

Application No LMNOD-SP(Calcasieu Lake)382  
 Name of Applicant Gravity Drainage District No. 3 of Cameron Parish  
 Effective Date 16 OCT 1980  
 Expiration Date (If applicable) 31 December 1986

DEPARTMENT OF THE ARMY  
 PERMIT

Referring to written request dated 9 September 1972 for a permit to  
 Perform work in or affect navigable waters of the United States, upon the recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of March 3, 1899 (33 U.S.C. 403),  
 Discharge dredged or fill material into waters of the United States upon the issuance of a permit from the Secretary of the Army acting through the Chief of Engineers pursuant to Section 404 of the Federal Water Pollution Control Act (86 Stat. 816, P.L. 92-500),  
 Transport dredged material for the purpose of dumping it into ocean waters upon the issuance of a permit from the Secretary of the Army acting through the Chief of Engineers pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (86 Stat. 1052, P.L. 92-532).

Gravity Drainage District No. 3  
 Parish of Cameron  
 P.O. Box 279  
 Cameron, Louisiana 70631

is hereby authorized by the Secretary of the Army:  
 to install and maintain a levee along the eastern shore of Calcasieu Lake, eight control structures, a low level levee along the west side of Creole Canal, and a closure in Creole Canal

in wetlands and waterways of Cameron Parish within the boundaries of the Cameron Creole Watershed,

at locations near Cameron and Creole, Louisiana, in Cameron Parish

in accordance with the plans and drawings attached hereto which are incorporated in and made a part of this permit (on drawings - give file number or other definite identification marks.)

Drawings in five (5) sheets titled "Project Map, Cameron Creole Watershed . . ."

subject to the following conditions

I. General Conditions

a. That all activities identified and authorized herein shall be consistent with the terms and conditions of this permit, and that any activities not specifically identified and authorized herein shall constitute a violation of the terms and conditions of this permit which may result in the modification, suspension or revocation of this permit, in whole or in part, as set forth more specifically in General Conditions j or k hereto, and in the institution of such legal proceedings as the United States Government may consider appropriate, whether or not this permit has been previously modified, suspended or revoked in whole or in part.

b. That all activities authorized herein shall, if they involve, during their construction or operation, any discharge of pollutants into waters of the United States or ocean waters, be at all times consistent with applicable water quality standards, effluent limitations and standards of performance, prohibitions, pretreatment standards and management practices established pursuant to the Federal Water Pollution Control Act of 1972 (P.L. 92-500, 86 Stat. 816), the Marine Protection, Research and Sanctuaries Act of 1972 (P.L. 92-532, 86 Stat. 1052), or pursuant to applicable State and local law.

c. That when the activity authorized herein involves a discharge during its construction or operation, of any pollutant (including dredged or fill material), into waters of the United States, the authorized activity shall, if applicable water quality standards are revised or modified during the term of this permit, be modified, if necessary, to conform with such revised or modified water quality standards within 6 months of the effective date of any revision or modification of water quality standards, or as directed by an implemental plan contained in such revised or modified standards, or within such longer period of time as the District Engineer, in consultation with the Regional Administrator of the Environmental Protection Agency, may determine to be reasonable under the circumstances.

d. That the discharge will not destroy a threatened or endangered species as identified under the Endangered Species Act, or endanger the critical habitat of such species.

e. That the permittee agrees to make every reasonable effort to prosecute the construction or operation of the work authorized herein in a manner so as to minimize any adverse impact on fish, wildlife, and natural environmental values.

f. That the permittee agrees that he will prosecute the construction or work authorized herein in a manner so as to minimize any degradation of water quality.

g. That the permittee shall permit the District Engineer or his authorized representative(s) or designee(s) to make periodic inspections at any time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein.

h. That the permittee shall maintain the structure or work authorized herein in good condition and in accordance with the plans and drawings attached hereto.

i. That this permit does not convey any property rights, either in real estate or material, or any exclusive privileges; and that it does not authorize any injury to property or invasion of rights or any infringement of Federal, State, or local laws or regulations nor does it obviate the requirement to obtain State or local assent required by law for the activity authorized herein.

j. That this permit may be summarily suspended, in whole or in part, upon a finding by the District Engineer that immediate suspension of the activity authorized herein would be in the general public interest. Such suspension shall be effective upon receipt by the permittee of a written notice thereof which shall indicate (1) the extent of the suspension, (2) the reasons for this action, and (3) any corrective or preventative measures to be taken by the permittee which are deemed necessary by the District Engineer to abate imminent hazards to the general public interest. The permittee shall take immediate action to comply with the provisions of this notice. Within ten days following receipt of this notice of suspension, the permittee may request a hearing in order to present information relevant to a decision as to whether his permit should be reinstated, modified or revoked. If a hearing is requested, it shall be conducted pursuant to procedures prescribed by the Chief of Engineers. After completion of the hearing, or within a reasonable time after issuance of the suspension notice to the permittee if no hearing is requested, the permit will either be reinstated, modified or revoked.

k. That this permit may be either modified, suspended or revoked in whole or in part if the Secretary of the Army or his authorized representative determines that there has been a violation of any of the terms or conditions of this permit or that such action would otherwise be in the public interest. Any such modification, suspension, or revocation shall become effective 30 days after receipt by the permittee of written notice of such action which shall specify the facts or conduct warranting same unless (1) within the 30-day period the permittee is able to satisfactorily demonstrate that (a) the alleged violation of the terms and the conditions of this permit did not, in fact, occur or (b) the alleged violation was accidental, and the permittee has been operating in compliance with the terms and conditions of the permit and is able to provide satisfactory assurances that future operations shall be in full compliance with the terms and conditions of this permit, or (2) within the aforesaid 30-day period, the permittee requests that a public hearing be held to present oral and written evidence concerning the proposed modification, suspension or revocation. The conduct of this hearing and the procedures for making a final decision either to modify, suspend or revoke this permit in whole or in part shall be pursuant to procedures prescribed by the Chief of Engineers.

l. That in issuing this permit, the Government has relied on the information and data which the permittee has provided in connection with his permit application. If, subsequent to the issuance of this permit, such information and data prove to be false, incomplete or inaccurate, this permit may be modified, suspended or revoked, in whole or in part, and/or the Government may, in addition, institute appropriate legal proceedings.

m. That any modification, suspension, or revocation of this permit shall not be the basis for any claim for damages against the United States.

n. That the permittee shall notify the District Engineer at what time the activity authorized herein will be commenced, as far in advance of the time of commencement as the District Engineer may specify, and of any suspension of work, if for a period of more than one week, resumption of work and its completion.



o. That if the activity authorized herein is not started on or before first day of January, 19 82 (one year from the date of issuance of this permit unless otherwise specified) and is not completed on or before thirty-first day of December, 19 86, (three years from the date of issuance of this permit unless otherwise specified) this permit, if not previously revoked or specifically extended, shall automatically expire.

p. That this permit does not authorize or approve the construction of particular structures, the authorization or approval of which may require authorization by the Congress or other agencies of the Federal Government.

q. That if and when the permittee desires to abandon the activity authorized herein, unless such abandonment is part of a transfer procedure by which the permittee is transferring his interests herein to a third party pursuant to General Condition t hereof, he must restore the area to a condition satisfactory to the District Engineer.

r. That if the recording of this permit is possible under applicable State or local law, the permittee shall take such action as may be necessary to record this permit with the Register of Deeds or other appropriate official charged with the responsibility for maintaining records of title to and interests in real property.

s. That there shall be no unreasonable interference with navigation by the existence or use of the activity authorized herein.

t. That this permit may not be transferred to a third party without prior written notice to the District Engineer, either by the transferee's written agreement to comply with all terms and conditions of this permit or by the transferee subscribing to this permit in the space provided below and thereby agreeing to comply with all terms and conditions of this permit. In addition, if the permittee transfers the interests authorized herein by conveyance of realty, the deed shall reference this permit and the terms and conditions specified herein and this permit shall be recorded along with the deed with the Register of Deeds or other appropriate official.

**11. Special Conditions:** (Here list conditions relating specifically to the proposed structure or work authorized by this permit).

**See page 5 and 6 attached hereto.**

The following Special Conditions will be applicable when appropriate.

**STRUCTURES IN OR AFFECTING NAVIGABLE WATERS OF THE UNITED STATES.**

a. That this permit does not authorize the interference with any existing or proposed Federal project and that the permittee shall not be entitled to compensation for damage or injury to the structures or work authorized herein which may be caused by or result from existing or future operations undertaken by the United States in the public interest.

b. That no attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized by this permit.

c. That if the display of lights and signals on any structure or work authorized herein is not otherwise provided for by law, such lights and signals as may be prescribed by the United States Coast Guard shall be installed and maintained by and at the expense of the permittee.

d. That the permittee, upon receipt of a notice of revocation of this permit or upon its expiration before completion of the authorized structure or work, shall, without expense to the United States and in such time and manner as the Secretary of the Army or his authorized representative may direct, restore the waterway to its former conditions. If the permittee fails to comply with the direction of the Secretary of the Army or his authorized representative, the Secretary or his designee may restore the waterway to its former condition, by contract or otherwise, and recover the cost thereof from the permittee.

e. Structures for Small Boats. That permittee hereby recognizes the possibility that the structure permitted herein may be subject to damage by wave wash from passing vessels. The issuance of this permit does not relieve the permittee from taking all proper steps to insure the integrity of the structure permitted herein and the safety of boats moored thereto from damage by wave wash and the permittee shall not hold the United States liable for any such damage.

**MAINTENANCE DREDGING**

a. That when the work authorized herein includes periodic maintenance dredging, it may be performed under this permit for \_\_\_\_\_ years from the date of issuance of this permit (ten years unless otherwise indicated).

b. That the permittee will advise the District Engineer in writing at least two weeks before he intends to undertake any maintenance dredging.

**DISCHARGES OF DREDGED OR FILL MATERIAL INTO WATERS OF THE UNITED STATES.**

a. That the discharge will be carried out in conformity with the goals and objectives of the EPA Guidelines established pursuant to Section 404(b) of the FWPCA and published in 40 CFR 230.

b. That the discharge will consist of suitable material free from toxic pollutants in other than trace quantities;

c. That the fill created by the discharge will be properly maintained to prevent erosion and other non-point sources of pollution; and

d. That the discharge will not occur in a component of the National Wild and Scenic River System or in a component of a State wild and scenic river system.

**DUMPING OF DREDGED MATERIAL INTO OCEAN WATERS.**

a. That the dumping will be carried out in conformity with the goals, objectives, and requirements of the EPA criteria established pursuant to Section 102 of the Marine Protection, Research and Sanctuaries Act of 1972, published in 40 CFR 220-228.

b. That the permittee shall place a copy of this permit in a conspicuous place in the vessel to be used for the transportation and/or dumping of the dredged material as authorized herein.

This permit shall become effective on the date of the District Engineer's signature.

Permittee hereby accepts and agrees to comply with the terms and conditions of this permit.

\_\_\_\_\_  
PERMITTEE

\_\_\_\_\_  
DATE

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

16 OCT 1980

\_\_\_\_\_  
THOMAS A. SANDS  
Colonel, CE

\_\_\_\_\_  
DATE

DISTRICT ENGINEER,  
U.S. ARMY CORPS OF ENGINEERS

Transferee hereby agrees to comply with the terms and conditions of this permit.

\_\_\_\_\_  
TRANSFEREE

\_\_\_\_\_  
DATE

II. Special Conditions:

- (a) That the levee along the western side of the watershed area shall be located as shown on the attached drawing and that the dimensions of the levee shall not exceed those shown on the drawing except for minor deviations caused by inaccuracies of construction.
- (b) That the borrow area for the levee shall be located on the landside of the levee with a berm having a minimum width of 100 feet.
- (c) That the deepest portion of the borrow pit will be located on the land side of the pit.
- (d) That closures may be installed in the levee borrow pit at locations agreed to by members of the steering committee listed in condition (n), below, and landowners, providing written approval is granted by the District Engineer.
- (e) That the closures in the levee borrow pit may be fills, bulkheads, piling or other material providing written approval is granted by the District Engineer.
- (f) That the low profile levee to be constructed and maintained along the west bank of Creole Canal may extend no further north than the intersection of Little Chenier Road with Louisiana Highway 27.
- (g) That the design grade of the levee along the west side of Creole Canal shall be no higher than the lowest elevation of Louisiana Highway 27 and no lower than 6 inches below highway level between Little Chenier Road and Louisiana Highway 1143 at Creole, La.
- (h) That an earth fill closure is installed and maintained in Creole Canal in the vicinity of Little Chenier Road at the northern end of the levee along the west side of the canal.
- (i) That a properly sized gated culvert or other structure is installed and maintained in the Creole Canal closure to allow removal of excess water from rain or storms if a proposed study indicates such a structure is needed.
- (j) That the closure in Creole Canal may be temporarily removed and reinstalled if necessary to allow removal of excess water from rainfall or storms providing it is reinstalled within 30 days of the completion of the removal of excess water.
- (k) That the levee along Creole Canal and the closure in the canal shall be installed not later than concurrently with construction of the levee along Calcasieu Lake.
- (l) That no new control structures may be installed in the levee along Calcasieu Lake and in the closure in Creole Canal until written approval of the plans has been granted by the District Engineer, and in accordance with condition (s), below.



(m) That a study of 1 to 3 years shall be conducted to identify and select alternate plans for the proposed control structures in the levee along Calcasieu Lake and to develop operational plans for these control structures.

(n) That the study will be monitored and guided by a steering committee composed of representatives of permittee, Soil Conservation Service, Louisiana Office of Public Works, Louisiana Department of Wildlife and Fisheries, National Marine Fisheries Service, Fish and Wildlife Service, and US Army Corps of Engineers District, New Orleans.

(o) That copies of all draft and final reports relating to the study will be provided to the District Engineer.

(p) That the study will also determine the need for additional structures in Louisiana Highway 27 to allow westward flow into the Cameron-Creole Watershed.

(q) That the study will also determine the need for providing openings, culverts, or bridges in existing levees, dredged material deposits, cattle walkways, and roads in the watershed area.

(r) That the study may also review the need for revised operating procedures for the existing control structure in Creole Canal.

(s) That upon evaluation of the study results, the steering committee required by condition (n), above, will recommend water control structure designs and operating plans, acceptable to all committee members, for installation and operation in the levee along Calcasieu Lake and, if necessary, in the closure in Creole Canal.

(t) That flap-gated culverts may be installed in the levee along Creole Canal in existing outlets, only in the reach of levee at and south of High Island, to provide for removal of flood waters and runoff from developed agricultural areas. A culvert may be installed in the existing outlet near the northern end of High Island.

(u) That all changes, additions, or modifications to the work authorized by this permit shall be submitted to the District Engineer. Revisions subject to Department of the Army regulatory authority may not be accomplished until written approval is granted by the District Engineer.

(v) That no channel excavation or enlargement is authorized by this permit.

(w) That no deposits of dredged or fill material subject to Department of the Army regulatory authority which are not authorized by this permit may be made unless written authorization has been issued by the District Engineer.