

## USACE Conditions

### GENERAL CONDITIONS:

1. The PGPs authorize only those activities specifically addressed herein. Any activity not authorized in the PGP or which exceeds the limitations of the PGP, requires specific authorization through the USACE.
2. If the display of lights and signals on any structure or work authorized herein is not otherwise provided for by law, such lights and signals as may be prescribed by the U. S. Coast Guard shall be installed and maintained by and at the expense of the permittee.
3. 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 authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee shall be required, upon due notice from the USACE, 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.
4. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).
5. 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 must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow.
6. The activity authorized must be maintained in good condition and in conformance with the terms and conditions of the permit. The permittee is not relieved of this requirement if the permitted activity is abandoned.
7. If the permittee or the permittee's contractors discover any federally listed threatened or endangered species and/or their habitat while accomplishing the work or activities authorized by these PGPs, the permittee shall immediately notify the APCO Site Manager. Within 24 hours of permittee notification, the Site Manager shall notify the Mobile district. The Mobile District will initiate the Federal and state coordination required to determine if the species and/or habitat warrant further consultation with the U.S. Fish and Wildlife Service.
8. If the permittee or the permittee's contractors discover any previously unknown historic or archaeological remains while accomplishing the work or activities authorized by the PGP(s), the permittee shall immediately notify the APCO Site Manager. Within 24 hours of permittee notification, the Site Manager shall notify the Mobile District to determine requirements for

further action. For each project proposed to be authorized under this PGP, the APCO archaeologist will look over the proposed actions, review their database of known sites, and then verify the permit, or forward to the Mobile District for evaluation if projects are located within the immediate vicinity of an identified cultural resource.

9. If the property associated with this permit is sold, the permittee shall provide the Site Manager with the name and signature of the new owner and forward a copy of the permit to the Site Manger to validate the transfer of the APCO PGP verification. The APCO permit itself is not transferable.
10. The permittee shall allow Federal or state resource agency representatives as well as APCO representatives to inspect the proposed and/or authorized activity at any-time deemed necessary.

#### SPECIAL CONDITIONS

1. No work shall be performed under authority of these PGPs until the applicant submits an application to the Site Manager and the permittee receives written verification from the Site Manager that the proposed work and /or activities are authorized under the terms and conditions of these PGPs.
2. Conformance with descriptions and quantities contained herein does not necessarily guarantee consideration and/or subsequent authorizations.
3. The time limit for completing work authorized under authority of these PGPs is one (1) year from the date of obtaining verification. In addition, the permittee shall notify the Site Manager of the time the activity authorized herein will be commenced, as far in advance of the time of commencement as the Site Manger may specify, and of any suspension of work if for a period of more than one (1) week, resumption or work, and its completion.
4. A complete copy of the PGPs with written authorization from the Site Manager, including drawings, special conditions and any amendments shall be maintained at the work site whenever work is being performed. The permittee shall assure that all contractors, subcontractors and other personnel performing the permitted work are fully aware of the terms and conditions of these PGPs.
5. No oils, grease, materials or other pollutants will be discharged from the construction activities that reach public waters.
6. No habitable structures, fueling or storage facilities over navigable waters of the United States are authorized under this PGP.
7. Approved flotation: All floats (existing and proposed) shall be encased or closed cell extruded and expanded polystyrene and specifically manufactured for marine use. All floats shall not be

subject to waterlogging or sinking if punctured. If maintenance or modification of a residential overwater structure is proposed under this PGP, all existing floats not meeting this requirement must be replaced to be eligible for verification under this PGP.

8. No work shall be conducted under authority of these PGPs that requires discharge of wet or otherwise uncured concrete in areas below water unless explicitly authorized by APCO and unless the concrete is contained within waterproof forms until the concrete cures.
9. Failure to secure authorization as specified herein or failure to comply with the conditions of any authorizations under these PGPs may result in enforcement actions.
10. Verifications cannot be issued for proposed activities and structures in Choccolocco Creek Embayment of Logan Martin Reservoir until the permittee receives written notice from the U.S. Environmental Protection Agency, Superfund Remedial Branch (EPA), and the U.S. Fish and Wildlife Service (USFWS), that the EPA and USFWS concur with the project. The permittee must implement and abide by any requirements and/or agreements set forth by EPA and/or USFWS in their written notice.