

GENERAL PERMIT NO. 17
FOR OKLAHOMA DEPARTMENT OF TRANSPORTATION
BRIDGE REPLACEMENT PROJECTS OF EXISTING CROSSINGS

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, Tulsa District (Corps), has authorized issuance of a General Permit (GP) for the replacement of existing Oklahoma Department of Transportation (ODOT) bridge projects, including local government bridge replacement projects that go through ODOT's letting process with funding provided by the Federal Highway Administration, in the State of Oklahoma, excluding Critical Resource Waters. This GP is issued pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

Expiration: This GP is set to expire on November 30, 2023.

Scope of Work: Work authorized by this GP is limited to discharges of dredge or fill material into waters of the United States, including adjacent wetlands, for activities required for the construction, expansion, modification, or improvement of bridge replacement projects including reinforced concrete boxes and other drainage structures (e.g., roads, highways, railways) in waters of the United States, provided the following:

1. Permanent loss of waters of the United States are limited to no more than 3 acres and shall not exceed 1,000 linear feet of stream channel modification. For jurisdictional streams that have been converted to roadside ditches, the applicant may submit a request for an activity specific waiver if over 1,000 linear feet.
2. Mitigation shall be proposed in accordance with the Tulsa District Aquatic Resource Mitigation and Monitoring Guidelines, (current version); and Title 33 Part 332 - Compensatory Mitigation for Losses of Aquatic Resources.
3. Any stream modification, including bank stabilization, is limited to the minimum necessary to construct or protect the bridge replacement project.
4. The authorized activities shall not cause more than minimal changes to the hydraulic flow characteristics of the stream, increase flooding, or cause more than minimal degradation of water quality of any stream.

The crossing is a single and complete project for crossing waters of the United States. Where a road segment has multiple crossings of waters, the Corps will consider whether it should use its discretionary authority to require an individual permit.

This GP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to construct the bridge replacement project. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

The following activities are **not** authorized by this GP:

1. New alignments outside of the general vicinity of previous construction disturbance for the existing bridge and requiring substantial new right-of-way in the approaching roadway.
2. Non-linear features associated with transportation projects, such as vehicle maintenance or storage buildings, parking lots, or train stations.
3. Stream channelization, bank-to-bank filling, or culverting (replacing a span bridge with a reinforced concrete box) of more than 1,000 linear feet of jurisdictional natural stream systems.
4. Increase flooding, or negatively impact the pre-project hydrologic flow characteristics or water quality of any affected stream.
5. Severance of connections to upstream or downstream waters.

Location of Work: This GP is applicable to all waters in Oklahoma excluding **Critical Resource Waters** (CRWs). CRWs are Outstanding Resource Waters (ORWs) and their watersheds, and High Quality Waters (HQWs) designated by the State of Oklahoma in Appendix A of the Water Quality Standards (OAC 785, Chapter 45). The ORWs include all waters in the supporting watersheds, HQWs do not. Both ORWs and HQWs include adjacent wetlands. The current list of CRWs is available on the Corps website:

<http://www.swt.usace.army.mil/portals/41/docs/missions/regulatory/wqc/crw.pdf>

Duration: This GP is in effect for a period of 5 years from date of issuance, unless it is specifically modified, suspended, or revoked. See General Permit Specific Condition (GPSC) 6 below. Upon its expiration, the GP would be considered for renewal. Work previously authorized by this GP would not be affected by subsequent modification, suspension, or revocation of the GP. Furthermore, if you commence, or are under contract to commence, the activity before the date the GP is modified or revoked, you will have 12 months from the date of the modification or revocation to complete the activity under the present terms and conditions of this GP.

Water Quality Certification (WQC): A Section 401 WQC was issued by the Oklahoma Department of Environmental Quality with conditions on November 20, 2018. The conditions and requirements have been incorporated into this document at GPSC 31.

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

Application Procedure: The Applicant shall furnish application to the Corps as early as possible prior to the anticipated construction date. The application shall include all concurrence documents from Tribal Governments, Oklahoma State Historic Preservation Office (SHPO), Oklahoma Archeological Survey), and the U.S. Fish and Wildlife Service (USFWS), where applicable.

One hard copy and one digital copy of the application shall be submitted on a Department of the Army Permit Application (Eng Form 4345). If the project is located on Corps property, then a separate request for an easement on Corps property shall be sent to the appropriate Area/Lake Manager and a copy of that request submitted with the GP application. Information for work in all other locations should be sent directly to the District Engineer, U.S. Army Corps of Engineers, Tulsa District, ATTN: Regulatory Office, 2488 E 81st Street, Tulsa, OK 74137-4290. The content of the notification must include the following information:

1. Name, address, and telephone number(s) of the point of contact.
2. Latitude and Longitude location in decimal degrees of the proposed project and a vicinity map. The location of the proposed work must be shown on a 7.5 minute USGS quadrangle map.
3. Description of the proposed project; the project's purpose; direct and indirect adverse environmental effects the project would cause; and any other nationwide, regional general permit, or individual permit used or intended to be used to authorize any part of the proposed project or any related activity.
4. The notification must include a statement describing how impacts to waters of the United States are to be avoided and minimized.
5. Compliance with GPSC 23 Endangered Species must be demonstrated.
6. Compliance with GPSC 25 Historical Properties must be demonstrated.
7. Delineation of waters of the United States including special aquatic sites (wetlands, stream riffle and pool complexes, sanctuaries, and refuges) to be affected by the proposed construction. 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.
8. A site plan view. This should be drawn to show any delineated wetland, existing embankments, flow direction, property boundaries, directional north, the proposed activity with distances and dimensions, excavation and fill areas, and the quantity of excavation and fill below the ordinary high water mark.
9. 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.
10. Information on any temporary features to be constructed (such as a work road) including the location, dimensions, quantities, water management design, timing and duration, and removal and restoration parameters.
11. A description of alternative routes and designs considered for avoiding and minimizing impacts to the aquatic ecosystem.
12. Mitigation: The Applicant shall propose an appropriate compensatory mitigation plan to offset unavoidable impacts. The amount of mitigation must be, to the extent practicable, sufficient to replace lost aquatic resource functions.

Verification Procedure: Upon receipt of a complete GP application, the Corps will expeditiously provide a copy of the request to the following (if not previously contacted or approved):

1. Applicable Tribal Government(s)
2. Oklahoma Department of Environmental Quality
3. SHPO, OAS, if the Corps determines that the proposed project has the potential to affect historic properties listed, or eligible for listing, in the National Register of Historic Places.

4. USFWS, if the Corps determines that the proposed project has the potential to affect federally listed threatened or endangered species or critical habitat.

The Corps will request site-specific comments on the proposed project be submitted to the Corps within **15** days of the notification. The Corps will request comments related to matters within the commenting agency's expertise respectively (i.e., proximity to known archeological or cultural resources, special water quality considerations, or endangered species). 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 for an individual permit, the Corps would notify the applicant that the project is authorized under the GP with specific modifications or conditions as applicable.

If the DE determines that the potential adverse effects of the proposed work are more than minimal, then the DE 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 (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.); (2) that the project is authorized under the GP subject to the applicant's submitting a mitigation proposal to be approved by the Corps that would reduce the adverse effects to the minimal level.

Wetland Delineation Manual Regional Supplements: The Corps Manual provides technical guidance and procedures, from a National perspective, for identifying and delineating wetlands that may be subject to Regulatory jurisdiction under Section 404 of the Clean Water Act (33 U.S.C. 1344) or Section 10 of the Rivers and Harbors Act (33 U.S.C. 403). Information on the Regional Supplements can be found at:
<http://www.swt.usace.army.mil/Missions/Regulatory/Wetlands/>

Mitigation: Discharges of dredged or fill material into waters of the United States 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. Information on Mitigation requirements is located in 33 CFR Part 332 and the current version of the Tulsa District Aquatic Resource Mitigation and Monitoring Guidelines can be found at:
<http://www.swt.usace.army.mil/Missions/Regulatory/Mitigation/>. All mitigation plans must be approved by the Corps.

Conditions of GP: All work authorized under GP 17 would be subject to the GP Specific Conditions in Enclosure 1.

/S/

Christopher A. Hussin
Colonel, U.S. Army
District Commander

November 30, 2018

Date

Enclosure

GENERAL PERMIT
SPECIFIC CONDITIONS

1. 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 U.S. Army Corps of Engineers regarding the construction start date.
2. Compliance Certification: Every Permittee who has received GP verification from the Corps shall 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.
3. Bridge and Roadway Debris: To the maximum extent practicable, all demolition materials generated in the vicinity of the permit site shall be removed from the waterway. These materials include, but are not limited to, asphalt, metal, wood, and concrete. Subsurface support and structures (piers) shall be removed to below the bed of the stream and remaining portions covered with native streambed materials. No bridge and support demolition debris shall be used as riprap material or embankment or abutment stabilization.
4. Vegetation:
 - a. During construction, the clearing of vegetation (especially stream-shading trees) should be kept to the minimum necessary in the right-of-way (ROW).
 - 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.
 - c. Measures must be taken to ensure the survivability of all planted vegetation.
 - d. The permittee should only use native vegetation in revegetating the project site following completion of construction. Native grasses are recommended and the use of the on-site impacted wetland seedbed is recommended to be used for restored wetlands.
 - e. Blanket spraying of broadleaf herbicides in ROW should be avoided.
5. Erosion Control Measures (ECM): The Permittee shall ensure execution and compliance with proper ECM installation and use for the duration of the project to prevent soil erosion and subsequent stream sedimentation. ECM shall be inspected and maintained on a daily basis. Barriers shall remain in place and effective until sufficient vegetation coverage on exposed areas is established. All exposed earthen areas, disturbed or newly created by the construction, shall be seeded immediately, replanted, or provided equivalent protection against subsequent erosion within 24 hours.
6. Modification, Suspension, and Revocation of General Permits:
 - a. This permit may be modified, suspended, or revoked by the DE in accordance with 33 CFR 1344, Part 325.7(a)-(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.
 - d. 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.
 - e. 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.

f. 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.

g. Any modification, suspension, or revocation of this permit shall not be the basis for any claim for damages against the United States.

7. Stockpile Area: Stockpile areas shall not be located in a water of the United States or adjacent wetland. The Permittee shall incorporate ECM along the entire perimeter of the stockpile area to prevent excavated material from eroding into adjacent wetlands or waters. Stockpile locations should be placed outside of the 25-year floodplain.

8. Monitoring for Stream Impacts: The permittee shall monitor the streambank for destabilization for a period of 2 years. If stream destabilization occurs during this period, the permittee shall notify the Corps, Regulatory Office immediately in writing. This report shall assess the condition of the stream. The permittee shall include photographs of the stream channel and degraded area. After notification is made, the permittee may be required to submit a detailed plan discussing how to repair the problem while providing minimal effects to the waters of the United States.

9. Project-Specific Locations Pre-Construction Meeting: The Permittee shall conduct a meeting with the contractor(s) detailing the terms and conditions of this GP prior to commencing construction activities of the project. Within three weeks following the meeting, the Permittee will also provide written confirmation to the Corps that the meeting was held and the measures that will be used to protect water quality.

10. Navigation:

a. The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his/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 Corps, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration;

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.

11. Aquatic Life Movements: No activity may substantially disrupt the necessary lifecycle movements of indigenous aquatic species, including mussels, which normally migrate through the area. Culverts placed in streams shall be installed to maintain low-flow conditions.

12. Spawning Areas: 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.

13. Waterfowl Breeding Areas: Discharges of dredged or fill material, in breeding areas for migratory waterfowl must be avoided to the maximum extent practicable.

14. Suitable Material: No 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 Clean Water Act).

15. Water Supply Intakes: No activity or discharges of dredged or fill material, may occur in the proximity of a public water supply.

16. Adverse Effects from Impoundments: If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

17. Management of Water Flows: To the maximum extent practicable, the pre- construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization and stormwater management activities, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows. The activity may

alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

18. Fills within 100-Year Floodplains: The activity must comply with applicable FEMA approved state or local floodplain management requirements.

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

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

21. Proper Maintenance: Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable general conditions, as well as any activity-specific conditions added by the DE to the GP authorization.

22. 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.

23. Endangered Species: No activity is authorized under 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.

24. Migratory Birds and Bald and Golden Eagles: The permittee is responsible for obtaining any "take" permits required under the USFWS 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 USFWS to determine if such "take" permits are required for a particular activity.

25. 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.

b. Discovery of Previously Unknown Remains and Artifacts: If you discover any previously unknown historic, cultural, or archeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the DE of what you have found, and to the maximum extent practicable, avoid all activities that may affect the remains and artifacts until the required coordination has been completed. The DE will initiate the federal, tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

26. Regional and Case-By-Case Conditions: The activity must comply with any regional conditions that may have been added by the DE (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Government, or U.S. Environmental Protection Agency in its Section 401 Water Quality Certification.

27. 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.

28. 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/she must restore the area to a condition satisfactory to the DE.

29. Inspection: The permittee shall allow the DE or his/her authorized representative(s) or designee(s) to make periodic inspections at any time 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.

30. Fuel and Materials: Any material and fuels used in the project shall be stored and/or stockpiled above the ordinary high water mark and shall be removed from a likely flood zone prior to any predicted flood.

31. 401 Water Quality Certification: The attached Water Quality Certification must be adhered to.



SCOTT A. THOMPSON
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

MARY FALLIN
Governor

November 20, 2018

Mr. Andrew R. Commer
Regulatory Transportation Program Manager, Regulatory Office
1645 South 101st East Avenue
Tulsa, OK 74128-4609

Re: Water Quality Certification for General Permit No.17 for Oklahoma Department of Transportation Bridge Replacement Projects of Existing Crossings (GP17)

Dear Mr. Commer:

The Department of Environmental Quality (DEQ) has received your request for a Water Quality Certification under Section 401 of the Federal Clean Water Act [33 U.S.C. §1251 et seq. (1972)] for the General Permit No.17 for the replacement of existing Oklahoma Department of Transportation (ODOT) bridge projects in the state of Oklahoma, excluding Critical Resource Waters (GP17). GP17 is issued pursuant to Section 404 of the Act. DEQ rules governing 401 Water Quality Certification are contained in Oklahoma Administrative Code (O.A.C.) § 252:611-3 (2011) pursuant to 27A O.S. § 2-6-103(C)(2) (OSCN 1999). DEQ rules and regulations related to the 401 procedures may be accessed online at <http://www.deq.state.ok.us/rules/611.pdf>.

Work authorized by GP17 is limited to discharges of dredge or fill materials into waters of the United States for activities required for the construction, expansion, modification, or improvement of bridge and drainage structure replacement projects, provided the permanent loss of waters of the U.S. is limited to no more than 3 acres and does not exceed 1,000 linear feet. GP17 is applicable to all waters in Oklahoma excluding Critical Resource Waters (CRWs). CRWs are Outstanding Resource Waters and their watersheds, and High Quality waters designated by the state of Oklahoma in Appendix A of the Water Quality Standards (OAC 785, Chapter 45). The current list of CRWs is available on the Corps website: <http://www.swt.usace.army.mil/portals/41/docs/missions/regulatory/wqc/crw.pdf>

The Oklahoma Department of Environmental Quality grants Clean Water Act 401 Water Quality Certification for the General Permit No. 17 for Oklahoma Department of Transportation Bridge Replacement Projects of Existing Crossings subject to the following conditions:

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. The 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 OHWM and shall be removed from a likely flood zone prior to any predicted flood.



November 20, 2018

5. All construction shall be done in a manner that will not increase turbidity or cause downstream deposition of bank material from the construction sites during or after construction.
6. Work in stream channels shall be limited to periods of low flow, when practicable, and with the minimum amount of equipment.
7. For any project involving bank stabilization, the permittee shall consider installing bioengineering practices in lieu of structural practices (e.g. riprap) to minimize impacts to an aquatic resource and enhance aquatic habitat.

If you have any questions regarding this Certification, please contact Elena Jigoulina at 405-702-8200.

Sincerely,



Joe Long, Environmental Programs Manager
Watershed Planning Section
Water Quality Division

cc: Shane Charlson, Regulatory Branch, U.S. Corps of Engineers, Tulsa
Barry Bolton, Fisheries Chief, Oklahoma Department of Wildlife Conservation
Bill Cauthron, Chief, Water Quality Programs Division, Oklahoma Water Resources Board
Brooks Tramell, Monitoring, Assessment and Wetlands Programs, Oklahoma Conservation Commission
Lauren Poulos, Life Scientist, Ecosystems Protection Branch, U.S. EPA Region 6
Jennifer Lewis, Assistant Attorney General, Oklahoma Office of the Attorney General