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DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, TULSA DISTRICT  
1645 SOUTH 101ST EAST AVENUE  
TULSA, OKLAHOMA 74128-4609

July 24, 2003

REGIONAL GENERAL PERMIT (GP) NO. OKGOO30002  
BOAT RAMPS  
TULSA DISTRICT WATERS OF THE UNITED STATES  
IN OKLAHOMA

Authorities: In accordance with Title 33 CFR 325.5(c), as published November 13, 1986, in the Federal Register, the District Engineer (DE), U.S. Army Corps of Engineers (Corps), Tulsa District, has the authority to issue a GP for minor recurring work. The work associated with construction of boat ramps is minor in nature and has not been found contrary to the public interest. Therefore, this GP grants authorization for these activities pursuant to Section 404 of the Clean Water Act (33 USC 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403).

Scope of Work: Work authorized by this GP is restricted to the construction of boat launching ramps. No more than 1,100 cubic yards of material can be excavated for each authorized ramp, and a maximum of 250 cubic yards of concrete, base material, and riprap is allowed for the construction of each ramp. This GP would also allow the placement of temporary fills, such as work roads or cofferdams, necessary to aid in the construction of boat ramps. The dredging of access channels is not authorized by this permit.

Location of Work: This GP is applicable to all water bodies within the State of Oklahoma, excluding: (1) McClellan-Kerr Arkansas River Navigation System, (2) wetlands, (3) defined archeological and historical sites, (4) sites listed in the National Register of Historic Places, (5) State Historic Sites, (6) State and Federally designated wild and scenic rivers, (7) those portions of the Arkansas, Cimarron, Beaver, North Canadian, and Canadian Rivers listed as critical habitat for the Arkansas River Shiner, (8) that portion of the Little River, Glover Creek, West Fork Glover Creek, East Fork Glover Creek, Black Fork Creek, and Mountain Fork Creek designated critical habitat for the Leopard Darter, and (9) that portion of Great Salt Plains National Wildlife Refuge designated critical habitat for the Whooping Crane.

Cultural Resources: The DE will provide information on the location of each requested use of this GP to the Oklahoma State Historic Preservation Office (SHPO) for consultation on potential impacts to items on, eligible for, or potentially eligible for the National Register of Historic Places (Register). The SHPO will be given 10 days to review the proposed project in regards to impacts on known archeological sites. If we are made aware of specific archeological or other historic properties which might be affected by the proposed work, the DE will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 (Public Law 89-665), as amended, and 36 CFR 800, in accordance with implementing regulations 33 CFR 325, Appendix C.

Authorization from Other Agencies: Individuals considering work on lands or waters under the jurisdiction of other Federal, State, or local agencies are responsible for obtaining any permits required by such agencies.

Duration: This GP is effective for a period of 5 years from July 24, 2003 unless it is specifically modified, suspended, or revoked. Upon its expiration, the GP can be considered for renewal. This GP can be modified, suspended, or revoked, in whole or in part, at anytime if it is determined the cumulative effects of its activities has a significant, adverse environmental impact or are otherwise not in the public interest. Work previously authorized by this GP would not be affected.

Water Quality Certification: The Tulsa District received a blanket Water Quality Certification pursuant to Section 401 of the Clean Water Act from the Oklahoma Department of Environmental Quality (ODEQ) February 25, 2003, for the activities included under this GP. This certification has been incorporated and made a part of this permit. All other discharges not authorized by this GP will require separate authorization. Furthermore, the ODEQ will be

provided a 10-day opportunity to review all projects to be authorized by this GP within watersheds of Outstanding Resource Waters, as designated in Appendix A of the Oklahoma Water Quality Standards. If ODEQ informs the Corps on the necessity of comment, they will receive 5 additional days to provide their remarks.

Reporting Procedures Persons conducting work under this GP are required to furnish a written request to perform the work with a description of the project and a telephone number at which they can be reached during working hours. This information shall be provided prior to construction of the project. The description of the project shall include the following:

- a. The location of the proposed work shown on a map.
- b. The dimensions, slope, and elevation of the proposed ramp.
- c. The amount and type of excavation and fill material required and the disposal plan for the excavated material.
- d. The amount of concrete required for the ramp.
- e. The amount and type of bedding or bank stabilization material required.

The DE has determined the proposed work meets the provisions of this GP. There are no extraordinary existing conditions that warrant filing a formal application. However, if the DE is made aware of circumstances where the proposed work does not meet the provisions of this GP, he will notify you that filing a formal application will be necessary.

Verification Procedures There is a certain amount of review and coordination that will be conducted for each request of project authorization by this GP. The Corps will evaluate the proposed project's potential impacts on cultural resources, endangered species, navigation, and the aquatic environment. If no impacts that would exceed minimal are revealed, the Corps will notify the applicant in writing their project is authorized under this GP within 45 days of receipt of a complete application.

Real Estate Easements For those projects that occur on Government property managed by the Corps, you must obtain the appropriate Real Estate instrument required for your requested activity. You may initiate the request for this easement by contacting the Lake Manager at the project where the boat ramp will be located. Construction of your boat ramp cannot commence until an easement authorizing your activity has been granted.

Endangered Species The U.S. Fish and Wildlife Service will be provided information on the location of each requested use of this GP in waters which they have listed on their Aquatic Resources of Concern in Oklahoma (ARCO) except for those listed in the location of work section as excluded waters because its critical habitat for threatened or endangered species. The USFWS will be given 10 days to review the proposed project in regards to impacts on threatened or endangered species within waters listed on the ARCO list and provide comments.

Conditions of GP: All work authorized under this GP is subject to the conditions stated in the Enclosure.



Larry D. Hogue, P.E.  
Chief, Planning, Environmental,  
and Regulatory Division

Enclosure

General Conditions:

1. Compliance. All activities identified and authorized herein shall be consistent with the terms and conditions of this permit; and that any activities not specifically identified and authorized herein shall constitute a violation of the terms and conditions of this permit which may result in the modification, suspension, or revocation of this permit, in whole or in part, as set forth more specifically in General Conditions Number 8 hereto, and in the institution of such legal proceedings as the U.S. Government may consider appropriate, whether or not this permit has been previously modified, suspended, or revoked in whole or in part.
2. Water Quality Standards
  - a. All activities authorized herein shall, if they involve a discharge or deposit into waters of the U.S., be at all times consistent with applicable water quality standards, effluent limitations and standards of performance, prohibitions, and pretreatment standards established pursuant to the Clean Water Act (CWA) (33 USC 1344) or pursuant to applicable State and local law.
  - b. When the activity authorized herein involves a discharge or deposit of dredged or fill material into waters of the U.S., the authorized activity shall, if applicable water quality standards are revised or modified during the term of this permit, be modified, if necessary, to conform with such revised or modified water quality standards within 6 months of the effective date of any revision or modification of water quality standards, or as directed by an implementation plan contained in such revised or modified standards, or within such longer period of time as the District Engineer (DE), in consultation with the Regional Administrator of the Environmental Protection Agency, may determine to be reasonable under the circumstances.
  - c. Measures shall be implemented to prevent the discharge of oil, gasoline, or other fuels or materials capable of causing pollution to waters of the U.S.
  - d. The discharge of material shall not contain unacceptable levels of pathogenic organisms in areas used for recreation or water-related recreation, including physical contact with the water.
  - e. You shall minimize increases in turbidity in the vicinity of the authorized work.
3. Minimization. The permittee agrees to make every reasonable effort to implement the work authorized herein in a manner so as to minimize any degrading of water quality, adverse impact of the work on fish and wildlife habitat, aquatic resources, and other natural environmental values.
4. Inspection. The permittee shall allow the waters of the U.S. or his/her authorized representative(s) or designee(s) to make periodic inspections at anytime deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein.
5. Proper Maintenance. The permittee shall maintain the structure or work authorized herein in good condition, including maintenance to include public safety. If and when the permittee desires to abandon the activity authorized herein, unless such abandonment is part of a transfer procedure by which the permittee is transferring his interests herein to a third party, he must restore the area to a condition satisfactory to the waters of the U.S.
6. Property Rights. This permit does not convey any property rights, either in real estate or material, or any exclusive privileges; and that it does not authorize any injury to property or invasion of rights or any infringement of Federal, State, or local laws or regulations, nor does it obviate the requirement to obtain other Federal, State, or local assent required by law for the activity authorized herein.
7. Interference with Federal Projects. This permit does not authorize the interference with any existing or proposed Federal project and that the permittee shall not be entitled to compensation for damage or injury to the structures or work authorized herein which may be caused by or result from existing or future operations undertaken by the U.S. in the public interest.

Enclosure

8. Modification, Suspension, and Revocation of General Permits (GP)

- a. This permit may be modified, suspended, or revoked by the waters of the U.S. in accordance with 33 CFR 1344, Part 325.7 (a), (b), (c), (d), and (e).
- b. The waters of the U.S. will immediately suspend activities authorized herein, upon finding the immediate suspension would be in the general public interest.
- c. The waters of the U.S. upon suspension will provide the permittee of a written notice thereof which shall indicate (1) the extent of the suspension, (2) the reasons for this action, and (3) any corrective or preventative measures to be taken by the permittee which are deemed necessary by the waters of the U.S. to abate imminent hazards to the general public interest. The permittee shall take immediate action to comply with the provisions of this notice. Within 10 days following receipt of this notice of suspension, the permittee may request a meeting with the waters of the U.S. or request a hearing in order to present information relevant to a decision as to whether his/her permit should be reinstated, modified, or revoked.
- d. This permit may be either modified, suspended, or revoked, in whole or in part, if the Secretary of the Army or his/her authorized representative determines that there has been a violation of any of the terms or conditions of this permit or that such action would otherwise be in the public interest.
- e. In issuing this permit, the Government has relied on the information and data, which the permittee has provided in connection with his/her permit application. If subsequent to the issuance of this permit, such information and data prove to be false, incomplete, or inaccurate, this permit may be modified, suspended, or revoked, in whole or in part, and/or the Government may, in addition, institute appropriate legal proceedings.
- f. Any modification, suspension, or revocation of this permit shall not be the basis for any claim for damages against the U.S.

9. Navigation

- a. The permittee understands and agrees that, if future operations by the U.S. 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/her authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the U.S. Army Corps of Engineers (Corps), to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the U.S. No claim shall be made against the U.S. on account of any such removal or alteration;
- b. No activity may cause more than a minimal adverse effect on navigation and;
- c. No attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized by this permit.

10. Real Estate Condition If the recording of this permit is possible under applicable State or local law, the permittee shall take such action as may be necessary to record this permit with the Register of Deeds or other appropriate official charged with the responsibility of maintaining records of title to and interests in real property.

11. Equipment Heavy equipment working in wetlands must be placed on mats, or other measures must be taken to minimize soil disturbance.

12. Wild and Scenic Rivers No activity may occur in a component of the National Wild and Scenic River System; or in a river officially designated by Congress as a "study river" for possible inclusion in the system, while the river is in an official study status; unless the appropriate Federal agency, with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation, or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency in the area (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service (USFWS)).

13. Tribal Rights No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

14. Historical Properties

- a. No activity which may affect historic properties listed, or eligible for listing, in the National Register of Historic Places is authorized, until the waters of the U.S. has complied with the provisions of 33 CFR Part 325, Appendix C. The prospective permittee shall immediately notify the waters of the U.S., if the authorized activity may affect any historic properties listed, determined to be eligible, or which the prospective permittee has reason to believe may be eligible for listing on the National Register of Historic Places, and shall not begin the activity until notified by the waters of the U.S. that the requirements of the National Historic Preservation Act have been satisfied and that the activity is authorized. Information on the location and existence of historic resources can be obtained from the State Historic Preservation Office and the National Register of Historic Places (see 33 CFR 330.4(g)). For activities that may affect historic properties listed in, or eligible for listing in, the National Register of Historic Places, the notification must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property. The waters of the U.S. may stop work, if he determines that archeological investigations are warranted.
- b. If you discover any previously unknown historical or archaeological material/remains, you shall immediately contact the Regulatory Branch of Corps office at 918-669-7400.

15. Endangered Species

- a. No activity is authorized under any GP which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will destroy or adversely modify the critical habitat of such species. If any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, the permittee shall not begin work on the activity until notified by the waters of the U.S. that the requirements of the ESA have been satisfied and that the activity is authorized.
- b. Authorization of an activity by a GP does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the USFWS, both lethal and non-lethal "takes" of protected species are in violation of the ESA. Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the USFWS or their World Wide Web page at <http://www.fws.gov/r9endspp/endspp.html>.

16. Compliance Certification Every permittee who has received GP verification from the Corps will submit a signed certification regarding the completed work and any required mitigation. The certification form will be provided by the Corps with the authorization letter and will require:

- a. A statement that the authorized work was done in accordance with the Corps authorization, including any general or specific conditions;
- b. A statement that any required mitigation was completed in accordance with the permit conditions; and
- c. The signature of the permittee certifying the completion of the work and mitigation.

17. Mitigation. The waters of the U.S. will determine the appropriate and practicable mitigation necessary to offset adverse effects on the aquatic environment by considering the following:

- a. The project must be designed and constructed to avoid and minimize adverse effects to waters of the U.S. to the maximum extent practicable at the project site.
- b. To be practicable, the mitigation must be available and capable of being done considering costs, existing technology, and logistics in light of the overall project purposes. Examples of mitigation that may be appropriate and practicable include, but are not limited to: (1) Reducing the size of the project; (2) establishing and maintaining wetland or upland vegetated buffers to protect open waters such as streams; (3) and replacing losses of aquatic resource functions and values by creating, restoring, enhancing, or preserving similar functions and values, preferably in the same watershed.

c. Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland impacts, unless the waters of the U.S. determines in writing that some other form of mitigation would be more environmentally appropriate and provides a project specific waiver of this requirement. Consistent with National policy, the waters of the U.S. will establish a preference for restoration of wetlands as compensatory mitigation, with preservation used only in exceptional circumstances,

d. Mitigation in all its forms (avoiding, minimizing, rectifying, reducing or compensating) will be required to the extent necessary to ensure that the adverse effects to the aquatic environment are minimal.

18. Spawning Areas Activities, including structures and work in navigable waters of the U.S. or discharges of dredged or fill material, in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., excavation, filling, or smothering downstream by substantial turbidity) of an important spawning area are not authorized.

19. Management of Water Flows To the maximum extent practicable, the activity must be designed to maintain preconstruction downstream flow conditions (e.g., location, capacity, and flow rates). Furthermore, the activity must not permanently restrict or impede the passage of normal or expected high flows (unless the primary purpose of the fill is to impound waters) and the structure or discharge of dredged or fill material must withstand expected high flows. The activity must, to the maximum extent practicable, provide for retaining excess flows from the site, provide for maintaining surface flow rates from the site similar to preconstruction conditions, and provide for not increasing water flows from the project site, relocating water, or redirecting water flow beyond preconstruction conditions. Stream channelization will be reduced to the minimal amount necessary, and the activity must, to the maximum extent practicable, reduce adverse effects such as flooding or erosion downstream and upstream of the project site, unless the activity is part of a larger system designed to manage water flows. In most cases, it will not be a requirement to conduct detailed studies and monitoring of water flow. This condition is only applicable to projects that have the potential to affect waterflows. While appropriate measures must be taken, it is not necessary to conduct detailed studies to identify such measures or require monitoring to ensure their effectiveness. Normally, the Corps will defer to State and local authorities regarding management of water flow.

20. Waterfowl Breeding Areas Activities, including structures and work in navigable waters of the U.S. or discharges of dredged or fill material, into breeding areas for migratory waterfowl must be avoided to the maximum extent practicable.

21. Removal of Temporary Fills Any temporary fills must be removed in their entirety and the affected areas returned to their preexisting elevation.

22. Water Supply Intakes No activity, including structures and work in navigable waters of the U.S. or discharges of dredged or fill material, may occur in the proximity of a public water supply intake except where the activity is for repair of the public water supply intake structures or adjacent bank stabilization.

23. Soil Erosion and Sediment Controls

a. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date.

b. Permittees are encouraged to perform work within waters of the U.S. during periods of low or non-flowing conditions.

c. The areas devegetated during construction shall be reseeded to the extent practicable after project completion to avoid excessive erosion and the runoff of turbid waters.

24. Suitable Material No activity, including structures and work in navigable waters of the U.S. or discharges of dredged or fill material, may consist of unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.) and material

used for construction or discharged must be free from toxic pollutants in toxic amounts (see Section 307 of the CWA).

25. Aquatic Life Movements No activity may substantially disrupt the necessary lifecycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. Culverts placed in streams must be installed to maintain low flow conditions.

26. Shellfish Beds No activity, including structures and work in navigable waters of the U.S. or discharges of dredged or fill material, may occur in areas of concentrated shellfish populations.

27. Disturbed Areas

- a. The clearing of vegetation shall be minimized and limited to the immediate area of impact.
- b. Disturbed areas shall be returned as closely as possible to the original topographic contours and reestablished with stabilizing vegetation promptly following completion of construction.

28. Flood plain Ordinances The permittee must comply with any applicable FEMA-approved State or local flood plain management requirements.





STEVEN A. THOMPSON  
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

BRAD HENRY  
Governor

February 21, 2003

U.S. Army Corps of Engineers  
ATTN: Regulatory Branch  
1645 South 101<sup>st</sup> East Avenue  
Tulsa, OK 74128-4609

RECEIVED

FEB 25 2003

REGULATORY

Re: Water Quality Certification for Reissuance of RGP OKTXG30002 for Boat Ramps

We have received your request for a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (Public Law (P.L.) 92-500), as amended by the Clean Water Act of 1977 (P.L. 95-217), for activities to be permitted under Section 404 of the Act. The Department of Environmental Quality rules governing 401 Certification are contained in Oklahoma Administrative Code (OAC) 252:610-1-1, and 252:610-3-1 through 252:610-3-10 pursuant to 27A Oklahoma Statute, Section 2-6-103(C)(2). For copies of the Department rules and regulations related to the 401 procedures, please contact the Customer Assistance Division at (405) 702-6100.

This Water Quality Certification supercedes all previous Water Quality Certifications for the Regional General Permit (RGP) for Boat Ramps (OKTXG30002), in the state of Oklahoma.

The Oklahoma Department of Environmental Quality requests the ability to review and comment on all projects within the watersheds of Outstanding Resource Waters, as designated in Appendix A of the Oklahoma Water Quality Standards. The DEQ requests 10 days to receive, review, and inform the SWT that comments are necessary on the RGP application. Upon informing SWT of the necessity of comment, the DEQ requests up to 5 additional days to provide the comments to the SWT.

The Oklahoma Department of Environmental Quality grants Clean Water Act 401 Water Quality Certification for the Corps of Engineers RGP for Boat Ramps (OKTXG30002) subject to the following conditions:

These conditions for this RGP are:

1. All spills of fuel or other pollutants in excess of five gallons shall be reported to the DEQ, within twenty-four (24) hours, to the pollution prevention hotline at 1-800-522-0206.
2. All fueling and servicing of vehicles and equipment shall be done above the Ordinary High Water Mark (OHWM).
3. Permittee shall provide access to the property for DEQ inspection purposes.
4. Any material and fuels used in the project shall be stored and/or stockpiled above the Ordinary High Water Mark (OHWM) and shall be removed from a likely flood zone prior to any predicted flood.



5. If a stormwater discharge permit for construction activities is required, one can be obtained from the DEQ at (405) 702-8100.

If you have any questions regarding this Certification, please contact Stephen Weber at 405-702-8100.

Sincerely,



Mark Derichsweiler, Engineering Manager  
Watershed Planning and Storm Water Permitting  
Water Quality Division, DEQ

SWW/WTC/GWJ/MD/CK/JLC/js

- c: Andrew R. Commer, Regulatory Branch, U.S. Corps of Engineers, Tulsa  
Director, Oklahoma Department of Wildlife Conservation  
Director, U.S. Fish and Wildlife Service, Tulsa  
Regional Administrator, EPA Region 6 (6E-FT)  
Chief Environmental Protection Unit, Attorney General of Oklahoma  
Kelly Hunter-Burch, Assistant Attorney General, Attorney General of Oklahoma  
Mike Thralls, Oklahoma Conservation Commission  
Administrator, Oklahoma Scenic Rivers Commission