



REPLY TO
ATTENTION OF.

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

CESWG-PE-RB

18 December 2002

SUBJECT: General Permit 14392(05)

TO WHOM IT MAY CONCERN: The U.S. Army Corps of Engineers, Galveston District, has amended a Department of the Army General Permit (GP), as described below.

SPONSOR: U.S. Army Corps of Engineers, Galveston District
P.O. Box 1229
Galveston, Texas 77552-1229

LOCATION: All navigable waters of the United States within the Galveston District, excluding Louisiana.

SCOPE OF WORK: Work authorized by this GP is limited to pile-supported, single-family, multi-family, and commercial piers; including normal appurtenances such as boat shelters, hoists, stairways, fish cleaning tables, and walkways. Boat shelters over vegetated areas are no longer authorized by this GP. Decks constructed parallel and directly adjacent to existing shorelines/bulkheads shall be considered terminal structures and are limited to 10 feet in width. Terminal structures and associated apparatuses such as step-downs or platforms are limited to a combined maximum of 300 square feet, excluding boat shelters. Piers/walkways are limited to 4-feet in width. The proposed work must be part of a single and complete project. If display lights and signals on any structure are not otherwise provided for by law, such lights and signals as prescribed by the U.S. Coast Guard shall be installed and maintained at the owner's expense. Only one pier shall be constructed on each littoral parcel, and must be set back a minimum of 10 feet from the common boundary line of adjoining properties that are under separate ownership; and must not extend beyond a line that is perpendicular to the shoreline at the property lines. All structures authorized by this GP shall be aligned so as to minimize the size of their footprint in vegetated areas. This permit does not authorize the placement of enclosed buildings, living quarters, toilets, fuel dispensing or sanitary pump out facilities. This GP is scheduled to expire on 31 December 2007.

BACKGROUND: A Public Notice for this permit was issued on 22 October 2002, proposing modification and extension of time for the GP. Recommendations were received from Federal and State agencies and the general public. As a result of these recommendations, the special conditions have been modified to restrict the size and placement of terminal structures to waters between -3.5 feet MHT and -5.5 feet MHT, as described in Special Conditions 12 and 13.

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The purpose of the GP 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 GP must submit complete notification to the U.S. Army Corps of Engineers (Corps) and receive authorization prior to initiation of any work impacting waters of the United States, including wetlands. The Corps will determine whether the proposed work falls within the criteria established by this General Permit. The applicant will receive a letter of verification if this General Permit covers the proposed work. If work cannot be authorized under this General Permit, the applicant will be notified that the application must be processed under other procedures, which may involve submission of additional information and likely issuance of a public notice. Corps verification under GP-14392(05) may include additional Special Conditions to insure impacts to the aquatic environment are individually and cumulatively minimal. See Special Condition 1 for notification requirements.

If there are any questions relative to this Public Announcement, please contact Ms. Shelly Carter, at the above address or by telephone (361) 814-5847.

DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS

DEPARTMENT OF THE ARMY REGIONAL GENERAL PERMIT

Permittee General Public

Permit No. 14392(05)

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: Work authorized by this General Permit (GP) is limited to single-family, multi-family, and commercial piers, including normal appurtenances such as boat shelters, hoists, stairways, fish cleaning tables, and walkways. All structures are to be pile-supported. This permit does not authorize the placement of enclosed buildings, living quarters, toilets, fuel dispensing, sanitary pump-out facilities, or fill activities.

Project Location: On all navigable waters of the United States within the Galveston District, excluding Louisiana.

Permit Conditions:

General Conditions:

1. This GP will expire on December 31, 2007, unless modified, extended or revoked.
2. The time limit for completing the work authorized ends within 2 years of Corps approval.
3. The permittee must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit, and is not relieved of this requirement if the permittee abandons the permitted activity unless the permittee makes a good faith transfer to a third party. Should the permittee wish to cease to maintain the authorized activity or should they desire to abandon it without a good faith transfer, the permittee must obtain authorization from the Corps which may require restoration of the area.
4. No activity that may affect historic properties listed or eligible for listing in the National Register of Historic Places is authorized until the Corps has complied with the provisions of Section 106 of the National Historic Preservation Act.
5. If any previously unknown historic or archeological remains are discovered while accomplishing any activity authorized by this permit, the permittee must immediately stop work and notify the State Historic Preservation Office and the Corps. The Corps will initiate the coordination required to determine if the remains warrant a recovery effort or if the site is eligible for the National Register of Historic Places.
6. No activity will be authorized which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for listing or which is likely to destroy or adversely modify the critical habitat of such species as identified under the Federal Endangered Species Act.
7. For activities where the District Engineer determines that more than minimal impacts may occur as a result of the proposed work, a Department of the Army (DA) standard permit will be required. This GP does not apply to work that may impact a Federal enforcement action or to work where construction is initiated prior to satisfying all the terms and conditions of this GP.
8. The use of the permitted activity must not interfere with the public's right of free navigation on all waters of the United States. Structures constructed on canals or adjacent to channels must not extend more than 25 percent of waterway width.
9. The permittee must allow representatives from this office to inspect the authorized activity at any time the Corps deems necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of this GP.
10. This GP will not be valid without all other state, local, or regional authorizations required by law.
11. 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.

Special Conditions:

1. 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) Recent pre-construction photographs of the project site.
 - (d) Proposed construction schedule.
 - (e) A vicinity map, plan view, typical cross section, and construction plan. Drawings will show:
 - 1) A full dimension plan view of the structure and its relationship to adjacent property lines and existing structures.
 - 2) Location coordinates using Texas Plane Coordinate System for horizontal control and the Mean High Tide (MHT) for vertical control.
 - 3) The proposed distance the structure will extend into the water body.
 - 4) The waterfront width of the upland property.
 - 5) The clearance from the proposed pier to the far shore.
 - 6) The distance from shore to the top edge cut of any navigational channel in the immediate project vicinity.
 - 7) Mapped location of any aquatic resources (i.e. oyster reefs, submerged aquatic vegetation, marsh or mangrove habitat) located within 50 feet of the proposed project.
 - 8) Water depths taken at the location of the beginning of the proposed pier/walkway, at the beginning of the terminal structure, and at the end of the terminal structure.
2. The proposed work must be part of a single and complete project.
3. No dredging, including prop washing, is authorized by this GP other than jetting for the placement of pilings.
4. The minimum clearance between any structure and the near bottom edge of a Federal project channel will not be less than that prescribed in the authorizing project document.
5. No work shall be performed until 30 days after notification of the owner or operator of any marked utilities in the project area.
6. If the display lights and signals on any structure are not otherwise provided for by law, such lights and signals, as prescribed by the U.S. Coast Guard, shall be installed and maintained by and at the expense of the permittee.
7. Only one pier shall be constructed on each littoral parcel.
8. All structures authorized by this GP must be set back a minimum of 10 feet from the common boundary line of adjoining properties that are under separate ownership. The set back is measured at the point where common boundary terminates at the Ordinary High Water (OHW) shoreline. The structure must not extend beyond a line that is perpendicular to the shoreline at the property lines.
9. All structures authorized by this permit shall be aligned so as to minimize the size of the footprint.
10. The proposed work shall not replace any existing unserviceable pier, until the unserviceable pier has been removed.
11. Piers/walkways are defined as perpendicular structures to access a terminal structure, and are limited to 4 feet in width.
12. Terminal structures and associated apparatus such as step-downs, fish cleaning tables or platforms are limited to a combined maximum of 300 square feet, excluding boat shelters.
13. All terminal structures shall begin with a water depth of at least -3.5 feet MHT and no greater than -5.5 MHT.
14. Decks constructed parallel and directly adjacent to existing shorelines/bulkheads shall be considered terminal structures (see Special Condition 12), shall not exceed 10 feet in width and shall not exceed a length equal to ½ the length of the property total shoreline. No decks parallel and directly adjacent to existing shorelines/bulkheads shall be constructed over areas that exhibit oyster reefs, emergent marsh, or sea grass vegetation.
15. No boat shelters shall be constructed in waters less than -4.5 feet MHT. Boat shelters constructed in waters -4.5 MHT or deeper are limited to a maximum combined width of 16 feet and shall have no sidewalls.
16. Pilings shall be jettied in using hand-held jetting nozzles or shall be driven in. When possible, the pier should be built out from land, using the pier itself as a work platform. If a motorized work vessel must be used prop washing is prohibited and a statement of reasons why this is the only construction alternative must be provided with the application package.
17. Structures shall not be constructed over existing oyster reefs. If oyster reefs occur within 50 feet, they shall be temporarily marked to help avoid any construction related impacts from occurring to the reefs.
18. For projects that occur over Submerged Aquatic Vegetation (SAV), marsh or mangrove habitat:
 - (a) The pier shall be aligned so as to minimize the size of its footprint over SAV beds.
 - (b) The pier height shall be a minimum of 4 feet above the High Tide Line/OHW as measured from the top surface of the decking.
 - (c) Terminal structures must be constructed at a distance greater than 4 feet from the existing shoreline at MHT.
 - (d) Terminal structures are limited to a maximum width of 6 feet and a maximum length of 20 feet; one 2-foot-wide by 8-foot-long associated appurtenance such as a platform, stairway, or fish-cleaning table can also be authorized.
 - (e) Boat shelters shall not be constructed over SAV, marsh or mangrove habitat.
 - (f) The number of pilings is limited to the minimum necessary, and the spacing of the pilings shall be as far apart as possible, typically 10 feet.

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.

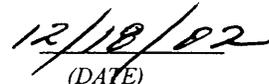
Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

(PERMITEE)
PERMITEE

(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
REGULATORY BRANCH
FOR COLONEL LEONARD D. WATERWORTH


(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)