

# THE PIPELINERS ASSOCIATION OF HOUSTON

## FEBRUARY 5, 2024 MEETING

K. Marie Taylor  
Leader, Central Evaluation Unit  
Regulatory Division – Galveston District



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# TOPICS

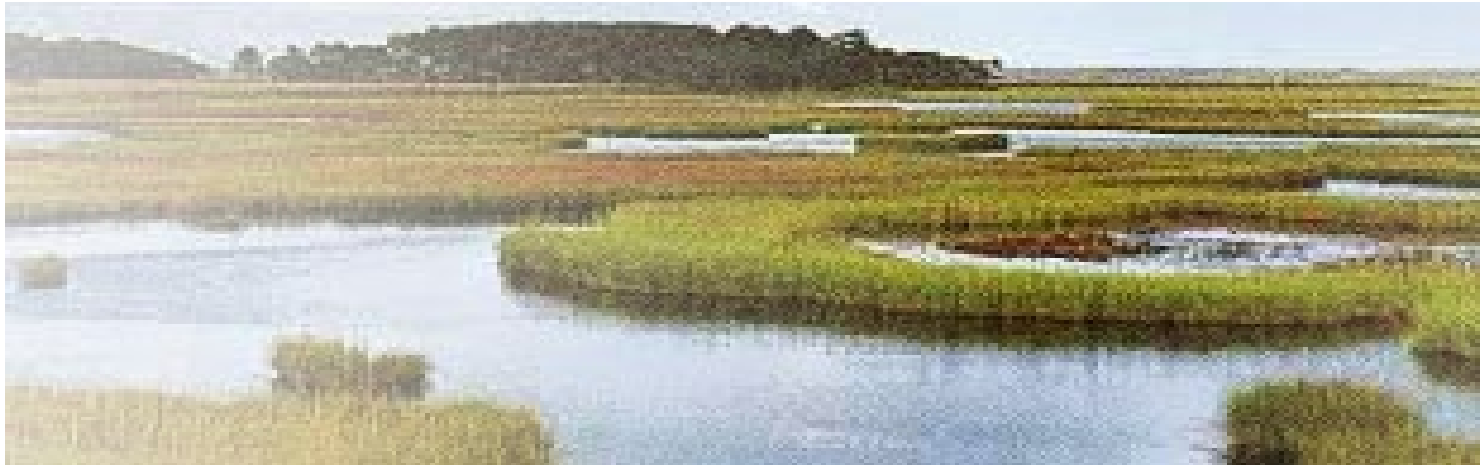
- Overview of Regulatory Program
  - Authorities
  - Permit Types
- 2021 Nationwide Permit Program
  - General Conditions
  - Regional Conditions (TX)
- SWG Regional General Permits
- General Regulatory Updates





# REGULATORY MISSION

To protect the Nation's aquatic resources,  
while allowing reasonable development  
through fair and balanced decisions.





# AUTHORITIES



## Section 10 Rivers and Harbors Act of 1899

- Regulate the obstruction or alteration of navigable waters
- Constructing structures in, over, under navigable waters
- Excavation/dredging
- Depositing material
- Any other work that affects the course, location, condition, or capacity of navigable waters
- Also applies to the construction of artificial islands, installations, and other devices located on the seabed on the outer continental shelf.

## Clean Water Act Section 404

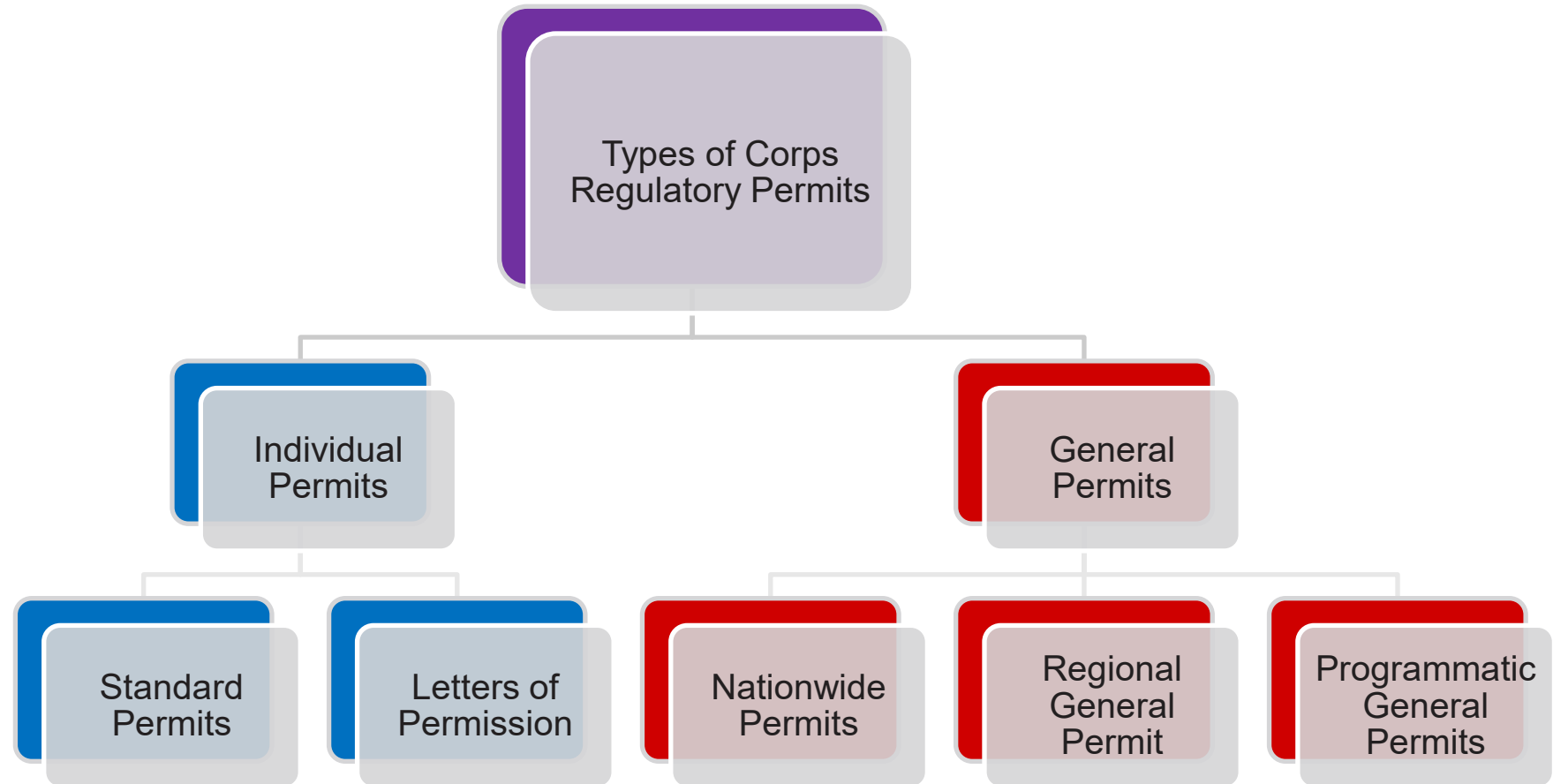
- Corps regulates the discharge of dredged or fill material into waters of the U.S.
- Not all waters are waters of the U.S.



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# PERMIT TYPES



# 2021 NATIONWIDE PERMITS FOR UTILITIES AND GENERAL / REGIONAL CONDITIONS



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# CURRENT NWPS FOR UTILITIES

- NWP 12 – Oil or Natural Gas Pipelines
- NWP 57 – Electric Utility Line and Telecommunications Activities
- NWP 58 – Utility Line Activities for Water and Other Substances

# NWP 12 – OIL OR NATURAL GAS PIPELINES

- Authorizes crossings of jurisdictional waters and wetlands for oil and natural gas pipelines and associated facilities
- Limits Regarding Loss of Waters of US:
  - 1/2-acre limit for each single and complete project
    - 1/2-acre of non-tidal waters for substations
    - 1/2-acre of non-tidal waters for access road crossings







# NWP 57 – ELECTRIC UTILITY LINE AND TELECOMMUNICATIONS ACTIVITIES



- Authorizes crossings of jurisdictional waters and wetlands for electric utility lines, telecommunication lines, and facilities
- Limits Regarding Loss of Waters of US:
  - 1/2-acre limit for each single and complete project
    - 1/2-acre of non-tidal waters for substations
    - 1/2-acre of non-tidal waters for access road crossings



# NWP 58 – UTILITY LINE ACTIVITIES FOR WATER AND OTHER SUBSTANCES



- Authorizes crossings of jurisdictional waters and wetlands for utility lines for water and other substances, and facilities
- Limits Regarding Loss of Waters of US:
  - 1/2-acre limit for each single and complete project
    - 1/2-acre of non-tidal waters for substations
    - 1/2-acre of non-tidal waters for access road crossings



# NO PRE-CONSTRUCTION NOTIFICATION

- A request does not need to be submitted by the project proponent to the Corps for confirmation that a particular activity is authorized by nationwide permit.
- The project proponent is responsible for assuring all terms and conditions of the nationwide permit have been met.

Note: Endangered Species Act and National Historic Preservation Act



# PRE-CONSTRUCTION NOTIFICATION

- Opportunity for district to review proposed NWP activity to determine eligibility for authorization
  - Will the proposed activity result in only minimal adverse environmental effects?
  - Does proposed activity comply with all applicable general and regional conditions?
  - Is compensatory mitigation or other mitigation required to ensure no more than minimal adverse environmental effects?
  - Are any consultations required?



Endangered Species Act Section 7

National Historic Preservation Act Section 106

Essential Fish Habitat provisions of the Magnuson-Stevens  
Fishery Conservation and Management Act



# UTILITY LINE NWP PCN TRIGGERS

NWP 12, 57, 58:

- A section 10 permit is required

NWP 12, 57, 58:

- The discharge will result in the loss of greater than 1/10 - acre of waters of the United States

NWP 12:

- Overall project that is greater than 250 miles in length and the project purpose is to install new pipeline





# PRE-CONSTRUCTION NOTIFICATION

- NWP General Condition 32
- Corps' review process
  - 30-day completeness review period
  - 45-day verification decision period
- Content of pre-construction notification:
  - For linear projects:
    - identify other crossings of waters of the United States that require Corps authorization, including those authorized by general permit that do not require pre-construction notification
    - include the quantity of losses of aquatic resources for each single and complete crossing of those waters and wetlands

# REGIONAL CONDITIONS FOR NWP

## 2021 - Combined Nationwide Permit Regional Conditions for the State of Texas

- Limitations for specific activities
- Additional PCN triggers

<https://www.swg.usace.army.mil/Missions/Regulatory/Permits/Nationwide-General-Permits/>



# SWG REGIONAL GENERAL PERMITS



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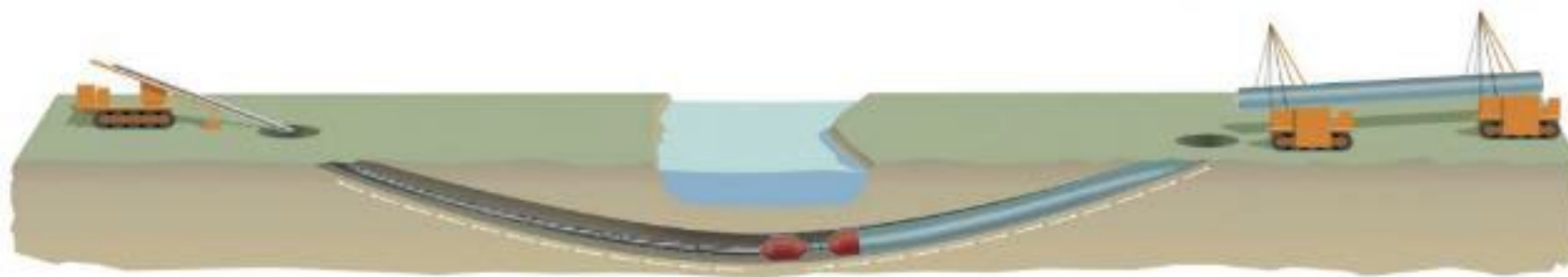
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# REGIONAL GENERAL PERMIT HORIZONTAL DIRECTIONAL DRILL

## SWG-1998-02413 – Installation of Pipelines by Directional Drilling

- May require Sec 408 review
- Perpendicular crossings of water bodies
- Sets desired pipeline depths
- Expires 12/31/2025



River Crossing – HDD Method



# REGIONAL GENERAL PERMIT FEDERAL CHANNEL IMPROVEMENT PROJECT PIPELINE REMOVALS

**SWG-2019-00315** - Corpus Christi Ship Channel and adjacent affected bay systems (Expires 12/31/2025)

**SWG-2020-00837** – Sabine-Neches Water Way Channel (Expires 12/31/2026)

**SWG-2020-00228** – Houston Ship Channel (Expires 12/31/2025)

- Work in navigable waters of the US to facilitate the removal of utility lines affecting Federally Authorized projects
- May require Sec 408 review



# GENERAL REGULATORY UPDATES



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File Name



# PIPELINE DEPTH OF COVER REQUIREMENTS



DEPARTMENT OF THE ARMY  
GALVESTON DISTRICT, CORPS OF ENGINEERS  
2000 FORT POINT RD  
GALVESTON, TEXAS 77550

February 1, 2023

CESWG-OD

MEMORANDUM FOR RECORD

SUBJECT: Pipeline Depth of Cover Requirements in the Galveston District

1. References:

- a. Section 14 of the Rivers and Harbors Act of 1899, 33 U.S.C. § 408 "Taking possession of, use of, or injury to harbor or river improvements"; 33 U.S.C. § 1 "Regulations by Secretary of the Army for navigation of waters generally"; 33 U.S.C. § 403 "Obstructions of navigable waters generally; wharves; piers, etc.; excavations and filling in"; 33 U.S.C. § 403a "Creation or continuance of obstruction of navigable waters".
- b. 33 C.F.R. 320.2 "Authorities to issue permits"; 33 C.F.R. § 322 "Permits for Structures or Work in or Affecting Navigable Waters of the United States"
- c. Engineering Circular (EC) 1165-2-220 "Policy and Procedural Guidance for Processing Requests to Alter US Army Corp of Engineers Civil Works Projects Pursuant to 33 USC 408, dated 10 September 2018 (Expired 30 September 2020).
- d. SWGOM 1145-2-15, Memorandum No. 1145-2-15, dated 14 May 1998 (rescinded by this memorandum).

- SWG Operational Division Memo  
(Finalized 2/2/2023)

- Sets forth minimum pipeline depth of cover requirements in the Galveston District.

- POC: Aron Edwards
- Website: <https://www.swg.usace.army.mil/Missions/Navigation/Land-Use/>



# PAY.GOV

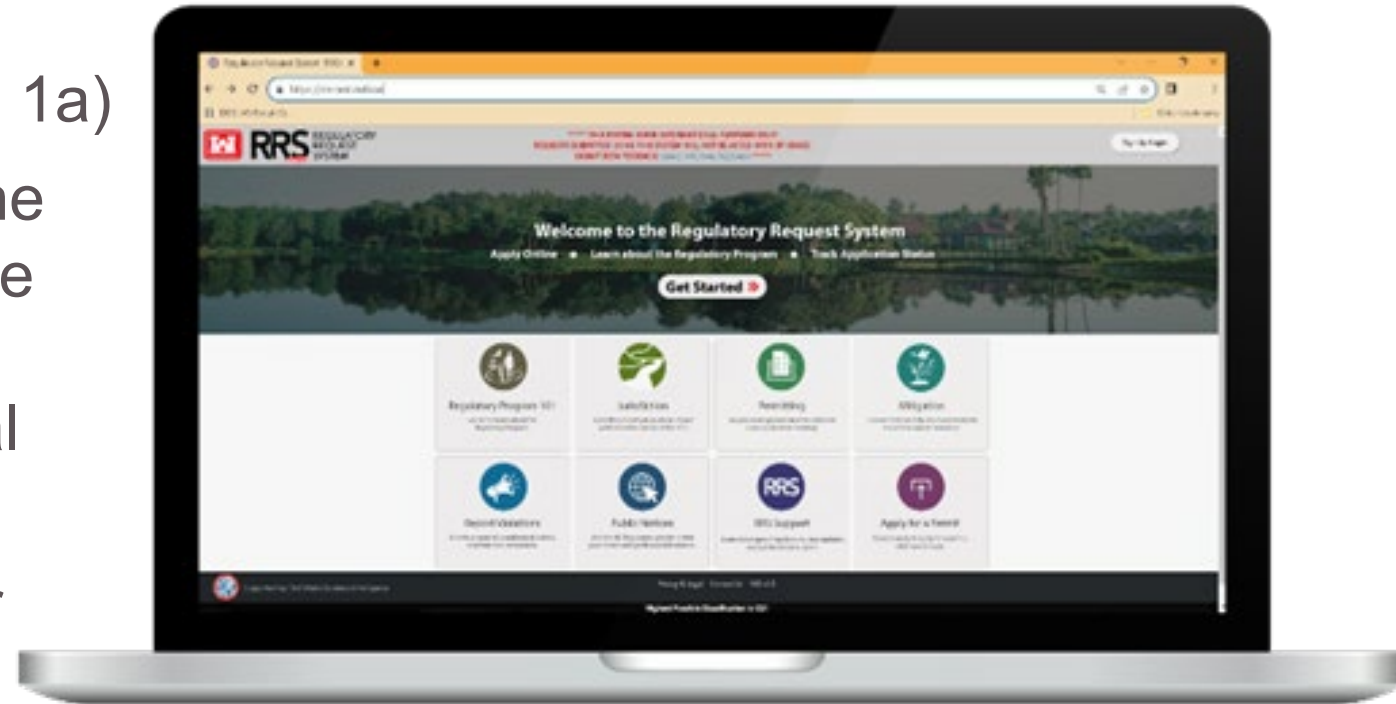
- We are now able to accept credit cards payments for Corps Regulatory Permits.
- Customers can log in at [www.pay.gov](http://www.pay.gov) and pay the \$10 or \$100 Regulatory permit fees without having to write and mail a check.



# REGULATORY REQUEST SYSTEM (RRS)

Access RRS: [rrs.usace.army.mil](https://rrs.usace.army.mil)

- Live on January 31, 2024!
- Currently in a beta version (Phase 1a)
- Provides general information on the Regulatory Program and allows the public to submit pre-application meeting requests and jurisdictional determination requests.
- Additional capability scheduled for Spring 2024



# QUESTIONS?

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# WANT TO KNOW MORE?

## Regulatory HQ HomePage

<http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits.aspx>

- Links to Regulations, Policies, MOAs and MOUs
- Video Library that provides more detailed overviews of aspects of the review process
- Avatar for finding Regulatory offices
- And so Much More!

## Galveston District HomePage

<https://www.swg.usace.army.mil/Missions/Regulatory/>

## Ask a Regulator!

Galveston District Regulatory Hotline  
409-766-3869

# SWG REGULATORY AREAS OF RESPONSIBILITY

CCRFO covers permit evaluation and compliance actions for its AOR.

**Galveston District**  
**Regulatory Division Areas of Responsibility**  
 Regulatory Hotline for General Information:  
 409-766-3869 



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409-766-6389

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Kara Vick-Team Lead  
409-766-6354

## Compliance's AOR Covers both North and Central Units

