



**US Army Corps  
of Engineers**

Vicksburg District

4155 Clay Street  
Vicksburg, MS 39183-3435  
[www.mvk.usace.army.mil](http://www.mvk.usace.army.mil)

# General Permit

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<b>FILE NO.:</b>	<b>MVK-2018-0683 (General Permit 19)</b>
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<b>DATE:</b>	<b>January 11, 2019</b>
<b>EXPIRATION DATE:</b>	<b>February 10, 2019</b>

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**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 (USACE), Vicksburg District, is proposing the reissuance of a Department of the Army General Permit (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. For your information, the current General Permit 19 can be accessed here:

<https://www.mvk.usace.army.mil/Portals/58/docs/regulatory/GP%2019%20Final.pdf> A map of the Vicksburg District is attached (enclosure).

Comments regarding this proposal should be forwarded via email to: [GeneralPermitReissuance@usace.army.mil](mailto:GeneralPermitReissuance@usace.army.mil); or by hard-copy to: USACE, Vicksburg District, ATTN: Regulatory Branch, 4155 Clay Street, Vicksburg, Mississippi 39183-3435. Comments must reach the Vicksburg District, Regulatory Branch office by the expiration date cited above.

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 Branch 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 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.

In compliance with requirements of Section 401 of the Clean Water Act, the Vicksburg District will request water quality certifications (WQCs) for General Permit 19 from the Arkansas Department of Environmental Quality, Louisiana Department of Environmental Quality and Mississippi Department of Environmental Quality.

**Proposed General Permit 19:**

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:

- a. State the number of the General Permit under which the work will be conducted. (General Permit - 19) (GP-19)
- b. Statement that the work will be conducted in compliance with the terms and conditions of GP-19 and will not adversely impact adjoining properties.
- c. 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).
- d. 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.
- e. Estimated starting date, and estimated time duration to completion of the drilling phase (when applicable), or other construction activity in/affecting WOTUS.
- f. 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).
- g. 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).

h. 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.

i. 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.

[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/>

j. 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, 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/>

k. 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.

l. 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.

m. 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.

o. A description of the BMP's that will be used to minimize movement of disturbed soil(s) from the construction into adjacent WOTUS.

p. 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.

q. 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.

#### 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 0.1 acre for wetlands, 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 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 should 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, at least 24-inch diameter, culvert 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. The right-of-way for access roads through all jurisdictional waters of the United States 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 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, 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 applicant 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](mailto: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 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, shall be authorized by this General Permit until the requirements of Section 106 of the National Historic Preservation Act have been satisfied. Additional 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, national wildlife refuges, 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. Drilling mud shall 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 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:

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.

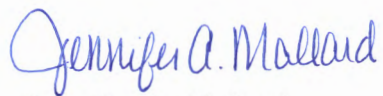


- b. If you sell the property associated with the authorization under this General Permit, you must notify this office to ensure that the authorization is transferred to the new owner.
- c. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary 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 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.
- 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 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.

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.



Jennifer A. Mallard  
Chief, Regulatory Branch

Enclosure

**District Regulatory Boundary**

