

## DEPARTMENT OF THE ARMY PERMIT

Permittee Texas Parks & Wildlife Department

GENERAL

Permit No. 19942(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 modify the original General Permit (GP) 19942, that authorizes the creation of artificial reefs, by adding 41 blocks and removing 6 blocks from the High Island OCS Leasing Blocks Area. The modification includes changes to the special conditions and authorizes the GP for a 5-year period, in accordance with the attached sheets, number 1-5.

Project Location: Gulf of Mexico waters, offshore at the High Island OCS Leasing Block Area, approximately 316 blocks. This area includes: blocks HI-A268 through HI-A403 and HI-A417 through HI-A596.

### Permit Conditions:

#### General Conditions:

1. The time limit for completing the work authorized ends on December 31, 2005. 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 1-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 1-2 with Special Conditions 1-13.

Further Information:

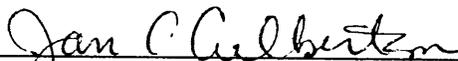
1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:
  - (X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
  - ( ) Section 404 of the Clean Water Act (33 U.S.C. 1344).
  - ( ) Section 103 of the Marine Protection, Research and 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 projects.
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 that 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)  
 TEXAS PARKS & WILDLIFE DEPARTMENT

\_\_\_\_\_  
 8/31/99  
 (DATE)

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

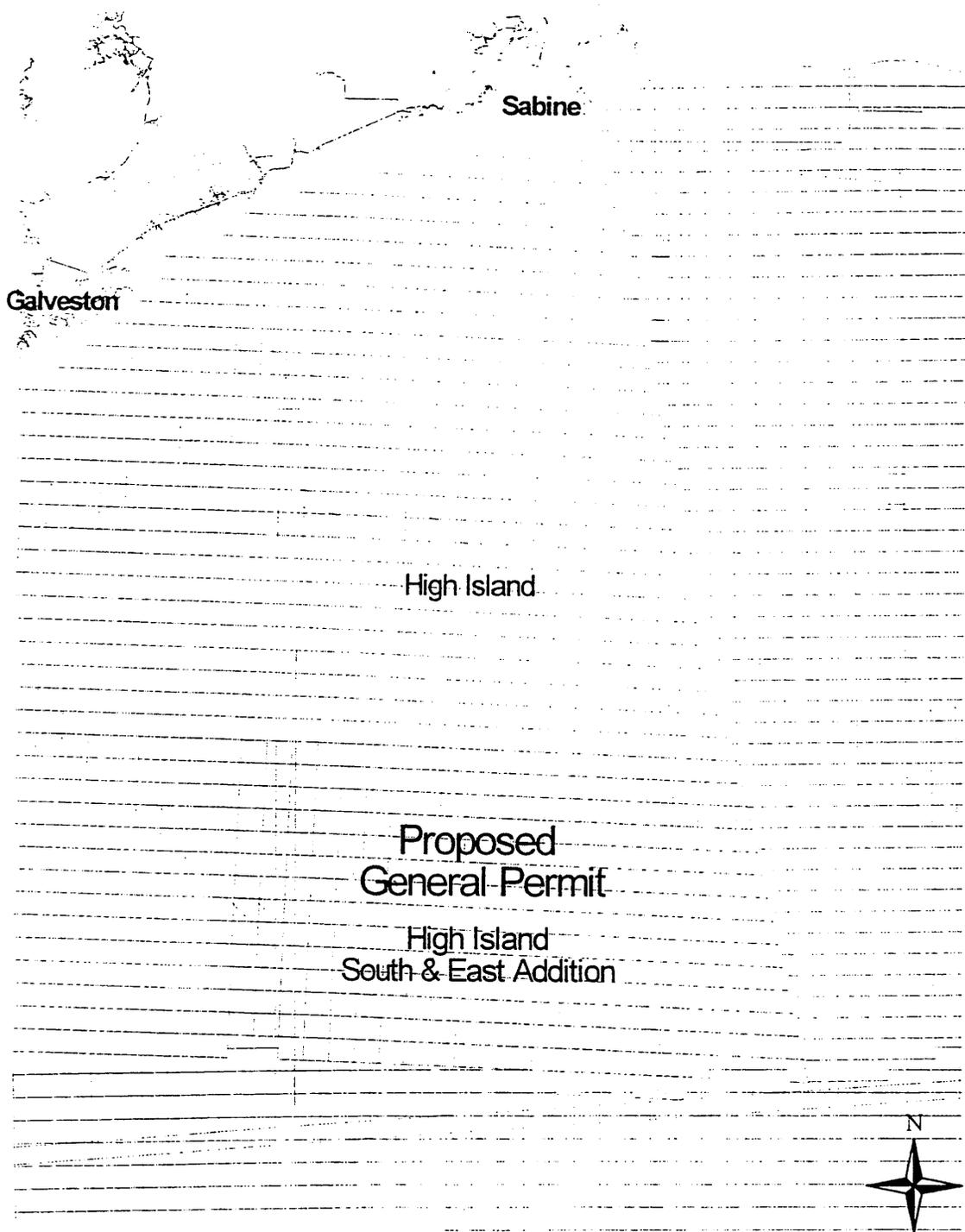
  
 \_\_\_\_\_  
 (DISTRICT ENGINEER)  
 FRED L. ANTHAMATTEN  
 CHIEF, POLICY ANALYSIS SECTION  
 FOR COLONEL NICHOLAS J. BEUCHLER

\_\_\_\_\_  
 9/1/99  
 (DATE)

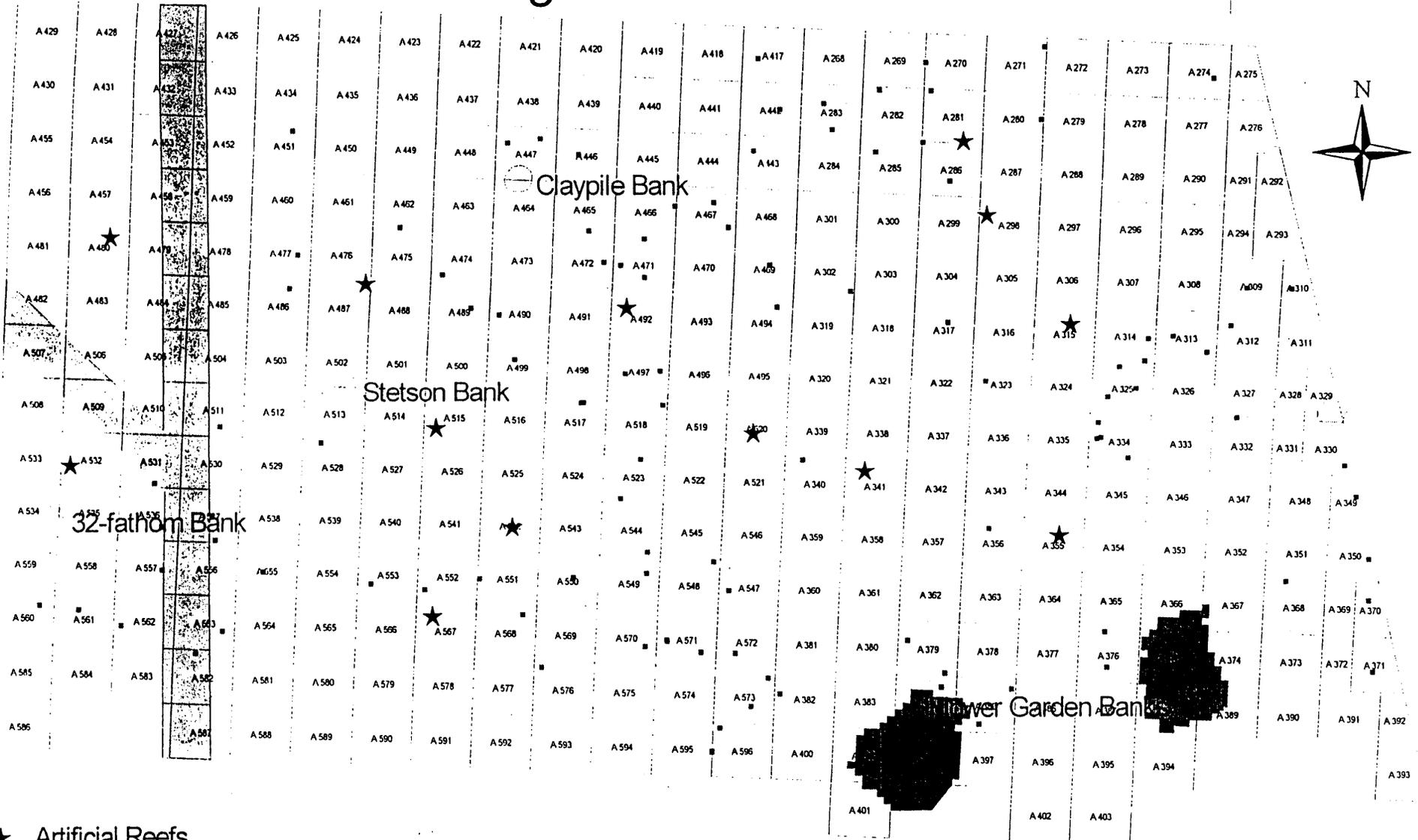
When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated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

\_\_\_\_\_  
 (TRANSFEE)

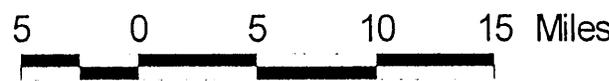
\_\_\_\_\_  
 (DATE)



# General Permit High Island Area



- ★ Artificial Reefs
- Oil & Gas Platforms
- Flower Garden Banks
- Exclusion areas
- ▨ Safety Fairways

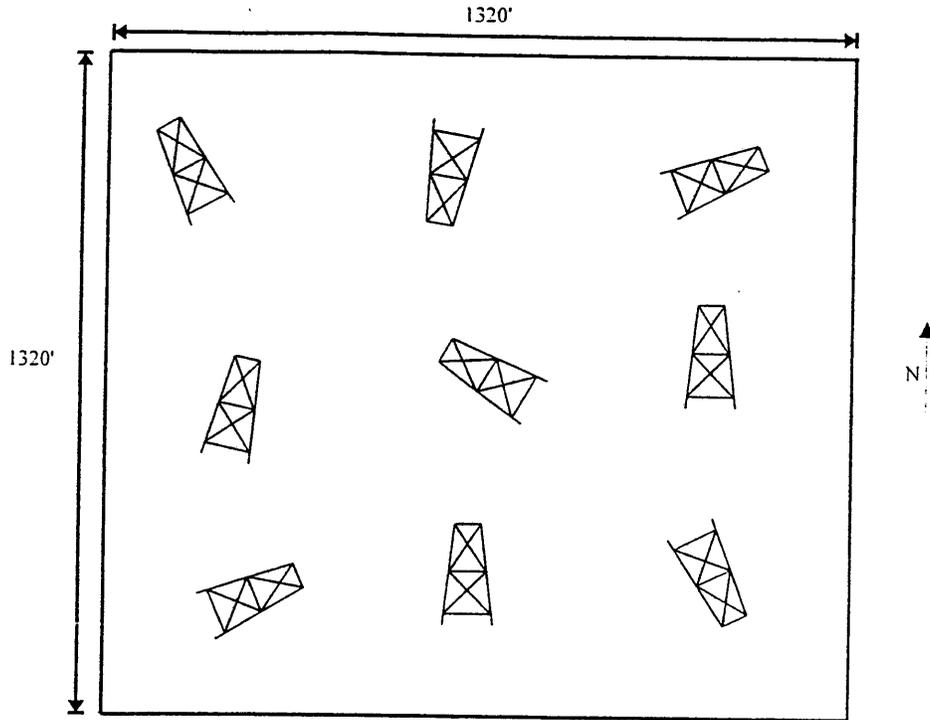


Proposed Artificial Reef  
General Permit #19942  
Area Map  
2 of 3

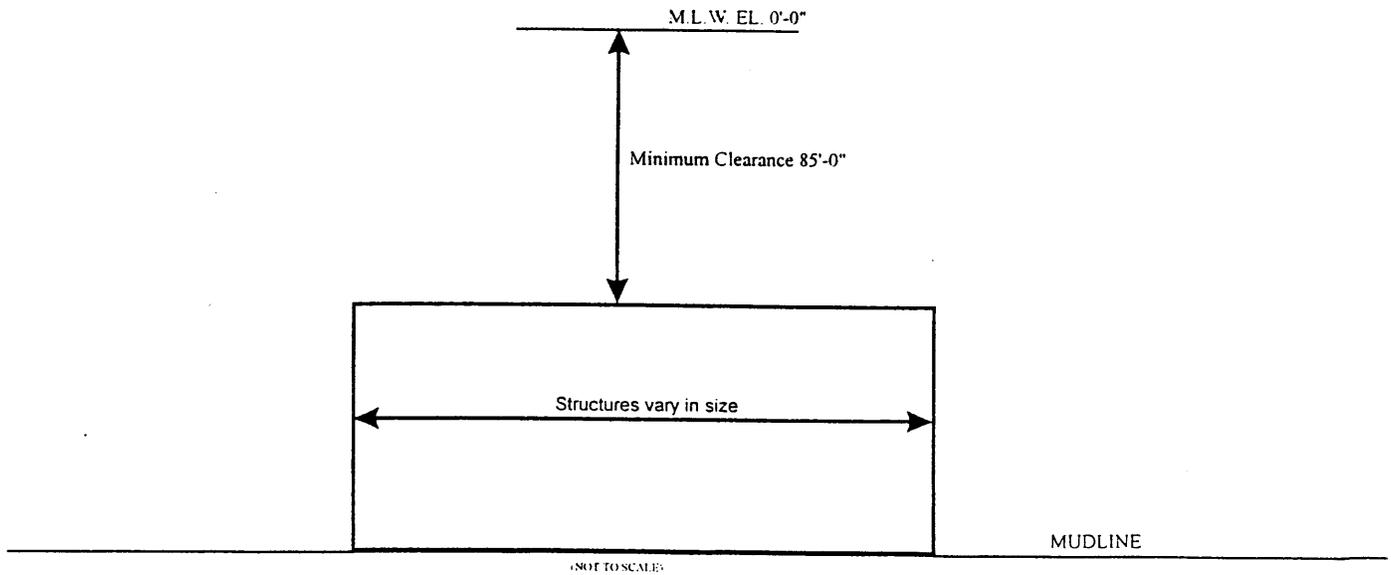


Artificial Reef GP #19942(01)  
Area Map

TYPICAL DISTRIBUTION OF REEF MATERIALS  
WITHIN PROPOSED ARTIFICIAL REEF CONSTRUCTION SITE



MINIMUM NAVIGATIONAL CLEARANCE ABOVE TYPICAL  
MATERIAL PLACEMENT



**SPECIAL CONDITIONS FOR GENERAL PERMIT 19942 FOR ARTIFICIAL REEFS  
PLACED IN HIGH ISLAND. SPONSOR, TEXAS PARKS AND WILDLIFE  
March 19, 1999 (revised April 15, 1999)**

1. No sites will be placed within 3 statute miles of pre-existing artificial reef sites. One exception to this condition may be artificial reefs that are privately owned due to "blow-outs", which may not allow these structures to be accepted into the Artificial Reef Program (i.e., Topper III, owned by Mobil, COE permit #11860 in High Island A-471).
2. No sites shall be placed within one half nautical mile from any designated natural reef sites including Claypile, Stetson, and East and West Flower Garden Banks.
3. No sites shall be placed within 2 nautical miles of the Safety Fairways.
4. No sites shall be placed within 1000-ft of active or out of service pipelines. No reef materials or anchors associated with reef construction activities shall be placed on top of active, out of service, or abandoned lines.
5. All material(s) to be placed on the reef(s) is(are) to be selected to avoid/minimize movement of reef materials caused by sea conditions or currents and is(are) to be clean and free of asphalt, creosote, petroleum, other hydrocarbons, toxic residues, loose, free floating material, or other deleterious substances. Such materials may be inspected by the Corps or their designee prior to placement.
6. The permittee shall maintain a minimum vertical clearance above the reef that is no less than that shown in the drawings attached to, and made a part of the authorization granted. No material shall be placed outside the bounds of the designated reef areas.
7. No artificial reefs shall be authorized by this permit which would, in the opinion of the Corps of Engineers, constitute a hazard to/from shipping interests, general navigation, and/or military restricted zones.
8. No authorization shall be given until all necessary local, state, or Federal agency authorizations are granted.
9. Marking of the reef when applicable, shall be in accordance with the U.S. Coast Guard requirements.
10. No authorization is granted by this permit for the construction of artificial reefs on significant submerged beds of sea grasses, macro-algae, coral reefs, live bottom (areas supporting dense growth of sponges, sea fans, soft corals, and other sessile micro-invertebrates generally associated with rock outcrops), or live oyster reefs.
11. No work shall be performed until notification is given to the owner (lease holder) or operator of any marked utilities or structures in the block or adjacent blocks where the reef is

to be located.

12. If the issuance of authorization under this permit is found or suspected of affecting the continued existence of an endangered species, the activity will not be authorized by this general permit, and an individual permit will be required.

13. No fish attractors shall be authorized by this permit to be placed at artificial reef sites, which are authorized under the General Permit to the TPWD, in accordance to the guidelines stated in the 1990 Texas Artificial Reef Plan.

**Requests for Authorization Under the General Permit:** In order to be authorized by this General Permit, the Texas Parks and Wildlife Department (TPWD) is 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 terms and conditions of this General Permit.
- c. Location map showing the proposed reef site.
- d. Location coordinates using the Texas State Plane Coordinate System for horizontal control and the mean low tide for vertical control shall be depicted in the plans.
- e. Name, address, and Telephone number of persons applying for authorization.

Upon receipt of this information, the District Engineer will advise TPWD 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.