



# Public Notice

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

**Galveston District**

Permit Application No: \_\_\_\_\_

Date Issued: \_\_\_\_\_

Comments \_\_\_\_\_

Due: \_\_\_\_\_

NATIONWIDE PERMIT  
REISSUANCE

January 12, 2017

February 11, 2017

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**PUBLIC NOTICE FOR FEDERAL REGISTER NOTICE  
ANNOUNCING THE REISSUANCE OF THE NATIONWIDE PERMITS  
U.S. ARMY CORPS OF ENGINEERS**

**AND**

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
AND  
TEXAS RAILROAD COMMISSION  
ANNOUNCING PUBLIC COMMENT ON SECTION 401 WATER QUALITY  
CERTIFICATION**

On January 6, 2017, the U.S. Army Corps of Engineers (Corps) published the notice in the *Federal Register* announcing the reissuance of all 50 existing nationwide permits (NWP), general conditions, and definitions with some modifications. The Corps also issued two new NWPs, one new general condition, and five new definitions. The 2017 NWPs will go into effect on March 19, 2017, and will expire on March 18, 2022.

With the publication of this *Federal Register* notice, Corps districts will begin finalizing their regional conditions for the new and reissued NWPs. Regional conditions will provide additional protection for the aquatic environment, and will help ensure that the NWPs authorize only those activities with no more than minimal adverse environmental effects. Regional conditions will help ensure protection of high value waters within the Southwestern Division and South Pacific Division for Albuquerque District, Fort Worth District, Galveston District and Tulsa District.

An enclosure for this public notice (Enclosure 1) lists the proposed final regional conditions currently under consideration by the Southwestern Division and South Pacific Division for Albuquerque District, Fort Worth District, Galveston District and Tulsa District. As the lead District for the Corps' Regulatory program in Texas, the Galveston District is seeking comments on the proposed final regional conditions to help ensure that the adverse environmental effects of activities authorized by the proposed NWPs are no more than minimal, individually and cumulatively.

Comments on regional issues relating to the proposed NWP and proposed final regional conditions should be sent to:

Regulatory Division, CESWG-RD-P  
U.S. Army Corps of Engineers  
P.O. Box 1229  
Galveston, Texas 77553-1229  
swg\_public\_notice@usace.army.mil

Comments relating to the final regional conditions are due by February 11, 2017.

The publication of this *Federal Register* notice also begins the 60-day period for states, Tribes, and the Environmental Protection Agency (EPA) to complete their water quality certification (WQC) processes for the NWPs. The 60-day period for WQC will end on March 6, 2017. This *Federal Register* notice also begins the 90-day period for coastal states to complete their Coastal Zone Management Act (CZMA) consistency determination processes. The 90-day period for CZMA consistency determinations will end on April 5, 2017.

If coastal states do not complete their CZMA consistency determination processes before the 2017 NWPs go into effect on March 19, 2017, the use of an NWP to authorize an activity within, or outside, a state's coastal zone that will affect land or water uses or natural resources of that state's coastal zone, is contingent upon obtaining an individual CZMA consistency determination, or a case-specific presumption of CZMA concurrence.

The January 6, 2017, *Federal Register* notice is available for viewing at the Galveston District Office located at 2000 Fort Point Rd, Galveston Texas or on the Internet at <http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/NationwidePermits.aspx>. As an alternative, interested parties can access the January 6, 2017, final rule that was published in the *Federal Register* through the U.S. Government Printing Office at <http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR>.

The Corps has also issued final decision documents for the new and reissued NWPs. These documents are available at [www.regulations.gov](http://www.regulations.gov) at docket number COE-2015-0017. Furthermore, the national NWP decision documents will be supplemented by Division Engineers to address decisions concerning the addition of regional conditions to the NWPs.

Concurrent with Corps processing of this notice, the Texas Commission on Environmental Quality (TCEQ) is reviewing this notice under Section 401 of the CWA and in accordance with Title 30, Texas Administrative Code Section 279.1-279.13 to determine if the work would comply with State water quality standards. 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 notice may be submitted to the Texas Commission on Environmental Quality, 401 Coordinator, MC-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 the work is made available for review in the TCEQ's Austin office. The complete notice 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, notice title, 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 notice, if granted, would adversely affect such interest.

Railroad Commission of Texas (RRC) certification is required for activities associated with the exploration, development, or production of oil, gas, or geothermal resources, as described in Tex. Nat. Res. Ann. §91.101. Concurrent with the processing of notice, the RRC is reviewing Section 401 of the Clean Water Act and Title 16, Texas Administrative Code, Section 3.93, to determine if the proposed work would comply with applicable water quality laws and regulations. By virtue of an agreement between the Corps and the RRC, this public notice is issued for the purpose of advising all known interested persons that there is pending before the RRC a decision on water quality certification under the above authorities. Written comments concerning the request for certification may be submitted to the Assistant Director, Environmental Services, Railroad Commission of Texas, P.O. Box 12967, Austin, Texas 78711-2967. The public comment period extends **30 days** from the date of publication of this notice. The RRC may also hold a public meeting on the request for certification if the RRC determines that a public meeting is in the public interest. If the RRC holds a meeting to receive public comment on a request for certification, the RRC will give notice of the meeting to the applicant, the USACE, and persons identified under 16 TAC §3.93(d)(2) at least ten days prior to the meeting.