



REPLY TO
ATTENTION OF

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

PUBLIC ANNOUNCEMENT

CESWG-CO-RE

SUBJECT: General Permit – 19088(01)

5 June 2001

To Whom It May Concern:

This district has issued an amendment to, and extension of time for, Regional General Permit 19088 to be used by all parties engaged in the construction of artificial wave barriers to protect transplanted vegetation within waters of the United States. The purpose of the barriers and transplanted vegetation is for shoreline erosion control measures.

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

WATERWAY AND LOCATIONS: Navigable waters of the United States within the regulatory boundary of the Galveston District.

BACKGROUND: The purpose of this regional 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 4245 (Application for Department of the Army Permit) and a specific location map and project plans (8 ½- by 11-inch paper) to the U.S. Army Corps of Engineers, P.O. Box 1229, Galveston, Texas 77553-1229.

Regional General Permit 19088(01) expires on 31 December 2010. Mr. Mark King is the District point of contact for additional information. You may contact Mr. King at (409) 766-3991. Information on the District Regulatory Program may be found at <http://www.swg.usace.army.mil/reg/>.

DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS

DEPARTMENT OF THE ARMY PERMIT

Permittee General Public

Permit No. 19088(01)

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: To construct artificial wave barriers to protect transplanted vegetation behind the barrier for erosion control measures. The barriers will be temporary in nature and constructed out of snow fencing, parachute netting, or other similar material. The project will be conducted in accordance with the attached plans, in 2 sheets.

Project Location: in navigable waters of the United States, at locations within the regulatory boundary of 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:

- A. That 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.
- B. That the activity shall not occur in a Coastal Zone Management Area without the appropriate State authorization and written approval.
- C. That 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.
- D. That the activity shall not be located in the proximity of a public water supply intake or a National Fish Hatchery intake.
- E. That the activity shall not occur in areas of concentrated shellfish production.
- F. That after one year from the effective date of the Regional General Permit the Corps of Engineers shall conduct a review of the Regional General Permit as appropriate. If after the review process, or at any time the permit is valid, the Regional 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.
- G. Conformance with description and quantities contained herein does not necessarily guarantee authorization under the Regional General Permit.
- H. That the placement of trash, tires, automobile bodies, scrap metal, riprap or corrosive contaminated or polluted materials in waters of the United States is not authorized by the Regional General Permit.
- I. That the applicant shall contact the Texas General Land Office at Austin or their field offices at Aransas Pass or La Porte to obtain any necessary State Land Easements for the proposed work.
- J. That 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.
- K. Construction of artificial wave barriers shall not be conducted so as to interfere with navigation.
- L. That all construction activities in or near Federally maintained channels and/or waterways shall be coordinated with the appropriate Corps of Engineers Area Office or the Galveston District prior to submittal of application for a permit.
- M. That should the artificial wave barrier no longer be required to protect the transplanted vegetation the permittee shall remove the structure.
- N. 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 33 C.F.R. 325, Appendix C.
- O. The permittee must obtain all State of Texas or Louisiana related permits for the transplanting of vegetation prior to starting any work in navigable waters of the United States as related to this authorization.
- P. 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.

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

1. State the number of the Regional General Permit under which the work is proposed to be conducted.
2. Statement that the work will be conducted in compliance with the terms and conditions of this Regional General Permit.
3. Location map showing the proposed work site (Lot Number, Block, Subdivision, Town or City and County).
4. A brief description of the proposed work site and the method of construction or stabilization.
5. The name (Genus and species) of the vegetation to be transplanted and the location and description of the borrow area from which the transplants are harvested.
6. Estimated starting and completion dates of construction.
7. Name, address, and telephone number of the 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 this Regional General Permit, or will request additional information, if needed, or will advise that the proposed activity will require review under a Standard Individual 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.

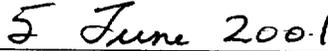
(PERMITTEE)
GENERAL PUBLIC

(DATE)

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



(DISTRICT ENGINEER)
FRED L. ANTHAMATTEN, CHIEF
POLICY ANALYSIS SECTION
FOR COLONEL NICHOLAS J. BUECHLER

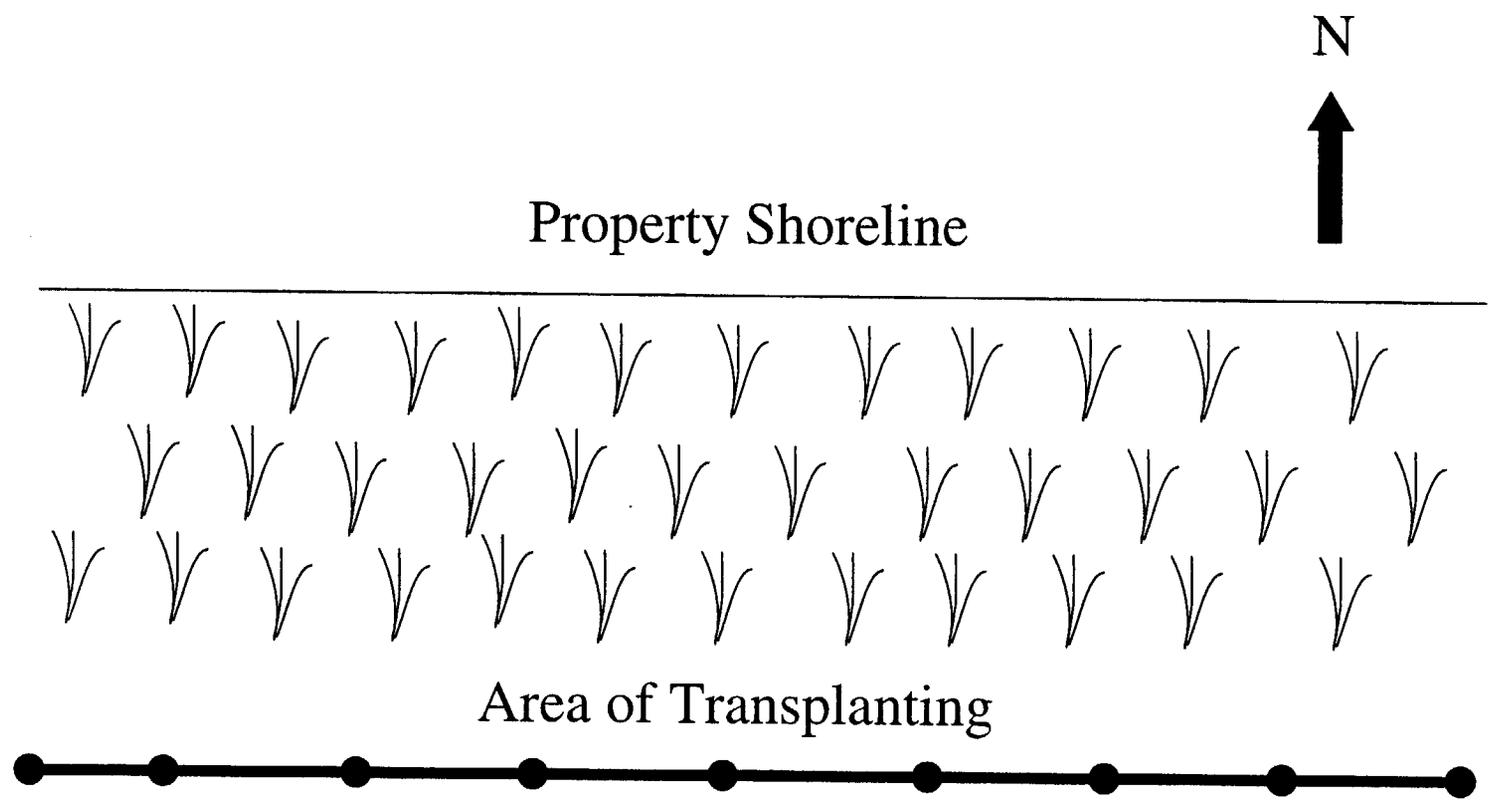


(DATE)

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)



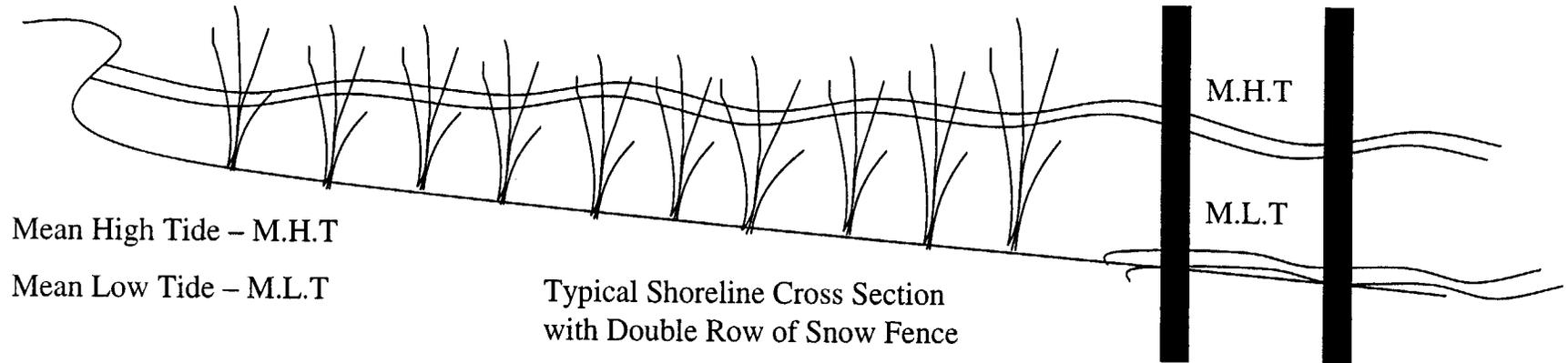
Property Shoreline



Area of Transplanting

Wave Barrier – typical drawing. Parallel alignment is not required

Steep
Eroding
Bank



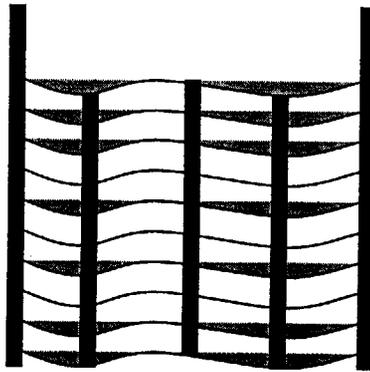
Mean High Tide – M.H.T

Mean Low Tide – M.L.T

Typical Shoreline Cross Section
with Double Row of Snow Fence

Double Row Snow Fence

Typical Shoreline Section View
with Reinforcing Rope



General Permit 19088(01)
Erosion Control Activities

Sheet 2 Of 2

1. Transplanted vegetation will be harvested at densities of no greater than one six inch diameter plug per square yard.
2. Care will be taken to minimize damage to plants at the donor site.
3. The permittee assumes responsibility to mitigate for long-term damage to the borrow areas as a result of these activities.