



**US Army Corps
of Engineers**

Vicksburg District

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

General Permit

FILE NO.:	<u>General Permit 19</u>
EFFECTIVE DATE:	<u>February 10, 2025</u>
EXPIRATION DATE:	<u>February 10, 2030</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 (USACE), Vicksburg District, is hereby reissuing a Department of the Army General Permit (General Permit 19) for structures or work affecting navigable waters of the United States and discharges of dredged and/or fill material in waters of the United States, which are associated with the exploration for, and subsequent production of, hydrocarbons. These activities include the construction of related items such as access roads, initial flowlines, 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 is attached (enclosure 1).

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 navigable 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 discharges of dredged and/or fill material into waters of the United States under 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 that is available for inspection at the offices of the Vicksburg District's Regulatory Division at 4155 Clay Street, Vicksburg, Mississippi.

This General Permit may be used for activities regulated under Section 10 of the Rivers and Harbors Act of 1899 (30 Stat. 1151; 33 U.S.C. 403) (Section 10) provided there are also activities regulated under Section 404 of the Clean Water Act (33 U.S.C. 1344) (Section 404). This General Permit does not apply to activities that are regulated only through Section 10 (e.g. directional drilling under a designated Section 10 navigable water). Activities regulated only through Section 10 will require separate authorization by the District Engineer.

This General Permit contains certain limitations intended to protect the environment and natural and cultural resources. Wetland impacts associated with regulated activities authorized under this General Permit shall be limited to a maximum of 5.0 acres for all work (including all portions of access roads, well pads, utility lines, etc.) that requires a Department of the Army authorization. This General Permit shall not be used to authorize water withdrawals, the construction of ponds/pits for the storage of hydraulic fracturing water within the 100-year floodplain or immediately adjacent to a natural waterway, or the construction of brine disposal wells.

Construction activities which include regulated work and/or discharges of dredged or fill material into Section 10/404 or Section 404 regulated Waters of the United States (collectively hereafter referred to as WOTUS) which are not specifically authorized by this General Permit are prohibited unless specifically approved by the District Engineer via separate authorization. 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.

In compliance with requirements of Section 401 of the Clean Water Act, the Vicksburg District has obtained water quality certification (WQC) for General Permit 19 from each of the following agencies: Arkansas Department of Energy and Environment; Louisiana Department of Environmental Quality; and Mississippi Department of Environmental Quality. A copy of the Arkansas, Louisiana, and Mississippi water quality certifications is attached (enclosure 2).

Authorization to conduct work under this General Permit will not negate the responsibility of the applicant to obtain other State or local authorizations or permits required by law for the proposed activity.

REQUEST FOR AUTHORIZATION UNDER THE GENERAL PERMIT – APPLICATION

REQUIREMENTS: 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 THE PLANNED START DATE FOR THE WORK:

1. State the number of the General Permit under which the work will be conducted. (General Permit - 19) (GP-19)
2. Statement that the work will be conducted in compliance with the terms and conditions of GP-19 and will not adversely impact adjoining properties.
3. A location description including: latitude and longitude, Section, Township, Range, County or Parish, and State; a plan-view (including a digital aerial overlay) location map showing the proposed worksite, existing wells, roads, and streams within 1,500 feet of the proposed site; a USGS quadrangle map depicting the area of potential development; a map showing FEMA flood zone ratings for project area and the location of the proposed well(s), flowline, and proposed access road(s).
4. Any application associated with a well site that was previously authorized by a Department of the Army permit will reference the Vicksburg District permit identification number (MVK-Year-XXXX) for that well site authorization.
5. Estimated starting date and estimated time duration to completion of the drilling phase (when applicable), or other construction activity in/affecting WOTUS.
6. Name, mailing address, telephone number, and email address of the party (person and 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).
7. A drawing of the proposed structures (tank batteries, wells, access roads, etc.) including elevations (when available), dimensions (in feet), total area impacted (in acres for wetlands; in both acres and linear feet for streams), amounts of excavated and fill material (in cubic yards).
8. 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.

9. An informational narrative and/or list detailing the individual aquatic resource impacts (in acres for wetlands; in acres and linear feet for streams), and the total impacts for each resource type (e.g. emergent wetland, forested wetland, intermittent stream, etc.), all impact activities (discharge of dredged and/or fill material, conversion, etc.), impact duration (temporary or permanent), and the latitude/longitude (approximate center point) for each impact. In addition, current site photos of the WOTUS to be impacted should be provided.

[NOTE: An Aquatic Resources Identification and Impacts Spreadsheet is available for use on the Vicksburg District's Regulatory Web Page]:

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

10. A narrative describing how impacts to WOTUS were minimized to the maximum extent practicable. For projects that include adverse impacts to WOTUS, the complete application will include information on mitigation in all forms (i.e. avoidance, minimization, and compensation) to minimize overall adverse impacts to WOTUS.

For projects with unavoidable adverse functional impacts greater than 0.10 acre to wetlands or greater than 0.03 acre of streams, the complete application will include a statement describing: how, if required, the compensatory mitigation requirement will be satisfied (either through purchase of mitigation credits from an approved mitigation bank or "in lieu fee" provider, or through permittee responsible mitigation); or explaining why the project-specific adverse effects are no more than minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan. If the applicant proposes permittee responsible mitigation, the application will not be considered complete until the Corps receives an acceptable permittee responsible mitigation plan.

[NOTE: Information on the Vicksburg District's current mitigation requirements is available on the MVK Regulatory Web Page]:

<https://www.mvk.usace.army.mil/Missions/Regulatory/Mitigation/>

11. The name(s) of those federally listed 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.
12. 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.
13. 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; 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 must submit with their request for authorization under this General Permit, the agency point of contact (including phone number, mailing address, and email address) and proof of initiation of the applicant's request for approval from the managing agency.

14. A description of the best management practices (BMPs) that will be used to minimize movement of disturbed soil(s) from the construction into adjacent WOTUS.
15. 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.
16. For activities affecting structures or works built by the United States: If a GP-19 activity also requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a USACE federally authorized Civil Works project, the application must include a statement (and any associate documents) confirming that the project proponent has submitted a written request for Section 408 permission to the Vicksburg District office having jurisdiction over that USACE project.

Upon receipt of this information, the District Engineer will evaluate the proposal and advise the inquiring party, in writing, that the work shall be authorized under General Permit 19, or will require an individual permit (if it exceeds the authoritative capacity of the General Permit) and/or additional separate authorizations.

Special Conditions:

1. All proposals for hydrocarbon exploration/production activities shall reduce the area of impact to the minimum area absolutely necessary for construction. Unavoidable functional loss impacts exceeding 0.10 acre for wetlands or 0.03 acre for streams, may require compensatory mitigation. See Application Requirements '9.' and '10.' (above) for information requirements that must be supplied to inform the District Engineer's determination of mitigation requirements.
2. No regulated activity may cause the permanent loss, or conversion, of greater than 0.5 acre of cypress swamp and/or cypress-tupelo swamp.
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. Streams shall be suitably culverted or bridged at all crossings. Each crossing shall be designed and constructed to maintain low flows to sustain the movement of aquatic species. If a bottomless culvert cannot be used, then the crossing shall be designed and constructed to minimize adverse effects to aquatic life movements. Adverse impacts to perennial and intermittent stream bottom habitats shall be mitigated on-site to the maximum extent practicable.
7. When constructing access roads through wetlands or floodplains, one culvert, at least 24-inch in diameter, shall be installed every 500 feet, at a minimum, to minimize disruption of normal hydrologic flow through the affected wetlands and floodplains.
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. Access roads through all WOTUS shall be limited to a maximum width of 40 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 the Natural Resources Conservation Service (NRCS) or United States Forest Service (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, under "Resources"]:
<http://www.mvk.usace.army.mil/Missions/Regulatory/Permits.aspx>

11. For wells located within a 100-year floodplain or adjacent to a natural waterway, a closed-loop drilling fluid system shall be used when drilling the well.
12. The permittee and associated operator shall have in place sufficient plans and procedures to prevent and control accidental spills of oil and similar substances at the site. 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). USACE shall be notified of any accidental spill by contact to the Vicksburg District Regulatory office within 48 hours of discovery (601-631-7071; Regulatory@usace.army.mil). Applicable State environmental protection agencies shall be contacted according to State response plan requirements.

13. The permittee must 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.
14. 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 Endangered Species Act, Section 7, consultation addressing the effects of the proposed activity has been completed.
15. Activities in WOTUS that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable. 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 shall 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.
16. No activity that has the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places, or a site that has previously been unevaluated, shall be authorized by this General Permit until the requirements of Section 106 of the National Historic Preservation Act have been satisfied. Fill material shall 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).
17. 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.

18. 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 (WMAs), national wildlife refuges (NWRs), national forests, etc.) without documented approval (e.g. special use permit, waiver, etc.) by the managing agency.
19. 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.
20. Site restoration after completion of construction and exploration (drilling) activities shall be as follows: Within 60 days after construction, and removal of the drilling rig (when applicable), all areas not needed for testing and production facilities shall be restored to original contours and revegetated as appropriate.

The District Engineer may extend the 60-day period, when justified, and where appropriate, after consultation with any applicable State or Federal land-managing agency (i.e. WMAs, NWRs, etc.).

21. The permittee/operator shall return a separate Certification of Compliance after completing construction of the authorized activity; and after completing exploration activities and site restoration (See Special Condition 20, above).
22. 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.
23. Proper procedures, in accordance with Federal, State and local regulations, shall be used to manage and dispose of waste generated at the site.
24. 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:

1. You shall 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 "2.", 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.

2. If you sell the property associated with the authorization under this General Permit, you shall notify this office to ensure that the authorization is transferred to the new owner.
3. You shall 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.
4. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.
5. This permit does not grant any property rights or exclusive privileges.
6. This permit does not authorize any injury to the property or rights of others.
7. This permit does not authorize interference with, or damages to, any existing or proposed Federal Civil Works project. An activity that requires Section 408 permission (Activities Affecting Structures or Works Built by the United States, 33 U.S.C. 408) is not authorized by GP-19 until the appropriate Corps office issues the Section 408 permission to alter, occupy, or use the USACE Civil Works project, and the District Engineer issues a written GP-19 authorization.

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 or her authorized representative, said structure or work is causing 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.

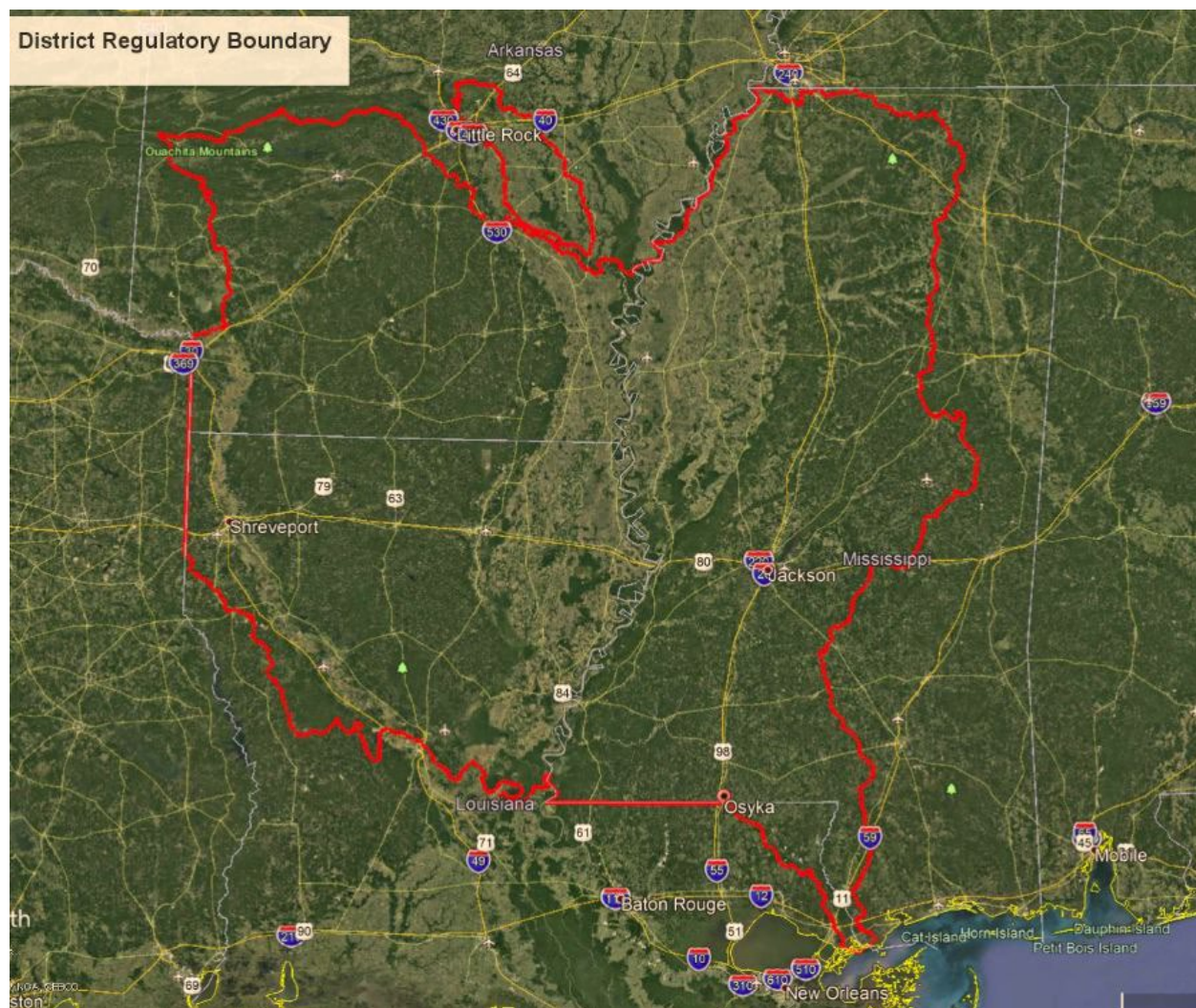
8. In issuing this permit, the Federal Government does not assume any liability for the following:
 - a) Damages to the permitted project, or uses thereof, as a result of other permitted or unpermitted activities or from natural causes.
 - b) Damages to the permitted project or uses thereof as a result of current or future activities undertaken by, or on behalf of, the United States in the public interest.
 - c) Damages to persons, property, or to other permitted or unpermitted activities or

structures caused by the activity authorized by this permit.

- d) Design or construction deficiencies associated with the permitted work.
 - e) Damage claims associated with any future modification, suspension, or revocation of this permit.
9. 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.
10. The permittee shall 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.
11. The General Permit is valid for five years from its effective date. 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.
12. 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 regulated activity is completed within 12 months of the date of the authorization.

Bryan Williamson
(Acting) Chief, Regulatory Division

Enclosures





DIVISION OF ENVIRONMENTAL QUALITY

Sarah Huckabee Sanders
GOVERNOR

Shane E. Khoury
SECRETARY

July 11, 2024

Ms. Kristina W. Hall, Chief
Regulatory Division
US Army Corps of Engineers
4155 Clay Street
Vicksburg, MS 39183-3435
(Kristina.W.HALL@usace.army.mil)

RE: 401 Water Quality Certification USACE Permit No. MVK-2018-0683
Re-Issuance of USACE General Permit 19

Dear Ms. Hall,

The Division of Environmental Quality (DEQ) has completed the review of the General Permit 19. The permit will authorize activities associated with the exploration and subsequent production of hydrocarbons. These activities include the construction of related items such as access roads, initial flowlines, mud pits, 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 water quality certification applies only to the section of the State of Arkansas that are within the jurisdiction of the Vicksburg District of the United States Army Corps of Engineers (USACE).

DEQ 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 (APC&EC) Rule 2, will comply with applicable water quality requirements.

Pursuant to §401 of the Clean Water Act, DEQ hereby issues a water quality certification for the above referenced USACE Project. This certification is based on the plans, specifications, and supporting information supplied by the project proponent at the time of this response. The following conditions shall be applicable:

- 1) An individual water quality certification request must be submitted to DEQ for activities that may impact Extraordinary Resource Waters, Ecologically Sensitive Waterbodies, and Natural Scenic Waterways as identified in APC&EC Rule 2, Water Quality Standards for Surface Waters of the State of Arkansas. In order to determine compliance with the standards set forth in APC&EC Rule 2.203 for these waters, projects covered under General Permit on these waters shall be reviewed by DEQ.
- 2) In accordance with APC&EC Rule 2.305, the applicant shall obtain a Short Term Activity Authorization (STAA) when performing work in the wetted area of waters of the state as defined by Arkansas Code Annotated (A.C.A.) §8-4-102. Activities approved under a STAA are subject to the provisions that no permanent or long-term impairment of beneficial uses is likely to result from such activity. More information can be obtained by visiting <https://www.adeq.state.ar.us/water/planning/instream/> or <https://eportal.adeq.state.ar.us/>

ARKANSAS DEPARTMENT OF ENERGY AND ENVIRONMENT

ee.arkansas.gov | 5301 Northshore Drive, North Little Rock, AR 72118 | 501.682.0744

Enclosure 2

- 3) The applicant shall implement all practicable best management practices (BMPs) and provide and maintain natural buffers with native vegetation, except where unfeasible or unavailable, to avoid excessive impacts of pollutants to waters of the state, 40 CFR §122.26(c).
- 4) The applicant will take all reasonable measures to prevent the spillage or leakage of any chemicals, oil, grease, gasoline, diesel, or other fuels. In the unlikely event such spillage or leakage occurs, the applicant must contact DEQ immediately.
- 5) The applicant shall limit construction to low flow periods as much as possible to minimize adverse effects on water quality and aquatic life.
- 6) If the accumulative area of land to be utilized for upland deposition of dredge material is equal to or greater than one (1) acre and less than five (5) acres, the applicant shall comply with the requirements in Rule 6.203 for stormwater discharge associated with a small construction site, as defined in APC&EC Rule 6. If the construction will disturb five (5) acres or more, the applicant shall comply with the terms of the Stormwater Construction General Permit, Number ARR150000 prior to the start of construction. BMPs must be implemented regardless of the size of the disturbance. More information can be obtained by contacting the NPDES Stormwater Section of DEQ at (501) 683-0962.
- 7) To the extent practicable, the project construction activities shall include BMPs selected to preserve the existing native species and include re-planting and re-establishment of native vegetative features if disturbed.

In issuing this certification, DEQ does not assume any liability for the following:

- A. Damages to the proposed project, or uses thereof, as a result of other permitted or unpermitted activities or from natural causes.
- B. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity specified in this certification.
- C. Design or construction deficiencies associated with this proposed project.

If you have any questions, please contact Mr. Jim Wise (jim.wise@arkansas.gov) (501-682-0663) or other DEQ Office of Water Quality staff.

Sincerely,



Joe Martin
Interim Deputy Associate Director, Office of Water Quality

cc: Daniel Bagby, EPA
Chris Davidson, USFWS
Jennifer Sheehan, AGFC

JEFF LANDRY
GOVERNOR



AURELIA S. GIACOMETTO
SECRETARY

STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL SERVICES

Ms. Kristina W. Hall, Chief
US Army Corps of Engineers, Vicksburg District
ATTN: Regulatory Division
4155 Clay Street
Vicksburg, MS 39183-3435

MAR 22 2024

AI No.: 116705
Activity No.: CER20240001

RE: General Permit 19 (GP-19) - Regulated Activities in Waters of the United States Associated with the Exploration for and Subsequent Production of Hydrocarbons
Water Quality Certification WQC 240311-02
Corps of Engineers Permit MVK-2019-839

Dear Ms. Hall:

The Louisiana Department of Environmental Quality, Water Permits Division (LDEQ), has reviewed the application requesting authorization to for structures or work affecting navigable waters of the United States and discharges of dredged and/or fill material in waters of the United States, which are associated with the exploration for, and subsequent production of, hydrocarbons within the boundaries of the Vicksburg District in the state of Louisiana.

The information provided in the application has been reviewed to assess compliance with State Water Quality Standards, the approved Water Quality Management Plan and applicable state water laws, rules and regulations. LDEQ has complied with its public notice procedures established pursuant to Clean Water Act Section 401(a)(1). LDEQ determined that the requirements for a Water Quality Certification have been met. LDEQ concludes that the deposit of spoil will not violate water quality standards as provided for in LAC 33:IX.Chapter 11. Therefore, LDEQ hereby issues US Army Corps of Engineers, Vicksburg District – MVK 2019-839 (General Permit 19) Water Quality Certification, WQC 240311-02.

Should you have any questions concerning any part of this certification, please contact Elizabeth Hill at (225) 219-3225 or by email at elizabeth.hill@la.gov. Please reference Agency Interest (AI) number 116705 and Water Quality Certification 240311-02 on all future correspondence to this Department to ensure all correspondence regarding this project is properly filed into the Department's Electronic Document Management System.

Sincerely,

Aurelia S. Giacometto
Secretary

c: IO-W

ec: bryan.williamson@usace.army.mil
tina.branan@usace.army.mil



**STATE OF MISSISSIPPI
TATE REEVES
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY**

November 25, 2024

Ms. Kristi Hall
U.S. Army Corps of Engineers, Vicksburg District
Regulatory Division
4155 Clay Street
Vicksburg, MS 39183-3435

Dear Ms. Hall:

Re: U.S. Army Corps of Engineers
Vicksburg District
General Permit 19
Warren County
COE No. MVK20180683
WQC No. WQC2024017

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

U.S. Army Corps of Engineers, Vicksburg District, General Permit 19: Reissuance of a Department of the Army General Permit 19, with modifications, for structures or work affecting navigable waters of the United States and discharges of dredged and/or fill material in waters of the United States, which are associated with the exploration for and subsequent production of hydrocarbons. These activities include the construction of related items such as access roads, initial flowlines, 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.

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 that is available for inspection at the offices of the Vicksburg District's Regulatory Division at 4155 Clay Street, Vicksburg, Mississippi.

This General Permit may be used for activities regulated under Section 10 of the Rivers and Harbors Act of 1899 (30 Stat. 1151; 33 U.S.C. 403) (Section 10) provided there are also activities regulated under Section 404 of the Clean Water Act (33 U.S.C. 1344) (Section 404). This General Permit does not apply to activities that are regulated only through Section 10 (e.g. directional drilling under a designated Section 10 navigable water). Activities regulated only through Section 10 will require separate authorization by the District Engineer.

This General Permit contains certain limitations intended to protect the environment and natural and cultural resources. Wetland impacts associated with regulated activities authorized under this General Permit will be limited to a maximum of 5.0 acres for all work (including all portions of access roads, well pads, utility lines, etc.) that requires a Department of the Army authorization. This General Permit will not be used to authorize water withdrawals, the construction of ponds for the storage of hydraulic fracturing water, or the construction of brine disposal wells.

Construction activities which include regulated work and/or discharges of dredged or fill material into Section 10/404 or Section 404 regulated Waters of the United States (collectively hereafter referred to as: WOTUS) which are not specifically authorized by this General Permit are prohibited unless specifically approved by the District Engineer via separate authorization. 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.

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

1. State the number of the General Permit under which the work would be conducted. (General Permit - 19) (GP-19)
2. Statement that the work would be conducted in compliance with the terms and conditions of GP-19 and would not adversely impact adjoining properties.
3. A location description including: latitude and longitude, Section, Township, Range, County or Parish, and State; a plan-view (including a digital aerial overlay) location map showing the proposed worksite, existing wells, roads, and streams within 1,500 feet of the proposed site; a USGS quadrangle map

- depicting the area of potential development; a map showing FEMA flood zone ratings for project area and the location of the proposed well(s), flowline, and proposed access road(s).
4. Any application associated with a well site that was previously authorized by a Department of the Army permit would reference the Vicksburg District permit identification number (MVK-Year-XXXX) for that well site authorization.
 5. Estimated starting date, and estimated time duration to completion of the drilling phase (when applicable), or other construction activity in/affecting WOTUS.
 6. Name, mailing address, telephone number, and email address of the party (person and 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).
 7. A drawing of the proposed structures (tank batteries, wells, access roads, etc.) including elevations (when available), dimensions (in feet), total area impacted (in acres for wetlands; in both acres and linear feet for streams), amounts of excavated and fill material (in cubic yards).
 8. 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.
 9. An informational narrative and/or list detailing the individual aquatic resource impacts (in acres for wetlands; in acres and linear feet for streams), and the total impacts for each resource type (e.g. emergent wetland, forested wetland, intermittent stream, etc.), all impact activities (discharge of dredged and/or fill material, conversion, etc.), impact duration (temporary or permanent), and the latitude/longitude (approximate centerpoint) for each impact. In addition, current site photos of the WOTUS to be impacted should be provided.
 10. [NOTE: An Aquatic Resources Identification and Impacts Spreadsheet is available for use on the Vicksburg District's Regulatory Web Page]: <https://www.mvk.usace.army.mil/Missions/Regulatory/Permits/>

A narrative describing how impacts to WOTUS were minimized to the maximum extent practicable. For projects that include adverse impacts to WOTUS, the complete application would include information on mitigation in all forms (i.e. avoidance, minimization, and compensation) to minimize overall adverse impacts to WOTUS.

11. For projects with unavoidable adverse functional impacts greater than 0.10 acre to wetlands or greater than 0.03 acre of streams, the complete application would include a statement describing: how, if required, the compensatory mitigation requirement would be satisfied (either through purchase of mitigation credits from an approved mitigation bank or “in lieu fee” provider, or through permittee responsible mitigation); or explaining why the project-specific adverse effects are no more than minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan. If the applicant proposes permittee responsible mitigation, the application would not be considered complete until the Corps receives an acceptable permittee responsible mitigation plan.

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

12. If any ESA-listed species (or species proposed for listing) or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, the application must include the name(s) of those endangered or threatened species that might be affected by the proposed activity or utilize the designated critical habitat that might be affected by the proposed activity.
13. 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 must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property.
14. 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; 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 must submit with their request for authorization under this General Permit, the agency point of contact (including phone number, mailing address, and email address) and

- proof of initiation of the applicant's request for approval from the managing agency.
15. A description of the BMP's that would be used to minimize the movement of disturbed soil(s) from the construction into adjacent WOTUS>
 16. For enhanced oil recovery (EOR) projects, the application would include a map showing the land area beneath which the target formation would be pressurized. This map would also identify locations of existing wells that penetrate the affected formation. For these operations, the application would also include an affirmative statement that the identified existing wells have been inspected and determined to be capable of withstanding expected pressures.
 17. For activities affecting structures or works built by the United States: If a GP-19 activity also requires permission from the Corps pursuant to 33 U.S.C. 408 because it would alter or temporarily or permanently occupy or use a USACE federally authorized Civil Works project, the application must include a statement (and any associate documents) confirming that the project proponent has submitted a written request for Section 408 permission to the Vicksburg District office having jurisdiction over that USACE project.

Special Conditions:

1. All proposals for hydrocarbon exploration/production activities would reduce the area of impact to the minimum area absolutely necessary for construction. Unavoidable functional loss impacts greater than 0.1 acre for wetlands or greater than 0.03 acres or streams, may require compensatory mitigation. See Application Requirements 'i.' and 'j.' (above) for information requirements that must be supplied to inform the District Engineer's determination of mitigation requirements.
2. No regulation activity may cause the permanent loss, or conversion, of greater than 0.5 acre of cypress swamp and/or cypress-tupelo swamp.
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. Streams would be suitably culverted or bridged at all crossings. Each crossing would be designed and constructed to maintain low flows to sustain the movement of aquatic species. If a bottomless culvert cannot be used, then the crossing should be designed and constructed to minimize adverse effects to aquatic life movements. Adverse impacts to perennial and intermittent stream bottom habitats would be mitigated on-site to the maximum extent practicable.
7. When constructing access roads through wetlands or floodplains, one, at least 24-inch diameter culvert would be installed every 500 feet, at a minimum, to minimize disruption of normal hydrologic flow through the affected wetlands and floodplains.
8. All flowlines/pipelines from well sites would be placed within the existing rights-of-way where practical; otherwise, adverse impacts from construction/maintenance of flowlines/pipelines would be minimized to the maximum extent practical.
9. The right-of-way for access roads through all jurisdictional waters of the United States would be limited to a maximum width of 40 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.
10. Best management practices (BMPs), such as those developed by NRCS or USFS for gravel and unimproved roads, would be used in the construction of access roads.

[NOTE: Best Management Practice resources can be found on the Vicksburg District's Regulatory Web Page, under "Resources"]:
<http://www.mvk.usace.army.mil/Missions/Regulatory/Permits.aspx>

11. For wells located within a 100-year floodplain or adjacent to a natural waterway, a closed-loop drilling fluid system would be used when drilling the well.
12. The applicant and associated operator, would have in place sufficient plans and procedures to prevent and control adjacent spills of oil and similar substances at the site. 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) USACE would be notified of any accidental spill by contact to the Vicksburg District Regulatory office within 48 hours of discovery (601-631-5540; Regulatory@usace.army.mil).

Applicable State environmental protection agencies would be contacted according to State response plan requirements.

13. 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.
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 would 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 Endangered Species Act, Section 7 consultation addressing the effects of the proposed activity has been completed.
15. Activities in WOTUS that serve as breeding areas for migratory birds would be avoided to the maximum extent practicable. The permittee would be 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 of 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.
16. No activity that has the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places, or a site that has previously been unevaluated, would be authorized by this General Permit until the requirements of Section 106 of the National Historic Preservation Act have been satisfied. 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 would 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, would comply with the procedures set forth in 33 CFR 325, Appendix C, paragraph 11 (Historic Properties Discovered During Construction).
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 would

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 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.
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. Site restoration after completion of Construction and Exploration (drilling) activities would be as follows: Within 60 days after construction, and removal of the drilling rig (when applicable), 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.

The District Engineer may extend the 60-day period, when justified, and where appropriate, after consultation with any applicable State or Federal land-managing agency (i.e. WMAs, NWRs, etc.)

21. The permittee/operator would return a separate Certification of Compliance after completing construction of the authorized activity; and after completing exploration activities and site restoration (See Condition 20, above)
22. Any conditions on the water quality certifications issued from the State in which the work is proposed that satisfy the requirements of 40 CFR Part 121.7(d) would be incorporated into the permit by reference. Enforcement actions resulting from noncompliance with these conditions may be initiated by the State or the Environmental Protection Agency.
23. Proper procedures, in accordance with Federal, State and local regulations, would be used to manage and dispose of waste generated at the site.
24. 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.

[MVK20180683, WQC2024017]

The Department 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 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. (Statement G) (11 Miss. Admin. Code Pt. 6, R. 1.3.4.B(7))
2. 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. (Statement G) (11 Miss. Admin. Code Pt. 6, R. 1.3.4.B(7))
3. All stream impacts 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. (Statement A) (11 Miss. Admin. Code Pt. 6, R. 1.3.4.B(1))
4. 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.(Statement A) (11 Miss. Admin. Code Pt. 6, R. 1.3.4.B(1))
5. Discharges of cuttings, drilling mud, hydrostatic testing water, or any other waste material are prohibited unless approved in writing or permitted by the MDEQ. (Statement G) (11 Miss. Admin. Code Pt. 6, R. 1.3.4.B(7))
6. 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 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.

(Statement B) (11 Miss. Admin. Code Pt. 6, R. 1.3.4.B(2))

7. No sewage, oil, refuse, process wastewaters, or other pollutants shall be discharged. (Statement A) (11 Miss. Admin. Code Pt. 6, R. 2.2.A.(3))
8. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units. (Statement A) (11 Miss. Admin. Code Pt. 6, R. 2.2.A)

As part of the Scope of Review for Application Decisions, 11 Mississippi Administrative Code Part 6, Rule 1.3.4(B), the above conditions are necessary for the Department to ensure that appropriate measures will be taken to eliminate unreasonable degradation and irreparable harm to waters of the State, such that the activity will not meet the criteria for denial:

- (A) The proposed activity permanently alters the aquatic ecosystem such that water quality criteria are violated and/or it no longer supports its existing or classified uses. An example is the channelization of streams.
- (B) There is a feasible alternative to the activity which reduces adverse consequences on water quality and classified or existing uses of waters of the State.
- (C) The proposed activity adversely impacts waters containing State or federally recognized threatened or endangered species.
- (D) The proposed activity adversely impacts a special or unique aquatic habitat, such as National or State Wild and Scenic Rivers and/or State Outstanding Resource Waters.
- (E) The proposed activity in conjunction with other activities may result in adverse cumulative impacts.
- (F) Nonpoint source/storm water management practices necessary to protect water quality have not been proposed.

(G) Denial of wastewater permits and/or approvals by the State with regard to the proposed activities.

(H) The proposed activity results in significant environmental impacts which may adversely impact water quality.

The Department 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 you have any questions, please contact Carrie Barefoot.

Sincerely,



Becky Simonson
Chief, Environmental Permits Division

BS: po

cc: Bryan Williamson, U.S. Army Corps of Engineers, Vicksburg District
Willa Brantley, Department of Marine Resources
David Felder, U.S. Fish and Wildlife Service
Jamie Becker, Environmental Protection Agency