIZONTAL SCALE: 1" = 100'

VERTICAL SCALE: 1" = 20'

SHEET 71

LEGEND

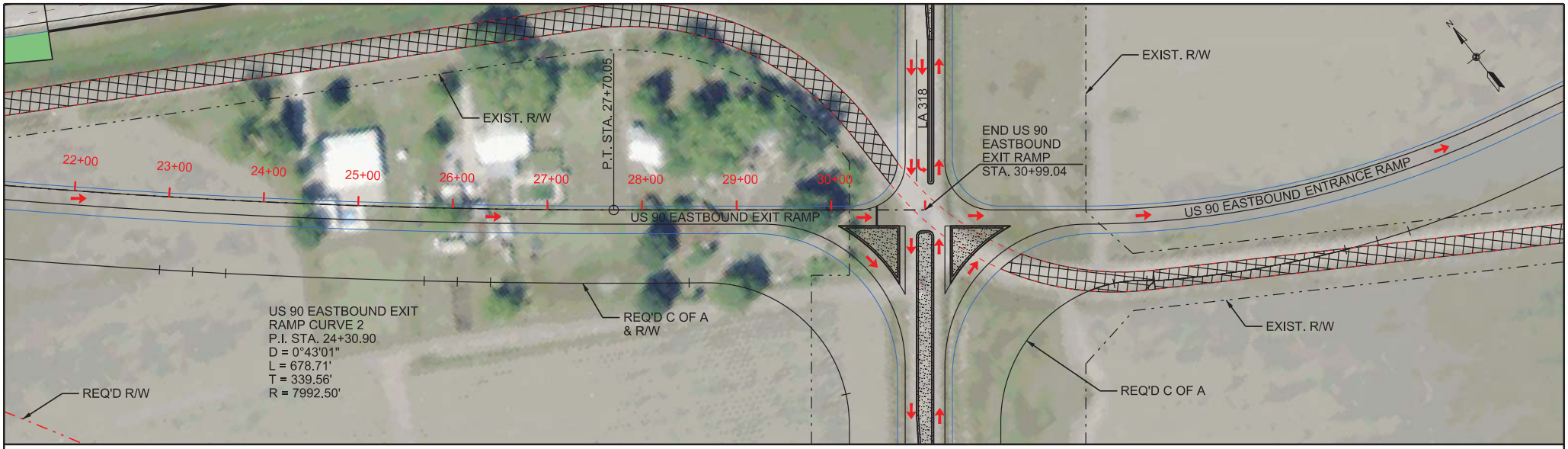
- REQUIRED CONTROL OF ACCESS
- REQUIRED RIGHT OF WAY
- US 90 EASTBOUND EXIT RAMP BASELINE
- EXISTING RIGHT OF WAY
- EXISTING EDGE OF PAVEMENT
- EXISTING FRONTAGE ROAD TO BE REMOVED
- BRIDGE EMBANKMENT

HORIZONTAL
SCALE IN FEET
50' 0' 50' 100' 150'

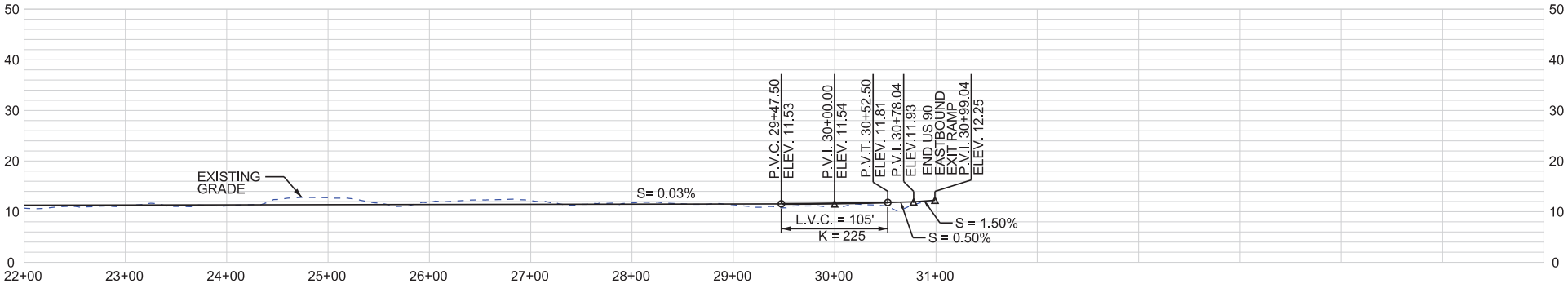
VERTICAL
SCALE IN FEET
10' 0' 10' 20' 30'

US 90 / LA 318 INTERCHANGE
ENVIRONMENTAL ASSESSMENT

PLAN AND PROFILE
ALTERNATIVE E
US 90 EASTBOUND EXIT RAMP



US 90 EASTBOUND EXIT RAMP PLAN
SCALE: 1" = 100'



US 90 EASTBOUND EXIT RAMP PROFILE
HORIZONTAL SCALE: 1" = 100'
VERTICAL SCALE: 1" = 20'

SHEET 72

LEGEND

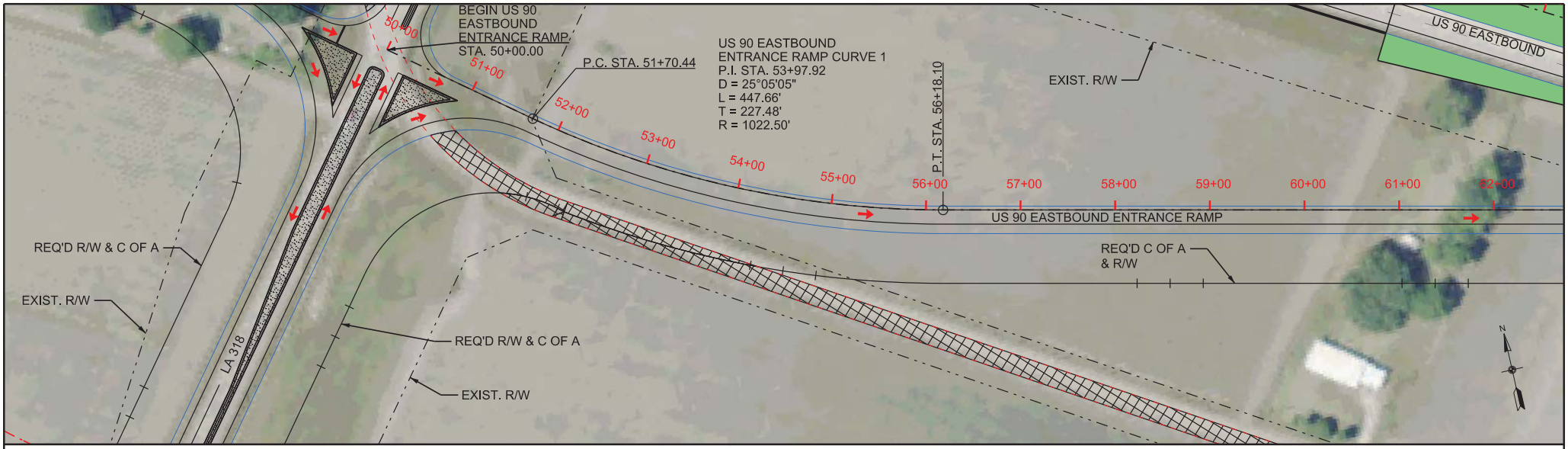
- REQUIRED CONTROL OF ACCESS
- REQUIRED RIGHT OF WAY
- US 90 EASTBOUND EXIT RAMP BASELINE
- EXISTING RIGHT OF WAY
- EXISTING EDGE OF PAVEMENT
- EXISTING FRONTAGE ROAD TO BE REMOVED
- RAISED CONCRETE MEDIAN
- BRIDGE EMBANKMENT

HORIZONTAL
SCALE IN FEET
50' 0' 50' 100' 150'

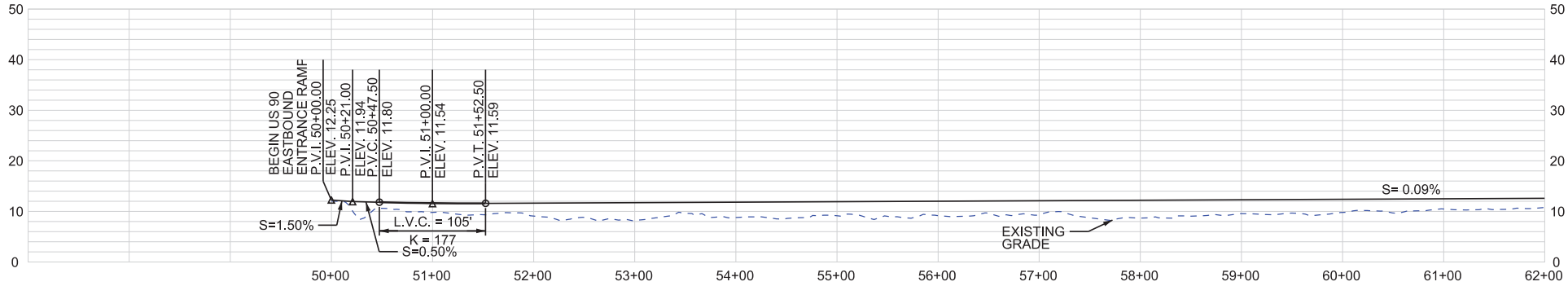
VERTICAL
SCALE IN FEET
10' 0' 10' 20' 30'

US 90 / LA 318 INTERCHANGE
ENVIRONMENTAL ASSESSMENT

PLAN AND PROFILE
ALTERNATIVE E
US 90 EASTBOUND EXIT RAMP



US 90 EASTBOUND ENTRANCE RAMP PLAN
SCALE: 1" = 100'



US 90 EASTBOUND ENTRANCE RAMP PROFILE
HORIZONTAL SCALE: 1" = 100'
VERTICAL SCALE: 1" = 20'

SHEET 73

LEGEND

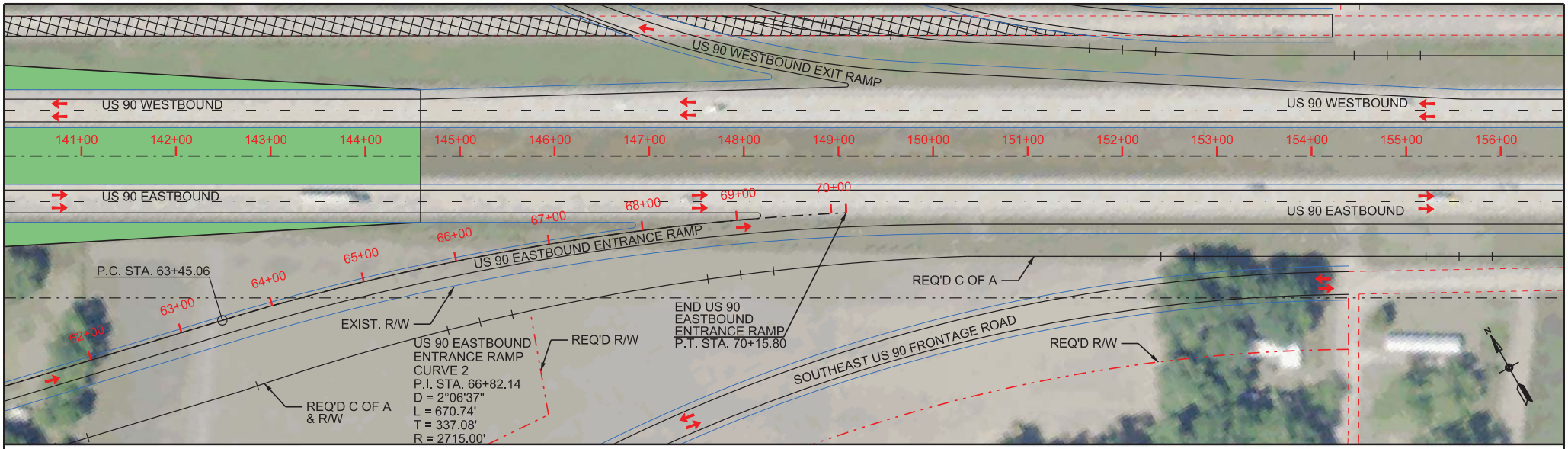
- REQUIRED CONTROL OF ACCESS
- REQUIRED RIGHT OF WAY
- US 90 EASTBOUND ENTRANCE RAMP BASELINE
- EXISTING RIGHT OF WAY
- EXISTING EDGE OF PAVEMENT
- EXISTING FRONTAGE ROAD TO BE REMOVED
- RAISED CONCRETE MEDIAN
- BRIDGE EMBANKMENT

HORIZONTAL
SCALE IN FEET
50' 0' 50' 100' 150'

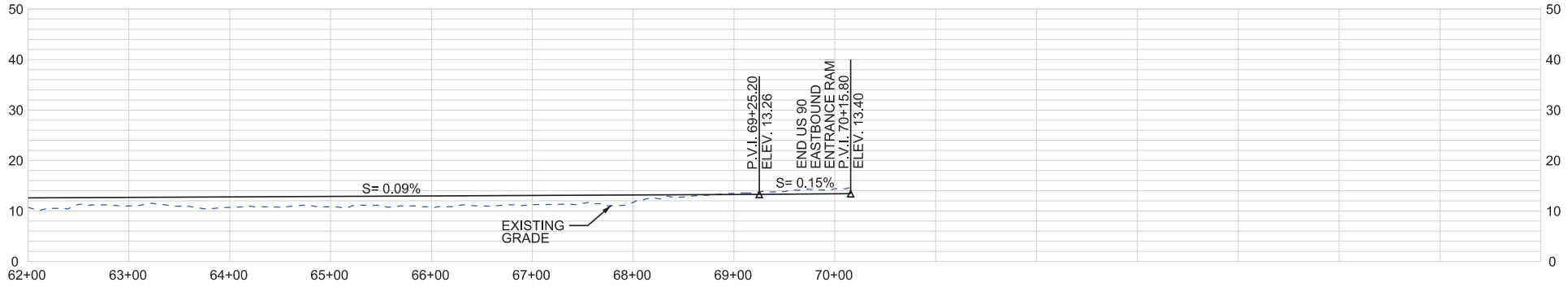
VERTICAL
SCALE IN FEET
10' 0' 10' 20' 30'

US 90 / LA 318 INTERCHANGE
ENVIRONMENTAL ASSESSMENT

PLAN AND PROFILE
ALTERNATIVE E
US 90 EASTBOUND ENTRANCE RAMP



US 90 EASTBOUND ENTRANCE RAMP PLAN
SCALE: 1" = 100'



US 90 EASTBOUND ENTRANCE RAMP PROFILE
HORIZONTAL SCALE: 1" = 100'
VERTICAL SCALE: 1" = 20'

SHEET 74

LEGEND

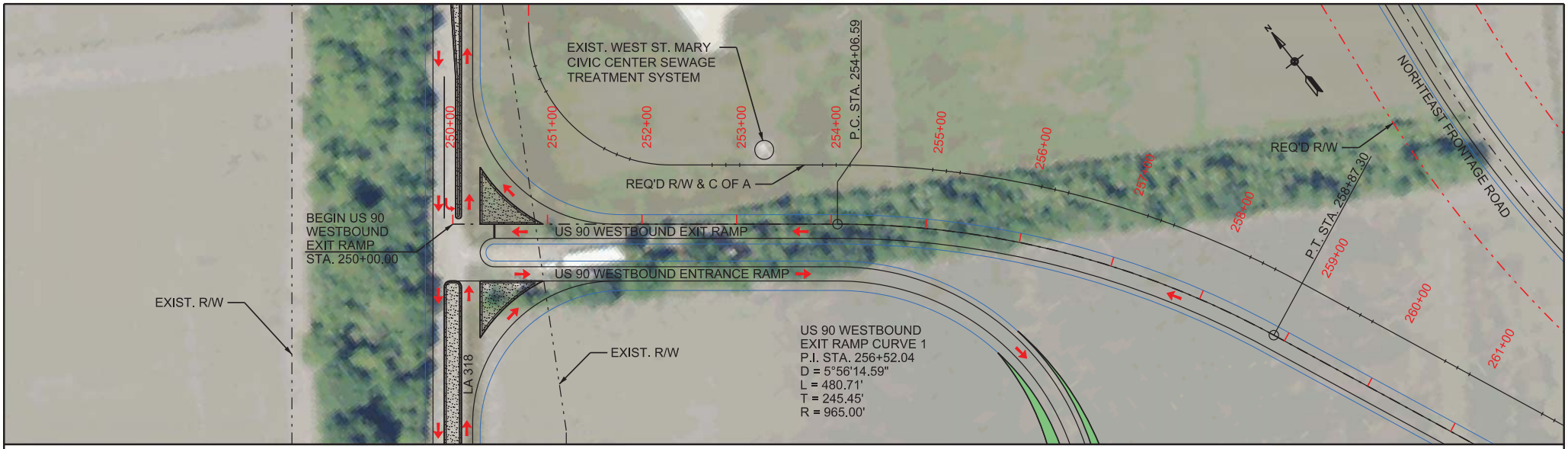
- REQUIRED CONTROL OF ACCESS
- REQUIRED RIGHT OF WAY
- US 90 EASTBOUND ENTRANCE RAMP BASELINE
- EXISTING RIGHT OF WAY
- EXISTING EDGE OF PAVEMENT
- EXISTING FRONTAGE ROAD TO BE REMOVED
- BRIDGE EMBANKMENT

HORIZONTAL
SCALE IN FEET
50' 0' 50' 100' 150'

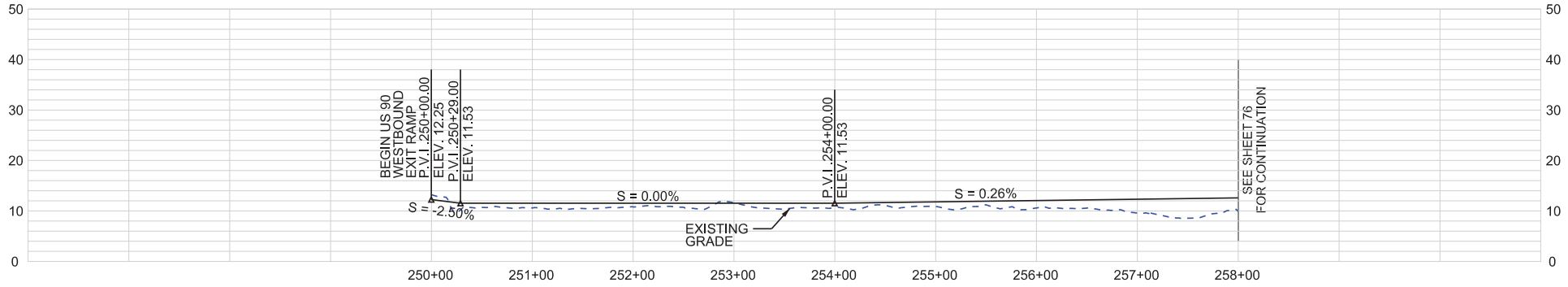
VERTICAL
SCALE IN FEET
10' 0' 10' 20' 30'

US 90 / LA 318 INTERCHANGE
ENVIRONMENTAL ASSESSMENT

PLAN AND PROFILE
ALTERNATIVE E
US 90 EASTBOUND ENTRANCE RAMP



US 90 WESTBOUND EXIT RAMP PLAN
SCALE: 1" = 100'



US 90 WESTBOUND EXIT RAMP PROFILE
HORIZONTAL SCALE: 1" = 100'
VERTICAL SCALE: 1" = 20'

SHEET 75

LEGEND

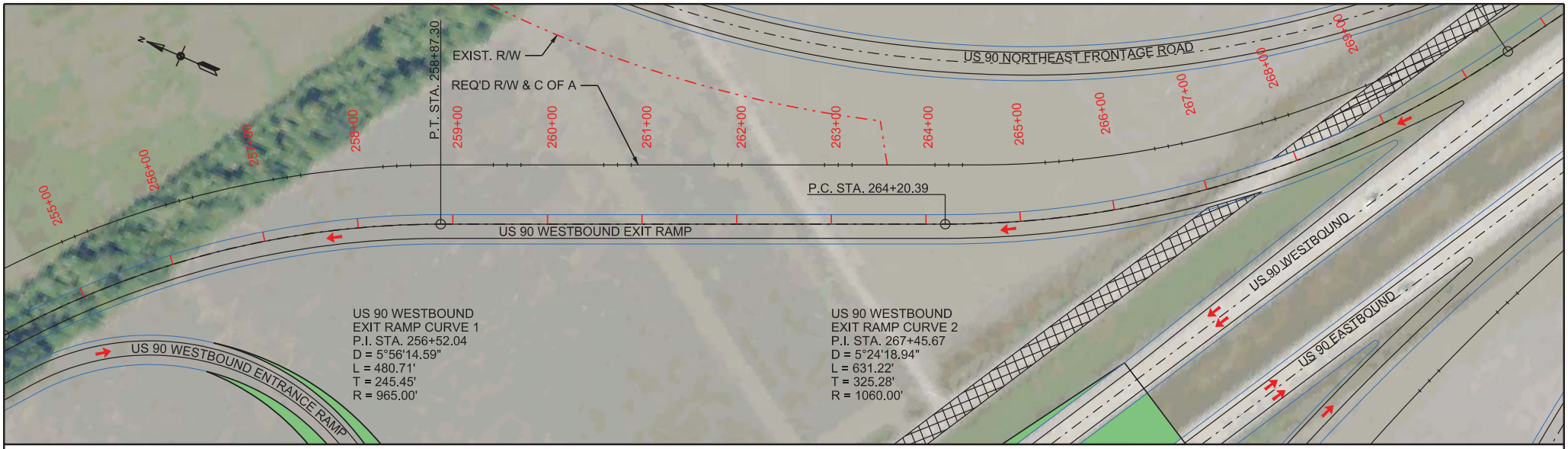
- REQUIRED CONTROL OF ACCESS
- REQUIRED RIGHT OF WAY
- US 90 WESTBOUND EXIT RAMP BASELINE
- EXISTING RIGHT OF WAY
- RAISED CONCRETE MEDIAN

HORIZONTAL
SCALE IN FEET
50' 0' 50' 100' 150'

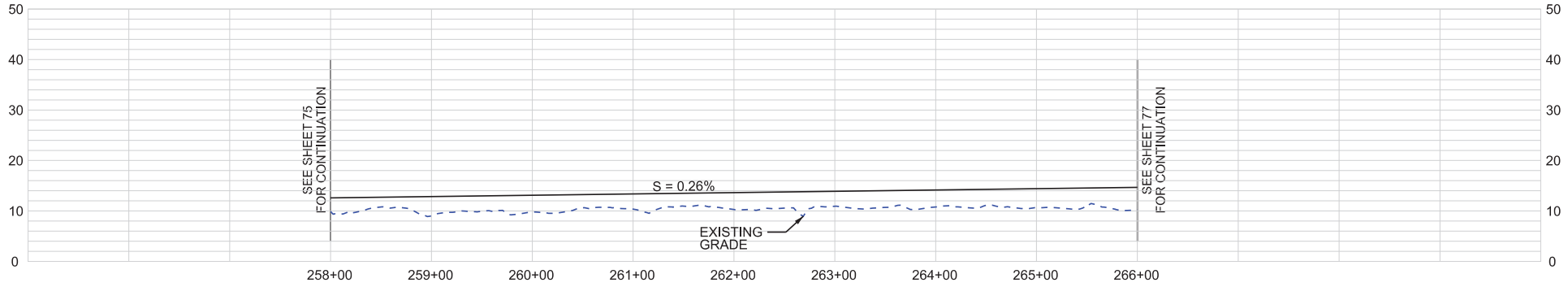
VERTICAL
SCALE IN FEET
10' 0' 10' 20' 30'

US 90 / LA 318 INTERCHANGE
ENVIRONMENTAL ASSESSMENT

PLAN AND PROFILE
ALTERNATIVE E
US 90 WESTBOUND EXIT RAMP



US 90 WESTBOUND EXIT RAMP PLAN
SCALE: 1" = 100'



US 90 WESTBOUND EXIT RAMP PROFILE
HORIZONTAL SCALE: 1" = 100'
VERTICAL SCALE: 1" = 20'

SHEET 76

LEGEND

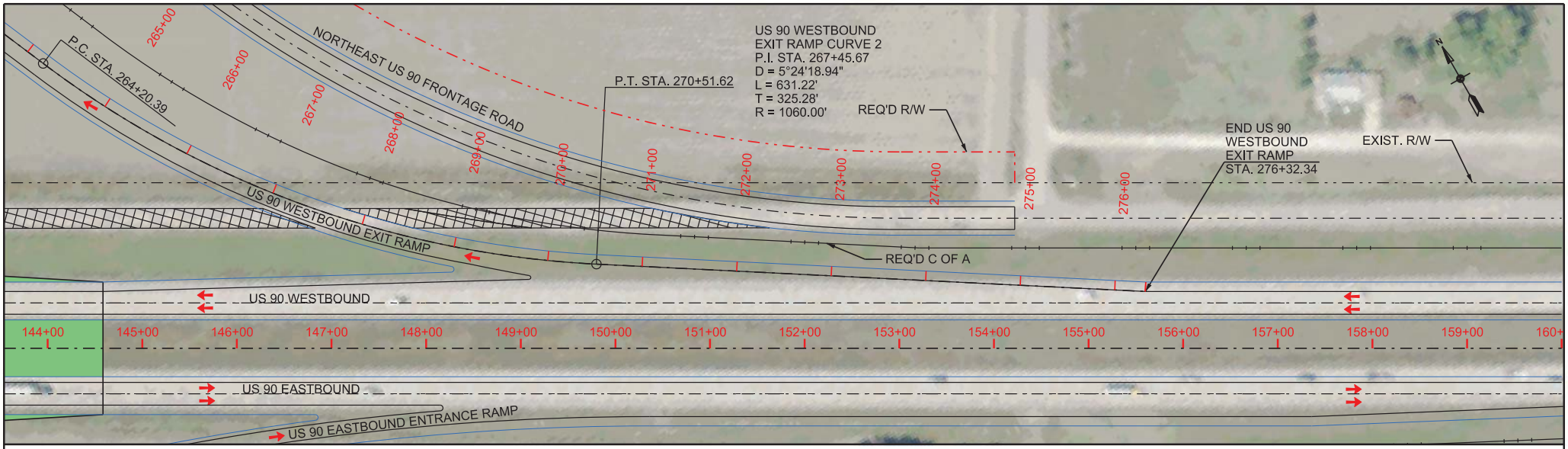
- REQUIRED CONTROL OF ACCESS
- REQUIRED RIGHT OF WAY
- US 90 WESTBOUND EXIT RAMP BASELINE
- EXISTING RIGHT OF WAY
- EXISTING FRONTAGE ROAD TO BE REMOVED
- BRIDGE EMBANKMENT

HORIZONTAL
SCALE IN FEET
50' 0' 50' 100' 150'

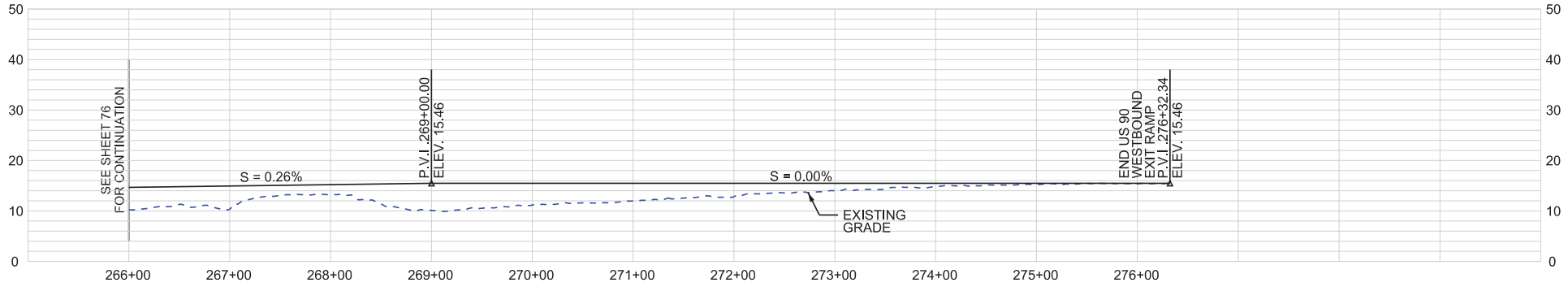
VERTICAL
SCALE IN FEET
10' 0' 10' 20' 30'

US 90 / LA 318 INTERCHANGE
ENVIRONMENTAL ASSESSMENT

PLAN AND PROFILE
ALTERNATIVE E
US 90 WESTBOUND EXIT RAMP



US 90 WESTBOUND EXIT RAMP PLAN
SCALE: 1" = 100'



US 90 WESTBOUND EXIT RAMP PROFILE
HORIZONTAL SCALE: 1" = 100'
VERTICAL SCALE: 1" = 20'

SHEET 77

LEGEND

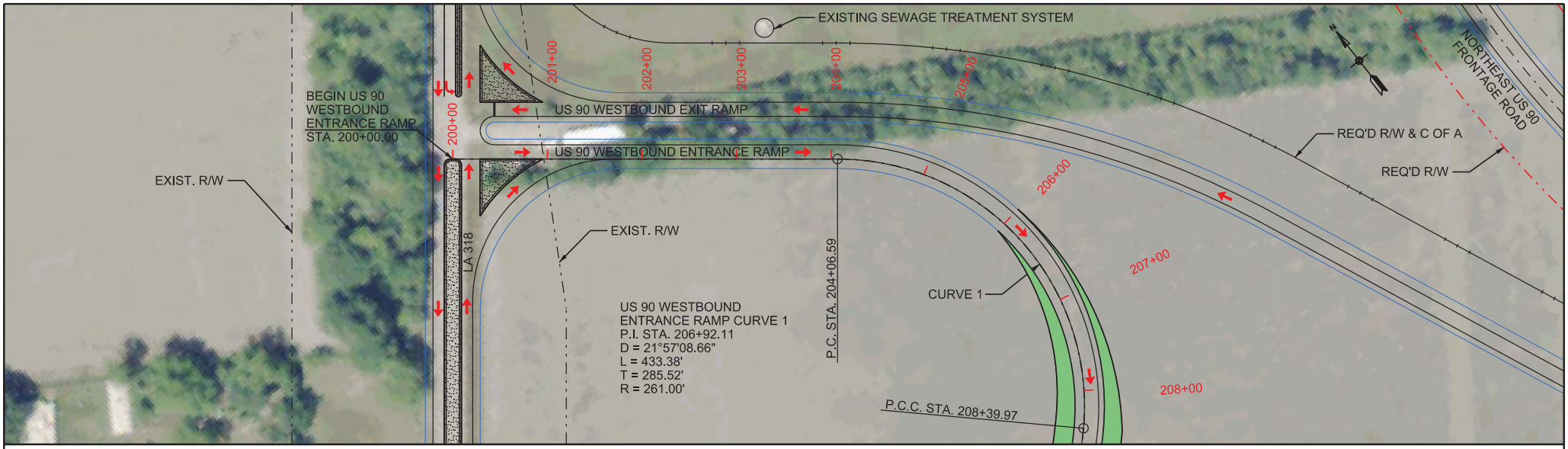
- REQUIRED CONTROL OF ACCESS
- REQUIRED RIGHT OF WAY
- US 90 WESTBOUND EXIT RAMP BASELINE
- EXISTING RIGHT OF WAY
- EXISTING FRONTAGE ROAD TO BE REMOVED
- BRIDGE EMBANKMENT

HORIZONTAL
SCALE IN FEET
50' 0' 50' 100' 150'

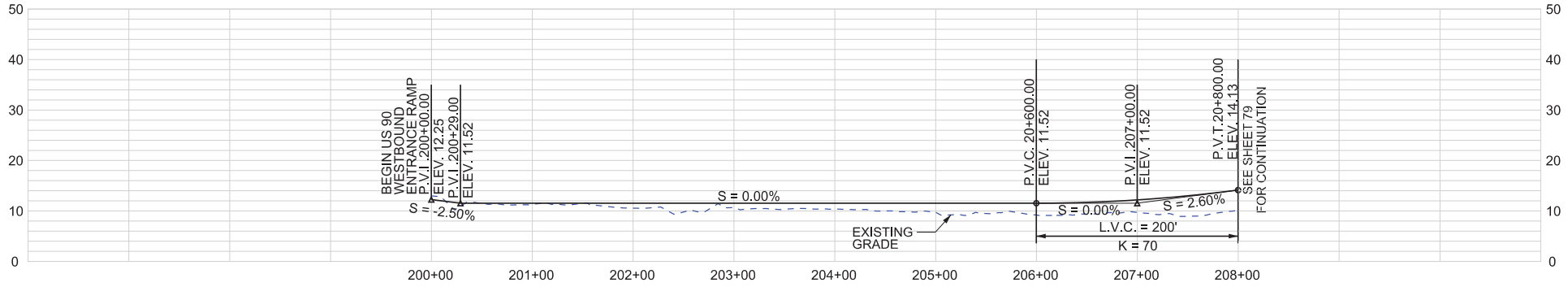
VERTICAL
SCALE IN FEET
10' 0' 10' 20' 30'

US 90 / LA 318 INTERCHANGE
ENVIRONMENTAL ASSESSMENT

PLAN AND PROFILE
ALTERNATIVE E
US 90 WESTBOUND EXIT RAMP



US 90 WESTBOUND ENTRANCE RAMP PLAN
SCALE: 1" = 100'



US 90 WESTBOUND ENTRANCE RAMP PROFILE
HORIZONTAL SCALE: 1" = 100'
VERTICAL SCALE: 1" = 20'

SHEET 78

LEGEND

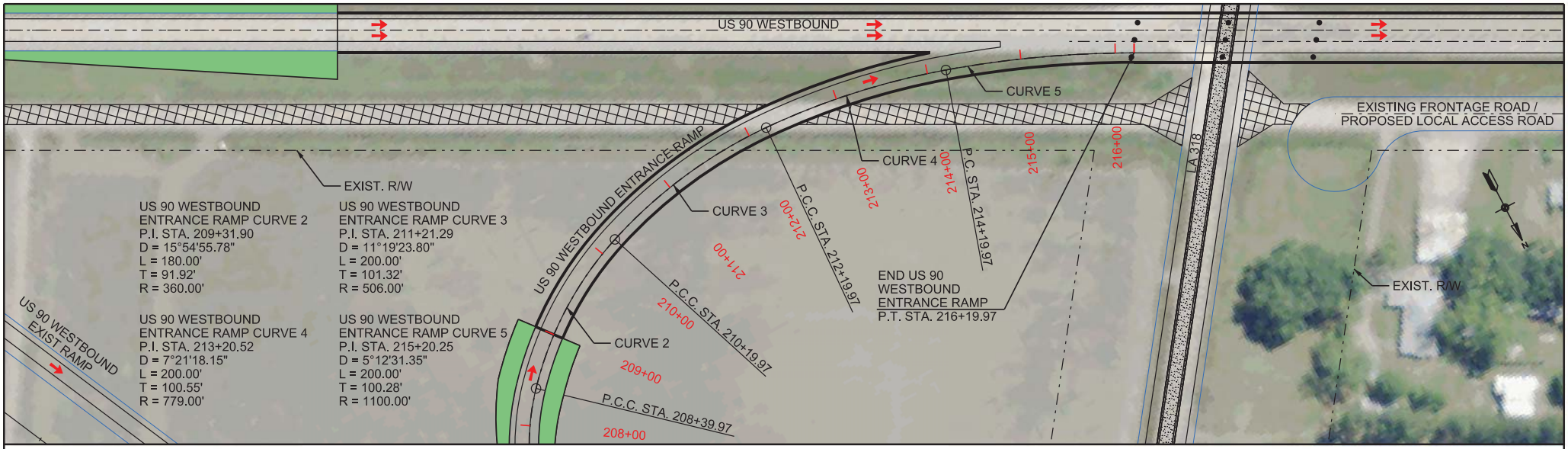
- REQUIRED CONTROL OF ACCESS
- REQUIRED RIGHT OF WAY
- US 90 WESTBOUND ENTRANCE RAMP BASELINE
- EXISTING RIGHT OF WAY
- RAISED CONCRETE MEDIAN

HORIZONTAL
SCALE IN FEET
50' 0' 50' 100' 150'

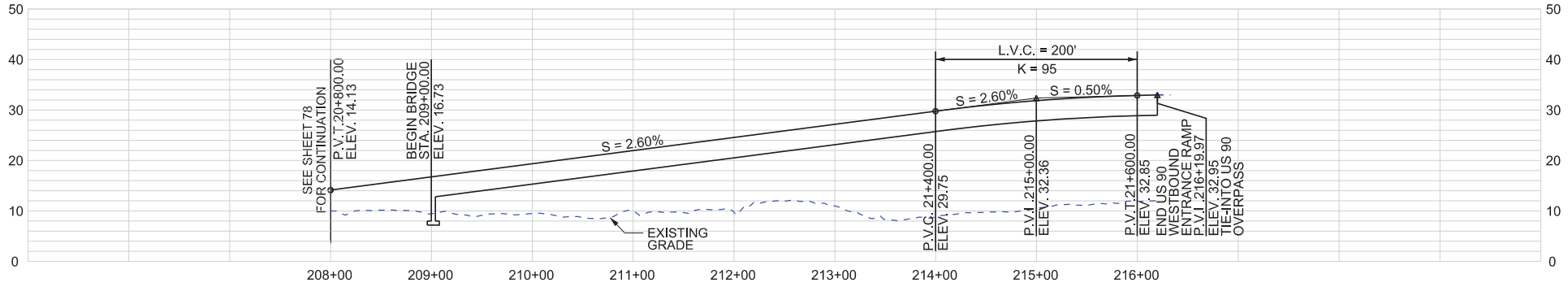
VERTICAL
SCALE IN FEET
10' 0' 10' 20' 30'

US 90 / LA 318 INTERCHANGE
ENVIRONMENTAL ASSESSMENT

PLAN AND PROFILE
ALTERNATIVE E
US 90 WESTBOUND ENTRANCE RAMP



US 90 WESTBOUND ENTRANCE RAMP PLAN
SCALE: 1" = 100'



US 90 WESTBOUND ENTRANCE RAMP PROFILE
HORIZONTAL SCALE: 1" = 100'
VERTICAL SCALE: 1" = 20'

SHEET 79

LEGEND

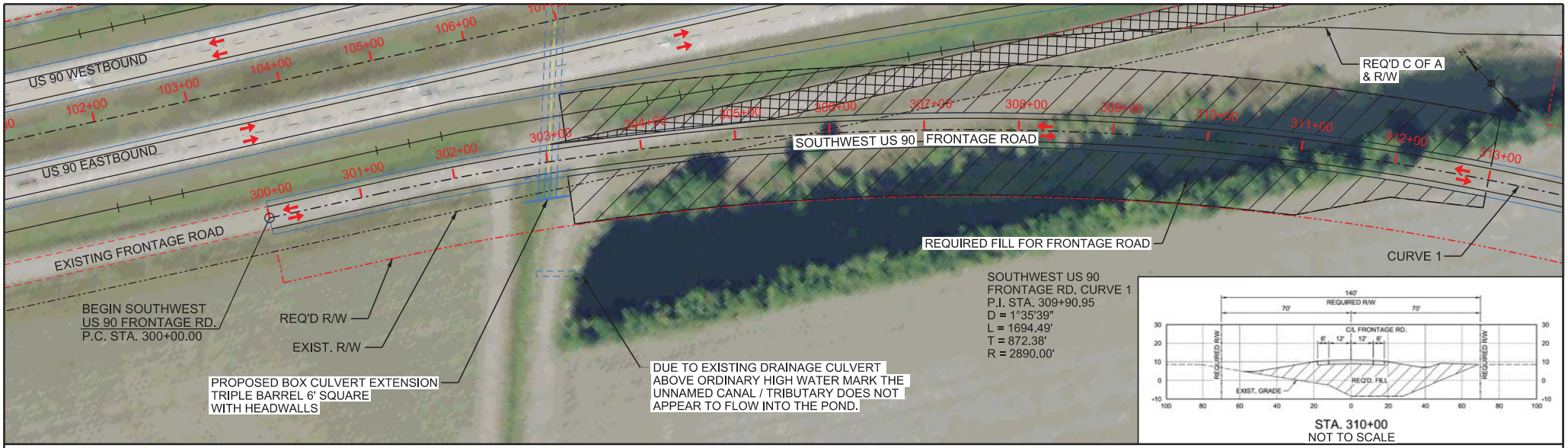
- REQUIRED CONTROL OF ACCESS
- REQUIRED RIGHT OF WAY
- US 90 WESTBOUND ENTRANCE RAMP BASELINE
- EXISTING RIGHT OF WAY
- EXISTING FRONTAGE ROAD TO BE REMOVED
- RAISED CONCRETE MEDIAN
- BRIDGE EMBANKMENT

HORIZONTAL
SCALE IN FEET
50' 0' 50' 100' 150'

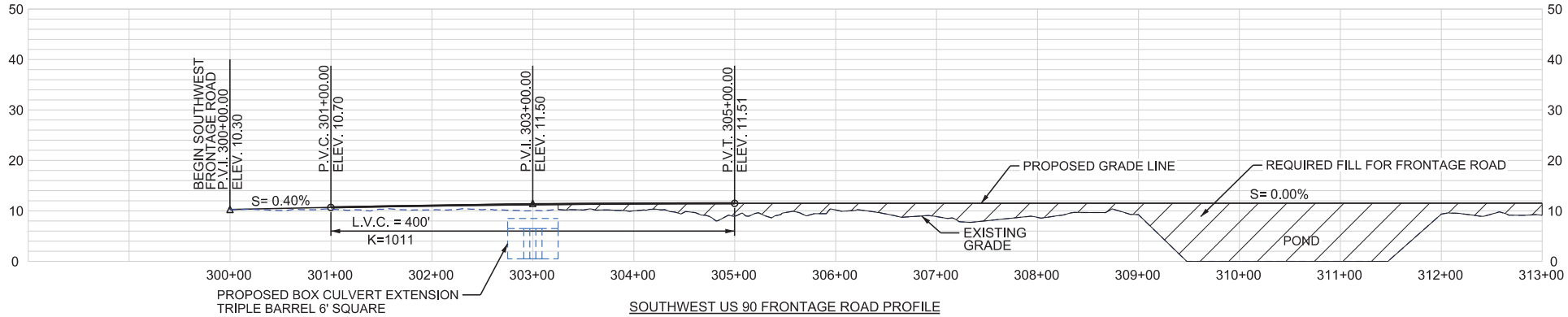
VERTICAL
SCALE IN FEET
10' 0' 10' 20' 30'

US 90 / LA 318 INTERCHANGE
ENVIRONMENTAL ASSESSMENT

PLAN AND PROFILE
ALTERNATIVE E
US 90 WESTBOUND ENTRANCE RAMP



SOUTHWEST US 90 FRONTAGE ROAD PLAN
SCALE: 1" = 100'



SOUTHWEST US 90 FRONTAGE ROAD PROFILE
HORIZONTAL SCALE: 1" = 100'
VERTICAL SCALE: 1" = 20'

SHEET 80

LEGEND

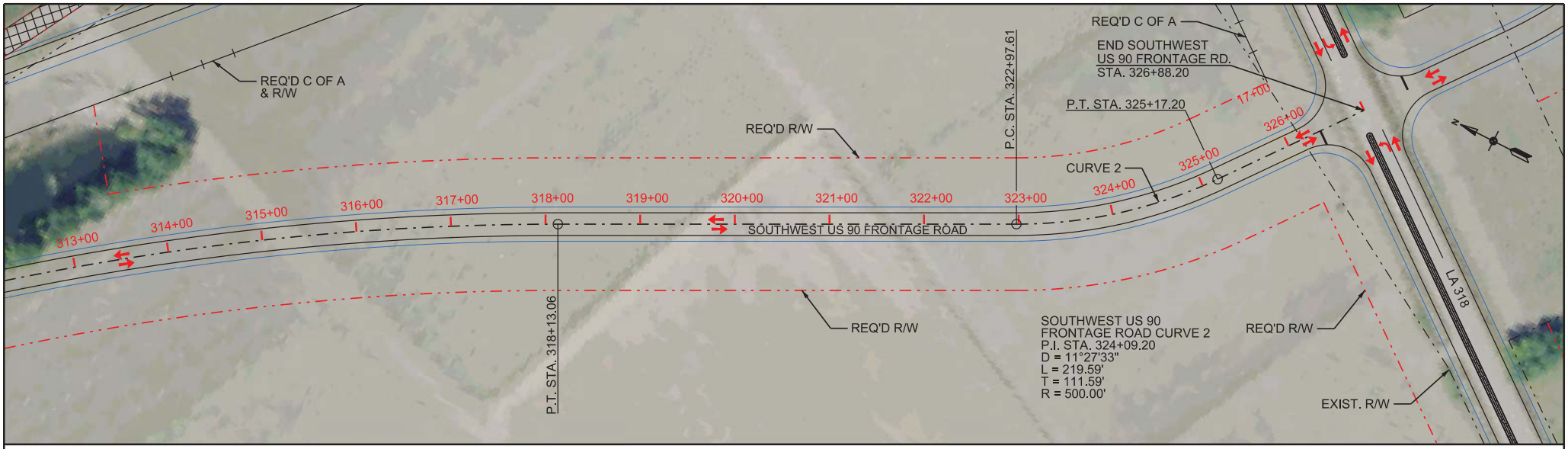
- REQUIRED CONTROL OF ACCESS
- REQUIRED RIGHT OF WAY
- SOUTHWEST US 90 FRONTAGE ROAD CENTERLINE / BASELINE
- EXISTING RIGHT OF WAY
- EXISTING EDGE OF PAVEMENT
- EXISTING FRONTAGE ROAD TO BE REMOVED
- REQUIRED FILL FOR FRONTAGE ROAD

HORIZONTAL
SCALE IN FEET
50' 0' 50' 100' 150'

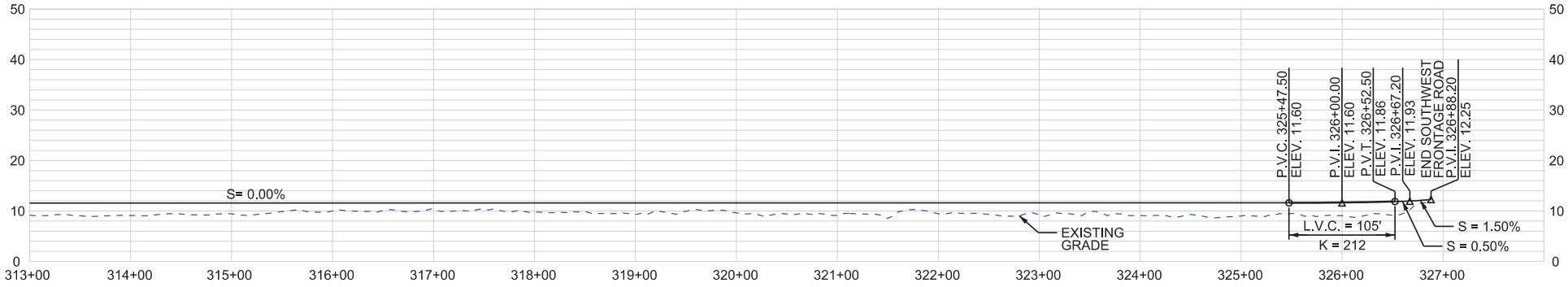
VERTICAL
SCALE IN FEET
10' 0' 10' 20' 30'

US 90 / LA 318 INTERCHANGE
ENVIRONMENTAL ASSESSMENT

PLAN AND PROFILE
ALTERNATIVE E
SOUTHWEST US 90 FRONTAGE ROAD



SOUTHWEST US 90 FRONTAGE ROAD PLAN
SCALE: 1" = 100'



SOUTHWEST US 90 FRONTAGE ROAD PROFILE
HORIZONTAL SCALE: 1" = 100'
VERTICAL SCALE: 1" = 20'

SHEET 81

LEGEND

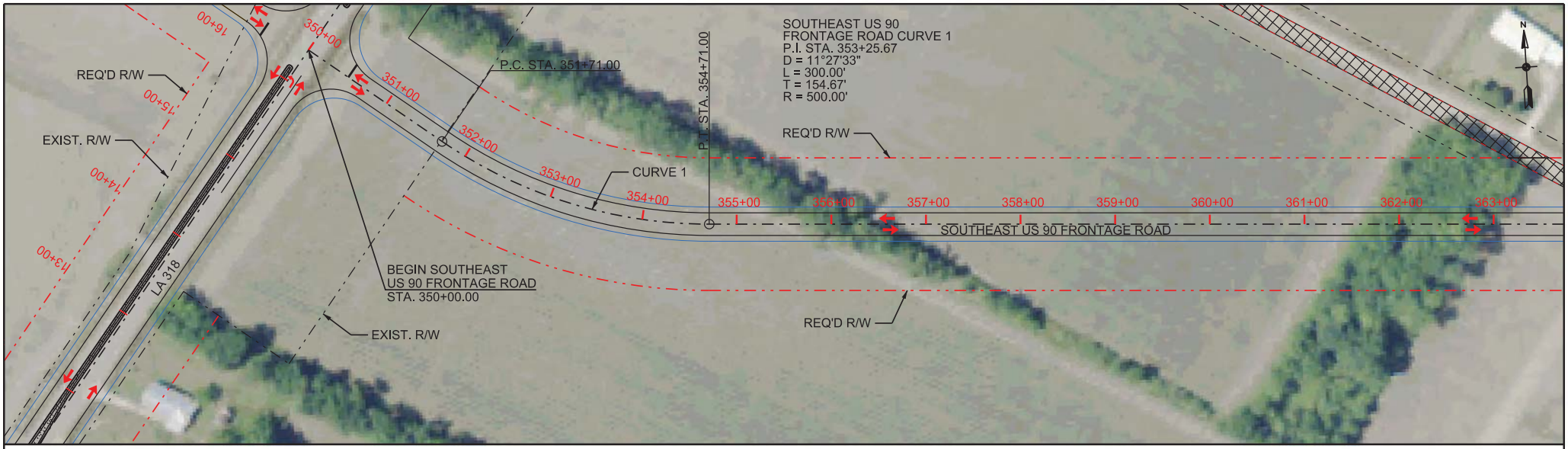
- REQUIRED CONTROL OF ACCESS
- REQUIRED RIGHT OF WAY
- SOUTHWEST US 90 FRONTAGE ROAD CENTERLINE / BASELINE
- EXISTING RIGHT OF WAY
- EXISTING FRONTAGE ROAD TO BE REMOVED
- RAISED CONCRETE MEDIAN

HORIZONTAL
SCALE IN FEET
50' 0' 50' 100' 150'

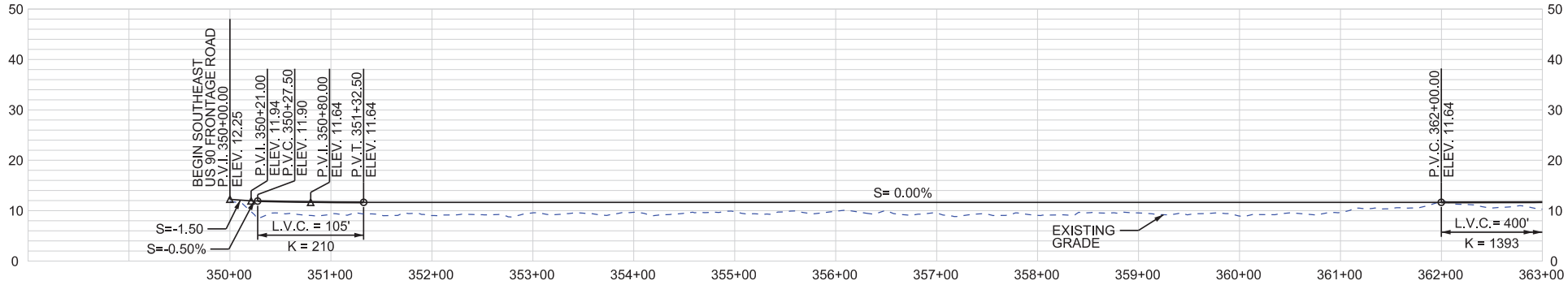
VERTICAL
SCALE IN FEET
10' 0' 10' 20' 30'

US 90 / LA 318 INTERCHANGE
ENVIRONMENTAL ASSESSMENT

PLAN AND PROFILE
ALTERNATIVE E
SOUTHWEST US 90 FRONTAGE ROAD



SOUTHEAST US 90 FRONTAGE ROAD PLAN
SCALE: 1" = 100'



SOUTHEAST US 90 FRONTAGE ROAD PROFILE
HORIZONTAL SCALE: 1" = 100'
VERTICAL SCALE: 1" = 20'

SHEET 82

LEGEND

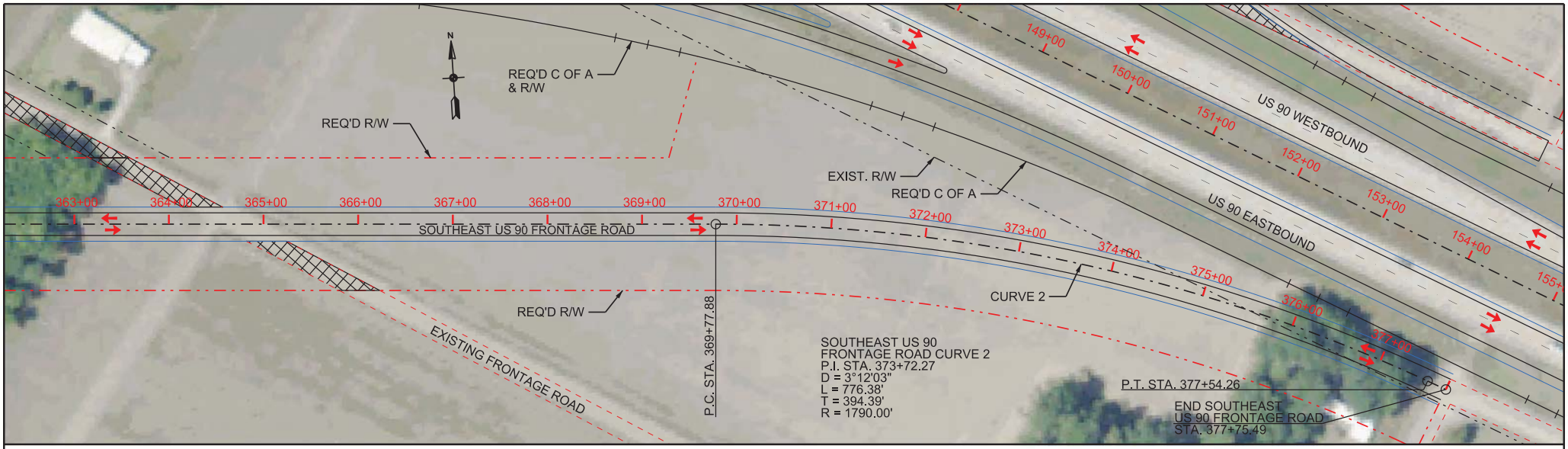
- REQUIRED CONTROL OF ACCESS
- REQUIRED RIGHT OF WAY
- SOUTHEAST US 90 FRONTAGE ROAD CENTERLINE / BASELINE
- EXISTING RIGHT OF WAY
- EXISTING FRONTAGE ROAD TO BE REMOVED
- RAISED CONCRETE MEDIAN

HORIZONTAL
SCALE IN FEET
50' 0' 50' 100' 150'

VERTICAL
SCALE IN FEET
10' 0' 10' 20' 30'

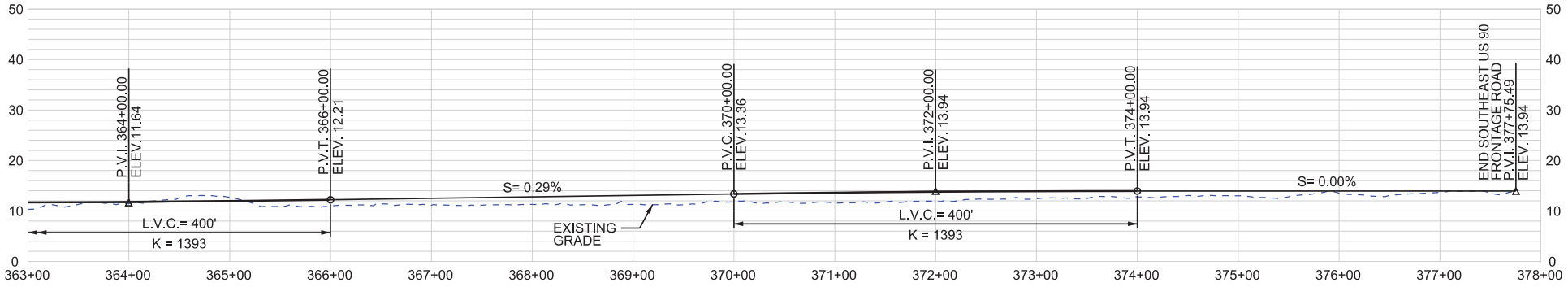
US 90 / LA 318 INTERCHANGE
ENVIRONMENTAL ASSESSMENT

PLAN AND PROFILE
ALTERNATIVE E
SOUTHEAST US 90 FRONTAGE ROAD



SOUTHEAST US 90 FRONTAGE ROAD PLAN

SCALE: 1" = 100'



SOUTHEAST US 90 FRONTAGE ROAD PROFILE

HORIZONTAL SCALE: 1" = 100'

VERTICAL SCALE: 1" = 20'

SHEET 83

LEGEND

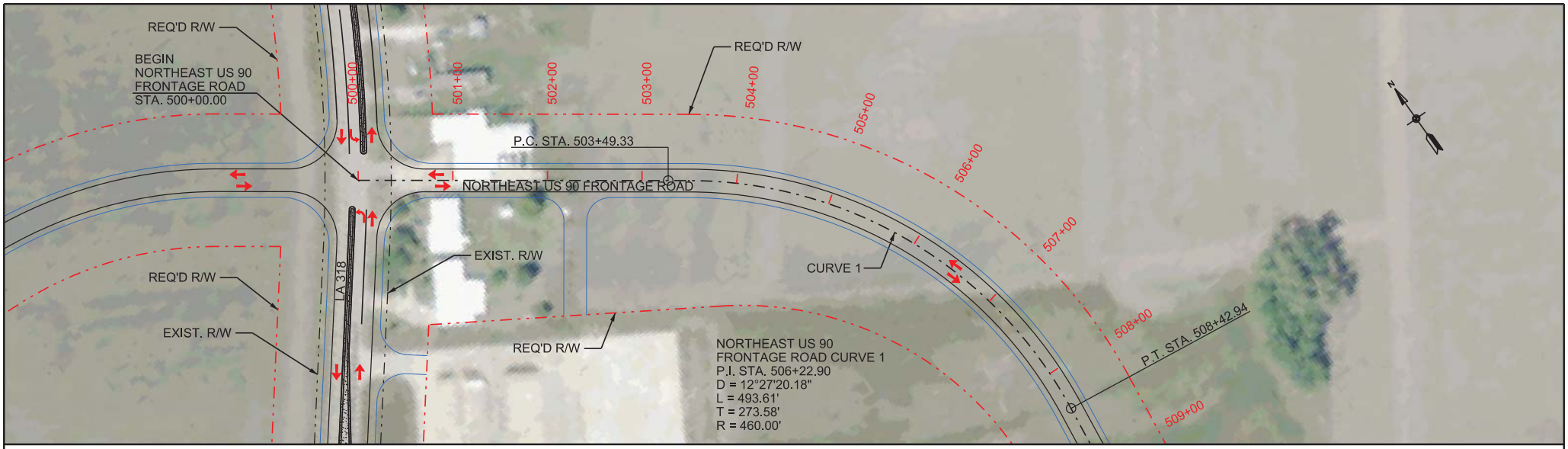
- REQUIRED CONTROL OF ACCESS
- REQUIRED RIGHT OF WAY
- SOUTHEAST US 90 FRONTAGE ROAD CENTERLINE / BASELINE
- EXISTING RIGHT OF WAY
- EXISTING EDGE OF PAVEMENT
- EXISTING FRONTAGE ROAD TO BE REMOVED

HORIZONTAL
SCALE IN FEET
50' 0' 50' 100' 150'

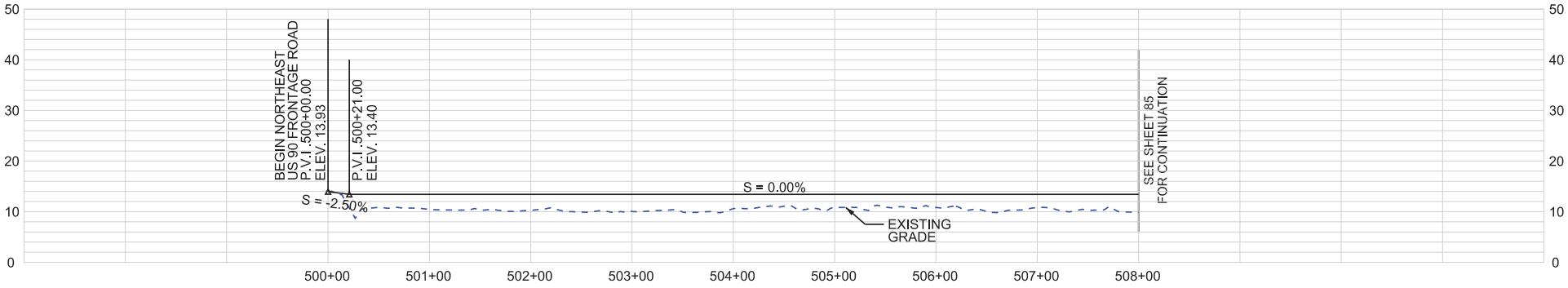
VERTICAL
SCALE IN FEET
10' 0' 10' 20' 30'

US 90 / LA 318 INTERCHANGE
ENVIRONMENTAL ASSESSMENT

PLAN AND PROFILE
ALTERNATIVE E
SOUTHEAST US 90 FRONTAGE ROAD



NORTHEAST US 90 FRONTAGE ROAD PLAN
SCALE: 1" = 100'



NORTHEAST US 90 FRONTAGE ROAD PROFILE
HORIZONTAL SCALE: 1" = 100'
VERTICAL SCALE: 1" = 20'

SHEET 84

LEGEND

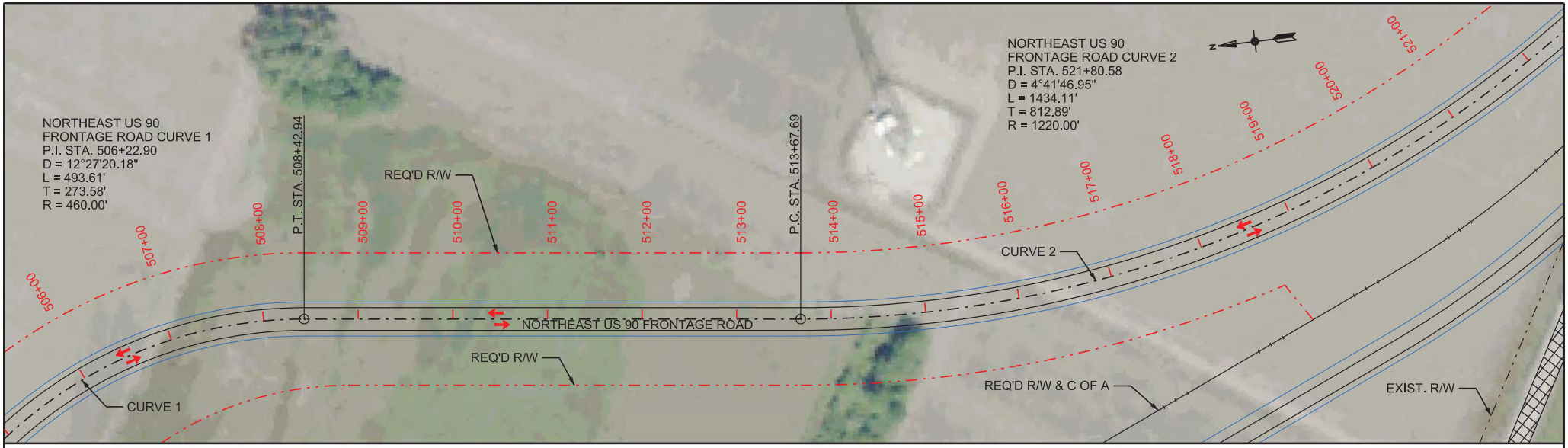
- REQUIRED CONTROL OF ACCESS
- REQUIRED RIGHT OF WAY
- NORTHEAST US 90 FRONTAGE ROAD CENTERLINE / BASELINE
- EXISTING RIGHT OF WAY
- RAISED CONCRETE MEDIAN

HORIZONTAL
SCALE IN FEET
50' 0' 50' 100' 150'

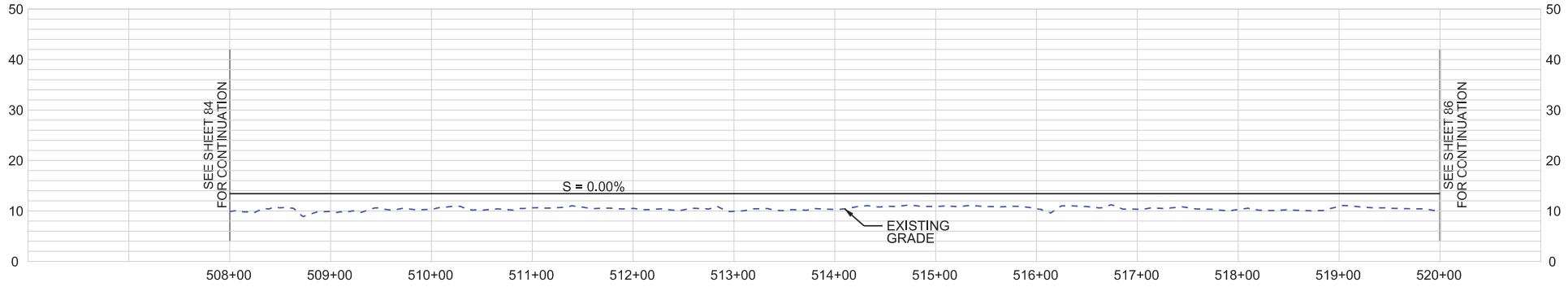
VERTICAL
SCALE IN FEET
10' 0' 10' 20' 30'

US 90 / LA 318 INTERCHANGE
ENVIRONMENTAL ASSESSMENT

PLAN AND PROFILE
ALTERNATIVE E
NORTHEAST US 90 FRONTAGE ROAD



NORTHEAST US 90 FRONTAGE ROAD PLAN
SCALE: 1" = 100'



NORTHEAST US 90 FRONTAGE ROAD PROFILE
HORIZONTAL SCALE: 1" = 100'
VERTICAL SCALE: 1" = 20'

SHEET 85

LEGEND

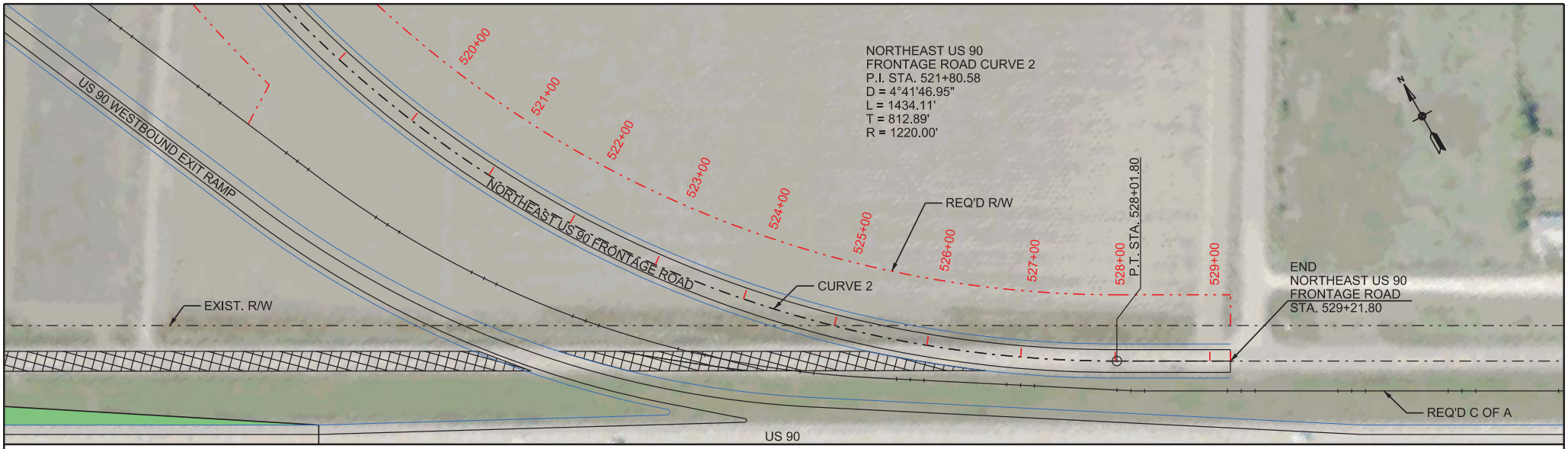
- REQUIRED CONTROL OF ACCESS
- REQUIRED RIGHT OF WAY
- NORTHEAST US 90 FRONTAGE ROAD CENTERLINE / BASELINE
- EXISTING RIGHT OF WAY
- EXISTING FRONTAGE ROAD TO BE REMOVED

HORIZONTAL
SCALE IN FEET
50' 0' 50' 100' 150'

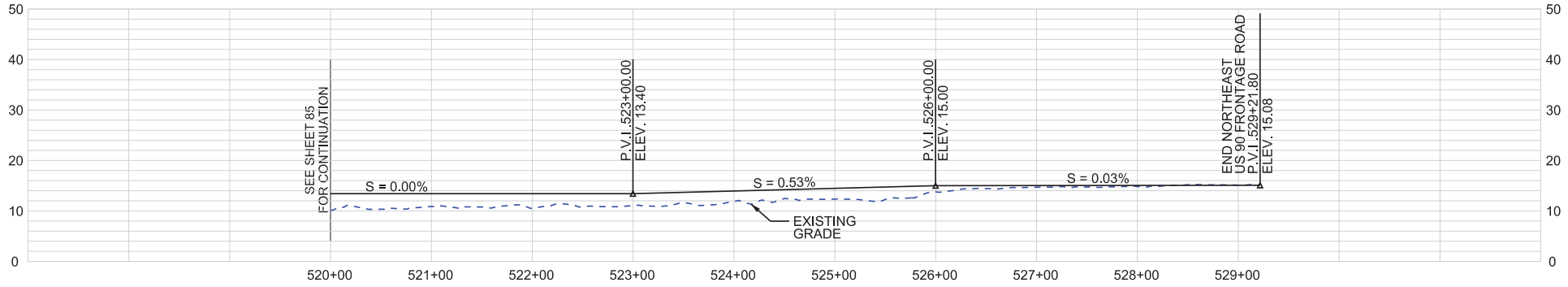
VERTICAL
SCALE IN FEET
10' 0' 10' 20' 30'

US 90 / LA 318 INTERCHANGE
ENVIRONMENTAL ASSESSMENT

PLAN AND PROFILE
ALTERNATIVE E
NORTHEAST US 90 FRONTAGE ROAD



NORTHEAST US 90 FRONTAGE ROAD PLAN
SCALE: 1" = 100'



NORTHEAST US 90 FRONTAGE ROAD PROFILE
HORIZONTAL SCALE: 1" = 100'
VERTICAL SCALE: 1" = 20'

SHEET 86

LEGEND

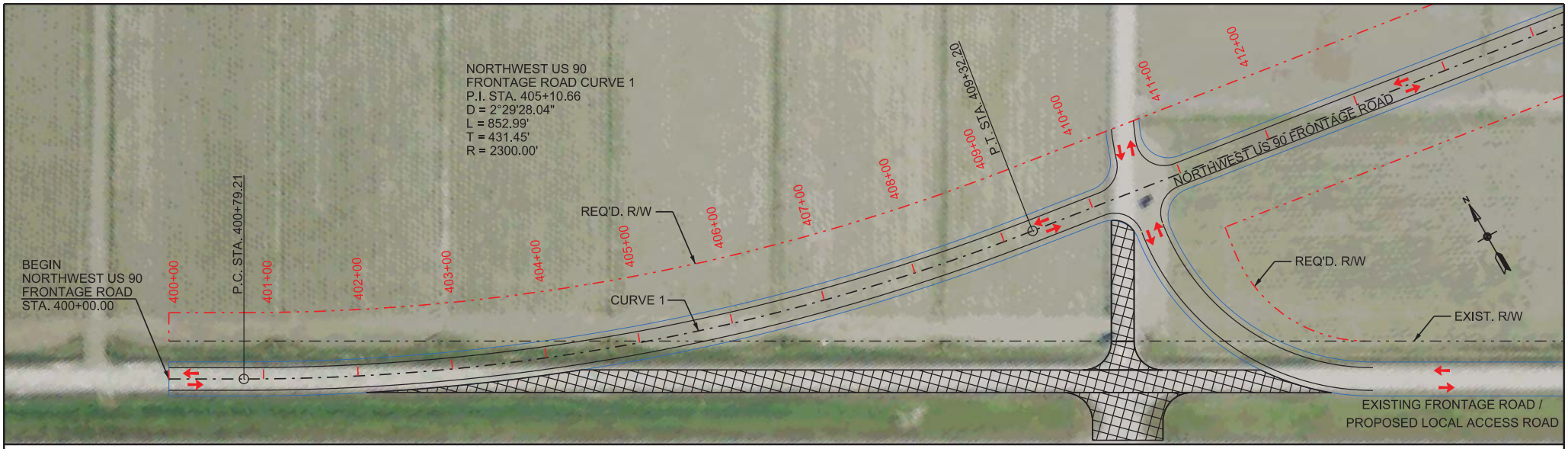
- REQUIRED CONTROL OF ACCESS
- REQUIRED RIGHT OF WAY
- NORTHEAST US 90 FRONTAGE ROAD CENTERLINE / BASELINE
- EXISTING RIGHT OF WAY
- EXISTING FRONTAGE ROAD TO BE REMOVED
- BRIDGE EMBANKMENT

HORIZONTAL
SCALE IN FEET
50' 0' 50' 100' 150'

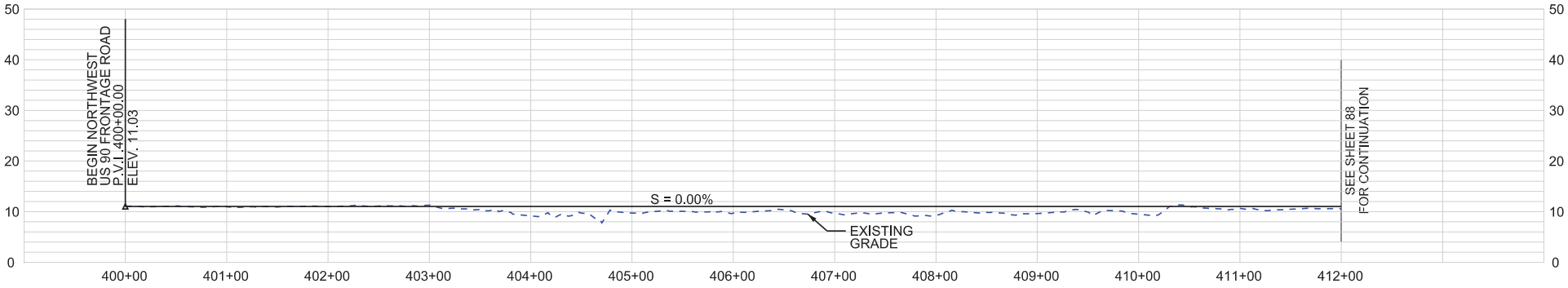
VERTICAL
SCALE IN FEET
10' 0' 10' 20' 30'

US 90 / LA 318 INTERCHANGE
ENVIRONMENTAL ASSESSMENT

PLAN AND PROFILE
ALTERNATIVE E
NORTHEAST US 90 FRONTAGE ROAD



NORTHWEST US 90 FRONTAGE ROAD PLAN
SCALE: 1" = 100'



NORTHWEST US 90 FRONTAGE ROAD PROFILE
HORIZONTAL SCALE: 1" = 100'
VERTICAL SCALE: 1" = 20'

SHEET 87

LEGEND

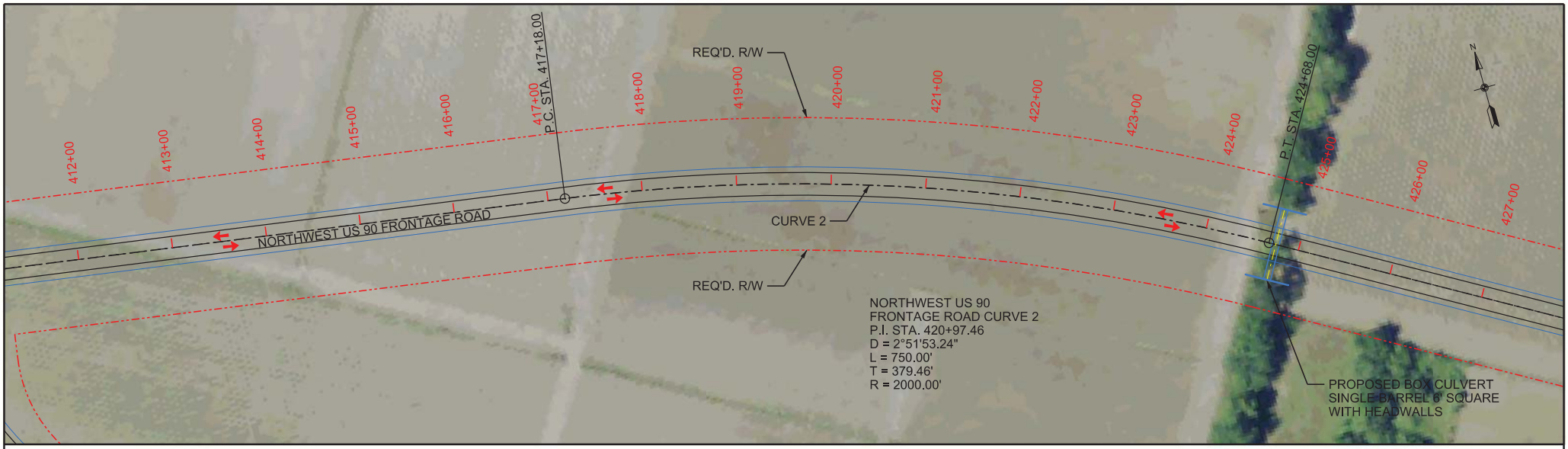
- REQUIRED CONTROL OF ACCESS
- REQUIRED RIGHT OF WAY
- NORTHWEST US 90 FRONTAGE ROAD CENTERLINE / BASELINE
- EXISTING RIGHT OF WAY
- EXISTING FRONTAGE ROAD TO BE REMOVED

HORIZONTAL
SCALE IN FEET
50' 0' 50' 100' 150'

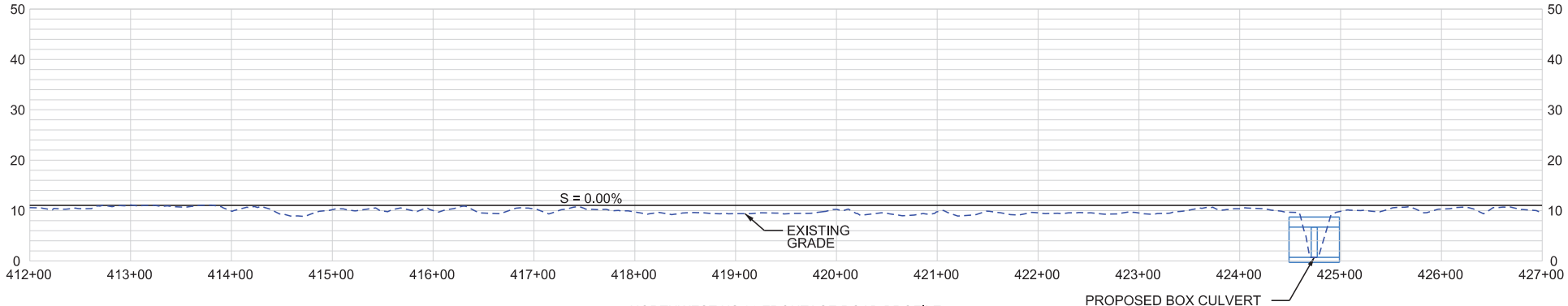
VERTICAL
SCALE IN FEET
10' 0' 10' 20' 30'

US 90 / LA 318 INTERCHANGE
ENVIRONMENTAL ASSESSMENT

PLAN AND PROFILE
ALTERNATIVE E
NORTHWEST US 90 FRONTAGE ROAD



NORTHWEST US 90 FRONTAGE ROAD PLAN
SCALE: 1" = 100'



NORTHWEST US 90 FRONTAGE ROAD PROFILE
HORIZONTAL SCALE: 1" = 100'
VERTICAL SCALE: 1" = 20'

SHEET 88

LEGEND

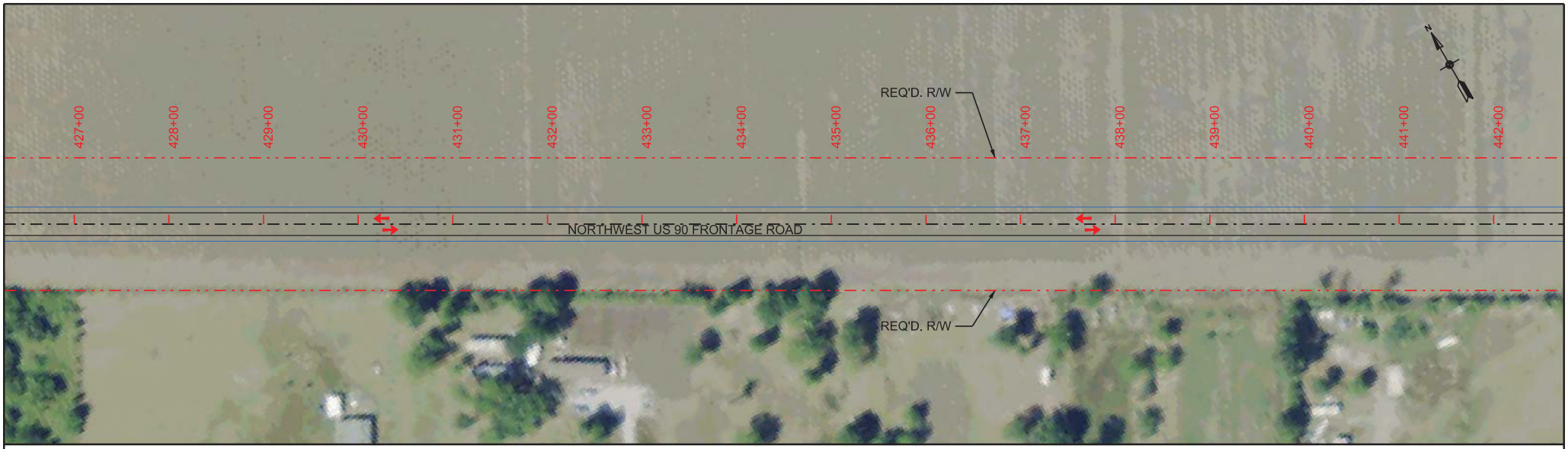
- REQUIRED CONTROL OF ACCESS
- REQUIRED RIGHT OF WAY
- NORTHWEST US 90 FRONTAGE ROAD CENTERLINE / BASELINE
- EXISTING RIGHT OF WAY

HORIZONTAL
SCALE IN FEET
50' 0' 50' 100' 150'

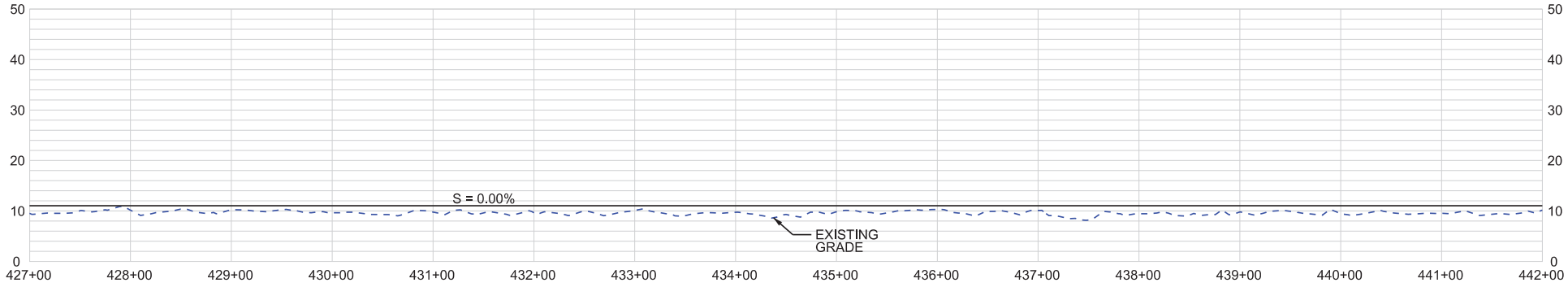
VERTICAL
SCALE IN FEET
10' 0' 10' 20' 30'

US 90 / LA 318 INTERCHANGE
ENVIRONMENTAL ASSESSMENT

PLAN AND PROFILE
ALTERNATIVE E
NORTHWEST US 90 FRONTAGE ROAD



NORTHWEST US 90 FRONTAGE ROAD PLAN
SCALE: 1" = 100'

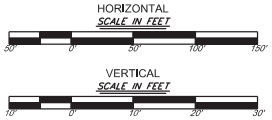


NORTHWEST US 90 FRONTAGE ROAD PROFILE
HORIZONTAL SCALE: 1" = 100'
VERTICAL SCALE: 1" = 20'

SHEET 89

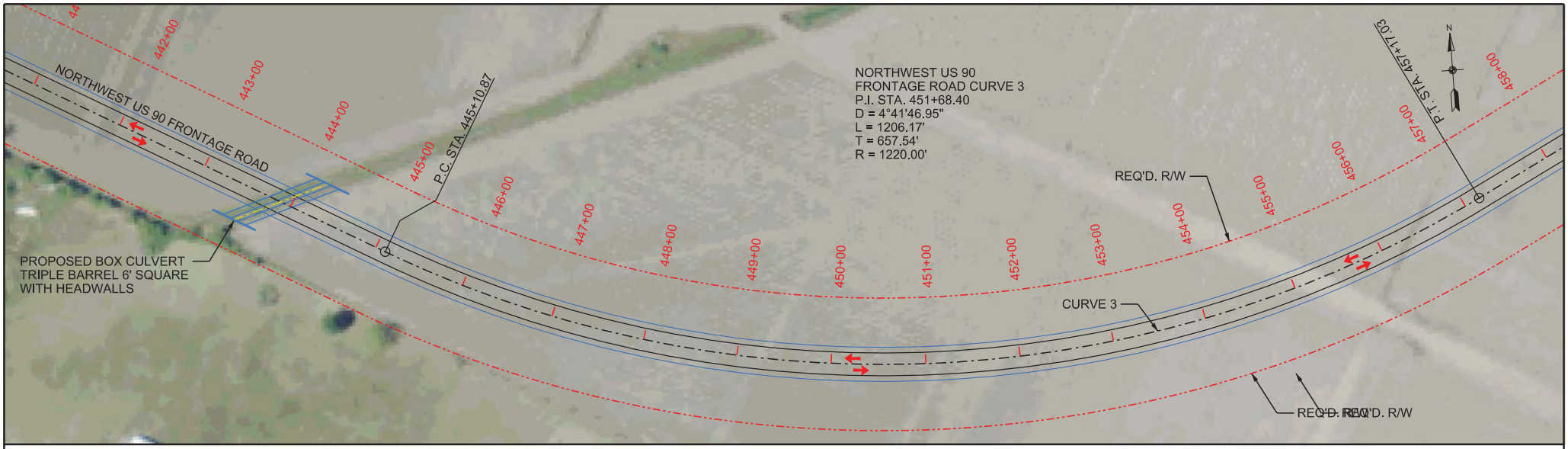
LEGEND

- REQUIRED CONTROL OF ACCESS
- REQUIRED RIGHT OF WAY
- NORTHWEST US 90 FRONTAGE ROAD CENTERLINE / BASELINE
- EXISTING RIGHT OF WAY

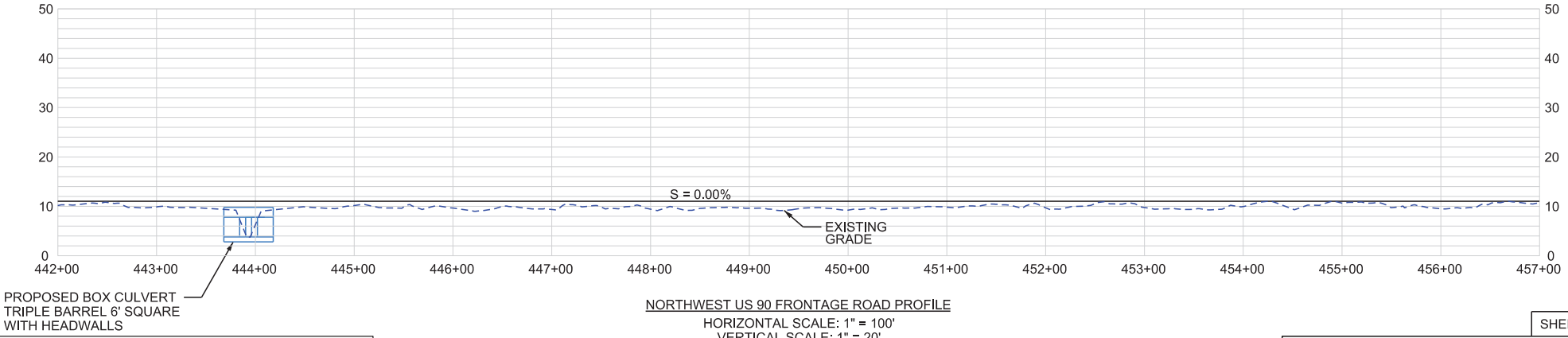


US 90 / LA 318 INTERCHANGE
ENVIRONMENTAL ASSESSMENT

PLAN AND PROFILE
ALTERNATIVE E
NORTHWEST US 90 FRONTAGE ROAD



NORTHWEST US 90 FRONTAGE ROAD PLAN
SCALE: 1" = 100'



NORTHWEST US 90 FRONTAGE ROAD PROFILE
HORIZONTAL SCALE: 1" = 100'
VERTICAL SCALE: 1" = 20'

SHEET 90

LEGEND

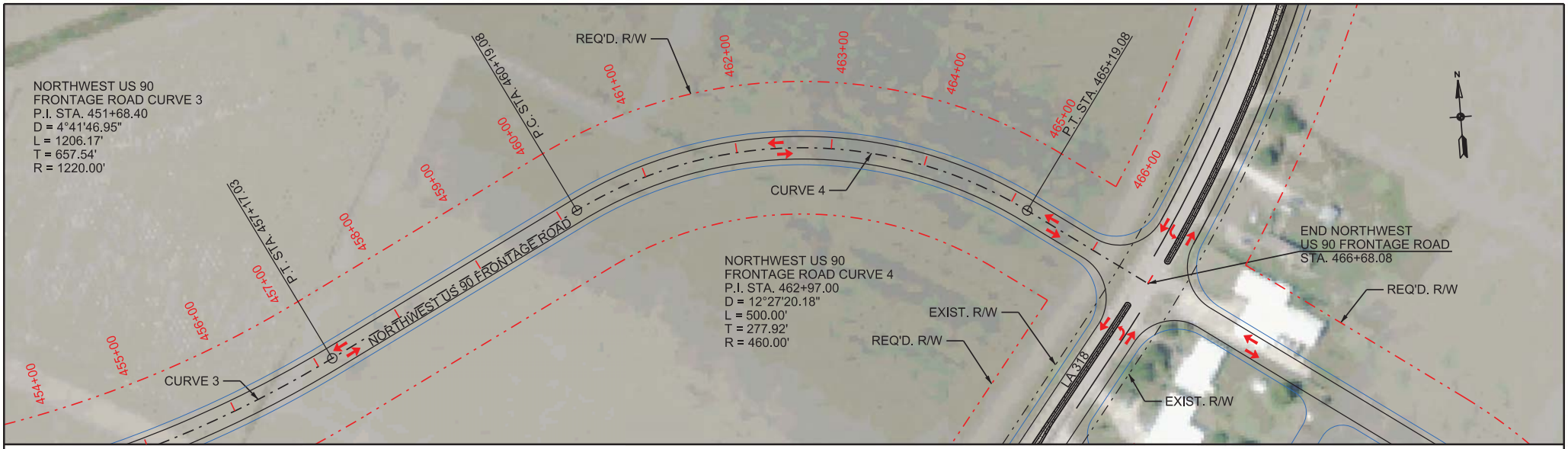
- REQUIRED CONTROL OF ACCESS
- REQUIRED RIGHT OF WAY
- NORTHWEST US 90 FRONTAGE ROAD CENTERLINE / BASELINE
- EXISTING RIGHT OF WAY

HORIZONTAL
SCALE IN FEET
50' 0' 50' 100' 150'

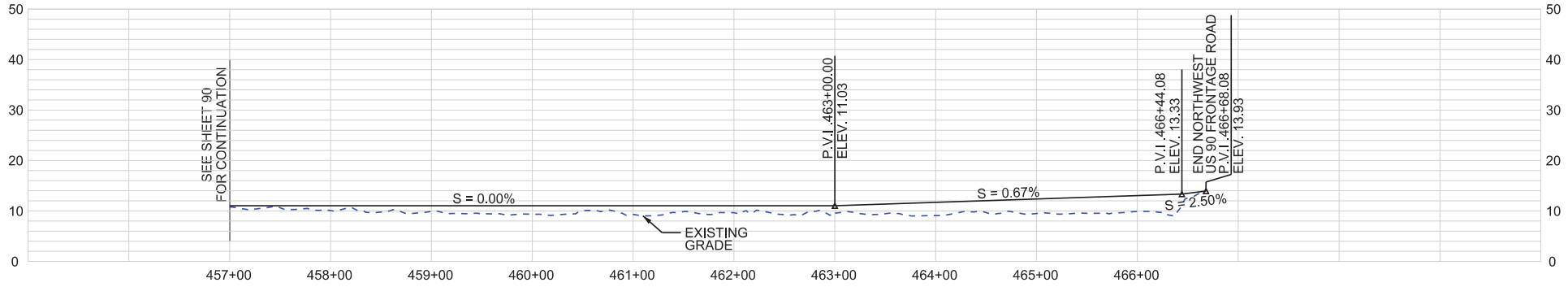
VERTICAL
SCALE IN FEET
10' 0' 10' 20' 30'

US 90 / LA 318 INTERCHANGE
ENVIRONMENTAL ASSESSMENT

PLAN AND PROFILE
ALTERNATIVE E
NORTHWEST US 90 FRONTAGE ROAD



NORTHWEST US 90 FRONTAGE ROAD PLAN
SCALE: 1" = 100'



NORTHWEST US 90 FRONTAGE ROAD PROFILE
HORIZONTAL SCALE: 1" = 100'
VERTICAL SCALE: 1" = 20'

SHEET 91

LEGEND

- REQUIRED CONTROL OF ACCESS
- REQUIRED RIGHT OF WAY
- NORTHWEST US 90 FRONTAGE ROAD CENTERLINE / BASELINE
- EXISTING RIGHT OF WAY
- RAISED CONCRETE MEDIAN

HORIZONTAL
SCALE IN FEET
50' 0' 50' 100' 150'

VERTICAL
SCALE IN FEET
10' 0' 10' 20' 30'

US 90 / LA 318 INTERCHANGE
ENVIRONMENTAL ASSESSMENT

PLAN AND PROFILE
ALTERNATIVE E
NORTHWEST US 90 FRONTAGE ROAD

US Army Corps of Engineers
New Orleans District

Nationwide Permit Summary

33 CFR Part 330; Issuance of Nationwide Permits – February 21, 2012 – includes correction of March 19, 2012 and Regional Conditions for Louisiana

Nationwide Permit 18 - Minor Discharges. Minor discharges of dredged or fill material into all waters of the United States, provided the activity meets all of the following criteria: (a) The quantity of discharged material and the volume of area excavated do not exceed 25 cubic yards below the plane of the ordinary high water mark or the high tide line; (b) The discharge will not cause the loss of more than 1/10-acre of waters of the United States; and (c) The discharge is not placed for the purpose of a stream diversion.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if: (1) The discharge or the volume of area excavated exceeds 10 cubic yards below the plane of the ordinary high water mark or the high tide line, or (2) the discharge is in a special aquatic site, including wetlands. (See general condition 31.) (Sections 10 and 404)

A. Nationwide Permit General Conditions

Note: To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as applicable, in addition to any regional or case-specific conditions imposed by the division engineer or district engineer. Prospective permittees should contact the appropriate Corps district office to determine if regional conditions have been imposed on an NWP. Prospective permittees should also contact the appropriate Corps district office to determine the status of Clean Water Act Section 401 water quality certification and/or Coastal Zone Management Act consistency for an NWP. Every person who may wish to obtain permit authorization under one or more NWPs, or who is currently relying on an existing or prior permit authorization under one or more NWPs, has been and is on notice that all of the provisions of 33 CFR §§ 330.1 through 330.6 apply to every NWP authorization. Note especially 33 CFR § 330.5 relating to the modification, suspension, or revocation of any NWP authorization.

1. **Navigation.**

(a) No activity may cause more than a minimal adverse effect on navigation.

(b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.

(c) The permittee 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 permittee 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.

2. **Aquatic Life Movements.** No activity may 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, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species.

3. **Spawning Areas.** Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

4. **Migratory Bird Breeding Areas.** Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

5. **Shellfish Beds.** No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWPs 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.

6. **Suitable Material.** 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 (see Section 307 of the Clean Water Act).

7. **Water Supply Intakes.** No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

8. **Adverse Effects From Impoundments.** If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

9. **Management of Water Flows.** To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization and storm water management activities, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

10. **Fills Within 100-Year Floodplains.** The activity must comply with applicable FEMA approved state or local floodplain management requirements.

11. **Equipment.** Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

12. **Soil Erosion and Sediment Controls.** Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow.

13. **Removal of Temporary Fills.** Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

14. **Proper Maintenance.** Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions added by the district engineer to an NWP authorization.

15. **Single and Complete Project.** The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

16. **Wild and Scenic Rivers.** No activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service).

17. **Tribal Rights.** No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

18. **Endangered Species.**

(a) No activity is authorized under any NWP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal 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 any NWP which “may affect” a listed species or critical habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed.

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will review the documentation and determine whether it is sufficient to address ESA compliance for the NWP activity, or whether additional ESA consultation is necessary.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species or designated critical habitat, the pre-construction notification must include the name(s) of the endangered or threatened species that might be affected by the proposed work or that utilize the designated critical habitat that might be affected by the proposed work. The district engineer will determine whether the proposed activity “may affect” or will have “no effect” to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps’ determination within 45 days of receipt of a complete pre-construction notification. In cases where the non-Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the project, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification the proposed activities will have “no effect” on listed species or critical habitat, or until Section 7 consultation has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(d) As a result of formal or informal consultation with the FWS or NMFS the district engineer may add species-specific regional endangered species conditions to the NWPs.

(e) Authorization of an activity by a NWP does not authorize the “take” of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with “incidental take” provisions, etc.) from the U.S. FWS or the NMFS, The Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word “harm” in the definition of “take" means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

(f) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the U.S. FWS and NMFS or their world wide web pages at http://www.fws.gov/ or http://www.fws.gov/ipac and http://www.noaa.gov/fisheries.html respectively.

19. **Migratory Birds and Bald and Golden Eagles.** 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 should 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.

20. **Historic Properties.**

(a) In cases where the district engineer determines that the activity may affect properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

(b) Federal permittees should follow their own procedures for complying with the requirements of Section 106 of the National Historic Preservation Act. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will review the documentation and determine whether it is sufficient to address section 106 compliance for the NWP activity, or whether additional section 106 consultation is necessary.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the authorized activity may have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties may be affected by the proposed work or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of or potential for the presence of historic resources can be sought from the State Historic Preservation Officer or Tribal Historic Preservation Officer, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of Section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. Based on the information submitted and these efforts, the district engineer shall determine whether the proposed activity has the potential to cause an effect on the historic properties. Where the non-Federal applicant has identified historic properties on which the activity may have the potential to cause effects and so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects or that consultation under Section 106 of the NHPA has been completed.

(d) The district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA Section 106 consultation is required. Section 106 consultation is not required when the Corps determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR §800.3(a)). If NHPA section 106 consultation is required and will occur, the district engineer will notify the non-Federal applicant that he or she cannot begin work until Section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(e) Prospective permittees should be aware that section 110k of the NHPA (16 U.S.C.470h-2(k)) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of Section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, explaining the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

21. **Discovery of Previously Unknown Remains and Artifacts.** If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the district engineer of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer 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.

22. **Designated Critical Resource Waters.** Critical resource waters include, NOAA-managed marine sanctuaries, and marine monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment, additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment.

(a) Discharges of dredged or fill material into waters of the United States are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, and 52 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

(b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, and 38, notification is required in accordance with general condition 31, for any activity proposed in the designated critical resource waters including wetlands adjacent to those

waters. The district engineer may authorize activities under these NWPs only after it is determined that the impacts to the critical resource waters will be no more than minimal.

23. **Mitigation.** The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that adverse effects on the aquatic environment are minimal:

(a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).

(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the adverse effects to the aquatic environment are minimal.

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse effects of the proposed activity are minimal, and provides a project-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in minimal adverse effects on the aquatic environment. Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.

(1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in minimal adverse effects on the aquatic environment.

(2) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, wetland restoration should be the first compensatory mitigation option considered.

(3) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) – (14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)).

(4) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan only needs to address the baseline conditions at the impact site and the number of credits to be provided.

(5) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan.

(d) For losses of streams or other open waters that require pre-construction notification, the district engineer may require compensatory mitigation, such as stream rehabilitation, enhancement, or preservation, to ensure that the activity results in minimal adverse effects on the aquatic environment.

(e) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any project resulting in the loss of greater than 1/2-acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that a project already meeting the established acreage limits also satisfies the minimal impact requirement associated with the NWPs.

(f) Compensatory mitigation plans for projects in or near streams or other open waters will normally include a requirement for the restoration or establishment, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, riparian areas may be the only compensatory mitigation required. Riparian areas should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to establish a riparian

area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or establishing a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(g) Permittees may propose the use of mitigation banks, in-lieu fee programs, or separate permittee-responsible mitigation. For activities resulting in the loss of marine or estuarine resources, permittee-responsible compensatory mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee-responsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management.

(h) Where certain functions and services of waters of the United States are permanently adversely affected, such as the conversion of a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse effects of the project to the minimal level.

24. **Safety of Impoundment Structures.** To ensure that all impoundment structures are safely designed, the district engineer may require non-Federal applicants to demonstrate that the structures comply with established state dam safety criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

25. **Water Quality.** Where States and authorized Tribes, or EPA where applicable, have not previously certified compliance of an NWP with CWA Section 401, individual 401 Water Quality Certification must be obtained or waived (see 33 CFR 330.4(c)). The district engineer or State or Tribe may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

26. **Coastal Zone Management.** In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). The district engineer or a State may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

27. **Regional and Case-By-Case Conditions.** The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

28. **Use of Multiple Nationwide Permits.** The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

29. **Transfer of Nationwide Permit Verifications.** If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature:

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

_____
(Transferee)

_____
(Date)

30. **Compliance Certification.** Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and any required compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include:

(a) A statement that the authorized work was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions;

(b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(l)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and

(c) The signature of the permittee certifying the completion of the work and mitigation.

31. **Pre-Construction Notification.**

(a) Timing. Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a preconstruction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the additional information necessary to make the PCN complete. The request must specify the information needed to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

(1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or

(2) 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species or critical habitat might be affected or in the vicinity of the project, or to notify the Corps pursuant to general condition 20 that the activity may have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or Section 106 of the National Historic Preservation (see 33 CFR 330.4(g)) has been completed. Also, work cannot begin under NWPs 21, 49, or 50 until the permittee has received written approval from the Corps. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) Contents of Pre-Construction Notification: The PCN must be in writing and include the following information:

(1) Name, address and telephone numbers of the prospective permittee;

(2) Location of the proposed project;

(3) A description of the proposed project; the project's purpose; direct and indirect adverse environmental effects the project would cause, including the anticipated amount of loss of water of the United States expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity. The description should be sufficiently detailed to allow the district engineer to determine that the adverse effects of the project will be minimal and to determine the need for compensatory mitigation. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the project and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans);

(4) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and 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 permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many waters of the United States. Furthermore, the 45 day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate;

(5) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied., or explaining why the adverse effects are minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

(6) If any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, for non-Federal applicants the PCN must include the name(s) of those endangered or threatened species that might be affected by the proposed work or utilize the designated critical habitat that may be affected by the proposed work. Federal applicants must provide documentation demonstrating compliance with the Endangered Species Act; and

(7) For an activity that may affect a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, for non-Federal applicants the PCN must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property. Federal applicants must provide documentation demonstrating compliance with Section 106 of the National Historic Preservation Act.

(c) Form of Pre-Construction Notification: The standard individual permit application form (Form ENG 4345) may be used, but the completed application form must clearly indicate that it is a PCN and must include all of the information required in paragraphs (b)(1) through (7) of this general condition. A letter containing the required information may also be used.

(d) Agency Coordination:

(1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the project's adverse environmental effects to a minimal level.

(2) For all NWP activities that require pre-construction notification and result in the loss of greater than 1/2-acre of waters of the United States, for NWP 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52 activities that require pre-construction notification and will result in the loss of greater than 300 linear feet of intermittent and ephemeral stream bed, and for all NWP 48 activities that require pre-construction notification, the district engineer will immediately provide (e.g., via e-mail, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (U.S. FWS, state natural resource or water quality agency, EPA, State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Office (THPO), and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will then

have 10 calendar days from the date the material is transmitted to telephone or fax the district engineer notice that they intend to provide substantive, site-specific comments. The comments must explain why the agency believes the adverse effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the pre-construction notification. The district engineer will fully consider agency comments received within the specified time frame, but concerning the proposed activity's compliance with the terms and conditions of the NWPs, including the need for mitigation to ensure the net adverse environmental effects to the aquatic environment of the proposed activity are minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

(3) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by Section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

(4) Applicants are encouraged to provide the Corps with either electronic files or multiple copies of pre-construction notifications to expedite agency coordination.

B. Regional Conditions for all Nationwide Permits in Louisiana

Regional Condition 1. No activity may cause the permanent loss of greater than 1/2 acre of seasonally inundated cypress swamp and/or cypress-tupelo swamp.

Regional Condition 2. No activity may cause the permanent loss of greater than 1/2 acre of pine savanna, pine flatwoods and/or pitcher plant bogs.

Regional Condition 3. No activity is authorized under any NWP permit which has been determined to have an adverse impact upon a federal or state designated rookery and/or bird sanctuary.

Regional Condition 4. No existing den or candidate den trees may be felled or impacted by soil compaction within Louisiana black bear breeding habitat. (Existing den trees are those known to be used or have evidence of being used by a denning Louisiana black bear, regardless of size, species, or proximity to water. Candidate den trees are defined as bald cypress and/or tupelo gum with visible cavities, having a minimum diameter-at-breast-height of 36 inches, and associated with rivers, lakes, streams, bayous, sloughs or other waterbodies.) Additionally, Pre-Construction Notification shall be required for all activities involving clearing within Louisiana black bear critical habitat. Those habitat boundaries may be found at: http://www.fws.gov/Lafayette/la_black_bear_PCH.html.

Regional Condition 5. Due to the occurrence of threatened or endangered species, **Pre-Construction Notification** shall be required for **ALL** instream activities in the following waterways: Abita River and tributaries; Amite River (LA Highway 37 at Grangeville to Port Vincent); Bayou Bartholomew in Morehouse Parish; Bayou Boeuf and Bayou Rapides Tributaries in Rapides Parish: (Bayou Clear, Brown Creek, Burney Branch, Castor Creek, Clear Creek, Haikey's Creek, Little Bayou Clear, Little Brushy Creek, Loving Creek, Little Loving Creek, Long Branch, Mack Branch, Patterson Branch, Valentine Creek, and Williamson Branch), Bayou Rigolette tributaries in Grant Parish (Beaver Creek, Black Creek, Chandler Creek, Clear Branch, Coleman Branch, Cress Creek, Cypress Creek, Glady Hollow, Gray Creek, Hudson Creek, James Branch, Jordon Creek, Moccasin Branch, and Swafford Creek); Bogue Falaya River and Tributaries, Bogue Chitto River and Tributaries, Lake Borgne, Lake Ponchartrain and its tributaries, Lake Saint Catherine, Little Lake, Tchefuncta River, Little Tchefuncta River, the Rigolets and West Pearl River.

Regional Condition 6. Excavated and/or fill material placed within wetlands must be free of contaminants, to the best of the applicant's knowledge.

Regional Condition 7. For work within the Louisiana Coastal Zone and/or the Outer Continental Shelf off Louisiana;

a. An application for work must first be submitted to the Louisiana Department of Natural Resources, Office of Coastal Management (OCM) who will then forward the request to the Corps of Engineers.

b. NWP requests that have not received a Coastal Use Permit or other consistency determination from the OCM would be processed by the Corps but granted authorization would be conditioned to require the applicant to obtain appropriate authorization from OCM before the NWP is valid.

c. The New Orleans District's Programmatic General Permit generally supersedes the Nationwide Permit authorization for activities located within the Louisiana Coastal Zone as incorporated within the New Orleans Corps District boundaries. Projects will not qualify for a Nationwide Permit if they qualify for the Programmatic General Permit.

Regional Condition 8. A preconstruction notification, as defined under nationwide general condition 31, will be provided for all activities that meet one or both of the following criteria;

a. Adversely affects greater than 1/10 acre of wetlands, and/or

b. Adversely impacts a designated Natural and Scenic River, a state or federal wildlife management area and/or refuge.

Regional Condition 9, Supplement to General Condition 2 – Aquatic Life Movement. For installation of culverts, twenty percent (20%) of the culvert diameter (20 percent of the height of elliptical culverts) must be installed below the natural grade of the stream.

C. Regional Conditions Specific to Nationwide Permit 18 in Louisiana

1. This NWP, via disavowal of Coastal Zone certification by the Louisiana Department of Natural Resources, is considered denied without prejudice within the Louisiana Coastal Zone. Individual requests for approval under this NWP will be conditioned to require the applicant to obtain a Louisiana Department of Natural Resources determination/certification before the NWP is valid.
2. The U. S. Environmental Protection Agency (Vicksburg District only) will be forwarded a copy of the Pre-Construction Notification for all NWP #18 activities.

D. Water Quality Nationwide Permit Regional Conditions for "Indian Country" Lands

The Environmental Protection Agency (EPA) is the agency required to address water quality certification of the 2012 nationwide permits (NWPs) in Indian country[1] where a tribe has not received treatment in the same manner as a state for the Clean Water Act (CWA) Section 401 program. Tribes which have received treatment in the same manner as a state (TAS) for the water quality standards and §401 certification programs and which have EPA-approved water quality standards will be contacted by the Corps of Engineers for the water quality certification process. EPA is the agency required to address water quality certification for tribes that have not received TAS for the water quality standards and 401 certification programs. At this time, no Indian tribes in Louisiana have CWA Section 401 authority.

1. The permittee shall conduct all work in such a manner to comply with all U.S. Army Corps of Engineers §404 permit conditions.

2. The permittee shall keep a copy of this certification with conditions at the project site during all phases of construction. All contractors or subcontractors involved in the project must be provided a copy of this certification prior to commencement of activities.

3. All heavy equipment used in the project areas shall be steam cleaned before the start of the project and inspected daily for leaks. Leaking equipment must not be used in or near surface water or in a wetland area. Equipment shall be parked outside the waterbody when not in use.

[1] "Indian Country", as defined in 18 U.S.C. 1151, means: (1) all land within the limits of any Indian reservation under the jurisdiction of the United States government, not withstanding the issuance of any patent, and including rights-of-way running through the reservation; (2) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a State; and (3) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.

4. All fuels, oil, hydraulic fluid, or other substances of this nature must not be stored, temporarily or otherwise, within the normal floodplain or the wetland. A secondary containment system for these items shall be used in the event the primary containment system leaks. Refueling or servicing of equipment must not take place within 100 feet of any watercourse or within the wetland area.

5. The construction area shall be protected such that a runoff event will not move soil or contaminants to surface water or away from the construction site. These measures shall be in place prior to the commencement of activities and inspected daily.

6. Temporary mats must be placed on stream banks, riparian areas, and wetlands, to minimize impacts to soil and vegetation from heavy equipment. Temporary access roads must be restored to pre-project conditions.

7. All asphalt, concrete, and other construction materials must be properly handled and contained to prevent releases to the stream channels. All concrete that is to be poured must be fully contained in mortar-tight forms to prevent accidental releases to surface water or ground water. No discharge of any concrete to surface water or ground water may occur. Dumping of waste materials near watercourses is strictly prohibited.

8. Work in a stream channel should be limited to periods of no flow when practicable, and must be limited to periods of low flow. Avoid working within the channel during spring runoff or summer thunderstorm season.

9. When working in a stream channel, flowing water must be temporarily diverted around the work area to minimize sedimentation and turbidity problems. Acceptable diversion structures are non-erosive and include (but are not limited to) sand bags, water bladders, concrete barriers lined with plastic, and flumes.

10. The permittee shall restore all areas disturbed by construction activities to pre-project conditions. This shall include restoration of surface contours, stabilization of the soil, and restoration of appropriate native vegetation to establish permanent cover.

E. District Engineer's Decision

1. In reviewing the PCN for the proposed activity, the district engineer will determine whether the activity authorized by the NWP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. For a linear project, this determination will include an evaluation of the individual crossings to determine whether they individually satisfy the terms and conditions of the NWP(s), as well as the cumulative effects caused by all of the crossings authorized by NWP. If an applicant requests a waiver of the 300 linear foot limit on impacts to intermittent or ephemeral streams or of an otherwise applicable limit, as provided for in NWPs 13, 21, 29, 36, 39, 40, 42, 43, 44, 50, 51 or 52, the district engineer will only grant the waiver upon a written determination that the NWP activity will result in minimal adverse effects. When making minimal effects determinations the district engineer will consider the direct and indirect effects caused by the NWP activity. The district engineer will also consider site specific factors, such as the environmental setting in the vicinity of the NWP activity, the type of resource that will be affected by the NWP activity, the functions provided by the aquatic resources that will be affected by the NWP activity, the degree or magnitude to which the aquatic resources perform those functions, the extent that aquatic resource functions will be lost as a result of the NWP activity (e.g., partial or complete loss), the duration of the adverse effects (temporary or permanent), the importance of the aquatic resource functions to the region (e.g., watershed or ecoregion), and mitigation required by the district engineer. If an appropriate functional assessment method is available and practicable to use, that assessment method may be used by the district engineer to assist in the minimal adverse effects determination. The district engineer may add case-specific special conditions to the NWP authorization to address site-specific environmental concerns.

2. If the proposed activity requires a PCN and will result in a loss of greater than 1/10 acre of wetlands, the prospective permittee should submit a mitigation proposal with the PCN. Applicants may also propose compensatory mitigation for projects with smaller impacts. The district engineer will consider any proposed compensatory mitigation the applicant has included in the proposal in determining whether the net adverse environmental effects to the aquatic environment of the proposed activity are minimal. The compensatory mitigation proposal may be either conceptual or detailed. If the district engineer determines that the activity complies with the terms and conditions of the NWP and that the adverse effects on the aquatic environment are minimal, after considering mitigation, the district engineer will notify the permittee and include any activity-specific conditions in the NWP verification the district engineer deems necessary. Conditions for compensatory

mitigation requirements must comply with the appropriate provisions at 33 CFR 332.3(k). The district engineer must approve the final mitigation plan before the permittee commences work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation. If the prospective permittee elects to submit a compensatory mitigation plan with the PCN, the district engineer will expeditiously review the proposed compensatory mitigation plan. The district engineer must review the proposed compensatory mitigation plan within 45 calendar days of receiving a complete PCN and determine whether the proposed mitigation would ensure no more than minimal adverse effects on the aquatic environment. If the net adverse effects of the project on the aquatic environment (after consideration of the compensatory mitigation proposal) are determined by the district engineer to be minimal, the district engineer will provide a timely written response to the applicant. The response will state that the project can proceed under the terms and conditions of the NWP, including any activity-specific conditions added to the NWP authorization by the district engineer.

3. If the district engineer determines that the adverse effects of the proposed work are more than minimal, then the district engineer will notify the applicant either: (a) That the project does not qualify for authorization under the NWP and instruct the applicant on the procedures to seek authorization under an individual permit; (b) that the project is authorized under the NWP subject to the applicant's submission of a mitigation plan that would reduce the adverse effects on the aquatic environment to the minimal level; or (c) that the project is authorized under the NWP with specific modifications or conditions. Where the district engineer determines that mitigation is required to ensure no more than minimal adverse effects occur to the aquatic environment, the activity will be authorized within the 45-day PCN period, with activity-specific conditions that state the mitigation requirements. The authorization will include the necessary conceptual or detailed mitigation or a requirement that the applicant submit a mitigation plan that would reduce the adverse effects on the aquatic environment to the minimal level. When mitigation is required, no work in waters of the United States may occur until the district engineer has approved a specific mitigation plan or has determined that prior approval of a final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation.

F. Further Information

1. District Engineers have authority to determine if an activity complies with the terms and conditions of an NWP.
2. NWPs do not obviate the need to obtain other federal, state, or local permits, approvals, or authorizations required by law.
3. NWPs do not grant any property rights or exclusive privileges.
4. NWPs do not authorize any injury to the property or rights of others.
5. NWPs do not authorize interference with any existing or proposed Federal project.

G. Definitions

Best management practices (BMPs): Policies, practices, procedures, or structures implemented to mitigate the adverse environmental effects on surface water quality resulting from development. BMPs are categorized as structural or non-structural.

Compensatory mitigation: The restoration, (re-establishment or rehabilitation), establishment (creation), enhancement, and/or in certain circumstances preservation of aquatic resources for the purposes of offsetting unavoidable adverse impacts which remain after all appropriate and practicable avoidance and minimization has been achieved.

Currently serviceable: Useable as is or with some maintenance, but not so degraded as to essentially require reconstruction.

Direct effects: Effects that are caused by the activity and occur at the same time and place.

Discharge: The term "discharge" means any discharge of dredged or fill material.

Enhancement: The manipulation of the physical, chemical, or biological characteristics of an aquatic resource to heighten, intensify, or improve a specific aquatic resource function(s). Enhancement results in the gain of selected aquatic resource function(s), but may also lead to a decline in other aquatic resource function(s). Enhancement does not result in a gain in aquatic resource area.

Ephemeral stream: An ephemeral stream has flowing water only during, and for a short duration after, precipitation events in a typical year. Ephemeral stream beds are located above the water table year-round. Groundwater is not a source of water for the stream. Runoff from rainfall is the primary source of water for stream flow.

Establishment (creation): The manipulation of the physical, chemical, or biological characteristics present to develop an aquatic resource that did not previously exist at an upland site. Establishment results in a gain in aquatic resource area.

High Tide Line: The line of intersection of the land with the water's surface at the maximum height reached by a rising tide. The high tide line may be determined, in the absence of actual data, by a line of oil or scum along shore objects, a more or less continuous deposit of fine shell or debris on the foreshore or berm, other physical markings or characteristics, vegetation lines, tidal gages, or other suitable means that delineate the general height reached by a rising tide. The line encompasses spring high tides and other high tides that occur with periodic frequency but does not include storm surges in which there is a departure from the normal or predicted reach of the tide due to the piling up of water against a coast by strong winds such as those accompanying a hurricane or other intense storm.

Historic Property: Any prehistoric or historic district, site (including archaeological site), building, structure, or other object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria (36 CFR part 60).

Independent utility: A test to determine what constitutes a single and complete non-linear project in the Corps regulatory program. A project is considered to have independent utility if it would be constructed absent the construction of other projects in the project area. Portions of a multi-phase project that depend upon other phases of the project do not have independent utility. Phases of a project that would be constructed even if the other phases were not built can be considered as separate single and complete projects with independent utility.

Indirect effects: Effects that are caused by the activity and are later in time or farther removed in distance, but are still reasonably foreseeable.

Intermittent stream: An intermittent stream has flowing water during certain times of the year, when groundwater provides water for stream flow. During dry periods, intermittent streams may not have flowing water. Runoff from rainfall is a supplemental source of water for stream flow.

Loss of waters of the United States: Waters of the United States that are permanently adversely affected by filling, flooding, excavation, or drainage because of the regulated activity. Permanent adverse effects include permanent discharges of dredged or fill material that change an aquatic area to dry land, increase the bottom elevation of a waterbody, or change the use of a waterbody. The acreage of loss of waters of the United States is a threshold measurement of the impact to jurisdictional waters for determining whether a project may qualify for an NWP; it is not a net threshold that is calculated after considering compensatory mitigation that may be used to offset losses of aquatic functions and services. The loss of stream bed includes the linear feet of stream bed that is filled or excavated. Waters of the United States temporarily filled, flooded, excavated, or drained, but restored to pre-construction contours and elevations after construction, are not included in the measurement of loss of waters of the United States. Impacts resulting from activities eligible for exemptions under Section 404(f) of the Clean Water Act are not considered when calculating the loss of waters of the United States.

Non-tidal wetland: A non-tidal wetland is a wetland that is not subject to the ebb and flow of tidal waters. The definition of a wetland can be found at 33 CFR 328.3(b). Non-tidal wetlands contiguous to tidal waters are located landward of the high tide line (i.e., spring high tide line).

Open water: For purposes of the NWPs, an open water is any area that in a year with normal patterns of precipitation has water flowing or standing above ground to the extent that an ordinary high water mark can be determined. Aquatic vegetation within the area of standing or flowing water is either non-emergent, sparse, or absent. Vegetated shallows are considered to be open waters. Examples of "open waters" include rivers, streams, lakes, and ponds.

Ordinary High Water Mark: An ordinary high water mark is a line on the shore established by the fluctuations of water and indicated by physical characteristics, or by other appropriate means that consider the characteristics of the surrounding areas (see 33 CFR 328.3(e)).

Perennial stream: A perennial stream has flowing water year-round during a typical year. The water table is located above the stream bed for most of the year. Groundwater is the primary source of water for stream flow. Runoff from rainfall is a supplemental source of water for stream flow.

Practicable: Available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

Pre-construction notification: A request submitted by the project proponent to the Corps for confirmation that a particular activity is authorized by nationwide permit. The request may be a permit application, letter, or similar document that includes information about the proposed work and its anticipated environmental effects. Pre-construction notification may be required by the terms and conditions of a nationwide permit, or by regional conditions. A pre-construction notification may be voluntarily submitted in cases where pre-construction notification is not required and the project proponent wants confirmation that the activity is authorized by nationwide permit.

Preservation: The removal of a threat to, or preventing the decline of, aquatic resources by an action in or near those aquatic resources. This term includes activities commonly associated with the protection and maintenance of aquatic resources through the implementation of appropriate legal and physical mechanisms. Preservation does not result in a gain of aquatic resource area or functions.

Re-establishment: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former aquatic resource. Re-establishment results in rebuilding a former aquatic resource and results in a gain in aquatic resource area and functions.

Rehabilitation: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/historic functions to a degraded aquatic resource. Rehabilitation results in a gain in aquatic resource function, but does not result in a gain in aquatic resource area.

Restoration: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former or degraded aquatic resource. For the purpose of tracking net gains in aquatic resource area, restoration is divided into two categories: re-establishment and rehabilitation.

Riffle and pool complex: Riffle and pool complexes are special aquatic sites under the 404(b)(1) Guidelines. Riffle and pool complexes sometimes characterize steep gradient sections of streams. Such stream sections are recognizable by their hydraulic characteristics. The rapid movement of water over a course substrate in riffles results in a rough flow, a turbulent surface, and high dissolved oxygen levels in the water. Pools are deeper areas associated with riffles. A slower stream velocity, a streaming flow, a smooth surface, and a finer substrate characterize pools.

Riparian areas: Riparian areas are lands adjacent to streams, lakes, and estuarine-marine shorelines. Riparian areas are transitional between terrestrial and aquatic ecosystems, through which surface and subsurface hydrology connects riverine, lacustrine, estuarine, and marine waters with their adjacent wetlands, non-wetland waters, or uplands. Riparian areas provide a variety of ecological functions and services and help improve or maintain local water quality. (See general condition 23.)

Shellfish seeding: The placement of shellfish seed and/or suitable substrate to increase shellfish production. Shellfish seed consists of immature individual shellfish or individual shellfish attached to shells or shell fragments (i.e., spat on shell). Suitable substrate may consist of shellfish shells, shell fragments, or other appropriate materials placed into waters for shellfish habitat.

Single and complete linear project: A linear project is a project constructed for the purpose of getting people, goods, or services from a point of origin to a terminal point, which often involves multiple crossings of one or more waterbodies at separate and distant locations. The term “single and complete project” is defined as that portion of the total linear project proposed or accomplished by one owner/developer or partnership or other association of owners/developers that includes all

crossings of a single water of the United States (i.e., a single waterbody) at a specific location. For linear projects crossing a single or multiple waterbodies several times at separate and distant locations, each crossing is considered a single and complete project for purposes of NWP authorization. However, individual channels in a braided stream or river, or individual arms of a large, irregularly shaped wetland or lake, etc., are not separate waterbodies, and crossings of such features cannot be considered separately.

Single and complete non-linear project: For non-linear projects, the term "single and complete project" is defined at 33 CFR 330.2(i) as the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers. A single and complete non-linear project must have independent utility (see definition of "independent utility"). Single and complete non-linear projects may not be "piecemealed" to avoid the limits in an NWP authorization.

Stormwater management: Stormwater management is the mechanism for controlling stormwater runoff for the purposes of reducing downstream erosion, water quality degradation, and flooding and mitigating the adverse effects of changes in land use on the aquatic environment.

Stormwater management facilities: Stormwater management facilities are those facilities, including but not limited to, stormwater retention and detention ponds and best management practices, which retain water for a period of time to control runoff and/or improve the quality (i.e., by reducing the concentration of nutrients, sediments, hazardous substances and other pollutants) of stormwater runoff.

Stream bed: The substrate of the stream channel between the ordinary high water marks. The substrate may be bedrock or inorganic particles that range in size from clay to boulders. Wetlands contiguous to the stream bed, but outside of the ordinary high water marks, are not considered part of the stream bed.

Stream channelization: The manipulation of a stream's course, condition, capacity, or location that causes more than minimal interruption of normal stream processes. A channelized stream remains a water of the United States.

Structure: An object that is arranged in a definite pattern of organization. Examples of structures include, without limitation, any pier, boat dock, boat ramp, wharf, dolphin, weir, boom, breakwater, bulkhead, revetment, riprap, jetty, artificial island, artificial reef, permanent mooring structure, power transmission line, permanently moored floating vessel, piling, aid to navigation, or any other manmade obstacle or obstruction.

Tidal wetland: A tidal wetland is a wetland (i.e., water of the United States) that is inundated by tidal waters. The definitions of a wetland and tidal waters can be found at 33 CFR 328.3(b) and 33 CFR 328.3(f), respectively. Tidal waters rise and fall in a predictable and measurable rhythm or cycle due to the gravitational pulls of the moon and sun. Tidal waters end where the rise and fall of the water surface can no longer be practically measured in a predictable rhythm due to masking by other waters, wind, or other effects. Tidal wetlands are located channelward of the high tide line, which is defined at 33 CFR 328.3(d).

Vegetated shallows: Vegetated shallows are special aquatic sites under the 404(b)(1) Guidelines. They are areas that are permanently inundated and under normal circumstances have rooted aquatic vegetation, such as seagrasses in marine and estuarine systems and a variety of vascular rooted plants in freshwater systems.

Waterbody: For purposes of the NWPs, a waterbody is a jurisdictional water of the United States. If a jurisdictional wetland is adjacent– meaning bordering, contiguous, or neighboring– to a waterbody determined to be a water of the United States under 33 CFR 328.3(a)(1)-(6), that waterbody and its adjacent wetlands are considered together as a single aquatic unit (see 33 CFR 328.4(c)(2)). Examples of "waterbodies" include streams, rivers, lakes, ponds, and wetlands.