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

GENERAL PERMIT NO. OKOOG30012
FOR UTILITY LINE ACTIVITIES
IN CRITICAL RESOURCE WATERS IN OKLAHOMA

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 authorized this general permit (GP) for the construction, maintenance, and repair of utility lines in Critical Resource Waters (CRW). At the time of issuance of this GP, designated CRWs include Outstanding Resource Waters (ORW) and their watersheds, and High Quality Waters (HQW) as identified and designated in Oklahoma Water Quality Standards (OWQS), OAC 785: Chapter 45, Appendix A. This GP is issued 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 limited to activities required for the construction, maintenance, and repair of utility lines and associated facilities in waters of the United States (U.S.), including adjacent wetlands, as follows:

i. Utility lines: The construction, maintenance, or repair of utility lines, including outfall and intake structures and the associated excavation, backfill, or bedding for the utility lines, provided there is no change in preconstruction contours. A "utility line" is defined as any pipe or pipeline for the transportation of any gaseous, liquid, liquescent, or slurry substance, for any purpose, and any cable, line, or wire for the transmission for any purpose of electrical energy, telephone, and telegraph messages, and radio and television communication (see Note 1 below). Material resulting from trench excavation may be temporarily sidecast below the Ordinary High Water Mark in dry areas a minimum of 5 feet away from the wetted perimeter of the stream, provided that the material is not placed in such a manner that it is dispersed by currents or other forces. In wetlands, the top 6 to 12 inches of the trench should normally be backfilled with topsoil from the trench. Furthermore, the trench cannot be constructed in such a manner as to drain waters of the U.S. (e.g., backfilling with extensive gravel layers, creating a french drain effect). For example, utility line trenches can be backfilled with clay blocks to ensure that the trench does not drain the waters of the U.S. through which the utility line is installed. Any exposed slopes and stream banks must be stabilized immediately upon completion of the utility line crossing of each waterbody.

ii. Foundations for overhead utility line towers, poles, and anchors: The construction or maintenance of foundations for overhead utility line towers, poles, and anchors, provided the foundations are the minimum size necessary and separate footings for each tower leg (rather than a larger single pad) are used where feasible.

iii. Access roads: The construction of access roads for the construction and maintenance of utility lines, including overhead power lines and utility line substations, provided the discharges do not cause the loss of greater than 1/2 acre of non-tidal waters of the U.S. Access roads shall be the minimum width necessary (see Note 2 below). Access roads must be constructed so that the length of the road minimizes the adverse effects on waters of the U.S. and as near as possible to preconstruction contours and elevations (e.g., at-grade corduroy roads or geotextile/gravel roads). Access roads constructed above preconstruction contours and elevations in waters of the U.S. must be properly bridged or culverted to maintain surface flows.

The following activities are not authorized by this GP:

(1) Utility lines exceeding 500 feet in length in waters of the U.S., excluding overhead lines.

(2) Permanent access roads constructed above grade a distance of more than 500 feet in waters of the U.S.

(3) Permanent access roads constructed in waters of the U.S. with impervious materials.

The permit applicant is required to notify the Corps prior to the use of this GP in accordance with the notification procedures below. For discharges in special aquatic sites (wetlands, stream riffle and pool complexes, sanctuaries and refuges, and vegetated shallows) the notification must include a delineation of the affected special aquatic site.

The term "utility line" does not include activities which drain a water of the U.S., such as drainage tile, or french drains; however, it does apply to pipes conveying drainage from another area. For the purposes of this GP, the loss of waters of the U.S. includes the filled area plus waters of the U.S. that are adversely affected by flooding, excavation, or drainage as a result of the project. Activities authorized by paragraphs i through iii may not exceed a total of 1/2-acre loss of waters of the U.S.

Waters of the U.S. temporarily affected by filling, flooding, excavation, or drainage, where the project area is restored to preconstruction contours and elevation, is not included in the calculation of permanent loss of waters of the U.S. This includes temporary construction mats (e.g., timber, steel, geotextile) used during construction and removed upon completion of the work. Where certain functions and values of waters of the U.S. are permanently adversely affected, such as the conversion of a forested wetland to a herbaceous wetland in the permanently maintained utility line right-of-way, mitigation will be required to reduce the adverse effects of the project to the minimal level.

Mechanized land clearing necessary for the construction, maintenance, or repair of utility lines and the construction, maintenance and expansion of utility line substations, foundations for overhead utility lines, and access roads is authorized, provided the cleared area is kept to the minimum necessary and preconstruction contours are maintained as near as possible. The area of waters of the U.S. that is filled, excavated, or flooded must be limited to the minimum necessary to construct the utility line, substations, foundations, and access roads. Excess material must be removed to upland areas immediately upon completion of construction. This GP may authorize utility lines in or affecting navigable waters of the U.S. even if there is no associated discharge of dredged or fill material (See 33 CFR Part 322).

Note 1: Overhead utility lines constructed over Section 10 waters and utility lines that are routed in or under Section 10 waters without a discharge of dredged or fill material require a Section 10 permit; except for pipes or pipelines used to transport gaseous, liquid, liquescent, or slurry substances over navigable waters of the U.S., which are considered to be bridges, not utility lines, and may require a permit from the U.S. Coast Guard pursuant to Section 9 of the Rivers and Harbors Act of 1899. However, any discharges of dredged or fill material associated with such pipelines will require a Corps permit under Section 404.

Note 2: Access roads used for both construction and maintenance may be authorized, provided they meet the terms and conditions of this GP. Access roads used solely for construction of the utility line must be removed upon completion of the work and the area restored to preconstruction contours, elevations, and wetland conditions. Temporary access roads for construction may be authorized by Nationwide Permit (NWP) 33.

Location of Work: This GP is applicable to all CRWs (ORWs and all waters located in the watersheds of ORWs and HQWs) within the Oklahoma portion of the Tulsa District civil works boundary, as listed below, excluding;

(1) defined archeological and historical sites

(2) sites listed in the National Register of Historic Places

(3) State Historic Sites

The geographic location and extent of these waters are shown in the enclosures (Enclosures 1 through 6). A table providing a comprehensive listing of the CRWs is enclosed (Enclosure 7). As designated CRWs may be revised in the future, this table will be updated as necessary.

Duration: This GP is in effect for a period of 5 years from ***the date of issuance***, unless it is specifically modified, suspended, or revoked. Upon its expiration, the GP would be considered for renewal. The GP may be modified, suspended, or revoked, in whole or in part, at anytime, if the DE determines that the proposed project or cumulative effects of its activities would have more than minimal adverse environmental impacts or may be contrary to public interest. Work previously authorized by this GP would not be affected by subsequent modification, suspension, or revocation of the GP.

If the DE determines that the adverse effects of the proposed work are more than minimal, then he would notify the applicant either (1) that the project does not qualify for authorization under the GP and instruct the applicant on the procedures to seek authorization under an individual permit; (2) that the project is authorized under the GP subject to the applicant's submitting a mitigation proposal that would reduce the adverse effects to the minimal level; or (3) that the project is authorized under the GP with specific modifications or conditions.

Water Quality Certification: A Section 401 Water Quality Certification was issued for this GP by the Oklahoma Department of Environmental Quality (ODEQ) on July 17, 2003.

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

Endangered Species: The following HQW waters have been designated as critical habitat for the leopard darter (Percina pantherina): Black Fork Creek, East Fork Glover Creek, West Fork Glover Creek, Glover Creek (River), Little River, and Mountain Fork Creek (River), in Pushmataha, Le Flore and McCurtain Counties, Oklahoma. The U.S. Fish and Wildlife Service (USFWS) may list additional species or designate additional critical habitat in the future. Special Condition f. of the GP requires that prior to authorizing a discharge under this GP that may affect a listed species or its critical habitat, the Corps will consult with the USFWS in accordance with Section 7 of the Endangered Species Act (ESA). Where any activity under this proposed GP would likely jeopardize the continued existence of a listed or proposed-to-be-listed species or result in the destruction or adverse modification of designated or proposed critical habitat, the proposed activity: (1) will not be authorized, or (2) will not be authorized to proceed until the ESA Section 7 consultation is concluded.

Mitigation: Discharges of dredged or fill material into waters of the U.S. must be avoided or minimized to the maximum extent practicable at the project site. Compensation for unavoidable discharge of fill materials may require appropriate mitigation measures. Compensatory mitigation will be required for any permanent loss of waters of the U.S. greater than 1/10 acre or any permanent impacts to special aquatic sites. Factors that the DE will consider when determining the acceptability of appropriate and practicable mitigation will include, but are not limited to:

a. The approximate functions and values of the aquatic resource being impacted, such as habitat value, aquifer recharge, sediment conveyance or retention, flood storage, etc.;

b. The permanence of the project's impacts on the resource; and

c. The potential long-term effects of the action on remaining functions and values of the impacted aquatic resource.

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: reducing the size of the project; establishing wetland or upland buffer zones to protect aquatic resource values; replacing the loss of aquatic resource values by creating, restoring, or enhancing similar functions and values; or using bioremediation techniques in conjunction with other methods to offset project impacts.

Notification Procedure: Persons desiring to perform work under this GP shall furnish notification to the Corps, Tulsa District as early as possible prior to anticipated construction. The prospective permittee shall not begin the activity:

(1) Until notified by the DE that the activity may proceed under the GP with any special conditions imposed by the District or Division Engineer; or

(2) If notified by the District or Division Engineer that an individual permit is required, until after the individual permit has been evaluated and issued.

The notification must be in writing and may be submitted on a Department of the Army Permit Application (Eng Form 4345). If construction and material placement is to be in a Corps lake, the information must be sent through the appropriate Area/Lake Manager. Information for work in other all locations should be sent directly to the District Engineer, U.S. Army Corps of Engineers, Tulsa District, ATTN: Regulatory Branch, 1645 South 101st East Avenue, Tulsa, OK 74128-4609. The content of the notification on the proposed project should include the following information:

(1) Name, address, and telephone number(s) of the prospective permittee.

(2) Location of the proposed project and a vicinity map. The location of the proposed work may be shown on a 7.5 minute USGS quadrangle map.

(3) Brief description of the proposed project; the project's purpose; direct and indirect adverse environmental effects the project would cause; any other NWP(s), regional GP(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity.

(4) Delineation of any special aquatic sites (wetlands, stream riffle and pool complexes, sanctuaries and refuges) to be affected by the proposed construction.

(5) A site plan view. This should be drawn to show any delineated wetland, existing embankments, flow direction, property boundaries, adjoining property owners, directional north, the proposed activity with distances and dimensions, excavation and fill areas, and the quantity of excavation and fill.

(6) A cross-section or profile view. This should be drawn to indicate excavation and fill areas, fill types, existing and proposed contours of the stream and embankment, and the water depth.

(7) Information on any temporary features to be constructed (such as a work road) including the location, dimensions, quantities, source of borrow materials, water management design, timing and duration, and removal and restoration parameters.

(8) A description of alternative routes and designs considered for avoiding and minimizing impacts to the aquatic ecosystem. The submitted information should support that the proposed project is the least environmentally damaging practicable alternative.

(9) A compensatory mitigation proposal for any permanent loss of waters of the U.S. greater than 1/10 acre or any permanent impacts to special aquatic sites.

(10) A title block should be included on each page of the drawings. The title block should include the proposed activity, applicant, waterbody, and county/state.

(11) If the project is to be located in a lake not operated by the Corps, written approval from the owner/manager must be furnished.

Verification Procedure: Upon receipt of a notification by a prospective permittee, the Corps will expeditiously provide a copy of the applicant's request to the State Historic Preservation Office (Oklahoma Archeological Survey and Oklahoma Historic Society), the ODEQ, and the USFWS. If the Corps determines that the proposed project has the potential to affect Federally-listed threatened or endangered species or habitat critical for the survival of such species, the Corps will provide appropriate information to the USFWS. These agencies will have 10 days to indicate they will be providing site-specific comments with regard to the proposed project. Their comments must relate to matters within their expertise (i.e., proximity to known archeological or cultural resources, special water quality considerations, endangered species, waterfowl breeding areas, shellfish beds, or spawning areas) and must be provided in writing. Once they notify the Corps they will be providing site-specific comments, the Corps will wait 15 additional days for these comments before proceeding with GP verification. The Corps will fully consider comments provided by these agencies in the determination of whether the project should proceed under the GP.

If the DE determines that the proposed work meets the provisions of the GP, and no extraordinary conditions exist that would warrant filing a formal application, he would notify the applicant by letter that the project falls under this GP.

If the DE determines that the proposed work does not meet the provisions of the GP, or that extraordinary conditions exist, he would notify the applicant that filing a formal application would be necessary. The applicant should be aware that additional evaluation time will be required for a final decision on any individual permit application submitted subsequent to disqualification under the GP

Real Estate Easements: A request for an easement on Government property shall be sent to the appropriate Area/Lake Manager or the DE along with this GP.

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.

Conditions of GP: All work authorized under this GP shall be subject to the conditions stated in Enclosure 8.

Special Conditions

a. Permittee Construction Schedule Notification: Complete and return the enclosed "Permittee Construction Schedule" form. Should construction be initiated prior to 30 days from authorization of this project, please return the completed form as soon as possible. If you prefer, you may telephone 918-669-7400 to inform the Corps regarding the construction start date.

b. Stream Shading Trees: The permittee shall minimize to the maximum extent practicable the removal of stream-shading trees when preparing the project site and constructing the crossing.

c. Revegetation: The permittee shall only use native vegetation in revegetating the project site following completion of construction.

d. Pollutant Spills: All spills of fuel or other pollutants in excess of 5 gallons shall be reported to the ODEQ, within 24 hours, to the Pollution Prevention Hotline at 1-800-522-0206 and/or to the Oklahoma Scenic Rivers Commission at 918-456-3251.

e. Fueling and Servicing: All fueling and servicing of vehicles and equipment shall be done above the Ordinary High Water Mark (OHWM).

f. Flood Plain Development Permits: Activities authorized by Department of the Army permits sometimes require flood plain development permits. Communities participating in the National Flood Insurance Program are required by that program to review all proposed development to determine if a flood plain permit is required.

g. Inspection Access: Permittees shall provide access to the property to the ODEQ for inspection purposes.

h. Stockpiled Materials: Any material and fuels used in the project shall be stored and/or stockpiled above the OHWM and shall be removed from a likely flood zone prior to any predicted flood.

i. Discovery of Archeological and Cultural Materials: If you discover any previously unknown historical, archaeological, or cultural materials or remains, you shall immediately cease construction activities and contact the Regulatory Branch of Corps office at 918-669-7400.

Walter L. Garner

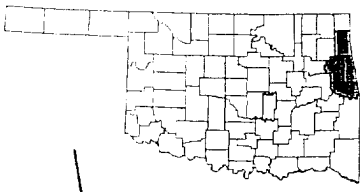
Robert L. Suthard, Jr.
Colonel, U.S. Army
District Engineer

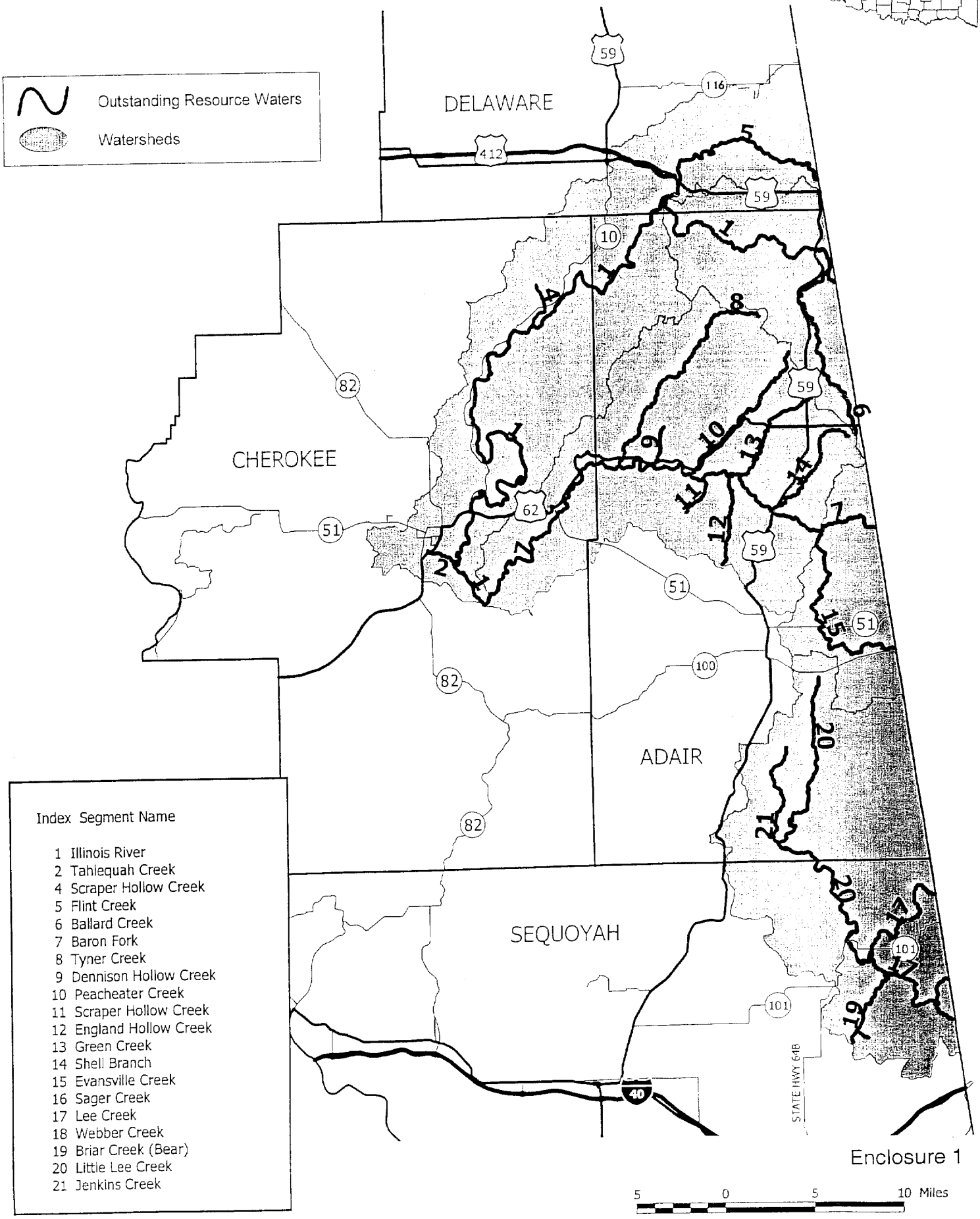
22 Mar 2004
Date of Issuance

Walter L. Garner, P.E.
Acting District Engineer

Enclosures

Outstanding Resource Waters - Northeast



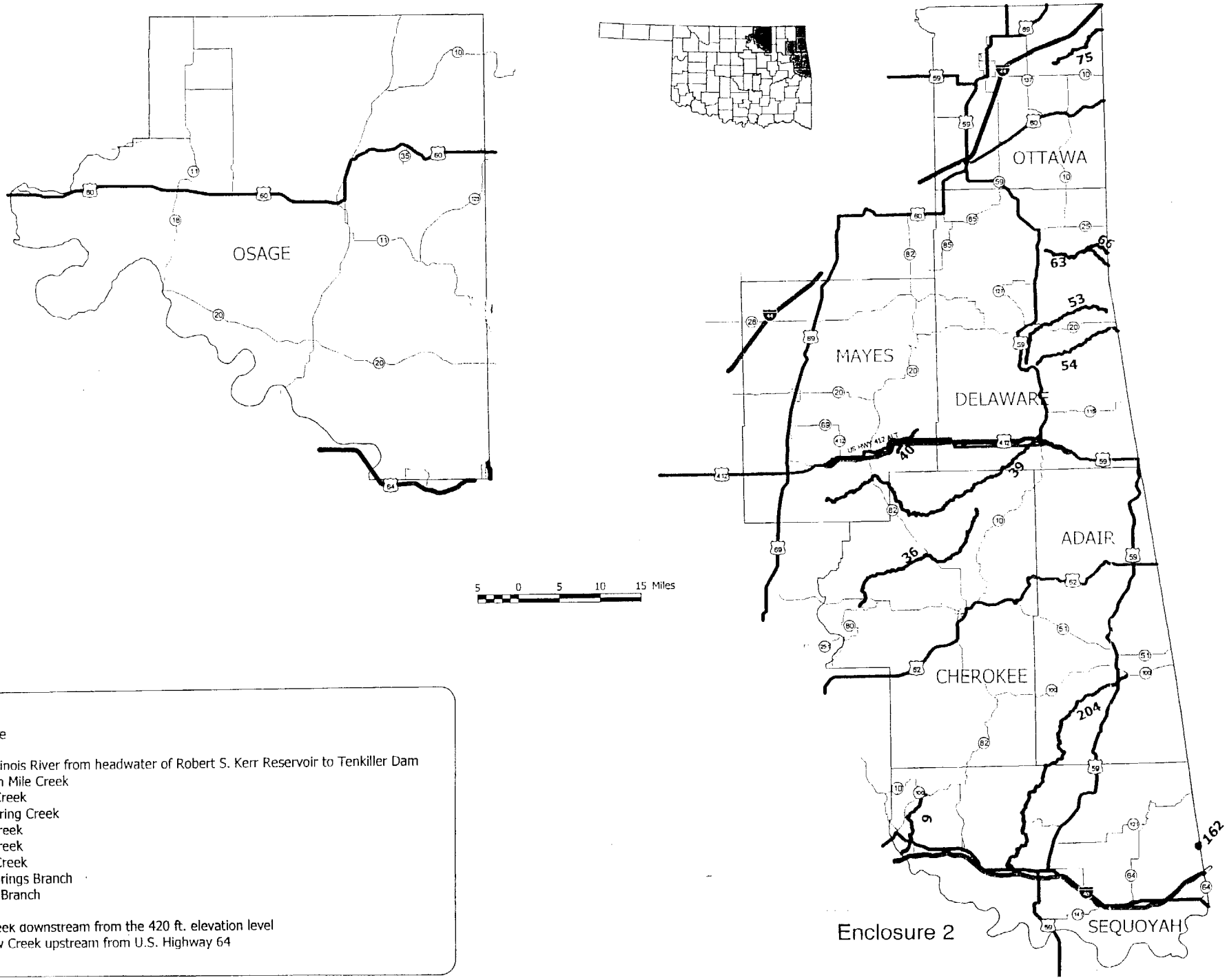


Index Segment Name

1 Illinois River
2 Tahlequah Creek
4 Scraper Hollow Creek
5 Flint Creek
6 Ballard Creek
7 Baron Fork
8 Tyner Creek
9 Dennison Hollow Creek
10 Peacheater Creek
11 Scraper Hollow Creek
12 England Hollow Creek
13 Green Creek
14 Shell Branch
15 Evansville Creek
16 Sager Creek
17 Lee Creek
18 Webber Creek
19 Briar Creek (Bear)
20 Little Lee Creek
21 Jenkins Creek

Enclosure 1

igh Quality Waters - Northeast



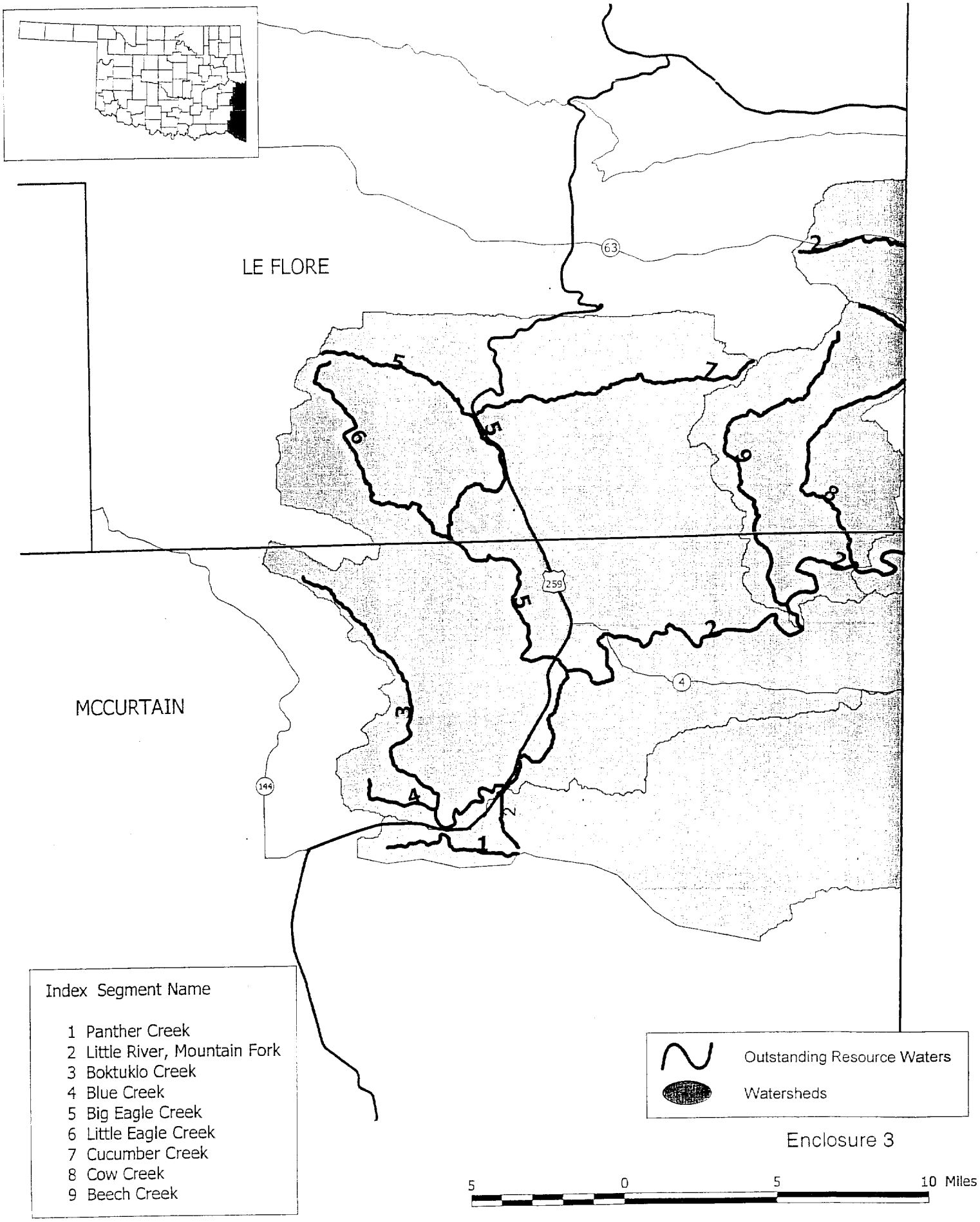
Standard_n Name

9 Lower Illinois River from headwater of Robert S. Kerr Reservoir to Tenkiller Dam
36 Fourteen Mile Creek
39 Spring Creek
40 Little Spring Creek
53 Brush Creek
54 Beaty Creek
63 Honey Creek
66 Cave Springs Branch
75 Warren Branch

162 Lee Creek downstream from the 420 ft. elevation level
204 Sallisaw Creek upstream from U.S. Highway 64

Enclosure 2

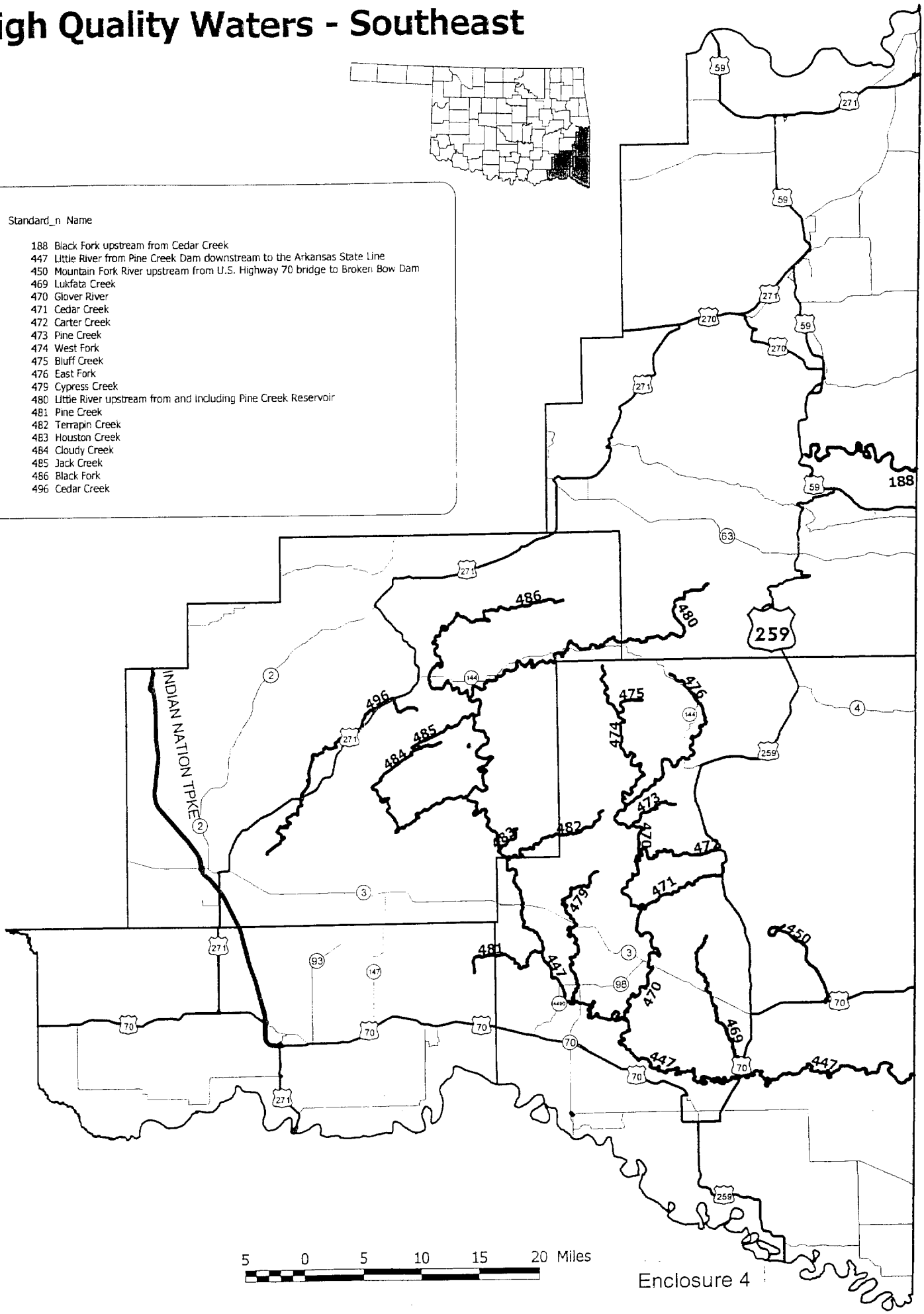
Outstanding Resource Waters - Southeast



Enclosure 3

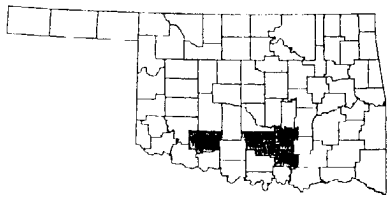
High Quality Waters - Southeast

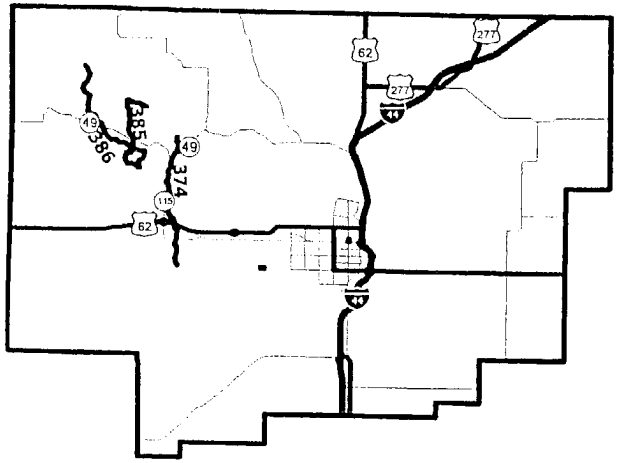
Standard_n	Name
188	Black Fork upstream from Cedar Creek
447	Little River from Pine Creek Dam downstream to the Arkansas State Line
450	Mountain Fork River upstream from U.S. Highway 70 bridge to Broken Bow Dam
469	Lukfata Creek
470	Glover River
471	Cedar Creek
472	Carter Creek
473	Pine Creek
474	West Fork
475	Bluff Creek
476	East Fork
479	Cypress Creek
480	Little River upstream from and including Pine Creek Reservoir
481	Pine Creek
482	Terrapin Creek
483	Houston Creek
484	Cloudy Creek
485	Jack Creek
486	Black Fork
496	Cedar Creek

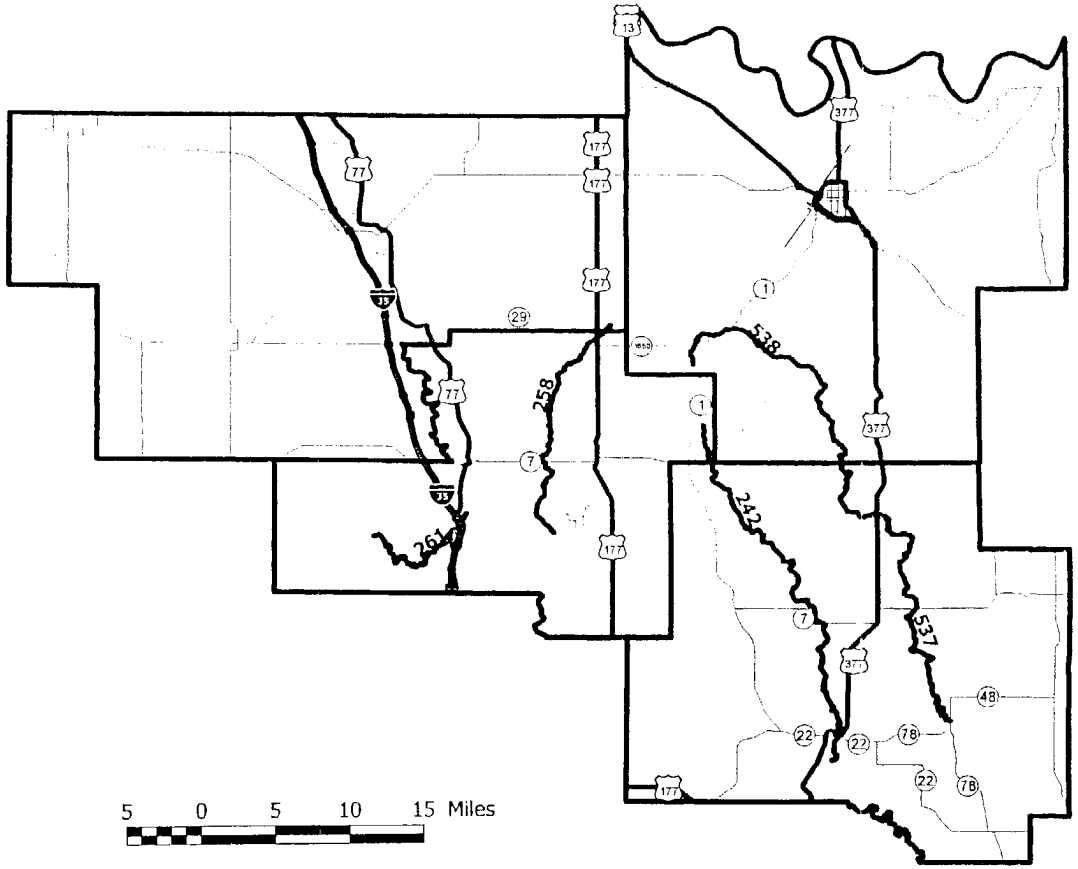


Enclosure 4

High Quality Waters - Southwest





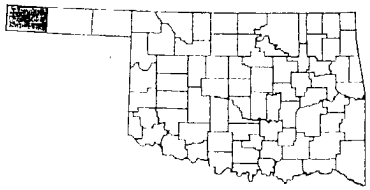


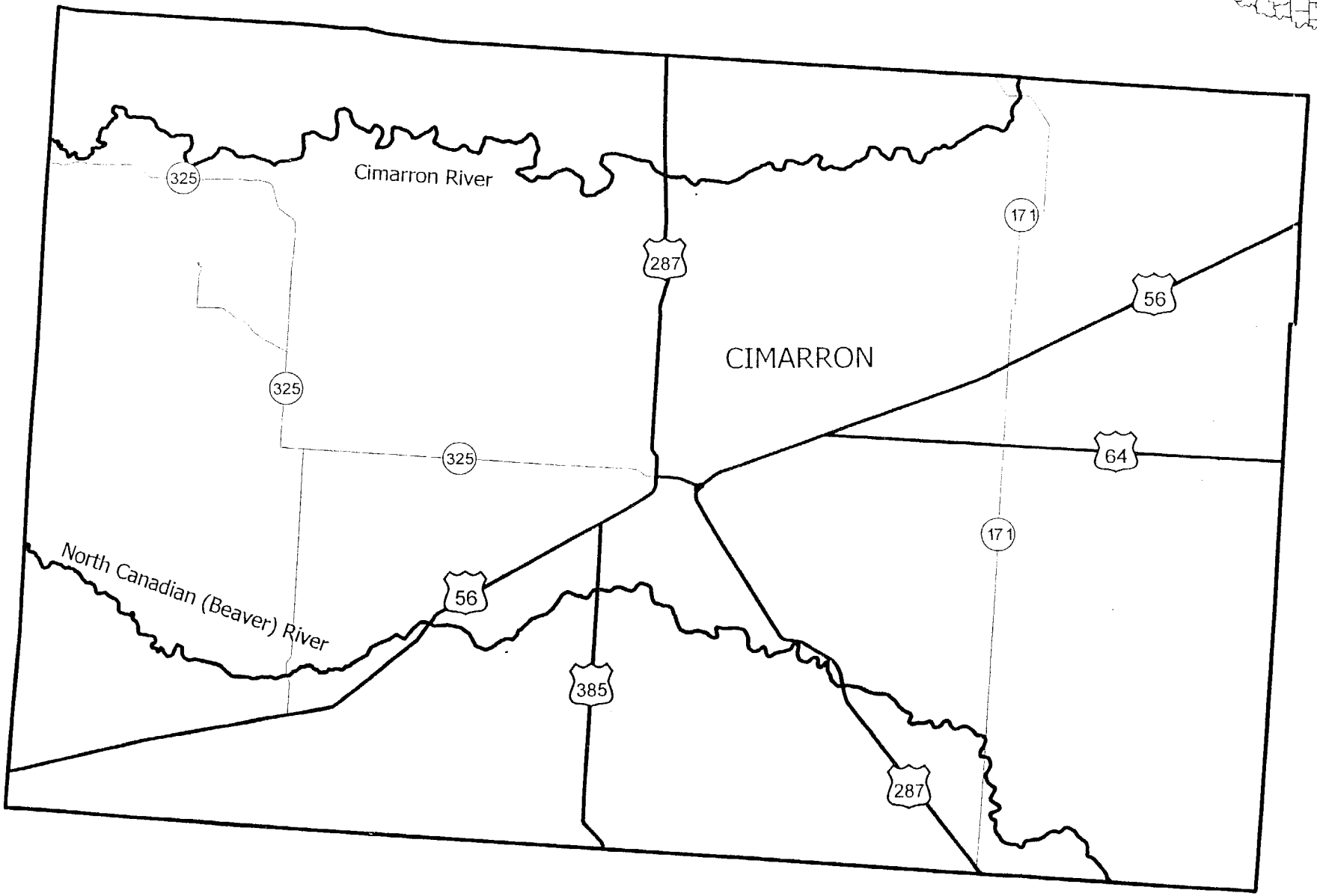
Standard_n Name

242 Pennington Creek
258 Guy Sandy Creek
261 Honey Creek
374 Crater Creek
385 Panther Creek
386 West Cache Creek upstream from Panther Creek
537 Blue River upstream from State Highway 48A Bridge to State Highway 7 Bridge
538 Blue River upstream from State Highway 7 Bridge

Enclosure 5

High Quality Waters - Panhandle





5 0 5 10 Miles

Enclosure 6

CRITICAL RESOURCE WATER DESIGNATION
AND
IDENTIFICATION OF ENDANGERED SPECIES WATERS
TULSA DISTRICT
FEBRUARY 2004

This document contains two parts. Part I identifies the specific waterbodies that the District Engineer of the U.S. Army Corps of Engineers, Tulsa District, has designated as CRWs subject to Nationwide Permit (NWP) General Condition (GC) 25. Part II identifies waterbodies within the Tulsa District geographic area that provide habitat for threatened or endangered species. Portions of these waters have been designated as Critical Habitat for one or more listed species. Critical Habitat waters are automatically designated as CRW. Project proponents are advised to coordinate project details with the Tulsa District Regulatory Branch regarding proposed construction activities in these waters subject to the authorities of Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899.

Definitions and Applicability

NWP GC 25: Critical Resource Waters include NOAA-designated marine sanctuaries, National Estuarine Research Reserves, National Wild and Scenic Rivers, critical habitat for Federally listed threatened and endangered species, coral reefs, state natural heritage sites, and outstanding National resource waters or other waters officially designated by a State as having particular environmental or ecological significance and identified by the DE after notice and opportunity for public comment. The DE may also designate additional CRWs after notice and opportunity for comment.

a. Except as noted below, discharges of dredged or fill material into waters of the United States are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, and 44 for any activity within, or directly affecting, CRWs, including wetlands adjacent to such waters. Discharges of dredged or fill materials into waters of the United States may be authorized by the above NWPs in National Wild and Scenic Rivers if the activity complies with GC 7. Further, such discharges may be authorized in designated critical habitat for Federally-listed threatened or endangered species if the activity complies with GC 11 and the U.S. Fish and Wildlife Service (USFWS) has concurred in a determination of compliance with this condition.

b. For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, and 38, notification is required in accordance with GC 13, for any activity proposed in the designated CRWs including wetlands adjacent to those waters. The DE may authorize activities under these NWPs only after he determines that the impacts to the CRWs will be no more than minimal.

Waters of the United States: The term *waters of the United States* includes all lakes, rivers, streams, tributary creeks (both intermittent and ephemeral creeks), natural ponds, impoundments of such waters, and wetlands adjacent to such waters (see 33 CFR 328.3).

Watershed: The term *watershed* describes an area of land that drains downslope to the lowest point. As applies to this designation, *entire watershed* includes all *waters of the United States* that drain to a listed body of water.

PART I

Critical Resource Water (CRW) Designation

The U.S. Army Corps of Engineers, Tulsa District, has designated the following waters as CRWs. The location and extent of these waters are shown in the enclosures (Encl 1 thru 6).

Waters designated Outstanding Resource Water (ORW) in Appendix A of the Oklahoma Water Quality Standards (OWQS) (July 12, 1999) and all waters located in watersheds of these ORWs

Water Name	County	Location and CRW Extent
Flint Creek (*Scenic River*)	Adair County	Entire watershed
Sager Creek	Adair County	Entire watershed
Illinois River (*Scenic River*)	Adair, Cherokee, Delaware	Entire watershed upstream from confluence with Barren Fork River
Tahlequah Creek	Cherokee	Entire watershed
Ballard Creek	Adair	Entire watershed
Barren (Baron) Fork River (*Scenic River*)	Adair, Cherokee	Entire watershed upstream from confluence with Illinois River
Tyner Creek	Adair	Entire watershed
Dennison Hollow	Adair	Entire watershed
Peacheater Creek	Adair	Entire watershed
Scraper Hollow	Adair	Entire watershed
England Hollow	Adair	Entire watershed
Green Creek	Adair	Entire watershed
Shell Branch	Adair	Entire watershed
Evansville Creek	Adair	Entire watershed
Mountain Fork River (*Scenic River*)	Le Flore, McCurtain,	Entire watershed upstream of the 600-foot elevation (upstream of Broken Bow Reservoir)
Panther Creek	McCurtain	Entire watershed
Boktuklo Creek	McCurtain	Entire watershed
Blue Creek	McCurtain	Entire watershed
Big Eagle Creek	Le Flore, McCurtain,	Entire watershed
Little Eagle	Le Flore	Entire watershed
Cucumber Creek	Le Flore	Entire watershed
Beech (Beach) Creek	Le Flore, McCurtain	Entire watershed
Cow Creek	Le Flore, McCurtain	Entire watershed
Lee Creek (*Scenic River*)	Adair, Sequoyah	Entire watershed upstream of the 420-foot elevation
Webber Creek	Sequoyah	Entire watershed
Briar (Bear) Creek	Sequoyah	Entire watershed
Little Lee Creek (*Scenic River*)	Adair	Entire watershed
Jenkins Creek	Adair	Entire watershed

Waters designated High Quality Waters (HQW) in Appendix A of the OWQS (July 12, 1999)

Water Name	County	Location and CRW Extent
OWQS Water Quality Management Basin 1, Middle Arkansas River		
Lower Illinois River	Sequoyah	Mainstem from headwater of Robert S. Kerr Reservoir to Tenkiller Dam
Fourteen Mile Creek	Cherokee	Mainstem only
Spring Creek	Cherokee, Delaware, Mayes	Mainstem only

Little Spring Creek	Mayes	Mainstem only
Brush Creek	Delaware	Mainstem only
Beaty Creek	Delaware	Mainstem only
Honey Creek	Delaware	Mainstem only
Cave Springs Branch	Delaware	Mainstem only
Warren Branch	Ottawa	Mainstem only
OWQS Water Quality Management Basin 2, Lower Arkansas River		
Lee Creek	Sequoyah	Mainstem downstream from 420-foot elevation
Black Fork Creek	Le Flore	Mainstem upstream from Cedar Creek
Sallisaw Creek	Adair, Sequoyah	Mainstem upstream from U.S. Highway 64
OWQS Water Quality Management Basin 3, Upper Red River		
Pennington Creek	Johnston, Murray	Mainstem only
Guy Sandy Creek	Murray, Garvin	Mainstem only
Honey Creek	Murray	Mainstem only
Crater Creek	Comanche	Mainstem only
Panther Creek	Comanche	Mainstem only
West Cache Creek	Comanche	Mainstem upstream from Panther Creek
OWQS Water Quality Management Basin 4, Lower Red River		
Little River	McCurtain	Mainstem from the Arkansas State Line upstream to Pine Creek Dam
Mountain Fork River	McCurtain	Mainstem from U.S. Route 70 bridge upstream to Broken Bow Dam
Lukfata Creek	McCurtain	Mainstem only
Glover River	McCurtain	Mainstem only
Cedar Creek	McCurtain	Mainstem only
Carter Creek	McCurtain	Mainstem only
Pine Creek	McCurtain	Mainstem only
West Fork of Glover River	McCurtain	Mainstem only
Bluff Creek	McCurtain	Mainstem only
East Fork of Glover River	McCurtain	Mainstem only
Cypress Creek	McCurtain	Mainstem only
Little River	Le Flore, McCurtain, Pushmataha	Mainstem, upstream from and including Pine Creek Reservoir
Pine Creek	Choctaw, McCurtain	Mainstem only
Terrapin Creek	McCurtain, Pushmataha	Mainstem only
Houston Creek	Pushmataha	Mainstem only
Cloudy Creek	Pushmataha	Mainstem only
Jack Creek	Pushmataha	Mainstem only
Black Fork	Pushmataha	Mainstem only
Cedar Creek	Pushmataha	Mainstem above Kiamichi River
Blue River	Johnston, Pontotoc	Mainstem uptream from State Highway 48A Bridge (includes portion upstream of State Highway 7 bridge)
OWQS Water Quality Management Basin 7, Panhandle Region		
North Canadian (Beaver) River	Cimarron	Mainstem upstream from Texas State Line to New Mexico State Line
Cimarron River	Cimarron	Mainstem upstream from the Colorado State Line to the New Mexico State Line

PART II

Identification of Endangered Species Waters - Aquatic Resource of Concern

Numerous aquatic areas within the Tulsa District geographic area provide habitat for threatened or endangered species. Portions of these waters have been designated by the U.S. Fish and Wildlife Service (USFWS) as Critical Habitat for one or more listed species. By the terms of NWP GC 25, waters designated as Critical Habitat by the U.S. Fish and Wildlife Service are automatically granted status as CRW based on their designation as Critical Habitat for endangered species. Project proponents are advised to keep abreast of the status of endangered species and Critical Habitat designations. Information on endangered species and their habitat is available from the USFWS webpage: http://ifw2es.fws.gov/EndangeredSpecies/.
The latest information on Aquatic Resources of Concern in Oklahoma can be obtained from the USFWS webpage: http://ifw2es.fws.gov/Oklahoma/spplist.htm. The following information is current as of February 2004.

Existing Designations of Critical Habitat in the Tulsa District			
Water Name	**County**	**Location and Extent of Critical Habitat**	**Species of Concern**
Black Fork Creek	Pushmataha	Mainstem from its junction with Little River upstream to State Highway 144	Leopard Darter (*Percina pantherina*)
East Fork of Glover Creek (River)	McCurtain	Mainstem from its junction with the West Fork Glover Creek (River) upstream to 4 air-miles north-northwest of the community of Bethel.	Leopard Darter
West Fork Glover Creek (River),	McCurtain	Mainstem from its junction with the East Fork Glover River upstream to the community of Battiest	Leopard Darter
Glover Creek (River)	McCurtain	Mainstem from State Highway 7 Bridge upstream to the junction of the East Fork and West Fork	Leopard Darter
Little River	Pushmataha	Mainstem from the mouth to Cloudy Creek upstream to the Pushmataha – Le Flore County Line	Leopard Darter
Little River	McCurtain	Mainstem below Pine Creek Reservoir	Leopard Darter
Mountain Fork Creek (River)	McCurtain	Mainstem from the mouth of Boktukola Creek upstream to the Oklahoma - Arkansas State Line	Leopard Darter
Salt Plains National Wildlife Refuge	Alfalfa	NWR lands around Great Salt Plains Lake	Whooping Crane (*Grus americana*)
Canadian River	Numerous counties	1) from Hanna OK upstream to Canadian TX; and 2) from Lake Meredith upstream to Logan Village NM [1]	Arkansas River Shiner (*Notropis girardi*)
North Canadian River	Beaver, Texas, Woodward	From Seiling OK upstream to Hardesty OK [1]	Arkansas River Shiner
Cimarron River	Beaver, Harper, Woods, Woodward	From Waynoka OK upstream to Kismet KS [1]	Arkansas River Shiner
Arkansas River	Contact Kansas City District, Kansas State Office – (316)322-8247	From Arkansas City KS vicinity upstream to Syracuse KS [1]	Arkansas River Shiner

Other waters which provide habitat for endangered or threatened species (not currently designated as Critical Habitat)			
Water Name	**County**	**Location and Extent**	**Species of Concern**
Kiamichi River	Pushmataha, Le Flore	Upstream from Hugo Reservoir	Ouachita Rock Pocketbook Mussel (*Arkansia wheeleri*)
Neosho (Grand) River	Craig, Ottawa	Upstream from Miami	Neosho madtom (*Noturus placidus*)
Red River	Numerous		Interior Least Tern (*Sterna antilarrum*) American Alligator (*Alligator mississippiensis*)
Canadian River	Numerous		Interior Least Tern
North Canadian River	Numerous		Interior Least Tern
Cimarron River	Numerous		Interior Least Tern
Salt Fork Arkansas River	Numerous		Interior Least Tern
Arkansas River	Numerous		Interior Least Tern

[1] Critical Habitat for Arkansas River Shiner vacated per September 2003 Memorandum Opinion of Senior U. S. District Judge C. LeRoy Hansen, N.M. District Court. As a result USFWS must propose new Critical Habitat within one year.

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 United States (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 DE 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 DE.

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.

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

a. This permit may be modified, suspended, or revoked by the DE in accordance with 33 CFR 1344, Part 325.7 (a), (b), (c), (d), and (e).

b. The DE will immediately suspend activities authorized herein, upon finding the immediate suspension would be in the general public interest.

c. The DE 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 DE 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 DE 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 DE has complied with the provisions of 33 CFR part 325, Appendix C. The prospective permittee shall immediately notify the DE, 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 DE 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 DE 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 DE 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 office 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 DE 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 DE 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 DE 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 life cycle 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 Federal Emergency Management Agency approved State or local flood plain management requirements.