



Public Notice

U.S. Army Corps
of Engineers
Tulsa District

Reply To:

SWT-2018-00247
Public Notice No.

U.S. Army Corps of Engineers
ATTN: Regulatory Office
2488 East 81st Street
Tulsa, Oklahoma 74137-4290

September 15, 2023
Public Notice Date

October 14, 2023
Expiration Date

PURPOSE

The purpose of this public notice is to inform you of a proposal for work in which you might be interested and to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest.

SECTION 10

The U.S. Army Corps of Engineers is directed by Congress through Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) to regulate all work or structures in or affecting the course, condition, or capacity of navigable waters of the United States. The intent of this law is to protect the navigable capacity of waters important to interstate commerce.

SECTION 404

The U.S. Army Corps of Engineers is directed by Congress through Section 404 of the Clean Water Act (33 U.S.C. 1344) to regulate the discharges of dredged and fill material into all waters of the United States. These waters include lakes, rivers, streams, mudflats, sandflats, sloughs, wet meadows, natural ponds, and wetlands adjacent to other waters. The intent of the law is to protect these waters from the indiscriminate discharge of material capable of causing pollution and to restore and maintain their chemical, physical, and biological integrity.

NOTICE TO PUBLISHERS

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DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, TULSA DISTRICT
2488 EAST 81ST STREET
TULSA, OKLAHOMA 74137-4290

CESWT-RO

RENEWAL
JOINT PUBLIC NOTICE
U.S. ARMY CORPS OF ENGINEERS
AND
OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY (ODEQ)
(30 DAY COMMENT PERIOD)

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, proposes to issue GP 17 for the replacement of existing Oklahoma Department of Transportation (ODOT) bridge projects in the State of Oklahoma, excluding Critical Resource Waters. The GP would be issued pursuant to Sections 404 and 401 of the Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act of 1899. The ODEQ hereby incorporates this public notice and procedure as its own public notice and procedure by reference thereto.

Location: The proposed GP would be applicable to all waters in Oklahoma excluding Critical Resource Waters defined as Outstanding Resource Waters and their watersheds, and High-Quality Waters designated by the State of Oklahoma in Appendix A of the Oklahoma Water Quality Standards, (Chapter 45 to OAC 252: Chapter 730).

Scope of Work: Work authorized by the proposed GP would be limited to discharges of dredge or fill material into waters of the United States for activities required for the construction, expansion, modification, or improvement of bridge replacement projects (e.g., roads, highways, railways) in waters of the United States, including adjacent wetlands. Bridges authorized by this GP would be subject to the requirements of the enclosed GP 17.

Purpose and Need for the GP: Executive Order 13777 and 33 CFR Part 325 requires the Corps to identify regulations and actions that could be improved for efficiency while maintaining protection of waters of the US. Presently, ODOT bridge replacement projects that permanently impact greater than ½ acre of waters of the US, require evaluation under a Standard Permit (SP) application. SP applications take at least 120 days to process. ODOT SP applications overwhelmingly receive little comment because ODOT usually has already conducted public meetings, coordinated Tribal and historical findings, completed endangered species determinations, avoided, minimized, and offered mitigation for unavoidable impacts.

Avoidance and Minimization Information: In order to qualify for the proposed GP, a description of alternative designs considered for avoiding and minimizing impacts to the waters of the US must be submitted.

Mitigation: In order to qualify for the proposed GP, Mitigation must be proposed in accordance with the Tulsa District Aquatic Resource Mitigation and Monitoring Guidelines, October 2004; and Title 33 CFR 332 - Compensatory Mitigation for Losses of Aquatic Resources, April 2008.

Environmental Considerations: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts of the proposed activity and its intended use on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof: conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownerships, and, in general, the needs and welfare of the people. A permit will be denied if the discharge does not comply with the Environmental Protection Agency's 404(b)(1) Guidelines. Subject to the 404(b)(1) Guidelines and any other applicable guidelines or criteria, a permit will be granted unless the DE determines that it would be contrary to the public interest.

The proposed GP is enclosed with this notice. If additional information is desired, it may be obtained from Mr. Marcus Ware at US Army Corps of Engineers, ATTN: Regulatory Office, 2488 E 81st Street, Tulsa, OK 74137-4290, or telephone 918-669-7400.

Comments: In order to consider and evaluate the impacts of this proposed activity the Corps is soliciting comments from the public, federal, state, and local agencies and officials, Indian tribes, and other interested parties. Comments concerning the issuance of this permit should be received by the DE no later than 30 days from the date of this public notice. You may submit comments to mailing address: US Army Corps of Engineers, ATTN: Regulatory Office, 2488 E 81st Street, Tulsa, OK 74137-4290 or email CESWT-RO@usace.army.mil, please include General Permit 17 in the subject line of the message.

Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above.

Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act.

Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. Any person may request in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

At the request of the Oklahoma Water Resources Board's National Flood Insurance Program State Coordinator, we are sending a copy of this notice to the local floodplain administrator to apprise the administrator of proposed development within their jurisdiction. In accordance with 44 CFR Part 60 (Criteria for Land Management and Use), participating communities are required to review all proposed development to determine if a floodplain development permit is required. The local floodplain administrator is required to perform this review for all proposed development and maintain records of such review.

Comments concerning water quality impacts will be forwarded to ODEQ for consideration in issuing a Section 401 Water Quality Certification for the proposed project. Work may not commence until decisions have been made on both Sections 401 and 404.

Andrew R. Commer
Chief, Regulatory Office

Enclosures

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, has authorized issuance of a General Permit (GP) for the replacement of existing Oklahoma Department of Transportation (ODOT) bridge projects 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 TBD.

Scope of Work: Work authorized by this GP is limited to discharges of dredge or fill material into waters of the United States for activities required for the construction, expansion, modification, or improvement of bridge replacement projects (e.g., roads, highways, railways) in waters of the United States, including adjacent wetlands, 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.
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, April 2008.
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.
5. 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 or new bridges outside of the immediate vicinity of existing projects are not included in this GP.
2. Non-linear features associated with transportation projects, such as vehicle maintenance or storage buildings, parking lots, train stations, or aircraft hangers.

This permit does not authorize 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. Non-Jurisdictional ditches, canals, swales, or other non-natural channelized systems are not included in this restriction. The authorized activities shall not increase flooding, or negatively impact the pre-project hydrologic flow characteristics or water quality of any affected stream. This permit does not authorize severance of connections to upstream or downstream waters.

Location of Work: This GP is applicable to all waters in Oklahoma excluding **Critical Resource Waters** defined as Outstanding Resource Waters and their watersheds, and High Quality Waters designated by the State of Oklahoma in Appendix A of the Oklahoma Water Quality Standards, (Chapter 45 to OAC 252: Chapter 730).

Duration: This GP would be in effect for a period of 5 years from 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, anytime 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.

Water Quality Certification (WQC): A Section 401 WQC was issued by the Oklahoma Department of Environmental Quality with conditions on TBD. The conditions and requirements have been incorporated into this document.

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: ODOT 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 of the application should be submitted on a Department of the Army Permit Application (Eng Form 4345). A digital copy of the whole application is also requested. If the project is located on Government property, then a separate request for an easement on Government 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. 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.
5. 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.
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, 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.
9. Mitigation: ODOT 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. The notification must include a statement describing how impacts to waters of the United States are to be avoided and minimized. The application must also include either a statement describing how impacts to waters of the United States are to be compensated for or a statement explaining why compensatory mitigation should not be required.

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 respectively requests comments related to matters within the commenting agency's expertise (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 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 (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 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: The mitigation rules are located in 33 CFR Part 332, dated April 10, 2008, and the accompanying Tulsa District issued Mitigation Guidelines. 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 can be found at: <http://www.swt.usace.army.mil/Missions/Regulatory/Mitigation/>

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

Andrew R. Commer
Chief, Regulatory Office

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 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.
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 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 should 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): ODOT 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: The stockpile area shall not be located in a water of the United States or adjacent wetland. You 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: ODOT 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, ODOT 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 stop work and 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.