



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

Nationwide Permit Regional Conditions for the State of Texas

March 2002



The following regional conditions apply throughout the 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, and 44, into the following habitat types or specific areas, the applicant shall notify the appropriate District Engineer in accordance with the NWP General Condition 13. The Corps will coordinate with the resource agencies as specified in NWP General Condition 13(e). 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. Baldcypress-Tupelo Swamps: Wetlands comprised predominantly of baldcypress 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, Washington, D.C. 20014. Library of Congress Catalog Card No. 80-54185)

The following regional conditions apply only within the Fort Worth District:

2. 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, and 44, into the area of Caddo Lake within Texas that is designated as a "Wetland of International Importance" under the Ramsar Convention the applicant shall notify the Fort Worth District Engineer in accordance with the NWP General Condition 13. The Corps will coordinate with the resource agencies as specified in NWP General Condition 13(e).

3. For all discharges proposed for authorization under NWP 43, that occur in forested wetlands, the applicant shall notify the Fort Worth District Engineer in accordance with the NWP General Condition 13. The Corps will coordinate with the resource agencies as specified in NWP General Condition 13(e).

4. For all discharges proposed for authorization under any NWP in Dallas, Denton, and Tarrant Counties that are within the study area of the "Final Regional Environmental Impact Statement (EIS), Trinity River and Tributaries" (May 1986), the applicant shall meet the criteria and follow the guidelines specified in Section III of the Record of Decision for the Regional EIS, including the hydraulic impact requirements. A copy of these guidelines is available upon request from the Fort Worth District and at the District website www.swf.usace.army.mil (select "Permits").

The following regional conditions apply only within the Galveston District:

5. NWP 12 shall not be used to authorize discharges within 500 feet of a seagrass bed or oyster reef.
6. For all 3-D seismic test discharges conducted within the coastal zone of Texas pursuant to NWP 6, the applicant shall notify the District Engineer in accordance with the NWP General Condition 13.
7. Nationwide permits 7, 12, 14, 18, 19, 25, 29, 39, 40, 41, 42, 43, and 44 shall not be used to authorize discharges into the following waters of the United States within the coastal zone of Texas:

- a. Mangrove marshes: Wetlands within the Texas Gulf Coastal Plain that are occasionally or regularly flooded by brackish or saline water and have more than 40 percent cover by woody plants. The dominant woody species in this environment is the black mangrove (Avicennia germinans) with a dominant herbaceous species component of smooth cordgrass (Spartina alterniflora). (Preliminary Guide to Wetlands of the Gulf Coastal Plain. 1978. Technical Report - U.S. Army Engineer Waterways Experiment Station: Y-78-5. P.O. Box 631, Vicksburg, Miss. 39180.)

- b. Coastal Dune Swales: “Wetlands and other waters of the United States that are formed as depressions within and among multiple beach ridge barriers, dune complexes, or dune areas adjacent to beaches fronting the tidal waters of the Gulf of Mexico and adjacent to the tidal waters of bays and estuaries. Coastal dune swales are generally comprised either of impermeable muds that act as reservoirs which collect precipitation or of groundwater nourished wetlands in sandy soils. As such, they generally have a high fresh to brackish water table. Vegetation species characteristically found in coastal dune swales include but are not limited to marshhay cordgrass (Spartina patens), gulfdune paspalum (Paspalum monostachyum), bulrush (Scirpus spp.), seashore paspalum (Paspalum vaginatum), common reed (Phragmites australis), groundsel bush (Baccharis halimifolia), rattlebush (Sesbania drummondii), camphor weed (Pluchea camphorata), smartweed (Polygonum spp.), water hyssop (Bacopa monnieri), cattail (Typha spp.), umbrella sedge (Cyperus spp.), softrush (Juncus spp.), sedge (Carex spp.), beakrush (Rhynchospora spp.), frog-fruit (Phyla spp.), duckweed (Lemna spp.), buttonweed (Diodia virginiana), mist flower (Eupatorium coelestinum), creeping spotflower (Acmella oppositifolia var. repens), pennywort (Hydrocotyle spp.), and bushy bluestem (Andropogon glomeratus).” (U.S. Fish and Wildlife Service, Houston, Texas, and the Texas General Land Office, Austin, Texas).

8. For all discharges and work proposed in tidal waters under NWPs 14 and 18, the applicant shall notify the Galveston District Engineer in accordance with the NWP General Condition 13. The Corps will coordinate with the National Marine Fisheries Service in accordance with NWP General Condition 13(e).

Recommended Information. The Corps advises applicants to discuss projects proposed for verification under NWPs with the Corps prior to submitting their applications, when practicable. In order to expedite the verification of a NWP action, the Corps recommends that applicants requesting verification of nationwide permit authorization provide the following information to the appropriate Corps District:

- a. An indication of possible areas of all waters of the United States in the project area, including wetlands and other special aquatic sites, using the current Corps regulation and wetland delineation method.
- b. A written statement detailing why the proposed discharge must occur in a water of the United States and how adverse impacts to these waters have been avoided and minimized to the maximum extent practicable. Photographs of the project are useful.

c. A mitigation proposal, if appropriate, that will offset the losses of waters of the United States. Vegetated buffers, such as riparian zones, should be an important part of most mitigation proposals.

d. A summary of any prior coordination with resource agencies.

e. For all PCNs requiring coordination with both the Corps and resource agencies, the applicant should simultaneously provide a copy of the PCN to the appropriate Corps District Engineer and to the resource agencies. The resource agencies include the U. S. Fish and Wildlife Service, U. S. Environmental Protection Agency, National Marine and Fisheries Service (when appropriate), Texas Parks and Wildlife Department, Texas Natural Resource Conservation Commission, Railroad Commission of Texas (when appropriate), and the Texas Historic Commission. Agency coordination is required for any NWP that results in the loss of greater than ½ acre of waters of the United States and NWPs referenced in regional conditions 1, 2, and 3. See Appendix A for addresses of the resource agencies in Texas.

f. Additional information regarding submittal information can be found at the appropriate District's website: Fort Worth www.swf.usace.army.mil (select "Permits"), Galveston www.swg.usace.army.mil, Albuquerque www.spa.usace.army.mil, Tulsa www.swt.usace.army.mil

General Information. The following information is provided to notify applicants of other authorizations that may be required by state agencies.

A permit may be required from the Texas Parks and Wildlife Department for disturbing or taking marl, sand, gravel, shell or mudshell, or operating in or disturbing any oyster bed or fishing water for any purpose other than that necessary or incidental to navigation or dredging under State or Federal authority.

Under State law, no person may take marl, sand, gravel, shell, or other material from any place between a seawall and the water's edge, from a beach or shoreline within 300 feet of the mean low tide, or within one-half mile of the end of any seawall, for any purpose other than that necessary or incidental to navigation or dredging under State or Federal authority.

All activities in Texas located on lands under the jurisdiction of the Texas General Land Office (GLO), 1700 North Congress Avenue, Austin, Texas 78701-1495, must have prior approval from that office. The placement of structures onto state-owned stream beds, state-owned uplands, or coastal public lands in Texas may require the issuance of a lease or easement from the GLO.

APPENDIX A

USACE District Offices and Resource Agencies in the State of Texas

U.S. Army Corps of Engineers

Fort Worth District
ATTN: CESWF-EV-R
P.O. Box 17300
Fort Worth, Texas 76102-0300
(817) 978-2681
FAX (817) 978-7545

Galveston District
ATTN: CESWG-PE-R
P.O. Box 1229
Galveston, Texas 77553-1229
(409) 766-3930
FAX (409) 766-3931

Tulsa District
ATTN: CESWT-PE-R
P.O. Box 61
Tulsa, OK 74121-0061
(918) 669-7400
FAX (918) 669-4306

Albuquerque District
ATTN: CESPA-OD-R-EP
P.O. Box 6096
Fort Bliss, Texas 79906-0096
(915) 568-1359
(FAX) (915) 568-1348

U. S. Fish and Wildlife Service

Arlington:
U.S. Fish and Wildlife Service
Stadium Centre Building
711 Stadium Drive East, Suite 252
Arlington, Texas 76011
(817) 277-1100
FAX: (817) 277-1129

Corpus Christi:
U.S. Fish and Wildlife Service
TAMU-CC, Campus Box 338
6300 Ocean Drive
Corpus Christi, Texas 78412
(512) 994-9005
FAX: (512) 994-8262

Austin:
U.S. Fish and Wildlife Service
Hartland Bank Building
10711 Burnet Road, Suite 200
Austin, Texas 78758
(512) 490-0057
FAX: (512) 490-0974

Houston:
U.S. Fish and Wildlife Service
17629 El Camino Real, Suite 211
Houston, Texas 77058
(281) 286-8282
FAX: (281) 488-5882

U. S. Environmental Protection Agency

Marine and Wetlands Section (6WQ-EM)
U.S. Environmental Protection Agency, Region 6
1445 Ross Avenue
Dallas, Texas 75202
(214) 665-6680
FAX: (214) 665-6689

Texas Railroad Commission

Water Quality Certifying Agent
Railroad Commission of Texas
P. O. Box 12967
Austin, Texas 78711-2967
(512) 463-7308
FAX: (512) 463-6780

Texas Parks and Wildlife Department

Habitat Assessment Branch
Resource Protection Division
Texas Parks and Wildlife Department
4200 Smith School Road
Austin, Texas 78744
(512) 389-4639
FAX: (512)389-8059

Texas Natural Resource Conservation Commission

401 Coordinator
Standards and Assessment Section
Water Quality Division
Texas Natural Resources Conservation Commission
Mail Code 150
12100 Park 35 Circle
P.O. Box 13087
Austin, Texas 78711-3087
(512) 239-4586
FAX: (512) 239-4420

National Marine Fisheries Service

National Marine Fisheries Service
4700 Avenue U
Galveston, Texas 77550
(409) 766-3699

Texas Historical Commission

Deputy State Historic Preservation Officer
Division of Antiquities Protection
Texas Historical Commission
P. O. Box 12276
Austin, Texas 78711
(512) 463-6096
FAX: (512) 463-8927

APPENDIX B

U.S. Army Corps of Engineers Districts within the State of Texas

