

DEPARTMENT OF THE ARMY PERMIT

Permittee General Public

Permit No. SWG-2002-02392

Issuing Office Galveston District

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: This General Permit authorizes the general public to construct aerial electric power transmission and distribution lines, and utility cable crossings, where support structures are not to be located in navigable waters of the United States.

Project Location: All navigable waters of the United States, at locations within the Galveston district of the U.S. Army Corps of Engineers

Permit Conditions:

General Conditions:

1. This General Permit will expire on 31 December 2014 unless modified, extended or revoked.
2. You 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 Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately 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.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

a. This General Permit does not authorize any discharges of dredged or fill material into Waters of the United States, including wetlands. The construction of aerial crossings involving access roads, support structures, relay stations, cofferdams, equipment ramps, or any other work which may disturb the substrate of streams or adjacent wetlands, may require an individual permit.

b. That 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.

c. The following minimum clearances are required for aerial electric power transmission and distribution lines crossing navigable waters of the United States. These clearances are related to the clearances over the navigable channel provided by existing fixed bridges, or the clearances which would be required by the U.S. Coast Guard for new fixed bridges, in the vicinity of the proposed power line crossing. The clearances are based on the low point of the line under conditions which produce the greatest sag, taking into consideration temperature, load, wind, length or span, and type of supports as outlined in the National Electrical Safety code.

Nominal System Voltage Kilovolts	Minimum Additional Clearance Above Clearance Required for Bridges in Feet
115 and below	20
138	22
161	24
230	26
350	30
500	35
700	42
750-765	45

Clearances for communication lines, stream gaging cables, ferry cables, and other aerial crossings are usually required to be a minimum of ten feet above clearances required for bridges. Aerial crossings over Federal Flood Control Projects shall clear the flood plain elevation for the crossing elevation. Greater clearances will be required if the public interest so indicates.

e. No dredging, realignment, or channelization of streams is authorized by this General Permit.

f. The work will not disrupt the movement of those species of aquatic life indigenous to the waterbody.

g. All structures will be properly maintained to prevent erosion and other non-point sources of erosion.

h. The crossing will not be constructed in a component of a State or Federal Wild and Scenic River system.

i. No attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters of the United States, at or adjacent to the activity authorized herein.

j. That if the crossing is over a Federal project, the lines should cross perpendicular to the channel and the Corps of Engineers station number for the point where the line crosses and the height of the line should be shown on the application drawings.

k. That aerial line crossings in the Louisiana portion of the Galveston District shall obtain the required authorization from the Louisiana Department of Natural Resources Office of Environmental Affairs, the Louisiana Department of Public Works, the Louisiana Department of Wildlife and Fisheries, and any other State or local agency which has jurisdiction over the process.

l. That as-builts depicting the location of the crossing, State plane coordinates and the height of the lines certified by a registered surveyor or engineer shall be provided to the Corps of Engineers Area Office-under whose jurisdiction the crossing is located.

m. That the proposed activities within Corps of Engineers jurisdiction will not adversely affect Federally listed proposed, threatened or endangered species or adversely modify their critical habitat as defined as by the Endangered Species Act of 1973, as amended. Before authorization, the Corps of Engineers will supply the complete project plans to the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service. Coordination will insure that no detrimental impacts to endangered or threatened species or their habitat occurs within the permit area. All areas within the critical habitat of the whooping crane, depicted on the enclosed map, are specifically excluded from this General Permit.

- n. Any work within 1,000 feet of a known wading bird or seabird rookery shall be restricted to the non-nesting period of the species comprising that rookery.
- o. No work may be performed within the boundaries of a National or State wildlife refuge, game management area, or similar area without the specific authorization of the facility manager or an appropriate managing agency official.
- p. All areas within the Louisiana Wildlife Management Areas or Refuges are excluded from this permit.
- q. Aerial transmission and distribution lines will be marked with appropriate marking devices designed to minimize line-strike related bird mortalities in areas where the lines traverse waterbodies.
- r. No work may be performed in any Louisiana portion of the Galveston District across any Natural and Scenic River until a permit has been obtained from the Louisiana Department of Wildlife and Fisheries and a copy forwarded to the Galveston District.
- s. No work may be performed in any Louisiana portion of the Galveston District until coastal consistency certification from the Louisiana Department of Natural Resources Coastal Management Division has been obtained and a copy forwarded to the Galveston District.

Procedures for Obtaining Authorization: Request for authorization must be sent to:
U.S. Army Corps of Engineer, Regulatory Branch, P.O. Box 1229 Galveston, Texas 77553-1229

All applications 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) stating the number of the regional General Permit under which the work is to be conducted.
- (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:
 - 1) A vicinity map with the precise location of the project so that its geographic coordinates can be determined.
 - 2) A top view (plan view) drawing showing the property, its owner(s), specific transmission or distribution line location, any navigational channels in the immediate project vicinity and a separate plan showing the entire transmission or distribution line route.
 - 3) A cross-section drawing with the orientation, span, and clearance of the crossing, including structures on both banks, and any navigational channels in the immediate project vicinity. Drawings will also include voltage of the lines and any other relevant information and data required in the Special Conditions.
- (d) A statement that the work will be conducted in compliance with the terms and conditions of this general permit.
- (e) A statement of estimated start and completion dates.
- (f) Applications will be coordinated with the U.S. Coast Guard to assure that clearances conform to their guidelines. In order to reduce the time needed for coordinations, applicants should send copies of their applications to: Eighth Coast Guard District, Bridge Administration Branch, 500 Camp Street, New Orleans, Louisiana 70130; telephone: 504-589-2965. Preapplication information concerning Coast Guard guidelines can be obtained from the above address or telephone number.
- (g) Applications involving Corps of Engineers property must include a letter requesting an easement. The request should contain a centerline description of the proposed line.

Upon receipt of this information, the District Engineer will advise the inquiring party in writing that the work is authorized under the general permit, or will request additional information, if needed, or will advise that the proposed activity will require a separate permit.
Further Information:

- 1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:
 - (X) 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. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
- b. This permit does not grant any property rights or exclusive privileges.
- c. This permit does not authorize any injury to the property or rights of others.
- d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this 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 that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

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

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your 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 contained in 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 you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you 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 for the cost.

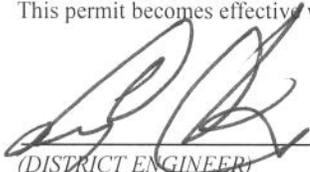
6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

(PERMITTEE)
PERMITEE

(DATE)

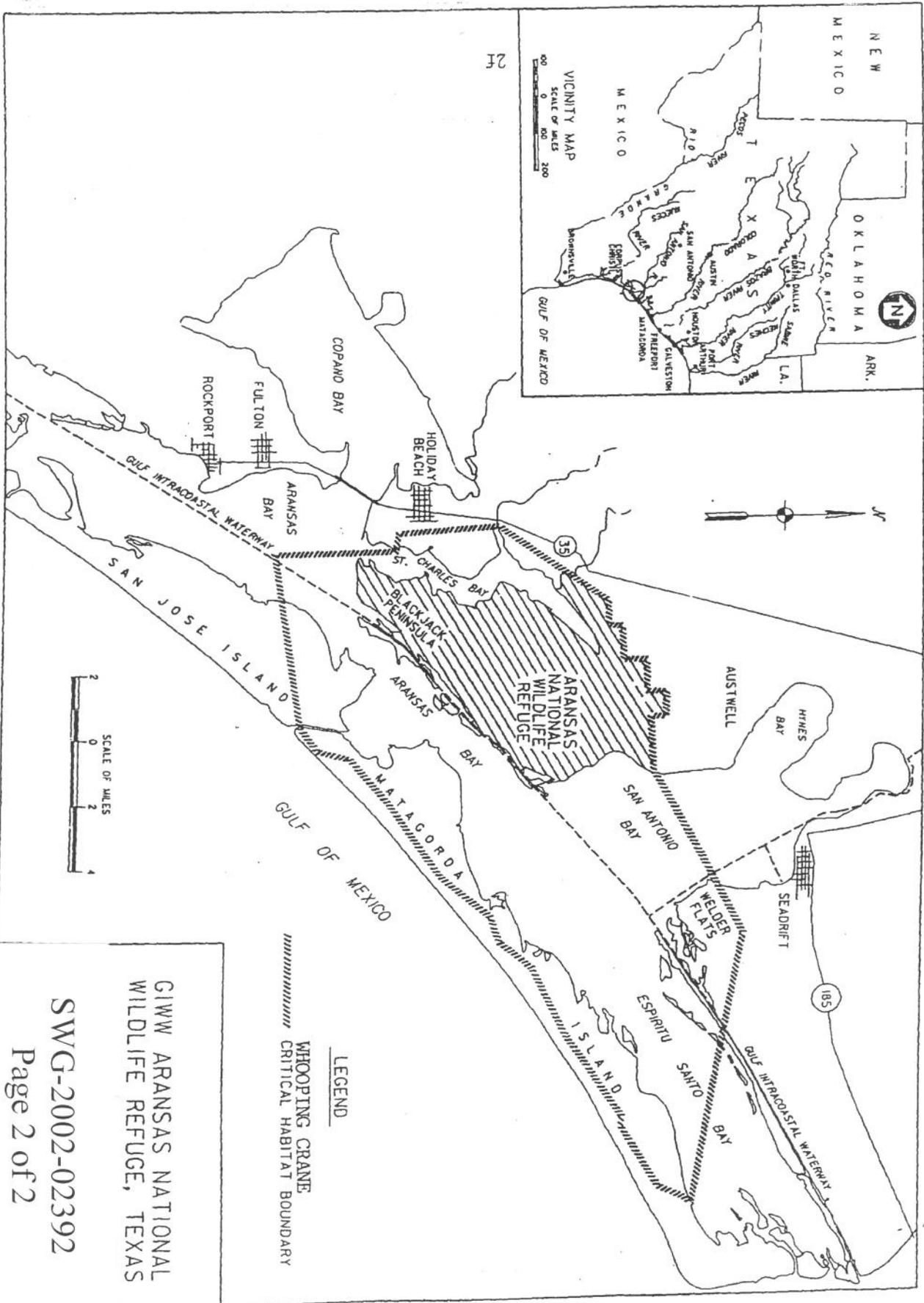
This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.



(DISTRICT ENGINEER)
CASEY CUTLER
CHIEF, POLICY ANALYSIS SECTION
FOR COLONEL DAVID C. WESTON



(DATE)



GIWW ARANSAS NATIONAL
 WILDLIFE REFUGE, TEXAS

SWG-2002-02392

GALVESTON DISTRICT

TEXAS



GULF OF MEXICO

MEXICO

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