

**SPECIAL CONDITIONS  
EXCEL MITIGATION CENTER  
DEEP FORK OF THE CANADIAN MITIGATION AREA**

1. Mitigation Plan: The implementation, construction, maintenance, and management of the EXCel Mitigation Center's Deep Fork of the Canadian Mitigation Area shall be accomplished in accordance with the purposes, terms, limitations, and provisions of the Mitigation Plan dated November 2003.
2. Notification: Once the U.S. Army Corps of Engineers (Corps) has indicated that a permit recipient may fulfill their mitigation requirements off site at EXCel Mitigation Center, and the Sponsor has received approval for Compensatory Mitigation Plan for the subject permit, then the Sponsor shall submit a schedule for completion of project-related mitigation activities.
3. Completion Notification: Following completion of a specific compensatory mitigation component, the Sponsor shall provide notification to the Corps of such completion. This notification is in replacement of the certification referred to in NWP General Condition 14.
4. Stand 6 Wetlands: When the Permittee proposes a mitigation component for credit in any portion of Stand 6, the mitigation proposal will include a detailed delineation of existing wetlands within the portion of Stand 6 to be restored or enhanced. This detailed delineation is required to demonstrate the wetland improvements and benefits to be attributed to that restoration or enhancement activity are reasonably anticipated. Any Stand 6 wetland delineation will not be valid until reviewed and verified by the Corps.
5. Erosion and Sedimentation Control: Erosion control measures, such as staked hay bales, silt screen barriers, or surface mulching, shall be implemented and maintained in disturbed areas during construction activities. Barriers and/or treatments shall remain in place and effective until sufficient vegetation coverage on exposed areas is established.
6. Pollutant Spills: All spills of fuel or other pollutants in excess of 5 gallons shall be reported to the Oklahoma Department of Environmental Quality (ODEQ) within 24 hours, to the pollution prevention hotline at 1-800-522-0206 (Condition of Water Quality Certification (C-WQC)).
7. Servicing of Equipment: All fueling and servicing of vehicles and equipment shall be done above the Ordinary High Water Mark (OHWM) of all rivers, streams, and wetlands on the property (C-WQC).
8. Inspection Access: Permittee shall provide access to the property for ODEQ inspection purposes (C-WQC).

9. Storage of Materials: Any material and fuels used in the project shall be stored and/or stockpiled above the OHWM and shall be removed from likely flood zone prior to any predicted flood (C-WQC).

10. Stormwater Discharge Permit: If a stormwater discharge permit for construction activities is required, one can be obtained from the ODEQ at 405-702-8100 (C-WQC).

11. Off-Road Vehicle Use: The use of vehicles and off-road equipment off of maintained roadways shall be limited to the minimum amount necessary in direct support of mitigation center maintenance and management activities. Vehicles shall not be operated off maintained roads for recreational uses or in support of recreational activities.

12. Archeological Resources:

a. Prior to any ground disturbing construction activities, the Permittee shall have a archeological survey performed in the area(s) to be impacted by ground disturbance to identify any presently unknown archeological or cultural resources. A report of findings shall be provided to the Corps in all cases, regardless of whether archeological materials were found or were absent from the site. Where archeological materials are found in an area to be disturbed by construction activities, construction shall be delayed while the importance of the archeological or cultural materials is evaluated and shall not commence until release has been granted by the Corps.

b. If construction activities expose previously unknown archeological or cultural materials such as bone, pottery, chipped stone, etc., or if any human skeletal remains and/or other objects falling under the Native American Graves Protection and Repatriation Act are uncovered during construction, construction activities shall cease and the Permittee shall immediately notify the Corps of the findings. Construction shall not commence until evaluation and appropriate resource protection, repatriation, or removal has been completed.