

Texas Water Development Board Guidance for United States Army Corps of Engineers Coordination

The following is general guidance only. The Texas Water Development Board (TWDB) reserves the right to request additional information or agency coordination at any time, as outlined in Texas Administrative Code § 363.14, 371.41, and 375.61.

When preparing an Environmental Review Request Form (Environmental Information Document (EID) for a full review under federal State Revolving Fund (SRF) programs, Environmental Data Form (EDF) for a full review under state programs, or a Categorical Exclusion (CE)/Determination of No Effect (DNE) Request Form for a project funded by either federal or state programs that qualifies for a categorical exclusion from full review), project proponents' coordination with the United States Army Corps of Engineers (USACE) is required if any waterbodies, regardless of jurisdiction and including potential wetlands, intermittent, and ephemeral streams, may be affected.

Follow the guidelines below using the contacts for the relevant [USACE District](#). In most cases, an email request is preferred. Some districts prefer permit applications to be submitted through the new [USACE Regulatory Request System](#). In all cases, a follow-up email or phone call may help.

Fort Worth District

Email submittals: CESWF-Permits@usace.army.mil

Submittal Forms: <https://www.swf.usace.army.mil/Missions/Regulatory/Permitting/Application-Submittal-Forms/>

Phone: 817-886-1306

Galveston District

Email submittals: CESWGRegulatoryInbox@usace.army.mil

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

Phone: 409-766-3869 (Galveston Office)

Phone: 361-814-5850 (Corpus Christi Office)

Tulsa District

Email submittals: CESWT-RO@usace.army.mil

Submittal Forms: <https://www.swt.usace.army.mil/Missions/Regulatory.aspx>

Phone: 918-669-7400

Albuquerque District

Email submittals: SPA-RD-NM@usace.army.mil

Submittal Forms: <https://www.spa.usace.army.mil/Missions/Regulatory-Program-and-Permits/>

Phone: 505-342-3349

USACE coordination options if any impact to ANY waterbody is anticipated, complete one or more of the following, as applicable:

1. Request and conduct a pre-application meeting.
 - a. If the USACE clearly indicates that proposed project impacts will fall below the pre-construction notification (PCN) threshold for the relevant Nationwide Permit (NWP) or no permit is required, submit the following to the TWDB with the Environmental Review Request Form:
 - i. USACE-approved meeting notes that indicate which permit, if any, is appropriate for the project and confirmation that a PCN is not required, if applicable. Note: It is often not possible for the USACE to conclude whether a PCN is required based on a pre-application meeting.
 - ii. A copy of the email correspondence which includes USACE's approval of meeting notes
 - b. If proposed project impacts are above the applicable NWP's PCN threshold, or if Regional General Conditions or General Conditions 18 or 20 trigger the need for a PCN, request/apply for an NWP and submit the NWP verification letter to the TWDB with the Environmental Review Request Form.
2. Submit a permit/PCN application (to receive a NWP verification letter), a Non-PCN letter request, or a No Permit Required (NPR) letter request (depending on relevance to the proposed project) to the USACE. Attach the letter to the Environmental Review Request Form when submitting it to the TWDB.
3. Request a Jurisdictional Determination (JD). Submit the JD to the TWDB with the Environmental Review Request Form. If the USACE determines no waterbodies in the proposed project area are jurisdictional, no additional documentation is needed. If the proposed project will impact a jurisdictional waterbody, complete either no. 1 or 2 above, as applicable.

Submittal options if NO IMPACT to ANY waterbody is anticipated:

1. Submit waterbody impact maps and an aquatic resource delineation (unless the entirety of the project is clearly located in uplands) with the Environmental Review Request Form.
 - a. In the case that aquatic resources are located within the proposed project area but no surface impacts are anticipated (due to site design or construction methods such as horizontal directional drilling), an aquatic resource delineation report and/or figure depicting specific project impacts (site plan with proposed project actions labelled such as a map showing bore pit locations) will be required to ensure proposed impacts are outside any areas potentially subject to Section 404 of the Clean Water Act. Pipelines bored or tunneled under, as well as any aerial spans over, Navigable Waters of the U.S. are subject to Section 10 of the Rivers and Harbors Act of 1899 and will require USACE coordination.