

DEPARTMENT OF THE ARMY PERMIT

Permittee General Public

Permit No. 17446(02)

Issuing Office Galveston District

Expiration Date 31 December 2007

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 construct spur jetties to control erosion for bank stabilization activities.

Project Location: Navigable waters of the United States at locations within the Galveston District.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends within 2 years 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 and 2b with Special Conditions.

Further Information:

1. 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. 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) _____
(DATE)
**ANY PARTY ENGAGED IN THE CONSTRUCTION OF
 SPUR JETTIES FOR BANK STABILIZATION ACTIVITIES**

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

 _____
 (DISTRICT ENGINEER) 
(DATE)
**DON NANNINGA, ACTING 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)

Special Conditions:

- a. Construction of spur jetties for bank stabilization shall not be conducted so as to interfere with navigation or adversely impact the carrying capacity of an affected stream.
- b. 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.
- c. The activity shall not occur in a component of the National Natural and Scenic River System, a National Inventory River, a component of a State Natural and Scenic River System, a State Game Management Area, or a National Wildlife Refuge without the appropriate Federal or State authorization and written approval.
- d. The activity shall not occur in a Coastal Zone Management Area without the appropriate State authorization and written approval.
- e. All construction activities shall be performed in a manner that shall minimize increased turbidity of the water in the work area and otherwise avoid adverse effects on water quality and aquatic life especially during fish spawning seasons.
- f. The activity shall not be located in the proximity of a public water supply intake or a National Fish Hatchery intake.
- g. The activity shall not occur in areas of concentrated shellfish production.
- h. The construction activity shall not have as its main purpose the relocation of a stream or river channel or to impede stream flow.
- i. The construction activity shall not destroy or alter wetlands.
- j. If damage to an existing revetment occurs as a result of work conducted in accordance with this General Permit, the permittee shall be required to make necessary repairs at his own expense. These repairs must meet specifications designated by the District Engineer.
- k. After one year from the effective date of the General Permit, the Corps of Engineers shall conduct a review and revise the General Permit, as appropriate. If after the review process, or at any time the permit is valid, the General Permit is found not to be in the public's best interest, it will be suspended or revoked by issuance of a public notice by the District Engineer.
- l. Conformance with description and quantities contained herein does not necessarily guarantee authorization under the General Permit.

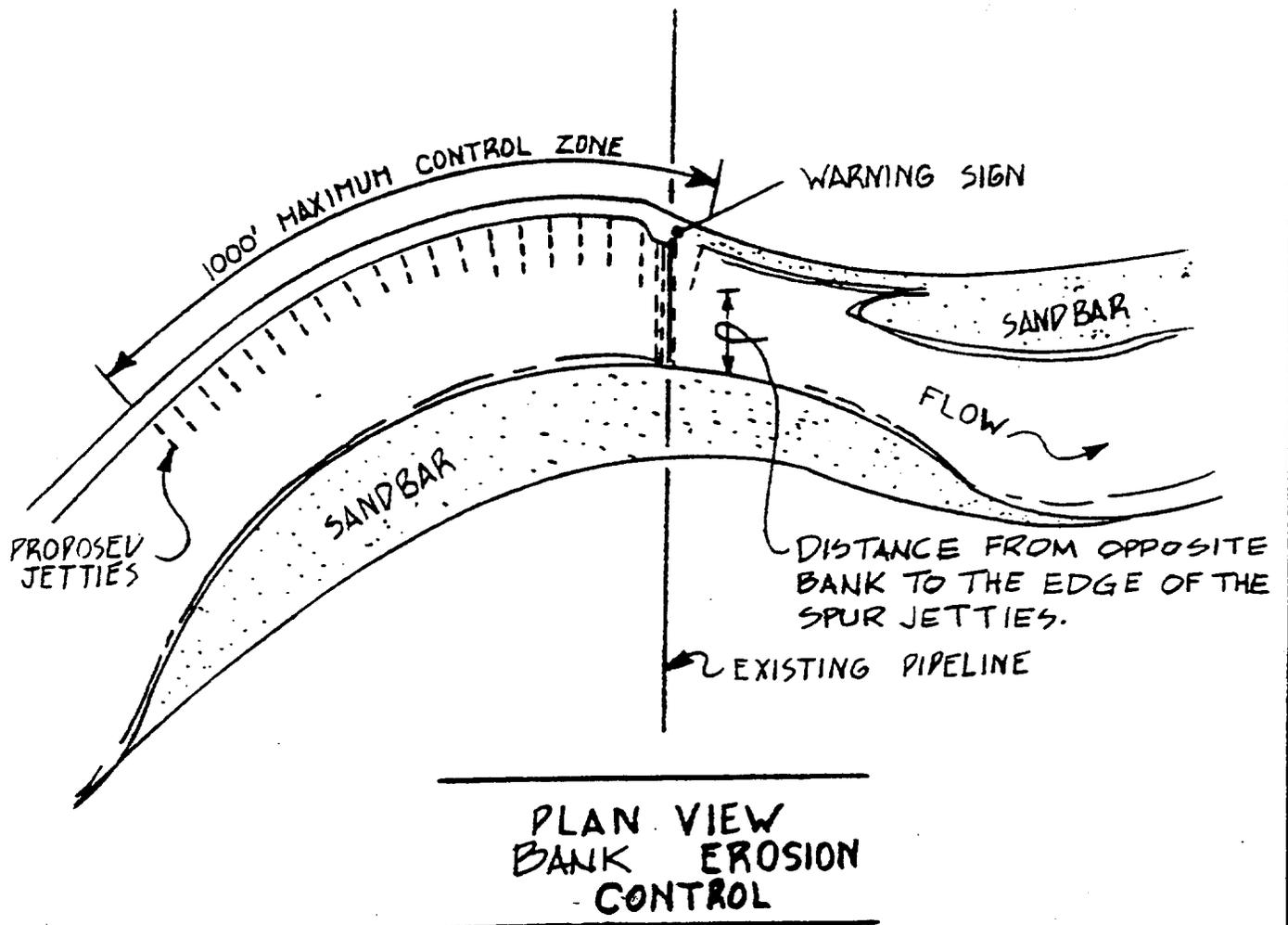
Special Conditions: (Cont'd)

- m. The placement of trash, tires, automobile bodies, scrap metal, or corrosive, contaminated or polluted materials in waters of the United States is not authorized by this General Permit.
- n. The spur jetties shall be marked such that their presence is know in river rise conditions.
- o. All construction activities in Federally maintained channels and/or waterways shall be coordinated for required set back distances with the appropriate Corps of Engineers Area Office or the Galveston District, Operations Division prior to submittal of application for a permit.
- p. The activity will not affect a threatened or endangered species as identified under the Endangered Species Act, or modify the critical habitat of such species.
- q. The permitted activity will not adversely affect the bank opposite or downstream of the permitted structure. If the permittee becomes aware of any adverse effect caused by the permitted structure, the permittee will notify the Galveston District, Corps of Engineers within 10 days. In addition, if an adverse affect occurs, the permitted structure will be removed and alternative methods of bank stabilization utilized.

Requests for Authorization Under the 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:

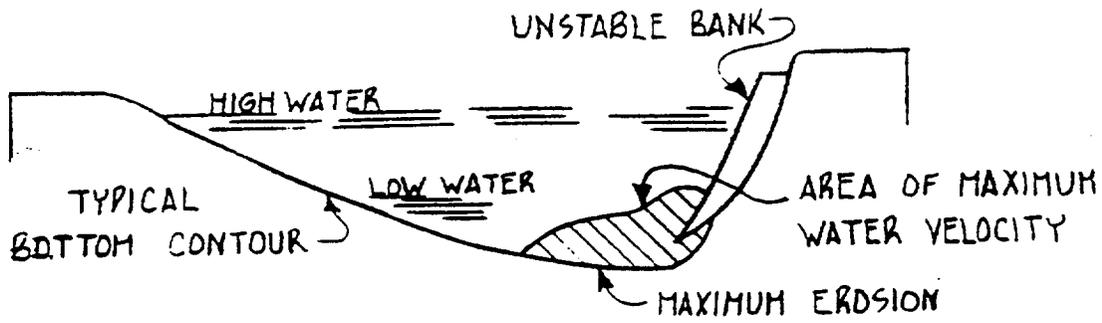
- a. State the number of the general permit under which the work is to be conducted.
- b. Statement that the work will be conducted in compliance with the terms and conditions of this general permit.
- c. Location map showing the proposed work site (lot number, block, subdivision, town or city, county).
- d. Applicant will also submit a plan view and cross-section view of the proposed work.
- e. Location coordinates using the Texas Plane Coordinate System for horizontal control and the mean low tide for vertical control shall be depicted in the plans.
- f. A brief description of the proposed work site and the method of construction or stabilization.
- g. Estimated starting and completion dates of construction.
- h. 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.

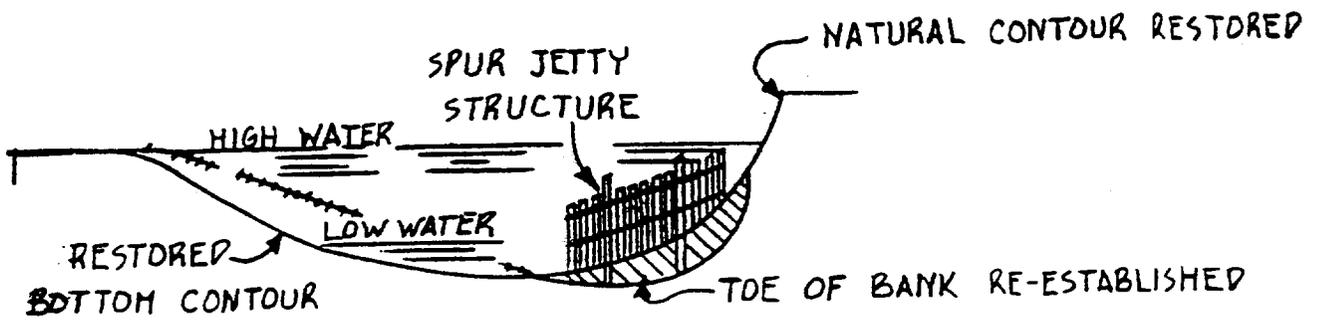


PERMITTED PLANS

GENERAL PERMIT 17446
CONSTRUCTION
OF SPUR JETTIES
FOR BANK
STABILIZATION



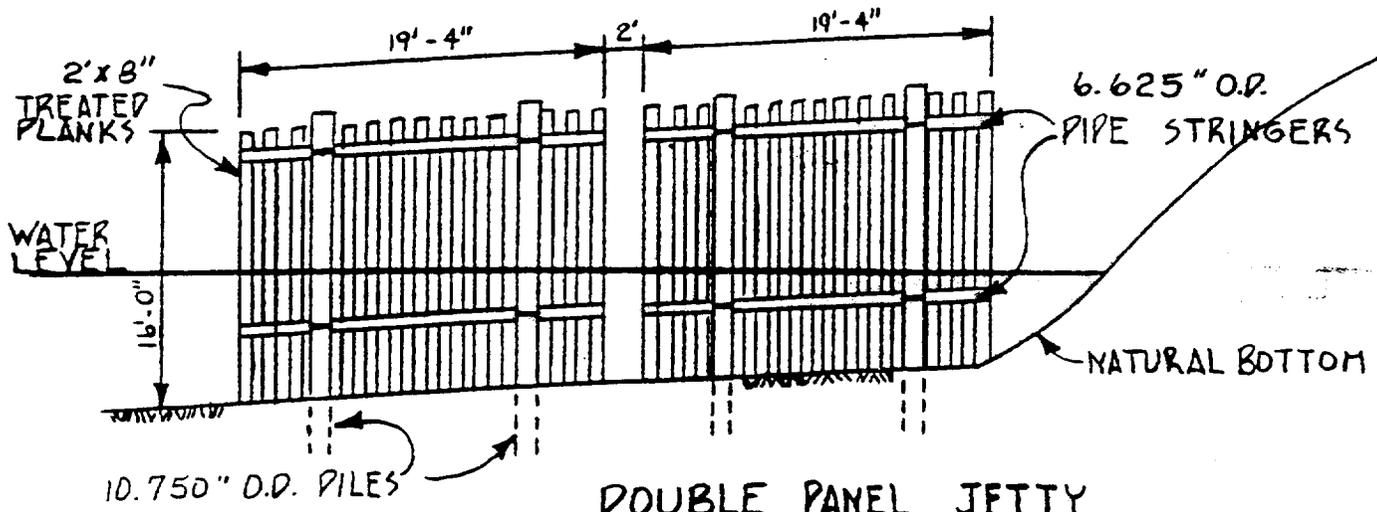
TYPICAL SHIFTING CHANNEL



TYPICAL STABILIZED CHANNEL

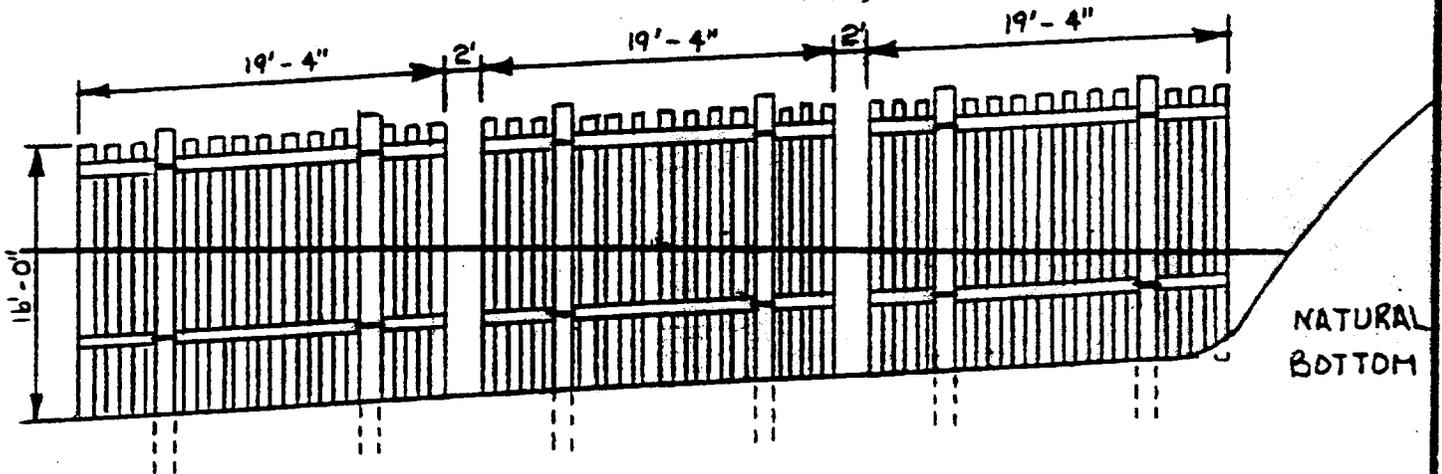
PERMITTED PLANS

GENERAL PERMIT 17446
CONSTRUCTION
OF SPUR JETTIES
FOR BANK
STABILIZATION



DOUBLE PANEL JETTY

N.T.S.



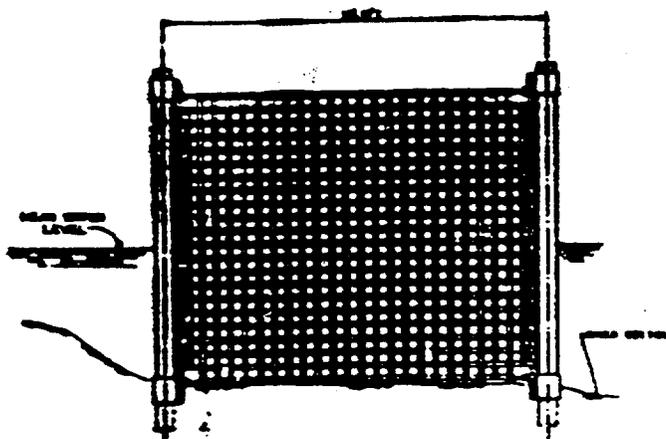
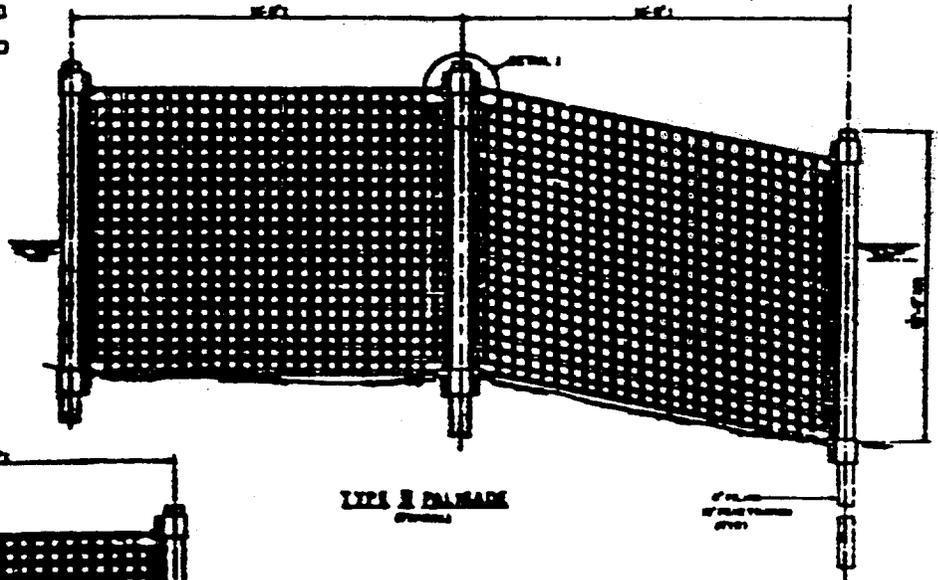
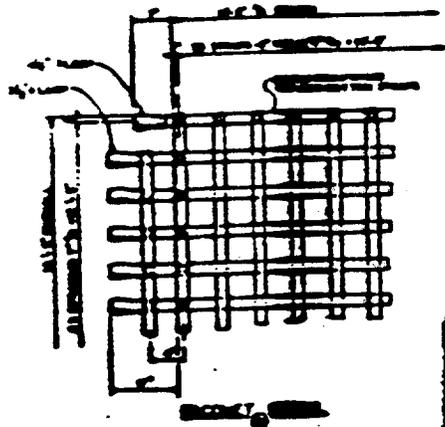
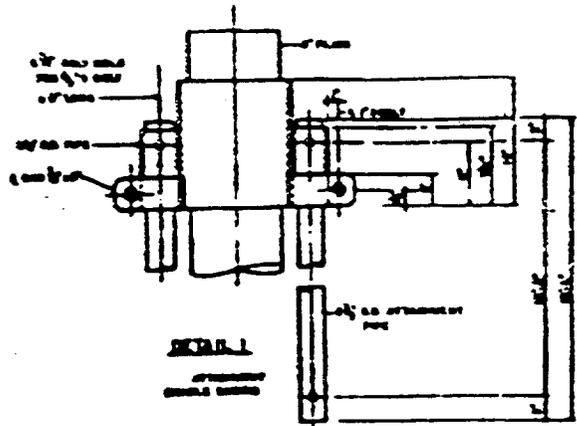
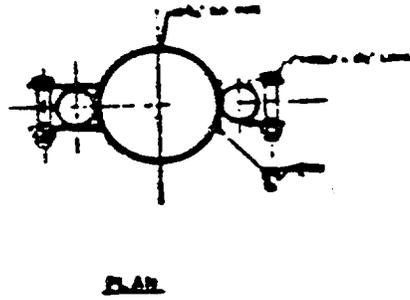
TRIPLE PANEL JETTY

N.T.S.

EXAMPLE OF TYPICAL PERMEABLE SPUR JETTIES.

PERMITTED PLANS

GENERAL PERMIT 17446
CONSTRUCTION
OF SPUR JETTIES
FOR BANK
STABILIZATION



EXAMPLE OF A TYPICAL
PALISADE SPUR JETTY

PERMITTED PLANS

GENERAL PERMIT 17446
CONSTRUCTION
OF SPUR JETTIES
FOR BANK
STABILIZATION
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