DEPARTMENT OF THE ARMY REGIONAL/PROGRAMMATIC GENERAL PERMIT

**Permittee** General Public

**General Permit Number** SWG-2002-02397

**Issuing Office** U.S. Army Corps of Engineers, Galveston District (Corps)

**Project Description:** This General Permit (GP) authorizes the general public to erect and maintain structures and appurtenances to be used in connection with the production of oil, gas and mineral production. This includes the activities for the installation of pipelines associated with the drilling structures, including trenching, disking and jetting methods.

**Project Location:** This General Permit is valid for areas between 2 miles and 3 leagues (10.3 miles) offshore Kleberg County, Texas. Specific State Tracts are indentified in the attached map.

**Permit Conditions:**

1. This General Permit will expire on **1 January 2019**. If the work authorized by a specific site approval is not started within 1 year, or if it is not completed within 2 years from its approval date, the authorization, if not previously revoked or specifically extended, shall automatically expire.

2. All applicants shall notify the Texas General Land Office (GLO) for approval prior to the commencement of any work prior to initiation of work in waters of the United States, including wetlands. The specific site authorization becomes effective on the date of issuance by the GLO. Request for authorization must be sent to General Land Office, Energy Resources Division, 1700 N. Congress Avenue, Austin, TX 78701 and shall include:
    a. A completed and signed DA application (Form ENG 4345).
    b. A copy of all DA authorizations previously issued for the work area.
    c. A vicinity map, plan view, typical cross section, and a description of the proposed method of construction. Drawings shall include:
        i. A vicinity map with the precise location of the project so that its geographic coordinates can be determined. Vicinity maps shall identify and list all of the State Tracts affected by the proposed activity.
        ii. A plan view of the drilling structure and any future permanent structures, and their location in relation to nearby navigation channels, pipelines, or other marine structures. The applicant shall provide project plans that include location, plan and typical profile view of each platform, proposed pipelines, and access channels, showing water depth relative to mean-low-low-water (MLLW). The applicant will provide location information in NAD 83 UTM overlaid on the National Oceanic and Atmospheric Administration (NOAA) navigation charts and show any designated Texas Parks and Wildlife (TPWD) oyster lease or reef information using geographic spatial projection coordinates presented in Environmental Research Institute (ESRI) Arc/Info coverage export file and/or Arc View shape file formats available through the Government Land Office (GLO) website (http://www.glo.state.tx.us/gisdatalgisdata.html).

iii. A cross section drawing showing dimensions of any proposed shell or gravel pad, draft of the rig once placed onsite, depth of water at MLLW datum and Mean High Tide (MHT), maximum height of derrick and/or other permanent structures. Show the amount of discharge material in cubic yards, if any.

iv. Vicinity map, plan view, and cross section of the all proposed pipeline routes. The discharge of fill materials into waters of the United States in conjunction with the installation of pipelines, associated with the drilling structures, is authorized for pipelines installed by plowing, disking, jetting and horizontal directional drilling methods. The applicant must specify the method of pipeline installation proposed. Pipelines placed in the bays shall be placed at a minimum of 3 feet below the bay bottom. Pipelines placed in Federal project placement areas shall be placed at a minimum of 3 feet below the bay bottom. Pipelines crossing deep-draft project channels shall be placed at a minimum of 20 feet below the authorized project depth. However, in cases where the natural bottom of the waterway is already more than 20 feet below the authorized project depth, the pipeline will be placed at a minimum of 5 feet below the natural bay bottom. For operation and maintenance purposes, a channel with an authorized project depth greater than 25 feet below Mean Low Tide (MLT) shall be considered a deep-draft channel. The location map must show the proposed worksite; including the GLO lease number(s), coordinates, and a brief description of the proposed worksite in its present condition. The proposed project plans must include all Federal project channels, the project dimensions, the method of construction or stabilization, and amounts and types of fill material in cubic yards.

v. The distance from structure or fill to the top edge cut of any navigational channel within 300 feet of any portion of the project.

vi. Mapped location of any special aquatic resources (i.e. coral reefs, oyster reefs, sea grass, marsh, or mangrove habitat) located within 1000 feet of any portion of the proposed project.

d. A statement that the work will be conducted in compliance with the terms and conditions of this GP and any additional Special Conditions.

e. A statement of estimated start and completion dates.

3. All safety areas and fairways are excluded from the General Permit.

4. Drilling between 2 and 3 miles offshore is prohibited between March 15th and September 15th. Drilling within 2 miles of the shoreline is prohibited.

5. This permit does not authorize the dumping of dredge or fill material into ocean waters. The discharge of fill materials into waters of the United States in conjunction with the installation of pipelines, associated with the drilling structures, is authorized for pipelines installed by backfill and bedding, trenching, disking, and jetting methods.

6. The permittee shall notify the Corps and the GLO, in writing, of the date that work authorized herein commences and provide a surveyed well location (x and y Lambert coordinates) not later than 7 days from the completion date.

7. The permittee shall notify the Corps of Engineers and the GLO, in writing, of the date that work authorized herein was complete within 7 days from the completion date.

8. When a well is plugged or abandoned, the casing shall be cut off at a minimum of 15 feet below the mudline and the area cleared of all structures, including pipelines. Written notification must be provided to the Corps and GLO within 30 days of completion.

9. The permittee 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 Permit Condition 10 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

10. When structures, work or fill authorized by this permit are still in existence at the time they are transferred to new ownership, the permittee must obtain and submit to the Corps a signed statement from the new owner(s) stating that they agree that the terms and conditions of this permit will continue to be binding on the new owner(s).

11. No structure or fill that may affect historic properties listed or eligible for listing in the National Register of Historic Places is authorized until the Corps and applicant has complied with the provisions of Section 106 of the National Historic Preservation Act.

12. That GLO will review all proposed activities for cultural resources requirements, and, when appropriate, coordinate these activities with the Texas Historical Commission (THC) and the permittee. If potential historic properties are located in the project area, they shall be avoided by a sufficient margin as designated by the GLO and/or Corps, and the THC. If avoidance of the potential historic properties is not feasible, further archeological investigations shall be required prior to authorization.

13. If any previously unknown historic or archeological remains are discovered while accomplishing the activity authorized by this permit, the permitee shall immediately cease and desist and notify the Corps of what you have found. The Corps 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.

14. Work, including pipelines, is prohibited within 1000 feet of an identified bird rookery between February 14th and September 1st.

15. To avoid potential damage to Texas Parks and Wildlife Department artificial reef sites, all mineral extraction and transportation activities (including pipelines), shall avoid the permitted area of these reef sites by a distance equal to seven times the depth to the bottom of the site at mean low tide.

16. To avoid potential damage to natural grouper and snapper banks, all mineral extraction and transportation activities (including pipelines), shall avoid hard bottom sites by a distance equal to seven times the depth to the bottom of the site at mean low tide.

17. No structure or fill will be authorized that is likely to jeopardize the continued existence of a threatened or endangered species or which is likely to destroy or adversely modify critical habitat of such species as identified under the federal Endangered Species Act.

18. The permittee shall submit plans for removal to the District Engineer for review 30 days prior to the removal of structures with explosives. If the proposed method of removal

presents probable significant adverse impacts to endangered species, the Corps will initiate formal Section 7 consultation. The permittee will not be authorized to remove structures with explosives until written authorization is received from the Corps.

19. No impact to seagrasses, oyster reefs, or other special aquatic sites, such as wetlands or mudflats, is authorized by this General Permit. Discharges shall not restrict or impede the movement of aquatic species indigenous to these waters.

20. Prop/wheel washing is not authorized by this general permit.

21. Structures (wells) shall be a minimum of 1 mile from other structures in offshore disposal areas.

22. No structures or fill will be allowed to obstruct any navigation channels.

23. The permittee must allow representatives from the appropriate Corps office to inspect the authorized activity to ensure that it is, or has been, accomplished in accordance with the terms and conditions of the permit.

24. If the determination is made by the GLO or Corps that the adverse effects of the proposed work are more than minimal, then the applicant will be notified that either: (1) That the project does not qualify for authorization under the GP and instruct the applicant on the procedures to seek authorization under an individual permit; (2) that the project is authorized under the GP subject to the applicant's submission of an approved mitigation plan that would reduce the adverse effects on the aquatic environment to the minimal level; or (3) that the project is authorized under the GP with specific modifications or conditions.

25. 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.

26. When structures, including pipelines, or work authorized by this permit are determined by the District Engineer to have become abandoned, or obstructive to navigation, or cease to be used for the purpose for which they were permitted, such structures or other work must be removed and the area cleared of all obstructions, and written notice given to the Chief of Compliance, Galveston District Regulatory Branch within 30 calendar days of completion.

27. Aids to navigation shall be permitted and placed in accordance with United States Coast Guard Regulations 33 CFR 66 and 33 CFR 67.

28. The permittee shall promptly comply with any future regulations or instructions affecting the work, hereby authorized, if and when issued in accordance with law, by any department of the Federal Government, for the aid or protection of aerial navigation.

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. Authorization under this General Permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
b. Authorization under this General Permit does not grant any property rights or exclusive privileges.
c. Authorization under this General Permit does not authorize any injury to the property or rights of others.
d. Authorization under this General Permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In authorizing a project under this General 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 to authorize the activity under this General Permit as not contrary to the public interest will be made in reliance on the information provided by the applicant.

5. Reevaluation of Permit Decision. This office may reevaluate its decision to authorize an activity under this General Permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. The applicant fails to comply with the terms and conditions of this permit.
b. The information provided by the applicant to support their 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 contain 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 the applicant to comply with the terms and conditions of their authorization under this General Permit and for the initiation of legal action where appropriate. The applicant will be required to pay for any corrective measures ordered by this office, and if they 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 the applicant for the cost.

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

*(DISTRICT ENGINEER)* *(DATE)*

**CASEY CUTLER, CHIEF**
**POLICY ANALYSIS SECTION**
**FOR COLONEL RICHARD P. PANNELL**

NATIONAL SEASHORE

Laguna Madre

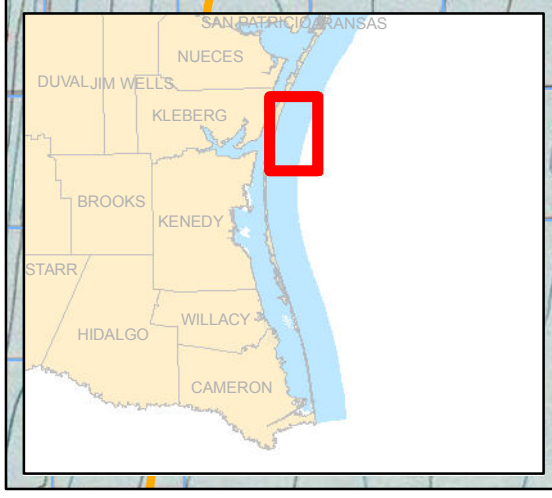
Padre Island

Gulf of Mexico

GULF OF MEXICO

3 MUSTANG ISLAND AREA

2 NORTH PADRE ISLAND AREA




# SWG-2002-02397
# Mustang Island Area
# Sheet 1

## Legend

**Submerged OTLS LINETYPE**

- Block
- TMLL *(3-league line)*
- County
- Anchorages
- Parks (National)
- Two Mile From Shore

Corpus Christi Bay

Laguna Madre

Crane Islands

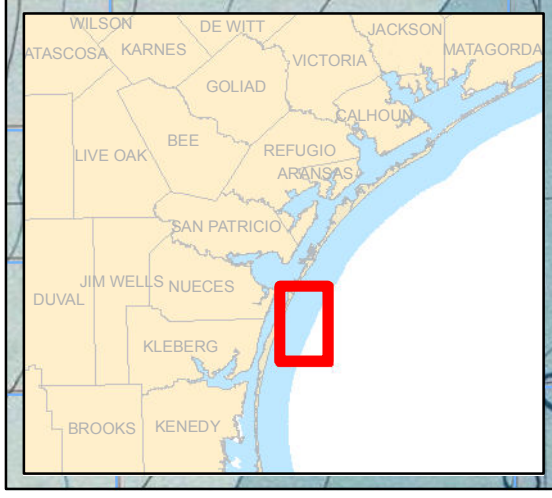
Padre Island

Corpus Christi Pass

Neuport Pass

GULF OF MEXICO

Gulf of Mexico




# SWG-2002-02397
# Mustang Island Area
# Sheet 2

## Legend

**Submerged OTLS**

**LINETYPE**

- Block
- TMLL *(3-league line)*
- County
- Anchorages
- Parks (National)
- One Mile From Shore
- Two Mile From Shore

Aransas Bay

Shellbank Island

Private Land S-1915

Matagorda Island

Redfish Bay

Aransas Ship Channel

Padre Island

Corpus Christi Bay

Gulf of Mexico

MATAGORDA ISLAND AREA
MUSTANG ISLAND AREA

Port Aransas

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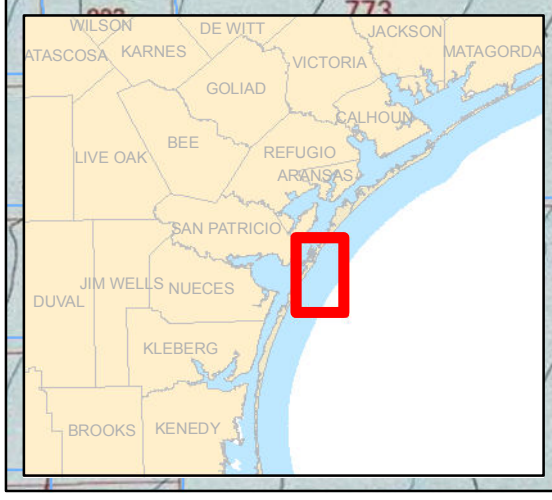


**SWG-2002-02397**
**Mustang Island Area**
**Sheet 3**

**Legend**

**Submerged OTLS LINETYPE**

- Block
- TMLL *(3-league line)*
- County
- Anchorages
- Parks (National)
- One Mile From Shore