



**US Army Corps
of Engineers** ®
Fort Worth District

Public Notice

Nationwide Permit Reissuance Request for Comments

Date: June 7, 2016

INITIAL PUBLIC NOTICE

NATIONWIDE PERMIT REISSUANCE REQUEST FOR COMMENTS

On June 1, 2016, the U.S. Army Corps of Engineers published in the Federal Register its proposal to reissue the 50 existing nationwide permits (NWP) and issue two new NWP.

Nationwide permits are general permits issued on a nationwide basis to streamline the authorization of activities that result in no more than minimal individual and cumulative adverse environmental effects. Many of the proposed NWP require notification to the district engineer before commencing those activities, to ensure that the activities authorized by those NWP cause no more than minimal individual and cumulative adverse environmental effects.

National Issues Concerning the Proposed NWP: The Federal Register notice is the public's opportunity to comment on the proposed NWP, general conditions, and definitions. Comments on national issues relating to these NWP should be submitted to docket number COE-2015-0017 at www.regulations.gov, or by email to NWP2017@usace.army.mil or by mail to Headquarters, U.S. Army Corps of Engineers, Directorate of Civil Works, ATTN: CECW-CO-R, 441 G Street, N.W., Washington, D.C. 20314-1000. Instructions for submitting comments are provided in the June 1, 2016 Federal Register notice. Comments on the proposed NWP are due by August 1, 2016.

Regional Issues Concerning the Proposed NWP, Including Regional Conditioning: Division engineers are authorized to add regional conditions specific to the needs and/or requirements of a particular region or state. Regional conditions are important mechanisms to ensure that the adverse environmental effects of activities authorized by the NWP are no more than minimal, both individually and cumulatively. Division engineers may also suspend or revoke specific NWP in certain geographic areas (e.g., states or watersheds) or high-value aquatic systems where the adverse environmental effects caused by activities authorized by those NWP may be more than minimal. Enclosure 1 of this public notice lists the proposed regional conditions currently under consideration by the South Pacific Division and the Southwestern Division for Texas, including the Albuquerque District, the Tulsa District, the Fort Worth District, and the Galveston District. As the lead district for the Corps Regulatory Program within Texas, the Galveston District is seeking comments on the proposed regional conditions and

seeking comments on the need for additional regional conditions to help ensure that the adverse environmental effects of activities authorized by the proposed NWP are no more than minimal, individually and cumulatively. Comments on regional issues relating to the proposed NWP and proposed regional conditions should be sent to:

U.S. Army Corps of Engineers
Galveston District
Regulatory Branch
2000 Fort Point Road
Galveston, Texas 77550
Attn: Jayson M. Hudson (409-766-3108)

A portion of the Galveston and Fort Worth Districts lies within the State of Louisiana. Enclosure 2 of this public notice lists the proposed regional conditions currently under consideration by the Mississippi Valley Division, including the New Orleans District for the State of Louisiana. Comments on issues relating to the Louisiana regional conditions are to be sent to:

U.S. Army Corps of Engineers
New Orleans District
Regulatory Branch
Post Office Box 60267
New Orleans, Louisiana 70160-0267
Attn: Jacqueline Farabee (504-862-2595)

Comments relating to regional conditions are due by July 22, 2016. Similar public notices proposing regional conditions in other regions or States are being published concurrently by other division or district offices.

After the final NWP are issued, the final regional conditions will be issued after they are approved by the Division Commander. After the final NWP are issued, States and Tribes will make their Clean Water Act Section 401 (401) water quality certification and States will make their Coastal Zone Management Act (CZMA) consistency determination decisions. The 401/CZMA decisions must be made within 90 days of the Federal Register notice announcing the issuance of the NWP. The final NWP will go into effect on March 19, 2017.

Draft decision documents for each of the proposed NWP, which include environmental documentation prepared for the purposes of the National Environmental Policy Act, have been written by Corps Headquarters. The decision documents will address compliance of the NWP with the requirements for issuance under the Corps general permit authority. These documents, as well as the proposed NWP, are available for viewing at www.regulations.gov, docket number COE-2015-0017. Final decision documents will be prepared for the NWP that are issued. In addition, the final national NWP decision documents will be supplemented by division engineers to address their decisions concerning regional conditions for the NWP.

Enclosed is an index of the proposed NWP and conditions. Anyone wishing to provide comments may obtain a full text copy of the NWP through the Corps Home Page at

<http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/NationwidePermits.aspx> , at www.regulations.gov in docket number COE-2015-0017, or at the Federal Register address listed below.

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Enclosure #1

DRAFT 2017 NATIONWIDE PERMIT (NWP) REGIONAL CONDITIONS FOR THE STATE OF TEXAS

The following regional conditions apply within the entire State of Texas:

1. For all discharges proposed for authorization under nationwide permits (NWP) 3, 6, 7, 12, 14, 18, 19, 25, 27, 29, 39, 40, 41, 42, 43, 44, 49, 51, and 52, into the following habitat types or specific areas, the applicant shall notify the appropriate District Engineer in accordance with the NWP General Condition 32, Pre-Construction Notification (PCN). The Corps of Engineers (Corps) will coordinate with the resource agencies as specified in NWP General Condition 32(d) (PCN). The habitat types or areas are:
 - a. Pitcher Plant Bogs: Wetlands typically characterized by an organic surface soil layer and include vegetation such as pitcher plants (*Sarracenia* spp.), sundews (*Drosera* spp.), and sphagnum moss (*Sphagnum* spp.).
 - b. Bald Cypress-Tupelo Swamps: Wetlands dominated by bald cypress (*Taxodium distichum*) and/or water tupelo (*Nyssa aquatic*).
2. For all activities proposed for authorization under NWP 16, the permittee will obtain an individual Section 401-water quality certification from the Texas Commission Environmental Quality for the effluent or return water from the upland dredge material placement areas to be used. The applicant shall notify the District Engineer in accordance with the NWP General Condition 32 (Pre-Construction Notification). The pre-construction notification will not be considered complete until the applicant has submitted a copy of the individual Section 401-certification to the District Engineer.
3. For all activities proposed for authorization under NWP 12 that involve a discharge of fill material associated with mechanized land clearing in native scrub/shrub wetland(s), the applicant shall notify the appropriate District Engineer in accordance with the NWP General Condition 32 (Pre-Construction Notification) prior to commencing the activity.
4. For all activities proposed for authorization under NWP at sites identified as compensatory mitigation sites (either permittee-responsible, mitigation bank and/or in-lieu fee) under Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act of 1899, the applicant shall notify the appropriate District Engineer in accordance with the NWP General Condition 32 (Pre-Construction Notification) prior to commencing the activity.

5. For all activities proposed for authorization under NWP in Palustrine and Lacustrine aquatic resource types, best management practices (BMPs) are required to reduce the risk of transferring invasive plant and animal species to or from project sites. The following BMPs, as a minimum, will be required:

- a. Clean: Clean both the inside and outside of equipment and gear, by removing all plants, animals, and mud and thoroughly washing the equipment using a high pressure spray nozzle. Equipment operated or stored in a water body on the Texas list of zebra mussel (*Dreissena polymorpha*) infected water bodies shall be decontaminated in accordance with State of Texas law prior to relocation.
- b. Drain: Drain all water from receptacles before leaving the area, including livewells, bilges, ballast, and engine cooling water on boats.
- c. Dry: Allow time for your equipment to dry completely before relocating in other waters. Minimum drying time is one week. Equipment operated or stored in a water body on the Texas list of zebra mussel (*Dreissena polymorpha*) infected water bodies shall be dried a minimum of 20 days prior to relocation. High temperature pressure washing (in excess of 170F) or professional cleaning may be substituted for drying time.

The following regional conditions apply only within the Galveston District in the State of Texas:

6. Nationwide permit (NWP) 12 shall not be used to authorize discharges within 500 feet of vegetated shallows and coral reefs; as defined by 40 CFR 230.43 and 230.44 respectfully. Examples include, but are not limited to: seagrass beds; oyster reefs; and coral reefs.

7. For all seismic testing activities proposed for authorization under NWP 6, the applicant shall notify the Galveston District Engineer in accordance with the NWP General Condition 32 (Pre-Construction Notification). The pre-construction notification must state the time period for which the temporary fill is proposed, and must include a restoration plan for the special aquatic sites. For seismic testing under NWP 6 within the Cowardin Marine System, Subtidal Subsystem; as defined by the U.S. Fish and Wildlife, Classification of Wetlands and Deepwater Habitats of the United States, December 1979/Reprinted 1992, the Corps will coordinate with the National Marine Fisheries Service in accordance with NWP General Condition 31(d) (Pre-Construction Notification).

8. No NWPs, except NWP 3, shall be used to authorize discharges into mangrove marshes. Mangrove marshes are dominated by mangroves (*Avicennia* spp. and *Rhizophora* spp.).
9. No NWPs, except NWP 3, shall be used to authorize discharges into Coastal dune swales. Coastal dune swales are wetlands and other waters of the United States located within the backshore and dune areas in the coastal zone of Texas. They are formed as depressions within and among multiple beach ridge barriers, dune complexes, or dune areas adjacent to beaches fronting tidal waters of the United States.
10. For all discharges and work proposed below the high tide line under NWPs 14 and 18, the applicant shall notify the Galveston District Engineer in accordance with the NWP General Condition 32 (Pre-Construction Notification). The Corps will coordinate with the National Marine Fisheries Service in accordance with NWP General Condition 31(d) (Pre-Construction Notification).
11. For all work in the San Jacinto River Waste Pits (SJWP) Area of Concern (AOC), authorized under a NWP, requires a waiver from the Galveston District Engineer. The applicant shall notify the Galveston District Engineer (DE) in accordance with the NWP General Condition 32, Pre-Construction Notification (PCN). 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 Condition of the NWPs. The applicant must receive written approval, including a waiver from the Galveston DE prior to starting work in jurisdictional areas of waters of the United States.
12. The use of NWP 51 and 52 are revoked within the Galveston District boundaries.
13. In-kind compensatory mitigation at a minimum one-for-one ratio will be required for all stream losses that exceed 300 linear feet and require notification in accordance with General Condition 32 (Pre-Construction Notification), unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse effects of the proposed activity are minimal, and provides a project-specific waiver of this requirement.
14. No NWPs, except NWP 3, shall be used to authorize discharges, structures, and/or fill within the standard setback and high hazard zones of the Sabine-Neches Waterway as defined in the *Standard Operating Procedure - Permit Setbacks along the Sabine-Neches Waterway*. The applicant shall notify the Galveston District Engineer in accordance with NWP General Condition 32 (Pre-Construction Notification) for all discharge, structures and/or work in medium hazard zones and all NWP 3 applications within the standard setback and high hazard zones of the Sabine-Neches Waterway.
15. No NWPs shall be used to authorize discharges, structures, and/or fill within the standard setback exemptions of the Gulf Intracoastal Waterway as defined in the *Standard Operating Procedure- Department of the Army Permit Evaluation Setbacks*

along the Gulf Intracoastal Waterway. The applicant shall notify the Galveston District Engineer in accordance with NWP General Condition 32 (Pre-Construction Notification) for all discharge, structures and/or work within the standard setback, shoreward of the standard setback, and/or standard setback exemption zones.

16. For all activities proposed for authorization under NWP 12 that involve underground placement below a non-navigable river bed and/or perennial stream bed shall be installed with a minimum cover of a minimum of 48 inches (1,219 millimeters) in soil below the river and/or perennial stream thalweg.

17. For activities proposed for authorization under NWP which require pre-construction notification to the District Engineer in accordance with the NWP General Condition 32; the pre-construction notification will not be considered complete until a preliminary jurisdictional determination or approved jurisdictional determination has been finalized by the Galveston District.

The following regional conditions apply only within the Albuquerque District in the State of Texas:

18. Nationwide Permit No. 23 – Approved Categorical Exclusions. A PCN to the District Engineer in accordance with General Condition 32 is required for all proposed activities under Nationwide Permit 23.

19. Nationwide Permit No. 27 – Aquatic Habitat Restoration, Establishment, and Enhancement Activities. For all proposed activities under Nationwide Permit 27 that require PCN, a monitoring plan commensurate with the scale of the proposed restoration project and the potential for risk to the aquatic environment must be submitted to the Corps. (See “NWP 27 Guidelines” at <http://www.spa.usace.army.mil/Missions/RegulatoryProgramandPermits/NWP.aspx>).

20. Channelization. General Condition 9 for Management of Water Flows is amended to add the following: Projects that would result in permanent channelization to previously un-channelized streams require PCN to the District Engineer in accordance with General Condition 32.

21. Dredge and Fill Activities in Intermittent and Perennial Streams, and Special Aquatic Sites: (a) For all activities subject to regulation under the Clean Water Act Section 404 in intermittent and perennial streams, and special aquatic sites (including wetlands, riffle and pool complexes, and sanctuaries and refuges), PCN to the District Engineer is required in accordance with General Condition 32.

22. Springs. For all discharges of dredged or fill material within 100 feet of the point of groundwater discharge of natural springs, PCN is required to the Corps in accordance with General Condition 32. A natural spring is defined as any location where ground water emanates from a point in the ground and has a defined surface water connection

to another waters of the United States. For purposes of this regional condition, springs do not include seeps or other groundwater discharges which lack a defined surface water connection.

23. Suitable Fill. Use of broken concrete or used tires formed into bales as fill or bank stabilization material requires PCN to the District Engineer in accordance with General Condition 32. Applicants must demonstrate that methods utilizing native or non-manmade materials are not practicable (with respect to cost, existing technology, and logistics), before broken concrete or used tires as bales are allowed as suitable fill. Use of broken concrete with rebar is prohibited in all waters of the United States.

The following regional conditions apply only within the Fort Worth District in the State of Texas:

24. Nationwide Permit No. 14 – Pre-Construction Notification in accordance with General Condition 32 and compensatory mitigation are required for activities that would result in the loss of more than 300 linear feet of streams and 0.1 acre of waters of the U.S.

25. For all discharges associated with the construction of water intake structures, the applicant shall notify the Fort Worth District Engineer in accordance with General Condition 32 (Pre-Construction Notification).

26. In-kind compensatory mitigation will be required for all stream losses that exceed 300 linear feet and require notification in accordance with General Condition 32 (Pre-Construction Notification), unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse effects of the proposed activity are minimal, and provides a project-specific waiver of this requirement.

The following regional conditions apply only within the Tulsa District in the State of Texas

27. Upland Disposal: Material disposed of in uplands shall be placed in a location and manner that prevents discharge of the material and/or return water into waters or wetlands unless otherwise authorized by the Tulsa District Engineer.

28. Major Rivers: The applicant shall notify the Tulsa District Engineer, in accordance with NWP General Condition 32, for all NWP 14 verifications that encompass activities, within the permit area, crossing major rivers within Tulsa District. For the purposes of this condition, major rivers include the following: Canadian River, Prairie Dog Fork of the Red River, and Red River.

Enclosure #2

DRAFT 2017 NATIONWIDE PERMIT (NWP) REGIONAL CONDITIONS FOR THE STATE OF LOUISIANA

PART I - REGIONAL CONDITIONS FOR ALL NWPS:

Regional Condition 1. No regulated activity may cause the permanent loss or conversion of greater than 1/2 acre of seasonally inundated cypress swamp and/or seasonally inundated cypress-tupelo swamp.

Regional Condition 2. No regulated activity may cause the permanent or conversion loss of greater than 1/2 acre of pine savanna, and/or pitcher plant bogs.

Regional Condition 3. No regulated activity is authorized under any NWP permit which has been determined to have an adverse impact upon a federal or state designated rookery and/or bird sanctuary.

Regional Condition 4. Although ESA consultation is no longer required for the Louisiana black bear (which has been delisted due to recovery), in the interest of conserving that subspecies, no actual or potential den tree may be felled or impacted via project implementation in areas of the state that are inhabited by bears (LINK or PARISH LIST). "Actual den tree" refers to any tree used by a denning bear during the winter and early spring seasons. "Potential den tree" would be a tree of any species with adequate proportions (i.e., having a diameter at breast height of 36 inches or greater) to potentially provide a high-quality den site for the Louisiana black bear. Additional conservation measures for the Louisiana black bear include implementing programs to prevent the habituation of bears to human-associated food sources (e.g., use of "bear-proof" waste disposal containers or daily removal of food and garbage), and avoiding vegetative clearing during the black bear denning season (i.e., December 1 through April 30). It should be noted that the Louisiana black bear remains protected under Louisiana state law, and the Louisiana Department of Wildlife and Fisheries (LDWF) will continue to actively manage this subspecies. For additional information regarding the Louisiana black bear and conservation measures that may be required by the LDWF, the permit applicant shall contact Maria Davidson (Large Carnivore Program Manager) at (337) 948-0255.

Regional Condition 5. Due to the occurrence of threatened or endangered species, **Pre-Construction Notification** shall be required for **ALL** regulated instream activities in the following waterways: Abita River and tributaries; Amite River (LA Highway 37 at Grangeville to Port Vincent); Bayou Bartholomew in Morehouse Parish; Bayou Boeuf and Bayou Rapides Tributaries in Rapides Parish: (Bayou Clear, Brown Creek, Burney

Branch, Castor Creek, Clear Creek, Haikey's Creek, Little Bayou Clear, Little Brushy Creek, Loving Creek, Little Loving Creek, Long Branch, Mack Branch, Patterson Branch, Valentine Creek, and Williamson Branch), Bayou Rigolette tributaries in Grant Parish (Beaver Creek, Black Creek, Chandler Creek, Clear Branch, Coleman Branch, Cress Creek, Cypress Creek, Glady Hollow, Gray Creek, Hudson Creek, James Branch, Jordon Creek, Moccasin Branch, and Swafford Creek); Bogue Falaya River and Tributaries, Bogue Chitto River and Tributaries, Lake Borgne, Lake Ponchartrain and its tributaries, Lake Saint Catherine, Little Lake, Tchefuncta River, Little Tchefuncta River, the Rigolets and West Pearl River.

Regional Condition 6. Dredged and/or fill material placed within wetlands and other waters must be free of contaminants, to the best of the applicant's knowledge.

Regional Condition 7. For work within the Louisiana Coastal Zone and/or the Outer Continental Shelf off Louisiana;

a. The New Orleans District's Programmatic General Permit (PGP) generally supersedes the Nationwide Permit authorization for regulated activities located within the Louisiana Coastal Zone as incorporated within the New Orleans Corps District boundaries. Projects typically will not qualify for a Nationwide Permit if they qualify for the Programmatic General Permit.

b. A joint permit application for work must first be submitted to the Louisiana Department of Natural Resources, Office of Coastal Management (OCM) who will then forward the request to the Corps of Engineers.

NWP requests that have not received a Coastal Use Permit or other consistency determination from the OCM would be processed by the Corps. However any granted authorization would be conditioned to require the applicant to obtain appropriate authorization from OCM before the NWP is valid.

Regional Condition 8. A pre-construction notification, as defined under nationwide general condition 31, will be provided for all regulated activities that meet one or both of the following criteria;

a. Adversely affects greater than 1/10 acre of wetlands, and/or

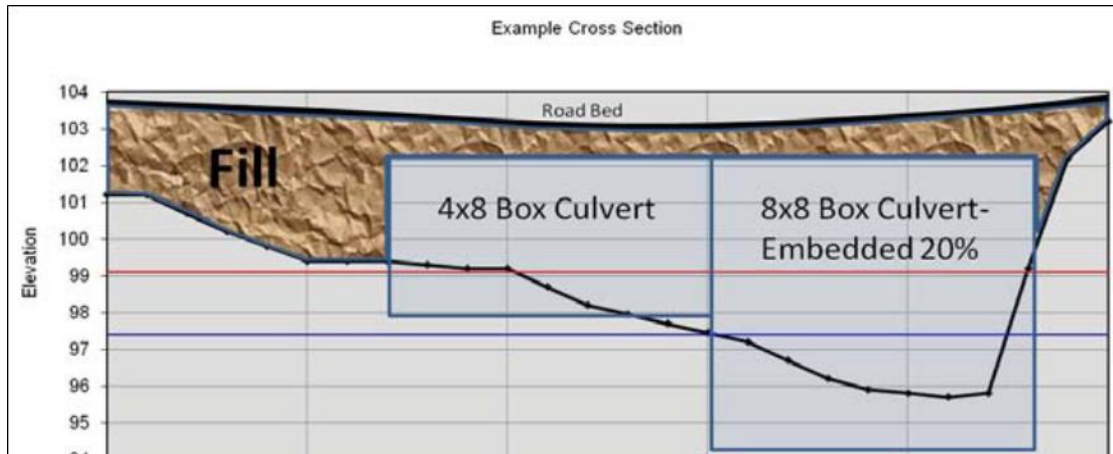
b. Adversely impacts a designated Natural and Scenic River, a state or federal wildlife management area and/or refuge, or Wetland Reserve Program area.

Regional Condition 9, Supplement to General Condition 2 – Aquatic Life

Movement. It is recommended that culverts be bottomless, or be installed below the natural grade of perennial and intermittent streams wherever practicable. While general guidance suggests twenty percent (20%) of the culvert diameter (20 percent (20%) of the height of elliptical culverts) be installed below the natural grade the stream bed, the

culvert must be sufficiently sized to maintain high water flows and be installed at a sufficient depth to maintain low flows to sustain the movement of aquatic species.

For all proposed projects that require PCN to the Corp, the applicant shall provide a scale cross-sectional diagram or one with complete dimensions (example below) showing proposed as-built conditions, including location of the culvert in the channel, culvert dimensions, water elevations, and areas of excavation and fill. The diagram shall represent the typical conditions at the culvert crossing.



PART II - REGIONAL CONDITIONS FOR SPECIFIC NWPS

NWP 1. *Aids to Navigation:*

No additional regional conditions are proposed.

NWP 2. *Structures in Artificial Canals:*

No additional regional conditions are proposed.

NWP 3. *Maintenance:*

No additional regional conditions are proposed

NWP 4. *Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities:*

No additional regional conditions are proposed.

NWP 5. *Scientific Measurement Devices:*

A pre-construction notification, as defined under nationwide general condition 32, is required for all weirs and flumes in any water of the United States.

NWP 6. *Survey Activities:*

Pre-construction notification, as defined under nationwide general condition 32, is required for all regulated **seismic survey activities**. The state and federal resource agencies will be forwarded a copy of the Pre-Construction Notification regardless of acreage impact.

NWP 7. *Outfall Structures and Associated Intake Structures:*

Activities that include the construction of intake structures must include adequate fish exclusion screening devices.

NWP 8. *Oil and Gas Structures on the Outer Continental Shelf:*

No additional regional conditions are proposed.

NWP 9. *Structures in Fleeting and Anchorage Areas:*

No additional regional conditions are proposed.

NWP 10. *Mooring Buoys:*

No additional regional conditions are proposed.

NWP 11. *Temporary Recreational Structures:*

No additional regional conditions are proposed.

NWP 12. *Utility Line Activities:*

Pre-Construction Notification, as defined under nationwide general condition 32, is required for regulated **utility line activities** regardless of impact acreage. The U.S. Fish and Wildlife Service, U.S. Environmental Protection Agency and, if applicable, National Marine Fisheries Service will be forwarded a copy of the Pre-Construction Notification for all NWP #12 activities.

A 50-foot gap shall be required for every 500 linear feet of sidecast material resulting from trench excavation activities associated with utility line construction. Under certain circumstances the gap intervals may be modified. Additionally, no fill shall be placed in a manner which would impede natural watercourses.

NWP 13. *Bank Stabilization:*

No additional regional conditions are proposed.

NWP 14. *Linear Transportation Projects:*

Pre-Construction Notification, as defined under nationwide general condition 32, is required for all regulated **linear transportation crossings** regardless of impact acreage. The U.S. Fish and Wildlife Service, U.S. Environmental Protection Agency and, if applicable, National Marine Fisheries Service will be forwarded a copy of the Pre-Construction Notification for all NWP #14 activities.

NWP 15. *U.S. Coast Guard Approved Bridges:*

No additional regional conditions are proposed.

NWP 16. *Return Water from Upland Contained Disposal Areas:*

No additional regional conditions are proposed.

NWP 17. *Hydropower Projects:*

No additional regional conditions are in proposed.

NWP 18. *Minor Discharges:*

No additional regional conditions are proposed.

NWP 19. *Minor Dredging:*

No additional regional conditions are proposed.

NWP 20. *Response Operations for Oil and Hazardous Substances:*

No additional regional conditions are proposed.

NWP 21. *Surface Coal Mining Activities:*

No additional regional conditions are proposed.

NWP 22. *Removal of Vessels:*

No additional regional conditions are proposed.

NWP 23. *Approved Categorical Exclusions:*

No additional regional conditions are proposed.

NWP 24. *Indian Tribe or State Administered Section 404 Programs:*

Not applicable in the state of Louisiana.

NWP 25. *Structural Discharges:*

No additional regional conditions are proposed.

NWP 26. (Reserved)

NWP 27. *Aquatic Habitat Restoration, Establishment, and Enhancement Activities:*

No regulated activities shall be authorized that would convert tidal wetlands to another aquatic habitat type.

NWP 28. *Modifications of Existing Marinas:*

No additional regional conditions are in proposed.

NWP 29. *Residential Developments:*

The DA authorization shall be conditioned to require that sewage generated at the site will be processed through a municipal sewage treatment system or, in areas where tie-in to a municipal system is not practical, the on-site sewage system must be approved by the local parish sanitarian before any housing is constructed.

NWP 30. *Moist Soil Management for Wildlife:*

Pre-Construction Notification, as defined under nationwide general condition 32, is required for all regulated activities regardless of the impact acreage. The U.S. Fish and Wildlife Service and the Louisiana Wildlife and Fisheries will be forwarded a copy of the complete Pre-Construction Notification. A copy of the water-level management plan must be submitted as part of the PCN.

NWP 31. *Maintenance of Existing Flood Control Facilities:*

No additional regional conditions are proposed.

NWP 32. *Completed Enforcement Actions:*

No additional regional conditions are proposed.

NWP 33. *Temporary Construction, Access and Dewatering:*

No additional regional conditions are proposed.

NWP 34. *Cranberry Production Activities:*

Not applicable within the state of Louisiana.

NWP 35. *Maintenance Dredging of Existing Basins:*

No additional regional conditions are proposed.

NWP 36. *Boat Ramps:*

No additional regional conditions are proposed.

NWP 37. *Emergency Watershed Protection and Rehabilitation:*

No additional regional conditions are proposed.

NWP 38. *Cleanup of Hazardous and Toxic Waste:*

No additional regional conditions are proposed.

NWP 39. *Commercial and Institutional Developments:*

Regulated activities which would result in the resuspension of dredged material shall be prohibited in Bayou d'Inde, the Inner Harbor Canal, Calcasieu River at the mouth of Bayou d'Inde, Harvey Canal, California Canal, and Bayous Trepagnier, Rigaud, Olsen and Verdine, Capitol Lake, Coon Island Loop, Devil's Swamp, and Tensas River (areas within and upstream of Tensas National Wildlife Refuge), Ouachita River (areas within

and upstream of the Upper Ouachita National Wildlife Refuge), Wham Brake drainage (Staulkinghead Creek, Little Bayou Boeuf, Bayou Lafourche and Lake Irwin).

NWP 40. *Agricultural Activities:*

No additional regional conditions are proposed.

NWP 41. *Reshaping Existing Drainage Ditches:*

No discharges shall be allowed under this NWP that would adversely impact mature riparian corridors.

Regulated activities which would result in the resuspension of dredged material shall be prohibited in Bayou d'Inde, the Inner Harbor Canal, Calcasieu River at the mouth of Bayou d'Inde, Harvey Canal, California Canal, and Bayous Trepagnier, Rigaud, Olsen and Verdine, Capitol Lake, Coon Island Loop, Devil's Swamp, and Tensas River (areas within and upstream of Tensas National Wildlife Refuge), Ouachita River (areas within and upstream of the Upper Ouachita National Wildlife Refuge), Wham Brake drainage (Staulkinghead Creek, Little Bayou Boeuf, Bayou Lafourche and Lake Irwin).

NWP 42. *Recreational Facilities:*

Work which would result in the resuspension of dredged material shall be prohibited in Bayou d'Inde, the Inner Harbor Canal, Calcasieu River at the mouth of Bayou d'Inde, Harvey Canal, California Canal, and Bayous Trepagnier, Rigaud, Olsen and Verdine, Capitol Lake, Coon Island Loop, Devil's Swamp, and Tensas River (areas within and upstream of Tensas National Wildlife Refuge), Ouachita River (areas within and upstream of the Upper Ouachita National Wildlife Refuge), Wham Brake drainage (Staulkinghead Creek, Little Bayou Boeuf, Bayou Lafourche and Lake Irwin).

NWP 43. *Stormwater Management Facilities:*

Regulated activities which would result in the resuspension of dredged material shall be prohibited in Bayou d'Inde, the Inner Harbor Canal, Calcasieu River at the mouth of Bayou d'Inde, Harvey Canal, California Canal, and Bayous Trepagnier, Rigaud, Olsen and Verdine, Capitol Lake, Coon Island Loop, Devil's Swamp, and Tensas River (areas within and upstream of Tensas National Wildlife Refuge), Ouachita River (areas within and upstream of the Upper Ouachita National Wildlife Refuge), Wham Brake drainage (Staulkinghead Creek, Little Bayou Boeuf, Bayou Lafourche and Lake Irwin).

NWP 44. *Mining Activities:*

Regulated activities which would result in the resuspension of dredged material shall be prohibited in Bayou d'Inde, the Inner Harbor Canal, Calcasieu River at the mouth of Bayou d'Inde, Harvey Canal, California Canal, and Bayous Trepagnier, Rigaud, Olsen and Verdine, Capitol Lake, Coon Island Loop, Devil's Swamp, and Tensas River (areas within and upstream of Tensas National Wildlife Refuge), Ouachita River (areas within and upstream of the Upper Ouachita National Wildlife Refuge), Wham Brake drainage (Staulkinghead Creek, Little Bayou Boeuf, Bayou Lafourche and Lake Irwin).

NWP 45. *Repair of Uplands Damaged by Discrete Events:*
No additional regional conditions are proposed.

NWP 46. *Discharges in Ditches:*
No additional regional conditions are proposed.

NWP 47. *[Reserved]*

NWP 48. *Existing Commercial Shellfish Aquaculture Activities:*
No additional regional conditions are proposed.

NWP 49. *Coal Remining Activities:*
No additional regional conditions are proposed.

NWP 50. *Underground Coal Mining Activities:*
No additional regional conditions are proposed.

NWP 51. ***Land-Based Renewable Energy Generation Facilities:***
No additional regional conditions are proposed.

NWP 52. ***Water-Based Renewable Energy Generation Pilot Projects:***
No additional regional conditions are proposed.