



**US Army Corps
of Engineers**

Vicksburg District

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



Public Notice

FILE NO.:	<u>MVK-2013-839 (General Permit 19)</u>
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DATE:	<u>November 1, 2013</u>
EXPIRATION DATE:	<u>December 2, 2013</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

Interested parties are hereby notified that the U.S. Army Corps of Engineers, Vicksburg District, the Arkansas Department of Environmental Quality, the Louisiana Department of Environmental Quality and the Mississippi Department of Environmental Quality are considering reissuance of a General Permit and State Water Quality Certifications for activities described herein. Comments should be forwarded to the Vicksburg District, ATTN: CEMVK-OD-FP at the address above and to the appropriate State Agency listed below. Comments must reach these offices by the expiration date cited above.

In Arkansas, comments should also be directed to the Arkansas Department of Environmental Quality at 5301 Northshore Drive, North Little Rock, Arkansas 72118-5317.

In Louisiana, comments should also be directed to the Louisiana Department of Environmental Quality, Office of Environmental Services for a Water Quality Certification in accordance with La. R.S. 30.2074(A)(93), and Section 401 of the Clean Water Act (P.L. 95-217). Additional information is on file with the above

office, and may be inspected at any time between 8:00 a.m. and 4:30 p.m. weekdays. Copies may be obtained upon payment of cost of copying. Comments can be filed with the Office of Environmental Services within 30 days of this notice to the following address: Office of Environmental Services, Post Office Box 4313, Baton Rouge, Louisiana 70821-4313.

In Mississippi, comments should also be directed to the Mississippi Department of Environmental Quality, Office of Pollution Control at Post Office Box 10385, Jackson, Mississippi 39289-0385.

The U.S. Army Corps of Engineers, Vicksburg District, is currently considering reissuance of 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 proposed General Permit contains certain limitations intended to protect the environment and natural and cultural resources. Conformance with conditions contained in the General Permit would not necessarily guarantee authorization under this General Permit. In cases where the District Engineer considers it necessary, an application would be required for individual permits. Construction, dredging, or fill operations not specifically authorized by this General Permit would be 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 would comply with the requirements for issuance of General Permits will be made based in part on comments received from responders to this public notice. Documentation of the final decision will be made 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 would obtain water quality certification decisions from the Arkansas Department of Environmental Quality, the Louisiana Department of Environmental Quality, and the Mississippi Department of Environmental Quality stating that the work authorized by the proposed General Permit would not violate applicable provisions of Sections 301, 302, 306, and 307 of the Act.

REQUEST FOR AUTHORIZATION UNDER THE GENERAL PERMIT: IN ORDER TO BE AUTHORIZED BY THIS GENERAL PERMIT, PARTIES PROPOSING THE WORK WOULD BE 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 would be conducted. (General Permit - 19)
- b. Statement that the work would be conducted in compliance with the terms and conditions of the General Permit and would 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. Documentation that wetland impacts were minimized to the maximum extent practicable (See item 'k', below).
- e. 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 would 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 would not start until the delineation has been submitted by the applicant or completed by the Corps, as appropriate.

f. 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.

g. 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>

h. Estimated starting and completion dates of work.

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

j. 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 would obtain a permit from the appropriate Federal or State Agency and submit it with their request for authorization under this General Permit.

k. For projects that include adverse impacts to waters of the US, the complete application would 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 would include a conceptual mitigation plan stating whether compensatory mitigation requirements as determined by the Corps would 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 would 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>

l. Any application associated with a well site that was previously authorized by a Department of the Army permit would reference the MVK identification number for that well site authorization.

m. If any listed species might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, the application would include the name(s) of those endangered or threatened species that might be affected by the proposed work or utilize the designated critical habitat that may be affected by the proposed work.

n. 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 would 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:

1. Wetland impacts associated with regulated activities authorized under this General Permit would 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 would 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 would not exceed 0.5 acre.

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

4. Perennial streams would 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 would be filled/relocated for construction of well pads, tank battery pads, or other similar structures.

6. Culverts placed in perennial or intermittent streams would not block movement of aquatic organisms, and adverse impacts to stream bottom habitat of these type streams would 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) must be installed below the natural grade of the stream. Material excavated from the stream bottom or similar material would be placed inside the bottom of the installed culvert to reestablish affected stream bottom habitat].

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

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

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

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

11. During low water stages, drilling of oil or gas wells would 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.

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

13. The right-of-way for access roads through all jurisdictional waters of the United States would be limited to a maximum width of 30 feet for all exploration and production sites. Access roads would follow the existing rights-of-way

whenever possible to minimize environmental impacts. Clearing of vegetation would be kept to a minimum.

14. No activity would 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 would 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.

15. No activity that may adversely affect a site listed in or eligible for listing in the National Register of Historic Places would be authorized by this General Permit until the requirements of Section 106 of the National Historic Preservation Act have been satisfied. Additional material would 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, will comply with 33 CFR 325, Appendix C, paragraph 11 (Historic Properties Discovered During Construction).

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

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

18. Activities would 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.

19. Activities would 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.

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

21. Site restorations after completion of drilling and production activities would 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 would be restored to original contours. Drilling mud would be removed and disposed of according to State and Federal regulations. This means that the drilling mud would be removed and taken to an approved disposal area. The mud pit would be filled with compactable fill material to preexisting contours. All board roads and any other extraneous construction material would be removed from the site. All disturbed areas would be seeded to prevent erosion. All forested vegetation cleared during the construction activities would 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 would likewise be restored to the original contours, including the removal of all board roads and any other extraneous construction material, and the site would 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.).

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

General Conditions:

a. The permittee would maintain the activity authorized by the permit in good condition and in conformance with the terms and conditions of the permit. The

permittee is 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. If the permittee desires to abandon the authorized activity without a good faith transfer, or wishes to cease to maintain the authorized activity, a modification of the authorization must be obtained from this office, which may require restoration of the area.

b. If the permittee sells the property associated with the authorization under this General Permit, the permittee would notify this office to ensure that the authorization is transferred to the new owner.

c. Representatives from this office would be allowed 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 the permit.

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

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

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

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

h. In issuing this permit, the Federal Government would 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 would rely on the information and data which the permittee provides in connection with the 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 would 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.

Further Information:

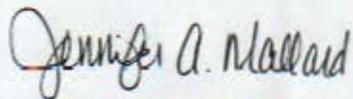
a. Additional copies of this Public Notice are available upon request from this office. Requests may be addressed to: USACE, Vicksburg District, ATTN: Regulatory Branch, 4155 Clay Street, Vicksburg, Mississippi 39183-3435.

b. The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

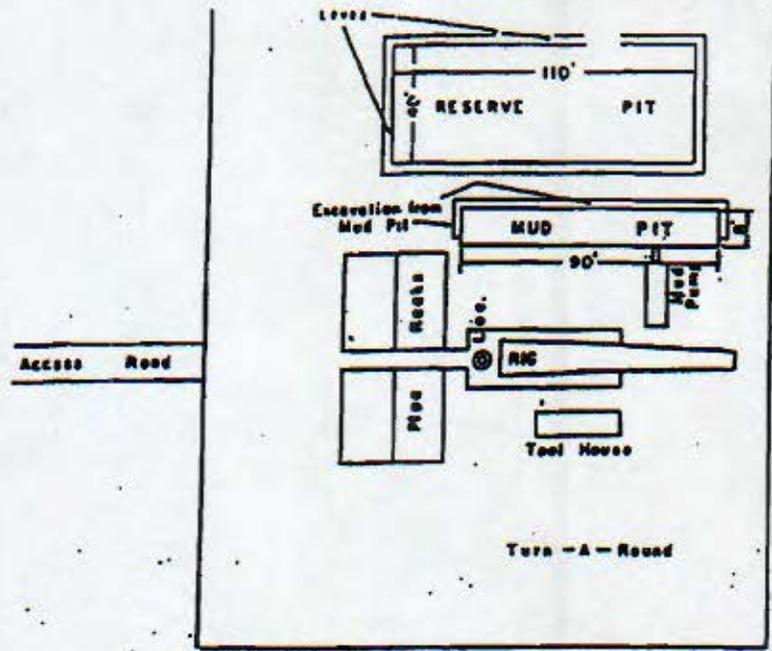
c. The U.S. Army Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

d. Any person may make a written request for a public hearing to consider this proposed General Permit. This request must be made by the expiration date of this public notice and must clearly state why a hearing is necessary. Any individual or agency may comment on the project described in this notice; however, failure to comment will be interpreted to mean that there is no objection to the proposed General Permit. All comments received will be evaluated during the review process of this proposed General Permit.

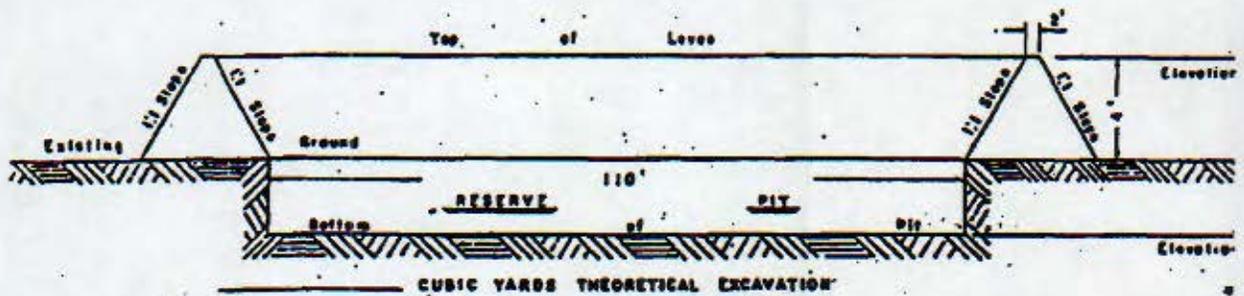
e. Please bring this announcement to the attention of anyone you know who might be interested in this matter. Anyone wishing to make comments may communicate with us at the following address: USACE, Vicksburg District, ATTN: Regulatory Branch, 4155 Clay Street, Vicksburg, Mississippi 39183-3435.



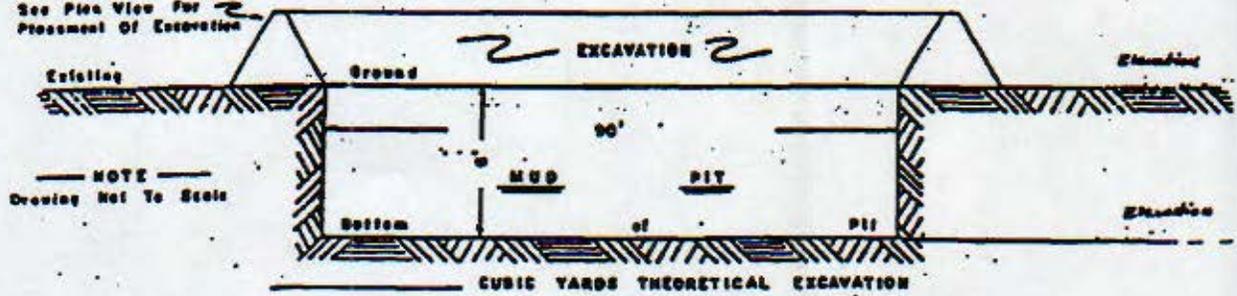
Jennifer A. Mallard
Chief, Permit Section
Regulatory Branch



RIG FACILITY SITE

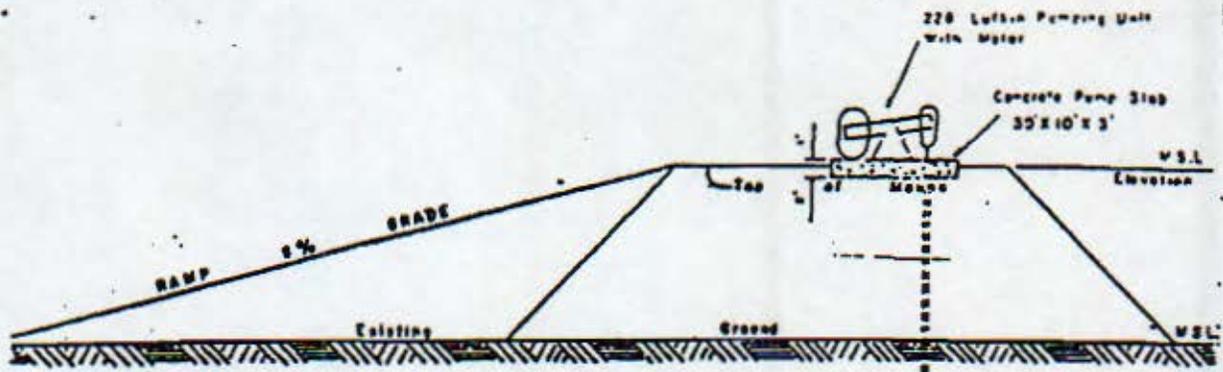


See Plan View for Placement of Excavation



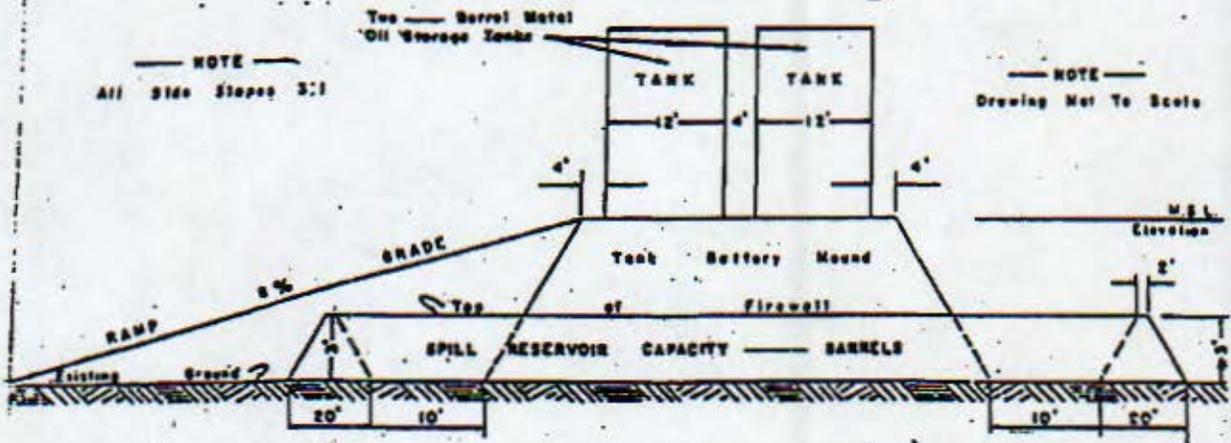
NOTE
Drawing Not To Scale

LONGITUDINAL CROSS SECTIONS



PUMP MOUND DETAIL

— Elevation —



TANK BATTERY MOUND DETAIL

— Elevation —

TYPICAL DRAWING