

REGIONAL CONDITIONS FOR THE NATIONWIDE PERMITS IN LOUISIANA

Corps Regional Conditions

General Conditions:

1. No activity may cause the permanent loss of greater than ½ of an acre of seasonally inundated Cypress swamp and/or cypress-tupelo swamp.
2. No activity may cause the permanent loss of greater than ½ of an acre of Pine Savanna, Pine Flatwoods and/or Pitcher Plant Bogs.
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.
4. No existing den or candidate den trees may be felled within areas known to be occupied by the threatened Louisiana black bear. (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.)
5. Due to the occurrence of threatened or endangered species, notification shall be required for all instream activities in the following waterways: Bayou Boeuf Tributaries in Rapides Parish:

(Brown Creek, Mack Branch, Clear Creek, Little Brushy Creek, Loving Creek, Little Loving Creek, Long Branch, Bayou Clear, Castor Creek, Valentine Creek, and Little Bayou Clear), Amite River (LA Highway 37 at Grangeville to Port Vincent), Bogue Falaya River and Tributaries, Abita River and Tributaries, Bayou Chinchuba (between U.S. 190 and Louisiana Highway 59), West Pearl River, Bogue Chitto River and Tributaries, and Red River tributaries in Grant Parish (Black Creek, Swafford Creek, Cypress Creek, Beaver Creek, Cress Creek, Jordon Creek, Hudson Creek, Gray Creek, Moccasin Branch and James Branch)
6. The Department of the Army (DA) authorization shall be conditioned to require that any excavated and/or fill material placed within wetlands must be free of contaminants, to the best of the applicant's knowledge.

Nationwide Permit 6: Survey Activities

Preconstruction notification (PCN), as defined under Nationwide Permit General Condition 13, is required for all seismic survey activities regardless of impact acreage.

Nationwide Permit 7: Outfall Structures and Maintenance.

Activities authorized by NWP 7 that include the construction of intake structures must include adequate fish screening devices.

Nationwide Permit 12: Utility Line Activities.

1. Preconstruction notification, as defined under Nationwide Permit General Condition 13, is required. The U.S. Fish and Wildlife Service and the National Marine Fisheries Service (as appropriate) shall be forwarded a copy of the PCN regardless of acreage impact. with

2. For every 500 linear feet of sidecast material along the utility line trench, a 50-foot gap shall be required. Under certain circumstances the gap intervals may be modified. Additionally, no fill shall be placed in a manner, which would impede natural watercourses.

Nationwide Permit 14: Linear Transportation Projects.

Pre-Construction Notification, as defined under Nationwide Permit General Condition 13, is required. The U.S. Fish and Wildlife Service and the National Marine Fisheries Service (as appropriate) will be forwarded a copy of the PCN regardless of acreage impact and any proposed stream crossings in St. Tammany, East Baton Rouge, Grant, Washington and Rapides Parishes.)

Nationwide Permit 27: Stream and Wetland Restoration Activities.

1. Pre-Construction Notification, as defined under Nationwide General Condition 13, is required for some activities. The U.S. Fish and Wildlife Service and National Marine Fisheries Service (as appropriate) will be forwarded a copy of the PCN on all NWP27 Part (3) activities regardless of acreage impact.

2. No activities shall be authorized by NWP 27 that would convert tidal wetlands to another aquatic habitat type.

Nationwide Permit 29: Single-Family Housing

1. Sewage generated at the site will be processed through a municipal sewage treatment system or, in areas where tie-in to a municipal system is not practical, the on-site sewage system must be approved the local parish sanitarian before any housing is constructed.

2. Pre-Construction Notification, as defined under Nationwide General Condition 13, is required for some activities. The U.S. Fish and Wildlife Service and National Marine Fisheries Service (as appropriate) will be forwarded a copy of the PCN on all NWP27 Part (3) activities regardless of acreage impact.

Nationwide Permit 39: Residential, Commercial and Institutional Development.

1. Work which results in the resuspension of dredged material shall be prohibited in Bayou d'Inde, the Inner Harbor Canal, Calcasieu River at the mouth of Bayou d'Inde, Harvey Canal, California Canal, and Bayous Trepagnier, Rigaud, Olsen and Verdine, Capitol Lake, Coon Island Loop, Devil's Swamp, and Tensas River (areas within and upstream of Tensas National Wildlife Refuge), Ouachita River (areas within and upstream of the Upper Ouachita National Wildlife Refuge), Wham Brake drainage (Staulkinghead Creek, Little Bayou Boeuf, Bayou Lafourche and Lake Irwin).

Nationwide Permit 41: Reshaping Existing Drainage Ditches.

1. No discharges shall be allowed under this NWP that would adversely impact mature riparian corridors.

2. Work which results in the resuspension of dredged material shall be prohibited in Bayou d'Inde, the Inner Harbor Canal, Calcasieu River at the mouth of Bayou d'Inde, Harvey Canal, California Canal, and Bayous Trepagnier, Rigaud, Olsen and Verdine, Capitol Lake, Coon Island Loop, Devil's Swamp, and Tensas River (areas within and upstream of Tensas National Wildlife Refuge), Ouachita River (areas within and upstream of the Upper Ouachita National Wildlife Refuge), Wham Brake drainage (Staulkinghead Creek, Little Bayou Boeuf, Bayou Lafourche and Lake Irwin).

Nationwide Permit 42: Recreational Facilities.

1. Preconstruction notification as defined under Nationwide Permit General Condition 13 is shall be required for NWP 42 for any activities proposed in streams designated by the Louisiana Department of Wildlife and Fisheries as Natural and Scenic, and for any activities in Caddo Lake and Catahoula Lake. The U.S. Fish and Wildlife Service will be forwarded a copy of the PCN regardless of acreage impact or any activities affecting streams.

2. Work which results in the resuspension of dredged material shall be prohibited in Bayou d'Inde, the Inner Harbor Canal, Calcasieu River at the mouth of Bayou d'Inde, Harvey Canal, California Canal, and Bayous Trepagnier, Rigaud, Olsen and Verdine, Capitol Lake, Coon Island Loop, Devil's Swamp, and Tensas River (areas within and upstream of Tensas National Wildlife Refuge), Ouachita River (areas within and upstream of the Upper Ouachita National Wildlife Refuge), Wham Brake drainage (Staulkinghead Creek, Little Bayou Boeuf, Bayou Lafourche and Lake Irwin).

Nationwide Permit 43: Stormwater Management Facilities.

1. Preconstruction notification, as defined under Nationwide Permit General Condition 13, is required. The U.S. Fish and Wildlife Service will be forwarded a copy of the PCN for activities that would affect streams.

2. Work which results in the resuspension of dredged material shall be prohibited in Bayou d'Inde, the Inner Harbor Canal, Calcasieu River at the mouth of Bayou d'Inde, Harvey Canal, California Canal, and Bayous Trepagnier, Rigaud, Olsen and Verdine, Capitol Lake, Coon Island Loop, Devil's Swamp, and Tensas River (areas within and upstream of Tensas National Wildlife Refuge), Ouachita River (areas within and upstream of the Upper Ouachita National Wildlife Refuge), Wham Brake drainage (Staulkinghead Creek, Little Bayou Boeuf, Bayou Lafourche and Lake Irwin).

Nationwide Permit 44: Mining Activities.

1. Preconstruction notification, as defined under Nationwide Permit General Condition 13, is required. The U.S. Fish and Wildlife Service will be forwarded a copy of the PCN regardless of acreage impact and applies to any PCN

for in-stream mining activities, including activities in water-filled depressions that have become a functioning part of the stream.

2. Work which results in the resuspension of dredged material shall be prohibited in Bayou d'Inde, the Inner Harbor Canal, Calcasieu River at the mouth of Bayou d'Inde, Harvey Canal, California Canal, and Bayous Trepagnier, Rigaud, Olsen and Verdine, Capitol Lake, Coon Island Loop, Devil's Swamp, and Tensas River (areas within and upstream of Tensas National Wildlife Refuge), Ouachita River (areas within and upstream of the Upper Ouachita National Wildlife Refuge), Wham Brake drainage (Staulkinghead Creek, Little Bayou Boeuf, Bayou Lafourche and Lake Irwin).

3. Stream relocations and stream diversions shall be prohibited under NWP 44 in perennial streams.

REGIONAL CONDITIONS FOR WATER QUALITY CERTIFICATION FOR "INDIAN COUNTRY" LANDS

The Environmental Protection Agency is the water quality certifying authority on "Indian Country" lands where a Tribe has not established water quality standards. "Indian Country", is defined in 18 U.S.C. 1151 as "(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.

The following Nationwide Permit Regional Conditions are applicable to proposed projects on "Indian Country" lands in Louisiana:

1. The permittee shall conduct all work in such a manner to comply with all U.S. Army Corps of Engineers Clean Water Act Section 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 your project must be provided a copy of this certification prior to commencement of activities.

3. All heavy equipment used in the project area 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 wetland areas. Equipment shall be parked outside the waterbody when not in use.

4. All fuels, oil, hydraulic fluid, or other substances of this nature must not be stored, temporarily or otherwise, within the normal floodplain or wetlands. 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 wetland areas.

5. The construction area shall be protected such that a runoff event will not carry 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. Any concrete to be poured shall be fully contained in mortar-tight forms to prevent accidental releases to water bodies. There shall be no discharge of any concrete to surface or ground water. Wastewater from concrete production, vehicle wash down, and drilling shall be contained and treated, or removed offsite for proper disposal.

8. Construction shall take place during the dry season under low flow conditions to lessen the impacts to wetlands and to minimize the risk of surface water contamination.

9. If special circumstances call for work to occur during a period of flow in a river or stream, the flow must be temporarily diverted around the work area by placing diversion barriers around the work area to minimize sedimentation and turbidity. Acceptable diversion structures are non-erodible and include sand bags, concrete bases, water bladders, and diversion boards.

10. The permittee shall restore all areas disturbed by construction activities to pre-construction contours, stabilize the soil, replant in native vegetation, and protect until well established in permanent vegetation. The permittee shall plant the appropriate native plant species to the affected area.

REGIONAL CONDITIONS FOR WATER QUALITY CERTIFICATION

The Louisiana Department of Environmental Quality **issued** unconditional water quality certification for Nationwide Permits 3, 4, 5, 6, 7, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 27, 29, 30, 32, 33, 36, 37, 38, 41, 42, and 43.

They have **denied** water quality certification for Nationwide Permits 31, 39, 40 and 44.

The Louisiana Department of Environmental Quality may be contacted as follows:

Louisiana Department of Environmental Quality
Post Office Box 82135
Baton Rouge, Louisiana 70884-2135
Telephone: (225) 765-0664

REGIONAL CONDITIONS FOR COASTAL ZONE CONSISTENCY

The Louisiana Department of Natural Resources (DNR) has **denied** coastal zone consistency for Nationwide Permits 3, 7, 12, 13, 14, 18, 20, 22, 23, 27, 29, 31, 33, 35, 36, 38, 39, 40, 41, 42, 43, and 44. Applicants shall obtain consistency or a waiver from DNR prior to commencement of work. They may be contacted as follows:

Louisiana Department of Natural Resources
Post Office Box 44487
Baton Rouge, Louisiana 70804-4487
Telephone: (225) 342-7591

The Louisiana Department of Natural Resources has issued coastal zone consistency to Nationwide Permits 1, 2, 4, 5, 6, 8, 9, 10, 11, 15, 16, 17, 19, 21, 25, 28, 30, 32, and 37 with the following conditions:

1. The Louisiana Department of natural Resources, Coastal Management Division shall be given preconstruction notification by the applicant of all proposed activities covered by Nationwide within the Louisiana Coastal Zone or the Louisiana Conservation Plan Boundary.

2. For work within the Louisiana Coastal Zone, the applicant must obtain a Coastal Use Permit or other authorization from the Louisiana Department of Natural Resources, Coastal Management Division prior to commencement of work.

3. Compensatory mitigation will be required for any project-related wetland losses that occur within the Louisiana Conservation Plan Boundary, regardless of the size of the wetland loss.