



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

February 19, 2013

Regulatory Office

Mr. Kelly Blackburn
Bowie County Commissioner Precinct 3
850 Front Street
DeKalb, TX 75559

Dear Mr. Blackburn:

Please reference your submittal of December 12, 2012, regarding the proposed U.S. Route 82 Reconstruction Project along Red Bayou, Austin Chapel Branch and Peters Branch Creeks. This project is located between DeKalb and New Boston, Bowie County, Texas.

We have reviewed the submitted data relative to Section 404 of the Clean Water Act. Placement of dredge or fill material into waters of the U.S., associated with the proposed project, falls within the scope of the enclosed Nationwide Permit (NWP) for Linear Transportation Projects, provided the conditions therein are met.

The following Activity-Specific Conditions have been incorporated into this permit to ensure the activity does not have more than minimal individual or cumulative adverse effects on the environment:

- a. Properly installed erosion control measures, such as staked hay bales or silt screen barriers, shall be incorporated and maintained to curtail unnecessary turbidity in receiving waters. Erosion control measures shall be inspected by the permittee after every storm event and repaired as necessary within 24 hours. Accumulations of sediment will be removed from silt fences when it reaches 1/3 the height of the fence. Long slopes may require multiple barriers to effectively control sediment. Barriers shall remain in place and effective until sufficient vegetation coverage on exposed areas is established.
- b. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately cease work and notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

Please complete and return the enclosed "Permittee Construction Schedule" (PSC). Following completion of your activity, you must return the enclosed "Permittee Compliance Certification" form. This is the certification referred to in General Condition 30 of the NWP.

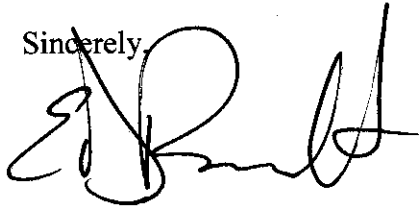
The issuance of NWP authorization for this project is based on preliminary jurisdictional determination (PJD). The Red Bayou, Austin Chapel Branch and Peters Branch Creeks flow to the Red River which ultimately becomes navigable water. We believe this determination to be a reasonable assessment of the presence of jurisdictional waters, including wetlands, on the site subject to Section 404 of the CWA. However, this is only a PJD, and as such, is not a definitive description of on-site wetlands or U.S. Army Corps of Engineers jurisdiction over the area.

This NWP is scheduled to expire on March 18, 2017. It is incumbent on you to remain informed of changes to the NWPs. The Corps will issue a public notice announcing the changes as they occur. Furthermore, if you commence, or are under contract to commence, the activity before the date the NWP 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 NWP.

If you desire to complete a "Customer Service Survey" on your experience with the Corps Regulatory Program, you are invited to visit <http://per2.nwp.usace.army.mil/survey.html> on the internet at your convenience and submit your comments.

Your permit has been assigned Identification Number SWT-2012-292. Please reference this number during any future correspondence. If you have any questions or you cannot comply with the conditions listed in the enclosed permit, contact Jamie Hyslop at 918-669-7618.

Sincerely,



for: Andrew R. Commer
Chief, Regulatory Office

Enclosures