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

REPLY TO
ATTENTION OF:

PUBLIC ANNOUNCEMENT

CESWG-PE-RB 16 December 2002

SUBJECT: Permit No. 14114(05); Extension of Time

To Whom It May Concern: The U.S. Army Corps of Engineers, Galveston District, has amended a Department of the Army Regional General Permit (GP), as described below:

SPONSOR:

U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229

WATERWAY AND LOCATION: Navigable waters of the United States within the Galveston District, excluding the state of Louisiana.

SCOPE OF WORK: Work authorized by this GP is limited to the placement of pipeline by directional drilling underneath navigable waterways.

BACKGROUND: A public notice was issued on 4 October 2002 proposing an extension of time for GP 14114(04). Special Conditions "R" and "S" were added to the permit to address potential obstructions and abandoned pipelines.

The purpose of this GP is to expedite the authorizations of such operations subject to the limitations and conditions described in the attached copy of the permit. Applicants seeking authorization under this GP must submit plans on 8½- by 11-inch paper to the Corps of Engineers, showing the type and location of the proposed action.

If there are any questions relative to the Public Announcement, please contact Mr. John Machol at the above address or by telephone at 409-766-3944.

DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS

DEPARTMENT OF THE ARMY PERMIT

Permittee General Public

Permit No. 14114(05)

Issuing Office Galveston District

Expiration Date 31 December 2008

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 install pipelines by directional drilling. The project will be conducted in accordance with the attached plans, in 3 sheets.

Project Location: In navigable waters of the United States, at locations within Galveston District, excluding the State of Louisiana.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on within 2 years of the date of Corps of Engineers approval for the specific action. 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 through 2g 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.

Special Conditions:

a. That each proposed pipeline shall be reported, in writing, to the District Engineers, U.S. Army Corps of Engineers, Galveston, Texas and to the U.S. Coast Guard, New Orleans, Louisiana prior to commencing the work. The applicant will be notified in writing upon approval of the proposed activity.

b. That the permittee shall obtain all necessary certifications from all appropriate Federal, State, and local government agencies and, additionally, shall be subject to any government regulation or requirements when applicable.

c. That prior to construction activities, the authorized party shall locate and identify all existing pipelines, in the immediate vicinity of the proposed work and shall notify the owner of such pipelines of the planned planned activity.

d. That the discharge of dredged or fill materials into waters of the United States or adjacent wetlands or dredging from these waters will not be permitted under the provisions of this General Permit.

e. That all work authorized herein does not authorize any disturbance to adjacent wetlands, submerged vegetation, and reefs during the installation of pipelines.

f. That all areas impacted by the placement of pipelines and associated activities shall be restored to pre-project conditions.

g. That all pipelines crossing Federal project channels shall be identified by signs in accordance with the following minimum requirements.

1. The signs shall be placed a minimum of 50 feet beyond the beacon lines in bays and on in landlocked channels.

2. The signs shall be placed on both sides of the channel.

3. The signs shall be placed parallel to the channel and supported on two single piles with at least 2-inch butts, one on each side of the pipeline.

4. The signs shall have lettering of sufficient size that can be read easily from the center of channel by a person with normal vision.

h. That no work shall be performed in designated whooping crane habitat (wintering areas) between October 15 and April 15.

i. That no work be performed within 1,500 feet of the shoreline of any eastern brown pelican Islands between February 1 and October 31. Existing nesting islands include Sundown Island in Matagorda Bay, Pelican Island in Corpus Christi Bay, Dressing Point in East Matagorda Bay, Second Chain of Islands between Ayres and San Antonio Bays, Little Pelican Island in Galveston Bay, Mustang Bayou Island in Chocolate Bay, Jigsaw in West Bay, and Northeast Mansfield Island and Three Island Spoil in the Laguna Madre.

j. Required impacts to migratory bird nesting habitat shall be minimized to the greatest extend possible. To avoid peak nesting periods no work shall be performed within 1000 feet of the shoreline of any bird nesting island (rookery) between February 15 and September 1.

k. 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 Corps of Engineers, Galveston for required approvals prior to performing the work. The areas requiring special approvals are as follows:

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

l. 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 Office and Advisory Council on Historic Preservation will take place in accordance with 36 C.F.R. 800 and 33 C.F.R. 325, Appendix C.

m. That as built drawings certified by a professional engineer or registered surveyor shall be provided to the appropriate area office within 30 days after placement of the pipeline. Such drawings shall indicate the exact location (e.g. Corps of Engineers Channel Station Number) and installed depth of the authorized pipelines.

n. That pipelines placed beneath deep draft project channels will be placed a minimum of 20 feet below the authorized project depth of the channel. However, in cases where the natural bottom of the waterway is more than 20 feet below the authorized project depth, the pipeline will be placed a minimum of 5 feet below the natural bottom. Pipelines will be placed at the greatest depth, which meets the bove requirements over the entire channel bottom width, plus a distance of 50 feet on each side of the channel measured normal to the centerline. A gradient of the pipeline under the slopes must be no steeper than the theoretical side slope.

o. That pipelines placed beneath the main channel of the Gulf Intracoastal Waterway from Sabine River to Brownsville be 25 feet below mean low tide or 5 feet below the bed of the waterway, whichever is greater over the bottom width, plus a distance of 12.5 feet on each side of the channel measured normal to the centerline. A gradient of the pipeline under the side slopes must be no steeper than the theoretical channel side slope. For the tributary channel of the Gulf Intracoastal Waterway and other shallow draft project channels, the pipelines shall be 10 feet below the dredged depth of the channel. However, in cases where the natural bottom of the waterway is more than 10 feet below the dredged depth they will be placed a minimum of 5 feet below the bottom. Pipelines shall be placed at the greatest depth which meets the above requirements over the entire channel bottom width plus a distance 12.5 feet on each side of the channel measured normal to the centerline. A gradient of the pipeline under the side slopes must be no steeper than the theoretical channel side slope.

p. It is required that all pipelines placed beneath any project channel be placed so that they are perpendicular to the centerline of the channel. In addition, all pipelines will be in a corridor not more than 150 feet wide, measured longitudinal with the centerline of the channel. All corridors will be no closer than 1,000 feet to one another.

q. That the proposed activities within the Corps of Engineers jurisdiction will not adversely affect Federally listed or proposed, threatened or endangered species or adversely modify their critical habitat as defined 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 critical habitat occurs within the permit area.

r. 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 he United States on account of any such removal or alteration.

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

NOTE: For this General Permit a Shallow Draft Channel is a channel with project depths less than 25 feet (mean low tide) and a Deep Draft Channel is a channel with project depths of 25 feet or over (mean low tide).

Request for Authorization under this General Permit: In order to be authorized by this general Permit, persons proposing the work are required to submit to the District Engineer, in writing, the following information:

a. State the number of the general permit under which the work is to be conducted.

b. Statement that the work will be conducted in compliance with the terms and conditions of this general permit.

c. A plan view showing the specific pipeline location and a plan showing the entire pipeline route.

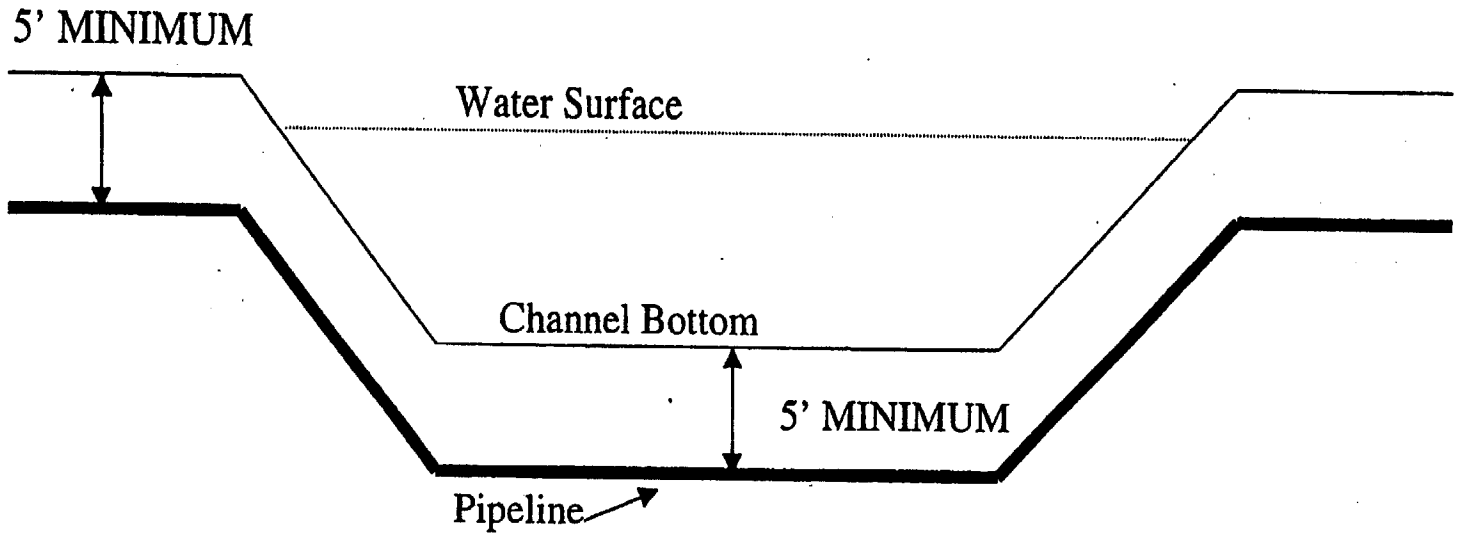
d. A section view showing the burial depth of the pipeline.

e. A brief description of the proposed work site and the method of construction or stabilization.

f. Estimated starting and completion dates of construction.

g. Name, address, and telephone number of person applying for authorization.

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.



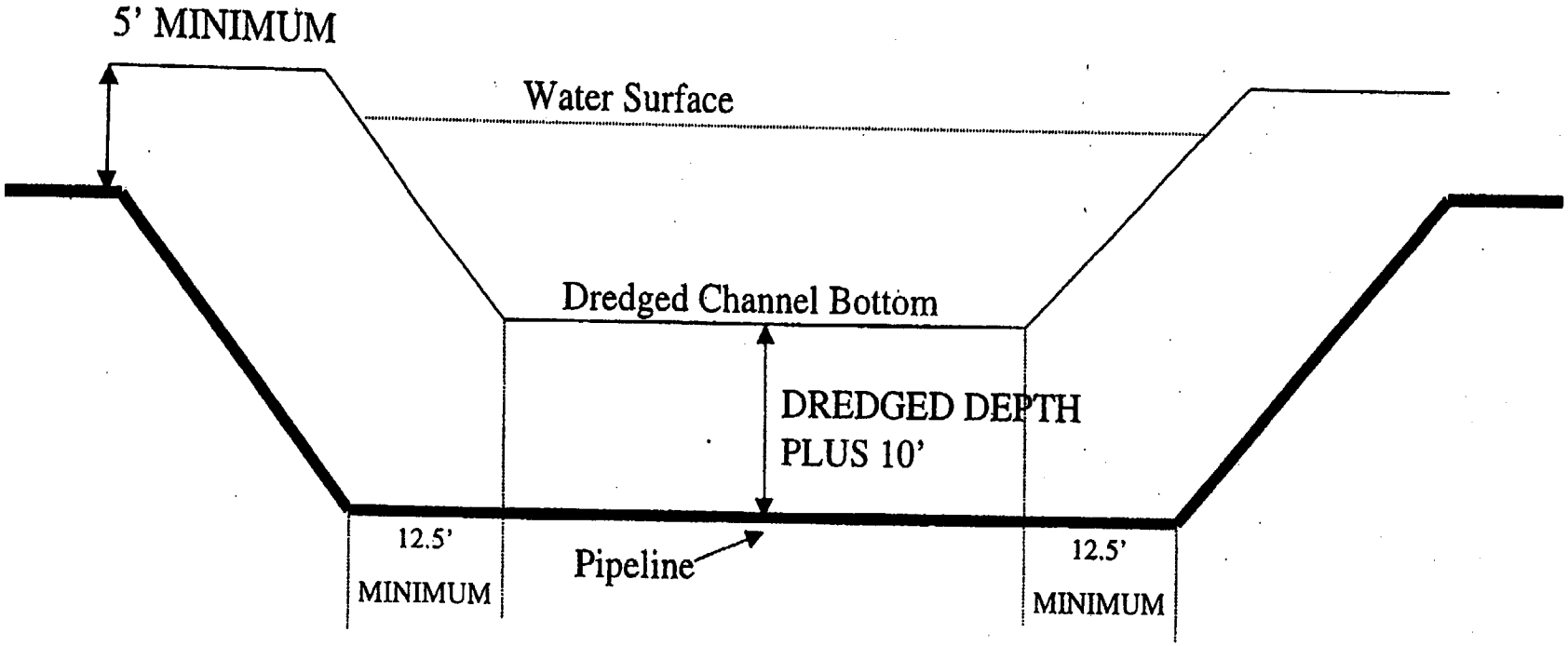
TYPICAL STREAM, BAY OR PRIVATE CHANNEL CROSSING

N.T.S

GENERAL PERMIT

14114(05)

PLACEMENT OF PIPELINES BY DIRECTIONAL DRILLING



TYPICAL SHALLOW DRAFT FEDERAL NAVIGATION CHANNEL CROSSING

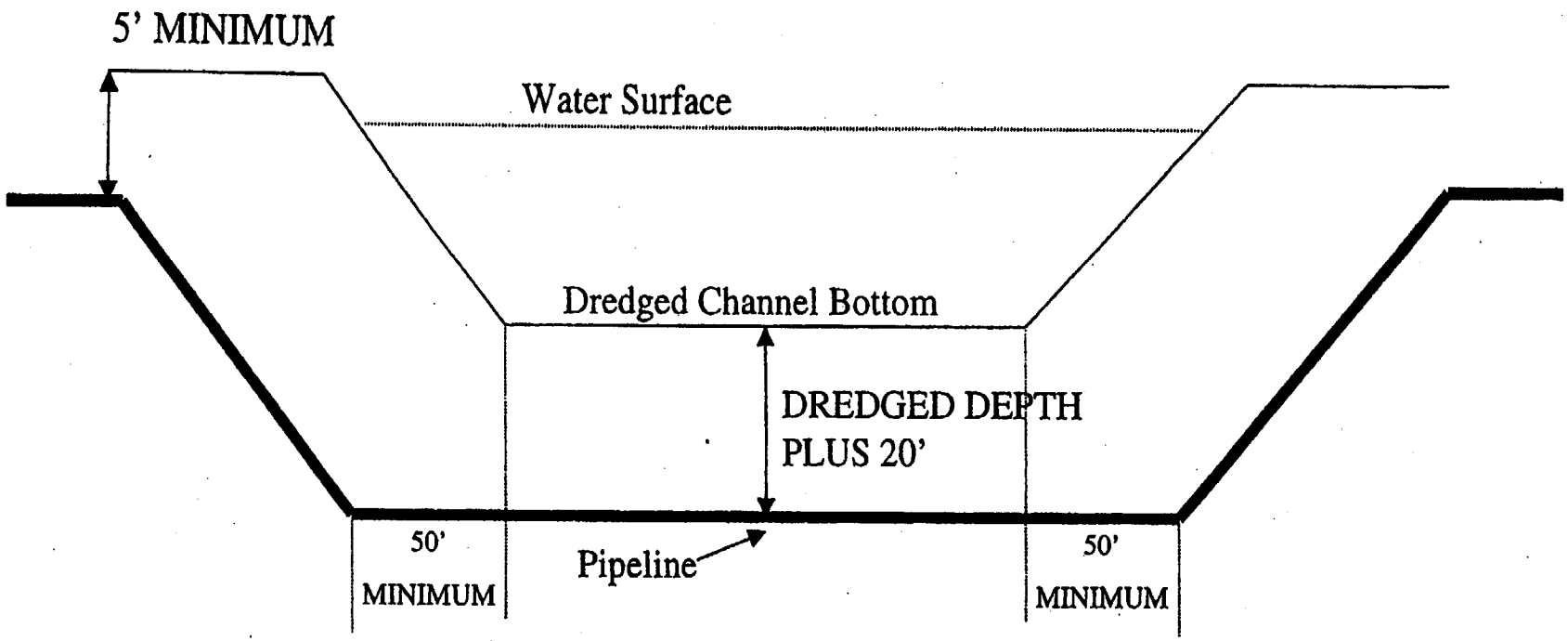
N.T.S

2f

GENERAL PERMIT

14114(05)

PLACEMENT OF PIPELINES BY DIRECTIONAL DRILLING



TYPICAL DEEP DRAFT FEDERAL NAVIGATION CHANNEL CROSSING

N.T.S

GENERAL PERMIT

14114(05)

PLACEMENT OF PIPELINES BY DIRECTIONAL DRILLING

2g

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) *(DATE)*
GENERAL PUBLIC

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

Fred Anthamatten Dec 16, 2002
(DISTRICT ENGINEER) *(DATE)*
FRED ANTHAMATTEN
CHIEF, POLICY ANALYSIS SECTION
FOR COLONEL LEONARD D. WATERWORTH

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)*