

DEPARTMENT OF THE ARMY REGIONAL GENERAL PERMIT

**Permittee** General Public

**General Permit Number** SWG-2002-02405

**Issuing Office** U.S. Army Corps of Engineers, Galveston District (Corps)

**Project Description:** To maintenance dredge existing authorized facilities in the Corpus Christi Ship Channel, and the Rincon Channel, from the Corpus Christi Ship Channel to and including Canals A and B.

**Project Location:** The project area lies within the Inner Harbor of the Corpus Christi Ship Channel from the U.S. Army Corps of Engineers (Corps) Station II 06+32 of the Corpus Christi Turning Basin to Corps Station 166 1 +50 of the Viola Turning Basin. The material must be placed in a Corps disposal area, including Number I, Number 6, Rincon, South Shore Cells A, B, C, and Sun tide, or in an upland disposal area as determined by the Corps

**Permit Conditions:**

1. This General Permit will expire on **1 January 2019**. If the work authorized by a specific site approval is not started within 1 year, or if it is not completed within 2 years from its approval date, the authorization, if not previously revoked or specifically extended, shall automatically expire.
2. All applicants shall notify the Corps prior to initiation of work in waters of the United States, including wetlands. The notification shall include:
  - a. A completed and signed DA application (Form ENG 4345).
  - b. A copy of all DA authorizations previously issued for the work area.
  - c. A vicinity map, plan view, typical cross section, and a description of the proposed method of construction. Drawings shall include:
    - i. A vicinity map with the precise location of the project so that its geographic coordinates can be determined.
    - ii. A plan view of the showing the area to be dredged and any navigational channels in the immediate project vicinity and the nearest COE Station.
    - iii. A cross-section drawing showing: the area to be dredged; the cubic yards of material to be removed; the method of removal; and any other relevant information and data required in the Special Conditions.
    - iv. Mapped location of any special aquatic resources (i.e. oyster reefs, sea grass, wetlands, etc.) located within 100 feet of any portion of the proposed project. The size of each special aquatic resource and its distance edge of the project boundary must be depicted on this map.
  - d. A statement that the work will be conducted in compliance with the terms and conditions of this GP.
  - e. A statement of estimated start and completion dates.
3. Prior to applying for the permit, the permittee shall coordinate the work schedule and use of the disposal areas with the Area Engineer Southern Area Office, Corpus Christi, Texas so as not to interfere with Corps of Engineers' work in the area. In addition, all nonpublic interests requesting authorization under this General Permit will also submit and coordinate the work with Director of Engineering Services. Port of Corpus Christi Authority)-P.O. Box 1541. Corpus Christi, Texas 78403.

4. All non-public facilities will be required to reimburse the Corps and the Port of Corpus Christi Authority a fee for the use of the levees at the disposal areas. Permittee shall coordinate the collection of this fee with the Port of Corpus Christi Authority.
5. The maintenance dredging must conform to the originally authorized scope of work. No discharge of dredged material, including stockpiling or double handling, into waters of the United States, including wetlands, will be authorized by this permit.
6. If hydraulic dredging is utilized, all dredged material must be placed in a previously authorized contained (leveed) disposal area with a controlled spillway. Effluent from the disposal areas should be directed back to the channel from which the dredged material was taken.
7. No new work will be authorized by this General Permit. Any new work proposed in this area must apply for an individual permit. However, once authorized, maintenance dredging associated with this authorized activity may be authorized under this General Permit.
8. The permittee will coordinate with the Port of Corpus Christi Authority on the location of any pipelines in the vicinity of the proposed maintenance dredging operation.
9. When practicable, dredge material generated from non-public maintenance dredging projects shall be confined in non-federal designated upland disposal areas.
10. The permittee must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Permit Condition 11 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
11. When structures, work or fill authorized by this permit are still in existence at the time they are transferred to new ownership, the permittee must obtain and submit to the Corps a signed statement from the new owner(s) stating that they agree that the terms and conditions of this permit will continue to be binding on the new owner(s).
12. No structure or fill that may affect historic properties listed or eligible for listing in the National Register of Historic Places is authorized until the Corps and applicant has complied with the provisions of Section 106 of the National Historic Preservation Act.
13. The Corps will review all proposed activities for cultural resources requirements, and, when appropriate, coordinate these activities with the Texas Historical Commission (THC). If potential historic properties are located in the project area, they shall be avoided by a sufficient margin as designated by the Corps and the THC. If avoidance of the potential historic properties is not feasible, further archeological investigations shall be required prior to authorization.
14. If any previously unknown historic or archeological remains are discovered while accomplishing the activity authorized by this permit, you must immediately cease and desist and notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

15. Prior to the performance of hydraulic dredging, the permittee will obtain a Section 401-water quality certification from the Texas Commission on Environmental Quality for the effluent or return water. The permittee will submit a copy of the Section 401-certification to the Corps prior to performing hydraulic dredging.
16. No work will be authorized that is likely to jeopardize the continued existence of a threatened or endangered species or which is likely to destroy or adversely modify critical habitat of such species as identified under the federal Endangered Species Act.
  - a. Hopper dredging is prohibited between March 31<sup>st</sup> and December 1<sup>st</sup>.
  - b. A state-of-the-art rigid deflector draghead must be used on all hopper dredges.
  - c. Mechanical, pipeline or hydraulic dredges, must be used whenever possible between April 1st and November 30<sup>th</sup>.
17. To minimize impacts to migratory bird nesting, no work shall be performed within 1000 feet of the shoreline of any bird nesting island (rookery) between February 15th and September 1st.
18. No work shall be performed within 1,500 feet of the shoreline of any eastern brown pelican colonies between February 1st and October 31st.
19. No impact to seagrasses, oyster reefs, or other special aquatic sites, such as wetlands or mudflats, is authorized by this General Permit. Discharges shall not restrict or impede the movement of aquatic species indigenous to these waters.
20. Prop/wheel washing is not authorized by this general permit.
21. If the determination is made that the adverse effects of the proposed work are more than minimal, then the applicant will be notified that either: (1) That the project does not qualify for authorization under the GP and instruct the applicant on the procedures to seek authorization under an individual permit; (2) that the project is authorized under the GP subject to the applicant's submission of an approved mitigation plan that would reduce the adverse effects on the aquatic environment or threatened and endangered species to the minimal level; or (3) that the project is authorized under the GP with specific modifications or conditions.
22. The Applicant must allow representatives from the appropriate Corps office to inspect the authorized activity to ensure that it is, or has been, accomplished in accordance with the terms and conditions of the permit.
23. No structures, work or fill will be allowed to obstruct any navigation channels.
24. 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.

25. When structures or work authorized by this permit are determined by the District Engineer to have become abandoned, or obstructive to navigation, or cease to be used for the purpose for which they were permitted, such structures or other work must be removed and the area cleared of all obstructions, and written notice given to the Chief of Compliance, Galveston District Regulatory Branch within 30 calendar days of completion.

26. Aids to navigation will be permitted and placed in accordance with United States Coast Guard Regulation 33 C.F.R. 66.

Further Information:

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

- Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
- Section 404 of the Clean Water Act (33 U.S.C. 1344).
- Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

- a. Authorization under this General Permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
- b. Authorization under this General Permit does not grant any property rights or exclusive privileges.
- c. Authorization under this General Permit does not authorize any injury to the property or rights of others.
- d. Authorization under this General Permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In authorizing a project under this General Permit, the Federal Government does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this permit.

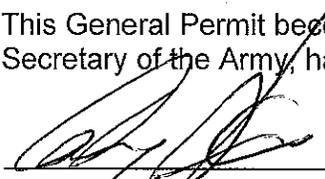
4. Reliance on Applicant's Data: The determination of this office to authorize the activity under this General Permit as not contrary to the public interest will be made in reliance on the information provided by the applicant.

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

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

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

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

  
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(DISTRICT ENGINEER)  
**CASEY CUTLER, CHIEF  
POLICY ANALYSIS SECTION  
FOR COLONEL RICHARD P PANNELL**

  
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(DATE)