



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

# Public Notice

**Number:** CESWF-20-RGP-12 (SWF-2019-00411)

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**Activity:** Modification and/or Alteration of Corps of  
Engineers Projects and Associated Regulated Activities

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**Date:** April 3, 2020

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The purpose of this public notice is to inform you of the issuance of Regional General Permit CESWF-20-RGP-12 on March 31, 2020. Unless it is previously revoked, modified, or extended the permit will expire on March 31, 2025.

## Regulatory Program

Since its early history, the U.S. Army Corps of Engineers has played an important role in the development of the nation's water resources. Originally, this involved construction of harbor fortifications and coastal defenses. Later duties included the improvement of waterways to provide avenues of commerce. An important part of our mission today is the protection of the nation's waterways through the administration of the U.S. Army Corps of Engineers Regulatory Program.

## Section 10

The U.S. Army Corps of Engineers is directed by Congress under Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) to regulate *all work or structures in or affecting the course, condition or capacity of navigable waters of the United States*. The intent of this law is to protect the navigable capacity of waters important to interstate commerce.

## Section 404

The U.S. Army Corps of Engineers is directed by Congress under Section 404 of the Clean Water Act (33 USC 1344) to regulate the *discharge of dredged and fill material into all waters of the United States, including wetlands*. The intent of the law is to protect the nation's waters from the indiscriminate discharge of material capable of causing pollution and to restore and maintain their chemical, physical and biological integrity.

## Contact

U.S. Army Engineer District  
Regulatory Division  
PO Box 17300  
Fort Worth, TX 76102-0300  
(817)886-1731

**REGIONAL GENERAL PERMIT (RGP) 12**  
**(SWF-2019-00411)**  
**MODIFICATION AND/OR ALTERATION OF CORPS OF ENGINEERS**  
**PROJECTS AND OTHER REGULATED ACTIVITIES**

In accordance with 33 CFR 322.2(f), 323.2(h), and 325.2(e)(2) published in the Federal Register November 13, 1986, this regional general permit (RGP) authorizes the work described herein pursuant to Section 404 of the Clean Water Act (Section 404) and Section 10 of the Rivers and Harbors Act of 1899 (Section 10).

This RGP authorizes the discharge of dredge and/or fill material into waters of the US under Section 404 of the Clean Water Act and activities in navigable waters of the US for the purposes of Section 10 of the Rivers and Harbors Act associated with projects and/or activities where USACE-SWF non-Regulatory Division is the authorizing and/or funding entity and the action is subject to NEPA evaluation and compliance, including actions that have been determined by USACE-SWF to be categorically excluded. This includes, but is not limited to, real estate actions and activities conducted under Sections 14, 205, 206 and/or 1135 authorities that are undertaken and rendered by USACE-SWF that also require authorization under Section 404 and/or 10.

The purpose of this RGP is to eliminate unnecessary duplication of work where the environmental consequences of an action are concluded as being individually and cumulatively minimal for the Regulatory action informed by other USACE-SWF environmental evaluations completed for USACE-SWF NEPA triggering actions. This RGP contains provisions intended to protect the environment, including natural and cultural resources. Work that does not comply with these provisions may require evaluation through the individual permit process. Work or structures that would have unacceptable impacts on the public interest are not authorized.

**SCOPE OF WORK**

This RGP authorizes activities involving the discharge of dredged or fill material into waters of the United States (U.S.), including wetlands, under Section 404, and work in, or affecting navigable waters of the U.S. under Section 10, that could result in modification and/or alteration of Corps of Engineers Projects that receive permission under Section 14 of the Rivers and Harbors Act (33 USC 408) (Section 408 permission) and other USACE authorizations requiring NEPA evaluations and determinations conducted by non-regulatory elements of the Fort Worth District. Activities must occur in the USACE-SWF area of responsibility in Texas and meet the conditions of this permit.

USACE-SWF actions and related processes associated with the programs and authorities previously referenced usually include a written submission by requestors and other interests for approval of projects and/or activities. These submittals can contain a physical and functional description of the existing Federal project or proposed activity requiring approval or funding by USACE-SWF; a detailed description of the proposed project or activity; the purpose/need for the action; a description of any related ongoing Corps studies/efforts in the watershed; a Public Interest Determination; appropriate NEPA documentation (Environmental Impact Statement, Environmental Assessment or Categorical Exclusion); Endangered Species Act compliance, National Historic Preservation Act compliance, a discussion of indirect effects; a discussion of Executive Order 11990 and 11988 considerations; Technical Analysis, and an Administrative Record; which can include;

- Sufficient detail to ensure technical adequacy of the design,
- Assessment of anticipated local and system-wide resultant impacts,
- Changes in water surface profiles and flow distribution,
- Upstream and downstream impacts of the proposed alterations, including potential impacts to existing floodplain management features and water control management plans of Federal projects within the basin,
- Discussion of residual risk.

The Regulatory Division will ensure that projects or activities authorized by the RGP include specific information to allow an adequate and appropriate level of review. At a minimum, this will include:

- Permit applicant name and address
- Project purpose
- Delineation of waters of the US in the proposed project/activity boundary
- Appropriate assessment of condition and impacts (not just loss) to waters of the US
- Proposed mitigation to offset impacts to waters of the US

The activities listed above are authorized by this RGP provided they meet all of the following criteria:

1. The Regulatory Division of the Fort Worth District responsible for authorizing permits under Section 404 and Section 10 shall be involved in the USACE-SWF NEPA and project review process.
2. Adverse impacts to waters of the U.S., including wetlands, shall be avoided and minimized to the extent practicable through the use of on-site alternatives that have less adverse impact on the aquatic environment.
3. Appropriate and practicable compensatory mitigation is included for unavoidable adverse impacts to waters of the U.S. as defined in 33 CFR Part 332 Compensatory Mitigation for Losses of Aquatic Resources; Final Rule: Federal Register, Vol. 73, No. 70, Thursday, April 10, 2008.
4. Any verification letter and/or special conditions required by the Regulatory Division element of the Fort Worth District must be included in the USACE-SWF authorization.

### **CONDITIONS OF THE RGP**

In addition to the limitations in the scope of work, work authorized by this RGP is subject to the general conditions listed in Appendix A and applicable water quality certification requirements in Appendix D. References in the general conditions to “completion of construction” refer to completion of work within the permit area for the activity.

### **LOCATION OF WORK**

The provisions of this RGP will be applicable to all waters of the U.S., including all navigable waters of the U.S., within the regulatory boundary of the Fort Worth District of the USACE within the state of Texas (Appendix B).

## **WATER QUALITY CERTIFICATION**

The Texas Commission on Environmental Quality (TCEQ) has certified pursuant to Section 401 of the Clean Water Act (CWA) and Title 30, Texas Administrative Code, Chapter 279, for activities for which it is responsible, and that result in the loss of less than 3.0 acres of Waters of the United States or less than 1500 linear feet of streams in waters of the state, that activities conducted under this RGP should not result in a violation of established Texas Water Quality Standards provided that the Standard Provisions are followed (Appendix D). For projects that result in the permanent loss of 3.0 acres or greater of Waters of the United States or 1500 linear feet or greater of streams, project specific Section 401 Water Quality Certification will be acquired under the Section 408 review process.

The Railroad Commission of Texas (RRC) has granted certification pursuant to Section 401 of the CWA, for the activities associated with the exploration, development, and production, including pipeline transportation, of oil, gas, or geothermal resources that may result in a discharge to waters of the United States, that activities conducted under this RGP will comply with applicable water quality laws (Appendix D).

## **EVALUATION AND VERIFICATION PROCEDURES**

Prior to commencing construction the applicant must receive formal authorization (e.g., 408 permission, real estate instrument, or other non-Regulatory Division instrument) and construction approval (as needed) from the USACE, which must include Section 404 and/or Section 10 verification under the provisions of this RGP.

It is the permit applicant's responsibility to ensure that all authorized fills, structures and activities continue to meet the terms and conditions set forth herein; failure to abide by them will constitute a violation of the Clean Water Act and/or the Rivers and Harbors Act of 1899. Projects outside the scope of this RGP may be considered for authorization under other permitting mechanisms including individual permit review.

This RGP shall become effective on the date of the below signature of the District Engineer, or their authorized representative(s), and will automatically expire five years from that date unless the permit is modified, revoked, or extended before that date. Verifications by the USACE that an activity is authorized by this RGP are valid until the expiration date of this RGP unless this RGP is modified, revoked, or extended before that date. Activities that have been verified by the USACE as authorized under this RGP, and have commenced, i.e. are under construction, or are under contract to commence, by the verification expiration date, will remain authorized provided the activity is completed within twelve months of the date of expiration, modification, or revocation of the RGP, or by another date determined by the USACE for the specific case, whichever is later, unless discretionary authority is exercised on a case-by-case basis to modify, suspend, or revoke the authorization.



## **APPENDIX A**

### **GENERAL CONDITIONS**

#### **REGIONAL GENERAL PERMIT**

##### **Modification and/or Alteration of Corps of Engineers Projects and Other Regulated Activities**

1. In verifying authorization under this regional general permit (RGP), the Department of the Army has relied in part on the information provided by the permittee. If, subsequent to verifying authorization, such information proves to be false, incomplete, or inaccurate, this permit may be modified, suspended, or revoked, in whole or in part.
2. Permittees shall ensure that all structures and activities authorized by this RGP comply with all terms and conditions herein. Failure to abide by such conditions invalidates the authorization and may result in a violation of the law, requiring restoration of the site or other remedial action.
3. This RGP is not an approval of the design features of any authorized project or an implication that such project is adequate for the intended purpose. A Department of the Army Section 10 and/or Section 404 permit merely expresses the consent of the Federal Government to conduct the proposed work insofar as public rights are concerned. This RGP does not grant any property rights or exclusive privileges; does not authorize any injury to the property or rights of others; and does not authorize any damage to private property, invasion of private rights, or any infringement of federal, state or local laws or regulations.
4. This RGP does not relieve the permittee from the requirement to obtain a local permit from the jurisdiction within which the project is located.
5. This RGP may be modified or suspended in whole or in part if it is determined that the individual or cumulative impacts of work that would be authorized using this procedure are contrary to the public interest. The authorization for individual projects may also be summarily modified, suspended, or revoked, in whole or in part, upon a finding by the District Engineer that such action would be in the public interest.
6. Modification, suspension or revocation of the District Engineer's authorization shall not be the basis for any claim for damages against the United States.
7. No attempt shall be made by permittees to prevent the full and free public use of any navigable water of the U.S.
8. Permittees shall not cause any unreasonable interference with navigation.
9. Permittees understand and agree that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army, or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the USACE, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

10. Permittees shall make every reasonable effort to conduct the activities in a manner that will minimize any adverse impact of the work on water quality, fish and wildlife, and the natural environment, including adverse impacts to migratory waterfowl breeding areas, spawning areas, and trees, particularly hard-mast-producing trees such as oaks and hickories. Permittees shall normally maintain existing buffers around waters of the U.S. and create and/or expand buffers around waters of the U.S. when practicable.

11. Permittees shall allow the District Engineer, and/or his authorized representative(s) to make periodic inspections at any time deemed necessary to ensure that the activity is being performed in accordance with the terms and conditions of this RGP.

12. During the Section 408 or other authorization process permittees must evaluate the effect that the proposed work would have on historic properties listed, or eligible for listing, in the National Register of Historic Places (NRHP) prior to the initiation of work. Historic properties include prehistoric and historic archeological sites, and areas or structures of cultural interest that occur in the permit area. If a known historic property would be encountered, the permittee shall notify the USACE and shall not conduct any work in the permit area that would affect the property until the requirements of 33 CFR Part 325, Appendix C, and 36 CFR Part 800 have been satisfied. If a previously unknown historic property is encountered during work authorized by this RGP, the permittee shall immediately notify the USACE and avoid further impact to the site until the USACE has verified that the requirements of 33 CFR Part 325, Appendix C, and 36 CFR Part 800 have been satisfied.

13. Materials to be placed into waters of the U.S. are restricted to clean native soils and concrete, sand, gravel, rock, other coarse aggregate, and other suitable material that are free of toxic pollutants in toxic quantities.

14. Activities that are likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Endangered Species Act (ESA), or that are likely to destroy or adversely modify the critical habitat of such species are not authorized. Permittees shall notify the District Engineer if any federally-listed threatened or endangered species or critical habitat may be affected by, or is in the vicinity of, the project and shall not begin work until notified by the District Engineer that the requirements of the ESA have been satisfied and that the activity is authorized.

15. Permittees shall place all heavy equipment working in wetlands on mats, or take other appropriate measures to minimize soil disturbance.

16. Permittees shall use and maintain appropriate erosion and siltation controls in operating condition during construction and permanently stabilize all exposed soil at the earliest practicable date; using native vegetation to the maximum extent practicable. Permittees shall remove all excess material and temporary fill and structures placed in waters of the U.S., including wetlands, to upland areas and stabilize all exposed slopes and stream banks immediately upon completion of construction. Permittees shall return all areas affected by temporary fills and/or structures to preconstruction conditions or better, including revegetation with native vegetation.

17. Permittees shall not significantly disrupt the movement of those species of aquatic life indigenous to the water body or those species that normally migrate through the project area during construction or with post-construction conditions.

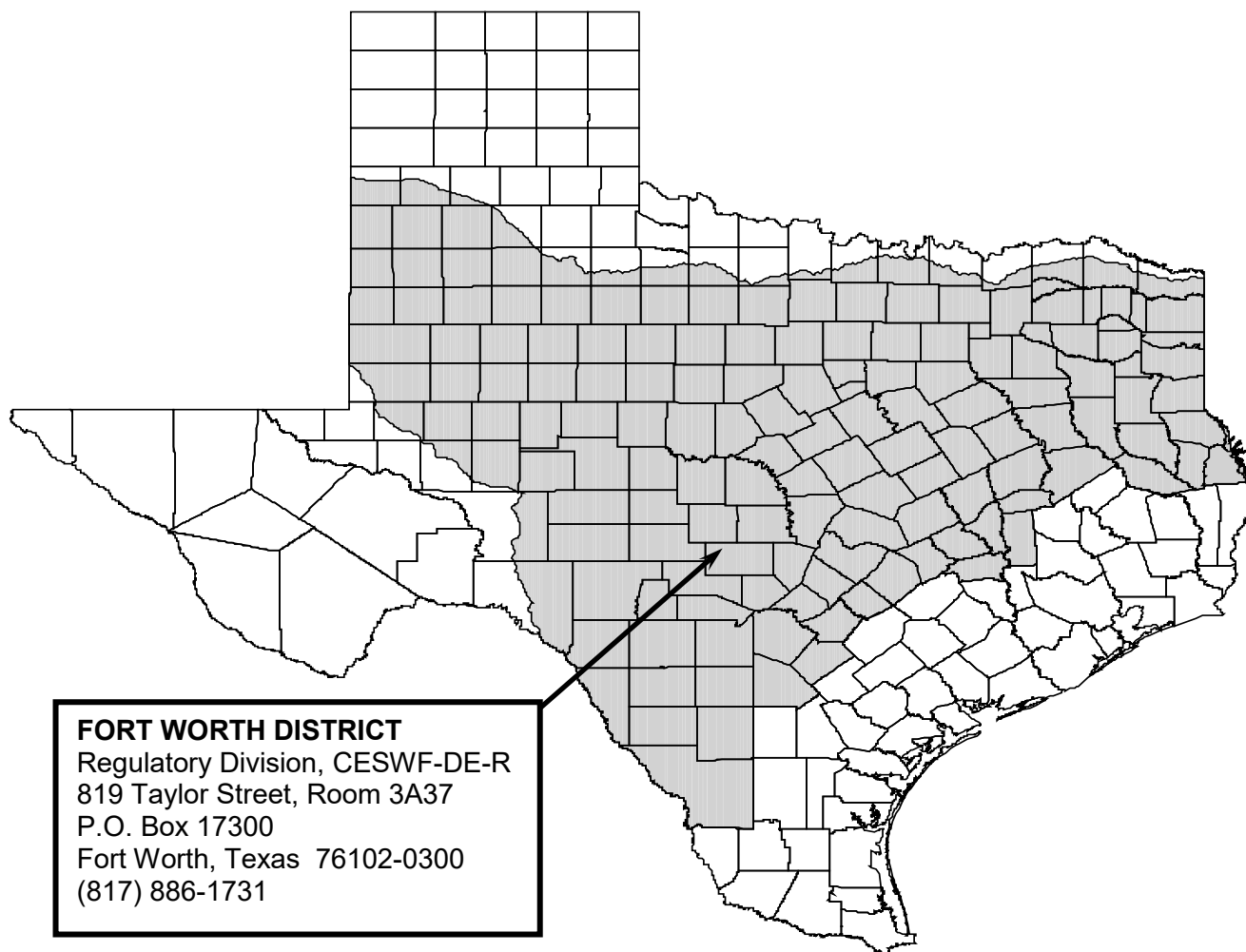
18. Permittees shall not permanently restrict or impede the passage of normal or expected high flows unless the primary purpose of the activity is to impound water or for authorized detention ponds for stormwater management.
19. Permittees shall properly maintain all structures and fills to ensure public safety.
20. Permittees shall ensure that projects have no more than minimal adverse impacts on public water supply intakes.
21. Permittees shall design facilities to be stable against the forces of flowing water, wave action, and the wake of passing vessels.
22. Permittees shall not use a jet barge or similar equipment for trench excavation.
23. Permittees shall mark structures and fills, particularly in navigable waters of the U.S., when appropriate, so that their presence will be known to boaters.
24. Permittees shall mark intake and/or outfall structures and other fills and structures in navigable waters, when appropriate, so that boaters will notice their presence.
25. This permit does not authorize work in a park, wildlife management area, refuge, sanctuary, or similar area administered by a federal, state or local agency without that agency's approval.
26. Permittees are responsible for compliance with all terms and conditions of this RGP for all activities within the Department of the Army permit area of a project authorized by this RGP, including those taken on behalf of the permittee by other entities such as contractors and subcontractors. Permittees assume all liabilities associated with fills and impacts that are incurred by individuals and/or organizations working under contracts with the permittee. Before beginning the work authorized herein, or directing a contractor to perform such work, permittees shall ensure that all parties read, understand and comply with the terms and conditions of this permit.
27. Permittees shall conduct dredging and excavation activities with land based equipment rather than from the water body whenever practicable.
28. For all discharges proposed for authorization in the State of Texas 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), unless modified, amended, or revoked, permittees shall meet the criteria or follow the guidelines specified in Section III of the Record of Decision for the EIS during the Section 408 permission or other authorization process. A copy of these guidelines is available at <http://www.swf.usace.army.mil/Missions/Regulatory.aspx> .
29. The permittee shall implement best management practices to reduce the risk of transferring invasive plant and animal species to or from project sites. Information concerning state specific lists can be found at: <http://www.invasivespeciesinfo.gov/unitedstates/tx.shtml>. Known zebra mussel waters can be found at: <http://nas.er.usgs.gov/queries/zmbyst.asp>. Best management practices at: <http://www.invasivespeciesinfo.gov/toolkit/prevention.shtml>.



**APPENDIX B**

**FORT WORTH DISTRICT REGULATORY JURISDICTION MAP FOR TEXAS**

**THE SHADING INDICATES THE AREA WHERE RGP-12 IS AUTHORIZED FOR USE**



## APPENDIX C

### NAVIGABLE WATERS OF THE U.S.

For purposes of Section 10 of the Rivers and Harbors Act of 1899, the following sections of rivers, including their lakes and other impoundments, are considered to be navigable waters of the U.S. that fall within the jurisdiction of the Fort Worth District of the U.S. Army Corps of Engineers in the states of Texas and Louisiana.

- ANGELINA RIVER: From the Sam Rayburn Dam in Jasper County upstream to U. S. Highway 59 in Nacogdoches and Angelina counties and all U. S. Army Corps of Engineers lands associated with B. A. Steinhagen Lake in Tyler and Jasper counties, Texas.
- BIG CYPRESS BAYOU: From the Texas-Louisiana state line in Marion County, Texas, upstream to Ellison Creek Reservoir in Morris County, Texas.
- BRAZOS RIVER: From the point of intersection of Grimes, Washington, and Waller counties upstream to Whitney Dam in Hill and Bosque counties, Texas.
- COLORADO RIVER: From the Bastrop-Fayette County line upstream to Longhorn Dam in Travis County, Texas.
- NECHES RIVER: U. S. Army Corps of Engineers lands associated with B. A. Steinhagen Lake in Jasper and Tyler counties, Texas.
- RED RIVER: From Denison Dam on Lake Texoma upstream to Warrens Bend which is 7.25 miles northeast of Marysville, Texas, and from the U. S. Highway 71 bridge north of Texarkana, Texas, to the Oklahoma-Arkansas Border.
- RIO GRANDE: From the Zapata-Webb county line upstream to the point of intersection of the Texas-New Mexico state line and Mexico.
- SABINE RIVER: From the point of intersection of the Sabine-Vernon parish line in Louisiana with Newton County, Texas upstream to the Sabine River-Big Sandy Creek confluence in Upshur County, Texas.
- SULPHUR RIVER: From the Texas-Arkansas state line upstream to Wright Patman Dam in Cass and Bowie counties, Texas.
- TRINITY RIVER: From the point of intersection of Houston, Madison, and Walker counties upstream to Riverside Drive in Fort Worth, Tarrant County, Texas.

**APPENDIX D**

**401 WATER QUALITY CERTIFICATIONS**

Jon Niermann, *Chairman*  
Emily Lindley, *Commissioner*  
Bobby Janecka, *Commissioner*  
Toby Baker, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

March 27, 2020

Mr. Stephen Brooks, Division Chief  
U.S. Army Corps of Engineers  
Regulatory Division CESWF-EV-R  
P.O. Box 17300  
Fort Worth, Texas 76102-0300

Attention: Mr. Chandler Peter

Re: USACE Permit Application No. SWF-2019-00411

Dear Mr. Brooks:

This letter is in response to the Statement of Findings (SOF) dated March 20, 2020, for the Joint Public Notice dated November 15, 2019, on the Fort Worth District's proposal to re-issue Regional General Permit (RGP) 12 associated with Corps Project No. CESWF-20-RGP-12 and Permit No. SWF-2019-00411. The Corps has modified the RGP 12 to apply to other authorizations located in the Fort Worth District and which require National Environmental Protection Act (NEPA) evaluations to authorize the discharge of dredge and/or fill material into jurisdictional waters.

The Texas Commission on Environmental Quality (TCEQ) has reviewed the public notice and related application information along with the SOF. On behalf of the Executive Director and based on our evaluation of the information contained in these documents, the TCEQ certifies that there is reasonable assurance that the project will be conducted in a way that will not violate water quality standards. General information regarding this water quality certification, including standard provisions of the certification, is included as an attachment to this letter.

No review of property rights, location of property lines, nor the distinction between public and private ownership has been made, and this certification may not be used in any way with regard to questions of ownership.

If you require additional information or further assistance, please contact Dr. Mary Anne Wallace of the Water Quality Division MC-150, P.O. Box 13087, Austin, Texas 78711-3087. Dr. Wallace may also be contacted by e-mail at [Mimi.Wallace@tceq.texas.gov](mailto:Mimi.Wallace@tceq.texas.gov), or by telephone at (512) 239-4604.

Sincerely,

A handwritten signature in blue ink that reads "David W Galindo".

David W. Galindo, Director  
Water Quality Division  
Texas Commission on Environmental Quality

Mr. Stephen Brooks, Branch Chief  
USACE Permit Application No. SWF-2019-00411  
Attachment – Dredge and Fill Certification  
Page 2

DWG/MW/fc

Attachment

**WORK DESCRIPTION:** As described in the public notice dated November 15, 2019, and the March 20, 2020, Environmental Assessment and Statement of Findings.

**SPECIAL CONDITIONS:** None

**GENERAL:** This certification, issued pursuant to the requirements of Title 30, Texas Administrative Code, Chapter 279, is restricted to the work described in the March 20, 2020, Environmental Assessment and Statement of Findings and shall be concurrent with the Corps of Engineers (COE) permit. This certification may be extended to any minor revision of the COE permit when such change(s) would not result in an impact on water quality. The Texas Commission on Environmental Quality (TCEQ) reserves the right to require full joint public notice on a request for minor revision. If this application is a modification of an original permit or any modification thereof for which a special condition was cited by the Commission or a predecessor agency, such conditions shall remain valid. The applicant is hereby placed on notice that any activity conducted pursuant to the COE permit which results in a violation of the state's surface water quality standards may result in an enforcement proceeding being initiated by the TCEQ or a successor agency.

**STANDARD PROVISIONS:** These following provisions attach to any permit issued by the COE and shall be followed by the permittee or any employee, agent, contractor, or subcontractor of the permittee during any phase of work authorized by a COE permit.

1. The water quality of wetlands shall be maintained in accordance with all applicable provisions of the Texas Surface Water Quality Standards including the General, Narrative, and Numerical Criteria.
2. The applicant shall not engage in any activity which will cause surface waters to be toxic to man, aquatic life, or terrestrial life.
3. Permittee shall employ measures to control spills of fuels, lubricants, or any other materials to prevent them from entering a watercourse. All spills shall be promptly reported to the TCEQ by calling the State of Texas Environmental Hotline at 1-800-832-8224.
4. Sanitary wastes shall be retained for disposal in some legal manner. Marinas and similar operations which harbor boats equipped with marine sanitation devices shall provide state/federal permitted treatment facilities or pump out facilities for ultimate transfer to a permitted treatment facility. Additionally, marinas shall display signs in appropriate locations advising boat owners that the discharge of sewage from a marine sanitation device to waters in the state is a violation of state and federal law.
5. Materials resulting from the destruction of existing structures shall be removed from the water or areas adjacent to the water and disposed of in some legal manner.

6. A discharge shall not cause substantial and persistent changes from ambient conditions of turbidity or color. The use of silt screens or other appropriate methods is encouraged to confine suspended particulates.
7. The placement of any material in a watercourse or wetlands shall be avoided and placed there only with the approval of the Corps when no other reasonable alternative is available. If work within a wetland is unavoidable, gouging or rutting of the substrate is prohibited. Heavy equipment shall be placed on mats to protect the substrate from gouging and rutting if necessary.
8. Dredged Material Placement: Dredged sediments shall be placed in such a manner as to prevent any sediment runoff onto any adjacent property not owned by the applicant. Liquid runoff from the disposal area shall be retained on-site or shall be filtered and returned to the watercourse from which the dredged materials were removed. Except for material placement authorized by this permit, sediments from the project shall be placed in such a manner as to prevent any sediment runoff into waters in the state, including wetlands.
9. If contaminated spoil that was not anticipated or provided for in the permit application is encountered during dredging, dredging operations shall be immediately terminated and the TCEQ shall be contacted by calling the State of Texas Environmental Hotline at 1-800-832-8224. Dredging activities shall not be resumed until authorized by the Commission.
10. Contaminated water, soil, or any other material shall not be allowed to enter a watercourse. Noncontaminated storm water from impervious surfaces shall be controlled to prevent the washing of debris into the waterway.
11. Storm water runoff from construction activities that result in a disturbance of one or more acres, or are a part of a common plan of development that will result in the disturbance of one or more acres, must be controlled and authorized under Texas Pollutant Discharge Elimination System (TPDES) general permit TXR150000. A copy of the general permit, application (notice of intent), and additional information is available at:  
[http://www.tceq.texas.gov/permitting/stormwater/wq\\_construction.html](http://www.tceq.texas.gov/permitting/stormwater/wq_construction.html) or by contacting the TCEQ Stormwater Team at (512) 239-4671.
12. Upon completion of earthwork operations, all temporary fills shall be removed from the watercourse/wetland, and areas disturbed during construction shall be seeded, riprapped, or given some other type of protection to minimize subsequent soil erosion. Any fill material shall be clean and of such composition that it will not adversely affect the biological, chemical, or physical properties of the receiving waters.

13. Disturbance to vegetation will be limited to only what is absolutely necessary. After construction, all disturbed areas will be revegetated to approximate the pre-disturbance native plant assemblage.
14. Where the control of weeds, insects, and other undesirable species is deemed necessary by the permittee, control methods which are nontoxic to aquatic life or human health shall be employed when the activity is located in or in close proximity to water, including wetlands.
15. Concentrations of taste and odor producing substances shall not interfere with the production of potable water by reasonable water treatment methods, impart unpalatable flavor to food fish including shellfish, result in offensive odors arising from the water, or otherwise interfere with reasonable use of the water in the state.
16. Surface water shall be essentially free of floating debris and suspended solids that are conducive to producing adverse responses in aquatic organisms, putrescible sludge deposits, or sediment layers which adversely affect benthic biota or any lawful uses.
17. Surface waters shall be essentially free of settleable solids conducive to changes in flow characteristics of stream channels or the untimely filling of reservoirs, lakes, and bays.
18. The work of the applicant shall be conducted such that surface waters are maintained in an aesthetically attractive condition and foaming or frothing of a persistent nature is avoided. Surface waters shall be maintained so that oil, grease, or related residue will not produce a visible film of oil or globules of grease on the surface or coat the banks or bottoms of the watercourse.
19. This certification shall not be deemed as fulfilling the applicant's/permittee's responsibility to obtain additional authorization/approval from other local, state, or federal regulatory agencies having special/specific authority to preserve and/or protect resources within the area where the work will occur.



## APPENDIX C

### NAVIGABLE WATERS OF THE U.S.

For purposes of Section 10 of the Rivers and Harbors Act of 1899, the following sections of rivers, including their lakes and other impoundments, are considered to be navigable waters of the U.S. that fall within the jurisdiction of the Fort Worth District of the U.S. Army Corps of Engineers in the states of Texas and Louisiana.

- ANGELINA RIVER: From the Sam Rayburn Dam in Jasper County upstream to U. S. Highway 59 in Nacogdoches and Angelina counties and all U. S. Army Corps of Engineers lands associated with B. A. Steinhagen Lake in Tyler and Jasper counties, Texas.
- BIG CYPRESS BAYOU: From the Texas-Louisiana state line in Marion County, Texas, upstream to Ellison Creek Reservoir in Morris County, Texas.
- BRAZOS RIVER: From the point of intersection of Grimes, Washington, and Waller counties upstream to Whitney Dam in Hill and Bosque counties, Texas.
- COLORADO RIVER: From the Bastrop-Fayette County line upstream to Longhorn Dam in Travis County, Texas.
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- TRINITY RIVER: From the point of intersection of Houston, Madison, and Walker counties upstream to Riverside Drive in Fort Worth, Tarrant County, Texas.