

DEPARTMENT OF THE ARMY REGIONAL GENERAL PERMIT

**Permittee** General Public

**General Permit Number** SWG-1997-02818

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

**Project Description:** This Regional General Permit (RGP) authorizes applicants to install, operate and maintain structures and equipment necessary for oil and gas drilling, production and transportation activities, provided the attached Special Conditions are met. Impacts to waters of the United States, including wetlands, will not exceed 1 acre of permanent and 2 acres of temporary impacts for a single and complete project.

**Project Location:** Waters of the United States within a portion of the High Island Oil Field, bounded on the south and west by the existing perimeter levee, on the north by a marsh adjacent to the perimeter levee, and on the east by State Highway 124 and the 5-foot elevation contour, at the base of High Island, Galveston County, Texas.

**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. The map shall show the site of the proposed activity clearly marked and shown in relation to the nearest major roads, cities, and waterways in the area.
    - ii. A plan view of the dimensions of any proposed fill and the dimensions of all appurtenances.
    - iii. A cross section drawing showing dimensions and cubic yardage of any proposed fill and the dimensions of all appurtenances.
  - 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
  - f. A delineation of waters of the United States, including wetlands, in accordance with the 1987 Corps of Engineers Wetland Delineation Manual and appropriate regional supplement.
  - g. A restoration plan for temporary impacts and/or compensatory mitigation plan, including monitoring plans, for temporary and permanent impacts based on an approved functional assessment in accordance with: 33 CFR 332 Compensatory Mitigation for Losses of Aquatic Resources; SWG Standard Operating Procedure; Using HGM to Determine Potential Wetland Functions and the Appropriate Compensatory Mitigation for Unavoidable Wetland Impacts; SWG Stream Condition Assessment Standard Operating Procedure; and Regulatory Guidance letter 08-03.

3. The permittee shall notify the Corps, in writing, of the date that the work authorized herein commences.
4. 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 5 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.
5. When activities 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).
6. No activity 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.
7. 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.
8. 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.
9. For the project to satisfy the water quality certification requirements, the Applicant shall agree to use the Best Management Practices (BMPs) for Tier 1 projects and shall submit a signed statement that the applicable BMPs will be used. If an applicant fails to implement these provisions and BMPs, the permit is subject to enforcement. Applications that do not incorporate all the provisions of the checklist into their project or use other alternatives are not authorized under this GP. Descriptions of the BMPs may be obtained from the U.S. Army Corps of Engineers, Galveston District, web site at: <http://www.swg.usace.army.mil/reg/> or the TCEQ web site at [http://www.tceq.state.tx.us/permitting/water\\_quality/w~assessment/401certification/401certification\\_tier1.html](http://www.tceq.state.tx.us/permitting/water_quality/w~assessment/401certification/401certification_tier1.html), or by calling TCEQ at 512-239-5366.
10. Work is prohibited within 1000 feet of an identified bird rookery between February 14th and September 1st.
11. No structure or fill 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. The Corps will review all proposed activities for Endangered Species Act requirements, and, when appropriate, coordinate these activities with the U.S. Fish and Wildlife Service and/or National Marine Fisheries Service.

12. No impact to seagrasses, oyster reefs, or other special aquatic sites, other than wetlands, is authorized by this General Permit. Discharges shall not restrict or impede the movement of aquatic species indigenous to these waters.
13. 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 to the minimal level; or (3) that the project is authorized under the GP with specific modifications or conditions.
14. 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.
15. Board Roads will be used whenever possible.
16. Borrow ditches for fill roads will be staggered on opposite sides of the roadbed.
17. Culverts shall be placed at all road crossings of natural drainages. Culverts will: be aligned with the stream,; allow flow during low flow conditions; be sized to have at a minimum the same width as the bankfull width of the stream, the culvert will be placed at the same slope as the stream slope; and floodplain culverts shall be used.
18. Mud pits are not authorized by this GP. All by-products of the exploration and production process, including drilling muds, fluids, drill cuttings and oil field waste products must be containerized. Disposal of drilling muds, drilling fluids and drilling cuttings shall be disposed at an authorized disposal facility.
19. The impact site shall be restored to pre-construction elevation and contours within 60 days of completion of drilling if the well is a non-producer or within 60-days of the cessation of production. A restoration report shall be submitted to the Chief of Compliance, Regulatory Branch, U.S. Army Corps of Engineers, Galveston District within 30 days of restoration.
20. If the well will be used for production, the impacts will be restored to the minimum necessary for production within 90 days of cessation of drilling. A restoration report shall be submitted to the Chief of Compliance, Regulatory Branch, U.S. Army Corps of Engineers, Galveston District within 30 days of restoration.

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.

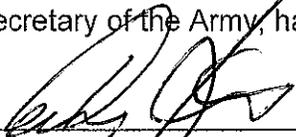
4. Reliance on Applicant's Data: The determination of this office to authorize the activity under this General Permit as not contrary to the public interest will be made in reliance on the information provided by the applicant.

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)