DEPARTMENT OF THE ARMY PERMIT

Permittee **GENERAL PUBLIC**

Permit No. **19350(02)**

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 maintenance dredge existing authorized facilities in the Corpus Christi Ship Channel.

Project Location: The project area lies within the Inner Harbor of the Corpus Christi Ship Channel from the Corps of Engineers (Corps) Station 1106+32 of the Corpus Christi Turning Basin to Corps Station 1661+50 of the Viola Turning Basin. The USGS Quad reference map is: Corpus Christi, Texas. The material must be placed in a Corps disposal area, including Number 1, Number 6, Rincon, South Shore Cells A, B, C, and Suntide, or in an upland disposal area, as determined by the Corps.

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 Special conditions 2a through 2e.

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).

(X) 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. Prior to commencement of the work, the permittee will submit the attached form, with all sections completed, to the Corps of Engineers, Corpus Christi Regulatory Office , 5151 Flynn Parkway, Suite 306, Corpus Christi, TX 78411. No work shall be done until the applicant submits this information and Receives written acknowledgement of authorization.

b. Prior to applying for the permit, the permittee shall coordinate the work schedule and use of the disposal areas with the Area Engineer, Southern Area Office, Corpus Christi, Texas 78401, so as not to interfere with Corps of Engineers' work in the area. In addition, all non-public interests requesting authorization under this General Permit will also submit and coordinate the work with Director of Engineering Services, Port of Corpus Christi Authority, P.O. Box 1541, Corpus Christi, Texas 78403.

c. All non-public facilities will be required to reimburse the Corps of Engineers and the Port of Corpus Christi Authority a fee for the use of the levees at the disposal areas. Permittee shall coordinate the collection of this fee with the Port of Corpus Christi Authority.

d. The maintenance dredging must conform to the originally authorized scope of work. No discharge of dredged material, including stockpilig or double handling, into waters of the United States, including wetlands, will be authorized by this permit.

e. If hydraulic dredging is utilized, all dredged material must be placed in a previously authorized contained (leveed) disposal area with a controlled spillway. Effluent from the disposal areas should be directed back to the channel from which the dredged material was taken.

f. No new work will be authorized by this General Permit. Any new work proposed in this area must apply for an individual permit. However, once authorized, all maintenance dredging associated with this authorized activity will fall under this General Permit.

g. The permittee will coordinate with the Port of Corpus Christi Authority on the location of any pipelines in the vicinity of the proposed maintenance dredging operation.

h. When practicable, dredge material generated from non-public maintenance dredging projects shall be confined in non-Federal designated upland disposal areas.

i. The proposed work shall not jeopardize threatened or endangered species, as identified under the Endangered Species Act, nor destroy or adversely modify the critical habitat of such species.

j. Conformance with description and quantities contained herein does not necessarily guarantee authorization under the General Permit. Further, if the District Engineer determines that the proposed work does not meet the provisions of the General Permit, he will notify the applicant that they must apply for an individual permit.

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. Prior to the performance of hydraulic dredging, the permittee will obtain a Section 401-water quality certification from the Texas Commission on Environmental Quality for the effluent or return water. The permittee will submit a copy of the Section 401-certification to the Corps Galveston District, prior to performing hydraulic dredging.

General Permit – 19350(02) Application Form

1) Name:_____

   Company Name:_____

   Address:_____

   _____

   Phone:_____

2) Original Permit Number:_____

3) Location of work (including the COE Station):

   _____

   _____

4) Description of the Work:

   a. Area to be dredged:_____

   b. Method of dredging:_____

   c. Cubic yards of material to be removed:_____

   d. Disposal site:_____

   e. Start date:_____

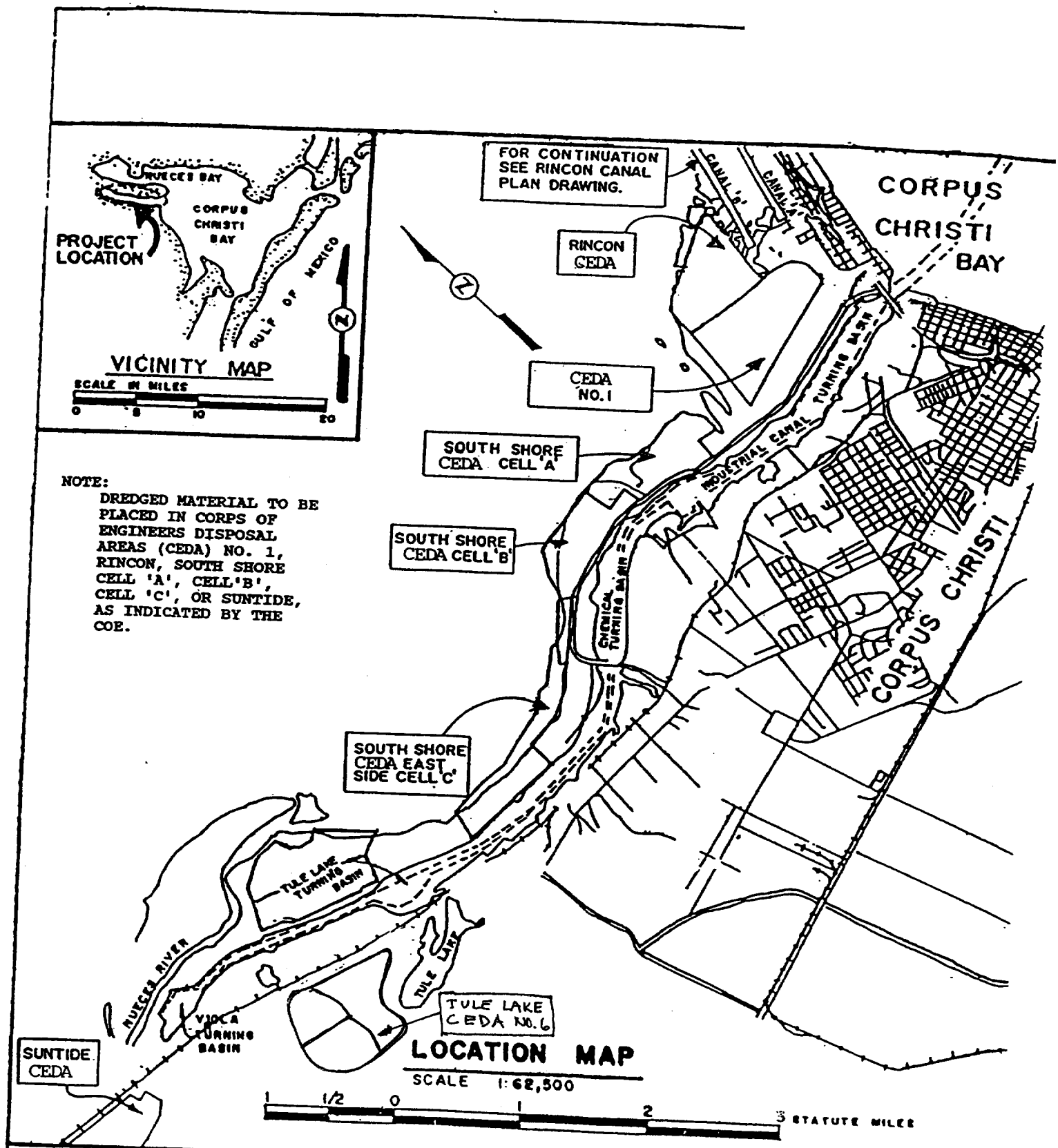
5) Attach the following to this form:

   a. Vicinity map (locate the project on the map provided)

   b. Plan view (you may use your original permit drawings)

   c. Section view (you may use your original permit drawings)

   (Drawings are to be 8 ½ by 11-inches and reproduceable)



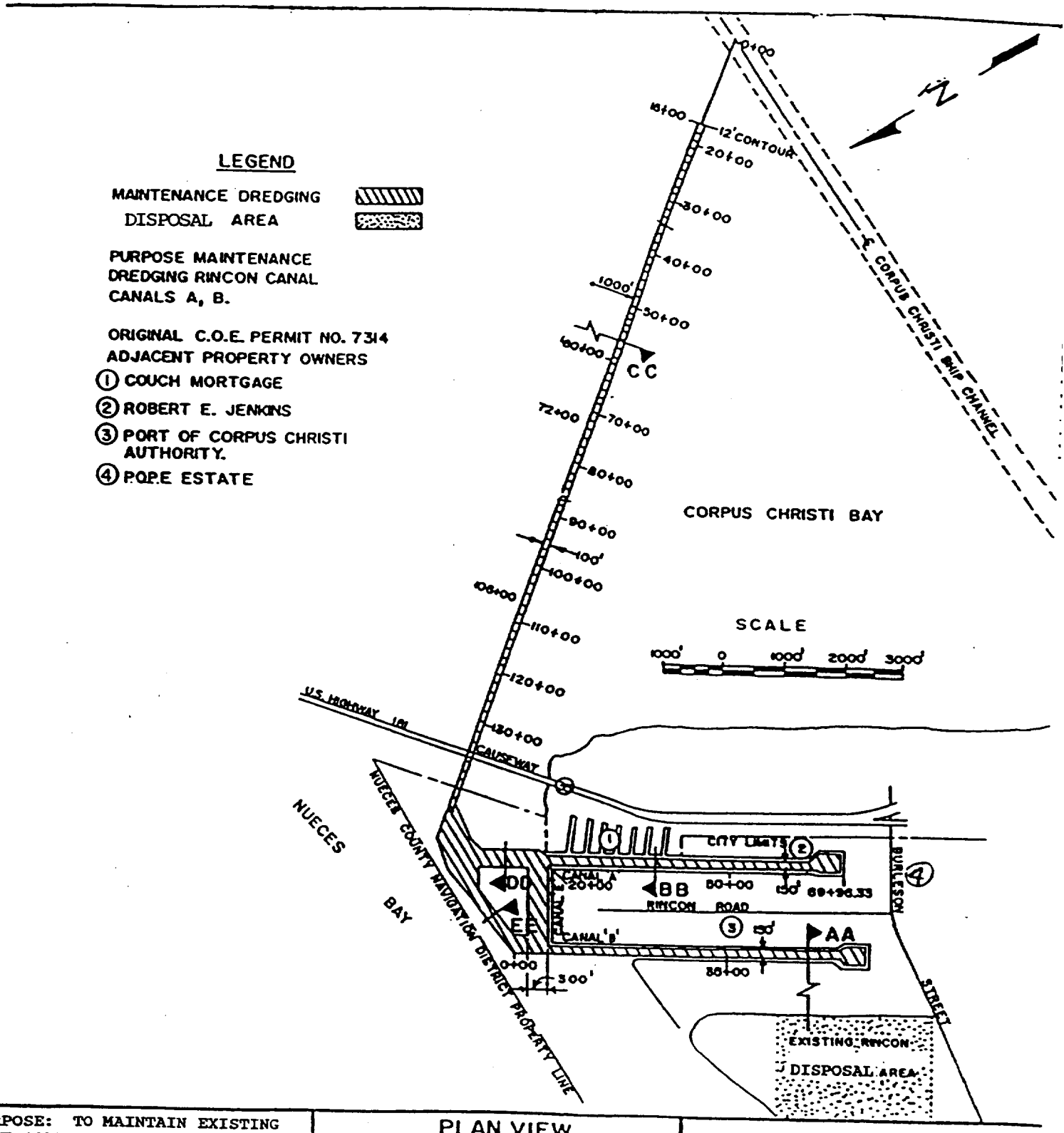
NOTE:
DREDGED MATERIAL TO BE PLACED IN CORPS OF ENGINEERS DISPOSAL AREAS (CEDA) NO. 1, RINCON, SOUTH SHORE CELL 'A', CELL 'B', CELL 'C', OR SUNTIDE, AS INDICATED BY THE COE.

PURPOSE: TO MAINTAIN EXISTING DOCK SLIPS, CANALS, CHANNELS

DATUM: C.O.E. MEAN LOW TIDE

LOCATION MAP
GENERAL PERMIT

GENERAL PERMIT 19350(02)
Special Conditions 2d



RPOSE: TO MAINTAIN EXISTING
CK SLIPS, CANALS, CHANNELS
TUM: COE MEAN LOW TIDE
)JACENT PROPERTY OWNERS:

PLAN VIEW
RINCON CANAL
GENERAL PERMIT

GENERAL PERMIT 19350(02)
Special Conditions 2e

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)*
GENERAL PUBLIC

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

_____ January 3, 2003

(DISTRICT ENGINEER) *(DATE)*
FRED ANTHAMATTEN, 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)*