



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**

26 December 2002

**SUBJECT:** Permit No. 15833(04); 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:** 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 aerial electric power transmission and distribution lines and utility cable crossings, where support structures are not located in navigable waters of the United States.

**BACKGROUND:** A public notice was issued on 28 October 2002 proposing an extension of time for GP 15833(03).

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 PERMIT

Permit No. 15833(04)

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: This General Permit authorizes the general public to construct aerial electric power transmission and distribution lines, and utility cable crossings, where support structures are not to be located in navigable waters of the United States.

Project Location: All navigable waters of the United States, at locations within the Galveston district of the U.S. Army Corps of Engineers.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends within 2 years of the 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 through 2f 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.

Special Conditions:

a. The following minimum clearances are required for aerial electric power transmission and distribution lines crossing navigable waters of the United States. These clearances are related to the clearances over the navigable channel provided by existing fixed bridges, or the clearances which would be required by the U.S. Coast Guard for new fixed bridges, in the vicinity of the proposed power line crossing. The clearances are based on the low point of the line under conditions which produce the greatest sag, taking into consideration temperature, load, wind, length or span, and type of supports as outlined in the National Electrical Safety code.

Nominal system voltage, Kilovolts	Minimum additional clearance above clearance required for bridges in feet
115 and below.....	20
138 .....	22
161 .....	24
230 .....	26
350 .....	30
500 .....	35
700.....	42
750 to 765.....	45

Clearances for communication lines, stream gaging cables, ferry cables, and other aerial crossings are usually required to be a minimum of ten feet above clearances required for bridges. Aerial crossings over Federal Flood Control Projects shall clear the flood plain elevation for the crossing elevation. Greater clearances will be required if the public interest so indicates.

b. Each individual project authorized under this General Permit must be started within 12 months of the date of authorization and must be completed within 24 months of that date.

c. The construction of access roads, cofferdams, equipment ramps, or any other discharges of dredged or fill material into waters of the United States or wetlands, is not authorized by this General Permit (note restrictions).

d. No dredging, realignment, or channelization of streams is authorized by this General Permit.

e. The work will not disrupt the movement of those species of aquatic life indigenous to the waterbody.

f. All structures will be properly maintained to prevent erosion and other non-point sources of erosion.

- g. The crossing will not be constructed in a component of a State or Federal Wild and Scenic River system.
- h. No attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters of the United States, at or adjacent to the activity authorized herein.
- i. That the permittee accepts and agrees to comply with the terms and conditions of this General Permit.
- j. That if the crossing is over a Federal project, the lines should cross perpendicular to the channel and the Corps of Engineers station number for the point where the line crosses and the height of the line should be shown on the application drawings.
- k. That aerial line crossings in the Louisiana portion of the Galveston District shall obtain the required authorization from the Louisiana Department of Natural Resources Office of Environmental Affairs, the Louisiana Department of Public Works, the Louisiana Department of Wildlife and Fisheries, and any other State or local agency which has jurisdiction over the process.
- l. That as-builts depicting the location of the crossing, State plane coordinates and the height of the lines certified by a registered surveyor or engineer shall be provided to the Corps of Engineers Area Office-under whose jurisdiction the crossing is located.
- m. That the proposed activities within Corps of Engineers jurisdiction will not adversely affect Federally listed proposed, threatened or endangered species or adversely modify their critical habitat as defined as 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 habitat occurs within the permit area. All areas within the critical habitat of the whooping crane, depicted on the enclosed map, are specifically excluded from this General Permit.
- n. Any work within 1,000 feet of a known wading bird or seabird rookery shall be restricted to the non-nesting period of the species comprising that rookery.
- o. No work may be performed within the boundaries of a National or State wildlife refuge, game management area, or similar area without the specific authorization of the facility manager or an appropriate managing agency official.
- p. All areas within the Louisiana Wildlife Management Areas or Refuges are excluded from this permit.
- q. Aerial transmission and distribution lines will be marked with appropriate marking devices designed to minimize line-strike related bird mortalities in areas where the lines traverse waterbodies.

r. No work may be performed in any Louisiana portion of the Galveston District across any Natural and Scenic River until a permit has been obtained from the Louisiana Department of Wildlife and Fisheries and a copy forwarded to the Galveston District.

s. No work may be performed in any Louisiana portion of the Galveston District until coastal consistency certification from the Louisiana Department of Natural Resources Coastal Management Division has been obtained and a copy forwarded to the Galveston District.

Restrictions: This General Permit does not authorize any discharges of dredged or fill material into Waters of the United States, including wetlands. The construction of aerial crossings involving access roads, support structures, relay stations, cofferdams, equipment ramps, or any other work which may disturb the substrate of streams or adjacent wetlands, may require an individual permit.

Duration of General Permit: This General Permit will cover activities begun within five years after the date of issuance unless it is revoked in the interim. Revoking of the General Permit will not affect the work that had been authorized when the General Permit was in effect.

Duration of Individual Authorization: Each individual project authorized under this General Permit must be started within 12 months of the date of authorization and must be completed within 24 months of that date.

Authorization From Other Agencies: Electric power transmission lines at the borders of the United States for the purpose of transmitting electric energy between the United States and a foreign country must be permitted by the Federal Power Commission. Other types of aerial transport cable that cross the borders of the United States must be permitted by the Secretary of State. Aerial transmission lines that are part of a water power project also must be permitted by the Federal Power Commission.

When authorization is issued for aerial transmission lines across navigable waters of the United States, copies of the permit will be furnished to the appropriate District Commander, U.S. Coast Guard, and to the National Ocean Survey, NOAA, Department of Commerce.

Application Procedures: Requests for authorization under this General Permit shall be sent to: Commander, Galveston District; U.S. Army Corps of Engineers; ATTENTION: Chief, Regulatory Branch, CESWG-CO-R; P.O. Box 1229, Galveston, Texas 77553-1229.

a. The applicant will furnish a description of the work along with plans and a written request to perform the work and a telephone number at which he can be reached during normal working hours. The standard application form (ENG Form 4345) shall be used, with a note on the form indicating that general permit authorization is desired. The description and drawings of the work should include the following:

(1) The entire route of the transmission or distribution line with locations of the aerial crossings to be authorized, shown on the vicinity map, with distances of landmarks.

(2) Plan and side views showing the orientation, span, and clearance of the crossing, including the support structures on both banks. Drawings should also note the voltage of the lines and any other relevant details. If constructions will require access roads, equipment ramps, or other fill in wetlands or waters of the United States, the drawings must portray that work.

(3) All drawings are to be 8-1/2- by 11-inches, of reproducible quality, and submitted in the fewest number of sheets necessary to adequately show the proposed activity.

(4) Information and data required in Special Conditions paragraph (a) shall be shown on the drawings.

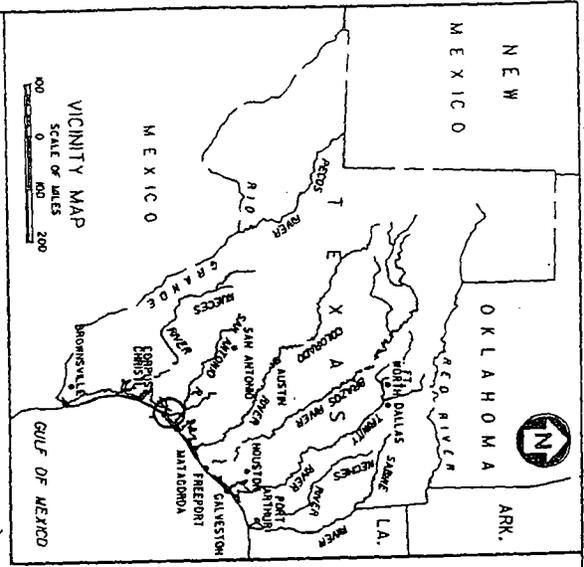
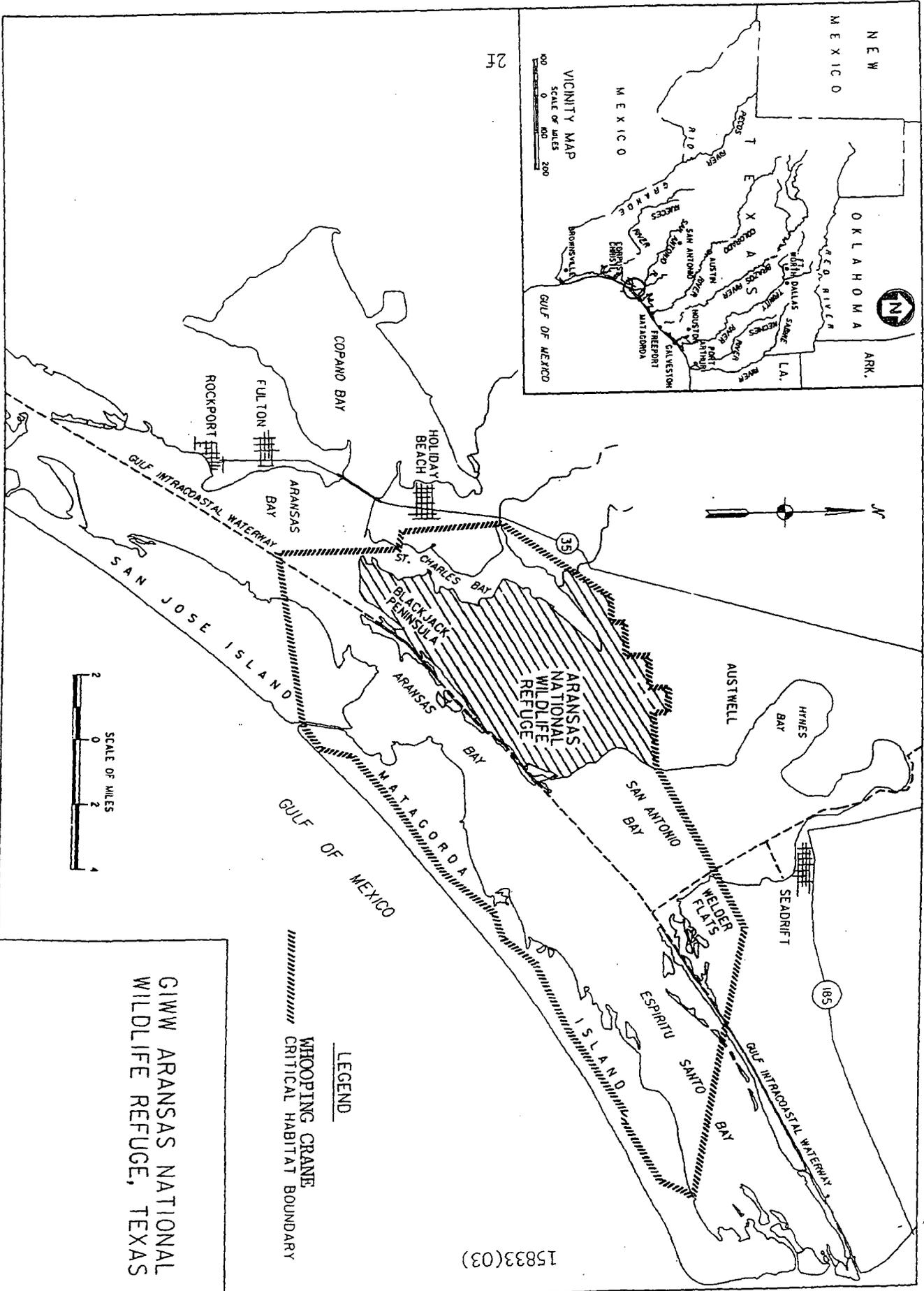
b. Applications will be coordinated with the U.S. Coast Guard to assure that clearances conform to their guidelines. In order to reduce the time needed for coordinations, applicants should send copies of their applications to: Eighth Coast Guard District, Bridge Administration Branch, 500 Camp Street, New Orleans, Louisiana 70130; telephone: 504-589-2965. Preapplication information concerning Coast Guard guidelines can be obtained from the above address or telephone number.

c. Applications involving Corps of Engineers property must include a letter requesting an easement. The request should contain a centerline description of the proposed line.

d. If the Commander determines that the proposed work meets the provisions of the General Permit, and no extraordinary conditions exist that would warrant filing a formal application for an individual permit, he will authorize the work by letter to the applicant.

e. If the Commander determines that the proposed work does not meet the provision of the General Permit, or that extraordinary conditions exist, he will notify the applicant that filing of a formal individual permit application will be necessary.





GIWW ARANSAS NATIONAL WILDLIFE REFUGE, TEXAS

15833(03)

- 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 ANTHAMATTEN, CHIEF  
 POLICY ANALYSIS SECTION  
 FOR COLONEL LEONARD D. WATERWORTH**

26 DEC 02  
 (DATE)

\_\_\_\_\_  
 (TRANSFEREE)

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



**US Army Engineer District, Galveston**  
**PO Box 1229**  
**Galveston, Texas 77553-1229**

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**OFFICIAL BUSINESS**  
**CESWG-PE-R**

**FIRST-CLASS MAIL**  
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**Galveston, TX**  
**Permit No. 248**