



Public Notice

**U.S. Army Corps
Of Engineers**

Galveston District

Permit Application No: _____

Date Issued: _____

Comments _____

Due: _____

Regional General Permit
SWG-2011-00629

18 December 2017

22 January 2018

**U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT
AND
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

PURPOSE OF PUBLIC NOTICE: To inform you of a proposal to reissue a Regional General Permit (RGP). It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. The U.S. Army Corps of Engineers (Corps) is not the entity proposing or performing the proposed work, nor has the Corps taken a position, in favor or against the proposed work.

AUTHORITY: This application will be reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (CWA).

APPLICANT: Harris County Engineering Department (HCED)
1001 Preston, 7th Floor
Houston, Texas 77002
Telephone: 713-274-3612
POC: Ms. Teresa Beavers

AGENT: Crouch Environmental Services
402 Teetshorn Street
Houston, Texas 77009
Telephone: 713-868-1043
POC: Ms. Claire Garvin

LOCATION: The proposed RGP would be valid in all waters of the United States (U.S.), including wetlands, in Harris County, Texas.

PROJECT DESCRIPTION: To reissue an RGP authorizing the discharge dredge or fill material resulting from maintenance and minor new construction activities associated with public infrastructure facilities under the jurisdiction of the HCED. The projects would be conducted in accordance with the work described in the RGP document. The proposed RGP is an update to the current RGP.

RGP Purpose

HCED is responsible for the maintenance and construction of a wide variety of public infrastructure projects in Harris County. HCED designs and constructs new public infrastructure, and maintains existing public infrastructure. The construction and maintenance of this infrastructure often includes activities regulated by Section 404 of the CWA and Section 10 of the Rivers and Harbors Act of 1899.

The RGP would provide authorization for maintenance and minor new construction activities, undertaken by HCED, that are substantially similar in nature and that cause only minimal direct and cumulative environmental effects. The purpose of this RGP is to achieve the following objectives:

- Addressing damage and failures in a timely manner, reducing their size, minimizing adverse environmental effects, and reducing the amount and frequency of suspended solids that may be discharged to receiving streams from repetitive maintenance events.
- Implement maintenance and minor new construction projects resulting in long term solutions using a watershed approach that effectively reduces the adverse direct, indirect, and cumulative environmental effects of repetitive work for the same issue.
- Establish a consistent, predictable, and simplified approach to certain categories of work known to have little individual or cumulative effect.
- Reduce the permitting workload of both HCED and the Corps.
- Reduce costs to taxpayers by streamlining the permitting process and reducing repetitive work in the same locations.
- Implement a consistent and predictable construction schedule.
- Comply with requirements established by project cooperation agreements, Corps permits, and Operations and Maintenance manuals.

Current Permitting Status

HCED's current RGP which was issued on 24 June 2013, and expires on 24 June 2018. It authorizes maintenance and minor new construction projects within specific parameters. Projects with impacts that surpass the RGP thresholds require authorization through Individual Permits. The need for a RGP is demonstrated by the following:

- Use of the RGP has improved processing times and avoided project delays. The highly variable timeframe of obtaining authorization under alternate permitting mechanisms, places HCED in a reactive mode when planning and prioritizing needed work. Delays in construction schedules that do not address issues such as erosion can result in adverse effects to surface water quality, and ultimately an increase in the cost of repairs.
- Many HCED projects are modified so that work below the Ordinary High Water Mark (OHWM) is avoided and/or minimized. However, the resulting design often does not meet the long term goals of the project. This reduction of scale often results in projects that offer only short term solutions to long term problems.
- The implementation of short term solutions eventually requires the repair, rehabilitation, or replacement of the original project.
- The combination of the above conditions results in a repetitive pattern of re-working and re-permitting projects, which in turn results in greater cumulative effects to water quality from increased erosion, greater effects to waters of the U.S., including wetlands, from affecting the same area multiple times, and greater construction and mitigation costs.

Impacts to Waters of the U.S., including Wetlands

Each project submitted under the proposed RGP would be designed to avoid and minimize impacts to waters of the U.S., including wetlands, to the greatest extent practicable. The area and volume of discharge into or dredging from waters of the U.S., including wetlands, will vary in terms of size and quantity by project. The intent of this RGP is to authorize all maintenance and minor new construction activities defined herein, under the condition that their impacts to waters of the U.S., including wetlands, are within the thresholds specified in the RGP.

Delineation of Waters of the U.S., including Wetlands, and Jurisdictional Determination

The types of activities that require a delineation of waters of the U.S., including wetlands, are specified in the RGP. For those types of activities that require a delineation, all waters and wetlands found on each project site would be considered jurisdictional through a Preliminary Jurisdictional Determination (PJD), unless the applicant requests an Approved Jurisdictional Determination (AJD). AJDs can be utilized if the applicant determines that potential non-jurisdictional aquatic features are present within the project site.

Best Management Practices

When impacts to waters of the U.S., including wetlands, cannot be avoided or minimized, **Best Management Practices (BMPs) would be implemented to minimize the impacts of construction to the water quality of receiving water bodies. BMPs are effective, practical, structural, or nonstructural methods which prevent or reduce the movement of sediment, nutrients, pesticides, and other pollutants from land to surface or ground water, or which otherwise protect water quality from potential adverse effects of construction activities. The applicant would utilize a full range of all available state-of-the-art BMPs on all projects both during and post-construction.** At a minimum, each project would implement BMPs as listed in the TCEQ Tier I Certification Checklist. The applicant may, at their discretion, implement additional BMPs as listed in their design specification manual, including but not limited to:

- Silt Fencing;
- Stabilized Construction Access;
- Sodding;
- Filter Dams;
- Seeding;
- Mulch and soil stabilization
- Other activities as indicated in the full list of BMPs, as appropriate.
-

The applicant is committed to addressing stormwater management issues and is continuously striving to identify and implement all effective BMPs on a project-by-project, case-by-case basis.

Compensatory Mitigation for Unavoidable Impacts

No compensatory mitigation is required for maintenance projects. These types of activities have already been mitigated for during original authorizations.

Compensatory mitigation is required for all minor new construction activities covered in this RGP with the exception of bank stabilization on previous federally authorized projects, minor dredging, and U.S. Coast Guard approved bridge activities.

All proposed mitigation will be described in detail in a project-specific mitigation plan that

will be prepared in accordance with 33CFR 332.4(c).

Table 1: Discharge/Dredging Limits of Regional General Permit for Maintenance and Minor New Construction of Public Infrastructure Facilities Located in Harris County, Texas.

| RGP Activity No. | RGP Activity | RGP Limit(s) | RGP Notification Requirement(s) | Submittal/Review Timeline | Interagency Review Required? | Waters of the U.S. Delineation Required? | Mitigation Required? | Statutory Authority |
|------------------|---|-------------------------|--|---|------------------------------|--|----------------------|------------------------|
| 3a | Structural & Earthen Maintenance and Erosion Protection | None ¹ | PCN not required. USACE Non-notifying Form (<i>HCED Form 7</i>) | None | No | No | No | Section 10 Section 404 |
| 3b | Removal of Sediment and Debris | 200 feet from structure | All activities require a Pre-Construction Notification (PCN [<i>HCED Form 1</i>]). | <ul style="list-style-type: none"> •The District Engineer must be notified by email/telephone within 24 hours PRIOR to initiation of construction within jurisdictional areas. •PCN must be submitted 45 calendar days PRIOR to construction. •USACE has 30 calendar days from receipt of PCN to determine if PCN is complete. •Work may commence IF <ol style="list-style-type: none"> 1) Notification from USACE is received that work may commence 2) 45 calendar days have passed since the receipt of the complete PCN and notification from USACE has not been received. •Post Construction Notification (PCN [<i>HCED Form 2</i>]) must be submitted within 30 calendar days of project substantial completion². | No | No | No | Section 10 Section 404 |
| 3c | Temporary Structures, Fills, and Work | None ¹ | PCN not required. USACE Non-notifying Form (<i>HCED Form 7</i>) | None | No | No | No | Section 10 Section 404 |

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|------------------|------------------------------|--|--|---|---|--|----------------------|---------------------------|
| 7 | Outfall and Inlet Structures | None ¹ | All activities require a Pre-Construction Notification (PCN [<i>HCED Form 1</i>]). | <ul style="list-style-type: none"> •The District Engineer must be notified by email/telephone within 24 hours prior to initiation of construction within jurisdictional areas. •PCN must be submitted 45 calendar days PRIOR to construction. •USACE has 30 calendar days from receipt of PCN to determine if PCN is complete. •Work may commence IF <ol style="list-style-type: none"> 1) Notification from USACE is received that work may commence 2) 45 calendar days have passed since the receipt of the complete PCN and notification from USACE has not been received. •Post Construction Notification (PCN [<i>HCED Form 2</i>]) must be submitted within 30 calendar days of project substantial completion². | No | Yes | Yes ³ | Section 10 Section 404 |
| 12 | Utility Line Activities | <ul style="list-style-type: none"> •1 acre in non-tidal waters of the U.S., including wetlands •0.5 acre in tidal waters of the U.S., including wetlands | <p>A PCN is required if:</p> <ul style="list-style-type: none"> •A Section 10 Permit is required •Mechanized land clearing in forested wetlands are required in the right-of-way •Discharge results in a loss of greater than 1/10 acre •Utility lines length is greater than 500 linear feet of waters of the U.S. •Utility line runs parallel to a stream bed within a jurisdictional area •Above grade permanent access roads are greater than 500 linear feet of waters of the U.S. •Permanent access roads are constructed with impervious materials | <ul style="list-style-type: none"> •The District Engineer must be notified by email/telephone within 24 hours prior to initiation of construction within jurisdictional areas. •A Non-Notifying Form (<i>HCED Form 7</i>) must be submitted if a PCN is not required. •PCN must be submitted 45 calendar days PRIOR to construction. •USACE has 30 calendar days from receipt of PCN to determine if PCN is complete. •Work may commence IF <ol style="list-style-type: none"> 1) Notification from USACE is received that work may commence 2) 45 calendar days have passed since the receipt of the complete PCN and notification from USACE has not been received. •Post Construction Notification (PCN [<i>HCED Form 2</i>]) must be submitted within 30 calendar days of project substantial completion². | Yes. If impacts are: <ul style="list-style-type: none"> •Greater than 0.5-acre | | | |

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|------------------|--------------------|---|---|---|--|--|--|-----------------------------------|
| 13 | Bank Stabilization | <ul style="list-style-type: none"> •750 feet along the bank with use of unlimited amount of fill material, or •1,500 linear feet along the bank as long as an average of 1 cubic yard per running foot of fill material is discharged | <p>A PCN is required if:</p> <ul style="list-style-type: none"> • Greater than 500 feet along the bank • Greater than 1 cubic yard per running foot •Discharges into Special Aquatic Sites⁴ | <ul style="list-style-type: none"> •The District Engineer must be notified by email/telephone within 24 hours prior to initiation of construction within jurisdictional areas. •A Non-Notifying Form (<i>HCED Form 2</i>) must be submitted if a PCN is not required. •PCN must be submitted 45 calendar days PRIOR to construction. •USACE has 30 calendar days from receipt of PCN to determine if PCN is complete. •Work may commence IF <ol style="list-style-type: none"> 1) Notification from USACE is received that work may commence 2) 45 calendar days have passed since the receipt of the complete PCN and notification from USACE has not been received. •Post Construction Notification (PCN [<i>HCED Form 2</i>]) must be submitted within 30 calendar days of project substantial completion². | <p>Yes. If impacts are:</p> <ul style="list-style-type: none"> •Greater than 500 feet along the bank •Greater than 1 cubic yard per running foot | <p>Yes, only if PCN required</p> | <ul style="list-style-type: none"> •None for previously authorized Federal projects. •Mitigation is required for non-federal projects³. | <p>Section 10 Section 404</p> |

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|------------------|-----------------------------------|--|--|---|---|--|----------------------|---------------------------|
| 14 | Linear Transportation | <ul style="list-style-type: none"> •1-acre in non-tidal wetlands •0.5-acre in tidal wetlands | PCN required if: <ul style="list-style-type: none"> •Greater than 1/10 acre of fill is proposed •Discharges into Special Aquatic Sites⁴ | <ul style="list-style-type: none"> •The District Engineer must be notified by email/telephone within 24 hours prior to initiation of construction within jurisdictional areas. •A Non-Notifying Form (<i>HCED Form 7</i>) must be submitted if a PCN is not required. •PCN must be submitted 45 calendar days PRIOR to construction. •USACE has 30 calendar days from receipt of PCN to determine if PCN is complete. •Work may commence IF <ol style="list-style-type: none"> 1) Notification from USACE is received that work may commence 2) 45 calendar days have passed since the receipt of the complete PCN and notification from USACE has not been received. •Post Construction Notification (PCN [<i>HCED Form 2</i>]) must be submitted within 30 calendar days of project substantial completion². | Yes. If impacts are: <ul style="list-style-type: none"> •Greater than 0.5-acre in non-tidal waters or •Greater than 0.33-acre in tidal waters | Yes, only if PCN required | Yes ³ | Section 10 Section 404 |
| 15 | U.S. Coast Guard Approved Bridges | None ¹ | PCN not required. USACE Non-notifying Form (<i>HCED Form 7</i>) | None | No | No | No | Section 404 |

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|------------------|------------------|---|--|---|---|--|----------------------|------------------------|
| 18 | Minor Discharges | <ul style="list-style-type: none"> •100 cubic yards, or •0.5-acre whichever is greater. | PCN required if: <ul style="list-style-type: none"> •Greater than 10 cubic yards are discharged below the plane of the OHWM/HTL •Discharges into Special Aquatic Sites⁴ | <ul style="list-style-type: none"> •The District Engineer must be notified by email/telephone within 24 hours prior to initiation of construction within jurisdictional areas. •A Non-Notifying Form (<i>HCED Form 7</i>) must be submitted if a PCN is not required. •PCN must be submitted 45 calendar days PRIOR to construction. •USACE has 30 calendar days from receipt of PCN to determine if PCN is complete. •Work may commence IF <ol style="list-style-type: none"> 1) Notification from USACE is received that work may commence 2) 45 calendar days have passed since the receipt of the complete PCN and notification from USACE has not been received. •Post Construction Notification (PCN [<i>HCED Form 2</i>]) must be submitted within 30 calendar days of project substantial completion². | Yes. If impacts are: <ul style="list-style-type: none"> •Greater than 25 cubic yards discharged below plane of OHWM/HTL, or •Greater than 0.10-acre of waters of the U.S. | Yes, only if PCN required | Yes ³ | Section 10 Section 404 |

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|------------------|----------------|-----------------|--|---|--|--|----------------------|---------------------------|
| 19 | Minor Dredging | 100 cubic yards | PCN required if: • Greater than 25 cubic yards discharged below plane of OHWM | <ul style="list-style-type: none"> •The District Engineer must be notified by email/telephone within 24 hours prior to initiation of construction within jurisdictional areas. •A Non-Notifying Form (<i>HCED Form 7</i>) must be submitted if a PCN is not required. •PCN must be submitted 45 calendar days PRIOR to construction. •USACE has 30 calendar days from receipt of PCN to determine if PCN is complete. •Work may commence IF <ol style="list-style-type: none"> 1) Notification from USACE is received that work may commence 2) 45 calendar days have passed since the receipt of the complete PCN and notification from USACE has not been received. •Post Construction Notification (PCN [<i>HCED Form 2</i>]) must be submitted within 30 calendar days of project substantial completion². | Yes. If impacts are: •Greater than 25 cubic yards discharged below plane of OHWM/HTL, | No | No | Section 10 Section 404 |

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|------------------|---------------------------------|-------------------|---|---|------------------------------|--|----------------------|---------------------------|
| 23 | Approved Categorical Exclusions | None ¹ | PCN not required, <u>except</u> for certain activities stated in RGL 05-07 ⁵ . | <ul style="list-style-type: none"> •The District Engineer must be notified by email/telephone within 24 hours prior to initiation of construction within jurisdictional areas. •A Non-Notifying Form (<i>HCED Form 7</i>) must be submitted if a PCN is not required. •PCN must be submitted 45 calendar days PRIOR to construction. •USACE has 30 calendar days from receipt of PCN to determine if PCN is complete. •Work may commence IF <ol style="list-style-type: none"> 1) Notification from USACE is received that work may commence 2) 45 calendar days have passed since the receipt of the complete PCN and notification from USACE has not been received. •Post Construction Notification (PCN [<i>HCED Form 2</i>]) must be submitted within 30 calendar days of project substantial completion². | No | Yes, only if PCN required | Yes ³ | Section 10 Section 404 |
| 25 | Structural Discharges | None ¹ | PCN not required. USACE Non-notifying Form (<i>HCED Form 7</i>) | None | No | No | Yes ³ | Section 404 |

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|------------------|--|---|--|--|------------------------------|--|----------------------|---------------------------|
| 27 | Aquatic Habitat Restoration, Establishment, and Enhancement Activities | None ¹ | All activities require a Pre-Construction Notification (PCN [<i>HCED Form 1</i>]). | <ul style="list-style-type: none"> The District Engineer must be notified by email/telephone within 24 hours prior to initiation of construction within jurisdictional areas. PCN must be submitted 45 calendar days PRIOR to construction. USACE has 30 calendar days from receipt of PCN to determine if PCN is complete. Work may commence IF <ol style="list-style-type: none"> 1) Notification from USACE is received that work may commence 2) 45 calendar days have passed since the receipt of the complete PCN and notification from USACE has not been received. Post Construction Notification (PCN [<i>HCED Form 2</i>]) must be submitted within 30 calendar days of project substantial completion². | No | Yes | Yes ³ | Section 10 Section 404 |
| 31 | Maintenance of Existing Flood Control Facilities | Maintenance baseline of previously authorized activities or approved by the DE. | All activities require a Pre-Construction Notification (PCN [<i>HCED Form 1</i>]). | <ul style="list-style-type: none"> The District Engineer must be notified by email/telephone within 24 hours prior to initiation of construction within jurisdictional areas. PCN must be submitted 45 calendar days PRIOR to construction. USACE has 30 calendar days from receipt of PCN to determine if PCN is complete. Work may commence IF <ol style="list-style-type: none"> 1) Notification from USACE is received that work may commence 2) 45 calendar days have passed since the receipt of the complete PCN and notification from USACE has not been received. Post Construction Notification (PCN [<i>HCED Form 2</i>]) must be submitted within 30 calendar days of project substantial completion². | No | No | No | Section 10 Section 404 |

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| 33 | Temporary Construction, Access, and Dewatering | None ¹ | Only activities within Section 10 waters require a Pre-Construction Notification (PCN [<i>HCED Form 1</i>]). | <ul style="list-style-type: none"> •The District Engineer must be notified by email/telephone within 24 hours prior to initiation of construction within jurisdictional areas. •A Non-Notifying Form (<i>HCED Form 7</i>) must be submitted if a PCN is not required. •PCN must be submitted 45 calendar days PRIOR to construction. •USACE has 30 calendar days from receipt of PCN to determine if PCN is complete. •Work may commence IF <ol style="list-style-type: none"> 1) Notification from USACE is received that work may commence 2) 45 calendar days have passed since the receipt of the complete PCN and notification from USACE has not been received. •Post Construction Notification (PCN [<i>HCED Form 2</i>]) must be submitted within 30 calendar days of project substantial completion². | No | Yes | Yes ³ | Section 10 Section 404 |
| 35 | Maintenance Dredging of Existing Basins | Maintenance baseline of previously authorized activities or approved by the DE. | PCN not required. USACE Non-notifying Form (<i>HCED Form 7</i>) | None | No | No | No | Section 10 |

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|------------------|---------------------------|--|---|---|---|--|----------------------|---------------------------|
| 36 | Boat Ramps | <ul style="list-style-type: none"> •150 cubic yards for a single boat ramp •300 cubic yards for a double boat ramp •20 foot width for a single boat ramp •40 foot for a double boat ramp | PCN required if impacts are: <ul style="list-style-type: none"> • Greater than 50 cubic yards or • Greater than 20 foot width | <ul style="list-style-type: none"> •The District Engineer must be notified by email/telephone within 24 hours prior to initiation of construction within jurisdictional areas. •A Non-Notifying Form (<i>HCED Form 7</i>) must be submitted if a PCN is not required. •PCN must be submitted 45 calendar days PRIOR to construction. •USACE has 30 calendar days from receipt of PCN to determine if PCN is complete. •Work may commence IF <ol style="list-style-type: none"> 1) Notification from USACE is received that work may commence 2) 45 calendar days have passed since the receipt of the complete PCN and notification from USACE has not been received. •Post Construction Notification (PCN [<i>HCED Form 2</i>]) must be submitted within 30 calendar days of project substantial completion². | Yes. If impacts are: <ul style="list-style-type: none"> •Greater than 50 cubic yards or •Greater than 20 foot width | Yes | Yes ³ | Section 10 Section 404 |
| 37 | Emergency Repair Services | None ¹ | All activities require a Pre-Construction Notification (PCN [<i>HCED Form 1</i>]). | <ul style="list-style-type: none"> •The District Engineer must be notified by email/telephone within 24 hours prior to initiation of construction within jurisdictional areas. •PCN must be submitted 45 calendar days PRIOR to construction. •USACE has 30 calendar days from receipt of PCN to determine if PCN is complete. •Work may commence IF <ol style="list-style-type: none"> 1) Notification from USACE is received that work may commence 2) 45 calendar days have passed since the receipt of the complete PCN and notification from USACE has not been received. •Post Construction Notification (PCN [<i>HCED Form 2</i>]) must be submitted within 30 calendar days of project substantial completion². | No | No | No | Section 10 Section 404 |

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| 38 | Cleanup of Hazardous and Toxic Wastes | None ¹ | All activities require a Pre-Construction Notification (PCN [<i>HCED Form 1</i>]). | <ul style="list-style-type: none"> •The District Engineer must be notified by email/telephone within 24 hours prior to initiation of construction within jurisdictional areas. •USACE has 30 calendar days from receipt of PCN to determine if PCN is complete. •Work may commence IF <ol style="list-style-type: none"> 1) Notification from USACE is received that work may commence 2) 45 calendar days have passed since the receipt of the complete PCN and notification from USACE has not been received. •Post Construction Notification (PCN [<i>HCED Form 2</i>]) must be submitted within 30 calendar days of project substantial completion². | No | Yes | Yes ³ | Section 10 Section 404 |
| 39 | Institutional Developments | <ul style="list-style-type: none"> •1 acre in non-tidal waters of the U.S., including wetlands •0.5 acre in tidal waters of the U.S., including wetlands | All activities require a Pre-Construction Notification (PCN [<i>HCED Form 1</i>]). | <ul style="list-style-type: none"> •The District Engineer must be notified by email/telephone within 24 hours prior to initiation of construction within jurisdictional areas. •USACE has 30 calendar days from receipt of PCN to determine if PCN is complete. •Work may commence IF <ol style="list-style-type: none"> 1) Notification from USACE is received that work may commence 2) 45 calendar days have passed since the receipt of the complete PCN and notification from USACE has not been received. •Post Construction Notification (PCN [<i>HCED Form 2</i>]) must be submitted within 30 calendar days of project substantial completion². | No | Yes | Yes ³ | Section 10 Section 404 |
| 41 | Reshaping Existing Drainage Ditches | None ¹ | PCN not required. USACE Non-notifying Form (<i>HCED Form 7</i>) | None | No | No | No | Section 404 |

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|------------------|----------------------------------|---|--|---|--|--|----------------------|---------------------|
| 42 | Recreational Facilities | <ul style="list-style-type: none"> •1 acre in non-tidal waters of the U.S., including wetlands •0.5 acre in tidal waters of the U.S., including wetlands •500 linear feet of stream bed. | All activities require a Pre-Construction Notification (PCN [<i>HCED Form 1</i>]). | <ul style="list-style-type: none"> •The District Engineer must be notified by email/telephone within 24 hours prior to initiation of construction within jurisdictional areas. •PCN must be submitted 45 calendar days PRIOR to construction. •USACE has 30 calendar days from receipt of PCN to determine if PCN is complete. •Work may commence IF <ol style="list-style-type: none"> 1) Notification from USACE is received that work may commence 2) 45 calendar days have passed since the receipt of the complete PCN and notification from USACE has not been received. •Post Construction Notification (PCN [<i>HCED Form 2</i>]) must be submitted within 30 calendar days of project substantial completion². | <p>Yes. If impacts are:</p> <ul style="list-style-type: none"> •Greater than 0.5 acre or •Greater than 300 linear feet of stream bed | Yes | Yes ³ | Section 404 |
| 43 | Stormwater Management Facilities | <ul style="list-style-type: none"> •1 acre in non-tidal waters of the U.S., including wetlands •0.5 acre in tidal waters of the U.S., including wetlands •500 linear feet of stream bed. | All activities require a Pre-Construction Notification (PCN [<i>HCED Form 1</i>]). | <ul style="list-style-type: none"> •The District Engineer must be notified by email/telephone within 24 hours prior to initiation of construction within jurisdictional areas. •PCN must be submitted 45 calendar days PRIOR to construction. •USACE has 30 calendar days from receipt of PCN to determine if PCN is complete. •Work may commence IF <ol style="list-style-type: none"> 1) Notification from USACE is received that work may commence 2) 45 calendar days have passed since the receipt of the complete PCN and notification from USACE has not been received. •Post Construction Notification (PCN [<i>HCED Form 2</i>]) must be submitted within 30 calendar days of project substantial completion². | <p>Yes. If impacts are:</p> <ul style="list-style-type: none"> •Greater than 0.5 acre or •Greater than 300 linear feet of stream bed | Yes | Yes ³ | Section 404 |

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|------------------|--|---|--|---|------------------------------|--|----------------------|---------------------------|
| 45 | Repair of Uplands Damaged by Discrete Events | •Restore uplands to prevent OHWM | All activities require a Pre-Construction Notification (PCN [<i>HCED Form 1</i>]). | <ul style="list-style-type: none"> •The District Engineer must be notified by email/telephone within 24 hours prior to initiation of construction within jurisdictional areas. •PCN must be submitted 45 calendar days PRIOR to construction. •USACE has 30 calendar days from receipt of PCN to determine if PCN is complete. •Work may commence IF <ol style="list-style-type: none"> 1) Notification from USACE is received that work may commence 2) 45 calendar days have passed since the receipt of the complete PCN and notification from USACE has not been received. •Post Construction Notification (PCN [<i>HCED Form 2</i>]) must be submitted within 30 calendar days of project substantial completion². | No | Yes | No | Section 404 Section 10 |
| 46 | Discharges into Ditches | •1 acre in non-tidal waters of the U.S., including wetlands | All activities require a Pre-Construction Notification (PCN [<i>HCED Form 1</i>]). | <ul style="list-style-type: none"> •The District Engineer must be notified by email/telephone within 24 hours prior to initiation of construction within jurisdictional areas. •PCN must be submitted 45 calendar days PRIOR to construction. •USACE has 30 calendar days from receipt of PCN to determine if PCN is complete. •Work may commence IF <ol style="list-style-type: none"> 1) Notification from USACE is received that work may commence 2) 45 calendar days have passed since the receipt of the complete PCN and notification from USACE has not been received. •Post Construction Notification (PCN [<i>HCED Form 2</i>]) must be submitted within 30 calendar days of project substantial completion². | No | Yes | Yes ³ | Section 404 |

| RGP Activity No. | RGP Activity | RGP Limit(s) | RGP Notification Requirement(s) | Submission/Review Timeline | Interagency Review Required? | Waters of the U.S. Delineation Required? | Mitigation Required? | Statutory Authority |
|------------------|----------------------|-------------------|--|---|------------------------------|--|----------------------|---------------------------|
| 99 | Piers and Boathouses | None ¹ | All activities require a Pre-Construction Notification (PCN [<i>HCED Form 1</i>]). | <ul style="list-style-type: none"> •The District Engineer must be notified by email/telephone within 24 hours prior to initiation of construction within jurisdictional areas. •PCN must be submitted 45 calendar days PRIOR to construction. •USACE has 30 calendar days from receipt of PCN to determine if PCN is complete. •Work may commence IF <ol style="list-style-type: none"> 1) Notification from USACE is received that work may commence 2) 45 calendar days have passed since the receipt of the complete PCN and notification from USACE has not been received. •Post Construction Notification (PCN [<i>HCED Form 2</i>]) must be submitted within 30 calendar days of project substantial completion². | No | Yes | Yes ³ | Section 10 Section 404 |

¹ Only the minimum volume of material needed for the construction associated with these activities would be dredged from or discharged into waters of the United States, including wetlands.

² Project is considered substantially complete when a substantial portion of the project is done according to the "Other Definitions" section.

³ Compensatory mitigation for minor new construction activities will be determined by a Corps approved functions and values assessment methodology for all losses to tidal and non-tidal wetlands that exceed 1/10 acre. No mitigation will be required for losses to tidal and non-tidal wetlands of 1/10 acre or less. For losses to previously improved tidal and non-tidal streams or other open waters in excess of 1,000 linear feet, 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 500 linear feet, compensatory mitigation for new work activities will be required in accordance with the same stream mitigation guidelines. No mitigation will be required for losses to previously improved tidal and non-tidal streams of 1,000 linear feet or less in length or for losses to natural tidal and non-tidal streams of 500 linear feet or less in length.

⁴ Special Aquatic Sites are defined as wetlands, mud flats, vegetated shallows, coral reefs, riffle, and pool complexes sanctuaries, and refuges (40 CFR 230.40 thru 230.45).
⁵ USACE Regulatory Guidance Letter – Approved National Environmental Policy Act (NEPA) Categorical Exclusions for Nationwide Permit 23. December 8, 2005 (RGL 05-07).

The full text of the proposed RGP is attached. Updates are proposed to address the current maintenance activities and needs of HCED. Updates to the current version of the RGP are highlighted. A Companion Manual is also attached to provide additional detail regarding the proposal.

RGPs are a type of general permit as defined in 33 CFR 322.2(f) and 33 CFR 323.2(n). They may be issued by a division or district engineer after compliance with the other procedures of this regulation. If the public interest so requires, the issuing authority may condition the RGP to require a case-by-case reporting and acknowledgment system.

A preliminary review of these proposed RGP indicates that an Environmental Impact Statement (EIS) is not required. Since permit assessment is a continuing process, this preliminary determination of EIS requirement will be changed if data or information brought forth in the coordination process is of a significant nature.

Our evaluation of RGP SWG-2011-00629 will also follow the guidelines published by the U.S. Environmental Protection Agency pursuant to Section 404(b)(1) of the CWA.

OTHER AGENCY AUTHORIZATIONS: Consistency with the State of Texas Coastal Management Plan is required. The applicant has stated that the proposed activity complies with Texas' approved Coastal Management Program goals and policies and will be conducted in a manner consistent with said program.

Texas Commission on Environmental Quality (TCEQ) certification is required. Concurrent with Corps processing of this application, the TCEQ will review this application under Section 401 of the CWA and in accordance with Title 30, Texas Administrative Code Section 279.1-13 to determine if the work would comply with State water quality standards. By virtue of an agreement between the Corps and the TCEQ, this public notice is also issued for the purpose of advising all known interested persons that there is pending before the TCEQ a decision on water quality certification under such act. Any comments concerning this application may be submitted to the Texas Commission on Environmental Quality, 401 Coordinator, MSC-150, P.O. Box 13087, Austin, Texas 78711-3087. The public comment period extends 30 days from the date of publication of this notice. A copy of the public notice with a description of work is made available for review in the TCEQ's Austin office. The complete application may be reviewed in the Corps office listed in this public notice. The TCEQ may conduct a public meeting to consider all comments concerning water quality if requested in writing. A request for a public meeting must contain the following information: the name, mailing address, application number, or other recognizable reference to the application; a brief description of the interest of the requester, or of persons represented by the requester; and a brief description of how the application, if granted, would adversely affect such interest.

NATIONAL REGISTER OF HISTORIC PLACES: The staff archaeologist will review the latest published version of the National Register of Historic Places, lists of properties determined eligible, and other sources of information for each project proposed under the RGP.

THREATENED AND ENDANGERED SPECIES: Preliminary indications are that no known threatened and/or endangered species or their critical habitat will be affected by the proposed RGP. Each project proposed under the RGP will be reviewed to determine its individual impact to threatened and/or endangered species, or their critical habitat.

ESSENTIAL FISH HABITAT: This notice initiates the Essential Fish Habitat consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Our initial determination is that the proposed action would not have a substantial adverse impact on Essential Fish Habitat or federally managed fisheries in the Gulf of Mexico. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

PUBLIC INTEREST REVIEW FACTORS: This application will be reviewed in accordance with 33 CFR 320-332, the Regulatory Programs of the Corps, and other pertinent laws, regulations and executive orders. The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, 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: among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and, in general, the needs and welfare of the people.

SOLICITATION OF COMMENTS: The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. 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 Impact Assessment and/or an EIS 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.

This public notice is being distributed to all known interested persons in order to assist in developing facts upon which a decision by the Corps may be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition.

PUBLIC HEARING: The purpose of a public hearing is to solicit additional information to assist in the evaluation of the proposed project. Prior to the close of the comment period, any person may make a written request for a public hearing, setting forth the particular reasons for the request. The District Engineer will determine if the reasons identified for holding a public hearing are sufficient to warrant that a public hearing be held. If a public hearing is warranted, all known interested persons will be notified of the time, date, and location.

CLOSE OF COMMENT PERIOD: All comments pertaining to this public notice must reach this office on or before **22 January 2018**. Extensions of the comment period may be granted for valid reasons provided a written request is received by the limiting date. **If no comments are received by that date, it will be considered that there are no objections.** Comments and requests for additional information should reference our file number, **SWG-2011-00629**, and should be submitted to:

Policy Analysis Branch
Regulatory Division, CESWG-RD-P
U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229
409-766-3869 Phone
409-766-6301 Fax
swg_public_notice@usace.army.mil

DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS