



DEPARTMENT OF THE ARMY
GALVESTON DISTRICT, CORPS OF ENGINEERS
P.O. BOX 1229
GALVESTON, TEXAS 77553-1229

REPLY TO
ATTENTION OF:

PUBLIC ANNOUNCEMENT

CESWG-CO-RE

13 July 1990

SUBJECT: General Permit - 13300(01), Extension of Time

To Whom It May Concern:

This district has extended a Department of the Army General Permit to be used by all industries engaged in hydraulic dredging to place temporary dredge pipelines in Federal navigation channels.

SPONSOR: U.S. Army Corps of Engineers, Galveston District.

WATERWAY AND LOCATIONS: Navigable Waters of the United States within the Galveston District.

BACKGROUND: The purpose of this General Permit is to expedite the authorization of such operations subject to the limitations and conditions described in the attached copy of the permit. The conditions incorporated into the permit must be adhered to. Applicants seeking authorization under this General Permit must submit ENG Form 4345 (Application for Department of the Army Permit) and a specific location map and project plans (8-1/2- by 11-inch format) to the U.S. Army Corps of Engineers, P.O. Box 1229, Galveston, Texas 77553-1229.

DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS

DEPARTMENT OF THE ARMY PERMIT

Permittee General Public

Permit No. 13300(01)

Issuing Office Galveston District

Expiration Date: 31 December 2000

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: To any party engaged in hydraulic dredging to place temporary dredge discharge pipelines in Federal navigation channels."

Project Location: Navigable waters within the Galveston District.

Permit Conditions:

General Conditions:

- 1. The time limit for completing the work authorized ends within 1 yr. of Corps of Engineers Approval. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
- 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:

See attached sheets 2a thru 2h with Special Conditions.

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.

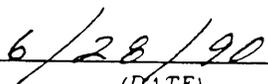
 (PERMITTEE)
 TO ALL PARTIES ENGAGED IN HYDRAULIC DREDGING
 OPERATIONS TO PLACE TEMPORARY DISCHARGE
 PIPELINES IN FEDERAL NAVIGATION CHANNELS

 (DATE)

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



 (DISTRICT ENGINEER)
 DOLAN DUNN, Chief, Evaluation Section
 FOR COLONEL BRINK P. MILLER



 (DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

 (TRANSFEREE)

 (DATE)

1. 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, 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 at all times be consistent with applicable water quality standards, effluent limitations and standards of performance, prohibitions, and pre-treatment standards established pursuant to Sections 301, 302, 306, and 307 of the Clean Water Act of 1977 (PL95-217) or pursuant to applicable State and local law.

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

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

e. That the permittee agrees to prosecute the work authorized herein in a manner so as to minimize any degradation of water quality.

f. 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.

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

h. 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 and local assent required by law for the activity authorized herein.

i. That this permit may be summarily suspended, in whole or in part, upon finding by the District Engineer that immediate suspension of the activity authorized herein would be in the public interest.

j. That this permit may be either modified, suspended, or revoked in whole or in part if the Secretary of the Army or his authorized representatives 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.

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

l. 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.

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

n. Each proposed temporary dredge discharge line shall be reported in writing to the District Engineer, U.S. Army Corps of Engineers, Galveston, Texas and to the U.S. Coast Guard, New Orleans, Louisiana at least 5 days prior to commencing the work and upon removal of the structure.

o. The permittee must obtain all necessary certification from all appropriate Federal, State, and local government agencies and additionally shall be subject to any government regulation or requirement when applicable.

p. The addition of dredged or fill material into Gulf or Bay waters, or dredging from these waters, will not be permitted under the provisions of this General Permit except that which is directly involved with either the installation or the removal of the temporary dredge discharge pipelines.

q. No work shall be performed in designated whooping crane wintering areas between October 15 and April 15.

r. No work shall be performed within 1,500 feet of the shoreline of Pelican Island, Corpus Christi Bay, Texas between February 1 and September 30. The approximate coordinates of Pelican Island are Latitude 27°49'15" North, Longitude 97°09'15" West.

s. Avoid disturbance to adjacent wetlands, submerged vegetation and reefs during the installation and removal of pipelines.

t. This permit will be subject to revision as channel depths within the District change.

u. Individual actions under this permit shall be reviewed for potential impacts to historic properties. If sites listed on or eligible for the National Register of Historic Places exist within the permit area, coordination with the State Historic Preservation Officer and Advisory Council on Historic Preservation will take place in accordance with 36 CFR 800 and 36 CFR 325, Appendix C.

2. Special conditions for 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.

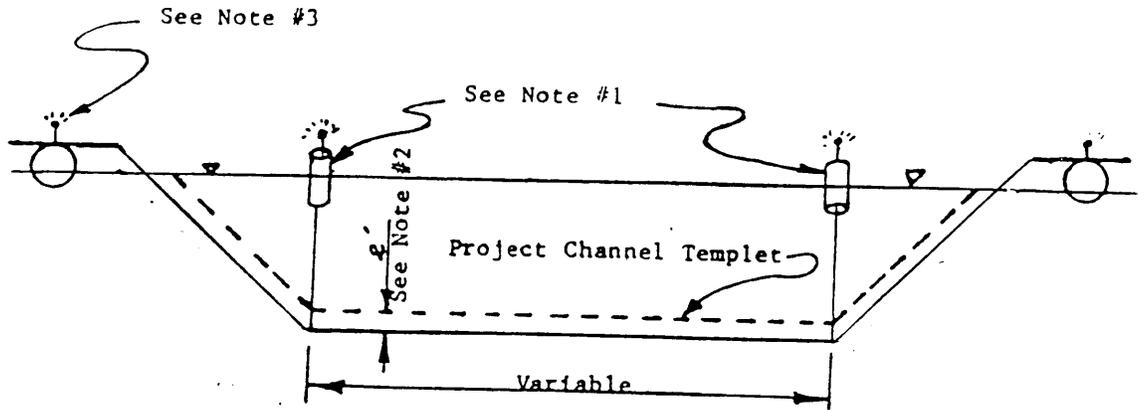
b. That no attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized by this permit.

c. That if the display of light 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 representatives 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 representatives, 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. That if the activity is to be performed in the areas listed below, the applicant will contact the Real Estate Division of the U.S. Army Engineer District, Galveston for required approvals prior to performing the work. The areas requiring special approvals are as follows:

| | Corps of Engineers Stations |
|----------------------|---|
| Neches River Channel | 0+00 thru 50+00 790+00 thru 822+94 854+07 thru 908+00 |
| Port Arthur Canal | 0+00 thru 326+24.47 |
| Sabine-Neches Canal | 0+00 thru 593+68.5 |
| Sabine River Channel | 37+00 thru 66+00 |

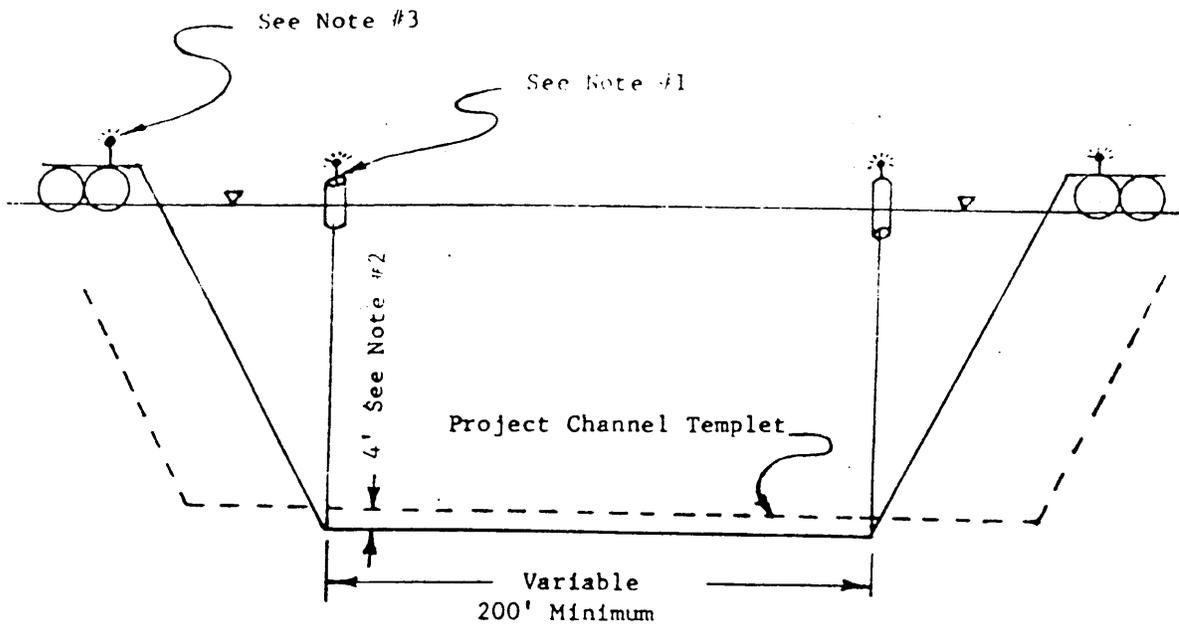


TYPICAL CHANNEL
 less than 200' wide &
 less than 25' depth
 N.T.S.

Notes:

1. Buoys lighted in accordance with U. S. Coast Guard requirements to be installed at toe of theoretical slope.
2. Highest point in pipeline must be a minimum of 2 feet below theoretical project depth.
3. Pipeline outside of the navigation channel must be marked in accordance with U. S. Coast Guard requirements.

PROPOSED
 GENERAL PERMIT
 for
 Temporary Pipeline



TYPICAL CHANNEL
 more than 200' wide &
 more than 25' deep
 N.T.S.

Notes:

1. Buoys lighted in accordance with U. S. Coast Guard requirements to be installed to mark the opening.
2. Highest point in pipeline must be a minimum of 4 feet below theoretical project depth.
3. Pipeline outside of the navigation channel must be marked in accordance with U. S. Coast Guard requirements.

PROPOSED
 GENERAL PERMIT
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Channels With Project Depths Under 25 Feet

Included in this Permit

| <u>Waterway</u> | <u>Project Dimensions</u> | |
|--|---------------------------|--------------------|
| | <u>Depth(-MLT)</u> | <u>Width(feet)</u> |
| Gulf Intracoastal Main Channel (Mile 266.13 to 667) | 12 | 125 |
| Gulf Intracoastal Tributary Channels: | | |
| Offatts Bayou Channel | 12 | 125 |
| Chocolate Bayou Channel | 12 | 125 |
| San Bernard River Channel | 9 | 100 |
| Colorado River Channel | 9 | 100 |
| Mouth of Colorado River | 15 & 12 | 200 & 100 (1) |
| Channel to Palacios | 12 | 125 |
| Channel to Victoria | 9 | 100 |
| Channel to Seadrift | 9 | 100 |
| Channel to Rockport | 9 | 200 |
| Channel to Aransas Pass | 14 | 125-175 |
| Channel to Port Mansfield | 16 & 14 | 250 & 100 (2) |
| Channel to Harlingen | 12 | 125 |
| Port Isabel Side Channel | 12 | 60-233 |
| Port Isabel Small Boat Harbor | 7 | 75 |
| | | |
| Bastrop Bayou, Texas | 4 | 60 |
| Cedar Bayou, Texas | 10 | 100 |
| Channel to Port Bolivar, Texas | 14 | 200 |
| Clear Creek and Clear Lake, Texas | 7 | 75 & 60 (3) |
| Channel to Navy Seaplane Base on Encinal Peninsula | 30 | 200 |
| Dickinson Bayou, Texas | 6 | 60 |
| Double Bayou, Texas | 7 | 100 & 125 |
| Little Bay, Texas | 8 | 100 |
| Houston Ship Channel Project: | | |
| Greens Bayou Mile 0.37 to Mile 1.65 | 15 | 100 |
| Greens Bayou Mile 1.65 to 2.73 | 12 | 100 |
| Houston Turning Basin to Jensen Drive | 10 | 60 |
| Matagorda Ship Channel Project: | | |
| Channel to Port Lavaca | 12 | 125 |
| Channel to Harbor of Refuge | 12 | 125 |
| Channel to Red Bluff | 6 | 100 |
| Corpus Christi Ship Channel Project: | | |
| Channel to Port Aransas | 12 | 100-150 |
| Jewel Fulton Canal | 12 | 100 |
| | | |
| Brazos Island Harbor, Texas | | |
| Entrance to Fishing Boat Harbor | 15 | 100 |

- (1) Entrance Channel is 15' x 200'
 (2) Entrance Channel is 16' x 250'
 (3) Entrance Channel is 75'

PROPOSED
 GENERAL PERMIT
 for
 Temporary Pipeline

Channels With Project Depths of 25 Feet or More

Included in this Permit

| <u>Waterway</u> | <u>Project Dimensions</u> | |
|--|---------------------------|--------------------|
| | <u>Depth(-MLT)</u> | <u>Width(feet)</u> |
| Sabine-Neches Waterway, Texas | | |
| Sabine Pass Jetty Channel | 40 | 800-500 |
| Sabine Pass Channel | 40 | 500 |
| Port Arthur Canal | 40 | 500 |
| Sabine-Neches Canal | 40 | 400 |
| Neches River Channel | 40 | 400 |
| Sabine River Channel | 30 | 200 |
| Sabine Bank Channel & Outer Bar Channel | 42 | 800 |
| Galveston Harbor and Channel, Texas | | |
| Outer Bar Channel | 42 | 800 |
| Inner Bar Channel | 40 | 800 |
| Bolivar Roads Channel | 40 | 800 |
| Bolivar Roads to 43rd Street | 40 | 1125 |
| 43rd Street to 51st Street | 32 | 1200 |
| 51st Street to 57th Street | 32 | 1000 |
| Entrance Channel | 42 | 800 |
| Houston Ship Channel, Texas | | |
| Bolivar Roads to Boggy Bayou | 40 | 400 |
| Boggy Bayou to Southern Pacific Slip | 40 | 300 |
| Southern Pacific Slip to Houston Turning Basin | 36 | 300 |
| Greens Bayou Channel to Mile 0.37 | 36 | 175 |
| Freeport Harbor, Texas | | |
| Jetty Channel to Brazosport Turning Basin | 36 (1) | 200 |
| Brazosport Turning Basin to Upper Basin | 36 (1) | 350 |
| Channel to Stauffer Chemical | 30 (1) | 200 |
| Brazos Harbor Channel | 30 (1) | 200 |
| Outer Bar Channel | 38 (1) | 300 |
| Matagorda Ship Channel, Texas | | |
| Jetty Channel & Outer Channel | 38 | 300 |
| Channel to Point Comfort Turning Basin | 36 | 300-200(2) |
| Corpus Christi Ship Channel, Texas | | |
| Aransas Pass Outer Bar Channel | 47 | 700 |
| Aransas Pass Jetty Channel | 45 | 600 |
| Inner Basin at Harbor Island | 45 | 730-1120 |
| Inner Basin to Corpus Christi Turning Basin | 45 | 600-400 |
| Corpus Christi Turning Basin | 45 | 800 |
| Industrial Canal | 45 | 400 |
| Channel to Chemical Basin | 45 | 400 |
| Tule Lake Channel | 45 | 400 |
| Viola Channel | 45 | 300 |
| Channel to La Quinta | 45 | 300-350 |
| | 45 | 300-400 |

- (1) 45' - Project under construction
- (2) 300 feet through Matagorda Peninsula

PROPOSED
GENERAL PERMIT
for
Temporary Pipeline

Channels With Project Depths of 25 Feet or More (cont'd)

| <u>Waterway</u> | <u>Project Dimensions</u> | |
|---|---------------------------|--------------------|
| | <u>Depth(-MLT)</u> | <u>Width(feet)</u> |
| Brazos Island Harbor, Texas | | |
| Jetty Channel | 36 | 300 |
| Padre Island to Turning Basin Extension | 36 | 200&300 |
| Turning Basin Extension | 36 | 500 |
| Channel to Port Isabel | 36 | 200 |
| Outer Bar Channel | 36 | 300 |
| Texas City Channel, Texas | | |
| Texas City Channel | 40 | 400 |
| Texas City Turning Basin | 40 | 1200 |
| Industrial Canal | 40 | 300-400 |
| Ind. Canal Turning Basin | 40 | 1000 |

PROPOSED
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Temporary Pipeline

Sheet 5 of 5



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
GALVESTON DISTRICT, CORPS OF ENGINEERS
P.O. BOX 1229
GALVESTON, TEXAS 77553-1229

PUBLIC ANNOUNCEMENT
REVISED

CESWG-CO-RE

SUBJECT: General Permit - 13300

23 August 1990

Interested parties are hereby notified that the above General Permit, Sponsored by the Corps of Engineers to be used by all industries engaged in hydraulic dredging to place temporary dredge pipelines in Federal Navigation Channels has been revised to change the wording of General Condition "c." depicted in page 2a of General Permit 13300 to read as follows:

c. That the activity will not affect a threatened or endangered species as identified under the Endangered Species Act, or adversely modify the critical habitat of such species.

All other information previously advertised is correct. This General Permit was issued 18 June 1990 and will expire on 31 December 2000. If there are any questions relative to Revised Public Announcement, please contact Mr. Ivan Acosta at the above address or by telephone at 409-766-3991.

DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS