



**US Army Corps  
of Engineers.**  
Vicksburg District

4155 Clay Street  
Vicksburg, MS 39183-3435  
www.mvk.usace.army.mil



# General Permit

<b>FILE NO.:</b>	<u>MVK-2013-839 (General Permit 19)</u>
<b>EVALUATOR:</b>	<u>Ms. Cori Shiers</u>
<b>PHONE NO.:</b>	<u>(601) 631-5369</u>
<b>FAX NO.:</b>	<u>(601) 631-5459</u>
<b>E-MAIL:</b>	<u>regulatory@usace.army.mil</u>
<b>DATE:</b>	<u>February 10, 2014</u>
<b>EXPIRATION DATE:</b>	<u>February 10, 2019</u>

**FOR: REGULATED ACTIVITIES IN WATERS OF THE UNITED STATES  
ASSOCIATED WITH THE EXPLORATION FOR AND SUBSEQUENT  
PRODUCTION OF HYDROCARBONS**

**WHERE: REGULATORY JURISDICTION OF THE VICKSBURG DISTRICT IN  
ARKANSAS, LOUISIANA, AND MISSISSIPPI**

**BY WHOM: DISTRICT ENGINEER, VICKSBURG DISTRICT, ON BEHALF OF THE  
OIL AND GAS INDUSTRY**

The U.S. Army Corps of Engineers, Vicksburg District, is hereby reissuing a Department of the Army General Permit for construction activities in waters of the United States conducted in conjunction with the exploration for and subsequent production of hydrocarbons and for the associated discharge of dredged and fill material. These activities include the construction of related items such as well pads, access roads, mud and reserve pits, and associated levees; the construction of earthen mounds (pads) for the pump, treater, and tank battery; and for the construction of a firewall around the tank battery. A map of the Vicksburg District (enclosure 1) and typical construction drawings (enclosure 2) are attached.

This General Permit contains certain limitations intended to protect the environment and natural and cultural resources. Conformance with conditions contained in the General Permit does not necessarily guarantee authorization under this General Permit. In cases where the District Engineer considers it necessary, an application for an individual permit will be required. Construction, dredging, or fill operations not specifically authorized by this General Permit are prohibited unless authorized by a separate permit.

**This action is being taken pursuant to Federal regulations printed in the Federal Register on November 13, 1986, concerning permits for activities in waters of the United States. These regulations state the U.S. Army Corps of Engineers' responsibility for regulating structures or work in or affecting waters of the United States under Section 10 of the Rivers and Harbors Act of 1899 (30 Stat. 1151; 33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).**

**General Permits may be issued for a category or categories of activities when: (1) those activities are substantially similar in nature and cause only minimal individual and cumulative environmental impacts; or (2) the General Permit would result in avoiding unnecessary duplication of the regulatory control exercised by another Federal, State, or local agency, provided it has been determined that the environmental consequences of the action are individually and cumulatively minimal. The final decision regarding a determination that the proposed activities comply with the requirements for issuance of General Permits was made using information which is available for inspection at the offices of the Vicksburg District's Regulatory Branch at 4155 Clay Street, Vicksburg, Mississippi.**

**In compliance with requirements of Section 401 of the Clean Water Act, the Vicksburg District has obtained water quality certifications (WQCs) from the Arkansas Department of Environmental Quality, the Louisiana Department of Environmental Quality, and the Mississippi Department of Environmental Quality. Each of the WQCs state that the work authorized by the General Permit will not violate applicable provisions of Sections 301, 302, 306, and 307 of the Act, provided the applicant complies with the conditions of the respective WQC. Copies of the Arkansas, Louisiana, and Mississippi WQCs are attached (enclosure 3).**

**REQUEST FOR AUTHORIZATION UNDER THE GENERAL PERMIT: IN ORDER TO BE AUTHORIZED BY THIS GENERAL PERMIT, PARTIES PROPOSING THE WORK ARE REQUIRED TO SUBMIT TO THE DISTRICT ENGINEER, IN WRITING, THE FOLLOWING INFORMATION IN 8 ½ x 11 INCH FORMAT AT LEAST 60 DAYS PRIOR TO CONDUCTING THE WORK:**

- a. State the number of the General Permit under which the work will be conducted. (General Permit - 19)
- b. Statement that the work will be conducted in compliance with the terms and conditions of the General Permit and will not adversely impact adjoining properties.
- c. A location map showing the proposed worksite (including latitude and longitude, Section, Township, Range, County or Parish, and State), existing wells, roads, and streams within 1,500 feet of the proposed site; also a USGS quadrangle map depicting the area of potential development, the location of the proposed well(s), and proposed access road(s) to the location(s).
- d. Any application associated with a well site that was previously authorized by a Department of the Army permit will reference the MVK identification number for that well site authorization.
- e. Estimated starting and completion dates of work.
- f. Name, mailing address, and telephone number of the party (person/agency) applying for authorization, the operator of the well and the well number (please name and/or number any offset sites included in each application).
- g. A drawing of the proposed structures including elevations (when available), dimensions, total area impacted in acres, amounts of excavated and fill material in cubic yards, and a site description including soil type, vegetation, and hydrology of the area.
- h. The planned drilling depth for the proposed activity.
- i. An impact table detailing the total impacts in acres (wetland) or linear feet (stream), type of wetland(s) or stream(s) to be impacted, impact activity (discharge of dredged or fill material, conversion, etc.), impact duration (temporary or permanent), and the latitude/longitude for each impact.

**[NOTE: An Impacts Table is available for use on the Vicksburg District's Regulatory Web Page]:**  
**<http://www.mvk.usace.army.mil/Missions/Regulatory/Permits.aspx>**

j. Documentation that wetland impacts were minimized to the maximum extent practicable (See item 'i', below).

k. A delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations will be prepared in accordance with the current method required by the Corps. The applicant may ask the Corps to delineate the special aquatic sites, including wetlands, and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many waters of the United States. Furthermore, the application evaluation period will not start until the delineation has been submitted by the applicant or completed by the Corps, as appropriate.

l. For projects that include adverse impacts to waters of the US, the complete application will include information on mitigation in all forms (i.e. avoidance, minimization, and compensation) to minimize overall adverse impacts to waters of the U.S. For projects with unavoidable impacts greater than 0.10 acre to wetlands, the complete application will include a conceptual mitigation plan stating whether compensatory mitigation requirements as determined by the Corps will be provided through: (1) purchase of mitigation credits from an approved bank or approved "in lieu fee" provider, or (2) permittee responsible mitigation. If the applicant proposes permittee responsible mitigation, the application will not be considered complete until the Corps received an acceptable permittee responsible mitigation plan.

[NOTE: Information on the Vicksburg District's current mitigation requirements is available on the MVK Regulatory Web Page]:  
<http://www.mvk.usace.army.mil/Missions/Regulatory/Mitigation.aspx>

m. The name(s) of those endangered or threatened species that may be affected by the proposed work or that may utilize the designated critical habitat that may be affected by the proposed work.

n. Survey results of the project area for colonial wading bird rookeries/nest sites and bald and golden eagle nest sites.

o. For an activity that may affect a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, the application will state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property.

**p. For work proposed on or adjacent to any stream in a component of a National Wild and Scenic Rivers System or in a component of a State Natural and Scenic Rivers System, the applicant will obtain a permit from the appropriate Federal or State and submit it with their request for authorization under this General Permit.**

**q. For work proposed on a property/area owned or managed by a state or federal natural resource agency (e.g. wildlife management areas, national wildlife refuges, national forests, etc.), the applicant will obtain the appropriate documented approval (e.g. special use permit, waiver, etc.) by the managing agency and submit it with their request for authorization under this General Permit.**

**r. A description of the BMP's that will be used to minimize movement of disturbed soil(s) from the construction site into adjacent areas.**

**s. For hydraulic fracturing activities, the application will include the proposed source of the frack water, the planned dates for water withdrawal and transport, the method of transport from the source to the well site, and the expected volumetric requirements.**

**t. For enhanced oil recovery (EOR) projects, the application will include a map showing the land area beneath which the target formation will be pressurized. This map will also identify locations of existing wells that penetrate the affected formation. For these operations, the application will also include an affirmative statement that the identified existing wells have been inspected and determined to be capable of withstanding expected pressures.**

**u. A description of the procedures to manage storm water runoff from the completed well site and associated facilities (i.e. well pad, tank battery, etc.).**

**v. A description of the procedures that will be used to manage and dispose of waste generated at the site.**

**w. A description of the procedures to prevent and control accidental spills of oil and similar substances at the site.**

**x. A description of the procedures that will be implemented in the event of an accidental spill or catastrophic event. The procedures will identify agencies that will be contacted in the event of a spill.**

**Special Conditions:**

**1. Wetland impacts associated with regulated activities authorized under this General Permit shall be limited to a maximum of 5 acres for all work (including all portions of access roads and utility lines that require a Department of the Army permit). All proposals for hydrocarbon exploration/production activities shall reduce the area of impact to the minimum area absolutely necessary for construction. Unavoidable impacts exceeding 0.1 acre will require compensatory mitigation.**

**2. Authorized impacts to seasonally inundated cypress swamp and/or cypress/tupelo swamp shall not exceed 0.5 acre.**

**3. Projects shall not be authorized in areas included within the Louisiana or Mississippi Coastal Management Zones.**

**4. Perennial streams shall not be filled/relocated for construction of well pads, tank battery pads, or other similar structures.**

**5. No more than 300 linear feet of intermittent streams shall be filled/relocated for construction of well pads, tank battery pads, or other similar structures.**

**6. Culverts placed in perennial or intermittent streams shall not block movement of aquatic organisms and adverse impacts to stream bottom habitat of these type streams shall be mitigated on site to the maximum extent practical.**

**[NOTE: Bottomless culverts are preferred for crossings of perennial and intermittent streams. If standard, non-bottomless culverts are installed in streams, twenty percent (20%) of the culvert diameter (20 percent of the height of elliptical culverts) shall be installed below the natural grade of the stream. Material excavated from the stream bottom or similar material shall be placed inside the bottom of the installed culvert to reestablish affected stream bottom habitat].**

**7. One 24-inch culvert shall be installed every 500 feet, at a minimum, when constructing access roads through wetlands or floodplains to minimize disruption of normal hydrologic flow through the affected wetlands.**

**8. All flowlines/pipelines from well sites shall be placed within existing road rights-of-way where practical; otherwise, adverse impacts from construction/maintenance of flowlines/pipelines shall be minimized to the maximum extent practical.**

**9. The right-of-way for access roads through all jurisdictional waters of the United States shall be limited to a maximum width of 30 feet for all exploration and production sites. Access roads shall follow the existing rights-of-way whenever possible to minimize environmental impacts. Clearing of vegetation shall be kept to a minimum.**

**10. Best Management Practices (BMPs), such as those developed by NRCS or USFS for gravel and unimproved roads, shall be used in the construction of access roads.**

**[NOTE: Best Management Practice resources can be found on the Vicksburg District's Regulatory Web Page]:**

**<http://www.mvk.usace.army.mil/Missions/Regulatory/Permits.aspx>**

**11. Prior to the use of Enhanced Oil Recovery (EOR) technologies, previously drilled wells located within the area affected by pressure increases from injection operations shall be inspected to ensure proper maintenance operations have occurred.**

**12. The Corps of Engineers reserves the right to review geologic data to determine the feasibility of moving the proposed surface location to a less damaging site for all wells proposed to be drilled deeper than 15,000 feet.**

**13. For wells located within a 100-year floodplain or immediately adjacent to a natural waterway, a closed-loop drilling fluid system shall be used when drilling the well.**

**14. During low water stages, drilling of oil or gas wells shall not be permitted within 250 feet landward of the toe of any levee built with Federal funds or within 1,500 feet of the levee toe during flood stages or overbank flows.**

**15. Containment basin dikes around the pump, treater, and tank battery shall be constructed and maintained in accordance with applicable State and Federal regulations including 40 CFR 112 (Spill Prevention Control and Counter Measures Plan).**

**16. The permittee would construct and operate the facility in a manner that shall not interfere with navigation. The permitted structure shall be marked and/or lighted according to U.S. Coast Guard regulations.**

**17. No activity shall be authorized under this General Permit which is likely to directly or indirectly jeopardize the continued existence of a Federally listed threatened or endangered species or a species proposed for such designation,**

as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity shall be authorized under this General Permit which "may affect" a listed species or critical habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed.

18. The permittee is responsible for obtaining any "take" permits required under the U.S. Fish and Wildlife Service's regulations governing compliance with the Migratory Bird Treaty Act or the Bald and Golden Eagle Protection Act. The permittee should contact the appropriate local office of the U.S. Fish and Wildlife Service to determine if such "take" permits are required for a particular activity.

19. No activity that may adversely impact a site listed in or eligible for listing in the National Register of Historic Places, or a site that has previously been unevaluated, would be allowed by this General Permit. Additional fill material would not be taken from a known historical or archaeological site within or outside of regulated areas. If the permittee, during prosecution of work authorized herein, inadvertently discovers or accidentally destroys a cultural resource such as a cemetery, shipwreck, mound, historic structure, or archaeological site, within the area subject to Department of the Army jurisdiction, they shall cease work in the immediate area and notify the District Engineer within 24 hours. The District Engineer, in consultation with the appropriate State Historic Preservation Office and the Federally recognized Tribe, will comply with the procedures set forth in 33 CFR 325, Appendix C, paragraph 11 (Historic Properties Discovered During Construction).

20. Projects located on property encumbered by an NRCS Wetlands Reserve Program (WRP) easement shall not be authorized without written release/approval from the NRCS. Under such situations, the application shall not be considered complete until the Corps is provided written documentation of release/approval from the agreement by the NRCS.

21. Activities shall not be authorized on a property/area owned or managed by a state or federal natural resource agency (e.g. wildlife management areas, national wildlife refuges, national forests, etc.) without documented approval (e.g. special use permit, waiver, etc.) by the managing agency.

22. Activities shall not be authorized for work proposed on or adjacent to any stream in a component of a National Wild and Scenic Rivers System or in a component of a State Natural and Scenic Rivers System, without the appropriate Federal or State authorization.



**23. Site restorations after completion of drilling and production activities shall be as follows:**

**a. Completion of Drilling Activities: Within 60 days after removal of the drilling rig, all areas not needed for testing and production facilities shall be restored to original contours. Drilling mud shall be removed and disposed of according to State and Federal Regulations. This means that the drilling mud shall be removed and taken to an approved disposal area. The mud pit shall be filled with compactable fill material to preexisting contours. All board roads and any other extraneous construction material shall be removed from the site. All disturbed areas shall be seeded to prevent erosion. All forested vegetation cleared during the construction activities shall be removed and hauled offsite to a non-wetland disposal location, or chipped and/or disposed of in a manner that is beneficial to the surrounding environment with the approval of the resource agencies.**

**b. Completion of Production Activities: Within 60 days after plugging and abandonment, the remainder of the lands used shall likewise be restored to the original contours, including the removal of all board roads and any other extraneous construction material, and the site shall be seeded to prevent erosion.**

**The 60-day period may be extended by the Corps of Engineers when justified and, where appropriate, after consultation with the state or federal land managing agency (i.e. WMAs, NWRs, etc.).**

**24. The permittee/operator shall return a separate Certification of Compliance after completing construction of the authorized activity; after completion of exploration activities and interim site restoration (See 23(a) above); and after completion of production activities and final site restoration (See 23(b) above).**

**25. Any conditions on the water quality certifications issued from the State in which the work is proposed shall be incorporated by reference. Enforcement actions resulting from noncompliance with these conditions may be initiated by the State or the Environmental Protection Agency.**

**26. Authorizations for this General Permit shall not be granted to an applicant who is in noncompliance with a Department of the Army permit until such noncompliance has been resolved.**

**General Conditions:**

**a. You must maintain the activity authorized by the permit in good condition and in conformance with the terms and conditions of the permit. You are not relieved**

**of this requirement if the permitted activity is abandoned. However, a good faith transfer to a third party in compliance with General Condition "b.", below, would be acceptable. Should you desire to abandon the authorized activity without a good faith transfer, or should you wish to cease to maintain the authorized activity, you must obtain a modification of the authorization from this office, which may require restoration of the area.**

**b. If you sell the property associated with the authorization under this General Permit, you must notify this office to ensure that the authorization is transferred to the new owner.**

**c. 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.**

**d. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.**

**e. This permit does not grant any property rights or exclusive privileges.**

**f. This permit does not authorize any injury to the property or rights of others.**

**g. This permit does not authorize interference with or damages to any existing or proposed Federal project.**

**h. In issuing this permit, the Federal Government does not assume any liability for the following:**

**(1) Damages to the permitted project, or uses thereof, as a result of other permitted or unpermitted activities or from natural causes.**

**(2) 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.**

**(3) Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.**

**(4) Design or construction deficiencies associated with the permitted work.**

**(5) Damage claims associated with any future modification, suspension, or revocation of this permit.**

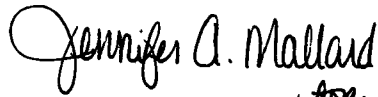
**i. In issuing individual authorization under this General Permit, the Government shall rely on the information and data, which the permittee provides in connection with his permit application. If, subsequent to the authorization, such information and data prove to be false, incomplete, or inaccurate, this authorization may be modified, suspended, or revoked, in whole or in part, and/or the Government may, in addition, institute appropriate legal proceedings.**

**j. The permittee must immediately notify the Corps of any unforeseen activities, including emergency activities, that are directly or indirectly associated with the authorized activity and that may require separate authorization.**

**k. The General Permit is valid for 5 years. At the end of that time, the cumulative environmental effects of completed work will be reviewed and reissuance of the permit may be considered. However, if unforeseen adverse environmental effects result from the issuance of this General Permit, it may be modified or terminated at any time.**

**l. Authorization under this General Permit is valid until the General Permit expires. Activities which are under construction, or that are under contract to commence in reliance upon this General Permit, will remain authorized provided the activity is completed within 12 months of the date of the authorization.**

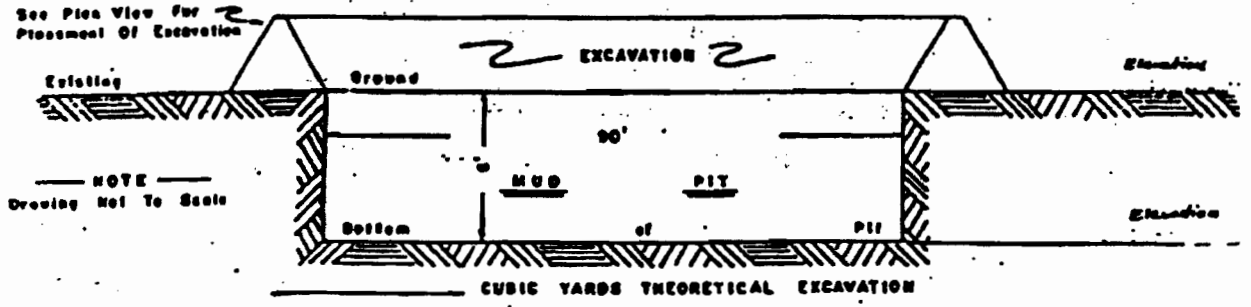
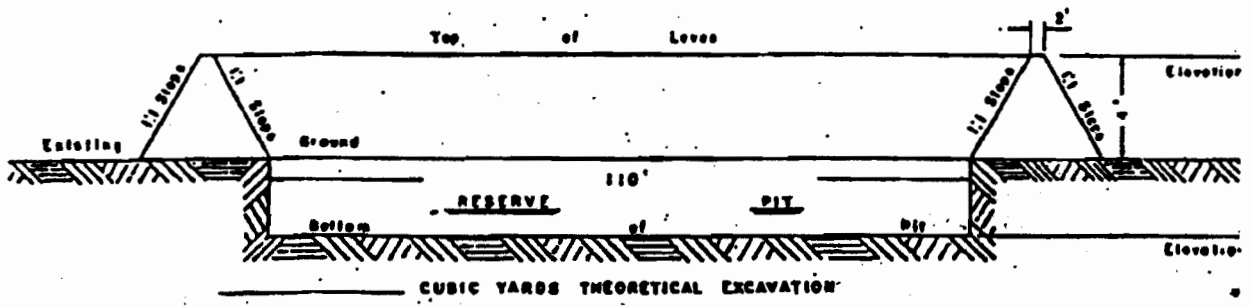
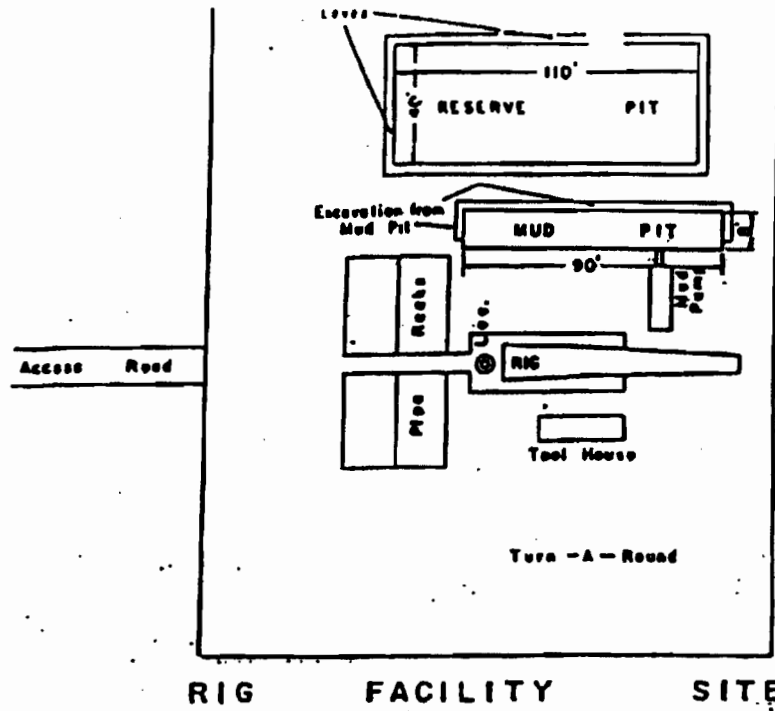
**Additional copies of this notice are available upon request from this office. Requests may be addressed to the USACE, Vicksburg District, Attention: Regulatory Branch, 4155 Clay Street, Vicksburg, Mississippi 39183-3435**



**Michael F. McNair**  
**Chief, Regulatory Branch**

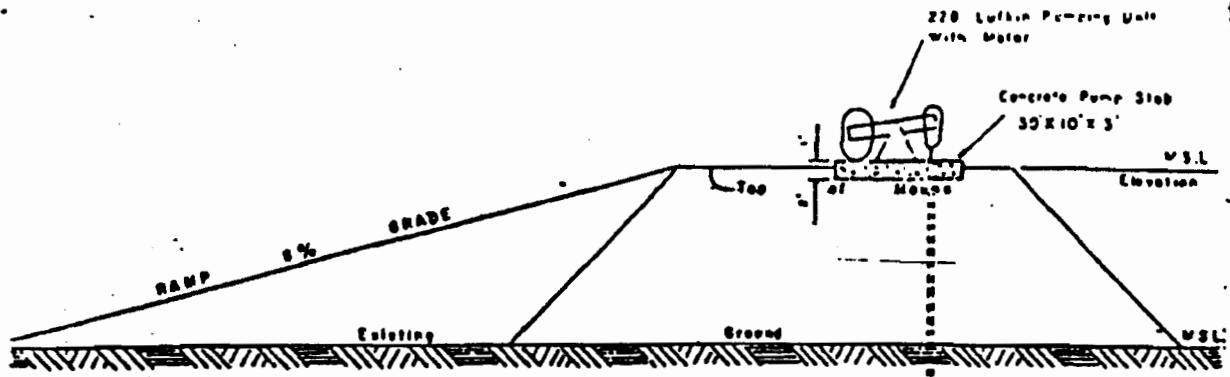
**Enclosures**





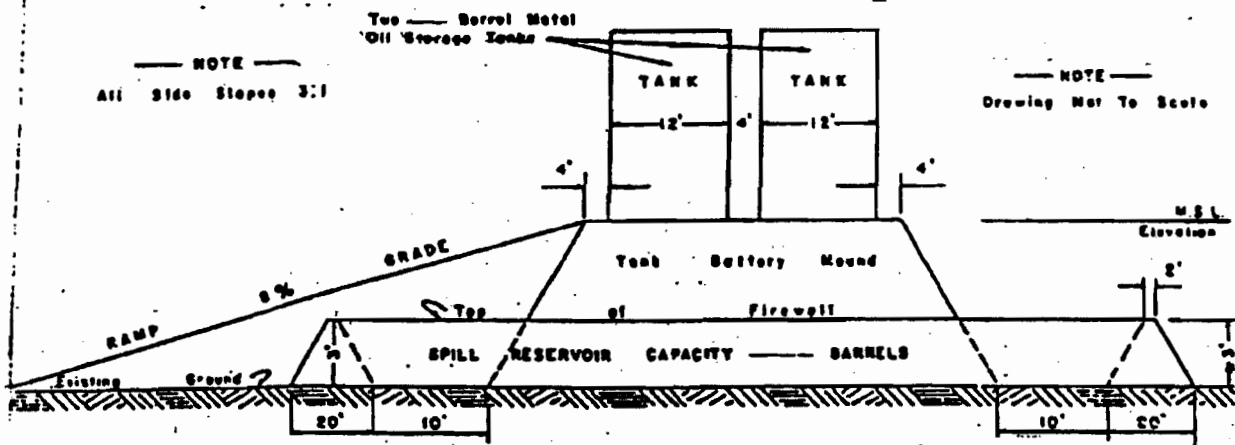
NOTE  
Drawing Not To Scale

**LONGITUDINAL CROSS SECTIONS**



**PUMP MOUND DETAIL**

— Elevation —



**TANK BATTERY MOUND DETAIL**

— Elevation —

TYPICAL DRAWING

# ADEQ

ARKANSAS  
Department of Environmental Quality

December 18, 2013

Colonel John W. Cross  
U.S. Army Corps of Engineers  
4155 Clay Street  
Vicksburg, MS 39183-3435

RE: Public Notice: MVK-2013-839 Re-issuance of General Permit 19

Dear Colonel Cross:

The Arkansas Department of Environmental Quality ("ADEQ") has completed its review of the above referenced public notice for re-issuance of the U.S. Army Corps of Engineers General Permit 19 for the State of Arkansas.

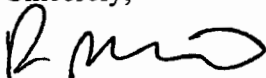
ADEQ has determined that there is a reasonable assurance that this activity will be conducted in a manner which, according to the Arkansas Pollution Control and Ecology Commission's Regulation No. 2, will not physically alter a significant segment of a waterbody and will not violate the water quality criteria.

Pursuant to §401(a)(1) of the Clean Water Act, the ADEQ hereby **issues** water quality certification for this project contingent upon the following conditions:

- 1) Individual Water Quality Certification requests must be submitted to ADEQ for any activity impacting Extraordinary Resource Waters, Ecologically Sensitive Waters, and Natural and Scenic Waters as identified in Regulation # 2.
- 2) The applicant shall contact ADEQ for a Short Term Activity Authorization needs determination for activities that have the potential to violate water quality criteria.
- 3) The applicant shall comply with NPDES Stormwater Program requirements.
- 4) The applicant shall apply for an ADEQ general permit for reserve pits, if applicable.

Please contact Mark Hathcote of the Water Division at (501) 682-0028 if you have any questions regarding this certification.

Sincerely,



Ryan Benefield, P.E.  
Deputy Director

cc: Ms. Jennifer A. Mallard, Chief, Permit Section, Regulatory Branch, Vicksburg COE  
Wanda Boyd, Region VI, Environmental Protection Agency

**BOBBY JINDAL**  
GOVERNOR



**PEGGY M. HATCH**  
SECRETARY

**State of Louisiana**  
**DEPARTMENT OF ENVIRONMENTAL QUALITY**  
**ENVIRONMENTAL SERVICES**

DEC 11 2013

U.S. Army Corps of Engineers- Vicksburg District  
4155 Clay Street  
Vicksburg, MS 39183-3435

Attention: Cori Shiers

RE: Water Quality Certification (WQC 131104-01/AI 116705/CER 20130001)  
Corps of Engineers Permit (MVK-2013-839)  
General Permit 19 reissuance

Dear Ms. Shiers:

The Louisiana Department of Environmental Quality (the Department) has reviewed your application to extend the time limit of activities covered under Vicksburg District general permit 19 (GP-19) for an additional five years.

Based on the information provided in the application, the Department made a determination that the requirements for a Water Quality Certification have been met and concludes that the placement of the fill material will not violate water quality standards of Louisiana as provided for in LAC 33:IX.Chapter 11. Therefore, the Department hereby issues a Water Quality Certification to U.S. Army Corps of Engineers- Vicksburg District.

If you have any questions, please call Jamie Phillippe at 225-219-3225.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Guilliams".

Scott Guilliams  
Administrator  
Water Permits Division

SG/jjp





**STATE OF MISSISSIPPI**  
PHIL BRYANT  
GOVERNOR  
**MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY**  
TRUDY D. FISHER, EXECUTIVE DIRECTOR  
March 21, 2014

Certified Mail No. 7011 1570 0002 1130 1206

John W. Cross  
Colonel, U.S. Army Corps of Engineers  
District Commander  
Vicksburg District  
4155 East Clay Street  
Vicksburg, Mississippi 39183-3435

Dear Colonel Cross:

Re: US Army COE, Vicksburg  
District, General Permit 19  
Warren County  
WQC No. WQC2013043

Pursuant to Section 401 of the Federal Water Pollution Control Act (33 U. S. C. 1251, 1341), the Office of Pollution Control (OPC) issues this Certification, after public notice and opportunity for public hearing, U.S. Army Corps of Engineers, Vicksburg District, an applicant for a Federal License or permit to conduct the following activity:

US Army COE, Vicksburg District, General Permit 19: Re-issuance of General Permit 19 for construction activities in waters of the United States conducted in conjunction with the exploration for and subsequent production of hydrocarbons and for the associated discharge of dredged and fill material. These activities include construction of related items such as well pads, access roads, mud and reserve pits, and associated levees; the construction of earthen mounds (pads) for the pump, treater, and tank battery; and for the construction of a firewall around the tank battery.

This General Permit contains certain limitations intended to protect the environment and natural and cultural resources. Conformance with conditions contained in the General Permit does not necessarily guarantee authorization under this General Permit. In cases where the District Engineer considers it necessary, an application for an individual permit will be required. Construction, dredging, or fill operations not specifically authorized by this General Permit are prohibited unless authorized by a

separate permit.

General Permits may be issued for a category or categories of activities when: (1) those activities are substantially similar in nature and cause only minimal individual and cumulative environmental impacts; or (2) the General Permit would result in avoiding unnecessary duplication of the regulatory control exercised by another Federal, State, or local agency, provided it has been determined that the environmental consequences of the action are individually and cumulatively minimal.

The following must be provided by the applicant in writing in request for authorization under the General Permit:

- a. State the number of the General Permit under which the work is to be conducted. (General Permit - 19)
- b. Statement that the work will be conducted in compliance with the terms and conditions of the General Permit and will not adversely impact adjoining properties.
- c. A location map showing the proposed worksite (including latitude and longitude, section, Township, Range, County or Parish, and State), existing wells, roads, and streams within 1,500 feet of the proposed site; also a USGS quadrangle map depicting the area of potential development, the location of the proposed well(s), and proposed access road(s) to the location(s).
- d. The planned drilling depth for the proposed activity.
- e. For enhanced oil recovery (EOR) projects, the application will include a map showing the land area beneath which the target formation will be pressurized. This map will also identify locations of existing wells that penetrate the affected formation. For these operations, the application will include an affirmative statement that the identified existing wells have been inspected and determined to be capable of handling the expected pressures.
- f. Documentation that wetland impacts were minimized to the maximum extent practicable (See item 'm', below).
- g. A delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations will be prepared in accordance with the current method required by the Corps. The applicant may ask the Corps to delineate the special aquatic sites, including wetlands, and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many waters of the United

States. Furthermore, the application evaluation period will not start until the delineation has been submitted by the applicant or completed by the Corps, as appropriate.

h. A drawing of the proposed structures, including elevations (when available), dimensions, total area impacted in acres, amount of excavated and fill material in cubic yards, and a site description including soil type, vegetation, and hydrology of the area.

i. An impact table detailing the total impacts in acres (wetland) or linear feet (stream), type of wetland(s) or stream(s) to be impacted, impact activity (discharge of dredged or fill material, conversion, etc.), impact duration (temporary or permanent), and the latitude/longitude for each impact.

[NOTE: An Impact Table is available for use on the Vicksburg District's Regulatory Web Page]:

<http://www.mvk.usace.army.mil/Missions/Regulatory/Permits.aspx>

j. Estimated starting and completion dates of work.

k. Name, mailing address, and telephone number of the party (person/agency) applying for authorization, the operator of the well and the well number (please name and/or number any offset sites included in each application).

l. For work proposed on or adjacent to any stream in a component of a National Wild and Scenic Rivers System or in a component of a State Natural and Scenic Rivers System, the applicant will obtain a permit from the appropriate Federal and/or State agency and submit it with the request for authorization under this General Permit.

m. For projects that include adverse impacts to waters of the US, the complete application will include information on mitigation in all forms (i.e. avoidance, minimization, and compensation) to minimize overall adverse impacts to waters of the U.S. For projects with unavoidable impacts greater than 0.10 acre to wetlands, the complete application will include a conceptual mitigation plan stating whether compensatory mitigation requirements as determined by the Corps will be provided through: (1) purchase of mitigation credits from an approved bank or approved "in lieu fee" provider, or (2) permittee responsible mitigation. If the applicant proposes permittee responsible mitigation, the application will not be considered complete until the Corps receives an acceptable permittee responsible mitigation plan.

- n. Any application associated with a well site that was previously authorized by a Department of the Army permit will reference the MVK identification number of that well site authorization.
- o. A description of the Best Management Practices (BMPs) that will be used to minimize movement of disturbed soil(s) from the construction site into adjacent areas.
- p. A description of the plan to manage storm water runoff from the completed well site and associated facilities (i.e. well pad, tank battery, etc.).
- q. For hydraulic fracturing activities, the application will include the proposed source of the frack water, the planned dates for water withdrawal and transport, the method of transport from the source to the well site, and the expected volumetric requirements.
- r. A description of the procedures that will be used to manage and dispose of waste generated at the site.
- s. A description of the plan to prevent and control oil spills.
- t. A description of the response plan that will be implemented in the event of an accidental spill or catastrophic event. This plan will identify agencies that will be contacted in the event of a spill.
- u. The name(s) of those endangered or threatened species that may be affected by the proposed work or that may utilize the designated critical habitat that may be affected by the proposed work.
- v. Survey results of the project area for colonial wading bird rookeries/nest sites and bald and golden eagle nest sites.
- w. For an activity that may affect a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, the application will state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property.

**Special Conditions of the General Permit:**

- 1. Wetland impacts associated with regulated activities authorized under this General Permit shall be limited to a maximum of 5 acres for all work (including all portions of access roads and utility lines that require a Department of the Army permit). All proposals for hydrocarbon

exploration/production activities shall reduce the area of impact to the minimum area absolutely necessary for construction.

2. Authorized impacts to seasonally inundated cypress swamp and/or cypress/tupelo swamp shall not exceed 0.5 acre.
3. Projects shall not be authorized in areas included within the Louisiana or Mississippi Coastal Management Zones.
4. Perennial streams shall not be filled/relocated for the construction of well pads, tank battery pads, or other similar structures.
5. No more than 300 linear feet of intermittent streams shall be filled/relocated for the construction of well pads, tank battery pads, or other similar structures.
6. Culverts placed in perennial or intermittent streams shall not block movement of aquatic organisms, and adverse impacts to stream bottom habitat of these type streams shall be mitigated on site to the maximum extent practical.

[NOTE: Bottomless culverts are preferred for crossings of perennial and intermittent streams. If standard, non-bottomless culverts are installed in streams, twenty percent (20%) of the culvert diameter (20 percent of the height of elliptical culverts) shall be installed below the natural grade of the stream. Material excavated from the stream bottom or similar material shall be placed inside the bottom of the installed culvert to reestablish affected stream bottom habitat].

7. One 24-inch culvert shall be installed every 500 feet, at a minimum, when constructing access roads through wetlands or floodplains to minimize disruption of normal hydrologic flow through the affected areas.
8. The Corps of Engineers reserves the right to review geologic data to determine the feasibility of moving the proposed surface location to a less damaging site for all wells proposed to be drilled deeper than 15,000 feet.
9. All flowlines/pipelines from well sites shall be placed within existing road rights-of-way where practical; otherwise, adverse impacts from construction/maintenance of flowlines/pipelines shall be minimized to the maximum extent practical.
10. Prior to the use of enhanced oil recovery (EOR) technologies, previously drilled wells located within the area affected by pressure

increases from injection operations shall be inspected to ensure proper maintenance operations have occurred.

11. Containment basin dikes around the pump, treater, and tank battery shall be constructed and maintained in accordance with applicable State and Federal regulations including 40 CFR 112 (Spill Prevention Control and Counter Measures Plan).

12. For wells located within a 100-year floodplain or immediately adjacent to a natural waterway, a closed-loop drilling fluid system shall be used when drilling the well.

13. During low water stages, drilling of oil or gas wells shall not be permitted within 250 feet landward of the toe of any levee built with Federal funds or within 1,500 feet of the levee toe during flood stages or overbank flows.

14. The permittee shall construct and operate the facility in a manner that shall not interfere with navigation. The permitted structure should be marked and/or lighted according to U.S. Coast Guard regulations.

15. The right-of-way for access roads through all jurisdictional waters of the United States shall be limited to a maximum width of 30 feet for all exploration and production sites. Access roads shall follow the existing rights-of-way whenever possible to minimize environmental impacts. Clearing of vegetation shall be kept to a minimum.

16. Best Management Practices (BMPs), such as those developed by NRCS or USFS for gravel and unimproved roads, shall be used in the construction of access roads.

17. No activity shall be authorized under this General Permit which is likely to directly or indirectly jeopardize the continued existence of a Federally listed threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which shall directly or indirectly destroy or adversely modify the critical habitat of such species. No activity shall be authorized under this General Permit which "may affect" a listed species or critical habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed.

18. The permittee is responsible for obtaining any "take" permits required under the U.S. Fish and Wildlife Service's regulations governing compliance with the Migratory Bird Treaty Act or the Bald and Golden Eagle Protection Act. The permittee should contact the appropriate local office of

the U.S. Fish and Wildlife Service to determine if such "take" permits are required for a particular activity.

19. No activity that may adversely affect a site listed in or eligible for listing in the National Register of Historic Places shall be authorized by this General Permit until the requirements of Section 106 of the National Historic Preservation Act have been satisfied. Additional material shall not be taken from a known historical or archaeological site. If the permittee, during prosecution of work authorized herein, encounters a previously unidentified cultural resource such as a cemetery, shipwreck, mound, historic structure, or archaeological site, within the area subject to Department of the Army jurisdiction, they shall immediately notify the District Engineer. The District Engineer, in consultation with the appropriate State Historic Preservation Office and the Federally recognized Tribe, shall comply with 33 CFR 325. Appendix C, paragraph 11 (Historic Properties Discovered During Construction).

20. Authorizations for this General Permit shall not be granted to an applicant who is in noncompliance with a Department of the Army permit until such noncompliance has been resolved.

21. Projects located on property encumbered by an NRCS Wetlands Reserve Program (WRP) easement shall not be authorized without written release/approval from the NRCS. Under such situations, the application shall not be considered complete until the Corps is provided written documentation of release/approval from the agreement by the NRCS.

22. Projects located on LDWF owned property shall not be authorized without written release/approval from the LDWF. Under such situations, the application shall not be considered complete until the Corps is provided written documentation of the release/approval by the LDWF.

23. Activities shall not be authorized on a property/area managed by a state or federal natural resource agency (e.g. wildlife management areas, national wildlife refuges, national forests, etc.) without documented approval (e.g. special use permit, waiver, etc.) by the managing agency.

24. Activities shall not be authorized for work proposed on or adjacent to any stream in a component of a National Wild and Scenic Rivers System or in a component of a State Natural and Scenic Rivers System, without the appropriate Federal or State authorization.

25. Any conditions on the water quality certifications issued from the State in which the work is proposed shall be incorporated by reference.

Enforcement actions resulting from noncompliance with these conditions may be initiated by the State or the Environmental Protection Agency.

26. Site restorations after completion of drilling and production activities shall be as follows:

- a. **Completion of Drilling Activities:** Within 60 days after removal of the drilling rig, all areas not needed for testing and production facilities shall be restored to original contours. Drilling mud shall be removed and disposed of according to State and Federal Regulations. This means that the drilling mud shall be removed and taken to an approved disposal area. The mud pit shall be filled with compactable fill material to preexisting contours. All board roads and any other extraneous construction material shall be removed from the site. All disturbed areas shall be seeded to prevent erosion. All forested vegetation cleared during the construction activities shall be removed and hauled offsite to a non-wetland disposal location, or chipped and/or disposed of in a manner that is beneficial to the surrounding environment with the approval of the resource agencies.
- b. **Completion of Production Activities:** Within 60 days after plugging and abandonment, the remainder of the lands used shall likewise be restored to the original contours, including the removal of all board roads and any other extraneous construction material, and the site shall be seeded to prevent erosion.

The 60-day period may be extended by the Corps of Engineers when justified and, where appropriate, after consultation with the state or federal land managing agency (i.e. WMAs, NWRs, etc.).

The permittee/operator shall return a separate Certification of Compliance after completing construction of the authorized activity; after completion of exploration activities and interim site restoration (See 26(a) above); and after completion of production activities and final site restoration (See 21(b) above)

[General Permit -19, WQC2013043].

The Office of Pollution Control certifies that the above-described activity will be in compliance with the applicable provisions of Sections 301, 302, 303, 306, and 307 of the Federal Water Pollution Control Act and Section 49-17-29 of the Mississippi Code of 1972, if the applicant complies with the following conditions:

1. The Department of Environmental Quality (MDEQ) shall be provided a copy of the final permit and associated enclosures and attachments.



2. The permittee obtaining authorization under General Permit-19 shall obtain appropriate wastewater permits and/or approvals for the proposed activity prior to the commencement of construction activities.
3. Prior to the start of any water withdrawal activities, the permittee obtaining authorization under General Permit-19 shall obtain the appropriate water withdrawal permits from the Office of Land and Water Resources within MDEQ.
4. All stream impacts (including streams identified as ephemeral by the U.S. Army Corps of Engineers and described as non-relatively permanent waters) shall be mitigated in kind with stream mitigation elements. In the event that stream mitigation is not available and alternate mitigation proposals are provided, a pre-construction notification shall be provided to MDEQ and 10 working days shall be allowed to provide comments.
5. A pre-construction notification shall be provided to MDEQ for projects that include channel work within waterways found on the latest version of the State of Mississippi's Section 303(d) List of Impaired Water Bodies for sediment or biological impairment or waterways with a completed Total Maximum Daily Load (TMDL) for sediment or biological impairment. This notification shall include the following:
  - a. Justification of why the impacts cannot be avoided;
  - b. Proposed best management practices that would minimize the impacts to receiving sensitive waters; and
  - c. Compensatory mitigation primarily along the same reach of stream or on another impaired stream within the same drainage basin.
6. Discharges of cuttings, drilling mud, hydrostatic testing water, or any other waste material are prohibited unless approved in writing or permitted by the MDEQ.
7. A pre-construction notification shall be provided to MDEQ for projects associated with hydraulic fracturing and enhanced oil recovery using carbon dioxide for oil and gas exploration. Unless verification is provided that the proposed activities have been

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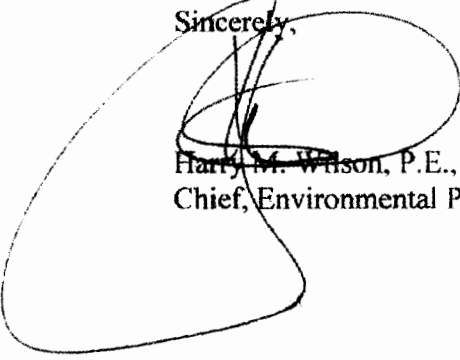
previously reviewed and approved through a master planning process. MDEQ shall be allowed 10 working days to provide comments for the proposed activities. For activities not previously included in an approved master planning process, the pre-construction notification to MDEQ shall include the following:

- a. Impacts resulting from authorizations for oil and gas exploration shall be minimized to the maximum extent practicable;
  - b. A mitigation plan for unavoidable impacts shall be provided and should be within the same watershed as practicable;
  - c. All fill shall be removed in the event that production is not achieved; and
  - d. A plan for restoring the sites in the event production is not achieved.
8. No sewage, oil, refuse, process wastewaters, or other pollutants shall be discharged.
  9. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50-Nephelometric Turbidity Units.

The Office of Pollution Control also certifies that there are no limitations under Section 302 nor standards under Sections 306 and 307 of the Federal Water Pollution Control Act which are applicable to the applicant's above-described activity.

This certification is valid for the project as proposed. Any deviations without proper modifications and/or approvals may result in a violation of the 401 Water Quality Certification. If we can be of further assistance, please contact us.

Sincerely,



Harry M. Wilson, P.E., DEE  
Chief, Environmental Permits Division

HMW: fb

Colonel John W. Cross

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cc: Ms. Cori Shiers, U.S. Army Corps of Engineers, Vicksburg District  
Mr. Stephen Ricks, U.S. Fish and Wildlife Service  
Calista Mills, Environmental Protection Agency  
Ms. Janet Riddell, Office of Budget & Fund Management