



Regional General Permit SWG-2011-00629 Companion Manual

Maintenance and Minor New Construction
of Public Infrastructure Facilities

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This Companion Manual is for illustrative purposes only. It is not to be incorporated into the final Regional General Permit.

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This Companion Manual supports the 2017 update to the Harris County Engineering Department (HCED) Regional General Permit (RGP) for Maintenance and Minor New Construction Activities. This Companion Manual provides definitions, representative figures and typical photos for the most commonly-encountered or anticipated HCPID-AED maintenance and construction projects.

Purpose of Companion Manual

The purpose of this Companion Manual is to provide a summary of those activities that are approved and limits under each RGP. The Companion Manual supports the HCED mission and goal for providing a streamlined approach to applying for and receiving authorizations from the US Army Corps of Engineers, Galveston District, for proposed activities in waters of the United States, including wetlands.



Introduction



Maintenance:

The repair, rehabilitation, or replacement of any previously authorized, currently serviceable structure or fill, provided that the structure or fill is not to be put to uses differing from those uses specified or contemplated for it in the original permit or the most recently authorized modification. Minor deviations in the structure's configuration or filled area, including those due to changes in materials, construction techniques, or current construction codes or safety standards that are necessary to make the repair, rehabilitation, or replacement are authorized. Only the minimum volume of material needed to accomplish the purpose of each maintenance project would be discharged into waters of the U.S., including wetlands. Minor

Minor New Construction:

The creation of new public infrastructure facilities or the expansion of existing public infrastructure facilities. These projects are routine in nature, limited in scope, and cause minimal impact to the environment. Projects are designed to minimize impacts to waters of the U.S., including wetlands, to the maximum practicable extent



Example of outfall after maintenance



Example of minor new construction

What Does This Permit Cover?



Authorization: Specific activities that qualify for this permit may proceed, provided that the terms and conditions (limits) of the permit are met. After determining that the activity complies with all applicable terms and conditions, HCED may assume an authorization under this permit. This assumption is subject to the District Engineer's (DE) authority to determine if an activity complies with the terms and conditions of this permit.

Best Management Practices (BMPs): Practicable policies, practices, procedures, or structures implemented to mitigate the adverse environmental effects on surface water quality resulting from development. BMPs are categorized as structural or non-structural.

Compensatory Mitigation: The restoration (re-establishment or rehabilitation), establishment (creation), enhancement, and/or in certain circumstances preservation of aquatic resources for the purposes of offsetting unavoidable adverse impacts which remain after all appropriate and practicable avoidance and minimization has been achieved.

Ecological Reference: A model used to plan and design an aquatic habitat and riparian area restoration, enhancement, or establishment activity under RGP 27. An ecological reference may be based on the structure, functions, and dynamics of an aquatic habitat type or a riparian area type that currently exists in the region where the proposed RGP 27 activity is located. Alternatively, an ecological reference may be based on a conceptual model for the aquatic habitat type or riparian area type to be restored, enhanced, or established as a result of the proposed RGP 27 activity. An ecological reference takes into account the range of variation of the aquatic habitat type or riparian area type in the region.

Emergency Repair: The repair, rehabilitation, or replacement of structures or fill destroyed or damaged by storms, floods, fire, or other discrete events.

High Tide Line (HTL): The line of intersection of the land with the water's surface at the maximum height reached by a rising tide. The high tide line may be determined, in the absence of actual data, by a line of oil or scum along shore objects, a more or less continuous deposit of fine shell or debris on the foreshore or berm, other physical markings or characteristics, vegetation lines, tidal gages, or other suitable means that delineate the general height reached by a rising tide. The line encompasses spring high tides and other high tides that occur with periodic frequency but does not include storm surges in which there is a departure from the normal or predicted reach of the tide due to the piling up of water against a coast by strong winds such as those accompanying a hurricane or other intense storm.

Intake Structure: Upstream opening to an outfall structure designed to convey surface water. Like an outfall structure, it can be installed in multiple surfaces/materials.

Loss of Waters of the United States (U.S.): Waters of the U.S., including wetlands that are filled or otherwise permanently adversely affected by flooding, excavation, or drainage because of the regulated activity. Permanent adverse effects include permanent discharges of dredged or fill material that change an aquatic area to dry land, increase the bottom elevation of a waterbody, or change the use of a waterbody. The acreage of loss of waters of the U.S., including wetlands, is a threshold measurement of the impact to existing waters of the U.S., including wetlands, for determining whether a project may qualify for this permit; it is not a net threshold that is calculated after considering compensatory mitigation that may be used to offset losses of aquatic functions and services. The loss of stream bed includes the linear feet of stream bed that is filled or excavated. Waters of the U.S., including wetlands, temporarily filled, flooded, excavated, or drained, but restored to original contours and elevations after construction, are not included in the measurement of loss of waters of the U.S., including wetlands. Impacts resulting from activities eligible for exemptions under Section 404(f) of the Clean Water Act (CWA) are not considered when calculating the loss of waters of the U.S., including wetlands.

Ordinary High Water Mark (OHWM): An OHWM is a line on the shore established by the fluctuations of water and indicated by physical characteristics, or by other appropriate means that consider the characteristics of the surrounding areas.

Outfall Structure: A pipe, channel, or opening where water "falls out" and into another body of water, typically a drainage channel. Outfalls can be installed in multiple surfaces including, but not limited to, grass and concrete-lined channels.

Practicable: Available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.



Pre-Construction Notification (PCN): A request submitted by the project proponent to the USACE for confirmation that a particular activity is authorized by an RGP. The request may be a permit application, letter, or similar document that includes information about the proposed work and its anticipated environmental effects. Pre-Construction Notification may be required by the terms and conditions of an RGP, or by RGP General Conditions. A Pre-Construction Notification may be voluntarily submitted in cases where Pre-Construction Notification is not required and the project proponent wants confirmation that the activity is authorized by RGP.

Public Infrastructure Facilities: Features or infrastructure that function to provide the public with a safe and enhanced quality of life. These facilities may include, but are not limited to, roads, bridges, buildings, drainage improvements, utilities, parks, channels, inline and offline storm water basins, water quality enhancement features, transition control structures, weirs, spillways, and outfall and associated intake structures.

Special Aquatic Site: A subset of waters of the U.S. that are large or small areas possessing special ecological characteristics of productivity, habitat, wildlife protection, or other important and easily disrupted ecological values. Special aquatic sites are defined as wetlands, mud flats, vegetated shallows, coral reefs, riffle, and pool complexes sanctuaries, and refuges (see 40 CFR 230.40 thru 230.45).

Waterbody: A jurisdictional water of the U.S. that, during a year with normal patterns of precipitation, has water flowing or standing above ground to the extent that an OHWM (see 33 CFR 328.3(e)) or other indicators of jurisdiction can be determined, as well as any wetland area (see 33 CFR 328.3(b)). If a jurisdictional wetland is adjacent--meaning bordering, contiguous, or neighboring--to a jurisdictional waterbody displaying an OHWM or other indicators of jurisdiction, that waterbody and its adjacent wetlands are considered together as a single aquatic unit (see 33 CFR 328.4(c)(2)). Examples of "waterbodies" include streams, rivers, lakes, ponds, and wetlands.

Other Definitions

Substantial Completion: The time at which the contractor considers the entire work ready for its intended use. The contractor shall notify HCED in writing that the entire work is substantially complete (except for items specifically listed as incomplete) and request that the engineer issue a certificate of substantial completion. Within a reasonable time thereafter, the parties to the contract shall make an inspection of the work to determine the status of completion. If the engineer does not consider the work substantially complete, he will notify the contractor in writing giving the reasons therefore. If the engineer considers the work substantially complete, he will prepare a certificate of substantial completion which shall fix the date of substantial completion. There shall be attached to the certificate a list of items to be completed or corrected before final payment. The substantial completion certificate will allow a reasonable period for the contractor to complete the list of items. Upon satisfactory completion of all items, the contractor may apply for final payment.



Definition:

(3a) Structural and Earthen Maintenance and Erosion Protection. Activities necessary for erosion control and prevention are included in this RGP, provided the activity meets all of the following criteria:

- No material is placed in excess of the minimum needed for erosion control and protection
- No material is placed to impair or impede surface water flow into or out of jurisdictional wetland area not covered by the work
- No material is placed in a manner that is expected to be eroded by normal or expected high flows

Notification Requirement: A PCN is not required for this activity. A Non-Notifying Form (HCED Form 7 [for the purpose of tracking]) is required. No interagency review will be required for this activity.

(3b) Removal of Sedimentation and Debris. Activities include the removal of accumulated sediments and debris in the vicinity of and within existing structures (e.g., bridges, culverts at road crossings, water intake structures, etc.) and the placement of new or additional riprap to protect the structure are authorized.

Notification Requirement: All activities authorized under this RGP require a PCN (HCED Form 1). A Post-Construction Notification Form (HCED Form 2) is required to be submitted within **30 calendar days** of "Substantial Completion". No interagency review will be required for this activity.

(3c) Temporary Structures, Fills, and Work. Authorizes temporary structures, fills, and work necessary to conduct the maintenance activity, including use of temporary mats. 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

Notification Requirement: A PCN is not required for this activity. A Non-Notifying Form (HCED Form 7 [for the purpose of tracking]) is required. No interagency review will be required for this activity.

Regional General Permit Limit: The removal of sediment cannot extend further than 200 feet in any direction from the structure.



Side slope and outfall **before** maintenance



Side slope and outfall **after** maintenance

RGP (3) Maintenance Activities



MINOR NEW CONSTRUCTION

Activities related to the construction of outfall and associated intake structures, provided the effluent from the outfall is authorized, conditionally authorized, specifically exempted, or otherwise in compliance with regulations issued under the Texas Pollutant Discharge Elimination System (TPDES) Program.

Notification: All activities authorized under this RGP require a PCN (HCED Form 1). A Post-Construction Notification Form (HCED Form 2) is required to be submitted within **30 calendar days** of "Substantial Completion". No interagency review will be required for this activity.

Regional General Permit Limit: None. Only the minimum volume of material need for construction.



Outfall structures adjacent to channel

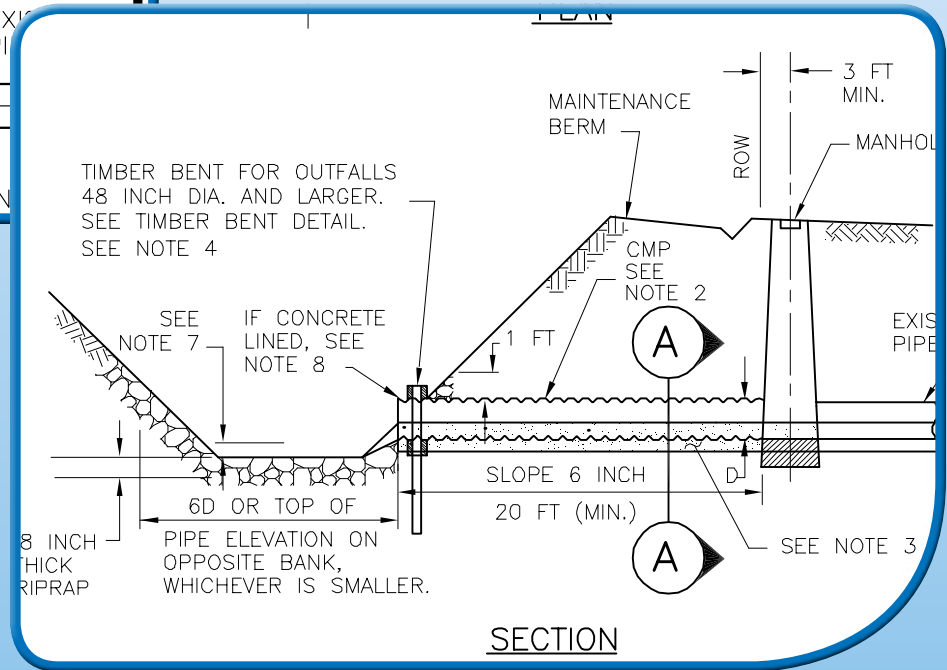
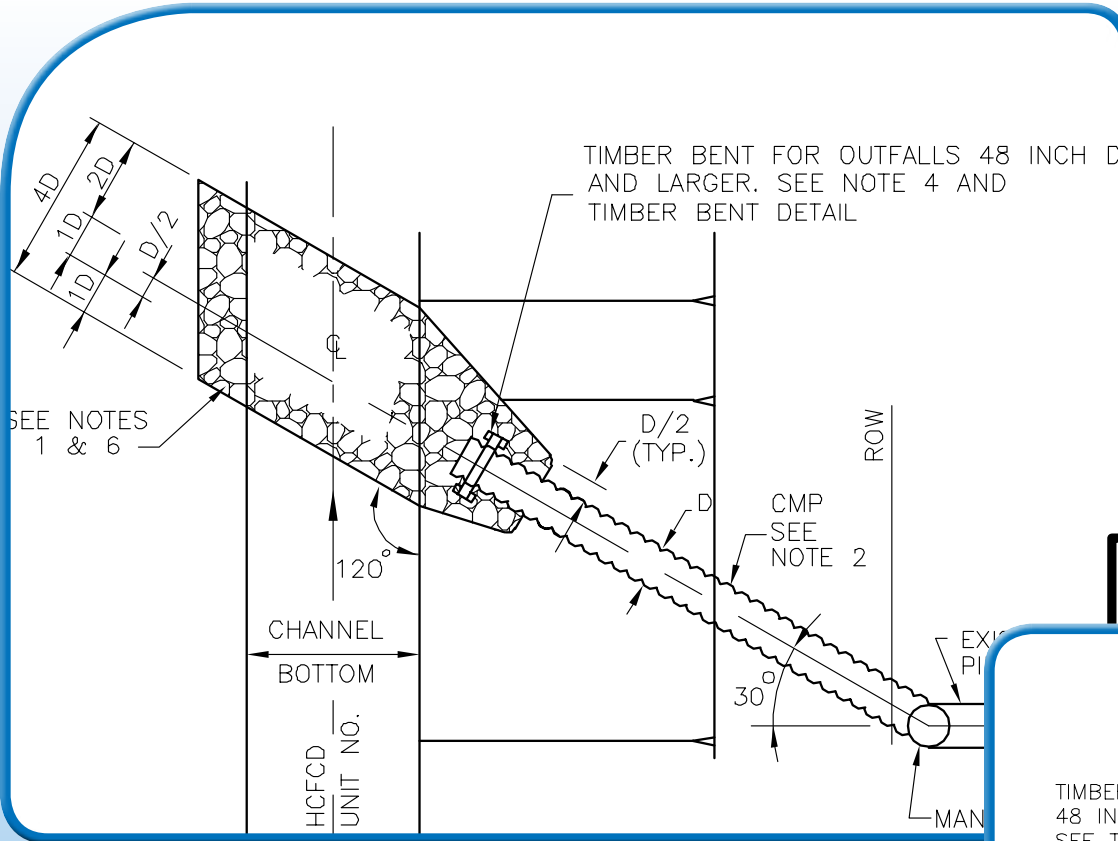


Outfall structure

RGP (7) Outfall and Associated Intake Structures



Examples of Outlet Structure Drawings





Definition:

Activities required for the construction, maintenance, repair, and removal of utility lines and associated facilities (e.g., storm sewer and sanitary systems, utility line substations, foundations for overhead utility line towers, poles, and anchors, and utility line access roads) in waters of the United States.

Regional General Permit Limit:

- 1 acre in non-tidal waters of the U.S., including wetlands
- 0.5-acre in tidal waters of the U.S., including wetlands

Notification: A PCN (HCED Form 1) is required if:

- A Rivers and Harbors Act (RHA) Section 10 permit is required
- Mechanized land clearing in forested wetlands is required in the right-of-way (ROW)
- Discharge results in a loss of waters of the U.S., including wetlands, of greater than 0.1- acre
- Utility line length exceeds 500 linear feet of waters of the U.S., including wetlands
- Utility line runs parallel to a stream bed within a jurisdictional area
- Above grade permanent access roads exceed 500 linear feet of waters of the U.S., including wetlands
- Permanent access roads are constructed with impervious materials

A PCN Form (HCED Form 1) is required if impacts to waters of the U.S., including wetlands, is 0.5-acre or greater. A Post-Construction Notification Form (HCED Form 2) is required to be submitted within **30 calendar days** of "Substantial Completion". A Non-Notifying Form (HCED Form 7 [for the purpose of tracking]) will be required if proposed activity impacts are below RGP Limits.

Waterline



RGP (12) Utility Line Activities



Definition:

Bank stabilization includes activities necessary for erosion control and prevention. This permit also authorizes temporary structures, fills, and work necessary to construct the bank stabilization activity, as well as maintenance activities (replacing and repairing previously authorized bank stabilizing materials). 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.

Suggested Erosion Protection Methods

- The HCED uses numerous methods for erosion protection including, but not limited to:
- Rip-rap
- Slope Paving
- Articulated Concrete Blocks
- Sheet Pile Walls
- Granular Fill
- Rock Trenches
- Gabion Baskets and Mattresses
- Cellular Confinement
- Erosion Control Blankets
- Turf Establishment

Regional General Permit Limit

- The activity is no more than 750 feet in length along the bank using unlimited cubic yards of fill material
- The activity will not exceed 1,500 feet in length along the bank as long as the fill materials have an average of 1-cubic yard per running linear foot placed along the bank below the plane of the OHWM or the HTL

Notification Requirement: A PCN (HCED Form 1) is required if the following limits are exceeded:

- Greater than 500 linear feet of bank will be stabilized
- Greater than 1 cubic yard per running foot along the OHWM or the HTL is proposed
- Discharge into Special Aquatic Sites is proposed

A Post-Construction Notification Form (HCED Form 2) is required to be submitted within 30 days of "Substantial Completion". A Non-Notifying Form (HCED Form 7 [for the purpose of tracking]) will be required if proposed activity impacts are below notification thresholds.



Before bank stabilization



After bank stabilization

RGP (13) Bank Stabilization



Definition:

Activities required for the construction, expansion, modification, or improvement of linear transportation projects (e.g., roads, sidewalks, highways, trails, and bridges) in waters of the U.S., including wetlands. Temporary structures, fills, and work necessary to construct the linear transportation project are authorized by this RGP.

Regional General Permit Limit:

- For linear transportation projects in non-tidal waters, the discharge cannot cause the loss of greater than 1.0 acre of non-tidal waters of the U.S., including wetlands. For linear transportation projects in tidal waters, the discharge cannot cause the loss of greater than 0.5 acre of waters of the U.S., including wetlands
- Any stream channel modification, including bank stabilization, is limited to the minimum necessary to construct or protect the linear transportation project; such modifications must be in the immediate vicinity of the 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 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
- This permit cannot be used to authorize non-linear features commonly associated with transportation projects, such as vehicle maintenance or storage buildings, parking lots, train stations, or aircraft hangers

Notification Requirement: A PCN (HCED Form 1) is required if:

- Greater than 0.1 acre of fill is proposed
- Discharge into Special Aquatic Sites (See Definitions) is proposed

Interagency review will be required if impacts to waters of the U.S., including wetlands, is greater than 0.5 acres in non-tidal waters or greater than 0.33 acres in tidal waters.). A Post-Construction Notification Form (HCED Form 2) is required to be submitted within 30 days of "Substantial Completion". A Non-Notifying Form (HCED Form 7 [for the purpose of tracking]) will be required if proposed activity impacts are below notification thresholds.

Bridge **before**
improvement



Bridge **after**
improvement



RGP(14) Linear Transportation Projects



Definition:

This RGP authorizes discharges of dredged or fill material incidental to the construction of bridges across navigable waters of the U.S., including wetlands, including cofferdams, abutments, foundation seals, piers, and temporary construction and access fills, provided such discharges have been authorized by the USCG as part of the bridge permit.

Regional General Permit Limit: Only the minimum volume of material needed for construction associated with these activities would be dredged from or discharged into waters of the United States, including wetlands.

Notification Requirement: A PCN is not required for this activity. A Non-Notifying Form (HCED Form 7 [for the purpose of tracking]) is required. A Post-Construction Notification Form (HCED Form 2) is required to be submitted within **30 calendar days** of "Substantial Completion". No interagency review will be required for this activity.

USCG-approved
bridge



RGP (15) U.S. Coast Guard(USCG) Approved Bridges



RGP (18) Minor Discharges:

Minor discharges of dredged or fill material into all waters of the U.S., including wetlands.

Regional General Permit Limits:

- 100-cubic yards below the plane of the OHWM or the HTL, or the discharge will not cause the loss of more than 0.5 acre of waters of the U.S., including wetlands (whichever is greater).
- The discharge cannot be placed for the purpose of a stream diversion.

Notification: A PCN (HCED Form 1) is required if the following limits are exceeded:

- Greater than 10-cubic yards of fill are discharged below the plane of the OHWM/HTL
- Discharges into Special Aquatic Sites

Interagency review will be required if impacts to waters of the U.S. are greater than 25 cubic yards below the plane of the OHWM or HTL or if greater than 0.1 acre of waters of the U.S. is impacted. A Non-Notifying Form (HCED Form 7[for the purpose of tracking]) is required if threshold is not exceeded. A Post-Construction Notification Form (HCED Form 2) is required to be submitted within **30 calendar days** of "Substantial Completion".

RGP (19) Minor Dredging:

Minor dredging in all waters of the U.S., including wetlands.

Regional General Permit Limits: 100 cubic yards below the plane of the OHWM or the MHW from navigable waters of the U.S., including wetlands (i.e., section 10 waters), is authorized.

Notification Requirement: Activities authorized under this permit require a PCN (HCED Form 1) if greater than 25-cubic yards of fill are discharged below the plane of the OHWM or the HTL. Interagency review will be required if impacts to waters of the U.S. are greater than 25-cubic yards below the plane of the OHWM or HTL. A Post-Construction Notification Form (HCED Form 2) is required to be submitted within **30 calendar days** of "Substantial Completion". A Non-Notifying Form (HCED Form 7[for the purpose of tracking]) will be required if proposed activity impacts are below notification thresholds.



Minor discharge project

RGP (18 &19) Minor Discharges and Minor Dredging



Definition:

Categorical exclusions (CE's) are federal actions that a federal agency has determined are categorically excluded from environmental documentation required by the National Environmental Policy Act (NEPA). For the purposes of this RGP, approved CE's are those activities undertaken, assisted, authorized, regulated, funded, or financed, in whole or in part, by another federal agency or department where:

- The federal agency has determined the activity is categorically excluded from environmental documentation required by NEPA, as it would not have individually or cumulatively resulted in significant effects on the human environment.
- The USACE has concurred with that federal agency's determination.
- The approved categorical exclusions are those approved by the U.S. Department of Transportation (USDOT), including agencies such as the Federal Highway Administration (or their designated state agency partners) and the USCG.

Regional General Permit Limit: Only the minimum volume of material needed for construction associated with these activities would be dredged from or discharged into waters of the United States, including wetlands.

Notification Requirement: A PCN is not required, except for certain activities stated in Regulatory Guidance Letter (RGL) 05-07. No interagency review will be required for this activity. A Post-Construction Notification Form (HCED Form 2) is required to be submitted within **30 calendar days** of "Substantial Completion". A Non-Notifying Form (HCED Form 7 [for the purpose of tracking]) will be required if a PCN is not required.

Categorical exclusion report



RGP (23) Approved Categorical Exclusions



Definition:

These include discharges of concrete, sand, rock, etc., into tightly sealed forms or cells where the material will be used as a structural member for standard pile supported structures, such as bridges, transmission line footings, walkways, and mooring cells. The discharge includes excavation of bottom material within the form prior to the discharge of the fill material into the form. The structure itself may require a separate Section 10 permit if located in navigable waters of the United States.

Regional General Permit Limit: None. This RGP does not authorize filling structural members that would support buildings, building pads, homes, house pads, parking areas, storage areas, and other such structures.

Notification Requirement: A Non-Notifying Form (HCED Form 7 [for the purpose of tracking]) will be required if proposed activity impacts are below notification thresholds. A Post-Construction Notification Form (HCED Form 2) is required to be submitted within **30 calendar days** of "Substantial Completion". No interagency review will be required for this activity.



Pier footing



Bridge footing

RGP (25) Structural Discharges



Definition:

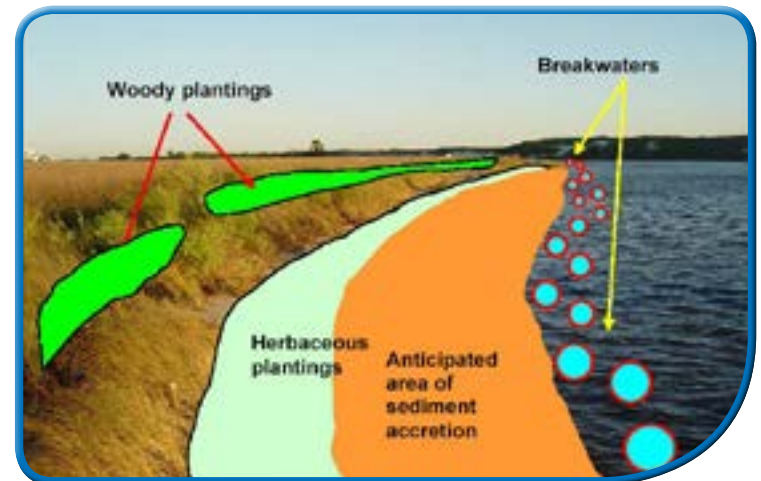
Activities in waters of the U.S., including wetlands, associated with the restoration, enhancement, and establishment of tidal and non-tidal wetlands and riparian areas, and the restoration and enhancement of non-tidal streams and other non-tidal open waters, provided those activities result in net increases in aquatic resource functions and services are authorized by this permit. To the extent that a USACE permit is required, activities authorized by this permit include, but are not limited to:

- the removal of accumulated sediments;
- the installation, removal, and maintenance of small water control structures, dikes, and berms;
- the installation of current deflectors;
- the enhancement, restoration, or establishment of riffle and pool stream structure;
- the placement of in-stream habitat structures;
- modifications of the stream bed and/or banks to restore or establish stream meanders;
- the backfilling of artificial channels and drainage ditches;
- the removal of existing drainage structures;
- the construction of small nesting islands; the construction of open water areas;
- the construction of oyster habitat over non-vegetated bottom in tidal waters;
- shellfish seeding;
- activities needed to reestablish vegetation, including plowing or disking for seed bed preparation, and the planting of appropriate wetland species;
- mechanized land clearing to remove non-native invasive, exotic, or nuisance vegetation;
- the use of temporary mats, and other related activities. Only native plant species should be planted at the site.

This permit authorizes undersized culverts, fords, and grade control structures. To be authorized by this RGP, the aquatic habitat restoration, enhancement, or establishment activity must be planned, designed, and implemented so that it results in aquatic habitat that resembles an ecological reference. An ecological reference may be based on the characteristics of an intact aquatic habitat or riparian area of the same type that exists in the region, or based on a conceptual model developed from a regional ecological knowledge of the target aquatic habitat type or riparian area.



Marsh reconstruction project



Salt marsh restoration plan

RGP (27) Aquatic Habitat Restoration, Establishment, and Enhancement Activities



This permit authorizes the relocation of non-tidal waters, including non-tidal wetlands and streams, on the project site provided there are net increases in aquatic resource functions and services.

This permit also authorizes any future discharge of dredged or fill material associated with the reversion of the area to its documented prior condition and use (i.e., prior to the restoration, enhancement, or establishment activities). For enhancement, restoration, and establishment activities conducted:

1. In accordance with the terms and conditions of a binding stream or wetland enhancement or restoration agreement, or a wetland establishment agreement, between the landowner and the U.S. Fish and Wildlife Service (USFWS), the Natural Resources Conservation Service (NRCS), the Farm Service Agency (FSA), the National Marine Fisheries Service (NMFS), the National Ocean Service (NOS), U.S. Forest Service (USFS), or their designated state cooperating agencies;
2. as voluntary wetland restoration, enhancement, and establishment actions documented by the NRCS or USDA Technical Service Provider pursuant to NRCS Field Office Technical Guide standards; or
3. on reclaimed surface coal mine lands, in accordance with a Surface Mining Control and Reclamation Act permit issued by the Office of Surface Mining Reclamation and Enforcement (OSMRE) or the applicable state agency.
 - The reversion must occur within five years after expiration of a limited term wetland restoration or establishment agreement or permit, and is authorized in these circumstances even if the discharge occurs after this RGP expires.
 - The five-year reversion limit does not apply to agreements without time limits reached between the landowner and the FWS, NRCS, FSA, NMFS, NOS, USFS, or an appropriate state cooperating agency.
 - This permit also authorizes discharges of dredged or fill material in waters of the United States for the reversion of wetlands that were restored, enhanced, or established on prior-converted cropland or on uplands, in

accordance with a binding agreement between the landowner and NRCS, FSA, FWS, or their designated state cooperating agencies (even though the restoration, enhancement, or establishment activity did not require a section 404 permit).

- The prior condition will be documented in the original agreement or permit, and the determination of return to prior conditions will be made by the Federal agency or appropriate state agency executing the agreement or permit.
- Before conducting any reversion activity the permittee or the appropriate Federal or state agency must notify the district engineer and include the documentation of the prior condition. Once an area has reverted to its prior physical condition, it will be subject to whatever the USACE Regulatory requirements are applicable to that type of land at the time.
- The requirement that the activity results in a net increase in aquatic resource functions and services does not apply to reversion activities meeting the above conditions.
- Except for the activities described above, this permit does not authorize any future discharge of dredged or fill material associated with the reversion of the area to its prior condition. In such cases a separate permit would be required for any reversion.

Regional General Permit Limit: None. Only the minimum volume of material needed for construction associated with these activities would be dredged from or discharged into waters of the United States, including wetlands.

Notification Requirement: All activities authorized under this permit require a PCN (HCED Form 1). No interagency review will be required for this activity. A Post-Construction Notification Form (HCED Form 2) is required to be submitted within **30 calendar days** of "Substantial Completion".

RGP (27) Aquatic Habitat Restoration, Establishment, and Enhancement Activities (Cont.)



Definition:

Includes discharges of dredged and fill materials resulting from activities associated with maintenance (within a facility’s “maintenance baseline”) of existing flood control facilities, including debris basins, retention/detention basins, levees, and channels. These existing flood control facilities must be those that:

- Were previously permitted by the USACE
- Did not require a permit at the time of construction
- Were constructed by the USACE and transferred to HCED or other non-Federal sponsor for operation and maintenance.

Notification Requirement: A PCN is not required for this activity. A Non-Notifying Form (HCED Form 7 [for the purpose of tracking]) is required. No interagency review will be required for this activity.

Regional General Permit Limit: “Maintenance Baseline” (see Definitions) approved by District Engineer (DE).



Existing Detention Basin



Existing Drainage Ditch

RGP (31) Maintenance of Existing Flood Control Facilities



Definition:

Temporary structures, work, and discharges, including, but not limited to cofferdams, linear transportation crossings, utilities, low-water crossings, and portable spans, necessary for construction activities, access fill, or dewatering of construction sites. Structures left in place after construction is completed require a separate Section 10 permit if located in navigable waters of the U.S.

Regional General Permit Limits: None. Only the minimum volume of material needed for construction associated with these activities would be dredged from or discharged into waters of the United States, including wetlands.

Notification Requirement: Only activities within Section 10 (i.e., navigable or tidally-influenced) waters require a PCN (HCED Form 1). The PCN must include a restoration plan showing how all temporary fills and structures will be removed and the area restored to conditions as shown on associated permit(s). A Non-Notifying Form (HCED Form 7 [for the purpose of tracking]) is required if a PCN is not required. No interagency review will be required for this activity. A Post-Construction Notification Form (HCED Form 2) is required to be submitted within **30 calendar days** of "Substantial Completion".



Use of "coffer dams" during construction



After "coffer dam" removed

RGP (33) Temporary Construction, Access, and Dewatering



Definition:

Includes the removal of accumulated sediment for maintenance of existing marina basins, access channels to marinas or boat slips. All dredged material must be deposited and retained in an area that has no waters of the U.S. unless otherwise specifically approved by the DE under separate authorization.

Notification Requirement : A PCN is not required for this activity. A Non-Notifying Form (HCED Form 7 [for the purpose of tracking]) is required. No interagency review will be required for this activity.

Regional General Permit Limit: "Maintenance Baseline" (see Definitions) approved by District Engineer (DE).

Existing boat slip



RGP (35) Maintenance Dredging of Existing Basins



Definition:

Activities include the construction, maintenance, repair, and removal of single or double boat ramps and associated facilities in waters of the U.S., including wetlands.

Regional General Permit Limit:

- 150 cubic yards for a single boat ramp and 300 cubic yards for a double boat ramp.
- 20 feet in width for a single boat ramp and 40 feet in width for a double boat ramp.

Notification Requirement: Activities authorized under this permit require a PCN (HCED Form 1) if: (1) the discharge into waters of the U.S. exceeds 50 cubic yards, or (2) the boat ramp exceeds 20 feet in length. If dredging in navigable waters of the U.S., including wetlands, is necessary to provide access to the boat ramp, the dredging may be authorized by a NWP, IWP, or other RGP. Interagency review will be required if impacts to waters of the U.S. are greater than 50 cubic yards below the plane of the OHWM or HTL or greater 20 feet in width. A Post-Construction Notification Form (HCED Form 2) is required to be submitted within **30 calendar days** of "Substantial Completion". A Non-Notifying Form (HCED Form 7 [for the purpose of tracking]) will be required if proposed activity impacts are below notification thresholds.

Boat Ramp



RGP (36) Boat Ramps



Definition:

Discharge of dredged or fill material for the repair, rehabilitation, or replacement of structures or fills destroyed or damaged by storms, floods, fire or other discrete events, provided the repair, rehabilitation, or replacement is commenced, or is under contract to commence, within two years of the date of their destruction or damage. The two-year limit may be waived by the DE, provided HCED can demonstrate funding, contract, or other similar delays. This permit also authorizes activities associated with restoration and stabilization necessary to protect upland areas.

In general, the permittee should wait until the district engineer issues an RGP verification or **30 calendar days** have passed before proceeding with the emergency repair activity. However, in cases where there is an unacceptable hazard to life or a significant loss or property or economic hardship will occur, the emergency repair activity may proceed immediately and the district engineer will consider the information in the pre-construction notification and any comments received as a result of agency coordination to decide whether RGP (37) authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

Regional General Permit Limit: None. Only the minimum volume of material needed for construction associated with these activities would be dredged from or discharged into waters of the United States, including wetlands.

Notification Requirement: Except in cases where there is an unacceptable hazard to life or significant loss of property or economic hardship will occur, the permittee must submit a PCN (HCED Form 1) to the DE prior to commencing the activity. A Post-Construction Notification Form (HCED Form 2) is required to be submitted within **30 calendar days** of "Substantial Completion". No interagency review will be required for this activity.



Before damage repair



After damage repair

RGP (37) Emergency Repair Activities



Definition:

Specific activities within all waters of the U.S., including wetlands, required to effect the containment, stabilization, or removal of hazardous or toxic waste materials that are performed, ordered, or sponsored by a government agency with established legal or regulatory authority are authorized by this permit. Court ordered remedial action plans or related settlements are also authorized by this permit.

Regional General Permit Limit: None. Only the minimum volume of material needed for cleanup of hazardous and toxic waste would be dredged from or discharged into waters of the U.S., including wetlands.

Notification Requirement: All activities authorized under this permit require a PCN (HCED Form 1). A Post-Construction Notification Form (HCED Form 2) is required to be submitted within **30 calendar days** of "Substantial Completion". No interagency review will be required for this activity. No interagency review will be required for this activity.

Note: Activities undertaken entirely on a Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) site by authority of CERCLA as approved or required by Environmental Protection Agency (EPA), are not required to obtain permits under Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act.



Cleanup of hazardous and toxic waste



Clean-up of hazardous waste

RGP (38) Cleanup of Hazardous and Toxic Waste



Definition:

Discharges of dredged or fill material into non-tidal waters of the U.S. for the construction or expansion of institutional building foundations and building pads and attendant features that are necessary for the use and maintenance of the structures. Attendant features may include, but are not limited to, roads, parking lots, garages, yards, utility lines, storm water management facilities, wastewater treatment facilities, and recreation facilities such as playgrounds and playing fields. Examples of institutional developments include schools, fire stations, government office buildings, judicial buildings, public works buildings, libraries, and county-owned/operated non-commercial healthcare facilities. The construction of new golf courses and new ski areas are not authorized by this RGP.

Regional General Permit Limit

- 1-acre of non-tidal waters of the U.S. and loss of greater than 0.5-acre of tidal waters of the U.S. for each single and complete project.
- The loss of stream bed plus any other losses of jurisdictional wetlands and waters caused by the RGP activity cannot exceed 0.5-acre.

Notification Requirement: All activities authorized under this permit require a PCN (HCED Form 1). A Post-Construction Notification Form (HCED Form 2) is required to be submitted within **30 calendar days** of "Substantial Completion". No interagency review will be required for this activity.

Structure construction



RGP (39) Institutional Developments

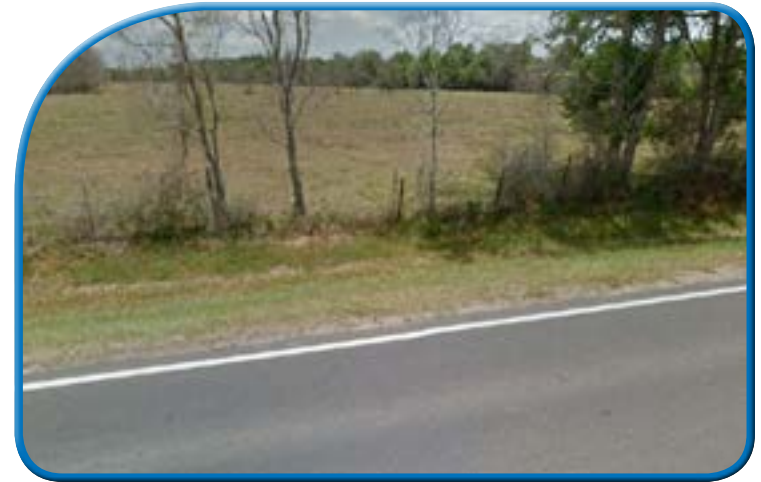


Definition:

Discharges of dredged or fill material into non-tidal waters of the U.S., excluding non-tidal wetlands adjacent to tidal waters, to modify the cross-sectional configuration of currently serviceable drainage ditches constructed in waters of the U.S., including wetlands, for the purpose of improving water quality by re-grading the drainage ditch with gentler slopes. Compensatory mitigation is not required because the work is designed to improve water quality.

Regional General Permit Limit: : None. Only the minimum volume of material needed for construction would be discharged into waters of the U.S., including wetlands.

Notification Requirement: A PCN is not required for this activity. A Non-Notifying Form (HCED Form 7 [for the purpose of tracking]) is required. A Post-Construction Notification Form (HCED Form 2) is required to be submitted within **30 calendar days** of "Substantial Completion". No interagency review will be required for this activity.



Before ditch modification



After ditch modification

RGP (41) Reshaping Existing Drainage Ditches



Definition:

Discharges of dredged or fill material into all waters of the U.S., including wetlands, for the construction or expansion of recreational facilities. Examples of recreational facilities that may be authorized by this permit include, but are not limited to, playing fields (e.g., football fields, baseball fields), basketball courts, tennis courts, hiking trails, bike paths, golf courses, horse paths, nature centers, and campgrounds (excluding recreational vehicle parks). This permit also authorizes the construction or expansion of small support facilities and ancillary facilities, such as maintenance and storage buildings and stables that are directly related to the recreational activity,

Regional General Permit Limit:

- 1.0 acre of non-tidal waters of the U.S.
- 0.5-acre of tidal waters of the U.S., including wetlands, including the loss of no more than 500 linear feet of stream bed.

Notification Requirement: All activities authorized under this permit require a PCN (HCED Form 1). Interagency review will be required if impacts to waters of the U.S., including wetlands, is greater than 0.5 acres in non-tidal waters or greater than 300 linear feet of streambed are impacted. A Post-Construction Notification Form (HCED Form 2) is required to be submitted within **30 calendar days** of "Substantial Completion". No interagency review will be required for this activity.

Walking trail



RGP (42) Recreational Facilities



Definition:

Discharges of dredged or fill material into all non-tidal waters of the U.S., including wetlands, for the construction and maintenance of stormwater management facilities, including the excavation of stormwater ponds/facilities, detention basins, and retention basins; the installation and maintenance of water control structures, outfall structures, and emergency spillways; and the maintenance dredging of existing stormwater management ponds/facilities and detention and retention basins.

Regional General Permit Limit:

- 1.0 acre of non-tidal waters of the U.S.
- 0.5-acre in tidal waters of the U.S. and the loss of no more than 300 linear feet of stream bed. The DE can waive for intermittent and ephemeral streams.

Notification Requirement: All activities authorized under this permit require a PCN (HCED Form 1). Interagency review will be required if impacts to waters of the U.S., including wetlands, is greater than 1-acre in non-tidal waters or 0.5-acre in tidal waters of the U.S. including wetlands or greater than 300 linear feet of streambed are impacted. A Post-Construction Notification Form (HCED Form 2) is required to be submitted within **30 calendar days** of "Substantial Completion".



RGP (43) Stormwater Management Facilities



Authorizes discharges of dredged or fill material, including dredging or excavation, into all waters of the U.S. for activities associated with the restoration of upland areas damaged by storms, floods, or other discrete events. This NWP authorizes bank stabilization to protect the restored uplands. The restoration of the damaged areas, including any bank stabilization, must not exceed the contours, or OHWM, that existed before the damage occurred. The DE retains the right to determine the extent of the pre-existing conditions and the extent of any restoration work authorized by this NWP. The work must commence, or be under contract to commence, within two years of the date of damage, unless this condition is waived in writing by the DE. This NWP cannot be used to reclaim lands lost to normal erosion processes over an extended period. This NWP does not authorize beach restoration or nourishment. Minor dredging is limited to the amount necessary to restore the damaged upland area and should not significantly alter the pre-existing bottom contours of the waterbody.

The uplands themselves that are lost as a result of a storm, flood, or other discrete event can be replaced without a section 404 permit, if the uplands are restored to the ordinary high water mark (in non-tidal waters) or high tide line (in tidal waters).

Notification: The permittee must submit a PCN (HCED Form 1) to the DE prior to commencing the repair activity. The PCN should include documentation, such as a recent topographic survey or photographs, to justify the extent of the proposed restoration. (Sections 10 and 404).



RGP (45) Repair of Uplands Damaged by Discrete Events



Definition:

This Regional General Permit authorizes discharges of dredged or fill material into non-tidal ditches that:

- Are constructed in uplands
- Receive water from an area determined to be a water of the U.S., including wetlands, prior to the construction of the ditch
- Divert water to an area determined to be a water of the U.S., including wetlands, prior to the construction of the ditch
- Are determined to be waters of the U.S., including wetlands

Regional General Permit Limit: 1.0 acre of non-tidal waters of the U.S., including wetlands.

Notification Requirement: All activities authorized under this permit require a PCN (HCED Form 1). A Post-Construction Notification Form (HCED Form 2) is required to be submitted within **30 calendar days** of "Substantial Completion". No interagency review will be required for this activity.



Ditch constructed
in uplands

RGP (46) Discharges in Ditches



Definition:

Discharges of dredged or fill material into all navigable waters of the U.S. to construct, maintain, repair, or remove docks and piers including, but not limited to the following related features: boat hoists, boat shelters with open sides, stairways, walkways, mooring pilings, and dolphins.

Regional General Permit Limit: None. Only the minimum volume of material needed for construction associated with these activities would be dredged from or discharged into waters of the United States, including wetlands.

Notification Requirement: All activities authorized under this permit require a PCN (HCED Form 1). A Post-Construction Notification Form (HCED Form 2) is required to be submitted within **30 calendar days** of "Substantial Completion". No interagency review will be required for this activity.



Pier

RGP (99) Piers and Boathouses



Definition:

The DE will consider the following factors when determining appropriate and practicable mitigation for unavoidable effects from minor new construction projects to waters of the United States, including wetlands:

1. The permittee may propose the use of mitigation banks, in-lieu fee arrangements or separate project-specific compensatory mitigation including wetland creation, enhancement, and/or preservation. All proposed mitigation will be described in detail in a mitigation plan that will be prepared in accordance with 33 CFR 332.4(c). For permittee responsible mitigation, the mitigation plan will include 12 components: objectives, site selection, site protection instrument, baseline information, determination of credits, mitigation work plan, maintenance plan, performance standards, monitoring requirements, long term management plan, adaptive management plan, and financial assurances. Proposed mitigation plans using mitigation banks or in-lieu fee programs would include baseline information and determination of credits.
2. Compensatory mitigation for minor new construction activities will be determined by a USACE approved functions and 0.10 acre. No mitigation will be required for losses to tidal and non-tidal wetlands of 0.10 acre or less.
3. For losses to previously improved tidal and non-tidal streams or other open waters in excess of 1/10 acre or 1,000 linear feet (whichever is greater), compensatory mitigation for new work activities will be required in accordance with stream mitigation guidelines promulgated by the Galveston District. For losses to natural tidal and non-tidal streams or other open waters in excess of 0.10 acre or 500 linear feet (whichever is greater), compensatory mitigation for new work activities will be required in accordance with the same stream mitigation guidelines.
4. No mitigation will be required for losses to previously improved tidal and non-tidal streams of 0.10 acre or less in area or 1,000 linear feet or less in length (whichever is greater) or for losses to natural tidal and non-tidal streams of 0.10 acre or less in area or 500 linear feet or less in length (whichever is greater).
5. No compensatory mitigation is required for maintenance activities or for minor new construction activities that involve bank stabilization, minor dredging projects, and USCG approved bridge projects.



Compensatory Mitigation



1. The time limit for completing the work authorized herein ends on (AUTHORIZATION DATE + 5 years) or if the Department of the Army (DA) authorization is within two years of the expiration of this General Permit, within 2 years of the DA approval.
 2. This permit does not authorize stream channelization or stream diversion activities. This permit does not authorize the relocation of drainage ditches constructed in waters of the U.S., including wetlands; the location of the centerline must remain in approximately the same location.
 3. This permit only applies to projects managed, performed, or contracted on behalf of the HCED and any Harris County Precinct.
 4. The discharge or fill activity cannot cause the loss of jurisdictional waters of the U.S., including wetlands, greater than the limits specified in this RGP.
 5. For those projects that require PCN, HCED Form 1/ENG 4345 Form, HCED shall submit a signed DA application or a letter that contains the needed project information for completeness. Information required to be provided shall include:
 - A. Name, address, email, and telephone numbers of the Project Manager and relevant contacts at HCED;
 - B. A description of the proposed project, including:
 - i. Volume and type of material to be placed into waters of the U.S.;
 - ii. Total area (or linear feet) of waters of the U.S., including wetlands to be directly affected;
 - iii. Estimated construction beginning and end dates;
 - iv. HCED estimated target permit approval date;
 - v. A list of all other permits and authorizations, including previous DA authorizations for the work area, as required by law, ordinance, or regulation; and
 - vi. A vicinity map, plan view, typical cross section, and description of the proposed method of construction. Drawings shall include:
 - a. A vicinity map with the precise location of the proposed project so that its geographic coordinates can be determined
 - b. A plan view of the proposed project
 - c. A cross section drawing showing the dimensions of the proposed project
 - d. Mapped location of any special aquatic resources (i.e. wetlands, mud flats, vegetated shallows, coral reefs, riffle, and pool complexes sanctuaries, and refuges) located within 100 feet of any portion of the proposed project. The size of each aquatic resource and its distance to the edge of the project boundary must be depicted on this map.
 6. For the project to satisfy the TCEQ water quality certification requirements, the Applicant shall agree to use the Best Management Practices (BMPs) for Tier 1 projects and shall submit a signed statement that the applicable BMPs will be used. If a permittee fails to implement these provisions and BMPs, the permit is subject to enforcement. Applications that do not incorporate all the
- C. If the RGP activity requires it, the notification must include a delineation of waters of the U.S., including wetlands; an Approved Jurisdictional Determination (AJD) or a Preliminary Jurisdictional Determination (PJD); or a request for an ADJ or PJD on the proposed project site. Delineations of waters of the U.S., including wetlands, must be prepared in accordance with the current methodologies required by the USACE.
 - D. The permittee shall follow current state and federal regulations for cultural and historic resources.
 - E. A statement that the work will be conducted in compliance with the terms and conditions of this RGP.
 - F. HCED will submit notification to the USACE - Galveston District (designated Water Resources Development Act [WRDA] 214 project manager, and Chief of Compliance) within two weeks after the pre-construction meeting has been held.
 - G. No structure or fill will be authorized that is likely to jeopardize the continued existence of federally listed threatened and endangered species. A qualified biologist shall survey the area prior to initiating work

Regional General Permit Conditions



provisions of the checklist into their project or use other alternatives are not authorized under this RGP. Alternative BMPs may be utilized once approved by the TCEQ on a case by case basis. Descriptions of the BMPs may be obtained from the USACE, Galveston District, web site at: <http://www.swg.usace.army.mil/Portals/26/docs/regulatory/permit%20packet/401tier1des.pdf> or the TCEQ web site at: https://www.tceq.texas.gov/permitting/401certification/401certification_tier1.html, or by calling TCEQ at 512-239-4671.

7. Applicant must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Permit Condition 11 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
8. No structure or fill that may affect historic properties listed or eligible for listing in the National Register of Historic Places is authorized until the USACE and permittee has complied with the provisions of Section 106 of the National Historic Preservation Act (NHPA).
 - A. The USACE will review all proposed activities for cultural resources requirements, and, when appropriate, coordinate these activities with the Texas Historical Commission (THC). This coordination will take place within the USACE required review time of **45 calendar days**. If potential historic properties are located in the project area, they shall be avoided by a sufficient margin as designated by the USACE and the THC. If avoidance of the potential historic properties is not feasible, further archeological investigations shall be required. Cultural resource concerns must be resolved and approved by the appropriate agencies before an RGP decision can be rendered by the USACE.
 - B. If any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately cease and desist 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.
9. When structures, work, or fill authorized by this permit are still in existence at the time they are transferred to new ownership, the permittee must obtain and submit to the USACE a signed statement from the new owner(s) stating

that they agree that the terms and conditions of this permit will continue to be binding on the new owner(s).

A copy of the permit verification must be attached to the letter, and the letter must contain the following statement and signature:

“When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below .

Transferee

Date

10. Applicant must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of this permit.
11. If the determination is made that the adverse effects of the proposed work are more than minimal, then the permittee will be notified that either: (1) That the project does not qualify for authorization under the RGP and instruct the permittee on the procedures to seek authorization under an individual permit; (2) that the project is authorized under the RGP subject to the permittee’s submission of an approved mitigation plan that would reduce the adverse effects on the aquatic environment to the minimal level; or (3) that the project is authorized under the RGP with specific modifications or conditions.
12. No structures or fill will be allowed to obstruct any navigation channels.

Regional General Permit Conditions (Cont.)



13. 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 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 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. (For applicable Section 10 projects).
14. When structures or work authorized by this permit are determined by the DE to have become abandoned, or obstructive to navigation, or cease to be used for the purpose for which they were permitted, such structures or other work must be removed and the area cleared of all obstructions, and written notice given to the Chief of Compliance, Galveston District Regulatory Branch within **30 calendar days** of completion. (For applicable Section 10 Projects).
15. For all discharges proposed for authorization under RGP activities 3, 7, 12, 14, 18, 19, 25, 27, 41, 42, and 43 into the following habitat types or specific areas, the permittee shall notify the appropriate DE in accordance with the notification requirements listed under RGP General Condition 5. The USACE will coordinate with the resource agencies concerning the proposed activities compliance with the terms and conditions of the RGP and the need for mitigation to reduce the project's adverse impacts to a minimum level. The habitat types or areas are:
 - A. Wetlands, typically referred to as pitcher plant bogs, that are characterized by an organic surface soil layer and include vegetation such as pitcher plants (*Sarracenia* sp.), sundews (*Drosera* sp.), and sphagnum moss (*Sphagnum* sp.).
 - B. Bald Cypress-Tupelo Swamps: Wetlands comprised predominantly of bald cypress trees (*Taxodium distichum*), and water tupelo trees (*Nyssa aquatica*), that are occasionally or regularly flooded by fresh water. Common associates include red maple (*Acer rubrum*), swamp privet (*Forestiera acuminata*), green ash (*Fraxinus pennsylvanica*), and water elm (*Planera aquatica*). Associated herbaceous species include lizard's tail (*Saururus cernuus*), water mermaid weed (*Proserpinaca* spp.), buttonbush (*Cephalanthus occidentalis*), and smartweed (*Polygonum* spp.). (Eyre, F.H. Forest Cover Types of the United States and Canada. 1980. Society of American Foresters, 5400 Grosvenor Lane, Bethesda Maryland 20814-2198. Library of Congress Catalog Card No. 80-54185).
16. For all activities proposed for authorization under RGP activity 12 that involves mechanized land clearing in a forested wetland, the permittee must submit a PCN to the appropriate DE in accordance with the notification requirements listed under RGP General Condition 5.
17. For all discharges and work proposed in tidal waters under RGP 14 and 18, the permittee shall notify the Galveston DE in accordance with the notification requirements listed under RGP General Condition 5. The USACE will coordinate with the NMFS and discuss the need for mitigation to reduce the project's adverse impacts to a minimum level within the **30 calendar day** review time.
18. All work in the San Jacinto Waste Pits (SJWP) Area of Concern (AOC), authorized under this RGP, requires a waiver from the Galveston DE. The permittee shall notify the DE in accordance with the notification requirements listed under RGP General Condition 5. This PCN shall be used to review the project to determine if it will result in more than minimal effects to the region, and does not lessen the restriction provided by any General Conditions of the RGP. The permittee must receive written approval, including a waiver from the DE prior to starting work in waters of the U.S. All projects in the AOC must comply with the requirements of the October 21, 2009 EPA/USACE/TCEQ Public Announcement.
19. No RGP activities, except RGP 3, shall be used to authorize discharges into the following waters of the U.S..
 - A. Mangrove Marshes. For the purpose of this regional condition, Mangrove marshes are those waters of the United States that are dominated by mangroves (*Avicennia* spp., *Laguncularia* spp., and *Rhizophora* spp.).
 - B. Coastal Dune Swales. For the purpose of this regional condition, coastal dune swales are wetlands and/or other waters of the U.S. located within the backshore and dune areas in the coastal zone of Texas. They are formed

Regional General Permit Conditions (Cont.)



as depressions within and among multiple beach ridge barriers, dune complexes, or dune areas adjacent to beaches fronting the tidal waters of the U.S.

- C. Columbia Bottomlands. For the purpose of this regional condition, Columbia bottomlands are defined as waters of the U. S. that are dominated by bottomland hardwoods in the Lower Brazos and San Bernard River basins.
20. This RGP does not obviate the need to obtain other Federal, state, or local authorizations required by law.
21. Work is prohibited within 500 feet of an identified bird rookery that is active with nesting birds between February 14th and September 1st unless otherwise negotiated with Texas Parks and Wildlife Department (TPWD) and/or the USFWS. The permittee will be responsible for ensuring action complies with the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to the maximum practicable extent. The permittee is responsible for contacting the appropriate local office of the U.S. Fish and Wildlife Service to determine applicable measures to reduce impacts to migratory birds or eagles, including whether “incidental take” permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.
22. If impacts to oyster beds cannot be avoided, the permittee intends to provide mitigation at an appropriate ratio and would contact TPWD for appropriate guidance on mitigation techniques.
23. An as-built monitoring report will be submitted for permittee-responsible wetland and/or stream mitigation activities following substantial completion of the project.
24. Prop/wheel washing is not authorized by this general permit.
25. Aids to navigation will be permitted and placed in accordance with USCG Regulation 33 CFR 66 (For applicable Section 10 projects).
26. PCN. (a) Timing. Where required by the terms of the RGP, the permittee must notify the DE by submitting a PCN **45 calendar days** prior to construction. The USACE must determine if the PCN is complete within **30 calendar days** of the date of receipt (Date Request Received in Policy Analysis Branch, as shown on

the Acknowledgement Letter) and, if the PCN is determined to be incomplete, notify the prospective permittee within that **30 calendar day** period to request the additional information necessary to make the PCN complete. The PCN is deemed complete if no additional information is requested from the USACE within the **30 calendar days** from submittal.

The request must specify the information needed to make the PCN complete. As a general rule, the USACE will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the USACE will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the USACE. The permittee shall not begin the activity until either:

A. The permittee is notified in writing by the USACE that the activity may proceed under the RGP with any special conditions imposed by the district or division engineer; or

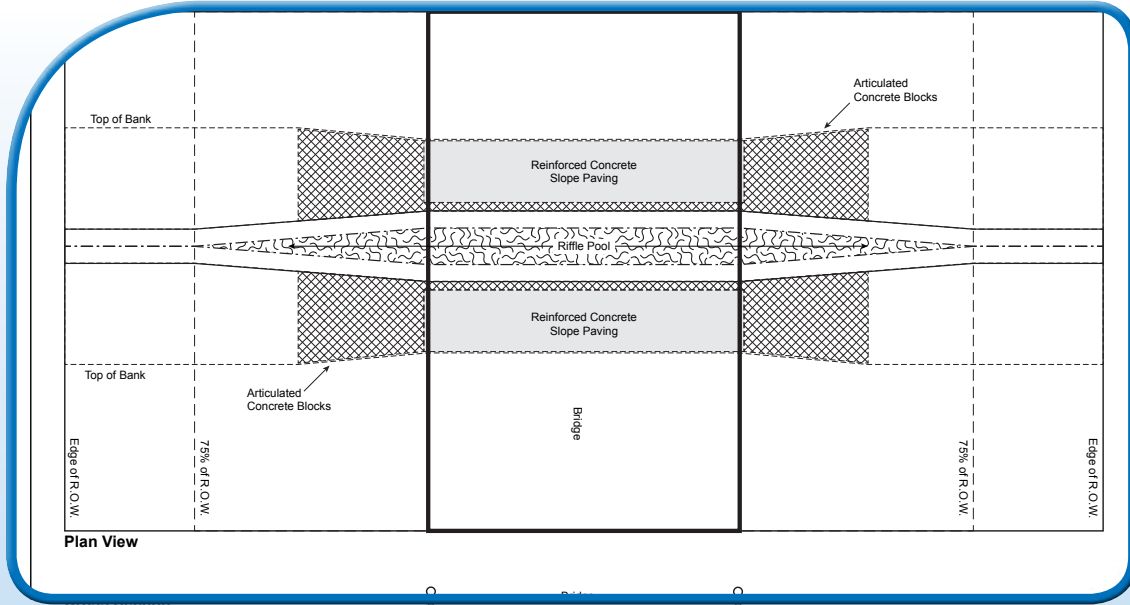
B. **45 calendar days** have passed from the USACE receipt of the complete PCN and the permittee has not received written notice from the DE or Division Engineer. . It will be assumed that all agency and interagency reviews of the PCN are complete once **45 calendar days** have passed from the USACE receipt of the PCN.

If the proposed activity requires a written waiver to exceed specified limits of an RGP, the permittee may not begin the activity until the DE issues the waiver. If the DE or Division Engineer notifies the permittee in writing that an Individual Permit (IP) is required within **30 calendar days** of receipt of a complete PCN, the permittee cannot begin the activity until an IP has been obtained. Subsequently, the permittee’s right to proceed under the RGP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

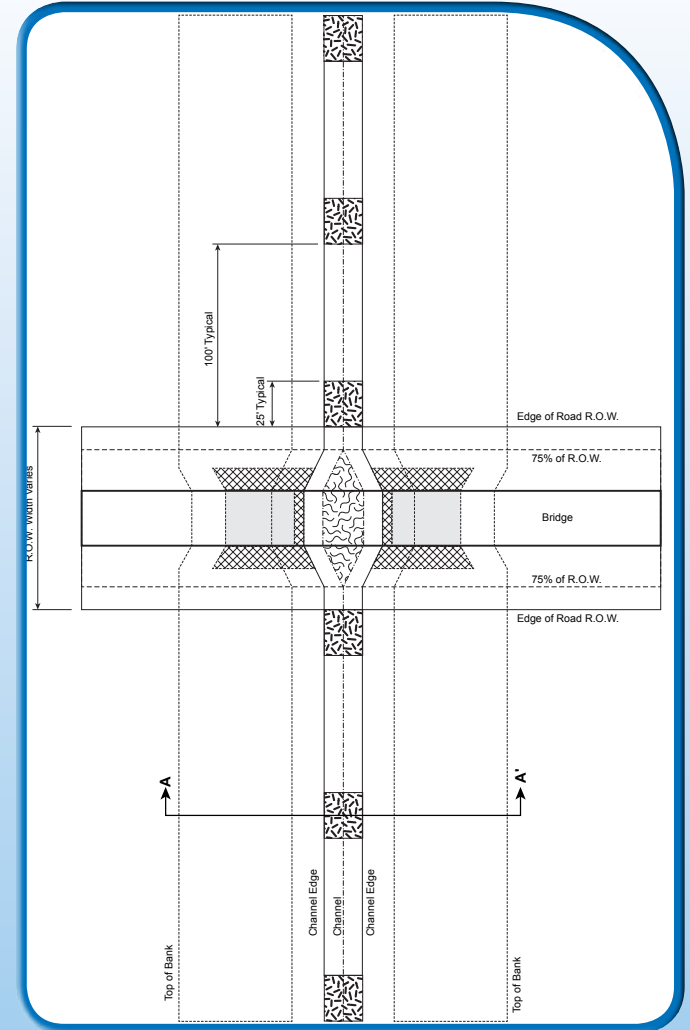
Regional General Permit Conditions (Cont.)



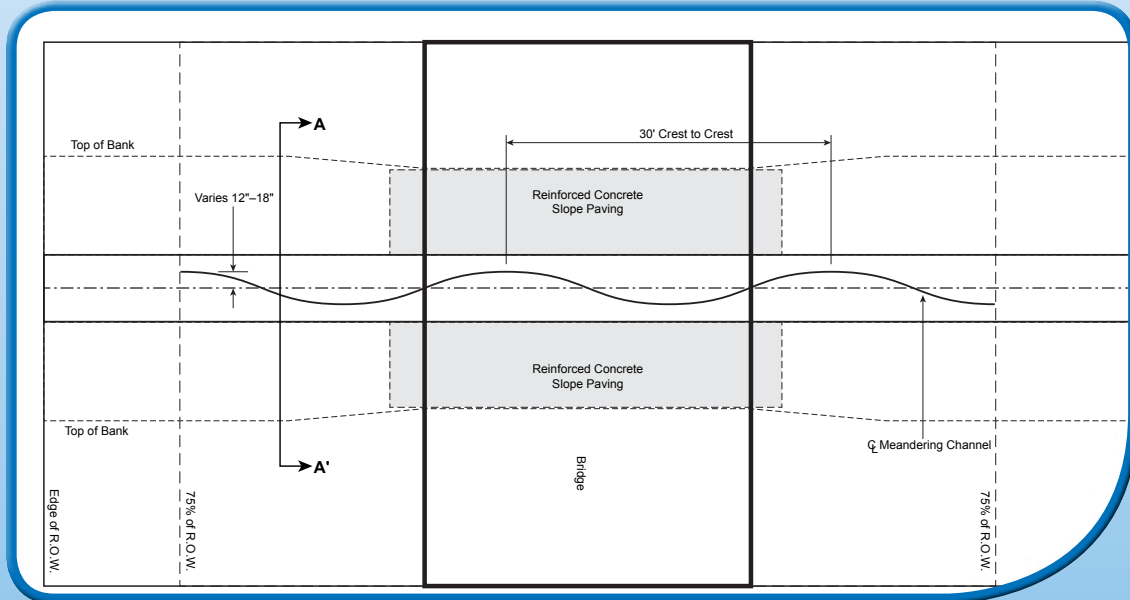
Examples of Habitat Enhancing Stream Mitigation Construction Techniques



Example drawing of a riffle pool design



Example drawing of vegetated buffer strips



Example drawing of a sinuous channel design



Definition:

The Texas Pollutant Discharge Elimination System (TPDES) storm water permitting program is intended to improve the quality of the state’s rivers, lakes, and streams by reducing pollution from non-point sources. The regulations of the TDPEs require HCPID-AED to obtain stormwater permits for all discharges associated construction activities that drain stormwater into public waters. The Texas Commission on Environmental Quality (TCEQ) issues a construction general permit (CGP) specifically for construction activities that disturb one acre or greater of land. HCPID-AED must comply with TCEQ’s general permit by implementing a storm water pollution prevention plan (SW3P). When a construction activity disturbs five acres or greater HCPID-AED must notify TCEQ prior to commencement of construction using a Notice of Intent (NOI).

In order to comply with the CGP, HCPID-AED must implement BMPs to ensure that the quality of the receiving waterbodies are not adversely affected. At a minimum, each project would implement BMPs as listed in the TCEQ Tier I Certification Checklist. HCPID-AED may, at their discretion, implement additional BMPs as listed in their design specification manual, including but not limited to:

- Diversion dikes
- Interceptor dikes
- Diversion swales
- Interceptor swales
- Diversion dikes with swales
- Pipe slope drains
- Filter fabric fence
- Triangular filter fabric fence
- Brush berm
- Reinforced filter fabric barrier
- Stone outlet sediment trap
- Excavated earth outlet sediment trap
- Embankment earth outlet sediment trap
- Sediment basins (stone outlet or pipe outlet)
- Intake protection barriers
- Portable sediment tank
- Sediment sump pit
- Stabilized construction access
- General source controls
- Level spreader
- Concrete truck washout structures
- Rock filter dams
- Sodding for erosion control and stabilization
- Seeding and erosion control blanket
- Hydro-mulch seeding for erosion control and stabilization



Intake protection barrier



Silt fence

Best Management Practices (BMPs)

